



# TREC Advisor

*The agency exists to safeguard the public interest and protect consumers of real estate services. In accord with state and federal laws the agency oversees real estate brokerage, appraisal, inspection, home warranty and timeshare interest providers. Through education, licensing and regulation, the agency ensures the availability of qualified and ethical service providers, thereby facilitating economic growth and opportunity in Texas.*

**Inside this issue: From the Administrator (page 1) Enforcement FAQ's (page 2) Contract Form Changes (page 3) TREC Service Awards (page 4) TREC Rule Actions (page 5) TREC Enforcement (page 6)**

## ***From the Administrator...***

Our new year is off to a fast start and promises to continue at a fair pace into the foreseeable future. I read something the other day that seems to me to be a true observation: the future is here already; it is just not evenly distributed! When we think about bridging the gap between those who cherish the simpler routines of prior years, and those who eagerly adopt each new technology as soon as it appears, it is clear this observation has merit. This challenge is shared by our license holders in their businesses serving clients, and by this agency serving both our license holders and the people of Texas.

The long-awaited active experience requirements for broker applicants went into effect on January 1, 2012 and we are receiving applications. More notably, we received over 1,000 applications prior to the December 31, 2011 deadline under the old rules! So please be patient with us as we process these applications. Remember, you have a full year from the time the application was filed to complete all of the requirements for the license, so there is no rush. We are working diligently to acknowledge each application and identify the missing requirements, but it will take a little extra time because of the extraordinary volume.

At TREC, our attention has also been focused on solving some tenacious technology challenges that continue to plague us as we explore the potential improvements made possible by our new database. It seems sometimes that for every three or four steps we take forward, we end up taking one backward as we

encounter unexpected complexities in the programs. And for those affected we sincerely apologize. We are very pleased to note that there are more positive changes in a testing phase and we expect to unveil some new capabilities throughout the year. We will announce the major ones as they are ready.



Douglas E. Oldmixon

Spring of every even numbered year is the beginning of our agency's strategic planning process and that means an intense effort to listen to you. While we always welcome your input on everything we do, this process compels us to seek you out and engage in critical discussions about the agency's processes or performance, areas of the market where gaps in the law or rules leave Texas consumers vulnerable to exploitation, and other topics of timely importance. We will soon be announcing a schedule of locations around Texas where the agency will be holding open listening sessions. Plan to participate.

Our next Commission meeting is on Monday, February 27<sup>th</sup>. Please stop by and see us if you can on the first floor of the Stephen F. Austin State Office Building at 1700 North Congress. You are always welcome.

## *New Enforcement FAQs*

Below are several new FAQs related to business entities' designated brokers and 10% ownership requirements. Remember, beginning September 1, 2011, a new statute took effect requiring all business entities that engage in real estate brokerage activity to be licensed and have a designated broker acting for it. Further, another statute was enacted that requires the entity to maintain errors and omissions insurance with a minimum annual limit of \$1 million for each occurrence if the designated broker owns less than 10 percent of the business entity. You can find these new FAQs on our website by clicking on FAQs under the Home Area Index and going to Enforcement Frequently Asked Questions.

**Q:** I know LLC's and corporations need to be licensed but do partnerships need to be licensed if real estate brokerage activity is performed under the partnership name?

**A:** Yes, beginning September 1, 2011, The Real Estate License Act was amended to include all business entities engaged in real estate brokerage activity, including partnerships. [TRELA §1101.002] Further to receive or maintain a license, all business entities must designate an individual holding an active Texas real estate broker license who is an officer, manager or general partner of the entity to act for it. [TRELA §1101.355 and Rule §§ 535.50(a)(5) & 535.53(a)]

**Q:** If I have a licensed limited partnership, can the general partner be an LLC if a manager of the LLC is a designated broker?

**A:** No. The designated broker acting as a general partner must be an individual, not another business entity. [Rule § 535.50(a)(5)]

**Q:** Does the designated broker own 10% or more of a licensed business entity if the designated broker owns 10% or more of another business entity that owns 100% of the licensed business entity?

**A:** No. The designated broker must own 10 % or more of the licensed business entity directly.

**Q:** What qualifies as proof of ownership of the business entity?

**A:** A resolution, minutes or other official record of the business entity. We also accept copies of tax records which indicate ownership.

## *New TREC Standards and Enforcement Paperless Filing System*

TREC's Standards & Enforcement Services will be converting to a paperless filing system beginning February 1, 2012. As part of this process, SES will be sending notifications and requests for information via email to all licensees. To aid us in this process, please make sure to keep your email address current (a requirement under Commission Rule 535.96). In addition,

when sending a reply or documents to SES, it would be helpful if you could send it via email to the SES staff member handling your file or fax it to 512-936-3809 (faxes go directly to our email inbox). Always remember to put the SES file number in the subject line of your email. Thank you for helping us provide more timely and cost effective service.

## *Contract Form Corrections*

The Texas Real Estate Commission adopted amendments to the six contract forms and various addenda at its December 5, 2011 meeting. Licensees may use the new forms on a voluntary basis until March 1, 2012, when use of the forms becomes mandatory.

In early January, staff corrected a typographical error in the four contracts containing the notice regarding Property Owners' Associations. The second paragraph under 6(E)(2) was bolded and underlined in error. The last three sentences in the first paragraph under 6(E)(2) should have been bolded and underlined. These contracts include TREC Form No. 9-10, Unimproved Property Contract; Form No. 20-11, One to Four Family Residential Contract (Resale); Form No. 23-12, New Home Contract (Incomplete Construction); and Form No. 24-12, New Home Contract (Completed Construction). In addition,

the line in paragraph 2(D) was shortened in error in TREC Form No. 20-11. That line has been extended to the end of the space available and an additional line has been added immediately below. These four contracts were revised and replaced on the TREC website on January 12, 2012.

In TREC Form No. 25-9, Farm and Ranch Contract, the heading and text of paragraph 21 were inadvertently deleted in the form placed on the web shortly after the December 5, 2011 Commission meeting. This contract was revised and replaced on January 17, 2012.

The adoption date on the right-hand corner of each of the revised contracts remains December 5, 2011.

