



TREC Advisor

Texas Real Estate Commission ★ Volume 21, Number 2 ★ March 2010

Updated Late Renewal Rule

At the February 8, 2010 meeting of the Texas Real Estate Commission, the Commission adopted a new rule that will establish a change in the late renewal procedure effective on September 1, 2010.

The rule is §535.93, Late Renewal Applications. This rule permits a licensee to renew a license that has been expired less than a year by paying an increased renewal fee depending on how long the license has been expired. Under current law, a salesperson or broker with an expired license is eligible to renew the previous license effective from its expiration date if the application to renew is filed less than one year from the expiration of that license.

Under this rule, a salesperson's license will be renewed in an active status from the date of renewal forward if the salesperson submits the Salesperson Sponsorship Form with the renewal. If the salesperson wishes to renew the license on active status and with no period of inactivity while the license was expired, he or she must submit the Salesperson Sponsorship Form with a broker's certification that the broker was responsible for the during the license was expired (this can be the same broker or a different broker from the salesperson's sponsor as of the date of renewal going forward). The commission will show the license on inactive status for any period in which the salesperson was not sponsored by a broker.

A licensee who did not complete all Mandatory Continuing Education (MCE) before the expiration of the license and who files a late application not later than the 60th day after the expiration of that license may renew the license on active status, if the licensee:

- (a) pays an MCE deferral fee of \$200; and
- (b) completes the MCE.

If within 15 days after the end of the 60-day period the commission has not received evidence that the licensee has completed the MCE and paid the MCE deferral fee of \$200, the renewed license will be placed on inactive status.

To reactivate a license placed on inactive status under this subsection of the rule, a licensee must:

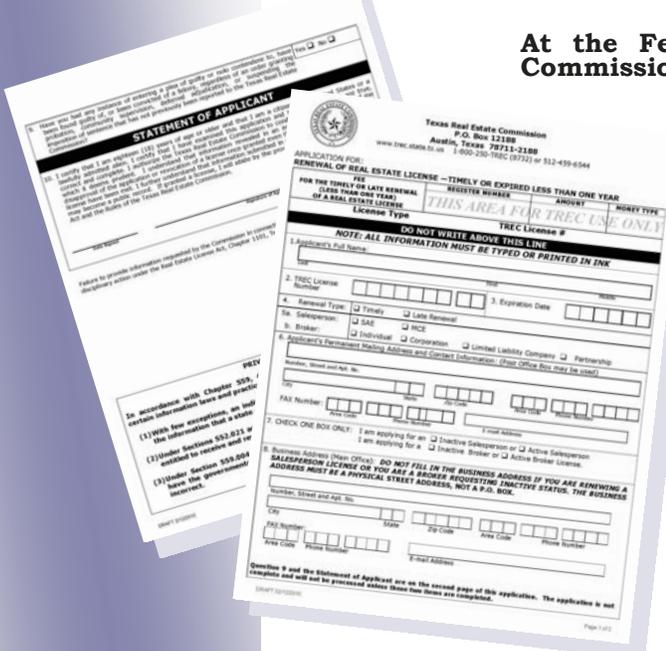
- (a) provide the commission with evidence of completion of the required MCE;
- (b) pay the \$200 MCE deferral fee if not yet paid;
- (c) submit a Request to Return to Active Status Form if a broker, or a Salesperson Sponsorship Form if a salesperson, with the appropriate fee; and
- (d) pay a late reporting fee of \$250.

If a licensee who has not completed all MCE before the expiration of a license files a late application to renew the license in active status more than 60 days but less than one year from the expiration of the license, the license must:

- (a) provide the commission with evidence of completion of the MCE;
- (b) pay the \$200 MCE deferral fee;
- (c) submit a completed Salesperson Sponsorship form, if a salesperson; and
- (d) pay a late reporting fee of \$250.

A licensee may file a late application to renew a license on inactive status without providing evidence of completion of MCE or sponsorship.

This rule does not go into effect until September 1, 2010.



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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.

TEXAS REAL ESTATE COMMISSION



Meeting Highlights

February 8, 2010

The Texas Real Estate Commission held its regularly scheduled meeting at the TREC headquarters in Austin, Texas on Monday, February 8, 2010. Chairman John D. Eckstrum presided.

The Commission elected Avis Wukasch as vice-chair and Joanne Justice as secretary.

The Commission adopted a revised rule review schedule for 2010. Comments are welcomed.

As part of the rule review process, the Commission proposed amendments to Chapter 534, General Administration. They are §534.1, Charges for copies of Public Information; §534.4, Historically Underutilized Businesses Program and §534.5, Bid Opening and Tabulation.

Also under review is Chapter 539, Rules Relating to the Residential Service Company Act. New §539.41, regarding Disclosures and amendments to §539.51, Employee Defined; §539.61, Application and Licensing; §539.71, Miscellaneous Forms; §539.91, Annual Report and §539.137, Mid-year Report along with 4 revised forms were approved for proposal.

The Commission adopted amendments to §535.61, Examinations; §535.62, Accreditation of Schools and Approval of Courses and Instructors and §535.64, Payment of Annual Fee, Audits, Investigations and Enforcement Actions.

The Commission adopted amendments to §535.93, Late Renewal Applications and §535.208, Application for Licensure as an Inspector.

The Chairman appointed members to two working groups, the Broker Responsibility Working Group and the Education Working Group.

