



# TREC Advisor

Texas Real Estate Commission ★ Volume 21, Number 1 ★ January 2010

## 2010 TREC Rule Review

Commission Meeting Dates	Chapters 534, 539, 543	Chapters 531, 533, 537, 541	Chapter 535
December 14, 2009	Propose review of Chapters 534, 539, 543		
February 8, 2010	Consider comments and potential rule revisions of Chapters 534, 539, 543	Propose review of Chapters 531, 533, 537, 541	
May 17, 2010	Conclude review and potential rule revisions adoption of Chapters 534, 539, 543	Consider comments and potential rule revisions of Chapters 531, 533, 537, 541	Propose review of Chapter 535
August 9, 2010		Conclude review and potential rule revisions adoption of Chapters 531, 533, 537, 541	Consider comments and potential rule revisions of Chapter 535
November 15, 2010			Conclude review and potential rule revisions adoption of Chapter 535

**22 TAC Chapter 531: Canons of Professional Ethics and Conduct for Real Estate Licensees**

**22 TAC Chapter 533: Practice and Procedure**

**22 TAC Chapter 534: General Administration**

**22 TAC Chapter 535: General Provisions**

**22 TAC Chapter 537: Professional Agreements and Standard Contracts**

**22 TAC Chapter 539: Provisions of the Residential Service Company Act**

**22 TAC Chapter 541: Rules Relating to the Provisions of the Texas Occupations Code, Chapter 53**

**22 TAC Chapter 543: Rules Relating to the Provisions of the Texas Timeshare Act**

Review of the rules under these chapters will determine whether the reasons for adoption of the rules continue to exist. During the review process, TREC may also determine that a specific rule may need to be amended to further refine TREC's legal and policy considerations; whether the rules reflect current TREC procedures; that no changes to a rule as currently in effect are necessary; or that a rule is not longer valid or applicable. Rules will also be combined or reduced for simplification and clarity when feasible. Readopted rules will be noted in the Texas Register's Rules Review section without publication of the text. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the Texas Register and will be open for an additional 30-day public comment period prior to final adoption or repeal.

TREC invites comments during the review process.

**Contact:**

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512-465-3966

*\*subject to final approval at the February 8, 2010 Commission Meeting*

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TEXAS REAL ESTATE  
COMMISSION

# Meeting Highlights

*December 14, 2009*

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, October 19, 2009. Chairman John D. Eckstrum presided.

The Commission approved payment of two recovery funds and granted staff authority to contest payment of a third recovery fund payment.

The Commission proposed new 22 TAC §535.93 regarding Late Renewal Applications for a broker or salesperson license. (see pg. 4)

The Commission proposed amendments to 22 TAC §535.208 regarding application for licensure as an inspector. (see pg. 4)

The Commission adopted amendments to 22 TAC §543 regarding Rules Relating to the Provisions of the Texas Timeshare Act and four forms adopted by reference. (see pg. 4)

The Commission decided to postpone action on the proposed amendments to 22 TAC §535.61 regarding Examination, §535.62 regarding Accreditation of Schools and Approval of Courses and Instructors and §535.64 regarding Payment of Annual Fee, Audits, Investigations and Enforcement Actions.

The Chairman asked for nominations for members to serve on the Broker Responsibility Committee and Education Advisory Committee.

The Commission approved a revised Seller's Disclosure Notice for voluntary use after January 1, 2010.

The Commission approved a rule review schedule for 2010.

The Commission approved the proposed review of Chapter 534, General Administration, Chapter 539, Provisions of the Residential Service Company Act, and Chapter 543, Rules Relating to the Provisions of the Texas Timeshare Act.

The next scheduled meetings of the Commission will be at 10 a.m. on February 8, 2010, May 17, 2010, September 9, 2010 and November 15, 2010.

**The Texas Online initiative was developed to aid Texans when interacting with state agencies by going online instead of standing in line.** TREC has increased the convenience to licensees by offering web-based license renewals, original applications and other time saving services, such as the *TRECAdvisor* newsletter, online. The resulting decrease in operating costs has allowed TREC to avoid some fee increases, realign resources and increase other services to licensees. To further this effort, TREC is considering adopting an email delivery system for license renewal notices. **Instead of sending the current renewal postcard notices, TREC would send an email to licensees 90 days, 60 days and 30 days prior to their upcoming license expiration date.** These email notices would be sent to all active license holders, and notices to sponsored licensees (salespersons, apprentice and real estate inspectors, appraiser trainees) would be sent to their sponsors as well. **As part of a related initiative, at completion of an online renewal, TREC would provide a website link to the licensee which allows the printing of license certificates (with companion wallet-size certificates) by the licensee.** Currently almost 85% of license renewals are completed online and an email address is required to do so. To ensure the success of this proposed effort, TREC needs a valid email address for each licensee. TREC welcomes your input on these proposed initiatives. Please send your comments to [admin@trec.state.tx.us](mailto:admin@trec.state.tx.us).

The mission of the Texas Real Estate Commission is to assist and protect consumers of real estate services, thereby fostering economic growth in Texas. Through its programs of education, licensing and industry regulation, the Commission ensures the availability of honest and capable real estate service providers.

