

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
May 16, 2019

MEMBERS PRESENT:

Mr. Richard D. Pettey (Chairman)
Mr. Robert Butler (Vice-Chairman)
Mr. Billy Cotter
Mr. Lew Watson
Ms. Angie Frost
Ms. Patrice McClammy

MEMBERS ABSENT:

Mr. Christopher Baker
Mr. Dennis Key
Mr. Edmond G. Eslava, III

OTHERS PRESENT:

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

GUESTS PRESENT:

Mr. Jason Reid, Regulatory Affairs Director, Home Builders Association of Alabama
Ms. Sharon Goldman, Certified Residential Appraiser, Ashland
Mr. Chris Moore, Trainee Appraiser, Auburn
Mr. Bill Finlay, Certified General Appraiser, Montgomery
Mr. Byron Claybrook, Certified Residential Appraiser, Coker
Mr. Josh Finlay, Certified Residential Appraiser, Montgomery
Mr. Jimmy Rutland, President, Lowder New Homes
Mr. David White, Fairhope, AL

- 1.0 With a quorum present, Mr. Rick Pettey, Chairman, called the meeting to order at 9:08 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 December 14, 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. Pettey.

3.0 Members present were Mr. Lew Watson, Mr. Richard D. Pettey, Ms. Angie Frost, Ms. Patrice McClammy, Mr. Billy Cotter, and Mr. Robert Butler. Members absent were Mr. Edmond G. Eslava, III, Mr. Christopher Baker, and Mr. Dennis Key.

Mr. Pettey welcomed the guests to the meeting and invited the guests to address the Board.

At this time, Mr. Bill Finlay spoke to the Board regarding its position on using pre-sold new construction as comparables. Mr. Jimmy Rutland also spoke to the Board on the same subject. Mr. Pettey formed a committee consisting of Mr. Cotter, Ms. Frost and Mr. Davis to research this subject. They will report back to the Board in July.

Mr. Byron Claybrook addressed the Board regarding the Tennessee Statue of Limitations Bill, HB376. Ms. Conway will research other states bills but suggested that this would be better served by appraisal advocate groups.

Mr. Claybrook also spoke to the Board regarding the New York Appraisal Management Company Bill.

Mr. David White, a Certified General appraiser in Virginia, and resident of Fairhope, Alabama for several years, spoke to the Board regarding his application for reciprocity in Alabama. He asked the Board for an administrative ruling regarding reciprocity. After much discussion, the Board explained to Mr. White that there was nothing administratively they could do and that if he wanted to proceed with his application he should proceed as directed by the staff.

4.0 On motion by Ms. Frost and second by Mr. Butler, the regular minutes for March 21, 2019 were approved as written. Motion carried by unanimous vote.

5.0 Ms. Conway reported on the Federal Trade Commission VS Louisiana Real Estate Appraisers Board and stated that a trial has been set for October or November of this year.

6.0 Ms. Conway reported on the status of House Bill 304 and Senate Bill 181.
Ms. Conway discussed the proposed rule changes to 780-X-2-.01, Definitions of Terms; 780-X-17-.03, Registration; and 780-X-17-.04, Registration Renewal. Ms. Frost will review these proposed changes and address them at the July Board meeting.

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

7.1 **Trainee Real Property Appraiser applications approved:** Thomas Robert Bisanz, Benjamin Cody Fikes, John David House and Chelsea

Victoria Sellers. **Applications deferred:** None. **Applications denied:** None.

Trainee Real Property Appraiser Experience Logs for Review: **Log approved:** Becky Campbell, Stephanie Campbell, John Michael Harwood, Jessica Karroll and Dillan Layton. **Logs deferred:** Paul Christopher Jones. **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: Kathleen W. D’Azevedo (Recip)(FL). **Application deferred:** None. **Applications denied:** None.

7.5 **Certified General Real Property Appraiser** application approved: Jesse Michael Harris II (Recip)(GA), Todd Bryant Harrison (Recip)(DE), Mark F. Pomykacz (Recip)(NJ), Jeffrey Donald Williams (Recip)(GA), and Thomas F. Wingard (Recip)(SC). **Application deferred:** Benjamin Gene Carpenter. **Applications denied:** None.

7.6 **Mentor** application approved: James Hudspeth. **Application deferred:** Jacqueline Carter. **Applications denied:** None.

8.0 Ms. Frost presented the Finance report for April 2019 and stated that the Board was 59% into Fiscal Year 2019 and 45% into budget expenditures. Ms. Frost stated that there were no negative trends that could not be reconciled at this time.

