



ARIZONA BOARD OF APPRAISAL

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AGENDA REGULAR BOARD MEETING MARCH 9, 2012 AT 8:30 A.M.

100 N. 15th Avenue, 3rd Floor Conference Room

The Board may go into Executive Session for the purposes of obtaining legal advice from the Board's attorney on any matters listed below pursuant to A.R.S. § 38-431.03(A)(3). In addition, the Board may go into Executive Session pursuant to A.R.S. § 38-431.03(A)(4) for discussion or consultation with the Board's attorneys regarding pending litigation and to consider its position and instruct its attorneys regarding same.

1. CALL TO ORDER AND APPROVAL OF MINUTES:

- A. Call to Order and Roll Call
- B. Pledge of Allegiance to the Flag of the United States of America

2. PUBLIC ANNOUNCEMENTS AND CALL TO THE PUBLIC:

The Board may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the Board on any issue within its jurisdiction. The Board may respond to criticism, may ask staff to review a matter, and/or may ask that a matter be put on future agenda. The Board may not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action. See A.R.S. § 38.431.01(G). **Anyone wishing to address the Board during the open call to the public is required to complete the form provided with the agenda at the time of the meeting. Members of the public may, at the Board's discretion, be allowed to address agenda items. The Board may limit persons speaking during this time to a reasonable number on any public comment matter. In addition, each person wishing to address the Board will be given five (5) minutes to do so.**

3. COMPLAINT REVIEW

A. ISSUES DEALING WITH FORMAL HEARINGS:

(1:00 p.m.)
James K. Amoako

Discussion, consideration, and possible action concerning the 1/31/12 Administrative Law Judge Decision

B. INVESTIGATIVE FILE REVIEW:

3169 Josh C. Allison

Discussion consideration, and possible action following receipt of investigator's report
(See 3E Below)

3247/ Michael C. Melanson
3293

Discussion consideration, and possible action following receipt of investigator's reports

- 3249 Thomas M. Peevler Discussion consideration, and possible action following receipt of investigator's report
- 3265 William J. Davis Discussion consideration, and possible action following receipt of investigator's report
- 3273/ Tracey M. Captain Discussion consideration, and possible action following
3274 receipt of investigator's reports
- 3284 Mark J. Smith Discussion consideration, and possible action following receipt of investigator's report
- 3299 Bruce R. Berkson Discussion consideration, and possible action following receipt of investigator's report

C. COMPLIANCE FILE REVIEW:

- 3067 Stephen D. Fetters Discussion, consideration, and possible action following respondent's failure to sign proposed 1/30/12 Consent Agreement and Order of Discipline and Practice Restriction and respondent's counteroffer
(See 3E Below)

D. INITIAL (FIRST) FILE REVIEW: First review and possible action following receipt of reply from Respondent's expiration of Respondent's reply date, or extension of Respondent's reply date:

- 3329 David N. Loomis
- 3349 Darcy A. Rich
- 3359 Peter M. Siebrand
- 3369 Kathryn A. Weber
- 3371 Mark A. Norris
- 3372 John G. Willis
- 3377 Stephen R. Handley

E. 12-MONTH FILE REVIEW: Review and possible action on Complaints pending longer than 12 months from receipt of reply:

		<u>Reply Date</u>	<u>Status</u>
2836	Jay A. Josephs	4/21/09	Pending Other
2912	Flo C. Lehnus	8/3/09	Pending Other
3136		6/24/10	Pending Other
2920/	Ronald R. Zimmerman	8/10/09	Pending Other
2931		8/14/09	Pending Other
2952	Keith J. Holmes	9/15/09	Pending Other
2984	Kyle D. Lindsey	9/28/09	Hold
3113		5/10/10	With Investigator
2985/	Julie D. Friess	9/28/09	With Ag
2989		9/28/09	With Ag
3013	James A. Woods	10/23/09	Pending Informal Hearing
3023/	Jack L. Newman	11/9/09	Pending Other
3024		11/9/09	Pending Other

3067	Stephen D. Fetters	1/16/10	(See 3C Above)
3068	David C. Lennhoff	2/3/10	With Ag
3069	Harry A. Horstman III	2/3/10	With Ag
3081	Sterling F. Slaughter	3/1/10	Hold
3105	Walter W. Reed	5/10/10	Pending Other
3121	Cora L. Shurtz	5/26/10	With Ag
3131	Lance A. Lafata	6/14/10	Need Informal Hearing
3133	Brad L. Duecker	6/15/10	Pending Other
3179		10/25/10	Pending Other
3134	Julie E. Kearns	6/23/10	Pending Other
3144	Ryan A.P. Fortuna	7/16/10	Pending Other
3148	Philip G. Hudson, Jr.	7/26/10	Pending Other
3153	Robin E. Pinkus	8/4/10	Need Informal Hearing
3169	Josh C. Allison	9/20/10	(See 3B Above)
3177	Thereasa L. McReynolds	10/13/10	Need Informal Hearing
3182	Richard T. Salceda	10/27/10	Need Informal Hearing
3221		1/4/11	Need Informal Hearing
3188	Kevin P. Dowling	11/5/10	Pending Other
3222		1/5/11	Pending Other
3191	Stephen M. Steitz	9/23/10	Need Formal
3208	Arturo G. Reeder	12/16/10	Pending Other
3209	Kevin J. Rodolico	5/18/10	Pending Other