Official publication of the  
**Texas Real Estate Commission**

Volume 21, Number 1  
January 2010

**Rick Perry**  
Governor

Commission Members:

**John D. Eckstrum**  
Chairman  
CONROE

**Avis Wukasch**  
Vice-Chair  
ROUND ROCK

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**Joanne Justice**  
ARLINGTON

**Tom Mesa**  
PASADENA

**Dona Scurry**  
EL PASO

TREC Administrator  
**Douglas E. Oldmixon**

Desktop Publishing  
**Patricia Holder**

The *TRECAdvisor* (ISSN 1047-4579) is published by the Texas Real Estate Commission (TREC) as an educational service to licensees in the state of Texas. The purpose of the newsletter is to promote a better understanding of the Real Estate License Act and to inform all licensees of changes affecting laws and practices in the real estate industry. The *TRECAdvisor* is funded through legislative appropriations and subscriptions collected from TREC licensees. The official text of TREC rules is filed with the Office of the Secretary of State, Texas Register. TREC encourages reproduction of this newsletter with the appropriate acknowledgments. Subscriptions are available for \$4.00 for two years. Single issues are \$1.00. To order a subscription or a single issue write to *TRECAdvisor*, Texas Real Estate Commission, P.O. Box 12188, Austin, Texas 78711-2188. For information regarding TREC, contact:

**Texas Real Estate Commission**  
P.O. Box 12188  
Austin, Texas 78711-2188  
(512) 459-6544 or (800) 250-TREC  
<http://www.trec.state.tx.us>



**John D. Eckstrum**  
TREC Chairman

## *...from the Chairman*

Every new year brings us new joys, both professionally and personally, new challenges, and most certainly new opportunities; I suspect 2010 will be no different. At the December 14, 2009 Commission meeting I asked for nominations for volunteers to serve on the Broker Responsibility and Education Advisory Committees - two opportunities to work along side our industry's regulatory agency. The Broker Responsibility Advisory Committee's purpose is to develop information and recommendations regarding the proposal of rules defining the specific responsibilities of a broker. These recommendations are then made to the Commission and considered while the agency is undergoing rulemaking.

The Education Advisory Committee is also charged with reviewing the Commission's rules regarding the approval and conduct of education providers and then developing recommendations to the Commission. If you or someone you know might be interested in serving one of these posts, please send an e-mail to Administrator Douglas Oldmixon at [administrator@trec.state.tx.us](mailto:administrator@trec.state.tx.us) right away. We plan to announce appointments at our next Commission meeting in February.

Both these committees will be key players as the agency undergoes Rule Review of all agency rules during 2010. In addition, work on the formal Strategic Plan is also underway and schedules, comment forms, and additional information on both of these efforts can be found on the website in late February. I hope you'll consider providing your comments and take this opportunity to effectuate change for a better 2010!

## *...from the Administrator*

2010 is off to a fabulous start; and the agency is humming with activity. In the last issue I noted that we had undergone a formal Bottom Up Review process in November and it produced over 250 identified limitations and also suggested improvements for each. In the month of December, over 80 of those items were implemented. The balance are being considered in a series of division and senior team progress coordination meetings until implemented, modified or withdrawn. Many feed directly into the formal Rule Review process we are undergoing over the next 12 months, and also the agency Strategic Plan development process which will commence in February. Watch our websites and your email for announcements of progress and opportunities to participate.

These three structured reviews will provide significant opportunities for our licensees and other interested parties to provide comments and suggestions to the agency as we seek to make improvements to our forms, processes, rules and even seek legislative clarifications where necessary. Our goals remain to provide trusted and reliable consumer protection through effective education standards, straightforward licensing requirements, predictable complaint handling and fair regulatory enforcement. We encourage all who share these goals to assist us in making them a reality. Aiming high to serve you better!



**DOUGLAS E. OLDMIXON**

## RULE ACTIONS FROM DECEMBER 14, 2009 MEETING OF THE TEXAS REAL ESTATE COMMISSION

RULE NO.	EARLIEST DATE OF ADOPTION	SUMMARY OF PROPOSED RULE <i>For text of the rules as they were filed with the Texas Register, go to the web site <a href="http://www.trec.state.tx.us">www.trec.state.tx.us</a></i>
22 TAC §535.93	2/08/2010	New §535.93 would permit a person with an expired salesperson or broker license to retroactively renew the previous license if the application to renew was filed less than one year from the expiration of the previous license. The new rule would require the commission to renew the license in an active status except as provided by the section. In order to retroactively renew a salesperson's license on active status, a salesperson applicant must provide certification of sponsorship for the period from the day after the license expired to the day the license issued, and for the period beginning on the day after the renewal license is issued, and otherwise comply with the section. If Mandatory Continuing Education (MCE) requirements are not met prior to the previous license expiration date, an applicant who wishes to renew the license on active status must pay an addition \$200 fee and complete the MCE not later than the 60 <sup>th</sup> day after the expiration of the previous license. If the application to renew is filed more than 60 days but less than one year after the previous license expired and MCE requirements were not met before the license expired, the applicant must pay a \$200 MCE deferral fee, a \$250 late reporting fee, complete the MCE, and if a salesperson, provide certification of sponsorship for the period in which the license was expired to the day the license issued, and for the period beginning on the day after the renewal
22 TAC §535.208	2/08/2010	The amendments would better implement the statutory requirement that applicants for inspector licenses who fail the examination three times must wait six months before reapplying. Currently, applicants may circumvent the six-month wait requirement by filing a new application after the second failure, so that a third failure is registered as occurring under a different application. The proposed amendment would prevent applicants from filing a new application while another application is pending.

