

# TALCB Bulletin

TALCB was created by an act of the Texas Legislature in 1991 to license, certify and regulate real estate appraisers in Texas under state and federal laws. In 2011, TALCB's jurisdiction was expanded to register and regulate appraisal management companies.



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## Meet the TALCB Investigators

The Texas Appraiser Licensing and Certification Board protects the public interest by ensuring that consumers of real estate appraisal services in Texas are served by qualified real estate appraisers. One aspect of fulfilling this mission requires TALCB to complete a fair and competent investigation of all complaints filed against appraisers. TALCB employs a staff of certified appraiser investigators who conduct these investigations. The role of each TALCB investigator is to review the complaint filed against an appraiser and to assess the appraiser's compliance with USPAP, Texas law and Board Rules.

While the majority of the state appraiser regulatory agencies employ investigators with limited appraisal background who may investigate complaints for a broad spectrum of professions and trades, TALCB has always taken a different approach to investigations and investigators by recognizing the need for a staff of trained appraiser investigators whose sole duty is to handle appraisal-related complaints.

TALCB currently employs five full-time investigators, who are all licensed in Texas as certified appraisers. Two of the five are Certified General Appraisers, and the remaining three are Certified Residential Appraisers. TALCB investigators have earned six professional designations, including three designations requiring the investigator to demonstrate extensive skills in the appraisal review process. Together, the TALCB

investigators have over 175 years of appraisal experience, or an average of 35 years per investigator, and each investigator has worked for TALCB for an average of seven years. TALCB investigators also have diverse educational training, including college degrees in business, accounting, architecture, and political science. Beyond their education and appraisal training for licensure, all TALCB investigators have received specialized investigative training through the Association of Appraiser Regulatory Officials (AARO) investigator training program, including the completion of all advanced course levels.

In addition to their diverse educational backgrounds, TALCB investigators have a broad range of residential, commercial and agricultural appraisal experience. Their residential appraisal experience includes assignments for mortgage lending-related appraisals (conventional, FHA, and VA), as well as property tax, litigation, relocation, and review appraisals. In addition to this residential experience, both TALCB investigators who are certified general appraisers have extensive experience appraising commercial and agricultural properties for mortgage-lending purposes, as well as appraisal experience related to eminent domain, property and federal taxation, appraisal review, and litigation. TALCB investigators have experience appraising properties located in some of the largest cities in Texas, as well as properties found in

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some of Texas' most rural counties. Geographically, TALCB investigators have worked all over the state; from the Panhandle to the Gulf Coast, and from far West Texas to Houston and beyond to the Louisiana border. To provide better service to consumers and appraisers, TALCB investigators work out of the Austin office as well as remote locations throughout the state, including Dallas, Lubbock and Port Lavaca.

So what does this mean to the Texas appraiser? It means TALCB investigators play a significant role in reviewing and evaluating the complaints against appraisers received by TALCB. It means that complaints, if filed, will be fairly

and professionally investigated by individuals with extensive appraisal and investigative experience. It means that when an investigation reveals a complaint to be unfounded or have only minor or technical violations, those complaints will be handled in a reasonable and expeditious manner. During FY 2016 TALCB investigations resulted in over 70% of complaints against appraisers received by TALCB being dismissed in some manner and roughly 30% that involved some form of disciplinary action. Most of all it means Texas consumers and appraisers have a resource dedicated to maintaining a high standard for appraisal services and complaint investigations.

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## REMINDER: Fingerprints Required Starting January 1, 2017

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Starting January 1, 2017, any person applying for or renewing an appraiser license must provide their fingerprints, in a specified format, so that an FBI criminal history check can be performed. Once fingerprints are on file with the Texas Department of Public Safety (DPS), appraisers will not need to be fingerprinted for subsequent renewals but will be required to pay a subsequent background check fee at the time the renewal application is filed. Individuals who have already been fingerprinted for a real estate broker, sales agent, inspector or easement or right-of-way license will not need to be fingerprinted again for TALCB but will be required to pay a subsequent background check fee.

Fingerprint services will not be available before January 1, 2017. Any person who applies for or

renews an appraiser license before January 1, 2017, will not need to submit fingerprints with their application or renewal. New applicants and current license holders who apply for or renew an appraiser license on or after January 1, 2017, will need to obtain and submit fingerprints with their application or renewal. To avoid delays and assure continued licensure, current license holders should get electronically fingerprinted at least three weeks before their license expiration date.

