

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
November 19, 2009

MEMBERS PRESENT:

Mr. Fred Crochen (Chairman)
Mr. Chris Pettey (Vice-Chairman)
Mr. Joseph Lundy
Mr. Joseph Lambert
Mrs. Cornelia Tisher
Mrs. Dot Wood
Mr. Chester Mallory
Mr. Kenneth D. Wallis, III

MEMBER ABSENT:

Mrs. Myra Pruitt

OTHERS PRESENT:

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

GUESTS PRESENT:

Ms. Penny Nichols, State Registered Real Property Appraiser, Deatsville, AL
Mrs. Jenny Tidwell
Ms. Vicky Ledbetter

- 1.0 With quorum present Mr. Fred Crochen, Chairman, called the meeting to order at 8:20 a.m. Mrs. Carolyn Greene, Executive Secretary, 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, Mr. Chris Pettey, Mr. Joseph Lambert, Mrs. Dot Wood, Mrs. Cornelia Tisher, Mr. Kenneth D. Wallis, III, and Mr. Chester Mallory. Member absent was Mrs. Myra Pruitt.
- 3.0 On motion by Mr. Mallory and second by Mr. Lambert, the regular

minutes for September 17, 2009 were approved as written. Motion carried by unanimous vote.

- 3.2 Ms. Conway presented an Application for Rehearing from Mr. Jeffrey McLaughlin, attorney for Mr. Ray Brannum, and the Board Response to the application. On motion by Mr. Lundy, and second by Mr. Lambert, the Board voted to deny the request. Motion carried by unanimous vote.

Ms. Conway informed the Board that she has reached an agreement with Mr. Chip Nix to contract as a hearing officer and that Mr. Al Agricola's contract is up for renewal as well. These contracts will be included in the December contract review meeting.

- 4.0 Ms. Conway discussed with the Board the draft of the proposed AMC legislation. On motion by Mr. Pettey and second by Mr. Mallory, the Board voted to adopt the draft and move forward with legislation.

- 5.0 On motion by Mr. Pettey 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:** Charles W. Coley, John B. Jones, Jennifer F. Valadi and Mitzi C. Whittle. **Applications deferred:** None. **Applications denied:** None.

- 5.2 **State Registered Real Property Appraiser application approved:** Edward D. Giles. **Applications deferred:** Pamela A. Ward. **Applications denied:** None.

- 5.3 **Licensed Real Property Appraiser applications approved:** Brenda S. Murphy (Recip.)(TX) and Olin F. Thompson, III (Recip.)(GA). **Application deferred:** Nancy White. **Applications denied:** None.

- 5.4 **Certified Residential Real Property Appraiser application approved:** Jerry L. Bell (Recip.)(GA), Timothy M. Cato (Recip.)(GA), Robert L. Delery (Recip.)(LA), Hansel A. Dobbs (Recip.)(TX), Casey N. Gamero (Recip.)(IN), Ronald B. Gordy, George B. Hammond, Penny D. Nichols, William J. Pilcher (Recip.)(GA), Carl D. Pylant, Nathan E. Stephen, Borden Dale Strickland, Tamara A. Tidwell (Recip.)(AZ), John D. Waller (Recip.)(GA), Jason D. White (Recip.)(GA), and Samuel B. Williams. **Applications deferred:** Geneva Claybrook, Christopher R. Copeland, and Oralia Montgomery and Steve G. York. **Applications denied:** None.

- 5.5 **Certified General Real Property Appraiser application approved:** Greg W. Adams (Recip.)(GA), Thomas W. Berry, III (Recip.)(TN), Scott T. Brodbeck (Recip.)(NC), Grace M. Crenshaw (Recip.)(GA), Jason D. Fletcher (Recip.)(GA), Joseph N. Kusmik (Recip.)(GA), Wesley C. Pinyan, Robert K. Ruggles (Recip.)(FL), Ron W. Timblin, Jr. (Recip.)(GA), and Robert D. Waites (Recip.)(GA). **Applications deferred:** None. **Applications denied:** None.