RULE NO.	EFFECTIVE DATE	SUMMARY OF RULES ADOPTED <i>For text of the rules as they were filed with the Texas Register, go to the web site <a href="http://www.trec.state.tx.us">www.trec.state.tx.us</a></i>
22 TAC §543.4, §543.5, §543.12, §543.13	1/5/2009	<ul style="list-style-type: none"> <li>• The amendments to §543.4 adopt by reference four amended forms, TSR 1-5, 2-5, 3-3, and 8-1. The changes to the forms correct typographical errors, and TSR 1-5 is amended to be consistent with recent amendments to the Texas Timeshare Act, Chapter 221, Texas Property Code enacted under SB 1036 during the 81st Legislative Session. The revisions remove references to the name and address of the person who prepared the operating budget, and remove language that used to be required in the contract of purchase but is no longer required under SB 1036.</li> <li>• The amendment to §543.5 adds to the list of material violations failure to properly comply with requirements for filing an assumed name.</li> <li>• The amendment to §543.12 adds subsection (d) to provide a 60-day time period in which a developer must respond to a request for additional information from TREC in connection with an application to renew a timeshare plan.</li> <li>• New §543.13 provides a process and time period for which developers must file assumed names with the commission to comply with changes to the Timeshare Act made by SB 1036.</li> </ul>

## TREC Disciplinary Actions November—December 2009

**Sallabedra, Guadalupe M. Jr.**  
(Carrollton); License #551722

Amended agreed revocation of salesperson license, effective November 2, 2009 failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f)

**Watkins, Clinton Dale**  
(Dallas); License #586139

Revocation of salesperson license, effective November 9, 2009 failing within a reasonable time to make good a check issued to the Commission, in violation of §1101.652(a)(4) of the Texas Occupations Code; failing to pay a check processing fee within 15 days after the Commission has mailed a request for payment, in violation of 22 TAC §534.2(a).

**Gonzales, Deborah L.**  
(Dallas); License #489942

Revocation of salesperson license, effective November 23, 2009 failing to comply with the terms and conditions of an agreed order requiring her to pay an administrative penalty for violation of 22 TAC §535.92(f).

**Durell, George Edward**  
(Lakeway); License #568906

Revocation of salesperson license, effective November 23, 2009; Assessment of an administrative penalty of \$1,500, entered November 23, 2009 failing to complete mandatory continuing education hours and pay the \$200 fee within the 60-day period provided by 22 TAC §535.92(f).

**Nelson, Tamara Lynn**  
(San Angelo); License #529147

Agreed 6 months suspension of salesperson license, fully probated for 1 year, effective November 10, 2009; Agreed administrative penalty of \$500, entered November 10, 2009 acting negligently or incompetently in completion of contracts, preview of the property by client, using red ink to sign when did not copy, failing to provide survey within 7 days and seller's disclosure within 2 days per contract; not obtaining invoices per amendment, not ensuring repairs not completed prior to closing have funds escrowed, not ensuring seller had vacated by closing, in violation of §1101.652(b)(1) of the Texas Occupations Code; advising client of validity and legal sufficiency of contract about repairs not completed and seller failure to vacate, in violation of §1101.654(a)(2) of the Texas Occupations Code; making false promises likely to influence buyer into contracting when no intent to follow through by not ensuring completion of repairs contracted for; and, failing to provide documentation signed by client despite requests for same, in violation of §1101.652(b)(28) of the Texas Occupations Code.

**Trees, Linna Darlene**  
(Granbury); License #519089

Agreed reprimand of salesperson license, entered November 12, 2009 failing to comprehend the requirements for a proper Intermediary Relationship and how there is not an Intermediary Relationship if the salesperson is a principal in a real estate transaction, in violation of §1101.559(a) of the Texas Occupations Code; engaging in misrepresentation, when attempting to purchase a property and when attempting to procure a buyer for the same property, in violation of §1101.652(a)(3) of the Texas Occupations Code.

**Sawicki, David**  
(Houston); License #246933

Agreed 3 months suspension of broker license, fully probated for 6 month, effective November 16, 2009 Mr. Sawicki established an association with a corporation that was not duly licensed as a real estate broker when it engaged in real estate brokerage services by and through Mr. Sawicki or salespersons sponsored by him, in violation of



### *Calendar of Events*

**Commission Meetings**  
February 8, 2010  
At 10:00 a.m.  
( Austin )

**May 17, 2010**  
At 10:00 a.m.  
( Austin )

**Broker-Lawyer Committee Meeting**  
January 21-22, 2010  
( Austin )

**Inspector Committee Meeting**  
February 15, 2010

**Web site:**  
<http://www.trec.state.tx.us>

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( 800 ) 250-TREC ( 8732 ) or  
( 512 ) 459-6544

§1101.652(b)(26) of the Texas Occupations Code. While conducting property management services, Mr. Sawicki acted negligently when he rendered remodeling services as a general contractor and disbursed funds from the owner's account for the remodeling services which included an undisclosed "mark-up" fee, in violation of §1101.652(b)(1) of the Texas Occupations Code.