## *Coming soon to TREC.Texas.gov...*

In the coming weeks look out for a major update to TREC's "My License Online Services". TREC and TALCB are always working to improve its services for license holders and staff have been working tirelessly to get this new and improved version online.

The latest version features updated menus, quicker registration, and a guided application process. These new tools and the elimination of

the "token number" will help get the agency's license holders off our website, off the phone and back to work!

Keep your eyes peeled for the official announcement before the end of the month.

For all the latest on TREC go to [www.trec.texas.gov](http://www.trec.texas.gov) and click on hot topics.

### ***Important Dates to Remember***

TREC Broker-Lawyer Committee—February 9 & 10

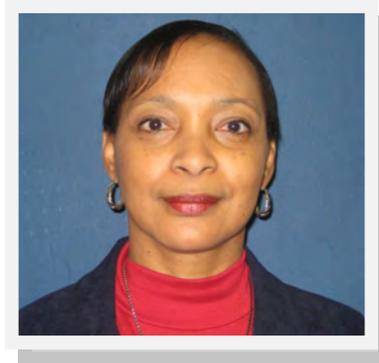
TREC Commission Meeting — February 27

## *2011 TREC Employee Service Awards*

In December the Texas Real Estate Commission celebrated the following employees for their years of service. These employees are an invaluable part of the TREC team. Thank you for all you do!

### **30 Years of Service**

Gwen Jackson



### **20 Years of Service**

Terrie Coffman

Mary Murphy

### **15 Years of Service**

Kim Harris

Sharon Harris

Angelo Jones

### **10 Years of Service**

Tina Brown

Brenda Davis

Cindy Mahoney

Jannell Senn

### **5 Years of Service**

Paul Cooper

Becky Jarmon

LaShonda Reese

Katy Sanchez

Jay Simmons

## *Rule actions from the December 5 2011 meeting of the Commission that can be adopted at the February 27, 2012 meeting*

### **PROPOSED RULES**

#### **Subchapter B. General Provisions Relating to the Requirements of Licensure**

##### 22 TAC §535.16. Listings; Net Listings

The amendments clarify that a real estate licensee must provide a broker price opinion rather than opinion of market value when negotiating a listing or offering to purchase the property for the licensee's own account as a result of contact made while acting as a real estate agent.

#### **Subchapter E. Requirements for Licensure**

##### 22 TAC §535.56. Education and Experience Requirements for a Broker License

Under current §535.56, the commission has waived the education and experience required for a broker license for a broker who was licensed as a broker in the preceding two years and otherwise meets the requirements of the subsection. The proposed rule would conform subsection (h) by deleting a sentence which implies that a person previously licensed as a salesperson may become a broker under the waiver.

#### **Subchapter G. Mandatory Continuing Education**

22 TAC §535.71, Approval of Providers, Courses and Instructors, §535.72, Presentation of Courses, Advertising and Records, and new §535.75, Education Curriculum Standards Committee.

The amendments to §535.71 and §535.72 provide the method by which the commission will create and approve the broker responsibility course, which will be the same way it handles the 3 hour legal update and 3 hour ethics courses required under §1101.455, and provides conforming changes for consistency. New §535.75 creates the Education Curriculum Standards Committee whose mission is to regularly review and revise curriculum standards, course content requirements and instructor certification.

#### **Subchapter H. Recovery Fund**

##### 22 TAC §535.82 Proration of Payments from the Recovery Trust Account

The new rule clarifies provisions of Subchapter M, regarding proration of claims in the event of multiple claims that exceed the payment limitations of \$50,000 per transaction and \$100,000 per licensee.

#### **Subchapter R. Real Estate Inspectors**

##### 22 TAC §535.221 Advertisements

The amendments change the requirement that inspectors immediately notify the Commission of the inspector's use of an assumed name in the inspection business, instead allowing 30 days for such notice.

##### 22 TAC §535.240 Proration of Payments from the Real Estate Inspection Recovery Fund

The new rule clarifies provisions of §1102.359,

Texas Occupations Code, regarding proration of claims in the event of multiple claims that exceed the payment limitations of \$12,500 per transaction and \$30,000 per inspector.

## **Subchapter T. Easement and Right-of-Way Agents**

22 TAC §535.400, Registration of Easement or Right-of-Way Agents; §535.403, Renewal of Registration; new §535.404, Fees and new §535.405, Employee of Owner or Purchaser

The amendments would increase the registration fee from \$80 for a one-year registration to \$200 for a two-year registration; and the renewal fee \$160 (\$80 per year) to \$200 for a two-year registration. The amendments would add new §535.405 to clarify that an employee of an owner or purchaser of an easement or right-of-way is not required to be registered under the Act.

## **Chapter 537 Professional Agreements and Standard Contracts**

22 TAC §537.43, Standard Contract Form TREC No. 36-6 Addendum for Property Subject to Mandatory Membership in a Property Owners' Association

The amendment to §537.43 proposes to adopt by reference Standard Contract Form TREC No. 36-7. Paragraphs A.1 is revised, paragraph A.2 is new to acknowledge recent statutory revisions which permit a buyer to obtain a resale certificate directly from a property owner's association, and paragraph A.3 is revised. Paragraph C is revised to replace "resulting from" to "associated with" to track recent statutory changes to Chapter 207, Property Code. Under new paragraph E, seller authorizes the association to release subdivision information and an updated resale certificate if required by the buyer, the title company, or any broker to the sale. Amendments to the form change the main telephone number and website address for TREC located in the box at the bottom of the forms. Unless specifically referenced below, such changes are the only changes made to the forms adopted by reference.

## ***TREC Strategic Planning Underway***

As mentioned in the Administrator's column, TREC has begun its biannual strategic planning process. One of the features of this process is a listening tour of Texas. Administrator Oldmixon and agency commission, board and advisory committee members will travel throughout the state visiting with license holders, consumers and others. Approved by the Commission, a set of questions will get this important process started but is meant to be an open forum for all. The Commission and Board hope to learn a great deal about the wants and needs of all of its

license holders. Many of the agency's legislative agenda items from the 82nd legislative session and rule changes resulted from the 2010 tour.

These meetings have yet to be confirmed but stops are planned throughout the great state of Texas.

An official announcement of the tour and locations will come shortly after the Commission meeting on February 27th. Check the agency home page at [www.trec.texas.gov](http://www.trec.texas.gov) to find out if one of those stops is near you!

