

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
March 16, 2017

MEMBERS PRESENT:

Mr. Dennis Key (Chairman)
Mr. Lew Watson (Vice-Chairman)
Mr. Christopher Baker
Ms. Patrice McClammy
Mr. Billy Cotter
Mr. Robert Butler
Mr. Edmond G. Eslava, III

MEMBER ABSENT:

Ms. Angie Frost
Mr. Richard D. Pettey

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. Dan Taylor, President, Home Builders Association of Alabama
Mr. Jason Reid, Regulatory Affairs Director, Home Builders Association of Alabama
Mr. Russell Davis, Executive Vice-President, Home Builders Association of Alabama
Ms. Sharon Goldman, Certified Residential Appraiser, Ashland

- 1.0 With quorum present, Mr. Dennis Key, Chairman, called the meeting to order at 9:03 a.m. Mrs. Carolyn Greene, Executive Secretary, recorded the minutes. The meeting was held in the 3rd Floor Conference Room, 100 North Union Street, Montgomery, Alabama. Prior notice of the meeting was posted on the Secretary of State's website on March 8, 2017 in accordance with the Alabama Open Meetings Act.
- 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, Ms. Patrice McClammy, Mr. Robert Butler, Mr. Dennis Key, Mr. Lew Watson, and Mr. Christopher Baker. Members absent were Mr. Richard D. Pettey and Ms. Angie Frost.

4.0 On motion by Mr. Watson and second by Ms. McClammy, the regular minutes for January 19, 2017 were approved as written. Motion carried by unanimous vote.

On motion by Mr. Watson and second by Ms. McClammy, the corrected minutes for November 17, 2016 were approved as written. Motion carried by unanimous vote.

Mr. Key recommended moving the first item under Administrative Items up in the Agenda for the guests to address the Board. Mr. Jason Reid, Regulatory Affairs Director, Home Builders Association of Alabama, addressed the Board regarding a proposed amendment to 780-X-13-.01, Adoption of Uniform Standards of Professional Appraisal Practice. Mr. Dan Taylor, President, Home Builders Association of Alabama, also addressed the Board with his concerns, as did Mr. Russell Davis, Executive Vice-President, Home Builders Association of Alabama. Mr. Sam Davis suggested writing an article for the Board to approve for the newsletter. Mrs. Brooks informed the Board that she and Mr. Reid had also discussed articles for the newsletter. After much discussion, the subject was tabled until the May 18, 2017 Board meeting.

5.0 Ms. Conway included the Findings of Fact, Conclusions of Law and Recommendation from Administrative Law Judge Algert S. Agricola, Jr., in Complaint No. AB-15-33 (David H. Burns, G00090).

At 10:04 a.m., on motion by Mr. Watson and second by Mr. Cotter, the Board voted to enter executive session. Those in favor were Mr. Watson, Mr. Cotter, Mr. Butler, Ms. McClammy, Mr. Baker, Mr. Eslava and Mr. Key. Motion carried by unanimous vote.

At this time, in addition to Ms. Conway, Mr. Baker and Mr. Key, Mr. Watson asked that all guests and staff be excused until the regular session reconvenes.

At 11:30 a.m., on motion by Ms. McClammy and second by Mr. Eslava, the Board voted to re-enter regular session. Those in favor were Mr. Watson, Mr. Cotter, Mr. Butler, Ms. McClammy, Mr. Baker, Mr. Eslava and Mr. Key. Motion carried by unanimous vote.

On motion by Ms. McClammy and second by Mr. Eslava, the Board voted to accept, in part, the recommendation of the Administrative Law Judge, and modify the same so as to find that Mr. Burns violated all standards as set out in the Administrative Complaint and to impose an administrative fine in the amount of \$800.00 in lieu of a private reprimand. Board members absent were Ms. Angela Frost and Mr. Richard Pettey. Board members recusing were Mr. Dennis Key and Mr. Christopher Baker. Board members in favor were Mr. Robert Butler, Mr. Lew Watson, Mr. Billy Cotter, Mr. Patrice McClammy, and Mr. Edmond Eslava, III. Motion carried by unanimous vote.