**Santillan, Seung M.**  
**(Houston); License #454330**

Revocation of salesperson license, effective November 23, 2009 pleading guilty to a felony involving fraud (false statement to obtain credit and theft in on January 4, 2008, in Harris County District Court, in violation of §1101.652(a)(1) of the Texas Occupations Code, and in failing to notify the Commission within 30 days after entry of a plea of guilty to a felony or criminal offense involving fraud, in violation of §101.652(a)(9) of the Texas Occupations Code.

**Brown, Alma**  
**(Houston); License #N/A**

Assessment of an administrative penalty of \$5,000 and order to cease and desist all unlicensed real estate brokerage activities, entered November 30, 2009 In 2008, Ms. Brown was employed as a mortgage consultant and loan processor for a company whose owner held a real estate broker license. Ms. Brown acted, engaged in, and represented that she was a real estate broker or salesperson without first holding a license issued by the Texas Real Estate Commission by; (1) assisting buyers in the negotiation of a real estate sales transaction; and (2) receiving a portion of the real estate broker's commission at the closing of the transaction, in violation of §1101.351(a) of the Texas Occupations Code.

**Striegel, James J.**  
**(Flower Mound); License #482524**

Agreed reprimand of salesperson license with an agreed administrative penalty of \$2,000 (neither admitting nor denying), entered December 28, 2009 the publishing or causing to be published an advertisement, including advertisements by newspaper, the Internet or display that tends to create a misleading impression regarding an incentive seller plan, in violation of §1101.652(b)(23) of the Texas Occupations Code; publishing an advertisement that in any way implies the salesperson is the person responsible for the operation of a real estate brokerage by not indicating the licensee salesperson status on a website in violation of TEX. ADMIN. CODE §535.154(e); acting negligently or incompetently in the formation of an intermediary relationship when the licensee represents another party in a real estate transaction where he is also a principal to the transaction representing himself, in violation of §1101.559(a) and (b) and §1101.652(b) (1) of the Texas Occupations Code; and failing to make clear to all parties to a real estate transaction the party for whom the license holder is acting, in violation of §1101.652(b) (7) of the Texas Occupations Code.

**Wade, Freddie**  
**(Houston); License #342800**

Agreed surrender of broker license in lieu of further disciplinary action and agreement to not seek licensure, registration or certification from the Texas Real Estate Commission for a minimum of six years, effective December 7, 2009 Freddie Wade was owner of a real estate brokerage and mortgage lending business. Alma Banks Brown was employed by Mr. Wade as a mortgage consultant and loan processor. As Mr. Wade's associate, Ms. Brown engaged in the business of a real estate broker by assisting a buyer in a real estate sales transaction and Mr. Wade signed a disbursement letter authorizing the title company to share most of his commission with her, in violation of §§1101.652(b)(1),(11), (26)&(27) of the Texas Occupations Code.

**Cossey, Effie Mary**  
**(Houston); License #584810**

Revocation of salesperson license, effective December 14, 2009 failing within a reasonable time to make good a check issued to the Commission, in violation of §1101.652(a)(4) of the Texas Occupations Code; failing to pay a check processing fee within 15 days after the Commission has mailed a request for payment, in violation of 22 TAC §534.2(a)

## To renew your license you must pay a renewal fee.

**For real estate licensees who renew their licenses after January 1, 2008, there are three steps to renew.**

- 1. Complete** the required **education** for the license type. **(Total of 210 core hrs. and 60 related or core hours for SAE or 15 hours of MCE)**
- 2. Submit** your **fingerprints** through L-1.
- 3. Pay** the renewal **fee**.

Education and fingerprinting are not required for a timely renewed inactive license if you are subject to MCE.

If you are subject to SAE you are required to complete the education requirement even if you are renewing on an inactive status. Renewals without education for this type of license will be rejected. **Both SAE and fingerprinting should be completed at least 10 days prior to the license expiration date.** Fingerprinting is not required for a timely renewed inactive license if you are subject to SAE.

Late renewal applications require the submission of fingerprints if not previously obtained for TREC.

### ***TREC Hires New Staff Attorney***

Ms. Winston is a veteran State of Texas employee who began her career as a public defender in Baton Rouge, Louisiana some 15 years ago. Aside from her experience in criminal court, Mary has maintained a civil practice, representing both individuals and small business entities. She has worked in a variety of capacities in enforcement at other State of Texas agencies and culminated her years of experience to become an attorney representing regulatory agencies in the state of Texas and now, the Texas Real Estate Commission.



**Mary Winston**

**Please be reminded that, licensees who choose to renew active but do not complete the education or pay the deferral fee within 60 days will no longer be referred to Standards and Enforcement Services for disciplinary action. The license will go inactive. Any salespeople sponsored by an inactive broker will also go inactive.**

**To reactivate the license, the licensee will be required to complete the required MCE, pay the \$200 deferral fee, an additional \$250 late reporting fee and \$20 to reactivate the license by filing a return to active status form for a broker or a salesperson sponsorship form for a salesperson.**



**From Left to Right: (Back) Jeff Strawmyer, Douglas Oldmixon, Debbie Orosco, Barbara Kolb (Front) Sally Howard, Brittany Mutschler, Elisa Macias-Toro, Margarita White, Tom Watson**

***TREC/TALCB Presents Service Awards to Employees on December 17, 2009***

The Texas Real Estate Commission and the Texas Appraiser Licensing and Certification Board presented awards to employees who had been employed by the agency for at least five years. The following is a list of employees who received awards.