The Commission approved the use of self-executing clauses in agreed orders.

The Commission approved a plan to identify savings totaling 5% of the general revenue and general revenue-dedicated appropriations for the 2010-2011 biennium, pursuant to a request from Governor Perry Lieutenant Governor Dewhurst and Speaker Strauss.

The Commission approved the schedule for developing the Strategic Plan for the fiscal years 2011-2015.

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

Official publication of the
Texas Real Estate Commission

Volume 21, Number 2
March 2010

Rick Perry
Governor

Commission Members:

John D. Eckstrum
Chairman
CONROE

Avis Wukasch
Vice-Chair
ROUND ROCK

Joanne Justice
Secretary
ARLINGTON

Adrian A. Arriaga
MC ALLEN

Troy C. Alley, Jr.
ARLINGTON

Chris Day
JACKSONVILLE

Jaime Blevins Hensley
LUFKIN

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>

TREC/TALCB Strategic Plan Input Meetings

You are encouraged and invited to participate in the agency's preparation of its 2011-2015 Strategic Plan by attending one of the following sessions and offering your input:

Tuesday, March 23, 2010
1:30 PM

Austin Board of Realtors
10900 Stonelake Blvd., STE A-100
Austin, TX 78759

Wednesday, March 24, 2010
1:30 PM

San Antonio Board of Realtors
9110 W IH 10, Suite #1
San Antonio, TX 78230

Thursday, March 25, 2010
1:00 PM

Greater Forth Worth Association of Realtors
2650 Parkview Drive
Fort Worth, TX 76102

Friday, March 26, 2010
10:00 AM

Houston Association of Realtors
3693 Southwest Freeway
Houston, TX 77027

*If you are unable to attend, feel free to send us your comments at our website:
www.trec.state.tx.us or www.talcb.state.tx.us*



John D. Eckstrum
TREC Chairman

...from the Chairman

As Chairman I am constantly reminded of the important work that the Commission, agency staff, and our licensees do to better the real estate industry as a whole. And, nothing gives me more pleasure than to see my peers - salespersons, brokers, education providers - volunteer to lend their time, experience and expertise to advance the industry. At this month's Commission meeting I was pleased to appoint industry professionals and consumer advocates to two important Working Groups, Education and Broker Responsibility. Along with the Working Group membership, I also asked my Commission colleagues, Joanne Justice

and Avis Wukasch, to serve as liaisons for the respective groups. I know that I speak for the Commission as a whole when I say that we are looking forward to the Working Groups' review of industry practices and proposals for potential initiatives.

Also at this meeting, Administrator Douglas Oldmixon presented a plan for the agency's 5-year Strategic Planning sessions. Public meetings will be held around the state in late March - for details see "TREC/TALCB Strategic Plan Input Meetings" at the bottom of page two. In addition, there will be an opportunity to provide comments on the agency's website, so if you are unable to participate in person, please share your thoughts with the agency online. It is imperative that we hear from you! As licensees, and also as members of the public for which we are here to serve and protect, this is an opportunity to tell us what we can do better. I hope you'll take us up on our offer!

Vice-chair and Secretary Elected

Avis Geer Wukasch of Round Rock was elected vice-chair on February 8, 2010. She also served in this position in 2009. Ms. Wukasch is a broker member of the Commission. Ms. Wukasch is a member of the Keller Williams Realty Company and is located in Round Rock. She served as a member of the Texas Real Estate Commission Broker Lawyer Committee previous to being appointed to the Commission. Ms. Wukasch served as chairman of the board for Texas Association of Realtors in 2008.



Joanne Justice of Arlington was elected secretary on February 8, 2010. She is the Managing Broker for the Arlington office of Coldwell Banker Residential Brokerage. Ms. Justice is a member of the Texas Association of REALTORS, past President of the Arlington Board of REALTORS and serves on the Board of Directors for the National Association of REALTORS. She was the 2002 recipient of the Edgar Bird Award presented by the Arlington Board of REALTORS and received the Distinguished Service Award from the Texas Association of REALTORS in 2000.



