

**MAINE BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING
June 5, 2015
MINUTES**

MEMBERS PRESENT

Theodore Webersinn, Chair
Alan Johnson, Vice Chair
Joseph Herlihy, Complaint Officer
Bruce Bell
WendyAnn Boston
Kenneth Charest

STAFF PRESENT

Karen Bivins, Administrator
Kim Baker, Office Specialist I
Andrew Black, Assistant Attorney General
Deborah Fales, Office Specialist I
Cathy Pendergast, Education Coordinator

MEMBERS ABSENT

None

Location: Androscoggin Room

Start: 9:00 a.m.

Adjourn: 11:10 a.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by the Board's Chair, Theodore Webersinn.

AGENDA MODIFICATIONS

A motion was made by Bell and seconded by Boston to add discussion of a memo from the Maine Attorney General's Office regarding a U.S. Supreme Court ruling on the North Carolina Dental Board of Examiners; and a review of the letter of guidance for 2015-REA-10937 (George Martin). Unanimous.

OLD BUSINESS

Action on Minutes of April 7, 2015 Meeting

A motion was made by Boston to approve the minutes of the April 7, 2015 meeting as corrected; seconded by Johnson. Charest abstained; Bell, Boston, Johnson, Herlihy and Webersinn voted in the affirmative. Motion carried.

NEW BUSINESS

Appraisal Subcommittee Audit Report

Vicki Ledbetter-Metcalf and Jenny Tidwell reported to the Board their findings of their audit conducted for the review period of July 1, 2013 through June 5, 2015. The review went well except for an increase in non-compliance of continuing education which went from 1% to 11% for the 2014 renewal cycle. Due to this violation of AQB Policy Statement 4C2, the Board's rating will likely be reduced to "Good", from our "Excellent" rating in 2013. Regarding the Board's statutory language specific to certified appraisers who supervise trainees, Tidwell suggested the language be clarified with a Board Policy that certified appraisers must be licensed in Maine for a minimum of three years before supervising a trainee.

A motion was made by Boston and seconded by Charest to adopt a Board Policy to clarify 32MRS §14039(2), that certified appraisers must be licensed in Maine for a minimum of three years before supervising a trainee. Unanimous.

Tidwell also reported on upcoming AMC regulation and suggested that the legislative/rulemaking process be started as the final version was expected to be reported in the Federal Register soon. Once reported in the Federal Register, states will have 36 months to get programs up and running.

A motion was made by Boston and seconded by Charest to commend staff for another successful audit. Unanimous.

Complaint Officer's Report

2015-REA-10940 Request to surrender license in lieu of consent agreement – *A motion was made by Johnson and seconded by Boston to decline the request. Bell, Boston, Charest, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.*

2015-REA-10935 Letter from licensee dated 05/07/2015 - *A motion was made by Boston and seconded by Johnson to decline the request to reconsider issuance of a consent agreement. Bell, Boston, Charest, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.*

Review of Letter of Guidance 2015-REA-10937 (Martin) – *A motion was made by Boston and seconded by Bell to approve the letter of guidance in case number 2015-REA-10937. Bell, Boston, Charest, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.*

Administrator's Report

1. Email from Karen G. Davidson dated 05/14/2015 regarding review appraisers – The Board asked the administrator to respond and to advise that when an opinion of value is formed, the person forming that opinion must be licensed.
2. Email from Ted Whitmer dated 05/13/2015 regarding temporary licenses – The Board asked the administrator to send Mr. Whitmer a copy of the Board's laws and rules.
3. Email from Wayne Nygard dated 05/11/2015 regarding foreign real estate appraisers – *A motion was made by Charest and seconded by Boston to send a letter drafted by Assistant Attorney General Andrew Black notifying Mr. Nygard that Maine is a mandatory state and a license would be required in the described scenario. Unanimous.*
4. Email from Bret Vicary dated 05/01/2015 – The Board directed staff to invite Mr. Vicary to the next Board meeting and to set an agenda item specific to his written request.

Review and Action on Applications and Education

The Board reviewed the report of applications processed since the last meeting.

The Board reviewed continuing education audit materials submitted by a licensee who made a timely renewal of her license and had completed the 7 hours of Board approved continuing education prior to renewal of the license, but did not complete the 7 hour USPAP Update course prior to renewing the license. The licensee did complete a 7 hour USPAP Update course on 04/30/2015 after notification of audit.

A motion was made by Boston and seconded by Charest to offer a consent agreement for non-compliance of the continuing education requirement pursuant to Board Rule Chapter 220 (2)(1) to include a \$300.00 fine to the licensee (Titherington). Unanimous.

OTHER BUSINESS

Meeting Schedule

The meeting scheduled for July 7, 2015 was cancelled.

The next meeting is scheduled for August 4, 2015.

ADJOURN

Being no further board business the meeting was adjourned at 11:10 a. m.

Respectfully submitted,
Kim Baker, Board Clerk