***Texas Real Estate Commission***

**25 YEARS OF SERVICE**

**Laura George  
Staff and Support Services**

**Angelique Gladney  
Standards and Enforcement Services**

**Debbie Orosco  
Education and Licensing Services**

**20 YEARS OF SERVICE**

**Margarita White  
Education and Licensing Services and Texas Appraiser Licensing and Certification Board**

**15 YEARS OF SERVICE**

**Barbara Kolb  
Staff and Support Services**

**5 YEARS OF SERVICE**

**John Barajas  
Standards and Enforcement Services**

**Sally Howard  
Standards and Enforcement Services**

**Elisa Macias-Toro  
Education and Licensing Services**

**Tom Watson  
Information and Technology Services**

***Texas Appraiser Licensing and Certification Board***

**5 YEARS OF SERVICE**

**Brittany Mutschler  
Standards and Enforcement Services**

**Jeff Strawmyer  
Standards and Enforcement Services**



# TALCB Bulletin

Texas Appraiser Licensing and Certification Board \* Volume 1, Number 1 \* January 2010

## 2010 TALCB Rule Review

Board Meeting Dates	Chapters 155 & 157	Chapter 153, Sections 1-.18	Chapter 153, Sections .19-.37
December 11, 2009	Propose review of Chapters 155 & 157		
February 12, 2010	Consider comments and potential rule revisions proposal of Chapters 155 & 157	Propose review of §§153.1-.18	
May 21, 2010	Conclude review and potential rule revisions adoption of Chapters 155 & 157	Consider comments and potential rule revisions proposal of §§153.1-.18	Propose review of §§153.19-.37
August date TBD		Conclude review and potential rule revisions adoption of §§153.1-.18	Consider comments and potential rule revisions proposal §§153.19-.37
November date TBD			Conclude review and potential rule revisions adoption of §§153.19-.37

**22 TAC Chapter 153: Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act**

**22 TAC Chapter 155: Rules Relating to Standards of Practice**

**22 TAC Chapter 157: Rules Relating to Practice and Procedure**

Review of the rules under these chapters will determine whether the reasons for adoption of the rules continue to exist. During the review process, TALCB may also determine that a specific rule may need to be amended to further refine TALCB's legal and policy considerations; whether the rules reflect current TALCB procedures; that no changes to a rule as currently in effect are necessary; or that a rule is not longer valid or applicable. Rules will also be combined or reduced for simplification and clarity when feasible. Readopted rules will be noted in the Texas Register's Rules Review section without publication of the text. Any proposed amendments or repeal of a rule or chapter as a result of the review will be published in the Proposed Rules section of the Texas Register and will be open for an additional 30-day public comment period prior to final adoption or repeal.

TALCB invites comments during the review process.

**Contact:**

**Ms. Devon Bijansky, TALCB General Counsel**  
**general.counsel@talcb.state.tx.us**  
**512-465-3939**

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TEXAS APPRAISER LICENSING AND  
CERTIFICATION BOARD

# Meeting Highlights

*December 11 2009*

The mission of the Texas Appraiser Licensing and Certification Board is to protect the public interest by assuring that consumers of real estate appraisal services are served by real estate appraisers qualified in accordance with federal and state law and in sufficient numbers to facilitate the free flow of commerce and industry.

The Texas Appraiser Licensing and Certification Board held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Friday, December 11, 2009. Chairman Clinton Sayers presided.

The Board proposed the repeal of 22 TAC §153.24 regarding processing a complaint (see below).

The Board proposed new 22 TAC §153.24, Processing a Complaint. (see below).

The Board approved the Peer Investigative Committee forms with clarifying language that allowed the presiding officer to establish a timeline greater than 30 days but up to 90 days for more complex reviews with language inviting PIC members to notify the board if they are available to accept more cases.

The Board approved a schedule for rule review.

The Board proposed the review of 22 TAC Chapters 155, Standards of Practice, and 157, Rules Relating to Practice and Procedure.

The Board considered six proposals for decisions from the State Office of Administrative Hearings (see Enforcement Actions p. 4).

The Board approved eleven agreed final orders or voluntary surrenders.

The Board approved four requests for an extension of time to fulfill final order requirements.

The next meetings are scheduled for February 12, 2010 and May 21, 2010 in Austin

**Texas Appraiser Licensing and Certification Board**

**Rick Perry**  
Governor

Board Members:

**Clinton P. Sayers**  
Chairman  
AUSTIN

**James (Jamie) B. Ratliff**  
Vice-Chair  
GARLAND

**Mark A. McAnally**  
Secretary  
DESIGNEE MEMBER

**Walker R. Beard**  
EL PASO

**Robert D. Davis, Jr.**  
HOUSTON

**Luis F. De La Garza, Jr.**  
LAREDO

**Danny R. Perkins**  
HOUSTON

**Bill F. Schneider**  
AUSTIN

**Donna L. Walz**  
LUBBOCK

TALCB Commissioner  
**Douglas E. Oldmixon**

Desktop Publishing  
**Patricia Holder**

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## RULE ACTIONS FROM DECEMBER 11, 2009 MEETING OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

RULE NO.	EARLIEST DATE OF ADOPTION	SUMMARY OF PROPOSED RULE <i>For text of the rules as they were filed with the Texas Register, go to the web site <a href="http://www.trec.state.tx.us">www.trec.state.tx.us</a></i>
22 TAC §153.24 (REPEAL)	2/12/2010	The repeal is proposed to allow new §153.24 to replace current language with language that accurately and concisely describe the Standards and Enforcement Services Division's process for handling complaints and incorporates peer investigative committee investigations into the complaint process.
22 TAC §153.24 (NEW)	2/12/2010	New §153.24, Processing a Complaint, is proposed to replace the current §153.24 being proposed for repeal. The proposed new section would modify the complaint processing provisions to better reflect the practices of the Board's Standards and Enforcement Services Division, increase the recommended penalties for violations of the Texas Appraiser Licensing and Certification Act and Board rules, and provide for investigation of certain complaints by peer investigative committees.