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

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

AMERICAN SOCIETY OF APPRAISERS

New Applications:

(CE) Better Safe Than Sorry – 7 Hours – Classroom
(Instructor: Mark Evans)
Instructor Approved

(CE) Appraisal of Flex Industrial Facilities – 7 Hours – Online
(Instructor: Donald Sonneman)
Both Course and Instructor Approved

APPRAISAL INSTITUTE – NATIONAL

New Applications:

- (CE) Appraisal of Manufactured Homes Featuring Next Generation Manufactured Homes – 8.5 Hours – Classroom
(Instructor: R. Scott Hartman)
Both Course and Instructor Approved

- (CE) Artificial Intelligence, AVMs and Blockchains: Implications for Valuation – 4 Hours – Classroom
(Instructor: Mark Linne)
Both Course and Instructor Approved

MCKISSOCK

New Applications:

- (CE) Desktop Appraisal Assignments: An Overview – 3 Hours – Classroom
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Phicilia Lloyd, Larry McMillen, Steve Vehmeier, and Steve Maher)
Both Course and Instructors Approved

- (CE) Evaluating Today's Residential Appraisal: Reliable Review – 7 Hours – Classroom
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Phicilia Lloyd, Larry McMillen, Steve Vehmeier, Steve Maher, and Dale Shea)
Both Course and Instructors Approved

- (CE) New Construction Essentials: Luxury Homes – 3 Hours – Online
(Instructor: Jo Traut)
Both Course and Instructor Approved

- (CE) Real Estate Damages – Appraising After a Natural Disaster – 3 Hours – Classroom
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Phicilia Lloyd, Larry McMillen, Steve Vehmeier, Steve Maher, and Dale Shea)
Both Course and Instructors Approved

- (CE) The Appraisal of 2-4 Unit Properties – 4 Hours – Classroom
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Phicilia Lloyd, Larry McMillen, Steve Vehmeier, Steve Maher, and Dale Shea)
Both Course and Instructors Approved

(CE) The Fundamentals of Appraising Luxury Homes – 4 Hours – Online

(Instructor: Jo Traut)

Both Course and Instructor Approved

(CE) Understanding Luxury Home Features – 7 Hours – Online

(Instructor: Jo Traut)

Both Course and Instructor Approved

Mrs. Brooks discussed a course approval for an application with no course content. Mrs. Brooks will email the application requirements to the course provider.

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 Appraiser complaints and 1 new Appraisal Management Company complaint were received since the March 2019 Board meeting, 2 complaints were dismissed, and no complaints were settled, leaving a total of 36 open complaints.

11.0 The Board reviewed Probable Cause Report **AB-18-14**: With Mr. Watson recusing, on motion by Ms. Frost and second by Ms. McClammy, 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-18-17**: With Mr. Watson recusing, on motion by Ms. Frost and second by Ms. McClammy, the Board voted that probable case does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-18-18**: With Mr. Butler and Mr. Watson recusing, on motion by Ms. Frost and second by Ms. McClammy, 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-18-19**: With Mr. Butler and Mr. Watson recusing, on motion by Ms. Frost 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-18-29**: With Mr. Butler and Mr. Watson recusing, on motion by Ms. Frost 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 a Request for Dismissal on **AB-14-26**: On motion by Mr. Cotter and second by Mr. Watson, the Board voted to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-18-34**: With Mr. Watson recusing, on motion by Ms. Frost 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 **MC-18-01**: On motion by Ms. Frost 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 **MC-18-03**: On motion by Ms. Frost and second by Ms. McClammy, 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 **MC-18-04**: On motion by Ms. Frost 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 **MC-18-05**: On motion by Ms. Frost and second by Ms. McClammy, 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 **MC-18-06**: On motion by Ms. Frost 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 **MC-19-01**: On motion by Ms. Frost 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 **MC-19-02**: On motion by Ms. Frost 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 **MC-19-03**: On motion by Ms. Frost and second by Ms. McClammy, the Board voted that probable cause does exist and to set this case for a hearing. Motion carried by unanimous vote.

12.0

The Board reviewed the Voluntary Surrender Consent Order on **AB-16-15 (Claud Clark, G00024)**. With Mr. Pettey recusing, on motion by Ms.

Frost and second by Mr. Watson, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

- 13.0 The following reciprocal license was issued since the March Board meeting: Kathleen W. D'Azevedo ('R' FL), Jesse Michael Harris II ('G' GA), Todd Bryant Harrison ('G' DE), Mark F. Pomykacz ('G' NJ), Jeffrey Donald Williams ('G' GA), and Thomas F. Wingard ('G' SC).
- 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 Mr. Pettey and Mr. Butler reported on the Spring AARO Conference which was held in Denver, CO earlier this month.

Mrs. Brooks presented a request from Mr. James Baker, Mentor for Lexi Ann Clark, Trainee Appraiser, for a waiver of the rule that no more than 40% of the cumulative experience points may be earned from any one category. On motion by Ms. Frost and second by Mr. Watson the Board voted to approve the request. Motion carried by unanimous vote.

Mr. Chris Moore addressed the Board regarding hybrid appraisals and problems Trainees have finding Mentors.

- 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 11:36 a.m., on motion by Ms. Frost 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 2019 is July 18, 2019, September 19, 2019 and November 21, 2019 in the 3rd Floor Conference Room, 100 North Union Street, Montgomery, Alabama.

Sincerely,

Carolyn Greene
Executive Secretary
/cg

APPROVED: _____
Richard D. Pettey, Chairman