4. APPRAISAL MANAGEMENT COMPANIES AMC's:

A. INITIAL (FIRST) FILE REVIEW:

A0037	Altisource Valuation Advisors, Inc.
A0056	Equifax Settlement Services
A0058	Equifax Settlement Services

B. COMPLIANCE FILE REVIEW

A0025	StreetLinks Lender Solutions
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5. REPORTS OF CHAIRPERSON, EXECUTIVE DIRECTOR AND COMMITTEES:

A. EXECUTIVE DIRECTOR REPORT:

- (1) Assistant Attorney General's assignments
- (2) Complaints with answer dates extended by staff
- (3) Complaint statistics

B. COMMITTEE REPORTS:

(1) **APPLICATION REVIEW:**

Discussion, consideration, and possible action on recommendations from the Committee regarding approval of applicants and revisions to application materials and procedures (See attached Committee meeting agenda)

(2) **APPRAISAL TESTING AND EDUCATION:**

Discussion, consideration, and possible action on recommendations from the Committee regarding approval of courses, course providers and education requirements. Discussion, consideration, and possible action regarding audit of board- approved courses and corresponding process and materials. (See attached Committee meeting agenda)

6. NEW BUSINESS:

- A. Discussion, consideration and possible action regarding the process to be utilized in reviewing and adjudicating Complaints 3254 Kyle L. Voris and 3255 W. Wade Clark.
- B. Discussion, consideration and possible action regarding HB2778 update.
- C. Discussion, consideration and possible action concerning the possible formation of a complaint screening committee to review complaints prior to submission to the full Board.
- D. Discussion, consideration, and possible action concerning topics that Board may discuss including but not limited to:

The development process to organize a board focus group
Board investigator's contracts and processes
AARO attendance for April 2012 Conference
Updated Q&A's from the Appraiser Standards Board (ASB)

7. CONFIRMATION OF MEETING DATES, TIME, LOCATIONS AND PURPOSES:

Dates and times

8. ADJOURNMENT:

One or more members of the Arizona Board of Appraisal may participate by telephone conference call. Members of the Board will attend either in person or by telephone conference call. All items assigned a specific time will be addressed at that time or as soon thereafter as the item may be heard. All items not assigned a specific time may be addressed at any time during the meeting. Copies of this agenda and additional information regarding any of the items listed above may be obtained 24 hours prior to the scheduled meeting from the Arizona Board of Appraisal, 1400 W. Washington, Suite 360, Phoenix, Arizona, Monday through Friday, 8:00 a.m. to 5:00 p.m., excluding holidays. Telephone: (602) 542-1558, or on the Board's website under Meetings. If a disabled person needs any type of accommodation, please notify the Board's ADA Compliance Coordinator, Dan Pietropaulo, as soon as possible prior to the meeting at (602) 542-1593.



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2012 MAY -4 AM 9:40

ARIZONA BOARD OF APPRAISAL

MINUTES REGULAR BOARD MEETING Friday, March 9, 2012, 8:30 AM

Call to Order and Roll Call

Regular Board meeting called to order by Les Abrams, Chairperson at 8:38 AM.

Board members present at Roll Call:

Joe Stroud
James Heaslet
Kevin Yeanoplos
Mike Petrus
Frank Ugenti
Debra Rudd
Les Abrams

Staff Attendance:

Dan Pietropaulo, Executive Director
Jeanne Galvin, Assistant Attorney General
Kelly Baldwin, Staff
Rebecca Loar, Staff

Pledge of Allegiance

Review and Action concerning 3299, Bruce R. Berkson

Respondent appeared. Debra Rudd moved to accept the investigators report, find no violations and to dismiss the complaint. Joe Stroud seconded the motion. The Board voted unanimously in favor of the motion.

Introduction of new Staff member:

Dan Pietropaulo introduced Kelly Baldwin who is currently helping out temporarily in the Board office.