Case #:110241 **MOLINA, LUZ OFELIA (license # 544891)**

HOUSTON (HARRIS) Effective Date: 10/19/2011 Automatic suspension of salesperson license until payment of the administrative penalty is made in full Administrative Complaint Respondent violated a term and condition of probation in an agreed order entered by the Commission by failing to timely make administrative penalty payments to the Commission.

Case#: 111271 **BROWN, SHANNON L. (license # 490165)**

HOUSTON (HARRIS) Effective Date: 12/5/2011 Revocation of broker license; Assessment of an administrative penalty of \$3,000.00 Consumer Complaint . Respondent failed within a reasonable time to properly account for or remit money that was received by the license holder and that belonged to another person. Respondent failed to notify the commission in writing within 30 days after the license holder started using an assumed name in business other than the name in which the person was licensed. Respondent failed or refused to produce on request, for inspection by the Commission or a Commission representative, documents in the license holder's possession that related to a real estate transaction conducted by the license holder. Respondent failed to provide, within a reasonable time, information requested by the Commission that related to a formal or informal complaint to the Commission.

Case#: 101209 **RAMSEY, TOSHIA ANN (license # 486757)** FORT WORTH(TARRANT) Effective Date: 12/6/2011 Assessment of an administrative penalty of \$5,000.00; Ordered to cease and desist all unlicensed real estate brokerage activities in Texas Consumer Complaint. Respondent acted as a buyer's agent

while her license was expired, listed an expired brokerage as her broker during contracting, then completed the transaction and received the commission directly.

Case#: 120422 **EAST TEXAS REALTY, INC. (license # 468648)**

HEMPHILL(SABINE) Effective Date: 12/8/2011 Agreed 1 year probationary broker license issued; Agreed administrative penalty of \$1,000.00 Applications. Applicant conducted brokerage activities without being licensed through a duly licensed real estate broker; Applicant demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate broker.

Case#: 120169 **ALLRED, RON ERNEST (license # 439438)** GALVESTON(GALVESTON) Effective Date: 12/14/2011 Agreed 2 year probationary license issued. Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1(a). Applicant provided documentation addressing the factors outlined in 22 Tex. Admin. Code §541.1(c) and demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).

Case#: 111737 **HANLEY, JULIE ANN (license # 531536)** FLOWER MOUND(DENTON) Effective Date: 12/16/2011 Agreed surrender of salesperson license and agreement not to renew, attempt to renew of file an application to obtain a license or certificate with the Commission for 5 years Consumer Complaint . Respondent plead guilty to a Federal felony offense of conspiracy to commit mail and wire fraud in a series of real

estate transactions, and failed to notify the Commission within 30 days after entry of the plea.

Case#: 120117 **WATKINS, LEAR DONNA (license # 454350)** MISSOURI CITY(FORT BEND) Effective Date: 12/19/2011 Suspension of broker license until payment in full of the replacement fees and administrative penalty Administrative Complaint . Respondent failed within a reasonable time to make good a check issued to the Commission; Respondent failed to pay a check processing fee within 15 days after the Commission had mailed a request for payment.

Case#: 110111,100804 **YANDELL, KAREN RAE (license # 364772)** CLEBURNE Effective Date: 12/20/201 Agreed reprimand of broker license; Agreed administrative penalty of \$1,000.00 Consumer Complaint  
Respondent negligently supervised a sponsored salesperson by failing to have knowledge of real estate transactions completed by the salesperson who utilized an assumed name in business not identified to the commission, received commissions directly and maintained an escrow account.

Case#: 120356 **WHITMAN, DONICIA ELENA (license # 617480)** KATY(FORT BEND) Effective Date: 12/21/201. Agreed 2 year probationary license issued Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1(a). Applicant provided documentation addressing the factors outlined in 22 Tex. Admin. Code §541.1(c) and demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate

salesperson under Tex. Occ. Code §1101.354 (2).

Case#: 111735 **BECKNER, JOYCE DEAN (license # 342535)** MC KINNEY(COLLIN) Effective Date: 12/22/2011 Revocation of salesperson license; Assessment of an administrative penalty of \$45,000.00 Consumer Complaint  
Respondent plead guilty to a Federal felony offense of conspiracy to commit mail and wire fraud in a series of real estate transactions, Respondent failed to notify the Commission within 30 days after entry of the plea, and failed to provide information requested by the Commission.

Case #: 111055 **WILLIAMS, DENETTA RENEE (license # 424794)** SUGAR LAND(HARRIS) Effective Date: 12/26/2011 Suspension of broker license until payment in full of replacement fees and \$500.00 administrative penalty; Reprimand and an assessment of an administrative penalty of \$500.00. Administrative Complaint  
Respondent failed within a reasonable time to make good a check issued to the Commission. Respondent failed to pay a check processing fee within 15 days after the Commission had mailed a request for payment.

Case#: 111104 **JACKSON, ANDREA RENEE (license # 470929)** MISSOURI CITY(FORT BEND) Effective Date: 12/26/201 Revocation of salesperson license; Assessment of an administrative penalty of \$21,500.00 Consumer Complaint. Respondent engaged in conduct that was dishonest or in bad faith or that demonstrated untrustworthiness while acting as a salesperson by producing and submitting documents (contract and contract to lease) to the license holder's client for signature that represented to the client that the client owned a

property when in fact the license holder had not purchased the property for the client. Respondent failed within a reasonable time to properly account for or remit money that was received by the license holder and that belonged to another person. Pursued a continued and flagrant course of misrepresentation by falsely representing to the client that the license holder acquired properties for the client and provided funds for the repair of the properties. Respondent failed or refused to produce on request, for inspection by the Commission or a Commission representative, documents in the license holder's possession that related to a real estate transaction conducted by the license holder. Respondent failed to provide, within a reasonable time, information requested by the Commission that related to a formal or informal complaint to the Commission.

