

MAINE BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING
May 3, 2016
MINUTES

MEMBERS PRESENT

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

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

Kenneth Charest

Location: Central Conference Room

Start: 9:00 a.m.

Adjourn: 10:40 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

None.

OLD BUSINESS

Action on Minutes of March 01, 2016 Meeting

A motion was made by Boston to approve the minutes of the March 01, 2016 meeting; seconded by Bell. Unanimous.

Administrator's Report

The Board reviewed sample appraisal management company (AMC) language from the ASC.

NEW BUSINESS

Complaint Officer's Report

A motion was made by Johnson and seconded by Boston to dismiss with a letter of guidance regarding the need to analyze pending sales and market history as required by USPAP in case number 2015-REA-11700. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

Webersinn disclosed that he was an expert witness ten years ago involving one of the parties in complaint number 2015-REA-11790.

A motion was made by Bell and seconded by Boston to find in violation of the USPAP Competency Rule; Standards Rule 1-1; and Standards Rule 2-1 in case number 2015-REA-11790. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Boston and seconded by Johnson to offer a consent agreement in case number 2015-REA-11790. The consent agreement is to include: admissions; reprimand; and education. Education to be completed within 90 days and to consist of a 7 hour course on complex properties and a 30 hour course on sales comparison approach with an exam successfully passed. Course work is not to be used for continuing education to renew the license. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Boston to dismiss the complaint in case number 2015-REA-11848. Motion failed for lack of second.

A motion was made by Johnson and seconded by Boston to dismiss the complaint in case number 2015-REA-11848 with a letter of guidance to exercise due diligence in conducting appraisals. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Bell and seconded by Boston to dismiss the complaint in case number 2015-REA-11907. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Boston and seconded by Johnson to dismiss the complaint in case number 2015-REA-11909 with a letter of guidance to exercise due diligence in conducting appraisals. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Boston and seconded by Bell to dismiss the complaint in case number 2016-REA-12096. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

A motion was made by Boston and seconded by Johnson to dismiss the complaint in case numbers 2016-REA-12106 and 12107. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

Review of Letters of Guidance

Motion was made by Boston and seconded by Bell to approve the Letters of Guidance regarding case numbers 2015-REA-11396, 2015-REA-11622, 2015-REA-11736 and 2015-REA-11789. Herlihy abstained; Bell, Boston, Johnson and Webersinn voted in the affirmative. Motion carried.

Review and Action on Applications and Education

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

Staff reported that of the 55 licensees audited, there are three currently in non-compliance. The Board reviewed the three non-compliance issues and authorized staff to follow-up with two of them to obtain more information.

A motion was made by Boston and seconded by Johnson to authorize staff to offer a consent agreement to licensees if verification of CE compliance is not obtained within a reasonable period of time. Terms of the consent agreements offered are to include a warning, a fine of \$200.00, and completion of any missing educational hours. Unanimous.

A third licensee was in non-compliance with 32MRSA §14027; Board Rules Chapter 220; and the AQB's "The Real Property Appraiser Qualification Criteria" under "Criteria Applicable to all Appraiser Classifications" (page

7), as he had taught several approved courses, but had not taken at least 7 hours as a student. AQB Criteria specifies that:

Up to one half of an individual's continuing education requirement may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

A motion was made by Boston and seconded by Johnson to find the licensee in non-compliance with continuing education requirements set forth in 32MRSA §14027; Board Rules Chapter 220; and the AQB's "The Real Property Appraiser Qualification Criteria" under "Criteria Applicable to all Appraiser Classifications" (page 7), and to offer a consent agreement to include admissions, a reprimand, a \$200 fine and 7 additional hours of Board approved continuing education within 30 days. The consent agreement may be sent out without further review by the Board. Unanimous.

OTHER BUSINESS

The next meeting is scheduled for June 7, 2016.

ADJOURN

Being no further board business the meeting was adjourned at 10:40 a.m.

Respectfully submitted,
Kim Baker, Board Clerk