Review and Action concerning 3284, Mark J. Smith

Respondent appeared. Debra Rudd stated her concern that there appeared to be statements in the investigative report that are not USPAP violations but "best practice" standards. Further, she noted that 2-2(a) should be 2-2(b). She moved that the report be returned to the investigator for review and correction. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3371/3372, Mark A. Norris and John G. Willis

Respondents appeared. Both Debra Rudd and Frank Ugenti stated they had previously worked with these appraisers, but believed they each could be objective in their judgments. Debra Rudd did not note any violations. Frank Ugenti questioned the sales

comparison. Respondent stated it came from the MLS. There was concern by some of the Board members that there may be a trespassing issue. Respondent stated that a police report was filed and that the appraisers were given permission to enter the home by the Broker and by the bank. The Board noted that the trespassing issue was not within the Board's jurisdiction, upon which Frank Ugenti made a motion to dismiss. Debra Rudd seconded the motion. The Board voted unanimously in favor of the motion.

(Initial First File Review) Review and Action concerning 3329, David N. Loomis

Mr. Loomis did not appear. Attorney David Martin appeared on behalf of Mr. Loomis. Debra Rudd described the complaint in comparison to "Sage v. Blagg" case, and noted that the appraiser had listed the property as having 1556 sq. feet, but that county records show the property's sq. footage as 1068. Debra Rudd also noted that the complainant, who is anonymous, did disclose an illegal addition to the property and that there is no building permit on record for this addition. She stated that the appraiser should have disclosed this information, but did not do so. It was also noted that although Mr. Loomis is not currently practicing in Arizona, he is still licensed to practice here. Attorney Martin stated that he is in attendance as Mr. Loomis is concerned about his reputation. Attorney Martin further noted that Mr. Loomis's appraisal did reflect the MLS listing and previous market appraisal. Debra Rudd stated the non-disclosure, non-discussion are violations of 1-1(a), 2-1(a) and (b), and 2-2(b)(iii). Debra Rudd mentioned Mr. Loomis' lengthy appraisal history with no prior complaint against him, and offered a Level 1 Letter of Concern. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3349, Darcy A. Rich

Respondent was present. Property is located in Scottsdale. Debra Rudd stated that she had previously worked with this appraiser, but she believed she could be objective in her judgment. There was discussion by the Board as to the completeness of the work file submitted by Ms. Rich, in addition to the methodology and reasoning for her comparative selections and adjustments. Mike Petrus questioned the Respondent concerning whether there was any adjustment given for one-story homes vs. two story homes. In addition, there were no adjustments noted in regards to different qualities of construction of excellent and good. James Heaslet noted that several homes of similar construction were sold for significantly less. There was discussion on the distinction between custom and tract homes in this neighborhood. Respondent stated that she feels that she was not misleading in her appraisal, but that at the time of the appraisal she was transitioning in her business from paper to paperless. She also stated that what was currently submitted in her work file was not what was originally submitted, but that due to extenuating circumstances of going through a divorce, without going to court she would be unable to obtain the rest of the work file due to it being stored in the attic of her ex-husband's home. Ms. Rich also noted that she teaches classes on record keeping, and that typically, she includes too much information in her reports, but that this report was prepared before she went paperless. Frank Ugenti asked about Respondent's coursework. Respondent stated that her renewal is up in August, and that she will be completing her Continuing Education before her renewal is complete. Frank Ugenti suggested that violations 1-1a, 1-4b, and recordkeeping be offered. Debra Rudd disagreed with 1-4b, and suggested that 1-1a, and recordkeeping be offered. Mike Petrus motioned for a Level 1 Letter of Concern. Joe Stroud seconded the motion. The motion passed. Frank Ugenti voted no.

Review and Action concerning 3169, Josh C. Allison

Respondent was not present. Debra Rudd made a motion to accept the investigative report and to invite the Respondent to an Informal Hearing. James Heaslet seconded the motion. Mike Petrus asked for clarification with respect to this being the case with commercial report and no apparent work file. No further discussion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3247/3293, Michael C. Melanson

Respondent did not appear. Debra Rudd noted a typo on case 3247, page 78, is a legal description is the same as on file 3293. Debra Rudd made a motion to that other than the typo to accept the report, and invite the Respondent to an informal hearing. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3249, Thomas M. Peevler

Respondent did not appear. James Heaslet made the motion to accept the investigative report and invite the Respondent to an informal hearing. Mike Petrus seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3265, William J. Davis

Respondent did not appear. Debra Rudd made a motion to accept the investigative report, find no violations, and to dismiss the complaint. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3273/3274, Tracey M. Captain

James Heaslet recused himself. Respondent did not appear. Debra Rudd made the motion to accept both investigative reports, and to offer a consent agreement for both cases for the violations found in the investigative reports. Level II Remedial Action, providing for remedial education. Mike Petrus seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3067, Stephen D. Fetters

