

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
July 2, 2024
MINUTES

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

Location: 76 Northern Ave. Gardiner ME

Start: 9:04 a.m.

Adjourn: 12:32 p.m.

I. CALL TO ORDER

The meeting was called to order by the Chair at 9:04 a.m.

I. AGENDA MODIFICATIONS

None.

II. MINUTES REVIEW AND APPROVAL

A motion was made by Barrows and seconded by Shipley to approve the May 7, 2024 Minutes. Unanimous.

III. ADJUDICATORY HEARING

2023-REA-19142 - Vurle C. Jones & 2023- REA- 19626 Ryan Wayne Burkhart

Recording started at 9:07 a.m.

Jaques Weinstein was not present.

Hearing officer- Rebekah Smith opened the hearing at 9:07 a.m. Vurle Jones and Ryan Burkhart were present, represented by self. AAG Betsy Stivers presented the Board's case.

Public deliberations were conducted at the close of the hearing.

As to Mr. Jones' certified residential appraiser license:

A motion was made by Barrows and seconded by Shipley that a preponderance of the evidence demonstrated a violation pursuant to 10 M.R.S § 8003(5-A)(A)(1) for misrepresentation in obtaining a license from the Board by misstating to Board staff what Mr. Burkhart's appraisal work and experience was via logs and forms. Unanimous

A motion was made by Barrows and seconded by Shipley that a preponderance of the evidence demonstrated a violation pursuant to 10 M.R.S § 8003(5-A)(A)(4) for any violation of the governing law of an office, specifically 32 M.R.S. § 14014-A(1), Mr. Jones lacked trustworthiness and competence to conduct real estate appraisals due to a lack of proper disclosure of Mr. Burkhart's role in drafting of multiple appraisal reports. Unanimous.

A motion was made by Barrows and seconded by Shipley that a preponderance of the evidence demonstrated that pursuant to 10 M.R.S. § 8003 (5-A)(A)(5), for violations of rules of the Board, specifically Chapter 230, Supervising Appraiser Duties, Mr. Jones failed to properly train and directly supervise Mr. Burkhart's appraisal activities and to maintain accurate records of the same between September 2021 and July 2022. Unanimous.

A motion was made by Barrows and seconded by Shipley that a preponderance of the evidence did not demonstrate a violation of 10 M.R.S. § 8003(5-A)(A)(2) and (5), 32 M.R.S. § 14028, and Board Rules Chapter 240, Standards of Professional Practice, for misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed and/or a violation of rules of the Board, specifically the Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule (Conduct) by communicating assignment results with the intent to mislead or defraud, purposely misrepresenting to Board staff as to what Mr. Burkhart's role was in performing real property appraisals

A motion was made by Barrows and seconded by Shipley to impose sanctions of a REPRIMAND; successful completion of the 14 Hour National USPAP Course with exam (not to be counted toward continuing education) within 90 days; and Mr. Jones will not act as a supervisory appraiser prior to 1/1/2026. Unanimous.

As to Mr. Burkhart's appraiser trainee license:

A motion was made by Barrows and seconded by Shipley that a preponderance of the evidence demonstrated a violation pursuant to 10 M.R.S. § 8003(5-A)(A)(1) for misrepresentation in obtaining a license from the Board, by purposely misrepresenting to Board staff what his role was in performing real property appraisals via logs and forms submitted to Board staff with false and misleading entries. Unanimous.

A motion was made by Barrows and seconded by Shipley that a preponderance of evidence did not demonstrate a violation pursuant to 10 M.R.S. § 8003(5-A)(A)(6), for engaging in any activity requiring a license under the governing law of the board that is beyond the scope of acts authorized by the license held, specifically 32 M.R.S. § 14038(1), for performing appraisals as a trainee without proper supervision.

A motion was made by Barrows and seconded by Shipley that a preponderance of evidence did not demonstrate a violation pursuant to 10 M.R.S. § 8003(5-A)(A)(2) and/or (5), 32 M.R.S. § 14028, and Board Rules Chapter 240, for misconduct or violation of an applicable code of ethics or standard of practice while engaged in the occupation or profession for which the person is licensed and/or a violation of rules of the Board, specifically the Uniform Standards of Professional Appraisal Practice (USPAP) Ethics Rule (Conduct), by communicating appraiser assignment results with the intent to mislead or defraud, by purposely misrepresenting to Board staff what Mr. Burkhart's role was in performing real property appraisals

A motion was made by Barrows and seconded by Shipley that a preponderance of evidence did not demonstrate a violation Pursuant to 32 M.R.S. § 14014-A(1) for lack of trustworthiness and competence to conduct real estate appraisals by falsely representing and/or failing to disclose Mr. Burkhart's role in the creation of multiple appraisals reports.

A motion was made by Barrows and seconded by Shipley to impose sanctions including a WARNING; successful completion of the 14 Hour National USPAP Course and completion of the Supervisory Appraiser/Trainee Appraiser Course. Prior experience hours may not be applied toward licensure.

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

Hearing ended at 12:40 p.m. Recording was stopped.

Jaques Weinstein joined the meeting.

IV. COMPLAINT PRESENTATIONS

2024-REA- 19933- A motion was made by Barrows and seconded by Weinstein to dismiss the complaint. Boston, Barrows, and Weinstein voted in the affirmative. Shipley abstained. Motion carried.

2024- REA-19988- A motion was made by Barrows and seconded by Weinstein to dismiss with a Letter of Guidance. Boston, Barrows, and Weinstein voted in the affirmative. Shipley abstained. Motion carried.

2024-REA-18737- Chair Boston stepped away from the table. No action was taken.

V. PUBLIC COMMENT

None.

VI. ADMINISTRATOR'S REPORT

- The Board discussed an inquiry regarding the scope of work for a licensed real estate property appraiser and directed staff to reply with the relevant statute and information on how to file a complaint.
- The Board discussed an inquiry regarding acceptance of biometric proctoring from the CE Shop and their desire not to allow this form of proctoring at this time.
- The Board Administrator provided a link to the Appraisal Subcommittee's (ASC) Annual Report and information on the Preliminary Compliance Review.

VII. METING SCHEDULE

The next meeting is currently scheduled for Tuesday, August 6, 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 12:32 p.m.