

MINUTES

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

Thursday, February 14, 2008
8:30 a.m.

Indiana Government Center-South
402 West Washington Street Room W064
Indianapolis, Indiana 46204

Mr. Traynor called the meeting to order at 9:42 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with IC § 25-34.1-8-4.

Members Present:

Joe Traynor, Chairman
Wayne Johnson, Vice Chairman
Terry Watson, Appraiser Member
Lowell K. Griffin, Appraiser Member
Liz Stoll, Lender Member

Members Absent:

James Lewis, Consumer Member
John Newlin, Appraiser Member

State Officials Present:

Nicholas Rhoad, Director Indiana Real Estate Commission
Pat Price, Assistant Board Director, Indiana Professional Licensing Agency
Davis Moore, Litigation Specialist
Jim Schmidt, Deputy Attorney General

I. ADOPTION OF MINUTES FROM January 17, 2008

A motion was made and seconded to approve the minutes from January 17, 2008
Griffin / Stoll
Motion Carried
6-0-0

XI. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

Ms. Owens provided a report on the number of administrative and consumer complaints.

XII. OLD/NEW BUSINESS

- A) Application process for appraisers licensed in other states – Joe
The Board discussed and decided to extend an reciprocal agreement invitation to all jurisdictions under ASC as long as they have adopted the 2008 AQB criteria
- B) AQB - USPAP Invitation to Comment
Mr. Traynor volunteered to respond to the AQB – USPAP Invitation to Comment
- C) Administrative Law Judges
The Board decided that Mr. Traynor, Mr. Johnson, Mr. Griffin, Mr. Rhoad, and Mr. Schmidt will form a workgroup and explore the possibility of using ALJs and report back to the Board in March.
- D) Review of administrative complaints by Board members prior to filing with PLA
The Board did not take formal action on this matter. Mr. Traynor and Mr. Johnson agreed to meet with OAG staff to explore the possibility of accomplishing this.

- E)** AQB QE and CE for probation
The Board agreed that AQB approved QE should be used as continuing education for licenses on Probation. Mr. Rhoad has provided this list to all Board members and the AG's office.
- F)** Types of Appraisals permitted by license types
Mr. Griffin discussed his chart on the types of Appraisals that can be performed by license type. This item was tabled until the March meeting.
- G)** New Checklist and Qualifying Education courses transition from 2007 to 2008 requirements
Mr. Griffin provided a new checklist for reviewing applications under the 2008 criteria.
- H)** Approved list of review appraisers
Mr. Traynor volunteered to work with the AG's office on developing criteria for review appraisers hired by the AG's office.
- I)** Indiana License Law Update Requirement
This item was tabled until March.
- J)** New Application for licensure as a Certified Appraiser
Mr. Rhoad provided the Board with the new application for licensure as an appraiser.
- K)** ASC Update and USPAP waiver update
Mr. Rhoad provided an update to the Board on the ASC and the request for modification to Indiana's USPAP schedule.
- L)** AQB Cut score determination
The Board was informed that the AQB has now made a determination of the exam cut score and that Promissor will be calculating their pass/fail cutoff in the next few weeks.
- M)** Update on LSA #07-881
Mr. Rhoad provided an update to the Board on the status of LSA #07-881.
- N)** Update on LSA #07-335 - Nick
Mr. Rhoad provided an update to the Board on the status of LSA #07-335.
- O)** Update on LSA #07-744
Mr. Rhoad provided an update to the Board on the status of LSA #07-744.
- P)** Legislative Update
Mr. Rhoad provided a legislative update to the Board.
- Q)** January ARELLO Board of Directors Conference Summary
Mr. Rhoad provided an update to the Board on ARELLO

XIII. Continuing Education Conditional License Updates

- A) State of Indiana v. Steven S. Albert**
REAB 07-86
Re: Review of Continuing Education Certificates

A motion was made and seconded to reinstate Mr. Albert's license from Conditional to Active Johnson / Watson
Motion Carried
5-0-0

II. STATUS OF LICENSEES ON PROBATION

A) Report of licensees sent letter of non-compliance

1. Ryan Alan Cottongim
A motion was made and seconded to issue a letter of non-compliance
Stoll / Watson
Motion Carried
5-0-0
2. Betty Jane Wilson
A motion was made and seconded to issue a letter of non-compliance
Stoll / Watson
Motion Carried
5-0-0
3. Jeffrey Raben
No action was taken on this matter