- 5.6 **Mentor applications approved:** Fred N. Acker, Thomas M. Armstrong, Sharon Craft, Robert H. Harris, Barry Jackson, Rodger Lowery, Daniel C. Martin, Troy L. Moore and Glenna B. Tolleson. **Applications deferred:** None. **Applications denied:** None.
- 6.0 Mr. Mallory discussed the financial report with the Board. Mr. mallory stated that the Board was 8% into FY 10 and 10% into budget expenditures. Mr. Mallory stated that there were no negative trends that could not be reconciled at this time. Mrs. Brooks explained to the Board that the 13th Accounting Period balance was not available this month. On motion by Mr. Lambert and second by Mrs. Wood, the Board voted to approve the Financial Report. Motion carried by unanimous vote.
- 6.1 On motion by Mr. Lundy and second by Mr. Lambert, the following education courses and instructor recommendations were approved, deferred, or denied as indicated.

APPRAISAL INSTITUTE – CHICAGO CHAPTER

- (CE) Business Practices & Ethics - 5 Hours - Online
(Instructor: J. Carl Schultz)
Both Course and Instructor Approved
- (CE) GIS – The Executive Overview – 7 Hours – Online
(Instructor: Larry T. Wright)
Both Course and Instructor Approved
- (CE) International Valuation Congress 2009, Day 3 – 4 Hours – Traditional Classroom
(Instructors: Peggy Berg and David Wilkes)
Both Course and Instructors Approved
- (CE) International Valuation Congress 2009, Day 2 – 3.5 Hours – Traditional Classroom
(Instructors: Lary Cowart, Julio Torres and Larry Wright)
Both Course and Instructors Approved
- (CE) Online Residential Challenge: Declining Markets & Sales Concessions – 7 Hours – Online
(Instructor: Mark Ratterman)
Both Course and Instructor Approved
- (CE) Online 7 Hour National USPAP Update Equivalent Course – 7 Hours – Online
(Instructor: Craig Harrington seeking approval to teach course previously approved)
Instructor Approved to teach previously approved course

THE DYNASTY SCHOOL

- (CE) Mortgage Fraud – A Dangerous Business – 7 Hours – Online

(Instructor: Robert Abelson)
Both Course and Instructor Approved

- (CE) FHA and VA Basics – 7 Hours – Online
(Instructor: Robert Abelson)
Both Course and Instructor Approved

GA MLS TRAINING INSTITUTE

- (CE) 2008-2009 7 Hr USPAP Update – 7 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Introduction to the HP-12C Calculator – 7 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) FHA and VA Appraisal Basics – 7 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Income Approach: An Overview – 7 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Foreclosures – 3.5 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Introduction to Commercial Appraisal – 3.5 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Mortgage Fraud – 7 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Residential Cost Approach – 7 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Sales Comparison Approach – 7 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Supervising Appraisal Trainees: Field Preparation – 3.5 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved
- (CE) Making FHA Loans – 3.5 Hours – Online

(Instructor: Wade Gaddy)
Both Course and Instructor Approved

(CE) Environmental Issues – 3.5 Hours – Online
(Instructor: Wade Gaddy)
Both Course and Instructor Approved

MCKISSOCK, LP

(CE) Risky Business: Ways to Minimize Your Liability - 7 Hours – Online
(Instructor: Alan Simmons)
Both Course and Instructor Approved

VAN EDUCATION CENTER

(CE) Yield Capitalization (Discounting) – 4 Hours – Online
(Instructor: Burton Lee)
Both Course and Instructor Approved

The motion carried by unanimous vote.

On motion by Mr. Pettey and second by Mr. Wallis, the Board voted to amend the Education Application to require Instructor applicants to disclose previous disciplinary actions. Motion carried by unanimous vote.