Case#: 92796 **FLOREZ, BETTY ELIZABETH (license # 488551)** SAN ANTONIO(BEXAR) Effective Date: 12/26/2011 Revocation of salesperson license; Assessment of an administrative penalty of \$10,000.00 Consumer Complaint

Respondent acted negligently or incompetently by failing to have principals to the transaction enter into a written agreement for the purchase of property. Respondent engaged in conduct that is dishonest or in bad faith or that demonstrates untrustworthiness by using the down payment held on behalf of the buyers to pay for her personal expenses; Respondent failed within a reasonable time to properly account for or remit money that was received by the license holder and that belongs to another person by failing to returning the down payment to the buyers when the transaction did not close. Respondent commingled money that belonged to another person with the license holder's own money by failing to deposit the buyers' down payment into a trust account.

Case#: 111893 **CAVAZOS, JOSE LUIS (license # 617526)**

SAN JUAN(HIDALGO) Effective Date: 12/27/2011 Agreed 2 year probationary salesperson license issued Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1(a). Applicant provided documentation addressing the factors outlined in 22 Tex. Admin. Code §541.1(c) and demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).

Case#: 111628 **MENDOZA, ALEJANDRO (license # 217426)** EL PASO(EL PASO)

Effective Date: 12/27/2011 Agreed 2 year probationary salesperson license issued Applications Commission of an offense that directly relates to the duties and responsibilities of the occupation of a licensed real estate salesperson under 22 Tex. Admin. Code §541.1 (a). Applicant provided documentation addressing the factors outlined in 22 Tex. Admin. Code §541.1(c) and demonstrated that Applicant possesses the requisite honesty, trustworthiness, and integrity to qualify to be licensed as a real estate salesperson under Tex. Occ. Code §1101.354(2).

# 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.*

***Inside this issue: AMC Rules Adopted (Page 1) From the Commissioner (Page 2) Show Your Work (Page 3) TALCB Enforcement Matters (Page 5)***

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

### ***Adopts AMC Rules***

At its meeting on January 13, the Texas Appraiser Licensing and Certification Board (TALCB) voted to finalize four new rules regulating appraisal management companies (AMCs). The adoption of these rules marks the final step implementing House Bill 1146, which passed during the 82<sup>nd</sup> legislative session and gave the Board jurisdiction over AMCs. Together with measures adopted previously, these rules define the process for registering and operating as an AMC in Texas. The rules take effect on March 5, and AMCs will have until July 2, 2012 to become registered with TALCB.

Initial application fees for each AMC are set at \$3,300 for a two-year registration, plus a fee for adding and subtracting individuals from the AMC's panel of appraisers. AMCs are required to adopt a written compensation policy that complies with federal law and to pay appraisers a fee that is "customary and reasonable" for the requested report. AMCs must also ensure appraisers are "competent" to perform the requested services and will "review" at least 5% of all appraisal reports ordered by the AMC for compliance with the Uniform Standards of Professional Appraisal Practice (USPAP).

TALCB also approved all forms to be used for registering AMCs and has put the forms on its

website in draft form so AMCs can begin to become familiar with the requirements. The agency anticipates that the final forms will be available for completion and submission not later than March 1st. As always, TALCB encourages applicants to submit all forms via its online services, and AMC applications will also be available by clicking the "My License Online Services" button at the top of the TALCB home page.

"The regulation of AMCs is a national priority clearly reflected in a new requirement under federal financial regulations", Commissioner Douglas Oldmixon stated. "In Texas, the Legislature determined that appraisers and consumers needed assistance quickly and wasted no time in implementing this requirement." Chairman Luis De La Garza added, "The Board and its staff have been working tirelessly with stakeholders for almost two years and these rules reflect our best efforts to meet the concerns of all involved in this key sector of the home ownership market. We are proud of what we have accomplished."

For the full text of all TALCB rules and more please go to [www.talcb.texas.gov](http://www.talcb.texas.gov).

## From the Commissioner...

2012 started with a bang for the Board – a crucial meeting was held on Friday January 13<sup>th</sup> to finalize the appraisal management company (AMC) rules needed to effectively implement HB 1146. After consideration of extensive public input and comments on the revised proposed rules, final versions were approved at this meeting. Among the most important clarifications in the new rules is a ban on the practice of an AMC requiring an appraiser to sign a statement conceding that the fee to be paid for an assignment is “customary and reasonable,” often required in the standard fee agreement between the AMC and all appraisers on its panel. This practice will not be allowed in Texas.

Another safeguard for Texas consumers is a requirement that the AMC conduct a Standard 3 Review of at least 5% of all appraisals ordered each year. This helps to ensure a high quality of professional skill in the completion of appraisals. While most AMCs review every appraisal for “administrative compliance” both with applicable standards and the scope of work, these additional reviews will be more in depth. Additional guidance to AMCs on the scope of these reviews will be forthcoming from the Board.

The area that the Board struggled most with was determining the fees to charge for AMC registration. HB 1146 imposed a high standard on the Board, consistent with the consumer protections provided for in the federal Dodd-Frank bill. The Board engaged the additional staff necessary to meet these requirements and must collect the fees needed to meet those fixed and

variable operating expenses. That said, the Board felt it would be unfair to collect the same registration fees from a small AMC that did a limited amount of business in Texas and one that does a large volume of business here. So to scale the registration fee to the anticipated business volume, the



Douglas E. Oldmixon

Board devised a fee with two components: a fixed base fee, and a second fee to be paid to conduct a panel in Texas, based on the size of the panel. A modest fee will be collected from the AMC for each appraiser on its Texas panel and this fee may not be “passed through” to the appraiser by the AMC. The more revenue that is generated from panelist fees, the smaller the fixed base fee will need to be on future registration renewals.

The effective dates for these rules was set to be March 5, 2012, thereby allowing an additional 120 day period for all AMCs in Texas to become registered with the Board – by July 2nd. All required forms and electronic application programs will be available on the agency’s website by the end of February.

Implementation of the AMC registration requirements is the largest task facing the Board this year, but not the only one. Spring brings us two more opportunities. The Board will be undergoing a strategic planning process in the next few months and most importantly, will be officially visited by the Appraisal Subcommittee (ASC), our federal oversight agency in May. Our staff is ready and able to meet all of these challenges. We look for your support and participation as we continue to move ahead.