RULE ACTIONS FROM FEBRUARY 8, 2010 MEETING OF THE TEXAS REAL ESTATE COMMISSION

RULE NO.	EARLIEST DATE OF ADOPTION	SUMMARY OF PROPOSED RULES <i>For text of the rules as they were filed with the Texas Register, go to the web site www.trec.state.tx.us</i>
22 TAC §534.1, §534.4, §534.5	5/17/2010	TREC proposes amendments to §534.1 concerning Charges for Copies of Public Information, §534.4 concerning Historically Underutilized Businesses Program, and §534.5 concerning Bid Opening and Tabulation. The proposed amendments update the references to the rules promulgated by other state agencies that are adopted by reference by the commission.
22 TAC §539.41	5/17/2010	TREC proposes a new title for 22 TAC Chapter 539, new Subchapter E, concerning Disclosures, and new §539.4 concerning Disclosures. The new rule would require a licensed residential service company to include a disclosure in its residential service contracts if the company pays persons other than a residential service company employee for the sale, advertising, inspection or processing of a residential service contract.
22 TAC §539.51	5/17/2010	TREC proposes amendments to Chapter 539, Subchapter F, §539.51 concerning "Employed by" Defined. The proposed amendment corrects typographical errors in the existing rule to better reflect the statutory reference.
22 TAC §539.61	5/17/2010	TREC proposes amendments to Subchapter G, §539.61 concerning Application and Licensing. The amended rule adopts by reference a revised application form. The revised form is streamlined and changed to provide consistency with other TREC forms.
22 TAC §539.71	5/17/2010	TREC proposes amendments to Subchapter H, §539.71 concerning Miscellaneous Forms. The amended rule adopts by reference a revised Residential Service Company Bond form and Application to Approve Evidence of Coverage/Schedule of Charges form. The forms are revised to maintain consistency with other TREC forms.
22 TAC §539.91	5/17/2010	TREC proposes amendments to Subchapter J, §539.91 concerning Annual Report. Among other things, the form is changed to detail payments to real estate brokers, insurance agents, mobile home dealers or non-RSC employees for selling, advertising, inspection, or processing of residential service contracts.
22 TAC §539.137	5/17/2010	TREC proposes amendments to Subchapter N, §539.137 concerning Mid-year Report. The proposed rule adopts by reference a revised mid-year report form. Among other things, the form is changed to detail payments to real estate brokers, insurance agents, mobile home dealers or non-RSC employees for selling, advertising, inspection, or processing of residential service contracts.

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 www.trec.state.tx.us</i>
22 TAC §535.61, §535.62, §535.64	09/01/2010	<p>TREC adopts amendments to §535.61, Examinations; §535.62, Acceptable Courses of Study; and §535.64, Accreditation of Schools and Approval of Courses and Instructors with changes to the proposed text as published in the November 6, 2009, issue of the <i>Texas Register</i> (34 TexReg 7762).</p> <ul style="list-style-type: none"> • The amendment to §535.61 as adopted establishes a broker pre-license examination passing score of at least 75% and a salesperson pre-license examination score of at least 70%. • The amendments to §535.62 and §535.64 define how TREC-approved proprietary schools' passage rates are calculated and published by the commission and implement the statutory requirement that schools demonstrate a 55% examination passage rate to renew their accreditation. • The amendments allow schools that offer correspondence courses in association with accredited colleges or universities to issue certificates of completion in the name of the TREC-approved school and to count the examination passage rates of students in those courses toward the school's overall passage rates.

**RULE NO. EFFECTIVE
DATE**
SUMMARY OF RULES ADOPTED

*For text of the rules as they were filed with the Texas Register, go to the web site
www.trec.state.tx.us*

- 22 TAC 09/01/2010 Section 1101.451, Texas Occupations Code, permits a licensee whose
§535.93 license has been expired for not more than a year to renew the license by
paying an increased fee depending on how long the license has been
expired.
- New §535.93 permits a person with an expired salesperson or broker license to renew the previous license effective from its expiration date if the application to renew was filed less than one year from the expiration of the previous license. The new rule requires the commission to renew the license in an active status except as provided by the section.
 - In order to renew a salesperson's expired 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 additional \$200 fee and complete the MCE not later than the 60th 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 license is issued.
- 22 TAC 03/01/2010 The amendment provides full implementation of the statutory requirement
§535.20 that applicants for inspector licenses who fail the examination three times
8 must wait six months before reapplying. The amendment prevents applicants from filing a new application while another application is pending.

Chairman Appoints Work Groups

At the Texas Real Estate Commission (TREC) meeting on Monday, February 8th, Chair John D. Eckstrum appointed industry professionals and consumer advocates to two important Working Groups, Education and Broker Responsibility. Along with the Working Group membership, he also asked Commission colleagues Joanne Justice and Avis Wukasch to serve as liaisons for the respective groups. In a letter that went out this week, Chairman Eckstrum asked the Working Groups to be thorough and diligent in their work, and posed several key issues for each group to evaluate as they review the state of industry practices and propose potential initiatives for the Commission to review and consider.

"These Working Groups are essential to the Commission's development of enhanced consumer protections and professional standards," says Eckstrum. "We need our industry peers to work for the betterment of the profession as a whole, and to assist the Commission as it carries out its primary role of consumer protection. On behalf of the Commission, I thank each and every one of them for their service." Appointees serve at the will of the Chairman and do so voluntarily. Appointments include:

Education Working Group

Rick Albers of Austin	Louise Hull-Patillo of Victoria	Rita Santamaria of Houston
Alvin Collins of Midland	Susan Jones of Temple	Pat Strong of Tarpley
Dave Dalzell of Abilene	Rick Knowles of Austin	Deb Waldman of Austin
Bill Evans of Austin	Annette McCause of Dallas	Rebecca Ray of Mountain Spring
Debbie Watson of Dallas	Bill Gottfried of Houston	Denise Whisenant of College Station
Rene Figliozzi of Lakeway	David Rosow of San Antonio	
Brenda Webb of Cleburne		

Broker Responsibility Working Group

Tom Branch of Plano	Barbara Tarin of San Antonio	Robert Doggett of Austin
Bill Jones of Temple	Cameron Hill of Sugar Land	John Horton of Austin
Judy McKee of Dallas	Suzanne Jackson Corbin of Galveston	Ana Ochoa of Laredo
Dan Odom of Forth Worth		Helen Perry of Dickinson
George Stephens of Houston		



TREC Adopts Education Rules

**Effective 9-1-2010,
broker applicants must
have a score of 75%
to pass examinations.**

The Texas Real Estate Commission adopted amendments to §535.61, Examinations, at the February 8, 2010 meeting that will require a broker to have a pre-license examination score of at least 75% effective September 1, 2010. Originally the amendments would have changed the passing scores for both salesperson and broker examinations to at least 75%. During the comment period, several comments were received and the Commission modified the amendment to require the increased score of broker applicants only. Salesperson applicants will still be required to achieve a score of at least 70% to pass the pre-license examination.