6.2 The Board reviewed the following disciplinary reports.

AB-07-61, AB-07-62, AB-07-63, AB-07-64, AB-07-65, AB-07-66, AB-07-67, AB-07-68, AB-07-69, AB-07-70, AB-07-71, AB-07-72, AB-07-73, AB-07-74, AB-07-75, AB-07-76, AB-07-77, AB-07-78, AB-07-79, AB-07-80, AB-07-81, AB-07-82, AB-07-83, AB-07-84, AB-07-85, AB-08-20, AB-08-21, AB-08-22, AB-08-23, AB-08-24, AB-08-25, AB-08-147, AB-08-149

On July 16, 2009 the Board suspended the license of Ira M. Betts, G00087 for twelve months. Betts signed a Consent Settlement Order and agreed to pay a \$5000 Administrative fine and take a 56 hours of Board approved appraisal education. Six months of the suspension will be served on probation. Licensee agreed to this disposition in lieu of an investigation and hearing.

AB-08-04, AB-08-05, AB-08-06, AB-08-07, AB-08-08, AB-08-09, AB-08-146, AB-08-148 On July 16, 2009 the Board accepted the Voluntary Revocation Consent Order from Laura M. Betts, G00796. Licensee agreed to this disposition in lieu of an investigation.

AB-08-48 On July 16, 2009, the Board issued a private reprimand to Certified Residential Appraiser. Licensee signed a Consent Settlement Order and agreed to pay a \$150 fine and complete 30 hours of board approved appraiser education. The violations were: Licensee failed to utilize comparable sales of similar land to develop a land value of the subject property as vacant and ready to be put to it's highest and best

use. The Licensee failed to understand and apply the concept of contribution, which states that the value of a particular component is measured in terms of its contribution to the value of the whole, in his appraisal of the subject property by valuing the subjects land as commercial land and not considering the effect this would have on the value of the improvements. Licensee failed to properly adjust comparable sales for differences in land value, location, age of improvements and condition of improvements.

Licensee fails to research and consider the effect on value of a bridge cutting off access by boat to the main part of the lake. The Licensee failed to research and consider the effect on value of the subject site not having legal access to a public road.

Licensee fails to identify the effect on value of a bridge cutting off access by boat to the main part of the lake. The Licensee failed to identify the effect on value of the subject site not having legal access to a public road.

Licensee failed to gather comparable land sales, which after analyzing would have indicated a value difference from one side of bridge to the other. Licensee failed to properly analyze comparable sales to determine proper adjustments for site value, location, age and condition.

Licensee did not utilize an appropriate appraisal method or technique in valuing the subject site, basically he pulled the value out of the air. Licensee failed to analyze a prior sale of the subject property that took place on June 3, 2005. Licensee had copy of deed for the sale in his work file.

AB-08-49 On July 16, 2009 the Board issued a private reprimand to a Certified Residential appraiser. Licensee agreed to pay an administrative fine of \$150 and complete 15 hours of board approved appraiser education. The violations were: The Licensee failed to gather significant information from the client to properly identify the real property to be appraised. Licensee failed to properly identify that the subject site was two subdivision lots with a single family residence.

Licensee failed to include and adjust for an in-ground pool located on comparable number two. The Licensee failed to properly identify the correct GLA in comparable 3. Licensee used 1,963 square feet when 2,800 square feet was correct. Licensee failed to utilize the ANSI Z765-2003 method for calculating square footage for the upstairs bonus room in comparable 3 and miscalculated the area.

Licensee fails to identify the subject as two lots, only one lot and the residence was included in the appraisal.

The Licensee failed to include and adjust for an in-ground pool located on comparable number two. The Licensee failed to properly identify the correct GLA of comparable 3. Licensee utilized 1,963 square feet when it was contained 2,800 square feet.

Licensee failed to analyze a prior sale of the subject property in July 2006. Licensee failed to identify the real property to be appraised by only identifying one lot when there were two lots comprising the property.

AB-08-59, AB-08-60, AB-08-61, AB-08-62 On July 16, 2009, the Board issued a private reprimand to a Certified Residential appraiser. Licensee signed a Consent Settlement Order and agreed to pay a \$275 administrative fine and complete 15 hours of board approved appraiser education. The violations were: Licensee utilized sales as comparables when there were better sales available in the subject's immediate area. Licensee made unsupported adjustments to the sales used as comparables in the report.

Licensee fails to consider and disclose the number of foreclosures in the subject neighborhood. Licensee made unsupported adjustments to the comparables.

