

Summary: Under Tex. Occ. Code Sec. 1103.518, the Board may require an appraiser to submit to reexamination. Although this requirement has been invoked in the past in Agreed Orders, it has not been used much in Final Orders. Staff intends to continue to utilize this statutorily authorized discipline option in resolving cases, where appropriate, whether through the resolution by agreed order or contested case matter and final order. Staff is seeking policy input from the Board on this matter. The basic premise would be that Staff may require reexamination in the instance where the appraiser's violations constitute serious deficiencies, as defined in Board Rule 153.24. If a Respondent is required to successfully re-take the exam by a specific date, and fails the exam, the Respondent would be suspended until the Respondent did pass the exam, or, in the instance of probated suspension or revocation, suspended or revoked; in accordance with previously established Board policies.

Sec. 1103.518. ACTION AFTER HEARING. On conclusion of a contested case hearing and on submission of all written responses allowed under Section 1103.515, the administrative law judge shall:

- (1) make findings of fact and conclusions of law; and
- (2) issue to the board a proposal for decision that the board take one or more of the following actions:
 - (A) dismiss the charges;
 - (B) suspend or revoke the appraiser's certificate or license or the appraiser trainee's approval;
 - (C) impose a period of probation with or without conditions;
 - (D) require the appraiser to submit to reexamination for a certificate or license;
 - (E) require the appraiser or appraiser trainee to participate in additional professional education or continuing education;
 - (F) issue a public or private reprimand or a warning;

- (G) issue a consent order; or
- (H) impose an administrative penalty as prescribed
by Section 1103.552.

TALCB COMPLAINT PROCESS

