

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
September 17, 2009

MEMBERS PRESENT:

Mr. Fred Crochen (Chairman)
Mr. Joseph Lundy
Mrs. Myra Pruitt (departing at 11:15 a.m.)
Mr. Joseph Lambert
Mrs. Cornelia Tisher
Mrs. Dot Wood
Mr. Chester Mallory
Mr. Kenneth D. Wallis, III

MEMBER ABSENT:

Mr. Chris Pettey (Vice-Chairman)

OTHERS PRESENT:

Mrs. Lisa Brooks, Executive Secretary
Ms. Neva Conway, Legal Counsel
Mrs. Karen Harlow, Paralegal
Mr. Joe Dixon, Investigator
Mr. Sam Davis, Investigator

GUESTS PRESENT:

Ms. Penny Nichols, State Registered Real Property Appraiser, Deatsville, AL
Mr. Jimmy Sutherland, Certified Residential Real Property Appraiser, Millbrook, AL
Mrs. Tanya Crochen

- 1.0 With quorum present Mr. Fred Crochen, Chairman, called the meeting to order at 8:30 a.m. Mrs. Karen Harlow, Paralegal, recorded the minutes. The meeting was held at the RSA Union Building, 100 N. Union Street, 3rd Floor Conference Room, Montgomery, Alabama. Prior notice of the meeting was posted on the Secretary of State's website on November 26, 2008 in accordance with the Alabama Open Meetings Act.
- 1.1 The meeting was opened with prayer by Mr. Lundy followed by the Pledge of Allegiance.
- 2.0 Mr. Crochen asked Board Members to introduce themselves to the guests. Members present were Mr. Fred Crochen, Mr. Joseph Lundy, Mrs. Myra Pruitt, Mr. Joseph Lambert, Ms. Dot Wood, Mrs. Cornelia Tisher, Mr. Kenneth D. Wallis, III, and Mr. Chester Mallory. Member absent was Mr. Chris Pettey.
- 3.0 On motion by Mr. Lambert and second by Mr. Lundy, the regular minutes

for July 16, 2009 were approved as written. Motion carried by unanimous vote.

- 3.2 After reviewing the Findings of Fact and Conclusions of Law of the Administrative Law Judge, on motion by Mr. Lundy and second by Mr. Lambert, the Board voted to accept those Findings of Fact and Conclusions of Law on Complaint No. AB-07-20 (Ray D. Brannum) and to issue a Public Reprimand, impose a \$1,950 fine and require that the Licensee complete 20 hours of appraiser education relating to the development of the income approach for commercial properties within one year. Those in favor were Mr. Crochen, Mr. Lundy, Mrs. Pruit, Mr. Lambert, Mrs. Tisher, Mrs. Wood, Mr. Mallory and Mr. Wallis. Motion carried by unanimous vote.
- 4.0 Ms. Conway discussed with the Board the draft of the proposed AMC legislation. Mrs. Brooks asked that the Board review this draft and make any revisions or suggestions via email. The Legislative Committee will discuss via telephone conference call their suggestions. Mrs. Brooks hopes that a final draft will be submitted to the entire Board for their consideration at the November Board meeting in order to pre-file this legislation for the upcoming Regular Legislative Session.
- 5.0 On motion by Mr. Lambert and second by Mrs. Wood the following applications were voted on as listed. Motion carried by unanimous vote.
- 5.1 **Trainee Real Property Appraiser application approved:** Robert D. Benedict, Mike J. Raines, Michael W. Yates. **Applications deferred:** None. **Applications denied:** None.
- 5.2 **State Registered Real Property Appraiser application approved:** None. **Applications deferred:** None. **Applications denied:** None.
- 5.3 **Licensed Real Property Appraiser applications approved:** None. **Applications deferred:** None. **Applications denied:** None.
- 5.4 **Certified Residential Real Property Appraiser application approved:** Patricia K. Cummings (Recip.)(MS), William K. Goodson (Recip.)(GA), Jeffrey A. Shelton (Recip.)(GA). **Applications deferred:** Geneva Claybrook. **Applications denied:** None.
- 5.5 **Certified General Real Property Appraiser application approved:** Clifford D. Elliott (Recip.)(GA), Gregory S. Lakas (Recip.)(GA), Nelson C. Pratt (Recip.)(GA). **Applications deferred:** None. **Applications denied:** None.
- 5.6 **Mentor applications approved:** Ronald S. Brantley, Angel Lanier. **Applications deferred:** Daniel C. Martin. **Applications denied:** None.
- 6.0 Mrs. Pruit discussed the financial report with the Board. Mrs. Pruit stated that the Board was 83% into FY 09 and 72% into budget expenditures. Mrs. Pruit stated that there were no negative trends that could not be

reconciled at this time. On motion by Mr. Lundy and second by Mrs. Wood, the Board voted to approve the Financial Report. Motion carried by unanimous vote.