B) Report from Board members regarding licensees on probation (see spreadsheet)

III. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A) State of Indiana v. Douglas Meyer

REAB 06-144

Re: Deliberations and possible issuance of Final order. These deliberations are a result of the hearing that was held on 1/17/2008

A motion was made and seconded to issue a Letter of Reprimand to Mr. Meyer.
Griffin / Watson
Motion failed
1-3-1

A motion was made and seconded to place Mr. Meyer on Indefinite Probation
Griffin / Johnson
Motion Carried
4-0-1

B) State of Indiana v. David M. Burbrink

REAB 07-23

Re: Proposed Findings of Fact Conclusions of Law and Order

Action on this matter was tabled until March.

C) State of Indiana v. Deron J. Strickland

REAB 07-82

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Traynor / Griffin
4-0-1

D) State of Indiana v. Gregory Grove

REAB 07-06

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Stoll / Griffin

4-0-1

E) State of Indiana v. David Linn

REAB 07-46

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to accept the Proposed Findings of Fact Conclusions of Law and Order.

Johnson / Watson

4-0-1

F) State of Indiana v. Sharon Williams

REAB 07-72

Re: Proposed Findings of Fact Conclusions of Law and Order

This item was tabled until March

G) State of Indiana v. Shirley Kiel

REAB 08-05

Re: Respondents Motion for Dismissal

A motion was made and seconded to deny the Proposed Findings of Fact Conclusions of Law and Order.

Johnson / Watson

4-0-1

IV. DEFAULT HEARINGS

A) State of Indiana v. John E. Anderson

REAB 07-62

Re: Default Hearing and Possible Issuance of Final Order

A motion was made and seconded to find the respondent in Default

Stoll / Griffin

Motion Carried

5-0-0

(The default hearing will be held in March)

B) State of Indiana v. Rebecca Ann Phillips

REAB 07-69

Re: Default Hearing and Possible Issuance of Final Order

A motion was made and seconded to find the respondent in Default
Stoll / Griffin
Motion Carried
5-0-0

A motion was made and seconded to Suspend Ms. Phillip's license
Motion Carried
5-0-0

V. REINSTATEMENT HEARINGS

A) State of Indiana v. Glen Abels

REAB 06-27

Re: Petition for removal of Probation

This item was tabled because Mr. Ables was unable to attend.

B) State of Indiana v. Arzella Williams

REAB 07-16

Re: Petition for removal of Probation

A motion was made and seconded to reinstate Ms. Williams' license
Stoll / Johnson
Motion Carried
5-0-0

C) State of Indiana v. Harry Leffler

REAB 02-22

Re: Petition for removal of Probation

A motion was made and seconded to reinstate Mr. Leffler's license pending review of his continuing education certificate at the March meeting.
Stoll / Johnson
Motion Carried
5-0-0

VI. DISCIPLINARY HEARINGS

A) State of Indiana v. Corey J. Camphor

REAB 06-57

Re: Notice of Show cause and possible issuance and deliberation of final orders

A motion was made and seconded to continue this matter
Griffin / Johnson
Motion Carried
5-0-0

B) State of Indiana v. Kenye Johnson

REAB 06-107

Re: Notice of Show cause and possible issuance and deliberation of final orders

Mr. Johnson appeared before the Board. They did not find him in violation of his order and reminded him that he must make submissions even when he does not perform an appraisal.

C) State of Indiana v. Jacob Kirkpatrick*

REAB 07-28

Re: Disciplinary Hearing

No action was taken on this matter due to a pending settlement agreement

D) State of Indiana v. Staci Ostendorf*

REAB 07-85

Re: Disciplinary Hearing

No action was taken on this matter due to a pending settlement agreement

E) State of Indiana v. Curtis Friend*

REAB 07-87

Re: Disciplinary Hearing

No action was taken on this matter due to a pending settlement agreement

F) State of Indiana v. Hilton Morris

REAB 07-88

Re: Disciplinary Hearing

A motion was made and seconded to place Mr. Morris on probation.