Amendments to §535.62 and §535.64 were adopted to establish how TREC-approved proprietary schools passage rates are calculated and published by the commission. Section 1101.301.OF PROGRAMS AND COURSES OF STUDY, Texas Occupations Code, (81st Reg. Legislative Session, 2009) subsection (c) states as follows:

...(c) In establishing accreditation standards for an educational program under Subsection (a), the commission shall adopt rules that require a program to establish that at least 55 percent of the program's graduates have passed a licensing exam the first time the exam has been taken by the graduates before the commission may renew the program's accreditation.

The amendments to §535.62 allow schools that offer correspondence courses in association with accredited colleges or universities to issue certificates of completion in the name of the TREC-approved school and to count the examination passage rates of students in those courses toward the school's overall passage rates. These courses do not require commission pre-approval because all such courses must comply with the college or university's curriculum accreditation standards.

The amendments to §535.64 explain how a school's passage rate will be calculated and published. Under the amendment the Commission is able to consider a variety of factors, including the separate passage rates for sales, broker and inspector applicants and trends within the school's passage rate over a five-year accreditation period.

These amendments will become effective September 1, 2010.



Inspector Application Rule Changed

Effective March 1, 2010, an inspector applicant will no longer be able to submit an application for a license if a previous license application is still pending. Inspector applicants are required to wait six months to file an application if they have failed the examination three times. Applicants have been able to circumvent the six-month wait requirement by filing a new application after the second failure, so that a third failure would be registered as occurring under a different application. At the February 8, 2010 meeting of the Commission a rule amendment was adopted that will prevent applicants from filing a new application while another application is still active.



TREC Disciplinary Actions January 2010

Holland, Patricia J.
(Alvarado); License #N/A

Agreed administrative penalty of \$1,000 and order to cease and desist unlicensed brokerage activities, entered January 29, 2010; acting, engaging in, and representing from 2006 to 2009 that she and Affiliated Property Management Company, LLC were real estate brokers or salespersons without first holding a license issued by the Texas Real Estate Commission by: (1) entering into a Residential Leasing and Property Management Agreement with an owner of real property in the expectation of receiving a fee and (2) negotiating a lease on behalf of an owner of real property and a tenant for a fee, in violation of §1101.351(a) of the Texas Occupations Code.

May, Julie Lynn
(Round Rock); License #410571

Agreed 2 year suspension of broker license, effective January 29, 2010, beginning July 29, 2010 the remaining 18 months fully probated; Agreed administrative penalty of \$750, entered January 29, 2010; acting negligently or incompetently in contracting, maintaining accurate records with supporting documentation and failing to keep clients informed about property management. in violation of §1101.652(b)(1) of the Texas Occupations Code; failing to turn over records and deposits to new management, in violation of §1101.652(b)(2) of the Texas Occupations Code; failing within a reasonable time to account for and remit rents and security deposits, in violation of §1101.652(b)(9) of the Texas Occupations Code; withholding from or inserting into statements items making them inaccurate, in violation of §1101.652(b)(24) of the Texas Occupations Code; and, failing to provide within a reasonable time information requested by the commission, in violation of §1101.652(a)(6) of the Texas Occupations Code.

Kang, Richard H.
(Dallas); License #507871

Agreed 1 year suspension of salesperson license fully probated for 1 year, entered January 15, 2010; pleading guilty to 2 felony offenses of tax evasion and false declarations of a tax return, in violation of §1101.652(a)(1) of the Texas Occupations code and, despite pleading guilty, failing to notify the Commission within 30 days of guilty pleas, in violation of §1101.652(a)(9) the Texas Occupations Code.

Gibson, Gregory Lawrence
(Round Rock); License #443734

Agreed reprimand of salesperson license, entered January 4, 2010; Agreed administrative penalty of \$3,000, entered January 4, 2010; while acting as a buyer representative, failing to be scrupulous and meticulous in performing the agent's functions, in violation of 22 TAC §531.1(2); failing to exercise judgment and skill in the performance of work as a real estate brokerage practitioner, in violation of 22 TAC 531.3(3); establishing an association by employment or otherwise with a person other than a license holder if the person is expected or required to act as a license holder, in violation of §15(a)(6)(S) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(26) of the Texas Occupations Code effective June 1, 2003]; publishing or causing to be published an advertisement, including an advertisement by newspaper, radio, television, the Internet or display, that misleads or is likely to deceive the public, tends to create a misleading impression, or fails to identify the person causing the advertisement to be published as a licensed broker or agent, in violation of '15(a)(6)(P) of the Real Estate License Act, Article 6573a, Texas Civil Statutes [§1101.652(b)(23) of the Texas Occupations Code, effective June 1, 2003]; a real estate agent using a name in brokerage advertising when the sponsoring broker has not notified the Commission in writing of the broker or sponsored salesperson's use of the name, in violation of 22 TAC §535.154(c); a real estate agent placing an advertisement which implies that the salesperson is the person responsible for a real estate brokerage, in violation of 22 TAC §535.154(e); a real estate licensee placing an advertisement on the Internet, electronic bulletin board or similar mechanism without including on each page on which the licensee's advertisement appears any information required by the Rules of the Commission, §535.154 and §1101.652(b)(23) of the Texas Occupations Code, in violation of 22 TAC §535.154(i); acting or representing that the person is a broker or salesperson without holding a license issued under Chapter 1101 of the Texas Occupations Code, in violation of §1101.351(a)(1) of the Texas Occupations Code; and acting or attempting to act as a broker or salesperson without the salesperson being associated with a licensed broker, in violation of §1101.351(c) of the Texas Occupations Code.