### **Important Dates to Remember**

TALCB Board Meeting—February 17

TALCB Board Meeting—May 18

## ***Show Your Work: The Requirements of USPAP Standards Rule 2-2(b)(viii) for Summary Appraisal Reports***

“Show your work!” It’s an instruction everyone remembers their Algebra teacher repeating over and over again. For appraisers, the algebra teacher’s instruction has been replaced by the requirements found in Standards Rule 2-2(b)(viii) of the Uniform Standards of Professional Appraisal Practice (“USPAP”). This rule is of special importance for anyone who does residential appraisals because most residential assignments require a Summary Appraisal Report. Just like algebra homework, it is not enough for appraisers to just plop down a value; appraisers must process and analyze the information and data available, and then describe the analysis and reasoning in their appraisal report. All too often, appraisers seem to forget the reporting requirements of USPAP. The daily grind of running an appraisal shop can cause appraisers to think that completing an appraisal report is as simple as filling out a form or checking some boxes. The forms provided by Fannie Mae for residential appraisals certainly lend themselves to that inclination. This box checking mentality is the type of attitude that would draw the ire of any algebra teacher and can land an appraiser in trouble with underwriters, lenders, and the Appraiser Board. Appraisers can avoid a lot of trouble by reviewing the USPAP reporting requirements and following their Algebra teacher’s simple instruction.

The requirements for reporting appraisal analysis are found in Standard 2 of the USPAP. More specifically, Standards Rule 2-2 addresses three types of appraisal reports: the Self-Contained Appraisal Report, the Summary Appraisal Report, and the Restricted Use Appraisal Report.

Standards Rule 2-2(b)(viii), which addresses Summary Appraisal Reports, states, “summarize the information analyzed, the appraisal methods and techniques employed, and the reasoning that supports the analyses, opinions, and conclusions; exclusion of the sales comparison approach, cost approach, or income approach must be explained.” Basically, the gist of 2-2(b)(viii) is show your work and if you exclude an approach, give an explanation.

Appraisers must show their work, for the same reasons algebra students do, “to enable the client and intended users to understand the rationale for the opinions and conclusions, including reconciliation of the data and approaches.” USPAP Standard 2-2(b)(viii), In. 789-791. By supplying the information and showing the reasoning behind their methods, appraisers are showing that they have done the necessary research and, as a result, an accurate appraisal report should follow. After all, it makes sense that a conclusion, opinion, or analysis without any support would raise concerns about the credibility of the result. Credibility is important since USPAP requires appraisals to be credible, which it defines as “worthy of belief.” If an appraiser’s report details the analysis and gives supportive reasoning, a review of the report is less likely to reveal any unreasonable conclusions because it requires appraisers to think through their thought processes a bit more. Consequently, if appraisers show their work and follow 2-2(b)(viii) they will not only meet their legal obligations, but also increase the likelihood of producing an accurate valuation. In essence, it might help to think of an appraisal report as a cake recipe—the

## *Show Your Work Cont'd....*

intended users need to know not only the ingredients, but also how to prepare the ingredients, and how long to cook the ingredients. A good appraisal report, like a good recipe, should give the intended user every piece of information needed for the final product.

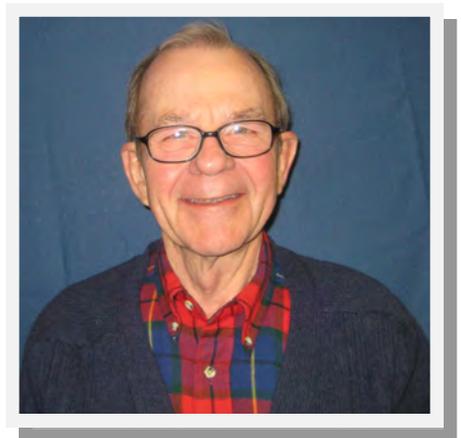
In addition to showing their work on the report, appraisers may need to also state why certain information was excluded or deemed not relevant. The Comment to (b)(viii) also states: "When reporting an opinion of market value, a summary of the results of analyzing the subject sales, options, and listings in accordance with Standards Rule 1-5 is required. If such information is unobtainable, a statement on the efforts undertaken by the appraiser to obtain the information is required. If such information is irrelevant, a statement acknowledging the existence of the information and citing its lack of relevance is required." Taking this comment into account, appraisers should report what information was unavailable and explain why it was unavailable. Unexplained omissions of

relevant information will not only reduce the reliability of an appraisal report, but also raise the suspicions of anyone reviewing the report. Likewise, if the information is available but not relevant, explain why that piece of data is not relevant. Similar to the grading of an Algebra problem, an appraisal report may have a questionable result but more latitude will be given if the result is supported by recognized methodology and technique that is explained and can be easily followed by intended users.

It is especially important for appraisers to show their work because the foundational support of just about every appraisal report is market data, and that data is relied upon for financial transactions involving great sums of money. The quality of an appraisal report affects not only the appraisers' clients, but also the health of the market, which relies on accurate information. Quite simply, appraisers that show their work will produce accurate appraisal reports, and, most importantly, please algebra teachers everywhere.

## *2011 TALCB Employee Service Awards*

In December the Texas Appraiser Licensing and Certification Board celebrated employees for their years of service. In 2011 Jack McComb reached ten years of service. Congratulations Jack for all your hard work. Here's to another ten years!



**WERTENBERGER, David Charles**

Lic. # TX-1322530-R

Dallas

*Complaint No.:* 08-240 Allegations that the Respondent produced appraisal reports that contained violations of 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 and 22 TEX. ADMIN. CODE §§ 155.1(a) and 153.20 (a)(3): USPAP Ethics Rule (record keeping provisions); USPAP Supplemental Standards Rule; USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-2(e)(iv) & 2-2(b)(viii); 1-2(e)(iv) & 2-2(b)(ix); 1-3(a) & 2-2(b)(viii); 1-3(a) & 2-2(b)(ix); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(viii); 1-4(b)(iii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(viii); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(viii); 1-5(a) & 2-2(b)(ix); 1-5(b) & 2-2(b)(viii); 1-6(a) & (b) and 2-2(b)(viii); 1-6(a) & (b) and 2-2(b)(ix); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a). (2) Respondent violated 22 TEX. ADMIN. CODE §§153.20(a)(2) and 153.22 by failing to answer inquiries and provide certain documents related to the complaint within 20 days of notice. (3) Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

*Action taken:* (1) Certification suspended with that suspension being fully probated for a period of eighteen (18) months, under the following conditions: (i) During the probated, eighteen month suspension 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 appraiser trainees during the entire suspension period; (iii) Within 6 months of the effective date of this order, Respondent shall complete 10 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours; (iv) 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, 7 classroom-hour course in Staying Out of Trouble; (i) No examination is required for this course. (4) Respondent shall pay an administrative penalty of \$250.00.

