

MAINE BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING
February 2, 2016
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
Andrew Black, Assistant Attorney General
Kim Baker, Office Specialist I
Cathy Pendergast, Education Coordinator
Debbie Fales, Office Specialist I

MEMBERS ABSENT

None

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 4:31

CALL TO ORDER

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

AGENDA MODIFICATIONS

None

OLD BUSINESS

Action on Minutes of December 01, 2015 Meeting

A motion was made by Bell to approve the minutes of the December 01, 2015 meeting; seconded by Boston. Unanimous.

Adjudicatory Hearing

Boston recused and left the room

The adjudicatory hearing for case numbers 2015-REA-11105, 2015-REA-11245 and 2015-REA-11417 was opened at 9:03 a.m. by Rebekah Smith, Hearing Officer. K. Christophe Karageorge was present and represented by Michael Duddy, Esq. Ellen Dyer was not present, nor was she represented by an attorney. Assistant Attorney General Andrew Black represented the State in this matter.

The Board was presented with a request from Dyer to voluntarily surrender her appraiser license number CR207. A motion was made by Charest and seconded by Bell to deny the request. Herlihy abstained; Boston recused; Charest, Bell, Johnson and Webersinn voted in the affirmative. Motion carried.

Public deliberations were conducted at the close of the hearing.

A motion was made by Johnson and seconded by Charest to find violations against Dyer as follows:

Count 1: Pursuant to 10 M.R.S. § 8003(5-A)(A)(1) for misrepresentation in connection with services rendered while engaged in real estate appraisal;

Count 3: Pursuant to 10 M.R.S. § 8003(5-A)(A)(7) for continuing to act in a capacity requiring a license under the governing law of the Board after suspension of that license;

Count 5: Pursuant to 32 M.R.S. § 14014-A(1) for lacking the trustworthiness to conduct real estate appraisal activity in a manner that safeguards the interests of the public;

Count 6: Pursuant to 32 M.R.S. § 14014-A(2) for committing an act or omission in the practice of real estate appraising that constitutes dishonesty, or misrepresentation with the intent to benefit the licensee or another person;

Count 7: Pursuant to 10 M.R.S. § 8003(5-A)(A)(9) for failing to comply with an order of the Board; and

Count 8: Pursuant to 10 M.R.S. § 8003(5-A)(A)(10) for failing to produce documents requested by the Board that are in the licensee's possession or under the licensee's control concerning a pending proceeding.

Herlihy abstained; Boston recused; Charest, Bell, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Charest and seconded by Johnson to revoke license, CR207, held by Dyer. Herlihy abstained; Boston recused; Charest, Bell, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Charest and seconded by Bell to find violations against Karageorge as follows:

Count 1: Pursuant to 10 M.R.S. § 8003(5-A)(A)(1) for misrepresentation in connection with services rendered while engaged in real estate appraisal;

Count 4: Pursuant to 10 M.R.S. § 8003(5-A)(A)(8) for aiding or abetting unlicensed practice by Ms. Dyer during her period of license suspension;

Count 5: Pursuant to 32 M.R.S. § 14014-A(1) for lacking the trustworthiness to conduct real estate appraisal activity in a manner that safeguards the interests of the public; and

Count 6: Pursuant to 32 M.R.S. § 14014-A(2) for committing an act or omission in the practice of real estate appraising that constitutes dishonesty, or misrepresentation with the intent to benefit the licensee or another person;

Herlihy abstained; Boston recused; Charest, Bell, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Bell and seconded by Johnson to apply the following sanctions to Karageorge for violations noted above: A \$1500.00 fine per violation with the fine to be paid within 90 days; a reprimand; and a 90 day suspension.

Herlihy abstained; Boston recused; Webersinn opposed; Charest, Bell, Johnson and voted in the affirmative. Motion carried.

Administrator's Report

The administrator discussed disclosure issues with the Board. A motion was made by Charest and seconded by Boston to establish a Board policy regarding disclosures as follows:

The Board authorizes staff to issue a Letter of Guidance without further review or approval by the Board when a licensee first discloses a criminal offense or disciplinary action by another Board when deemed necessary. The Letter of Guidance will be mailed directly to the Chair for signature and then forwarded to the licensee.

NEW BUSINESS

Complaint Officer's Report

No Report

Review and Action on Applications and Education

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

A motion was made by Boston and seconded by Charest to preliminarily deny the license application submitted by Daniel Loan for upgrade to licensed residential real property appraiser. Unanimous.

A motion was made by Boston and seconded by Johnson to preliminarily deny the license application submitted by Peter Johnson for upgrade to certified residential real property appraiser. Unanimous.

OTHER BUSINESS

Election of Officers

A motion was made by Charest and seconded by Boston to elect Webersinn as Chair; Johnson as Vice-Chair; and Herlihy as Complaint Officer.

The next meeting is scheduled for March 01, 2016.

ADJOURN

Being no further board business the meeting was adjourned at 4:31 p.m.

Respectfully submitted,
Kim Baker, Board Clerk