

**MAINE BOARD OF REAL ESTATE APPRAISERS**  
**BOARD MEETING**  
**June 7, 2016**  
**MINUTES**

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**MEMBERS PRESENT**

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

**MEMBERS ABSENT**

Alan Johnson, Vice Chair

**STAFF PRESENT**

Karen Bivins, Administrator  
Andrew Black, Assistant Attorney General  
Kim Baker, Office Specialist I  
Cathy Pendergast, Education Coordinator  
Debbie Fales, Office Specialist I  
Marc Goulet, Board Investigator

**Location:** Central Conference Room

**Start:** 9:03 a.m.

**Adjourn:** 11:20 a.m.

**CALL TO ORDER**

*The meeting was called to order at 9:03 a.m. by the Board's Chair, Theodore Webersinn.*

**AGENDA MODIFICATIONS**

*A motion was made by Boston and seconded by Bell to add a fine payment request in case number 2015-REA- 11417. Unanimous.*

**OLD BUSINESS**

**Action on Minutes of May 03, 2016 Meeting**

*A motion was made by Boston to approve the minutes of the May 03, 2016 meeting; seconded by Bell. Charest abstained; Bell, Boston, Herlihy and Webersinn voted in the affirmative. Motion carried.*

**Administrator's Report**

*The Board reviewed the initial draft legislation/rulemaking of appraisal management company (AMC) language as drafted by the department.*

## **NEW BUSINESS**

### **Complaint Officer's Report**

#### Complaint Presentations

*A motion was made by Boston and seconded by Charest to dismiss the complaint in case number 2016-REA-12218. Herlihy abstained; Bell, Boston, Charest and Webersinn voted in the affirmative. Motion carried.*

*A motion was made by Boston and seconded by Charest to schedule a hearing in case number 2016-REA-12151 pursuant to Standard 1 and Standard 2 of USPAP with regard to selection of comparables, use of adjustments, and the sales comparison approach. In lieu of a hearing a motion was made by Boston and seconded by Charest to offer a consent agreement to include: admissions; warning; and education. Education to be completed within 90 days and to consist of a 30 hour course on the 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, Charest and Webersinn voted in the affirmative. Motion carried.*

*A motion was made by Boston and seconded by Bell to schedule a hearing in case number 2015-REA-11588. In lieu of a hearing the motion includes an offer of a consent agreement to reprimand the licensee; revoke the license; and fine the licensee \$1500. Herlihy abstained; Bell, Boston, Charest and Webersinn voted in the affirmative. Motion carried.*

*A motion was made by Boston and seconded by Charest to accept the request to withdraw the appeal of a preliminary denial in case number 2015-REA-11527. Herlihy abstained; Bell, Boston, Charest and Webersinn voted in the affirmative. Motion carried.*

### **Review of Letters of Guidance**

*A motion was made by Boston and seconded by Bell to approve the letters of guidance in case numbers: 2015-REA-11700; 2015-REA-11848; and 2015-REA-11909. Charest and Herlihy abstained; Bell, Boston and Webersinn voted in the affirmative. Motion carried.*

### **Request for Revision of Fine Payment**

*A motion was made by Charest and seconded by Bell to grant a twelve month extension to pay the fine in case number: 2015-REA-11417. Herlihy abstained; Boston recused; Bell, Charest 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. A motion was made by Boston and seconded by Bell to preliminarily deny the application for licensure as a trainee submitted by Alexander Coupe pursuant to 32 MRS §§ 14014-A(11) and 14039(2) as the application is incomplete since the supervisor has been disciplined by this Board within three years and does not qualify to be a supervisor at this time. Unanimous.*

*The Board revisited two CE non-compliance issues: one regarding instructors of CE; and the other regarding timely completion of CE for renewal of a license.*

- 1. A motion was made by Charest and seconded by Boston to rescind the offer of a consent agreement in case number 2016-REA-12255 as Board was advised by counsel that Board statute does not authorize the Board to uphold the ASC requirement that only half of a licensee's CE requirement for renewal may be as an instructor. Unanimous.*
- 2. A motion was made by Boston and seconded by Charest to offer a consent agreement to the licensee for not completing CE at the time of renewing the license pursuant to 32MRS §14027; Board Rules Chapter 220(2)(1). Terms of the consent agreement offered is to include a reprimand, a fine of \$500.00, and the CE completed on 05/03/2016 may not be used for renewal of the license that expires on 12/31/2016. Unanimous.*

## **OTHER BUSINESS**

### **MEETING SCHEDULE**

*A motion was made by Boston and second by Charest to cancel the meeting scheduled for July 5, 2016. Unanimous.*

*The next meeting is scheduled for August 2, 2016.*

## **ADJOURN**

*Being no further board business the meeting was adjourned at 11:20 a.m.*

Respectfully submitted,  
Kim Baker, Board Clerk