

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
76 Northern Ave, Gardiner, Maine

MAINE BOARD OF REAL ESTATE APPRAISERS
PUBLIC MEETING
December 5, 2023
MINUTES

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
Wendy Boston, Chair	Cathy Pendergast, Administrator
Alan Johnson, Complaint Officer	John Belisle, Assistant Attorney General
Russell Barrows	Shara Chesley, Office Specialist I
Jacques Weinstein	
<u>MEMBERS ABSENT</u>	<u>OTHERS PRESENT</u>
Nathan Shipley, Vice-Chair	<u>None</u>

Location: Deering Building- 96 Blossom Lane Augusta, ME

Start: 9:25 a.m.

Adjourn: 4:36 a.m.

I. CALL TO ORDER

The meeting was called to order by the Chair at 9:25 a.m.

II. AGENDA MODIFICATIONS

None.

III. MINUTES REVIEW AND APPROVAL

A motion was made by Weinstein and seconded by Barrows to approve the November 3, 2023 minutes as presented. Unanimous.

IV. ADUDICATORY HEARING

2022-REA-18721 Andrew K. Lowe

Hearing officer- Mark Terison opened the hearing at 9:30 a.m. Andrew K. Lowe was present, representing self. AAG Phil Mantis presented the board's case.

Johnson recused.

Public deliberations were conducted at the close of the hearing.

1. A motion was made by Barrows and seconded by Weinstein that a preponderance of the evidence did not show that pursuant to 32 M.R.S. § 14014-A(7) licensee failed, without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal. Barrows, Weinstein and Boston voted in the affirmative.
2. A motion was made by Barrows and seconded by Weinstein that a preponderance of the evidence did not show, pursuant to 32 M.R.S. § 14014-A(8), negligence or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal. Barrows, Weinstein and Boston voted in the affirmative.
3. A motion was made by Weinstein and seconded by Barrows that a preponderance of the evidence established, pursuant to 32 M.R.S. § 14014-A(11) for failure to meet the requirements to become licensed as a certified residential real property appraiser.
4. A motion was made by Barrows and seconded by Weinstein that Pursuant to 10 M.R.S. § 8003(5-A)(A)(4) licensee violated a governing law of the Board, specifically 32 M.R.S. § 14028 by failing to

comply with standards established by the Uniform Standards of Professional Appraisal Practice ("USPAP"). Barrows, Weinstein and Boston voted in the affirmative.

A motion was made by Barrows and seconded by Weinstein to allow Chair Boston to sign the Decision and Order when it is written. Unanimous.

Hearing ended at 3:18 p.m. Recording was stopped.

Johnson rejoined the meeting.

V. COMPLAINT PRESENTATIONS

2023-REA-19448 – A motion was made by Barrows and seconded by Weinstein to offer a consent agreement and set for hearing for violations of USPAP competency and scope of work rules and Standards 1-1(a), 1-2(a), 1-3(a)(5), 1-4 (a) & (b) and 2-2(a). Sanctions to include a reprimand and completion of the 15-Hour USPAP and Residential Sales Comparison and Income Approaches Courses with exam passage. Courses not to be used for license renewal. Courses to be completed within 90 days of effective date of consent agreement or automatic suspension until completed. Boston, Barrows and Weinstein voted in the affirmative. Johnson abstained. Motion carried.

2023-REA-19461 – A motion was made by Barrows and seconded by Weinstein to dismiss with a letter of guidance. Barrows, Weinstein, and Boston voted in the affirmative. Johnson abstained. Motion Carried.

2023-REA-19472 – A motion was made by Barrows and seconded by Weinstein to dismiss with a letter of guidance. Barrows, Weinstein, and Boston voted in the affirmative. Johnson abstained. Motion Carried.

2023-REA-19486 – A motion was made by Barrows and seconded by Weinstein to Dismiss. Weinstein, Barrows, Boston voted in favor. Johnson abstained. Motion carried.

2023-REA-19509 – A motion was made by Barrows and seconded by Weinstein to offer a consent agreement and set for hearing for violation of USPAP Standard 1-1(a)(b)(c), 1-3(a) (3) & (5), 1-5 (a), 1-6 reconciliation (a),(b),(c), and scope of work rule. Sanctions to include a Reprimand and completion within 90 days of continuing education with exam passage of 30 credit hours of Appraisal institute courses or automatic suspension until completed. Barrows, Weinstein, and Boston voted in favor. Johnson abstained. Motion Carried.

2023-REA-19626 – A motion was made by Barrows and seconded by Weinstein to set the matter for hearing. Barrows, Weinstein, and Boston voted in favor. Johnson abstained. Motion Carried.

A motion was made by Barrows and seconded by Weinstein to allow Boston to sign all meeting dismissals, dismissals with letters of guidance and consent agreements when ready. Barrows, Weinstein, and Boston voted in favor. Johnson abstained. Motion Carried.

VI. RULE MAKING

A motion was made by Weinstein and seconded by Barrows to adopt the Basis Statement and Summary and Response to Comments and Small Business Impact Statement. Unanimous.

A motion was made by Barrows seconded by Weinstein to adopt Chapter 230: Supervisory Appraiser Duties and Chapter 240: Standards of Professional Practice. Unanimous.

VII. ADMINISTRATOR'S REPORT

The Board discussed a request for continuing education credit.

A motion was made by Barrows and seconded by Weinstein to allow the Board Chair to sign dismissals, dismissals with letters of guidance and consent agreements when ready without further Board review. Unanimous.

VI. PUBLIC COMMENT

None.

VII. MEETING SCHEDULE

The next meeting is currently scheduled for Tuesday, January 2, 2024.

VIII. ADJOURN

A motion was made by Weinstein and seconded by Barrows to adjourn the meeting. Unanimous.
Being no further board business, the meeting was adjourned at 4.36 p.m.

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