**TOLIVER, Ronald Eugene**

Lic. # TX-1333724-L

*Complaint No.:* 09-221 Allegations that the Respondent had produced an appraisal report that did not comply with the USPAP.

*Action taken:* License number TX- 1333724-L to practice real property appraisal in the State of Texas, permanently revoked without formal charges, notice of hearing, or a formal hearing.

**SHEARER, James Elton**

Lic. # TX-1327322-R

*Complaint No.:* 10-292 & 12-026: Allegations that the Respondent produced appraisal reports that did not comply with the USPAP.

*Action Taken:* Certification number TX-1327322-R, to practice real property appraisal in the State of

## TALCB Disciplinary Actions Cont'd

Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

### **SCHUPPENHAUER, Kari Ann**

Lic. # TX-1337608-R

*Complaint No.:* 12-093: Allegations that the Respondent had produced an appraisal report that did not comply with the USPAP.

*Action Taken:* certification number TX-1337608-R to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

### **RABB, Scott Warren**

Lic. # TX-1328068-G

*Complaint No.:* 09-196 & 09-257: The complaints alleged that Respondent's appraisals were deficient, in violation of the Uniform Standards of Professional Appraisal Practice and not completed properly.

*Action Taken:* certification of Scott Warren Rabb in this matter is hereby REVOKED. Scott Warren Rabb is assessed an administrative penalty of \$5,000.

### **PALMER, Josh Steven**

Lic. # TX-1335841-L

Dallas

*Complaint No.:* 09-210: TALCB issued a staff initiated complaint based on allegations that the Respondent had produced an appraisal report that did not comply with the USPAP.

*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 Rules: 2-2(vi), 1-2(e)(i) & 2-2(iii), 1-2(e)(iv) & 2-2(viii), 1-3(a), 1-3(b) & 2-2(ix), 1-4(b)(i), 1-4(b)(ii), 1-1(a) & 1-4(b), 1-4(a), 1-5(a), 1-5(b), 1-6(a) & (b), 1-1(b), 1-1(c),

and 2-1(a). (2) Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

*Action Taken:* Based on the above findings of fact and conclusions of law, the Board ORDERS that the Respondent shall: (1) Have his license suspended with that suspension being fully probated for a period of two (2) years, under the following conditions: (i) During the probated, two (2) year suspension 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 she performs during the course of this period of probation within the twenty days of notice of any such request; (ii) Within 6 months of the effective date of this order, Respondent shall complete 10 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours; (iii) Respondent shall fully and timely comply with all of the provisions of this Agreed Final Order; (2) Attend and complete a minimum, 7 classroom-hour course in Staying out of Trouble; (i) No examination is required for this course; and, (3) Attend and complete a minimum, 15 classroom-hour course in Cost Approach.

### **MOSBACHER, Jerry Frank**

Lic. # TX-1336820-R

## Sugar Land

*Complaint No.:* 10-155 & 10-321: The complaints alleged that Respondent's appraisals were deficient, in violation of the Uniform Standards of Professional Appraisal Practice and not completed properly.

*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 Rules: 1-2(e)(i) & 2-2(b)(iii); 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); 1-1(b); 1-1(c) and, 2-1(a). (2) Respondent violated 22 TEX. ADMIN. CODE §153.20(a)(9) by making material misrepresentations and omitting material facts.

*Action Taken:* Based on the above findings of fact and conclusions of law, the Board ORDERS that the Respondent shall: (1) Attend and complete a minimum, 15 classroom-hour course in USPAP; (2) Attend and complete a minimum, 7 or 8 classroom-hour course in Staying Out of Trouble; (i) No examination shall be required for this course; (3) Within 12 months of the effective date of this order, Respondent shall complete 14 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 12 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours; (4) Upon completion of the 14 hours of mentorship, Respondent shall submit an experience log and affidavit of all appraisal work completed in the year prior and shall submit copies of no more than 2 of his work files and reports selected by

the Board, within 20 days of being requested by the Board; and, (5) Pay to the Board an administrative penalty of \$2,000.00, with \$500 probated under the condition that all terms of this order are complied with.

## MITCHELL, William Glen

Lic. # TX-1337754-R

*Complaint No.:* 10-005: A complaint was filed with the Board based on allegations that the Respondent produced an appraisal report that contained violations of the Uniform Standards of Professional Appraisal Practice.

*Action Taken:* certification number TX-1337754-R to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

## MCCURRIN, Matt Dennis

Lic. # TX-1334785-R

Itasca

*Complaint No.:* 12-010: A complaint was filed with the Board based on allegations that the Respondent produced appraisal reports that *Board* contained violations of the Uniform Standards of Professional Appraisal Practice.

*Summary of Violations Found:* 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 Scope of Work Rule; USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 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); and, 1-1(b).

*Action Taken:* Respondent shall: (1) Attend and complete a minimum, 15 classroom-hour course in USPAP; and, (2) Within 6 months of the effective date of this order, Respondent shall complete 5 hours of in-person mentorship

## TALCB Disciplinary Actions Cont'd

conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours.

### **IRVIN, Barlow III**

Lic. # TX-1321853-R

*Complaint No.:* 12-023: Allegations that the Respondent produced appraisal reports for the properties that did not conform to Uniform Standards of Professional Appraisal Practice

*Action Taken:* certification number TX-1321853-R to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

### **HUCKABY, James Neal**

Lic. # TX-1326288-R

*Complaint No.:* 09-203, 10-090, & 11-214: Allegations that the Respondent produced appraisal reports for the properties that did not conform to Uniform Standards of Professional Appraisal Practice

*Action Taken:* certification number TX-1326288-R to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

### **HON, Beverly Simcik**

Lic. # TX-1333337-L

*Complaint No.:* 09-216 & 10-355: Allegations that the Respondent produced appraisal reports for the properties that did not conform to Uniform Standards of Professional Appraisal Practice

*Action Taken:* license number TX- 1333337-L to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

### **HOERMANN, Paul G.**

Lic. # TX-1324537-G

San Antonio

*Complaint No.:* 11-369: The complaint alleged that the Respondent produced an appraisal report for the property that did not conform to Uniform Standards of Professional Appraisal Practice.

