

**MINUTES**  
**ALABAMA REAL ESTATE APPRAISERS BOARD**  
**RSA UNION STREET**  
**SUITE 370**  
**MONTGOMERY, ALABAMA**  
**January 19, 2017**

**MEMBERS PRESENT:**

Mr. Dennis Key (Chairman)  
Mr. Lew Watson (Vice-Chairman)  
Mr. Christopher Baker  
Ms. Angie Frost  
Ms. Patrice McClammy, arriving at 9:10 a.m.  
Mr. Billy Cotter  
Mr. Richard D. Pettey  
Mr. Robert Butler  
Mr. Edmond G. Eslava, III

**MEMBERS ABSENT:**

None

**OTHERS PRESENT:**

Mrs. Lisa Brooks, Executive Director  
Ms. Neva Conway, Legal Counsel  
Mrs. Carolyn Greene, Executive Secretary  
Mr. Joe Dixon, Investigator  
Mr. Sam Davis, Investigator

**GUESTS PRESENT:**

Mr. Chris Pettey, Certified General Appraiser, Decatur  
Mr. Joseph W. Gattozzi, Certified Residential Appraiser, Tuscaloosa  
Ms. Sharon Goldman, Certified Residential Appraiser, Ashland

- 1.0 With quorum present, Mr. Dennis Key, Chairman, called the meeting to order at 9:05 a.m. Mrs. Carolyn Greene, Executive Secretary, recorded the minutes. The meeting was held in the 3<sup>rd</sup> Floor Conference Room, 100 North Union Street, Montgomery, Alabama.
- 2.0 The meeting was opened with prayer, led by Mr. Butler, and the Pledge of Allegiance, led by Mr. Key.
- 3.0 Members present were, Mr. Billy Cotter, Mr. Edmond G. Eslava, III, Mr. Richard D. Pettey, Ms. Patrice McClammy, Mr. Robert Butler, Mr. Dennis Key, Mr. Lew Watson, Mr. Christopher Baker, and Ms. Angie Frost.
- 4.0 On motion by Ms. Frost and second by Mr. Butler, the regular minutes for November 17, 2016 were approved as written. Motion carried by

unanimous vote.

5.0 There was no Pending Litigation to discuss at this time.

6.0 Ms. Conway invited the Board members to the Legislative reception which is hosted by the Alabama Association of Regulatory Boards and is being held on February 28<sup>th</sup> and stated that the Regular Legislative Session will begin on February 7, 2017.

7.0 Mr. Cotter discussed a request for a waiver of rule that no more than 40% of the cumulative experience points may be earned from any one category from Mr. Denson Helms. On motion by Mr. Baker and second by Ms. Frost, the Board voted to grant a waiver to Mr. Helms. Motion carried by unanimous vote.

On motion by Mr. Eslava and second by Mr. Pettey, the following applications were voted on as listed. Motion carried by unanimous vote.

7.1 **Trainee Real Property Appraiser applications approved:** George Anthony Allen, Jennifer Rogers Cuellar, Wesley Earl Shannon and Connie L. Wall. **Applications deferred:** None. **Applications denied:** None.

**Trainee Real Property Appraiser Experience Logs for Review: Logs approved:** None **Logs deferred:** Lauren McGarry Brown and Steve Kaiser. **Logs denied:** None.

7.2 **State Registered Real Property Appraiser application approved:** None. **Applications deferred:** None. **Applications denied:** None.

7.3 **Licensed Real Property Appraiser applications approved:** Thomas Roy Chase, Stephen Truett Frazier (Recip)(TX), and Steven Lee Sparks (Recip)(MS). **Applications deferred:** None. **Applications denied:** None.

7.4 **Certified Residential Real Property Appraiser applications approved:** Markus Wesley Dunn, Jason Lane Easter and Samuel Taylor Free (Recip)(LA). **Applications deferred:** None. **Applications denied:** None.

7.5 **Certified General Real Property Appraiser applications approved:** James W. Brewer (Recip)(GA), David R. Clement (Recip)(FL), John Girard Guthrie (Recip)(MS), Denson Allen Helms, Patricia Laverne McGarr (Recip)(IL), Samuel John McGehee (Recip)(GA), Michael Collin Odom (Recip)(GA), David William Rice (Recip)(GA) and John F. Thigpen (Recip)(FL). **Applications deferred:** None. **Applications denied:** None.