**Clinton P. Sayers**  
**Chairman**

## ...from the Chairman

I always enjoy having the opportunity to partner with staff, think outside of the box, and develop and execute new ways of doing business. To that end, the Board is pleased to initiate the next round of Peer Investigative Committees (PIC). Invitation letters to apply have already been sent to all USPAP certified instructors. If you have recently attained USPAP certified instructor status, I encourage you to apply as well. PICs allow for a body of peers to play an important role in the enforcement process. This might seem to be an unconventional way of regulating appraisers, but it allows for real world considerations to be fairly considered in reviewing complaints.

For those who qualify, I hope you will apply to serve as a PIC member. One-year appointments for 2010 will be made at the February meeting of the Board. If you have questions regarding the application, process, forms or role of peer investigators, please check for details on the agency website ([www.talcb.state.tx.us](http://www.talcb.state.tx.us)) or contact Commissioner Douglas Oldmixon at [commissioner@talcb.state.tx.us](mailto:commissioner@talcb.state.tx.us) for additional information or clarification.

In addition to PICs, the Board is currently undergoing rule review and work on the agency strategic plan- both currently underway. Your comments are welcome in these processes and can be submitted on the website, where additional information, schedules and contacts can be found. I am looking forward to this new year, new ways of thinking, and working together to better our industry and service we provide to Texans.

### INFORMATION ON PEER INVESTIGATIVE COMMITTEE APPOINTMENTS and DUTIES

#### Appointment to a Peer Investigative Committee (PIC)

Peer Investigative Committees (PICs) are appointed by the Chair of the Texas Appraiser Licensing and Certification Board (Board) with the advice and consent of the Board's executive committee. Each PIC consists of one appraiser member of the Board (the presiding officer of the PIC) and two other appraisers who are certified USPAP instructors. PIC members may be appointed to more than one PIC and may work with more than one presiding officer appraiser member of the Board, who will coordinate the work of the PIC. Appointments are for one calendar year, but a PIC member may be reappointed for successive one-year periods. Members agree to perform at least four reviews per year, but may volunteer to perform more than four by notifying the presiding officer of their availability.

Prospective PIC members may apply for appointment by following the PIC Application Guide. Upon appointment, the Chair will sign the applicant's executed PIC Service Agreement and inform the applicant.

#### Conflicts of Interest

It is imperative that the Board maintain the integrity of its enforcement processes at all times and avoid any situation that could give rise to allegations that a person involved in the investigation of a complaint acted impartially. Even the mere appearance of a conflict of interest could be damaging to the Board's position in an enforcement action. Accordingly, not only must PIC members decline assignments that present actual conflicts of interest, but they must also decline assignments in which personal or professional relationships or other factors could lead to allegations that an investigation was tainted.

For more information see the TALCB web site at [www.talcb.state.tx.us](http://www.talcb.state.tx.us)



## TALCB Disciplinary Actions December 2009

**MURPHY, Rhonda Lynn**  
Lic. # TX-1325705-G  
Dallas; *Complaint No.:* 08-073 & 08-097

*Board Action Taken:* CERTIFICATION SURRENDERED

*Reason for Complaint:* Allegations the Respondent produced an appraisal report that did not conform to the Uniform Standards of Professional Appraisal Practice ("USPAP").

**TEER, Lucious R. Jr.**  
Lic. # TX-1322005-R  
Houston; *Complaint No.:* 09-187

*Board Action Taken:* Based on the above findings of fact and conclusions of law, the Board ORDERS and Respondent voluntarily surrenders his certification and agrees that Respondent's certification shall be and is hereby REVOKED. Respondent shall not be entitled to apply for reinstatement in accordance with TEX. OCC. CODE § 1103.522.

*Reason for Complaint:* The complaints alleged that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice in his completion of these reports.

**ROBERTS, Mark Andrew**  
Lic. # TX-1327021-G  
Dallas; *Complaint No.:* 08-207 & 08-215

*Board Action Taken:*

- (1) Have his certification suspended for eighteen months with this suspension being fully probated under the following conditions:
  - (i) During the entire probated, eighteen month period Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three months and shall detail all real estate appraisal activities he has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of this period of probation within the twenty days of notice of any such request;
  - (ii) Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order.
- (2) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- (3) Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach;
- (4) Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing;
- (5) Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies; and
- (6) Pay a \$500.00 administrative penalty

*Reason for Complaint:* The complaint alleged Respondent's reports on both properties contained various deficiencies

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-4(b)(iii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-4(c)(iii) & 2-2(b)(ix); 1-4(c)(iv) & 2-2(b)(ix); 1-1(a) & 1-4(c); 1-5(a) & 2-2(b)(ix); 1-5(b) & 2-2(b)(ix); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
- (2) Respondent made material misrepresentations and omissions of material fact in his appraisal reports in violation of 22 TEX. ADMIN. CODE § 153.20(a)(9).

