



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

BOARD OF REAL ESTATE APPRAISERS



Janet T. Mills
Governor

Joan F. Cohen
Commissioner

Public Board Meeting
Tuesday, March 4, 2025,
AGENDA

- Location:** 76 Northern Ave Gardiner, ME 04345
- Room:** Central Conference Room
- Time:** 9:00 a.m.
- Contact:** Heidi Lincoln- 207-624-8522 or Heidi.Lincoln@maine.gov

Option for Virtual Attendance by the Public:

In addition, though not required by law, this meeting is being made virtually available using the Zoom platform to members of the public who do not attend in-person. A link for the public to access the Board of Real Estate Appraisers meeting virtually will be posted on the Real Estate Appraisers Board website at: <https://www.maine.gov/pfr/professionallicensing/professions/board-real-estate-appraisers/home/board-meeting-information>

The Board of Real Estate Appraisers expects that members of the public who attend the meeting virtually will be able to provide public comment to the same extent as members of the public who attend in-person.

- I. CALL TO ORDER**
- II. AGENDA MODIFICATIONS**
- III. MINUTES REVIEW AND APPROVAL**
Review and approval of January 7, 2025, Minutes
- IV. COMPLAINT PRESENTATION**
2022-REA-18737 Compliance Memo
- V. ADMINISTRATOR'S REPORT**
 - Application and Appeal Withdrawal Memo
 - Inquiry – Highest and Best Use

Office Location: 76 Northern Avenue, Gardiner, Maine 04345
Mailing Address: 35 State House Station, Augusta, Maine 04333

[Board of Real Estate Appraisers | Office of Professional and Occupational Regulation](#) Email: Heidi.Lincoln@maine.gov

VI. PUBLIC COMMENT

Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board, except for any open application or complaint. While the Board cannot take action on any issues presented, the Board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board Chair, a time limit on comments may be set.

VII. MEETING SCHEDULE

Next meeting scheduled for Tuesday, April 1, 2025

VIII. ADJOURNMENT

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
January 7, 2025
MINUTES

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
Wendy Boston, Chair	Cathy Pendergast, Administrator
Alan Johnson, Vice-Chair	Katie Warwick, Assistant Attorney General
Nathan Shipley, Complaint Officer	John Belisle, Assistant Attorney General
Russell Barrows	Jazmyne Marks, Licensing Supervisor
	Heidi Lincoln, Office Specialist I
	Shara Chesley, Office Specialist I
<u>MEMBERS ABSENT</u>	<u>OTHERS PRESENT</u>
	<u>None</u>

Location: 76 Northern Ave. Gardiner ME

Start: 9:00 a.m.

Adjourn: 11:30 a.m.

I. CALL TO ORDER

The meeting was called to order by the Chair at 9:00 a.m.

II. AGENDA MODIFICATIONS

A motion was made by Barrows and seconded by Shipley to add the election of officers & discussion regarding preliminary and final denial letter as proposed by Administrator Pendergast. Unanimous.

III. MINUTES REVIEW AND APPROVAL

A motion was made by Barrows and seconded by Shipley to approve the November 22, 2024, Minutes. Unanimous.

IV. ADJUDICATORY HEARING

2023-REA-20104 Zachary W. W. Brewster

Johnson recused.

Recording started at 9:05 a.m.

Hearing Officer – Mark Terison opened the hearing at 9:05 a.m. Zachary W. W. Brewster was present, representing himself. AAG Katie Warwick presented the Board’s case.

Public deliberations were conducted at the close of the hearing.

1. A motion was made by Barrows and seconded by Shipley that pursuant to 10 M.R.S. §8003(5-A)(A)(4) & (5) a preponderance of the evidence demonstrated violation of governing law and

rules of the Board, specifically 32 M.R.S. § 14028 and Board Rules Chapter 240 (a-j) by failing to comply with standards established by USPAP. Unanimous.

2. A motion was made by Barrows and seconded by Shipley to uphold the preliminary denial pursuant to 32 M.R.S. § 14041-A (11) applicant failed to meet the professional qualifications to become licensed as a residential real property appraiser by failing to obtain experience that demonstrates proficiency in appraisal principles, methodology, procedure, and reporting conclusions. 32 M.R.S. § 14037(2). Unanimous.

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

The hearing ended at 11:12 a.m. Recording was stopped.

Johnson re-joined the meeting.

V. ELECTION OF OFFICERS

A motion was made by Barrows and seconded by Shipley to keep the same slate of officers: Chair – Wendyann Boston; Vice-chair – Alan Johnson and Complaint Officer – Nathan Shipley. Unanimous.

VI. COMPLAINT PRESENTATIONS

None.

VII. ADMINISTRATOR'S REPORT

The Board discussed and was in favor of adding the option of withdrawing an application during the 30-day appeal period set forth in preliminary denial letters. Language to include that a denial or withdrawal does not preclude applicant from applying in the future.

VIII. PUBLIC COMMENT

None.

IX. MEETING SCHEDULE

The next regularly scheduled meeting is scheduled for Tuesday, February 4, 2025.

X. ADJOURN

A motion was made by Barrows seconded by Shipley to adjourn the meeting. Unanimous.

Being no further board business, the meeting was adjourned at 11:30 a.m.

Pendergast, Catherine

From: Larry L'Heureux <larry@theappraisalcompany.us>
Sent: Monday, February 10, 2025 10:47 AM
To: board, rlestateappr
Subject: Appraisal Review

EXTERNAL: This email originated from outside of the State of Maine Mail System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

BREA

I recently completed an appraisal on a property in the Kittery community. There are 2 buildings that were reconstructed to high end apartments and used as short term rentals on AirB&B and VRBO. The community has an ordinance that restricts permits for short term rentals to an individual and that privilege is not transferable. The community web site and personnel in the CEO office indicate there is a 2-3 year wait list for short term rental permits. The subject apartments have been used as short term rentals since early 2022 when they were completely reconditioned and now represent short term rentals at the top of the market.

In my appraisal, I deemed that the H&BU of the rentals was a continuation of their short-term rental status. My report was reviewed, and the reviewer found my H&BU to be inaccurate and that the H&BU is the units being returned to apartment rental status, resulting in a lower valuation estimate.

The issue is what is the H&BU of the apartments. While I agree with the reviewer that the H&BU is as apartment rentals if the current permit holder, for whatever reason, loses that status, however, until then the H&BU is as short-term rentals. There is no indication that the current permit holder is in danger of losing the permit nor does the permit holder anticipate relinquishing the permit and reverting to apartment rental status. The current permit holder has hired a management company to continue the short-term rental management of the units.

In my initial report I did disclose the nature of short-term permitting in the Kittery community but relied on the current short term permit status to determine the H&BU. Whether or not the lender relies on either of the positions is just that, an underwriting decision, and not an appraisal determination.

I will very much appreciate direction by the Board and assistance going forward to arrive at a determination of the appropriate H&BU for this situation.

I will wait to hear from you.

Thank you

Larry L'Heureux

Laurent L'Heureux, MBA
Certified General Real Estate Appraiser
Licensed in ME & FL
813-758-8847
Larry@TheAppraisalCompany.us