

number; respondent; complainant; date the complaint was received; its current status; date the complaint was closed; and method of disposition.

- **The State's temporary practice fee was excessive and did not comply with ASC Policy Statement 5.**

In our December 26th field review letter, the ASC stated that Texas failed to comply with the temporary practice provisions of Title XI and ASC Policy Statement 5. The Board processed temporary practice applications in a timely manner, but charged a fee that exceeded the maximum established in ASC Policy Statement 5.

Title XI provides that a State shall not impose excessive fees, as determined by the ASC. ASC Policy Statement 5 currently provides that temporary practice fees exceeding \$150 per assignment are excessive. Since our previous field review, the State amended its regulations to increase its temporary practice fee from \$150 to \$180. To address this concern, the Board was directed to stop charging the \$180 temporary practice fee and to amend its regulations as soon as possible to reduce its temporary practice fee to \$150 or less.

We are pleased that the Board has initiated a rulemaking process to reduce its temporary practice fee to comply with Title XI and ASC Policy Statement 5. Please keep us informed on the status of the regulatory change and promptly provide us with a copy of the adopted regulation.

- **Texas regulations allowed for 180-day deferral of continuing education for servicemen returning from active duty, which is inconsistent with AQB criteria.**

We cited the State for this deficiency in our December 23, 2005 field review letter, November 1, 2006 follow-up review letter and our December 26, 2007 field review letter.

In your February 29th letter, you stated that the Board initiated a rulemaking process to amend its regulations to allow certified appraisers returning from active duty a deferral of the continuing education for up to 90 days.

Please keep us informed on the status of the regulatory change and promptly provide us with a copy of the adopted regulation.

- **Texas did not review appraisal work product for each applicant for certification in violation of ASC Policy Statements 10F and 10G.**

In our December 26th field review letter, the ASC discussed in detail Texas' statute which provides that the Board must accept affidavits for experience claims, and that the Board may audit no more than five percent of appraiser applicants. Texas has an automated system that designates every 20th application for audit. The audited applicant is directed to provide an experience log documenting the appropriate number of experience hours and months of practice. Staff then requests and reviews appraisal reports from each audited applicant. This process requires audited applicants to successfully complete the audit prior to receiving a certified

credential. Our December 26th letter also reminded the Board of ASC's Policy Statement 10F and new Policy Statement 10G.

In your February 29th letter, you advised us that to comply with ASC Policy Statement 10F and 10G, the Board staff would begin performing experience audits on 100% of the applications for certification received on or after February 1, 2008. By so doing, Texas now complies with ASC Policy Statement 10.

Our field review letter, your response, and any other previous correspondence between us regarding the field review now will become publicly available on our Web site.

Please contact us if you have any questions.

Sincerely,

Vicki Ledbetter
Acting Executive Director

cc: Timothy Irvine, Board Administrator