7.6 **Mentor application approved:** None. **Applications deferred:** Daniel Lincoln. **Applications denied:** None.

8.0 Ms. Frost presented the Finance report and stated that the Board was 25% into Fiscal Year 2017 and 24% into budget expenditures. Ms. Frost stated that there were no negative trends that could not be reconciled at this time. On motion by Mr. Baker and second by Mr. Pettey, the Board voted to approve the Finance Report. Motion carried by unanimous vote.

Ms. Conway expressed her appreciation to the Board and staff for their prayers for her family upon the passing of her brother and for the flowers sent to his funeral.

### **RE-CONSIDERATION HEARING**

At 10:26 a.m., Mr. Key convened the re-consideration hearing for Mr. Joseph W. Gattozzi on his application for a Certified General Real Property Appraiser license.

At 10: 58 a.m., Mr. Key closed the hearing.

At 11:00 a.m. on motion by Ms. Frost and second by Ms. McClammy, the Board voted to enter Executive Session to deliberate on the reconsideration of Mr. Gattozzi's application for Certified General appraiser. Those in favor were Mr. Key, Mr. Watson, Mr. Butler, Mr. Cotter, Ms. McClammy, Ms. Frost, Mr. Baker, Mr. Pettey and Mr. Eslava. Motion carried by unanimous vote.

At **11:20** a.m. on motion by Ms. Frost and second by Ms. McClammy, the Board voted to re-enter Regular Session. Those in favor were Mr. Key, Mr. Watson, Mr. Butler, Mr. Cotter, Ms. McClammy, Ms. Frost, Mr. Baker, Mr. Pettey and Mr. Eslava. Motion carried by unanimous vote.

On motion by Mr. Eslava and second by Ms. Frost, the Board voted to deny Mr. Gattozzi's application for upgrade to Certified General Real Property Appraiser. Mr. Butler was against the motion. Ms. McClammy abstained. Those in favor were Mr. Key, Mr. Watson, Mr. Cotter, Ms. Frost, Mr. Baker, Mr. Pettey and Mr. Eslava. Motion carried.

9.0 On motion by Mr. Cotter and second by Mr. Eslava, the following education courses and instructor recommendations was approved, deferred, or denied as indicated. Motion carried by unanimous vote.

### **APPRAISAL INSTITUTE – CHICAGO CHAPTER**

#### **New Application:**

(CE) Valuation of Conservation Easements – 28 Hours – Classroom  
(Instructor: Bruce Closser)  
**Both Course and Instructor Approved**

**Renewal Applications:**

- (CE) 2016-2017 7-Hour National USPAP Update Course – 7 Hours – Classroom  
(Instructor: Tom Kirby)  
**Both Course and Instructor Approved**
- (CE) Advanced Spreadsheet Modeling for Valuation Applications – 14 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
- (CE) Applications & Interpretation of Simple Linear Regression – 14 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
- (CE) Case Studies in Appraising Green Commercial Buildings– 14 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
- (CE) Condemnation Appraising: Principles & Applications – 21 Hours – Classroom  
(Instructor: John Underwood)  
**Both Course and Instructor Approved**
- (CE) Fundamentals of Separating Real and Personal Property from Intangible Business Assets – 14 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
- (CE) Residential Application Part 2 – 7 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
- (CE) Residential Applications – Using Technology to Measure and Support Assignment Results – 7 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
- (CE) Review Case Studies - General – 30 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
- (CE) Review Theory - General – 30 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**

- (CE) Review Theory - Residential – 15 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
  
- (CE) (Online) Subdivision Valuation – 7 Hours – Online  
(Instructor: Don Emerson)  
**Both Course and Instructor Approved**
  
- (CE) The Appraiser as an Expert Witness: Preparation & Testimony – 15 Hours – Classroom  
(Instructor: John Underwood)  
**Both Course and Instructor Approved**
  
- (CE) Valuation in Challenging Markets – 28 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
  
- (CE) Valuation of Conservation Easements – 31 Hours – Classroom  
(Instructor: John Underwood)  
**Both Course and Instructor Approved**
  
- (CE) Unraveling the Mystery of Fannie Mae Appraisal Guidelines - Synchronous – 4 Hours – Online  
(Instructor: John Underwood)  
**Both Course and Instructor Approved**
  