Alderson, Sandra Lynn
(Lockhart); License #382943

Agreed revocation of broker license fully probated for 6 months, effective January 29, 2010; Agreed administrative penalty of \$750, entered January 29, 2010; 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)

Calendar of Events

**Commission
Meetings**

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

**Broker-Lawyer
Committee Meeting
April 29-30, 2010
(Austin)**

**Inspector Committee
Meeting
April 26, 2010
11:00 a.m.
(Austin)**

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

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

REMINDER
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.

Southwick, Jodi Lyn
(Houston); License #486854

Agreed revocation of salesperson license fully probated for 6 months, effective January 29, 2010; Agreed administrative penalty of \$500, entered January 29, 2010; 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)

Anaba, Ozzy Onunna
(Dallas); License #600460

Agreed 1 year suspension of salesperson license fully probated for 1 year, effective January 14, 2010; pleading guilty to a 3rd degree felony offense of forgery of a written instrument (check) which offense includes an element of fraud, in violation of §1101.652(a)(1) of the Texas Occupations Code.

Realty Services Partners, LLC
(Frisco); License #598686

Agreed Reprimand of broker license, entered January 12, 2010; Agreed administrative penalty of \$500, entered January 12, 2010; 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)

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.



As part of the Agency’s ongoing effort to provide more effective and more efficient services to the public and to our licensees, IT IS VITAL that we always have your most current email address. On the TREC homepage, there is a link in the left sidebar that will allow you to update your email address at NO COST and as often as you need to. Click on the “Email Notification List” link and follow the prompts to update your email address.

If the email address we have on file for you has been disconnected already, just send us an email update request to information@trec.state.tx.us from your NEW email address with your name, license number and permanent mailing address and we will update your record in short order. Thank you!

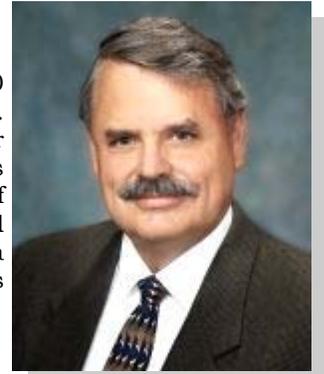


TALCB Bulletin

Texas Appraiser Licensing and Certification Board * Volume 1, Number 2 * March 2010

New Officers Elected

JAMES B. RATLIFF was elected Chair at the February 12, 2010 meeting of the Texas Appraiser Licensing and Certification Board. Chairman Ratliff of Garland is an appraiser with Ratliff Appraiser Service. He is past mayor of Garland, and a member of the Texas Municipal Power Agency Board of Directors, Texas Association of Realtors, Lake Cities Association of Realtors, and National Association of Independent Fee Appraisers. Ratliff received a bachelor's degree from East Texas State University and a master's degree in finance from the University of North Texas.



Mark A. McNally was elected Vice-Chair at the February 12, 2010 meeting of the Texas Appraiser Licensing and Certification Board. Mark McNally has been in the appraisal profession for twenty six years. His professional experience includes both private and public sector positions involving both rural and commercial appraisals. He has had the opportunity to be involved with clients ranging from private property owners, corporate officers and elected officials. He has experience in designing and training users of appraisal services in the engagement process for appraisal contracts and the review of appraisals in compliance with Standard 3 of the Uniform Standards of Professional Appraisal Practice. He is currently the Chief Appraiser for the Texas General Land Office and is responsible for sixteen internal appraisal staff and the contracting of 50 to 70 appraisal contracts.



Luis F. De La Garza, Jr. was elected Secretary at the February 12, 2010 meeting of the Texas Appraiser Licensing and Certification Board. Luis F. De La Garza Jr. of Laredo is a residential appraiser with DLG Appraisal Inc. He is a director of the Laredo Association of Realtors and a past member of the South Texas Future of the Region Board of Directors. He is also a member of Kiwanis International. De La Garza received a bachelor's degree from St. Edward's University and a master's of business administration from Texas A&M International University.

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TEXAS APPRAISER LICENSING AND
CERTIFICATION BOARD

Meeting Highlights

February 12, 2010

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, February 12, 2010, 2009. James B. Ratliff was elected Chairman; Mark A. McAnally was elected Vice-chair and Luis F. De La Garza, Jr. was elected secretary.