**POWELL, Michael V**  
Lic. # TX-1334993-L  
Houston; *Complaint No.:* 09-050 & 09-051

*Board Action Taken:* Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent shall not seek renewal of his license, nor apply to the Board for any authorization, license, certification or registration in the future.

*Reason for Complaint:* Allegations that Respondent's appraisal reports contained various deficiencies

**LIEBI, Thomas D.**  
Lic. # TX-1333359-R  
Dallas; *Complaint No.:* 08-104, 09-115, & 09-297

*Board Action Taken:* Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's certification shall be and is hereby REVOKED.

*Reason for Complaint:* Allegations that the Respondent produced appraisal reports that did not conform to the Uniform Standards of Professional Appraisal Practice (USPAP)

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE §

1103.405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions and conduct provisions); USPAP Standards Rules: 1-2(e)(i) & 22(b)(iii); 1-3(a) & 2-2(b)(viii) and 1-3(b) & 2-2(b)(ix); 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii) & 2-2(b)(viii); 1-4(a) & 2-2(b)(viii); 1-5(a) & 2-2(b)(viii); 1-5(b) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-1(a); 1-1(b); 1-1(c); and 2-1(a).

- (2) Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts..

**LEMMON, Dwayne**  
**Lic. # TX-1322842-G**  
**Jefferson; Complaint No.:08-002**

*Board Action Taken:*

- (1) Have his certification suspended for twelve months with this suspension being fully probated under the following conditions:
  - (i) During the entire twelve month suspension Respondent shall submit on a form prescribed by the Board, an appraisal experience log to the Board every three months. The log shall detail all real estate appraisal activities he has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of his period of probation within twenty days of notice of any such request;
  - (ii) Respondent shall timely remit payment of the administrative penalty, and timely complete all of the remedial coursework required in this Order;
- (2) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- (3) Attend and complete a minimum, 15 classroom-hour course in Cost Approach;
- (4) Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing; and
- (5) Pay to the Board an administrative penalty of \$1,500.00, the payment of \$1,500.00 of which shall be fully probated under the condition that Respondent fully comply with all the terms of this Agreed Final Order

*Reason for Complaint:* Allegations the Respondent produced an appraisal report that did not conform to the Uniform Standards of Professional Appraisal Practice ("USPAP").

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405, 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Scope of Work Rule; USPAP Standards Rules: 1-2(h); 1-29b) & 2-2(b)(ii); 1-2(f) or 1-2(g) & 2-1(c); 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and 2-1(a).
- (2) Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts.

**LEHRMANN, Jeanne Lee**  
**Lic. # TX-1323126-R**  
**Waco; Complaint No.:09-037**

*Board Action Taken:*

- (1) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- (2) Attend and complete a minimum, 15 classroom-hour course in the Cost Approach; and
- (3) Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies.

*Reason for Complaint:* Allegations that the Respondent had produced an appraisal report that contained various deficiencies.

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping); USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
- (2) Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by omitting material facts.

**LANE, Billy Jeff**  
**Lic. # TX-1335945-L**  
**Complaint No.:08-108**

*Board Action Taken:*

- (1) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- (2) Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies; and
- (3) Attend and complete a minimum, 7 classroom-hour course in Appraising the Tough Ones or Appraising Complex Residential Properties;
  - (i) No examination shall be required for this course.

*Reason for Complaint:* Allegations that the Respondent had produced an appraisal report that contained potential violations of USPAP.

*Summary of Violations Found:*

**Calendar of Events**  
**Board Meetings**

**February 12, 2010**  
**At 10:00 a.m.**  
**( Austin )**

**May 21, 2010**  
**At 10:00 a.m.**  
**( Austin )**

**Web site:**  
<http://www.talcb.state.tx.us>

**Phone**  
 877-TALCB-TX ( 1-877-825-2289 or  
 ( 512 ) 459-2232

- (1) Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Scope of Work Rule; USPAP Competency Rule; USPAP Standards: 1-2(b) & 2-2(b)(ii); 1-2(h) & 2-2(b)(vii); 1-2(f) or 1-1(g) & 2-1(c); 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(b) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
- (2) Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by omitting material facts and making material misrepresentations

**JONES, Jerry Oliver**  
**Lic. # TX-1327868-T**  
**Dallas; Complaint No.: 09-218**

*Board Action Taken:* Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent shall not seek renewal of his authorization, nor apply to the Board for any authorization, license, certification or registration within the next ten (10) years.

*Reason for Complaint:* Allegations that Respondent engaged in real estate appraisal activity during time periods when he lacked any legal authority to do such work.

**HABRECHT, Max Austin**  
**Lic. # TX-1323692-R**  
**Austin; Complaint No.: 08-055, 08-184, 08-188, & 09-072**

*Board Action Taken:* NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the certification of Max Austin Habrecht in this matter is hereby REVOKED.