Johnson / Stoll

Motion Carried

5-0-0

G) State of Indiana v. Rodney Williams*

REAB 07-89

Re: Disciplinary Hearing

No action was taken on this matter due to a pending settlement agreement

H) State of Indiana v. Stephen Phillips*

REAB 08-01

Re: Disciplinary Hearing

No action was taken on this matter due to a pending settlement agreement

I) State of Indiana v. Julie Walther-King*

REAB 08-02

Re: Disciplinary Hearing

No action was taken on this matter due to a pending settlement agreement

J) State of Indiana v. Jay Martin*

REAB 07-59

Re: Disciplinary Hearing

No action was taken on this matter due to a pending settlement agreement

K) State of Indiana v. Tamara Hatfield*

REAB 07-67

Re: Disciplinary Hearing

No action was taken on this matter due to a pending settlement agreement

VII. COSTS

- A) **State of Indiana v. Travis Sparks**
REAB 07-17
Re: Approval of Costs

This item was tabled until March.

XIV. APPLICATION REVIEW

A) **Trainee**

B) **Licensed Residential**

1. Patrick J. Humphrey
A motion was made and seconded to deny a license to Mr. Humphrey
Johnson / Stoll
Motion Carried
5-0-0

2. Anthony Bradley

A motion was made and seconded to grant a license to Mr. Werner
Johnson / Watson
Motion Carried
5-0-0

3. Michael S. Werner

A motion was made and seconded to grant a license to Mr. Werner
Johnson / Watson
Motion Carried
5-0-0

C) **Certified Residential**

1. Jacob Kirkpatrick
A motion was made and seconded to table the application of Mr. Kirkpatrick
Johnson / Watson
Motion Carried
5-0-0

2. James Frisby

A motion was made and seconded to grant a license to Mr. Frisby
Johnson / Watson
Motion Carried
5-0-0

D) **Certified General**

1. Nathan A. Byram – no action was taken on this application
2. Mark Current – no action was taken on this application

E) **Temporary Permits**

1. **See attached sheets**

F) Education Review

A motion was made and seconded to approve the continuing education courses
Watson / Stoll
Motion Carried
5-0-0

I. McKissock, LP

- a. Relocation Appraisal is Different 7.0
- b. Appraising REO & Foreclosure Properties 7.0
- c. Even Odder: More Oddball Appraisals 7.0
- d. Introduction to Expert Witness Territory 7.0
- e. Mortgage Fraud- Protect Yourself! 7.0
- f. Environmental Issues for Appraisers 3.0

II. Education Resource

- a. CE 1076A Re-examination of Basic Income Capitalization for Non-residential Properties 7.0
- b. CE 1072 Re-examination of Appraisal Principles 7.0
- c. CE 1046 Residential Relocation Appraisals. 7.0

III. American Society of Farm Managers and Rural Appraisers

- a. 78th Annual Convention 14.0

IV. RECP

- a. The Land Conservation Marketplace 1: Essentials for Real Estate Appraisers, Assessors and Brokers 7.0

V. Appraisal Institute, Hoosier State Chapter

- a. Spotlight on USPAP: Hypothetical Conditions and Extraordinary Assumptions 2.0

VI. Appraisal Institute

- a. An Introduction to Valuing Green Buildings 7.0
- b. REO Appraisal- Appraisal of Residential Property for Foreclosure and Pre-Foreclosure 7.0
- c. Appraisal challenges: Declining Markets and Sales Concessions 7.0
- d. Appraising Manufactured Housing 7.0
- e. Scope of Work 7.0
- f. Reviewing Residential Appraisal Reports 7.0
- g. Quality Assurance in Residential Appraisals 7.0
- h. Liability Management in Residential Appraisers 7.0
- i. Forecasting Revenue 7.0
- j. General Demonstration Appraisal Report Writing Seminar 7.0
- k. Business Practices & Ethics 8.0
- l. Report Writing and Valuation Analysis 40.0
- m. The Appraiser as an Expert Witness: Preparation and Testimony 16.0
- n. Litigation Appraising: Specialized Topics and Applications 16.0
- o. Condemnation Appraising: Basic Principles and Applications 16.0
- p. Condemnation Appraising: Advanced Topics and Applications 16.0
- q. Computer-Enhanced Cash Flow Modeling 16.0
- r. Analytics and the Site to Do Business 7.0
- s. Uniform Appraisal Standards for Federal Land Acquisitions 16.0

VII. INDOT

- a. INDOT Appraisal Training Seminar

XV. Adjournment

A motion was made and seconded to adjourn the meeting
Stoll / Griffin
Motion Carried

Joseph A. Traynor, Chairman

Date