MorphoTrust is the vendor that collects and submits fingerprints to the FBI through DPS. They have no role in the actual research and processing of the criminal background checks or the delivery of its results. After January 1, 2017, please visit the [TALCB website](#) for additional instructions and information on how to get fingerprinted.

### Fee Reductions and New Requirement

Beginning January 1, 2017, Appraiser Management Companies will see a \$300 reduction in registration renewal fees to \$3,000, and the fee to add or remove appraiser panelists will drop from \$10 to \$5. On the same date, the new requirement for a criminal history check will go into effect for all appraisers at application or renewal. A \$27 service fee is collected and passed through to the Texas Department of Public Safety (DPS) and the FBI. If the agency does not have fingerprints on file, the appraiser will pay a one-time fee to collect and transmit fingerprints for the DPS database. See our website for more details.

## From the Chair



Chair, Jamie Wickliffe

The Board met for its regular quarterly meeting on November 18, after hosting a meeting with our approved mentors in the morning on November 17, and for a half-day workshop that afternoon to welcome five newly appointed Board members and to review potential areas for action as we prepare for the upcoming legislative session.

The mentor round table was a great opportunity for the mentors to interact with each other and the staff, share ideas on what works well, and discuss areas for potential improvement. This innovative program was pioneered in Texas and is often recommended by our federal oversight body as a model for other states to consider as well. We truly appreciate the efforts of the mentors and the staff who work hard to make this program operate so effectively!

At the afternoon workshop, we accomplished some required periodic training, then received reminders and got more familiar with our budget while exploring some of its details. In addition, we reviewed and endorsed our standard operating procedures regarding assigning some policy development groundwork to committees of the Board to work closely with agency staff to conduct more in depth research and receive input before consideration of a complex topic on the agenda at a regular quarterly meeting.

At the business meeting on the 18<sup>th</sup>, we heard good news on several recurring topics that have reached milestones, including a major accomplishment in digital scanning of license files, as well as upgrade of our licensing database to a newer version with significant new capabilities. After the launch of the new TREC website in December, the TALCB website will also receive some needed tune-ups. Planning for a summit on single family residential real estate issues in Austin in February continues to advance, with half of the three-hour event focused on valuation issues. As the Chair, I will moderate a panel of related industry professionals to explore potential solutions to current challenges that affect

these home sale transactions. ACE credit will be awarded to appraiser attendees. We invite you to join us on February 10<sup>th</sup> in Austin from 1-4 PM. As planning develops, more details will be on our website and in future issues of the Bulletin.

The Board adopted rules to reduce fees for Appraisal Management Company registration renewals by \$300 and also cut the fees in half for adding and removing appraisers from an AMC's panel. We also approved cost-free removal of panelists whose licenses are expired for six months or whose licenses are suspended or revoked so they cannot perform appraisals any longer. Lastly, we adopted a rule that would restrict an AMC from passing the cost of a criminal history check to the appraiser, because the Board's criminal history check becomes mandatory for all licenses issued or renewed after January 1, 2017. We also proposed a rule clarifying the availability of a "moral character determination" for a modest fee, that will allow an applicant to have any criminal history reviewed before paying for a full application for a license or certification.

The Board is very appreciative of the dedication and hard work of its outgoing members Walker Beard, Laurie Fontana, Jesse Barba, Patrick Carlson and Brian Padden, and warmly welcomes its new members Martha Gayle Reid Lynch, Chance Bolton, Joyce Yannuzzi, Tony Pena and Alex Sostre. We wish all of the Board and staff, and all of the appraiser and AMC community in Texas, the very best of Holidays.

### MARK YOUR CALENDARS!

*1<sup>st</sup> Annual Texas Residential Realty Issues Summit*

Hosted by Texas Real Estate Commission, Texas Appraiser Licensing and Certification Board, Real Estate Center at Texas A&M, and Texas Association of REALTORS

#### **"INSIDE THE RESIDENTIAL TRANSACTION WITH INDUSTRY PARTNERS"**

Hear interactive panels of experienced industry and regulatory professionals discuss current issues and trends affecting successful closing of single family residential transactions.

**Friday, February 10, 2017**

**1 to 4 PM**

Hyatt Regency Hotel  
208 Barton Springs Road  
Austin TX 78704

## TALCB Employee Update



**Bianca Richardson**

*TALCB Standards and Enforcement*

Bianca joined TALCB in mid-November as a Legal Secretary. She has worked as a paralegal for 5 years and specializes in personal injury, civil litigation and contract law. She is married with 4 children (2 boys and 2 girls). They currently reside in Buda, Texas where they spend most of their time doing kid stuff. She will be heading back to college in Spring 2017 to revisit her nursing degree.