*Action Taken:* Respondent shall not seek renewal of his certification, nor apply to the Board for any authorization, license, certification or registration in the future.

### **HARPOLE, Billie John**

Lic. # TX-1333005-R

Quitman

*Complaint No.:* 12-081: Allegations that the Respondent produced appraisal reports for the properties that did not conform to Uniform Standards of Professional Appraisal Practice.

*Action Taken:* Respondent shall not seek renewal of his certification, nor apply to the Board for any authorization, license, certification or registration in the future.

### **HAND, Gerald Stephen**

Lic. # TX-1324997-G

*Complaint No.:* 08-242: Allegations that the Respondent had produced an appraisal report that contained various deficiencies.

*Action Taken:* certification of Gerald Stephen Hand in this matter is hereby REVOKED. Gerald Stephen Hand is assessed an administrative penalty of \$5,000.

### **ECKROTH, Morgan David**

Lic. # TX-1338522-R

*Complaint No.:* 11-223: Allegations that the Respondent failed to make good on a payment.

*Summary of Violations Found:* (1) Respondent failed to make good on a payment presented to

## TALCB Disciplinary Actions Cont'd

TALCB within thirty days after Staff mailed a request to Respondent's address of record, in violation of 22 TEX ADMIN CODE 153.20(a) (17). (2) Respondent failed to answer Staff's complaint in violation of TEX. OCC. CODE 1103.505 (3) Respondent failed to maintain and inform TALCB of a fixed office address, in violation of TEX. OCC. CODE 1103.403.

*Action Taken:* certification of Morgan David Eckroth in this matter is hereby REVOKED. Morgan David Eckroth is assessed an administrative penalty of \$3,000.

### **DAY, Thomas Charles**

Lic. # TX-1333616-L

*Complaint No.:* 12-092: Allegations that the Respondent had produced an appraisal report that contained various deficiencies

*Action Taken:* license number TX-1333616-L to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

### **CONSOLI, David Joseph**

Lic. # TX-1337122-L

Houston

*Complaint No.:* 11-251: initiated complaint was filed with the Board based on allegations that the Respondent had produced an appraisal report that did not comply with the USPAP.

*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); 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 1-3(b) & 2-2(b)(viii); 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(b)(viii); 1-6(a) & (b) & 2-2(b)(viii); 1-1(a); 1-1(b); 1-1(c); and, 2-1(a). (2) Respondent made material misrepresentations and omitted

material facts in violation of 22 TEX. ADMIN. CODE § 153.20(a)(9).

*Action Taken:* Based on the above findings of fact and conclusions of law, the Board ORDERS that the Respondent shall: (1) Within 6 months of the effective date of this order, Respondent shall complete 3 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours.

### **CLARK, Stephen Paul**

Lic. # TX-1326812-R

Houston

*Complaint No.:* 08-110: The complaint alleged that the Respondent produced an appraisal report for the property that did not conform to Uniform Standards of Professional Appraisal Practice.

*Action Taken:* Respondent shall not seek renewal of his certification, nor apply to the Board for any authorization, license, certification or registration in the future.

### **CARR, Thomas William**

Lic. # TX-1334387-R

Austin

*Complaint No.:* 11-175 & 11-396: Allegations that the Respondent had produced an appraisal report for the Riviera property 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) (as the provisions existed in 2009 and 2010): USPAP Ethics Rule (record keeping provisions); USPAP Standards: 1-2(e)(i) & 2-2(b)

**TALCB Disciplinary Actions Cont'd**

(iii); 1-2(3)(iv) & 2-2(b)(vii); 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); 1-4(a) & 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) (as it existed in 2009 and 2010) by making material misrepresentations and omitting material facts.

*Action Taken:* Respondent shall: (1) Have his certification suspended with that suspension being fully probated for a period of eighteen months (18), under the following conditions: (i) During the probated, eighteen month suspension period Respondent shall submit to the Board, within 7 days of completion of the quarter, 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. The Board shall not have any person review or monitor such logs if that person competes or participates directly or indirectly in a commercial capacity in the Austin area real estate market; (ii) Respondent shall not sponsor any appraiser trainees during the entire suspension period; (iii) Within 6 months of the effective date of this order, Respondent shall complete 10 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a copy of which is attached to this Agreed Settlement Order, a

signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours; (iv) Respondent shall fully and timely comply with all of the provisions of this Agreed Settlement Order; (2) Attend and complete a minimum, 15 classroom-hour course in USPAP.

**BRUECHERT, Kevin Anthony**

Lic. # TX-1336453-L

Austin

*Complaint No.:* 10-099 & 11-394: The complaints alleged that Respondent's appraisals were deficient, in violation of the Uniform Standards of Professional Appraisal Practice and not completed properly.

*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 Rules: 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); 1-4(a) & 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 making material misrepresentations and omitting material facts.

*Action Taken:* Respondent shall: (1) Attend and complete a minimum, 7 classroom-hour course in Residential Case Studies; (i) No examination shall be required for this course; (2) Attend and complete a minimum, 7 classroom-hour course in Cost Approach; (i) No examination shall be required for this course; and, (3) Within 6 months of the effective date of this order, Respondent shall complete 5 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this

order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours.

**BISHOP, Billy Dean**

Lic. # TX-1321275-R

*Complaint No.:* 10-259: Allegations that the Respondent had produced an appraisal report that contained various deficiencies.

*Action Taken:* certification number TX-1321275-R to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

**BALL, Patricia Joann**

Lic. # TX-1323017-G

New Braunfels

*Complaint No.:* 08-006: Allegations that the Respondent produced appraisal reports that contained 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 (record keeping and conduct provisions); USPAP Scope of Work Rule; USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(ix); 1-3(b) & 2-2(b)(x); 1-4(b)(i) & 2-2(b)(ix); 1-4(b)(ii) & 2-2(b)(ix); 1-1(a) & 1-4(b); 1-4(a) & 2-2(b)(ix); 1-1(a) & 1-4(a); 1-5(a) & 2-2(b)(ix); 1-1(b); 2-1(a); and, 2-3, 2-2(b)(ix). (2) Respondent made material misrepresentations and omitted material facts in her appraisal reports for the properties.