- 6.1 On motion by Mr. Wallis and second by Mrs. Wood, the following education courses and instructor recommendations were approved, deferred, or denied as indicated.

APPRAISAL INSTITUTE – CHICAGO CHAPTER

(CE) Site Use & Valuation Analysis - 6 Hours - Online
(Instructor: Mark Smeltzer)

Both Course and Instructor Approved

(CE) Appraisal Curriculum Overview - Residential – 8 Hours – Online
(Instructor: Mark Rattermann)

Both Course and Instructor Approved

THE COLUMBIA INSTITUTE

(CE) National USPAP Update – 2008 – 7 Hours – Traditional Classroom

(Instructors: Amelia Brown & Bryan Reynolds)

Both Course and Instructors Approved

The motion carried by unanimous vote.

- 6.2 No disciplinary reports for the Board to review this month.

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway informed the Board 6 new complaints have been received since the July 2009 Board meeting, that 22 complaints were dismissed, 71 were settled with a total of 82 open complaints. The Board members asked Ms. Conway and the Investigative Unit to keep a number count on anonymous complaints received and a break down of who files the complaints (i.e., lender/client, homeowner, appraiser, board member, etc.) and report at future meetings.

- 6.2.1 The Board reviewed Probable Cause Report **AB-08-100 companion case to AB-08-101**: With Mrs. Wood and Mr. Lambert recusing, on motion by Mr. Lundy and second by Mrs. Pruit, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-101 companion case to AB-08-100**: With Mrs. Wood and Mr. Lambert recusing, on motion by Mr. Lundy and second by Mrs. Pruit, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-120 companion case to AB-08-121**: With Mr. Lambert recusing, on motion by Mr. Lundy and second by Mrs. Pruitt, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-121 companion case to AB-08-120**: With Mr. Lambert recusing, on motion by Mr. Lundy and second by Mrs. Pruitt, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-124 companion case to AB-08-125**: With Mrs. Wood recusing, on motion by Mr. Lundy and second by Mr. Lambert, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-125 companion case to AB-08-124**: With Mrs. Wood recusing, on motion by Mr. Lundy and second by Mr. Lambert, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-154 companion case to AB-08-155**: With Mr. Lundy recusing, on motion by Mrs. Wood and second by Mr. Mallory, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-155 companion case to AB-08-154**: With Mr. Lundy recusing, on motion by Mrs. Wood and second by Mr. Mallory, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-159**: With Mr. Lundy recusing, on motion by Mrs. Wood and second by Mrs. Tisher, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-160**: With Mr. Lundy recusing, on motion by Mrs. Wood and second by Mrs. Tisher, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-08-161**: With Mr. Lundy recusing, on motion by Mrs. Wood and second by Mr. Lambert, the Board

voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-09-05**: With Mr. Lambert recusing, on motion by Mrs. Wood and second by Mr. Lundy, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to issue a Letter of Warning. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-09-46**: With Mr. Lambert recusing, on motion by Mrs. Wood and second by Mr. Mallory, the Board voted to accept the Disciplinary Committee's recommendation 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-09-61 companion case to AB-09-62**: With Mr. Lambert recusing, on motion by Mrs. Wood and second by Mrs. Tisher, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-09-62 companion case to AB-09-61**: With Mr. Lambert recusing, on motion by Mrs. Wood and second by Mrs. Tisher, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-09-67**: With Mrs. Wood recusing, on motion by Mr. Lundy and second by Mr. Lambert, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-09-71**: With Mrs. Wood recusing, on motion by Mr. Lambert and second by Mrs. Wood, the Board voted to accept the Disciplinary Committee's recommendation 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-09-78**: With Mr. Lambert recusing, on motion by Mr. Lambert and second by Mrs. Wood, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

No Request for Board Initiated Complaint(s) to report.