**Jeffery McBride, Jr.**

*Reception & Communications Services*

Jeffery joined the agency in September as a Customer Service Representative. Born and raised in Austin, he is a 78745'er at heart, having attended both Crockett High School and St. Edwards University. Following college, Jeffery moved to Chicago where he helped found and manage a successful community newspaper for more than a decade. During this time he also became a true blue Cubs fan, and retains his life-long love for the Dallas Cowboys.

Jeffery returned home to Austin in 2010. He is happy to be joining TREC in a position that will draw on his extensive private sector experience to help serve the Citizens of Texas. In his free time he and his spouse enjoy hiking, kayaking, theater and most especially movies.

### IMPORTANT DATES TO REMEMBER

Christmas Holiday—December 23-26—Agency Offices Closed

TALCB Meeting—February 9, 2017

Annual Texas Residential Realty Issues Summit—February 10, 2017

*Check the [TALCB website](#) regularly for postings of all of our upcoming meetings.*

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## Rules Actions from the November 18, 2016, Board Meeting

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The Board took the following rules and forms actions at its meeting on November 18, 2016. You may review the full text of all rules actions on the [Rules and Laws section](#) of the TALCB website.

### ADOPTED RULES

**The Board adopted amendments to the following rules at its meeting on November 18, 2016. These amendments will be effective as noted below.**

#### **22 TAC §153.15, Experience Required for Licensing**

The amendments to this rule are based on a revised interpretation from the Appraisal Subcommittee (ASC) and clarify the criteria required for awarding experience credit for applicants and license holders. The amendments also remove redundant language and reorganize this section to improve readability. The amendments to this rule will take effect on December 11, 2016.

#### **22 TAC §159.52, Fees**

The amendments reduce the renewal fee for appraisal management companies by \$300 per two-year license renewal period and reduce the fee to add or remove an appraiser from an AMC panel from \$10 to \$5. The amendments to this rule will take effect on January 1, 2017.

#### **22 TAC §159.161, Appraiser Panel**

These amendments recommended by the Appraisal Management Company (AMC) Advisory Committee allow the Board to remove an appraiser from an AMC's panel without any charge to the AMC if the Board suspends or revokes the appraiser's license. The amendments also clarify when an appraiser will be removed from an AMCs panel after the appraiser's license expires. The amendments to this rule will take

effect on January 1, 2017.

#### **22 TAC §159.201, Guidelines for Revocation, Suspension or Denial of a License**

These amendments recommended by the Working Group for AQB Criminal History Check Criteria and the Appraisal Management Company (AMC) Advisory Committee allow an AMC to conduct additional criminal history checks beyond those required by the Board, so long as an AMC does not require an appraiser to pay for or reimburse an AMC for the additional criminal history checks. The amendments to this rule will take effect on December 11, 2016.

### PROPOSED RULES

**The Board proposed amendments to the following rules at the Board meeting on November 18, 2016. These proposed amendments will be on the agenda for adoption by the Board at the next Board meeting on February 9, 2017. You may review the full text of the proposed amendments on the [Rules and Laws section](#) of the TALCB website. Written comments on the proposed amendments may be sent to [general.counsel@talcb.texas.gov](mailto:general.counsel@talcb.texas.gov) and must be received before 5:00pm on Friday, January 13, 2017, to be included in the materials for the February 2017 meeting. After that date, comments must be made in person at the meeting.**

#### **22 TAC §153.5, Fees**

The proposed amendments recommended by the Enforcement Committee change the reference in the rule from the fee for an evaluation of an applicant's criminal history to the fee for an evaluation of an applicant's moral character to align the rule with statutory requirements in Chapter 1103, Texas Occupations Code, and current Board practice.

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## Rules Actions from the November 18, 2016, Board Meeting

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### 22 TAC §153.19, Licensing for Persons with Criminal History

The proposed amendments recommended by the Enforcement Committee add language to the caption of the rule and change the language in subsection (f) from criminal history evaluation to moral character determination to align the rule

with statutory requirements in Chapter 1103, Texas Occupations Code, and current Board practice.

### FORMS

The Board took no action regarding forms at its meeting on November 18, 2016.

## TALCB Enforcement Actions

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The Texas Appraiser Licensing and Certification Board publishes their enforcement actions regularly on [the TALCB website](#). To read the reports please go to the TALCB website and click on, public and disciplinary actions.