Also at that meeting the Board:

- proposed the review of 22 TAC §153.1-§153.18. Comments are welcomed.
- proposed new §157.1, Definitions, and amendments to §157.4, Computation of Time; §157.6, Request for Advisory Opinions; §157.7, Denial of a License; and §157.8, Suspension and Revocation of a License.
- replaced the existing 22 TAC §153.24 regarding processing a complaint processing with new 22 TAC §153.24.
- appointed 14 members to the Peer Investigative Committee.
- approved the use of self-executing provisions in enforcement orders and discussed the acceptance of written, signed complaints.
- approved a plan to identify savings in priority increments totaling 5% of the general revenue and general revenue dedicated appropriations for the 2010-2011 biennium.
- approved the strategic planning process for 2011-2015. For details of the Enforcement matters please see page 5.

The next meeting is scheduled for May 21, 2010 in Austin.

Texas Appraiser Licensing and
Certification Board
TALCB Bulletin
Volume 1, Number 2
March 1, 2010

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Governor

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and Certification Board
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<http://www.talcb.state.tx.us>

TREC/TALCB Strategic Plan Input Meetings

You are encouraged and invited to participate in the agency's preparation of its 2011-2015 Strategic Plan by attending one of the following sessions and offering your input:

Tuesday, March 23, 2010
1:30 PM

Austin Board of Realtors
10900 Stonelake Blvd., STE A-100
Austin, TX 78759

Wednesday, March 24, 2010
1:30 PM

San Antonio Board of Realtors
9110 W IH 10, Suite #1
San Antonio, TX 78230

Thursday, March 25, 2010
1:00 PM

Greater Forth Worth Association of
Realtors
2650 Parkview Drive
Fort Worth, TX 76102

Friday, March 26, 2010
10:00 AM

Houston Association of Realtors
3693 Southwest Freeway
Houston, TX 77027

If you are unable to attend, feel free to send us your comments at our website:

www.trec.state.tx.us or www.talcb.state.tx.us



James B. Ratliff

...from the Chairman

I am honored by my fellow Board Members and thank them for electing me Chairman of the TALCB Board. With past experience working with public bodies, I know first-hand the great importance of heading a group of dedicated public servants, and I am humbled by the confidence they have placed in me. I am also excited about the direction the agency is going with Strategic Planning and new appointments to Peer Investigative Committees.

Commissioner Douglas Oldmixon and agency staff have developed a plan for the agency's Strategic Plan and meetings will be held statewide in the later part of March. (See bottom of page 2, "TREC/TALCB Strategic Plan Input Meetings.") These planning sessions will cover all agency subject matters and licensees, including real estate appraisers. I encourage you to take this opportunity to voice your opinion to the agency. Tell us what we can do better, and give us suggestions for needed changes. Just as casting a ballot on Election Day is the way to voice your opinion on the state's direction, the same is true for agency Strategic Planning. In addition to in-person public meetings, you can submit your comments via the website, so please log on!

In addition, I would be remiss not to thank and congratulate the 14 Peer Investigative Committee members that were appointed at this month's meeting. Thank you for volunteering your time and expertise. This practice provides a real-world, hands-on approach to enforcement and is another opportunity for true agency and industry partnership. The Board will continue to accept applications for qualified members to

Appraiser Peer Investigative Committee Appointments Made Additional Applications Encouraged

On Friday February 12th, the Texas Appraiser Licensing and Certification Board (TALCB) appointed fourteen of Texas' most seasoned and qualified Appraisers to serve on Peer Investigative Committees (PIC). Appointees serve a one year term and are asked to perform no more than four appraisal reviews - one per quarter - during their term of service. To be considered for this appointment, appraisers must be certified by the State of Texas, in good standing in all states of licensure, and certified as a Uniform Standards of Professional Appraisal Practice (USPAP) instructor. All appointments are voluntary and appointments will be made annually.

"As an Appraiser myself, I am not only proud of my fellow peers for answering the call of service, but energized and enthused by their willingness and dedication to advance the industry as a whole," TALCB Chair James Ratliff commented. "PICs are a unique opportunity for dedicated industry professionals to work side-by-side with government agencies in order to ensure industry regulatory standards are being met and maintained."

PIC member appointments include:

Larry K. Cole of Killeen
Bobby W. Crisp of Schertz
Glenn Garoon of Fort Worth
Edgar Paul Hornsby of Austin
James Edward Jacobs of Sherman
Mark A. Lewis of Lufkin
Lewis Richmon Merrill of Bryan

Jasmine C. Quinerly of Houston
Jim D. Pearson of McKinney
Joseph Paul Portera of Montgomery
Dane Sever of Spring
Gregory E. Stephens of Dallas
James Synatzske of Stephenville
Gerald A. Teel of Houston

Appointees will work in teams to review appraisals that are the subject of complaints that have been received by the Board. This practice provides a real-world, hands-on approach to enforcement and is another opportunity for true agency and industry partnership. The Board will continue to accept applications for qualified members to serve on a PIC. More information can be found at:

www.talcb.state.tx.us/agencyinfo/pic.asp

RULE ACTIONS FROM FEBRUARY 12, 2010 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 www.talcb.state.tx.us</i>
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22 TAC §157.1, §157.2, §157.4, §157.6, §157.7, §157.8	5/21/2010	<ul style="list-style-type: none"> • New §157.1 adopts by reference the definitions outlined in 22 TAC §153.1. • The amendments to §157.2 is non-substantive and corrects a grammatical error. • The amendments to §157.4 clarifies that time periods relating to mailing should be calculated with the addition of three days for mailing time in the chapter. • The amendments to §157.6 clarifies that advisory opinions issued under this section must be requested in writing and may only be given in accordance with the Open Meetings Act. • The amendments to §157.7 outlines the notice to be given by the Board when it proposes to deny a license or issue an adverse criminal history evaluation letter. • The amendments to §157.8 outlines the notice given by the Board when it proposes to take adverse action against a licensee and clarifies that a licensee may waive the opportunity for a hearing in a subsequent matter by agreeing in writing to suspension or revocation for failure to comply with the terms of an agreed order in connection with an application or a previous disciplinary matter.
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RULE NO.	EFFECTIVE DATE	SUMMARY OF ADOPTED RULE <i>For text of the rules as they were filed with the Texas Register, go to the web site www.talcb.state.tx.us</i>
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22 TAC §153.24 (REPEAL)	2/12/2010	The repeal was adopted because the subjects addressed in this section are covered in new §153.24.
22 TAC §153.24 (NEW)	2/12/2010	New §153.24 adopts changes to the complaint processing provisions to better reflect the practices of the Board's Standards and Enforcement Division, increases the recommended penalties for violations of the Texas Appraiser Licensing and Certification Act and Board rules, and provides for investigation of certain complaints by peer investigative committees.

The section was modified from the text as proposed in that the last sentence of proposed subsection (10), which stated that agreed resolutions of enforcement matters could become effective prior to being submitted for approval at a future meeting date, was omitted.

TALCB Disciplinary Actions February 2010

STINSON, Michael S.
Lic. # TX-1335265-L
Spring; *Complaint No.:* 10-102

Board Action Taken: Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent's license shall be and is hereby SUSPENDED until his pending appeal is adjudicated. If the criminal conviction is reversed, the agreed upon suspension shall be immediately lifted. If the criminal conviction is affirmed, Respondent's license shall immediately be revoked without the opportunity to seek reinstatement in accordance with TEX. OCC. CODE § 1103.522.

Reason for Complaint: Criminal investigation regarding performance of a real estate appraisal in Spring, Texas.

LUPO, Willie Jean
Lic. # TX-1324880-G
Hurst; *Complaint No.:* 08-153

Board Action Taken: Certification Surrendered

Reason for Complaint: Allegations that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice ("USPAP") in her completion of this report.

LEMMON, Chauna K.
Lic. # TX-1329802-L
El Paso; *Complaint No.:* 09-137

Board Action Taken: Based on the above findings of fact and conclusions of law, the Board ORDERS that the Respondent shall:

- (1) Have her 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 she 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 her appraisal reports and work files for any appraisal assignments she performs during the course of her period of probation within twenty days of notice of any such request

Reason for Complaint: Allegations Respondent failed to comply with the terms of the agreed final order in complaint #08-117.

Summary of Violations Found: Respondent has violated 22 TEX. ADMIN. CODE § 153.20(a)(21) by failing to comply with a final order of the board.

LAIL, Donald Quintin
Lic. # TX-1320942-R
Prosper; *Complaint No.:* 10-028

Board Action Taken: Based on the above findings of fact and conclusions of law, the Board ORDERS that Respondent shall:

- (1) Have his certification suspended for 12 months. During the first six months of this period, his certification shall be fully suspended and during the remaining six months the suspension shall be fully probated under the condition that Respondent fully and timely comply with the terms and conditions of this agreed final order;
 - (i) During the 6 months in which the suspension is probated, 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 Donald Quintin Lail and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Donald Quintin Lail shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during this time period within twenty days of notice of any such request;
- (2) Attend and complete a minimum, 15 classroom-hour course in USPAP; and
- (3) Pay to the Board an administrative penalty of \$3,000.00

Reason for Complaint: Allegations that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice ("USPAP") in his completion of these reports.

JOHNSON, Sandra
Lic. # TX-1322036-G
Houston; *Complaint No.:* 08-053 & 08-220

Board Action Taken: Pay to the Board an administrative penalty of \$250.00

Reason for Complaint: Allegations that the appraisal report contained violations of the Uniform Standards of Professional Appraisal Practice ("USPAP").



JOHNSON, Jennifer Dawn
 Lic. # TX-1337222-R
 Houston; *Complaint No.:* 08-053 & 08-220

Board 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, 15 classroom-hour course in Residential Case Studies or the Sales Comparison Approach;
- (3) For the next twelve months, 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 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 her appraisal reports and work files for any appraisal assignments she performs during the course of this period within twenty days of notice of any such request; and
- (4) Pay to the Board an administrative penalty of \$250.00

Reason for Complaint: Allegations that the appraisal report contained violations of the Uniform Standards of Professional Appraisal Practice ("USPAP").

JOHNSON, Barry William
 Lic. # TX-1332156-R
 Houston; *Complaint No.:* 09-158 & 10-078

Board Action Taken: Based on the above findings of fact and conclusions of law, the Board ORDERS that the Respondent shall:

- (1) Have his certification probated for eighteen months with this suspension being fully probated under the following conditions:
 - (i) During the entire 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 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 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 Residential Case Studies;
- (4) Attend and complete a minimum, 15 classroom-hour course in the Cost Approach;
- (5) Attend and complete a minimum, 7 classroom-hour course in Appraising the Tough Ones or Valuation by Comparison: Residential Analysis and Logic
 - (i) No examination shall be required for this course; and
- (6) Pay to the Board a \$ 1,000.00 administrative penalty;

Reason for Complaint: Allegations that 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 (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(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(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 making material misrepresentations and omitting material facts.