Licensee fails to consider and disclose the large number of foreclosures in the subjects neighborhood. Licensee failed to analyze the sales although he disclosed the contract sales price of \$106,000 in the report. Licensee reported a sale of the subject on 11/14/06 for \$31,000. There was no analysis of the transaction. Licensee failed to analyze the sales although he disclosed the contract sales price of \$120,500 in the report. Licensee fails to consider and disclose the large number of foreclosures in the subjects neighborhood.

AB-08-106 On July 16, 2009, The Board suspended the license of Travis Grant Berry for six months. The suspension will be served on probation. Licensee signed a consent settlement Order and agreed to pay an administrative fine of \$1000 and complete 15 hours of board approved appraiser education. Licensee must also submit logs of all appraisals performed on a monthly basis. The violations were: Licensee failed to analyze prior sales of subject property when this information was readily available to the Licensee. Licensee utilized comparable sales of homes of superior quality and located on view lots of much higher value than the subject. The subject property went from being listed for sale on March 28, 2005 for \$409,000 to having sold on March 29, 2005 for \$534,000 this information was readily available to Licensee and was not analyzed.

Licensee fails to use the best comparable sales that were available at the time of the appraisal. Licensee used homes of superior quality and on view lots when there were better more comparable sales available. Licensee fails to make needed adjustments to comparable sales for location, site, view and quality of construction. Licensee made unsupported adjustments for age, gross living area and basement area. Licensee fails to adjust for a swimming pool that is present on comparable sale number three.

Licensee fails to use the best comparable sales that were available at the time of the appraisal. Licensee used homes of superior quality and on

view lots when there were better more comparable sales available. Licensee fails to make needed adjustments to comparable sales for location, site, view and quality of construction. Licensee made unsupported adjustments for age, gross living area and basement area. Licensee fails to adjust for a swimming pool that is present on comparable sale number three. Licensee fails to analyze a sale of subject property that took place on October 1, 2003 when the subject property sold for \$427,000. Licensee fails to analyze a sale of subject property that took place on March 29, 2005 when the subject property reportedly sold for \$534,000.

AB-08-137, AB-08-139, AB-08-141, AB-08-144 On July 16, 2009, the Board issued a private reprimand to a certified residential appraiser for appraisals completed during the time licensee was a trainee appraiser. Licensee agreed to pay an administrative fine of \$1800 and complete 7 hours board approved appraiser education. The violations were: Licensee failed to retain a complete true copy of the appraisal report. The copy of the appraisal report presented to the Board was not a true copy of the appraisal report under investigation. In the Cost Approach, Licensee analyzed a site improvement (detached garage) within the dwelling calculations to arrive at a total estimate of cost new that was not credible. The non credible cost new figure was then used to calculate the accrued physical depreciation which resulted in a non credible accrued depreciation. Licensee's USPAP Compliance Addendum was a 2002 Addendum, when the 2004 USPAP was the current edition at the time of the appraisal. Licensee stated MLS as the data and/or verification source for comparable #3, when the property information was not available from the MLS data system. Licensee failed to accurately state the location of comparable #1 and #2 on the location map addendum of the appraisal report. Licensee failed to provide sufficient information for the intended user to understand the estimated marketing time of neighborhood properties and subject. Licensee estimates the marketing time under 3 months in the neighborhood section and in the FIRREA Addendum estimates the marketing time of the subject property as 1 to 4. Licensee failed to provide sufficient information for the intended user to understand as to how the opinion of site area was developed in the cost approach. Licensee stated MLS as the data and/or verification source for comparable #5 and #6, when these properties were not available in the local MLS data system. Licensee's USPAP compliance addendum was a 2002 addendum, when the 2005 USPAP was the current edition at the time of the appraisal. Licensee failed to accurately state the location of comparable #1 on the location map addendum. Ethics Rule-Record Keeping, 1-1(a), 1-1(b), 1-1(c), 1-4(b)(ii), 1-4(b)(iii), 2-1(a), 2-1(b), USPAP, 2004 and 2005 Edition.

