

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
July 19, 2018

MEMBERS PRESENT:

Mr. Lew Watson (Chairman)
Mr. Richard D. Pettey (Vice-Chairman)
Mr. Billy Cotter
Mr. Robert Butler
Mr. Edmond G. Eslava, III
Ms. Patrice McClammy arriving at 9:07 a.m.

MEMBERS ABSENT:

Ms. Angie Frost
Mr. Christopher Baker
Mr. Dennis Key

OTHERS PRESENT:

Mrs. Lisa Brooks, Executive Director
Ms. Neva Conway, Legal Counsel
Mrs. Carolyn Greene, Executive Secretary

GUESTS PRESENT:

Ms. Emily Marsh, Alabama Realtors Association

- 1.0 With a quorum present, Mr. Lew Watson, Chairman, called the meeting to order at 9:06 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 January 3, 2018 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. Watson.
- 3.0 Members present were Mr. Lew Watson, Mr. Richard D. Pettey, Ms. Patrice McClammy, Mr. Billy Cotter, Mr. Robert Butler, and Mr. Edmond G. Eslava, III. Members absent were Mr. Christopher Baker, Mr. Dennis Key and Ms. Angie Frost.
- 4.0 On motion by Mr. Cotter and second by Ms. McClammy, the regular minutes for May 17, 2018 were approved as written. Motion carried by unanimous vote.

At this time, Mrs. Watson opened the elections of officers for the new year and opened nominations for the Chairman position. Mr. Eslava nominated Mr. Pettey for Chairman. Mr. Cotter seconded the motion. Hearing no further nominations, Ms. McClammy motioned to close the nominations. Mr. Eslava seconded the motion. Motion carried by unanimous vote. The Board voted to elect Mr. Pettey as Chairman by unanimous vote.

Mr. Watson opened nominations for the Vice-Chairman position. Ms. McClammy nominated Mr. Butler for Vice-Chairman. Mr. Cotter seconded the motion. Hearing no further nominations, Ms. McClammy motioned to close the nominations. Mr. Eslava seconded the motion. Motion carried by unanimous vote. The Board voted to elect Mr. Butler as Vice-Chairman by unanimous vote.

Mr. Watson thanked the Board and Staff for their assistance during his tenure.

Mr. Pettey discussed committee assignments.

The Board discussed the work session held July 18, 2018.

On motion by Mr. Eslava and second by Mr. Watson, the Board voted to have Ms. Conway ask for an Ethics Commission opinion on whether or not the Board can contract with an appraiser to assist the Investigator. Motion carried by unanimous vote.

The Board discussed evaluations for federally related transactions. On motion by Mr. Eslava and second by Mr. Watson, the Board voted to have Ms. Conway draft an amendment that would allow appraisers to complete evaluations and to send the amendment to the Legislative Committee. Motion carried by unanimous vote. Mr. Tillman will be happy to assist the Board.

5.0 Ms. Conway reported that a bench trial has been set for the week of August 20, 2018 in the David Burns Judicial Review.

Ms. Conway reported on the Federal Trade Commission vs Louisiana Real Estate Appraisers Board.

6.0 Ms. Conway discussed the proposed AMC rule changes to 780-X-17-.05, Expired Registration. On motion by Mr. Watson and second by Mr. Butler, the Board voted to adopt the changes as written, file them with Legislative Reference Services Agency and to submit for final certification if no comments are received during the comment period. Motion carried by unanimous vote.

Ms. Conway discussed the Alabama Real Estate Appraisers and Appraisal Management Company Registration Act. Changes to the Act were tabled until next year.

At 9:42 a.m., Ms. Conway called for a Public Hearing on 780-X-3-.06, Qualifying Education Curricula Approved By The Board For Licensure As A Real Property Appraiser; 780-X-6-.03, Qualifying Experience – Licensed Real Property Appraiser; 780-X-4-.02, Application and License Fees; 780-X-6-.04, Qualifying Experience – Certified Residential Real Property Appraiser; 780-X-6-.05, Qualifying Experience – Certified General Real Property Appraiser; 780-X-6-.06, Qualifying Experience Given for Review Appraisals; 780-X-9 – Classification of Real Estate Appraisers; 780-X-16-.02 – Checklist; 780-X-16-.04 – Application For Reciprocal Appraiser License. There were no comments and the public hearing was closed at 9:45 a.m.

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

7.1 **Trainee Real Property Appraiser application approved:** Kayla Suson Carolyn Atchley and Matthew Randall Green. **Applications deferred:** None. **Applications denied:** None.

Trainee Real Property Appraiser Experience Logs for Review: Logs approved: None. **Log deferred:** Casey Kitchens. **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:** None. **Applications deferred:** None. **Applications denied:** None.

7.4 **Certified Residential Real Property Appraiser application approved:** Brandon Clayton Adams (Recip)(MS), Scott Nelson Gartman and Kingsley Alan Moore. **Applications deferred:** None. **Applications denied:** None.