- (LIC) 2016-2017 15-Hour National USPAP Course – 15 Hours – Classroom  
(Instructor: Thomas Kirby)  
**Both Course and Instructor Approved**
  
- (LIC) (Online) Basic Appraisal Procedures – 30 Hours – Online  
(Instructor: Thomas Kirby)  
**Both Course and Instructor Approved**
  
- (LIC) General Appraiser Site Valuation and Cost Approach – 30 Hours – Classroom  
(Instructor: John Underwood)  
**Both Course and Instructor Approved**
  
- (LIC) (Online) General Appraiser Report Writing & Case Studies – 30 Hours – Online  
(Instructor: Richard Dubay)  
**Both Course and Instructor Approved**
  
- (LIC) General Appraiser Report Writing & Case Studies – 30 Hours – Classroom  
(Instructor: John Underwood)  
**Both Course and Instructor Approved**

- (LIC) Quantitative Analysis – 33 Hours – Classroom  
(Instructor: John Underwood)  
**Both Course and Instructor Approved**
- (LIC) Residential Sales Comparison & Income Approaches -- 30 Hours  
– Classroom  
(Instructor: Craig Harrington)  
**Both Course and Instructor Approved**
- (LIC) (Online) Residential Sales Comparison & Income Approaches --  
30 Hours – Online  
(Instructor: Ed Molinari)  
**Both Course and Instructor Approved**
- (LIC) (Online) Residential Report Writing and Case Studies – 15 Hours  
– Online  
(Instructor: Sandra Adomatis)  
**Both Course and Instructor Approved**
- (LIC) Residential Report Writing and Case Studies – 15 Hours –  
Classroom  
(Instructor: Craig Harrington)  
**Both Course and Instructor Approved**

### **MCKISSOCK, LP**

#### **New Applications:**

- (CE) Documenting the Appraiser's Workfile – 3 Hours – Classroom  
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Larry  
McMillen, Steve Vehmeier and Steve Maher)  
**Both Course and Instructors Approved**
- (CE) Support Your Adjustments – Techniques for Residential  
Appraisers – 4 Hours – Classroom  
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Larry  
McMillen, Steve Vehmeier and Steve Maher)  
**Both Course and Instructors Approved**

### **NAIFA**

#### **New Applications:**

- (CE) 2016-2017 National USPAP Update – 7 Hours – Classroom  
(Instructor: Michael Orman)  
**Both Course and Instructor Approved**

- (CE) Residential Appraisal Review & USPAP Compliance – 7 Hours – Classroom  
(Instructor: Michael Orman)  
**Both Course and Instructor Approved**

## **U.S. ENVIRONMENTAL PROTECTION AGENCY**

### **New Application:**

- (CE) Aquatic Resources Awareness Course for Real Estate Appraisers – 2.25 Hours – Online  
(Instructor: Chan Pongkhamsing)  
**Both Course and Instructor Approved**

Mrs. Brooks discussed the Board sponsored course and informed the Board the Association of Independent Fee Appraisers is interested in sponsoring the course for the Board. They will provide the location and need for the Board to come up with tentative dates for the class to be held.

Mr. Davis updated the Board on changes he has made to the course.

The Board discussed course materials. On motion by Mr. Baker and second by Mr. Eslava, the Board voted to provide unbound course materials for \$50, pre-paid only. Motion carried by unanimous vote.

The Board Members will recommend locations in their districts to the Education Committee for the course to be held. On motion by Mr. Eslava and second by Mr. Butler, the Board voted for the Education Committee to meet Wednesday, March 15, 2017 to discuss tentative dates and locations for the course to be held in 2017 and voted to hold the course in Birmingham in April with IFA hosting. Motion carried by unanimous vote.

- 10.0 **AB 16-01** On November 17, 2016 the Board approved a Consent Settlement Order from Certified Residential appraiser Travis Grant Berry, R00784, where Licensee agreed to pay a \$500 administrative fine. The violations in the appraisal report were: Licensee did not include in the report the summary of facts analyzed to support the opinion of the highest and best use. Licensee provided the effective age of 4 years for a home built in 2005 (*actual age of 8 years at the time of the appraisal*). The Licensee did not include in the report a summary of facts analyzed to support an effective age less than the actual age. Licensee failed to provide a list of all the verification sources consulted when selecting sales data. USPAP 2012-2013 was the current edition of USPAP at the time of the appraisal assignment and Licensee stated he used the 2010 edition. In the URAR/Site/Dimensions section, the source of the dimensions analyzed was stated but failed to provide the actual dimensions. In the URAR/Cost Approach/Support for the Opinion of Site Value section, Licensee failed to provide the data/information analyzed to support the opinion of site value. In the Photograph Addendum/Comparable section,