AB-08-138, AB-08-140, AB-08-142, AB-08-143, AB-08-145 On July 16, 2009, the Board issued a private reprimand to a certified residential appraiser. Licensee agreed to pay an administrative fine of \$2500 and complete 7 hours board approved appraiser education. The violations were: Licensee failed to retain a complete true copy of the appraisal report. The copy of the appraisal report presented to the Board was not a

true copy of the appraisal report under investigation. In the Cost Approach, Licensee analyzed a site improvement (detached garage) within the dwelling calculations to arrive at a total estimate of cost new that was not credible. The non credible cost new figure was then used to calculate the accrued physical depreciation which resulted in a non credible accrued depreciation. Licensee's USPAP Compliance Addendum was a 2002 Addendum, when the 2004 USPAP was the current edition at the time of the appraisal. Licensee stated MLS as the data and/or verification source for comparable #3, when the property information was not available from the MLS data system. Licensee failed to accurately state the location of comparable #1 and #2 on the location map addendum of the appraisal report. Licensee failed to provide sufficient information for the intended user to understand the estimated marketing time of neighborhood properties and subject. Licensee estimates the marketing time under 3 months in the neighborhood section and in the FIRREA Addendum estimates the marketing time of the subject property as 1 to 4. Licensee failed to provide sufficient information for the intended user to understand as to how the opinion of site area was developed in the cost approach. Licensee stated MLS as the data and/or verification source for comparable #5 and #6, when these properties were not available in the local MLS data system. Licensee's USPAP compliance addendum was a 2002 addendum, when the 2005 USPAP was the current edition at the time of the appraisal. Licensee failed to accurately state the location of comparable #1 on the location map addendum. Ethics Rule-Record Keeping, 1-1(a), 1-1(b), 1-1(c), 1-4(b)(ii), 1-4(b)(iii), 2-1(a), 2-1(b), USPAP, 2004 and 2005 Edition.

Letters of Warning were issued on the following investigations for the discrepancies indicated. This disciplinary action will be considered in any future discipline proceedings:

AB-09-05 To a Licensed Real Property appraiser for an appraisal where the three year sales history not complete; There were many cloning errors in the report that did not significantly affect the results of the appraisal but that in the aggregate, affected the credibility of the results. **Violation: 1-1(c), 1-5(b), USPAP, 2008 Ed.**

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway informed the Board 8 new complaints have been received since the September 2009 Board meeting, and that 6 complaints were dismissed, with a total of 84 open complaints.

6.2.1 The Board reviewed Probable Cause Report **AB-08-131**: With Mrs. Wood and Mr. Lambert recusing, on motion by Mr. Wallis 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-09-01**: With Mr. Petty and Mr. Lambert recusing, on motion by Mr. Wallis and second by Mrs. Wood, 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-09-02**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Lundy and second by Mr. Wallis, 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-09-03**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Wallis and second by Mrs. Wood, 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-09-04**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Lundy and second by Mr. Wallis, 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-09-19**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Mallory and second by Mr. Wallis, 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-09-20 companion case to AB-09-21**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Wallis 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-09-21 companion case to AB-09-20**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Mallory 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-09-22**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Lundy and second by Mr. Wallis, 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-09-23**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mrs. Tisher and second by Mr. Wallis 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-09-37 companion case to AB-09-38**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Wallis 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-09-38 companion case to AB-09-37**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Wallis 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-09-39 companion case to AB-09-40**: With Mr. Pettey and 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 exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-09-40 companion case to AB-09-39**: With Mr. Pettey and 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 exist and to set case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-09-41 companion case to AB-09-42**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Lundy and second by Mr. Wallis, 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-09-42 companion case to AB-09-41**: With Mr. Pettey and Mr. Lambert recusing, on motion by Mr. Wallis 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-09-58**: With Mr. Lambert and Mrs. Wood recusing, on motion by Mr. Pettey 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-09-59**: With Mr. Lambert and Mrs. Wood recusing, on motion by Mr. Lundy and second by Mr. Pettey, 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-09-72**: With Mrs. Wood recusing, on motion by Mr. Lundy and second by Mr. Wallis, 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-09-73**: With Mrs. Wood recusing, on motion by Mr. Lambert and second by Mrs. Tisher, 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-09-74**: With Mrs. Wood recusing, on motion by Mr. Lambert and second by Mrs. Tisher, 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-09-75**: With Mrs. Wood recusing, on motion by Mr. Lambert and second by Mr. Pettey, 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-09-76**: With Mrs. Wood recusing, on motion by Mr. Lambert and second by Mrs. Tisher, 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-09-80 companion case to AB-09-81**: With Mr. Lambert recusing, on motion by Mr. Mallory and second by Mr. Wallis, 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-09-81 companion case to AB-09-80**: With Mr. Lambert recusing, on motion by Mr. Mallory and second by Mr. Wallis, 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-09-82**: With Mr. Lambert recusing, on motion by Mr. Lundy and second by Mr. Pettey, 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-09-86**: With Mr. Lambert recusing, on motion by Mr. Pettey and second by Mr. Wallis, 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-09-93 companion case to AB-09-94**: With Mr. Wallis recusing, on motion by Mr. Mallory and second by Mr. Pettey, 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-09-94 companion case to AB-09-93**: With Mr. Wallis recusing, on motion by Mr. Mallory and second by Mr. Pettey, 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.

