

From: [Sunset Advisory Commission](#)
To: [Janet Wood](#)
Subject: FW: TALCB Sunset Review
Date: Wednesday, October 10, 2018 4:55:54 PM
Attachments: [05_24_18_0900am_ag_talcb_sunset_review_cover_letter.pdf](#)

From: Alan Gertner
Sent: Wednesday, October 10, 2018 4:35 PM
To: Sunset Advisory Commission <Sunset@sunset.texas.gov>
Cc: Kay Hricik <Kay.Hricik@sunset.texas.gov>
Subject: TALCB Sunset Review

Greetings Sunset Review Staff,

My name is Alan Gertner. I am a Real Estate Appraiser in Austin, Tx. I am contacting you about the Texas Appraiser Licensing and Certification Board (TALCB) Sunset Review.

I submitted extensive information to Kay Hricik as part of her TALCB investigation. When I reviewed Ms. Hricik's report, none of the TALCB information or recommendations I provided were included.

I am providing a summary of the info provided to Ms. Hricik. I've also attached the 6 page cover letter I sent to Ms. Hricik earlier. The cover letter references 19 documents which provide supporting information for my claims. All the documents identified in the attached cover letter were provided to Ms. Hricik. I will be happy to provide any or all of the 19 supporting documents if you wish me to do so.

Summary of the TALCB Issue:

The TALCB staff were caught lying on an Appraisal Review when investigating a complaint. The TALCB ruling on the complaint rewrote the appraisal regulations for the State of Texas. The TALCB ruling is inconsistent with other TALCB rulings.

The TALCB and Governor's office originally claimed TALCB rulings were consistent. When it was pointed out that the TALCB ruling in this complaint had set a precedent and rewritten the appraisal regulations for the State of Texas, TALCB then claimed each TALCB complaint and ruling were unique and their rulings did not set a precedent.

Recommended Action:

The TALCB interpretation of the Uniform Standards of Professional Appraisal Practice (USPAP) defines the appraisal regulations for the State of Texas. The only method for the Texas appraisal community to know the TALCB interpretation is for all the TALCB complaint file docs to be publicly available at no cost. This includes TALCB complaints which are dismissed and complaints which are upheld. The complaint file docs may be posted online at the TALCB web page. If necessary, personal info such as names could be blacked out of

the complaint file docs before posting them online.

This is the same concept as case law in the legal system. In the legal system the laws exist, but the court's interpretation of the law is what the public must follow and is referred to as case law. USPAP defines the law for the appraisal community, but the TALCB interpretation of USPAP identifies what the Texas appraisal community must follow. The case law concept also ensures the court or TALCB rulings are consistent.

The Texas appraisal community does not have readily available access to the TALCB complaint files. The Texas appraisal community does not know the TALCB interpretation of the appraisal regulations.

The current TALCB method to provide complaint info to the appraisal community is not adequate. The TALCB posts summary complaint information on their website for complaints which are upheld. The TALCB does not post complaints that are dismissed. The dismissed complaints may be as important (or even more important) than the complaints that are upheld. The TALCB complaint summary is insufficient to determine the complaint details, the basis for the TALCB ruling and the TALCB interpretation of the related appraisal regulation(s). The TALCB option to require payment to obtain a complaint file is too expensive and unreasonable since the complaint file may be posted electronically on the TALCB web site and made available to the appraisal community at no cost.

Summary

Please consider requiring TALCB make all complaint file docs available at no cost. This is the only method for the Texas appraisal community to identify the TALCB interpretation of the appraisal regulations.

Due to the importance of this matter, I would also like to sign up to speak before the Sunset Review Commission at the public hearing on Nov 14 & 15, 2018.

Please confirm you have received this message.

Please contact me if you have any questions.

Thank you in advance for your time.

Sincerely,
Alan Gertner