Licensee failed to inform that he used MLS photographs. **Violations:** Standards Rule 2-2(b)(viii), 2-1(b), 2-1(a), 1-1(b), **USPAP, 2012-13 Edition.**

Mr. Baker expressed his interest in returning to the Disciplinary Committee to the Board. After much discussion, Mr. Pettey stated that he would be happy to relinquish his position for Mr. Baker to serve on the committee again.

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway informed the Board 12 new complaints were received since the November 2016 Board meeting, 2 complaints were dismissed, and 1 complaint was settled, leaving a total of 40 open complaints.

11.0 The Board reviewed Probable Cause Report **AB-15-27**: With Mr. Butler recusing, on motion by Ms. McClammy and second by Mr. Pettey, the Board voted that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-16-28**: With Mr. Butler recusing, on motion by Mr. Pettey and second by Ms. Frost, the Board voted that probable cause does not exist and to issue a Letter of Counsel. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-16-07**: With Mr. Key and Mr. Eslava recusing, on motion by Mr. Pettey and second by Ms. McClammy, the Board voted that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-16-09**: With Mr. Baker, Mr. Butler and Mr. Eslava recusing, on motion by Ms. Frost and second by Mr. Pettey, the Board voted that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-16-10**: With Mr. Baker, Mr. Butler and Mr. Eslava recusing, on motion by Ms. Frost and second by Mr. Pettey, the Board voted that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

12.0 There were no Consent Settlement Orders to discuss at this time.

13.0 The following reciprocal licenses were issued since the November Board meeting: James W. Brewer ('G' GA), David R. Clement ('G' FL), Stephen Truett Frazier ('L' TX), Samuel Taylor Free ('R' LA), John Girard Guthrie ('G' MS), Patricia Laverne McGarr ('G' IL), Samuel John McGehee ('G' GA), Michael Collin Odom ('G' GA), David William Rice ('G' GA), Steven Lee Sparks ('L' MS) and John F. Thigpen ('G' FL).

14.0 The Temporary Permit report was provided to the Board for their information.

15.0 The Appraisal Management report was provided to the Board for their information.

16.0 Ms. Conway informed the Board that the Customary & Reasonable Fee Study contract is at the Governor Bentley's office for his signature.

Mrs. Brooks discussed a memorandum from Thomas L. White, Jr., State Comptroller, announcing that the travel mileage rate for 2017 decreased to 53.5 cents per mile.

Ms. Conway informed the Board that the Verbal Consultation on a Conservation Easement Appraisal Contract is at the Governor Bentley's office for his signature.

Mrs. Brooks discussed the Examiners of Public Accounts exit review and explained that the final report has not been received.

Ms. Conway discussed a letter from Mr. James R. Park, Executive Director, Appraisal Subcommittee, regarding a proposal to revise ASC Policy Statements. Ms. Conway explained that no action needs to be taken at this time, but that Board regulations will need to be amended and adopted at a later date.

Mrs. Brooks discussed the Association of Appraisal Regulatory Officials Spring Conference and asked Board members who are interested in attending to let her know of their interest.

17.0 There was no unfinished business to discuss at this time.

18.0 There was no new business to discuss at this time.

### **DISCIPLINARY HEARING**

At 11:26 a.m., Administrative Law Judge Al Agricola convened the Disciplinary Hearing for Mr. David H. Burns.

At 2:05 p.m., Mr. Agricola adjourned the disciplinary hearing.

19.0 At 2:06 p.m., on motion by Ms. Frost and second by Mr. Cotter, the Board voted to adjourn the regular Board meeting. Motion carried by unanimous vote. The Board's tentative meeting schedule for the 2017 is March 16, 2017, May 18, 2017, July 20, 2017, September 21, 2017 and November 16, 2017 in the 3<sup>rd</sup> Floor Conference Room, 100 North Union Street, Montgomery, Alabama.

Sincerely,

Carolyn Greene  
Executive Secretary  
/cg

**APPROVED:** \_\_\_\_\_  
**Dennis Key, Chairman**