There were no Requests for Board Initiated Complaint(s) to report.

6.2.2 The Board reviewed Consent Settlement Order on AB-08-52. With Mr. Lambert and Mr. Pettey recusing, on motion by Mr. Wallis and second by Mrs. Wood, the Board voted to approve this Consent Settlement Order as presented. Motion carried by unanimous vote.

The Board reviewed Consent Settlement Order on AB-08-159, AB-08-160 and AB-08-161. With Mr. Lundy recusing, on motion by Mr. Lambert and second by Mr. Wallis, the Board voted to approve this Consent Settlement Order as presented. Motion carried by unanimous vote.

The Board reviewed Consent Settlement Order on AB-09-26. With Mr. Lambert recusing, on motion by Mr. Lundy and second by Mr. Wallis, the Board voted to approve this Consent Settlement Order as presented. Motion carried by unanimous vote.

6.3 The following reciprocal licenses were issued since last meeting: Greg W. Adams (G)(GA), Jerry L. Bell (R)(GA), Thomas W. Berry, III (G)(GA), Scott T. Brodbeck (G)(NC), Timothy M. Cato (R)(GA), Grace M. Crenshaw (G)(GA), Robert L. Delery (R)(LA), Hansel A. Dobbs (R)(TX), Jason D. Fletcher (G)(GA), Casey N. Gamero (R)(IN), Joseph N. Kusmik (G)(GA), Brenda S. Murphy (L)(TX), William J. Pilcher (R)(GA), Robert K. Ruggles (G)(FL), Olin F. Thompson, III (L)(GA), Tamara A. Tidwell (R)(AZ), Ron W. Timbln, Jr. (G)(GA), Robert D. Waites (G)(GA), John D. Waller (R)(GA), and Jason D. White (R)(GA).

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

8.0 Mrs. Brooks updated the Board on the license renewals, and stated that as of November 16, 2009, 1578 appraisers have renewed, of which 1137 or 72% were online renewals.

Mrs. Brooks discussed a letter from Mr. Hugh Griffith requesting that the Board implement an Inactive Status. Mrs. Tidwell informed the Board that Georgia has an Inactive status. On motion by Mr. Lundy and second by Mrs. Wood, the Board voted to table this issue and asked the staff to review other states' policies. Motion carried by unanimous vote.

Mrs. Brooks presented a letter from Mr. Walter Lowery, regarding the HVCC, to Governor Riley, and Governor Riley's response to Mr. Lowery.

Mrs. Brooks presented a request for an experience waiver from Mr. Adam Cowart. Mr. Cowart is requesting the waiver because no more than 40% of the cumulative points may be earned from any one category and 80% of Mr. Cowart's experience was in a single category. On motion by Mr. Lundy and second by Mrs. Wood, the Board voted to deny Mr. Cowart's request. Those in favor were Mr. Crochen, Mrs. Tisher, Mr. Lundy, Mrs. Wood, Mr. Mallory, Mr. Wallis and Mr. Lambert. Mr. Pettey opposed. Motion carried.