Mr. Eslava asked Ms. Conway if it would be possible to have outside counsel present in the future to assist the Board with deliberations when she is unable to.

Mrs. Brooks asked Ms. Conway to mail transcripts out to Board members in advance of the Board meeting.

Mr. Key encouraged Ms. Conway to have pre-trial conversations with witnesses to prepare them for their testimony. He also cautioned Board members to remain unbiased.

There was no other pending litigation to discuss at this time.

6.0 Ms. Conway discussed the proposed rule changes to 780-X-4-.08, Miscellaneous Fees to include the fee for one printed copy of 'Common Mistakes Found During Investigation' course materials. On motion by Mr. Watson and second by Mr. Butler, the Board voted to adopt the changes as written, file it with Legislative Reference Services and to submit for final certification if no comments are received during the comment period. Motion carried by unanimous vote.

7.0 On motion by Ms. McClammy and second by Mr. Cotter, the following applications were voted on as listed. Motion carried by unanimous vote.

7.1 **Trainee Real Property Appraiser applications approved:** Heather Ryerson-Barnes, Elizabeth A. Brewster, Adolphus Catlin Cade and Seve P. Gunter. **Applications deferred:** None. **Applications denied:** None.

Trainee Real Property Appraiser Experience Logs for Review: Logs approved: Lauren McGarry Brown, Steve Kaiser and Michael William Lowery. **Logs deferred:** Brian Bernstein. **Logs denied:** None.

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

7.3 **Licensed Real Property Appraiser applications approved:** Jessica B. Baughman (Recip)(UT). **Applications deferred:** None. **Applications denied:** None.

7.4 **Certified Residential Real Property Appraiser applications approved:** Nikole Marie Avers (Recip)(TN), Steven Michael Kaiser, Patrick Michael Size (Recip)(FL) and Edgar Lee Suttles. **Applications deferred:** None. **Applications denied:** None.

7.5 **Certified General Real Property Appraiser applications approved:** James Warren Arnold (Recip)(MS), Amy Lynn Blackman (Recip)(GA), Peter Sandner Hennessy, Douglas Ross Kenny (Recip)(GA), Rick Andrew Kenny (Recip)(GA), Woo Tae Kim (Recip)(GA), Seth McGee Knowles, Patrick Alan McMakin (Recip)(TN), Charles Gregory Rencher (Recip)(TX), and Andrew Clemens Renfro (Recip)(TN). **Applications deferred:** John Rion Price. **Applications denied:** None.

7.6 **Mentor application approved:** Daniel Lincoln, Scott Peace and Melanie Turner. **Applications deferred:** Amy Ivey. **Applications denied:** None.

8.0 Mrs. Brooks presented the Finance report and stated that the Board was 42% into Fiscal Year 2017 and 33% into budget expenditures. Mrs. Brooks stated that there were no negative trends that could not be reconciled at this time. On motion by Mr. Baker and second by Mr. Watson, the Board voted to approve the Finance Report. Motion carried by unanimous vote.

Mrs. Brooks discussed the Fiscal Year 2018 Budget request with the Board. On motion by Mr. Watson and second by Mr. Butler, the Board voted to approve the Fiscal Year 2018 Budget request. Motion carried by unanimous vote.

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

AMERICAN SOCIETY OF FARM MANAGERS AND RURAL APPRAISERS

New Applications:

(CE) Rural Sales Analysis and Confirmation – 8 Hours – Classroom
(Instructor: Wayne Young)
Both Course and Instructor Approved

(CE) Rural Case Studies 1 – 8 Hours – Classroom
(Instructor: Wayne Young)
Both Course and Instructor Approved

APPRAISAL INSTITUTE – ALABAMA CHAPTER

New Application:

(CE) Common Appraisal, USPAP and Review Error – 7 Hours – Classroom
(Instructor: Ted Whitmer)
Both Course and Instructor Approved

APPRAISAL INSTITUTE – CHICAGO CHAPTER

New Application:

- (CE) Uniform Appraisal Standards for Federal Land Acquisitions – 14 Hours – Classroom
(Instructor: John Underwood)
Both Course and Instructor Approved

CALYPSO CONTINUING EDUCATION

New Application:

- (CE) Appraising Energy Efficient Residential Properties – 8 Hours – Online
(Instructors: Amy McClellan and Francis Finigan)
Both Course and Instructors Approved

INTERNATIONAL ASSOCIATION OF ASSESSING OFFICERS

New Application:

- (CE) Course 201 – Appraisal of Land – 30 Hours – Classroom
(Instructor: Bill Gibbs)
Both Course and Instructor Approved

INTERNATIONAL RIGHT OF WAY ASSOCIATION

New Applications:

- (CE) 103 – Ethics and the Right of Way Professional – 8 Hours – Classroom
(Instructor: Clyde Johnson)
Both Course and Instructor Approved
- (CE) 900 – Principles of Real Estate Engineering – 16 Hours – Classroom
(Instructor: Clyde Johnson)
Both Course and Instructor Approved

MARSHALL & SWIFT / CORELOGIC

New Application:

- (CE) Residential Cost Approach Certification – 14 Hours – Classroom
(Instructor: Edward Martinez)
Both Course and Instructor Approved

MCKISSOCK, LP

New Applications:

- (CE) Recognizing Mortgage Fraud and Its Effects – Live Webinar – 4 Hours – Online
(Instructors: Dan Bradley, Josh Walitt, Steven Craddock, and Robert McClelland)
Both Course and Instructors Approved

- (CE) Adjustment Support for Residential Appraisers – Live Webinar – 4 Hours – Online
(Instructors: Dan Bradley, Josh Walitt, Steven Craddock, and Robert McClelland)
Both Course and Instructors Approved

- (CE) That's a Violation: Appraisal Standards in the Real World – 3 Hours – Classroom
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Larry McMillen, Steve Vehmeier and Steve Maher)
Both Course and Instructors Approved

- (CE) Issues in Appraiser Liability – Live Webinar – 4 Hours – Online
(Instructors: Dan Bradley, Josh Walitt, Steven Craddock, and Robert McClelland)
Both Course and Instructors Approved

- (CE) Appraising REO Properties – 4 Hours – Classroom
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Larry McMillen, Steve Vehmeier and Steve Maher)
Both Course and Instructors Approved

- (CE) Appraising REO and Foreclosure Properties – 7 Hours – Online
(Instructor: Dan Bradley)
Both Course and Instructor Approved

Mr. Cotter presented the Committee report from the Education Committee which met on March 15, 2017.

Mr. Davis updated the Board on changes he has made to the 'Common Mistakes Found in Appraisals' course.

10.0 There was no disciplinary report to review at this time.

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway informed the Board 2 new complaints were received since the January 2017 Board meeting, 4 complaints were dismissed, and no complaints were settled, leaving a total of 38 open complaints.

11.0

The Board reviewed Probable Cause Report **AB-16-18**: With Mr. Watson recusing, on motion by Mr. Cotter 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-16-19**: With Mr. Watson recusing, on motion by Mr. Butler and second by Mr. Cotter, 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-16-21**: With Mr. Watson recusing, on motion by Ms. McClammy and second by Mr. Cotter, 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-16-22**: With Mr. Watson recusing, on motion by Ms. McClammy and second by Mr. Butler, 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-16-29**: With Mr. Watson recusing, on motion by Mr. Butler and second by Mr. Cotter, 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-16-34**: With Mr. Watson recusing, on motion by Mr. Baker and second by Mr. Butler, 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-16-37**: With Mr. Watson recusing, on motion by Mr. Baker 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-16-38**: With Mr. Watson and Mr. Eslava recusing, on motion by Mr. Baker 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-16-35**: With Mr. Watson and Mr. Eslava recusing, on motion by Mr. Baker and second by Mr. Butler, 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-15-30**: With Mr. Key recusing, on motion by Ms. McClammy and second by Mr. Eslava, 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-16-27**: With Mr. Butler recusing, on motion by Ms. McClammy and second by Mr. Watson, 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-16-20**: With Mr. Butler and Mr. Baker recusing, on motion by Ms. McClammy and second by Mr. Watson, 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-15-29**: With Mr. Key recusing, on motion by Mr. Butler and second by Mr. Eslava, 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-16-23**: With Mr. Butler recusing, on motion by Ms. McClammy and second by Mr. Eslava, 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-16-24 companion case to AB-16-25**: With Mr. Baker recusing, on motion by Ms. McClammy and second by Mr. Watson, 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-16-25 companion case to AB-16-24**: With Mr. Baker recusing, on motion by Ms. McClammy and second by Mr. Watson, the Board voted that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