6.2.2 No Consent Settlement Orders received to report.

6.3 The following reciprocal licenses were issued since last meeting: Patricia

K. Cummings (R)(MS), Clifford D. Elliott (G)(GA), William K. Goodson (R)(GA), Gregory S. Lakas (G)(GA), Nelson C. Pratt (G)(TN), Jeffrey A. Shelton (R)(GA), Jerry D. Williamson, Jr. (G)(GA).

7.0 The Temporary Permit report was provided to the Board for their information. The Board asked Mrs. Brooks to send a letter to Dr. Bronner informing him of using Alabama appraisers instead of out-of-state appraisers.

8.0 Mr. Crochen discussed his and Mr. Pettey's letter of recommendation for Edmond G. Eslava, III to the Appraisal Qualification Board. The letter was provided to the Board for their information.

Mrs. Brooks updated the Board on the progress of the database upgrade.

RE-CONSIDERATION HEARINGS

At 09:30 a.m., Mr. Crochen convened the re-consideration hearing for Mr. Elvin Cook on his application for a Certified Residential Real Property license.

At 10:00 a.m. on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to enter Executive Session to discuss the good name and character. Those in favor were Mr. Chester Mallory, Mr. Lundy, Mrs. Pruit, Mr. Lambert, Mrs. Tisher, Mrs. Wood, Mr. Wallis and Mr. Crochen. Motion carried by unanimous vote.

At 10:15 a.m. on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to re-enter Regular Session. Those in favor were Mr. Mallory, Mr. Lundy, Mrs. Pruit, Mr. Lambert, Mrs. Tisher, Mrs. Wood, Mr. Wallis and Mr. Crochen. Motion carried by unanimous vote.

With Mr. Crochen abstaining, on motion by Mrs. wood and second by Mr. Lambert, the Board voted to deny Mr. Cook's application for upgrade to Certified Residential Real Property Appraiser. Mrs. Wood recommended education course(s) on sales comparison and education course(s) on 1004 Form. Those in favor were Mr. Lundy, Mrs. Pruit, Mr. Lambert, Mrs. Tisher, Mrs. Wood, Mr. Mallory and Mr. Wallis.

At 10:17 a.m. Mr. Crochen called for the reconsideration hearing of Mr. Patrick Mackin on his application for Mentor status. Mr. Mackin was not present for this hearing.

At 10:18 a.m., Mr. Lambert convened the re-consideration hearing for Mr. Fred Acker on his application for Mentor status.

At 10:40 a.m. on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to enter Executive Session to discuss the good name and character. Those in favor were Mr. Mallory, Mr. Lundy, Mrs. Pruit, Mr. Lambert, Mrs. Tisher, Mrs. Wood, Mr. Wallis and Mr. Crochen. Motion

carried by unanimous vote.

At 10:45 a.m. on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to re-enter regular session. Those in favor were Mr. Mallory, Mr. Lundy, Mrs. Pruitt, Mr. Lambert, Mrs. Tisher, Mrs. Wood, Mr. Wallis and Mr. Crochen. Motion carried by unanimous vote.

With Mr. Mallory and Mrs. Tisher opposing, on motion by Mr. Lundy and second by Mrs. Pruitt, the Board voted to deny Mr. Acker's application for Mentor status. Those in favor were Mr. Crochen, Mr. Lundy, Mrs. Pruitt, Mr. Lambert, Mrs. Wood, and Mr. Wallis. Motion carried by unanimous vote.

9.0 No unfinished business to report.

10.0 Mrs. Wood discussed with the Board the possibility that new applicants for reciprocal license and temporary permit license be required to complete an Alabama Law course before obtaining license/permit to appraiser in Alabama. The Board did not feel the need for this requirement.

The Board discussed whether licensees could receive continuing education credit for duplicate 7 hour USPAP Update courses. The Board stated that no duplicate courses would be accepted per continuing education cycle.

11.0 At 11:45 a.m., on motion by Mr. Lundy and second by Mr. Mallory, the Board voted to adjourn. Motion carried by unanimous vote. The Board's tentative meeting schedule for the remainder of 2009 will be November 19, 2009 at 8:15 a.m. at the RSA Union Building, 100 N. Union Street, 3rd Floor Conference Room, Montgomery, Alabama.

Sincerely,

Karen Harlow
Paralegal

APPROVED: _____
Fred Crochen, Chairman