At this time Mrs. Jenny Tidwell from the Appraisal Subcommittee addressed the Board. She reported to the Board the findings of the review that she and Ms. Ledbetter completed on the Board:

- Mrs. Tidwell stated that in the revised AQB regulation, the continuing education credit for teaching and authorship has been capped at 50%.
- Mrs. Tidwell stated that caution should be used in issuing Private Reprimands because they are not reported to the National Registry or other users of appraisal services. She also suggested reporting Private Reprimands to the National Registry.
- Mrs. Tidwell suggested that the staff rely on the National Registry for checking the status of applicants for Reciprocal licenses and Temporary Permits. She also suggested changing the Temporary Permit application to indicate properties (multiple) to be appraised, as it currently appears that only one property is to be appraised per Temporary Permit.
- Mrs. Tidwell explained that continuing education credit through professional organizations should only be given for the hours spent furthering knowledge, and not for membership, etc. (things that are specific to the organization itself.)
- She stated that there were forms missing from a few education approvals, such as the agreements between the education provider and the owner of the course material, and proof of secondary IDEC approval.
- Mrs. Tidwell indicated that course approval should coincide with CAP approval, etc.
- Mrs. Tidwell suggested that ASC representatives should be granted access to Executive Sessions.

Mrs. Tidwell praised the Board and Staff for their hard work and accomplishments.

Mr. Danny Carmichael addressed the Board regarding the status of his license.

At 8:50 a.m., on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to enter Executive Session. Those in favor were Mr. Fred Crochen, Mr. Chris Pettey, Mrs. Cornelia Tisher, Mr. Bo Lundy, Mrs. Dot Wood, Mr. Chester Mallory, Mr. Kenny Wallis and Mr. Joseph Lambert. Motion carried by unanimous vote.

At 9:10 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. Pettey, Mr. Mallory, Mr. Lundy, Mr. Lambert, Mrs. Tisher, Mrs. Wood, Mr. Wallis and Mr. Crochen. Motion carried by unanimous vote.

On motion by Mrs. Wood and second by Mr. Lambert, the Board voted to deny Mr. Carmichael's request that his license be reinstated. Those in favor were Mr. Pettey, Mr. Crochen, Mr. Lundy, Mr. Lambert, Mrs. Tisher, Mrs. Wood, Mr. Mallory and Mr. Wallis. Motion carried by unanimous vote.

9.0 No unfinished business to report.

10.0 Mrs. Wood discussed her concern about Trainees receiving experience credit for reports they have not signed. Mrs. Wood explained that she did not feel that there was enough information given regarding the actual work the Trainee did on the report when they do not sign it. After much discussion, on motion by Mrs. Wood and second by Mr. Pettey, the Board voted to table the discussion until the January Board meeting. Motion carried by unanimous vote.

Mrs. Wood discussed licensees receiving continuing or qualifying education credit for education they have taken as part of a Consent Settlement Order. On motion by Mrs. Wood and second by Mr. Lambert, the Board voted to not allow continuing or qualifying education credit for courses taken as a part of a Consent Settlement Order. Those in favor were Mr. Crochen, Mr. Pettey, Mrs. Tisher, Mr. Lundy, Mrs. Wood, Mr. Wallis and Mr. Lambert. Mr. Mallory opposed. Motion carried.

11.0 At 12:20 p.m., on motion by Mr. Lundy and second by Mr. Lambert, the Board voted to adjourn. Motion carried by unanimous vote. The Board's tentative meeting schedule for 2010 will be January 21, 2010, March 18, 2010, May 20, 2010, July 15, 2010, September 16, 2010, and November 18, 2010 at 8:15 a.m. at the RSA Union Building, 100 N. Union Street, 3rd Floor Conference Room, Montgomery, Alabama.

Sincerely,

Carolyn Greene
Executive Secretary

APPROVED: _____
Fred Crochen, Chairman