*Reason for Complaint:* Allegations that the Respondent produced reports that contained possible violations of the Uniform Standards of Professional Appraisal Practice

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (conduct provisions); USPAP Standards: 1-1(a); 1-1(b); 1-1(c); 1-4(a); 2-1(a); and 2-2(b)(viii).
- (2) 22 TEX. ADMIN. CODE §§ 153.20(a)(2) and 153.22
- (3) 22 TEX. ADMIN. CODE §§ 153.20(a)(15)

**GRUHOT, Lisa Anne**  
**Lic. # TX-1336162-R**  
**Mission; Complaint No.: 09-030 & 09-166**

*Board Action Taken:* NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the certification of Lisa Anne Gruhot in this matter is hereby REVOKED.

*Reason for Complaint:* Allegations that the Respondent produced a report that contained possible violations of the Uniform Standards of Professional Appraisal Practice

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (conduct provisions); USPAP Standards: 1-2(e)(iv) & 2-2(b)(viii); 1-3(b) and 2-2(b)(ix); 1-4(b)(i) and 2-2(b)(viii); 1-5(a) and 2-2(b)(viii); and 2-1(a).
- (2) 22 TEX. ADMIN. CODE §§ 153.20(a)(2) and 153.22
- (3) 22 TEX. ADMIN. CODE §§ 153.20(a)(3) and 155.1(a)
- (4) 22 TEX. ADMIN. CODE § 153.20(a)(9)

**GARCIA, Jason R.**  
**Lic. # TX-1333463-R**  
**Dallas; Complaint No.: 08-163 & 09-015**

*Board Action Taken:*

- (1) Have his certification revoked for twenty-four months with this revocation being fully probated under the following conditions:
  - (i) During the entire probated, twenty-four month revocation period Respondent shall submit to the Board an appraisal experience log on a form prescribed by the Board. The log shall be submitted every three months and shall detail all real estate appraisal activities he has conducted during the previous three month period. This experience log shall be signed by Respondent and contain a notarized affidavit attesting the log is true, complete and fully accurate. Upon request from the Board, Respondent shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during the course of this period of probation within the twenty days of notice of any such request;
  - (ii) Respondent shall not sponsor any trainees during the entire period of probation; and,
  - (iii) Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order.
- (2) Attend and complete a minimum, 15 classroom-hour course in USPAP;
- (3) Attend and complete a minimum, 15 classroom-hour course in Residential Case Studies;
- (4) Attend and complete a minimum, 15 classroom-hour course in the Sales Comparison Approach;
- (5) Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing;

- (6) Attend and complete a minimum, 15 classroom-hour course in Highest and Best Use;
- (7) Attend and complete a minimum, 15 classroom-hour course in the Cost Approach; and
- (8) Pay to the Board a \$2,500.00 administrative penalty;
  - (i) Payment of the administrative penalty shall be made in eighteen equal, \$138.89 installments, with the first payment being due on or before January 1st, 2010 and the remaining payments being due on the first of each month thereafter until paid in full

*Reason for Complaint:*

Allegations that the Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice in his completion of these reports.

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule; USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(ix); 1-3(b) & 2-2(b)(x); 2-2(b)(viii); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-4(b)(iii) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(v)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-5(b) & 2-2(b)(viii); 1-6(a) & (b) and 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); 2-1(a); and 2-1(b).
- (2) Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by making material misrepresentations and omitting material facts.

**FITZGERALD, John David**

**Lic. # TX-1331664-R**

**San Antonio; Complaint No.: 09-004**

*Board Action Taken:*

- (1) Attend and complete a minimum, 15 classroom-hour course in USPAP; and
- (2) Pay to the Board an administrative penalty of \$500.00.

*Reason for Complaint:* Allegations that the Respondent had produced an appraisal report that contained various deficiencies.

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(iv) & 2-2(b)(viii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-5(b) & 2-2(viii); 1-1(a); 1-1(c); and 2-1(a).
- (2) Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by omitting material facts and making material misrepresentations

**CUNYUS, Jackie D.**

**Lic. # TX-1336226-R**

**Tulia; Complaint No.: 09-092**

*Board Action Taken:* NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the certification of Jackie D. Cunyus in this matter is hereby REVOKED.

*Reason for Complaint:* Allegations that the Respondent produced a report that contained possible violations of the Uniform Standards of Professional Appraisal Practice

*Summary of Violations Found:* 22 TEX. ADMIN. CODE § 153.22

**BAKER, John Kelly**

**Lic. # TX-1333906-L**

**Montgomery; Complaint No.: 08-007 & 09-028**

*Board Action Taken:* NOW, THEREFORE, IT IS ORDERED by the Texas Appraiser Licensing and Certification Board that the license of John Kelly Baker in this matter is hereby REVOKED.

*Reason for Complaint:* Allegations that the Respondent failed to make good on a returned check and produced a report that contained possible violations of the Uniform Standards of Professional Appraisal Practice

*Summary of Violations Found:*

- (1) Respondent violated the following provisions of USPAP as prohibited by TEX. OCC. CODE § 1103.405 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20(a)(3) in his appraisal report for the property: USPAP Ethics Rule (record keeping provisions); USPAP Standards Rules: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(ix); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(ii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a).
- (2) 22 TEX. ADMIN. CODE § 153.20(a)(9)
- (3) 22 TEX. ADMIN. CODE § 153.20(a)(15)
- (4) 22 TEX. ADMIN. CODE §§ 153.20(a)(2) and 153.22
- (5) TEX. OCC. CODE § 1103.403 and 22 TEX. ADMIN. CODE §§ 153.20(a)(2)
- (6) 22 TEX. ADMIN. CODE §§ 153.8 and 153.20(a)(2)