12.0 The Board reviewed the Consent Settlement Order on **AB-14-21 (Walker Reynolds, R01062) companion case to AB-14-20 (Austin Kimberly, G00389)**. With Mr. Key recusing, on motion by Mr. Butler and second by Ms. McClammy, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

The Board reviewed the Consent Settlement Order on **AB-14-20 (Austin Kimberly, G00389) companion case to AB-14-21 (Walker Reynolds, R01062)**. With Mr. Key recusing, on motion by Mr. Cotter and second by Mr. Baker, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

13.0 The following reciprocal licenses were issued since the November Board meeting: James Warren Arnold ('G' MS), Nikole Marie Avers ('R' TN), Jessica B. Baughman ('L' UT), Amy Lynn Blackman ('G' GA), Douglas Ross Kenny ('G' GA), Rick Andrew Kenny ('G' GA), Woo Tae Kim ('G' GA), Patrick Alan McMakin ('G' TN), Charles Gregory Rencher ('G' TX), Andrew Clemens Renfro ('G' TN) and Michael Patrick Size ('R' 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.

Ms. Conway discussed a letter from Mr. Ralph Jackson, REO Director, Atlanta Homeownership Center, U. S. Department of Housing and Urban Development in reference to the Board's request for Q-Integrated to register as an Appraisal Management Company. In his letter, Mr. Jackson contends that although Q-Integrated meets the definition of an Appraisal Management Company, they do not perform the duties of an AMC and should not have to register as one with the state of Alabama to complete HUD Real Estate Owned Appraisals. On motion by Mr. Key and second by Ms. McClammy, the Board voted to file a civil law suit against Q-Integrated for doing business as an AMC in Alabama without a license. Mr. Butler abstained from the vote. Members in favor were Mr. Key, Ms. McClammy, Mr. Watson, Mr. Baker, Mr. Cotter, and Mr. Eslava. Motion carried.

16.0 Mrs. Brooks discussed the Statements of Economic Interest forms, included along with the instructions in the Board books, which are due by May 1, 2017.

Mrs. Brooks discussed the Association of Appraisal Regulatory Officials Spring Conference and asked for approval for Mrs. Greene to attend with her and Ms. Conway. Mr. Watson expressed the importance of the conference and his opinion of the importance of staff attendance. The Board agreed that Mrs. Greene should go to the conference.

Mrs. Brooks discussed the iPads with the Board. She explained that several of the iPads are not working and that the cost to repair them might be more than the cost to purchase new equipment. This item was deferred until the May 18, 2017 Board meeting.

17.0 Mrs. Brooks discussed the Customary and Reasonable Fee Study. She informed the Board that 147 responses have been received to date. Mrs. Brooks discussed problems with licensees receiving the mass email she sent from the Board's database. After much discussion, on motion by Mr. Eslava and second by Ms. McClammy, the Board voted for Mrs. Brooks to send the email addresses to Mr. Baker and that Mr. Baker would send the Fee Study letter out via mass email. Motion carried by unanimous vote.

Ms. Conway discussed the Verbal Consultation on a Conservation Easement Appraisal Contract. Ms. Conway informed the Board that she had called Ms. Curran for an update, and that although she had been unable to do so due to her own workload, she is now ready to begin working on the consultation.

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

19.0 At 1:14 p.m., on motion by Mr. Watson and second by Ms. McClammy, the Board voted to adjourn the regular Board meeting. Motion carried by unanimous vote. The Board's tentative meeting schedule for the 2017 is July 20, 2017, September 21, 2017 and November 16, 2017 in the 3rd Floor Conference Room, 100 North Union Street, Montgomery, Alabama.

Sincerely,

Carolyn Greene
Executive Secretary
/cg

APPROVED: _____
Dennis Key, Chairman