7.5 **Certified General Real Property Appraiser applications approved:** Brian Richard Biggs (Recip)(TX), Susanna L. Fillingham, Marvin Chatman Jones (Recip)(GA), and Ryan J. Werkheiser (Recip)(WI). **Applications deferred:** Benjamin Gene Carpenter. **Applications denied:** None.

7.6 **Mentor applications approved:** Mickey D. Best and Barbara Cooper. **Applications deferred:** Robert M. Pelman. **Applications denied:** None.

8.0 Mrs. Brooks reported the expenses of Mr. Dixon's retirement to the Board.

Mr. Pettey presented the Finance report for June 2018 and stated that the Board was 75% into Fiscal Year 2018 and 60% into budget expenditures. Mr. Pettey stated that there were no negative trends that could not be reconciled at this time.

Mr. Pettey made a motion to sell the Board's Dodge Durango and Nitro. After discussion, Mr. Pettey rescinded his motion and will report back to the Board at the September meeting.

On motion by Mr. Watson and second by Mr. Butler, the Board voted to approve the Finance Report. Motion carried by unanimous vote.

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

APPRAISAL INSTITUTE – ALABAMA CHAPTER

New Application:

(CE) Subject Matter Expert Round Table – 4 Hours – Classroom
(Instructors: Jerry Roberson, Terry Dunkin, Joe Lewis and Katherine Eddins)

Both Course and Instructors Approved

APPRAISAL INSTITUTE – CHICAGO CHAPTER

New Application:

(CE) Ignorance Isn't Bliss: Understanding an Investigation by a State Regulatory Board or Agency – 4 Hours – Classroom
(Instructor: Craig Steinley)

Both Course and Instructor Approved

Alabama Department of Transportation

New Application:

(CE) NHI – 141043 Appraisal for Federal-Aid Highway Programs – 14 Hours – Classroom
(Instructors: Michael McCall and Chad Crawford)

Both Course and Instructors Approved

OnCourse Learning Corp.

New Applications:

(CE) 2018-2019 7 Hour Equivalent USPAP Update Course – 7 Hours – Online
(Instructor: AM Bud Black)

Both Course and Instructor Approved

(LIC) 2018-2019 15 Hour Equivalent USPAP Course – 15 Hours – Online
(Instructor: AM Bud Black)

Both Course and Instructor Approved

Mr. Cotter reported that the next 'Common Mistakes Found in Appraisals' course offering can be held in Houston County at the Houston County Library after the first of the year.

Mrs. Brooks included, for Board information, an invitation from Chancellor Jack Hawkins, of Troy University, to schedule future meetings on the main campus of Troy.

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 7 new complaints were received since the May 2018 Board meeting, 9 complaints were dismissed, and 1 complaint was settled, leaving a total of 30 open complaints.

11.0 The Board reviewed Probable Cause Report **AB-16-15**: With Mr. Eslava 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 a hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-17-23**: With Mr. Butler recusing, on motion by Ms. McClammy and second by Mr. Eslava, the Board voted probable cause does not exist and to issue a Letter of Counsel. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-17-29**: With Mr. Butler recusing, on motion by Mr. Eslava 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-18-06**: On motion by Mr. Eslava 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-18-09**: On motion by Mr. Butler 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-18-10 companion case to AB-18-11**: 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-18-11 companion case to AB-18-10**: 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-18-13**: 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-17-19**: Mr. Eslava asked that the investigation be reconsidered. Probable Cause deferred to the September Board meeting.

- 12.0 There were no Negotiated Settlements to review at this time.
- 13.0 The following reciprocal license was issued since the May Board meeting: Brandon Clayton Adams ('R' MS), Brian Richard Biggs ('G' TX), Marvin Chatman Jones ('G' GA), and Ryan J. Werkheiser ('G' WI).
- 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 Mrs. Brooks discussed a letter received from Mr. Jeffrey K. Jones, MAI, Assistant Bureau Chief, ROW Operations, Alabama Department of Transportation, regarding a complaint filed against an appraiser in Condemnation Case CV-2015-00458.
- Mrs. Brooks discussed the Informal Ethics Opinion regarding employment of licensees without an active practice.
- Mrs. Brooks discussed mailing a notice to licensees regarding the vacant Investigator position. On motion by Mr. Watson and second by Mr. Eslava, the Board voted to have Mrs. Brooks move forward with the Personnel register. Motion carried by unanimous vote.
- 17.0 There was no unfinished business to discuss at this time.
- 18.0 There was no new business to discuss at this time.
- 19.0 At 10:39 a.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 2018 is September 20, 2018 and November 15, 2018 in the 3rd Floor Conference Room, 100 North Union Street, Montgomery, Alabama.

Sincerely,

Carolyn Greene
Executive Secretary
/cg

APPROVED: _____
Richard D. Pettey, Chairman