HUFFMAN, Lorene Mae
 Lic. # TX-1325645-G
 Bullard; *Complaint No.:* 09-306

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

Reason for Complaint: Allegations that Respondent failed to comply with the Uniform Standards of Professional Appraisal Practice in her completion of the appraisal report.

HERRERA, Juvenal
 Lic. # TX-1333094-R
 Cedar Park; *Complaint No.:* 10-120

- Board Action Taken:*
- (1) Attend and complete a minimum, 15 classroom-hour course in USPAP; and
 - (2) Pay an administrative penalty of \$250.00

Calendar of Events Board Meetings

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

Reason for Complaint: Respondent has failed to comply with the remedial education requirement of the agreed final order in complaint #08-118.

Summary of Violations Found:

Respondent has violated 22 TEX. ADMIN. CODE § 153.20(a)(21) by failing to comply with a final order of the board.

HERBERT, Brett Herbert
Lic. # TX-00

Fort Worth; Complaint No.: Application Denial

Board Action Taken:

- (1) Minimum 7 classroom hour course any one of the following three courses: Appraising the Tough Ones, Report Writing & Case Studies or Valuation by Comparison: Residential Analysis and Logic ; and,
 - (i) No examination shall be required for this course;
- (2) Minimum 15 classroom hour course in Sales Comparison Approach.

Reason for Complaint: Alleged violations of TEX. OCC. CODE §§ 1103.202(3) and 1103.405 and 22 TEX. ADMIN. CODE §§ 153.15(d) and (f)(1) and 153.20(a)(3) and 155.1(a).

HATFIELD, Joshua Shea
Lic. # TX-1333272-L

Austin; Complaint No.: 10-088

Board 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, 7 classroom-hour course in USPAP;
- (2) Attend and complete a minimum, 15 classroom-hour course in Report Writing;
- (3) Attend and complete a minimum, 7 classroom-hour course in Cost Approach; and
- (4) Once Joshua Shea Hatfield satisfies the remedial education required by this Order, the Board directs staff to issue him a certification; and
- (5) Once his certification has been issued, Joshua Shea Hatfield shall have his certification suspended for 6 months, with the suspension being fully probated;
 - (i) During his 6 month probated suspension, he 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 Joshua Shea Hatfield and contain a notarized affidavit attesting that the log is true, complete and fully accurate. Upon request from the Board, Joshua Shea Hatfield shall provide copies of his appraisal reports and work files for any appraisal assignments he performs during this time period within twenty days of notice of any such request;

Reason for Complaint: Allegations the work did not generally comport with 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; 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); 1-4(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); 2-1(a); and 2-1(b).
- (2) Respondent violated 22 TEX. ADMIN. CODE § 153.20(a)(9) by omitting material facts.

GALVAN, Kathy Ann
Lic. # TX-1335209-R

Sherman; Complaint No.: 09-307

Board Action Taken:

- (1) Attend and complete a minimum, 15 classroom-hour course in USPAP; and
- (2) Attend and complete a minimum, 30 classroom-hour course in Report Writing;

Reason for Complaint: Allegations that the Respondent had produced an appraisal report that contained potential violations of 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; USPAP Standards: 1-2(a) & 2-2(b)(i); 1-2(b) & 2-2(b)(ii); 1-2(c) & 2-2(b)(v); 1-2(d) & 2-2(b)(vi); 2-2(b)(vi); 1-2(e)(ii) & 2-2(b)(iv); 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); 1-1(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 omitting material facts and making material misrepresentations.

DAY, Thomas Charles
Lic. # TX-1333616-L

Dallas; Complaint No.: 08-164

Board Action Taken: Based on the above findings of fact and conclusions of law, the Board ORDERS that the Respondent shall:

- (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 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 his period of probation within the twenty days of notice of any such request; and,
 - (ii) 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 Cost Approach; and
- (5) Attend and complete a minimum, 15 classroom-hour course in Residential Report Writing.

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(a) & 2-2(b)(i); 1-2(b) & 2-2(b)(ii); 1-2(e)(i) & 2-2(b)(iii); 1-3(a) & 2-2(b)(viii); 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); 1-2(e) and 2-2(b)(viii) & 1-4(c)(iv); 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 from his appraisal report.

BROOKS, Steven Dale
 Lic. # TX-1321893-R
 Dallas; *Complaint No.:* 09-168

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. Respondent shall not be entitled to apply for reinstatement in accordance with TEX. OCC. CODE § 1103.522.

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

ANDREWS, Dwayne Alan
 Lic. # TX-1335536-R
 Spicewood; *Complaint No.:* 09-012

Board Action Taken: Based on the above findings of fact and conclusions of law, the Board ORDERS that the Respondent shall:

- (1) Have his certification suspended for twelve months with this suspension being fully probated under the following conditions:
 - (i) During the entire probated, twelve 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;
- (2) Pay to the Board an administrative penalty of \$500.00;
- (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 Cost Approach; and,
- (5) Attend and complete a minimum, 7 classroom-hour course in mortgage fraud
 - (i) No examination shall be required for this course.

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 (conduct provisions); USPAP Standards: 1-2(e)(i) & 2-2(b)(iii); 1-3(b) & 2-2(b)(ix); 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(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 from his appraisal report.