*Action Taken:* Respondent shall: (1) Have her certification revoked with the revocation fully probated so long as she complies with all terms and conditions of this agreed final order during an 18 month probationary period; (2) During the

first thirty days of this period, her certification shall be fully suspended and during this time period Respondent shall not engage in any real estate appraisal activities; (3) During the entire 18 month probationary period, 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 she has conducted during the previous three month period. This experience log shall be signed by Patricia Joann Ball and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Patricia Joann Ball shall provide copies of her appraisal reports and work files for any appraisal assignments she performs during this time period within twenty days of notice of any such request; (4) Attend and complete a minimum, 15 classroom-hour course in USPAP; (5) Attend and complete a minimum 7 classroom-hour course in Staying Out of Trouble; (6) Within 6 months of the effective date of this order, Respondent shall complete 10 hours of in-person mentorship conducted by a certified USPAP instructor approved by the Board. Upon completion of the requisite mentorship hours, and, within 6 months of the effective date of this order, Respondent shall submit on a form provided by the Board, a signed, notarized affidavit attested by the certified USPAP instructor confirming completion of the mentorship hours; (7) Pay to the Board an administrative penalty of \$1,000.00.

**ADEDIJI, Idris Owoade**

Lic. # TX-1335703-L

*Complaint No.:* 09-178: Allegations that the Respondent had produced an appraisal report that contained various deficiencies.

*Action Taken:* license number TX- 1335703-L to practice real property appraisal in the State of Texas, be permanently revoked without formal charges, notice of hearing, or a formal hearing.

# Inspector Insight



***Inside this issue: Public Member Vacancy Announcement (Page 1)  
Administrator's Message (Page 2) TREIC Election and Committee  
Appointments (Page 3)***

## ***Public Member Vacancy on Texas Real Estate Inspector Committee***

The Texas Real Estate Commission invites applications for appointment to an open public member seat on the Inspector Committee.

The committee's purpose is to make recommendations to the Commission regarding a variety of inspection-related matters toward the goal of ensuring a high degree of service to and protection of the public in dealing with inspectors. The committee consists of six professional inspectors and three public members. The open public member appointment expires on February 1, 2015. Following the Commission's model, public members may not hold occupational licenses in the real estate field (appraiser, real estate broker/salesperson, mortgage broker, etc.).

The committee is permitted to meet by teleconference, although it is anticipated that some travel to Austin will be necessary. Limited funds may be available for travel reimbursement, but members are not compensated for their time.

All committee meetings must comply with the Open Meetings Act.

Individuals wishing to be considered for appointment should send a letter and resume to Chairman Avis Wukasch at the Texas Real Estate Commission, P.O. Box 12188, Austin, TX 78711-2188, by fax to 512-936-3788, or by e-mail to [administrator@trec.texas.gov](mailto:administrator@trec.texas.gov). Applications must be received at TREC no later than Friday, February 24, 2012.

### ***Important Dates to Remember***

TREIC Standards of Practice Subcommittee Meeting — Feb 15

TREIC Meeting—April 16

## *From the Administrator ...*

At the agency, 2011 finished strong and 2012 promises to be productive as well. Please read my general column in the Advisor section for more details. In the real estate arena, home sales volume continues to pick up in Texas. I expect that inspectors have seen a similar increase in orders. (I know I personally did my part, ordering two in the last month.) And hopefully that positive trend will continue.

The Committee continues to work on updating the Standards of Practice (SoP) to better clarify the scope of work subject to the jurisdiction of Chapter 1102 of the Texas Occupations Code. Look for some additional recommendations to be proposed to the Commission for potential action in the near future.

In a related matter, the explanatory document known as the “commentary” has been posted on the agency website since last April for public and industry input in substantially the same form, but with different questions asked at different times of any interested parties. For this entire time, there have been a combined total of just seven responses to date and none of them were very encouraging. It appears that most inspectors do not find the document particularly useful in its current form.

Agency staff has recommended that any purely clarifying items contained in the commentary be incorporated into the current SoP update work of the Standards of Practice Subcommittee, since my change in the Standards of Practice will require immediate review and potential revision of any related provision in the commentary.

In addition, particular examples or hypotheticals could be incorporated into the “Frequently Asked Questions” that the Subcommittee and the agency General Counsel generate regularly in response



to specific questions. Lastly, other useful example items could be incorporated into the curriculum for the agency’s mandated Standards of Practice/Legal & Ethics Update course. We look forward to continuing to make progress on these matters.

The Committee is considering adoption of the National Home Inspector Exam (NHIE) that would better prepare inspectors for the field and assist with some limited reciprocity concerns.

The agency will also be going through a strategic planning process this spring and inspector issues will remain important topics for both industry and consumer inputs. There will be input sessions conducted around the state. We will keep you informed and we hope you will make time to participate. Spring will be a busy season!

## *TREIC Appoints Subcommittees and Elects New Officers*

At it's meeting February 3rd the Texas Real Estate Inspector Committee elected new officers and appointed new subcommittees with terms ending January 31, 2013. These subcommittees will play a crucial role in advising the Real Estate Commission on Inspector matters. The Commission thanks these volunteers for their hard work and dedication to the betterment of their profession and the industry.

### **TREIC Officers**

Brad Phillips, Chair  
Brian Murphy, Vice Chair  
Jill Frankel, Secretary

### **Education**

Greg Eakin, Chair  
Brain Murphy  
Brad Phillips

### **Enforcement**

Curtis Carr, Chair  
Jill Frankel  
Brad Phillips

### **Standards of Practice**

Brain Murphy, Chair  
Nancy Carroll  
Greg Eakin  
Steven Rinehart

### **Commentary**

Fred Willcox, Chair  
Jill Frankel  
Steven Rinehart



### **Want to see what's on the agenda for the next TREIC meeting?**

All of the meeting agendas and minutes are posted on the TREC website here: [www.trec.state.tx.us/newsandpublic/meetings.asp#inspector](http://www.trec.state.tx.us/newsandpublic/meetings.asp#inspector)