Respondent did not appear. Debra Rudd stated that Respondent's license expired January 31, 2012, but that he is still within the 90-day period. Debra Rudd motioned to close without prejudice and to reopen should the Respondent reapply. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3359, Peter M. Siebrand

Complaint alleges that the Complainant paid for a report she did not receive. Respondent claims that only partial payment was received for the appraisal and that he refunded half of what was paid to him. No appraisal report was completed. Per the documentation on file, the appraiser made an inspection of the property, but was waiting for an environmental study to come in. The file documentation shows a certified partial refund received by the Complainant that was agreed upon. Mike Petrus made the motion to dismiss this complaint. Frank Ugenti seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3369, Kathryn A. Weber

Tabled until after lunch per Respondent's request.

Review and Action concerning 3377, Stephen R. Handley

Respondent did not appear. Property is located in Phoenix. Les Abrams noted that the signature date of the report is 2006. Debra Rudd noted that the Complainant is Flag

Star, the report was completed more than five year ago (exceeds the file retention requirement). Debra Rudd made the motion to dismiss. Mike Petrus seconded the motion. The Board voted unanimously in favor of the motion.

A0025 Streetlinks Lender Solutions

Streetlinks was represented by Mike Floyd from the corporate office, and legal counsel, Jim Braselton. Debra Rudd commended Amanda for her summary of the complaint. Debra Rudd stated the Board reviewed this complaint at the October 2011 meeting, and voted to offer a Non-Disciplinary Letter of Concern citing A.R.S. § 32-3674(a)(2) to notify the Respondent that the action that is the basis of the complaint does not warrant disciplinary action but is nonetheless cause for concern on the part of the Board and that continuation of the behavior may result in disciplinary action. Attorney Jim Braselton stated that he does object to the Letter of Concern, based on the statutory prohibitions of the Board in that they do not have the authority to sanction an AMC for "failing to communicate properly." Attorney Braselton further stated that there is nothing in the record that reflects any improper communications by Streetlinks in connection with its dealings with Ms. Kelsey, rather that what was communicated was expressly permitted when requesting additional information pertaining to the basis of an appraiser's appraisal. Attorney Braselton said that the Ms. Kelsey responses to Streetlinks attempts to communicate were unsatisfactory, and the company's concern with the sanction is that this type of a letter becomes part of the record when there is no violation. Attorney Braselton further stated the decision to terminate her was not done lightly due to the lack of appraisers to appraise in that area of the State. And finally, Attorney Braselton's states that Ms. Kelsey's last letter indicates that she herself did not intend to appeal her dismissal.

Frank Ugenti explained that there are appropriate steps to be taken by the Lender on behalf of the client in the event that the appraiser either states that the appraisal is final, or the appraiser violates USPAP regulation. Mr. Floyd explained that the Lender did make attempts to obtain information from the appraiser without adequate response. He further explained that even after the appraiser was terminated, which he said was not in the best interest of the AMC due to the lack of appraisers in the area, that Ms. Kelsey re-did her appraisal after consulting a HUD representative, and being instructed that she should re-appraise the property on an "as-is" basis.

Mr. Floyd further stated that Ms. Kelsey then re-submitted her updated appraisal, but then would not communicate her reasons for changing the appraisal. Mr. Floyd submitted to the Board that the difficulty the Lender faced in these circumstances to then decide how to appropriately communicate to the client the turn of events regarding the property, and the updated appraisal.

Mike Petrus asked the Board to clarify what they were deciding on, whether the Board was determining if the appraiser did something wrong to be terminated, or were they deciding if Streetlinks notified the appraiser properly. Les Abrams moved the Board go into Executive Session for legal advice. Frank Ugenti seconded the motion. The Board voted unanimously in favor of the motion.

The Board reconvened from Executive Session.

Frank Ugenti stated to Mr. Floyd and to Mr. Braselton that when he used the term "brow beating," he was not by any means referring to them or anyone in specific, rather that he

was referring to some AMC appraisal practices in general. Mr. Floyd stated that he and Mr. Braselton were absolutely in agreement with Mr. Ugenti.

James Heaslet stated that he appreciated that Mr. Floyd stated that Streetlinks had made changes to their whole process, and had recognized that the whole process could have been a little better. In lieu of that, James Heaslet made a motion to rescind the Letter of Concern and dismiss the complaint. Joe Stroud seconded the motions. The Board voted unanimously in favor of the motion.

Joe Stroud commended Streetlinks on their efforts to get additional information, and how they took care of their client, and stated that he wished there were more AMCs like this one.

12 Month File Review

Dan Pietropaulo summarized the list with the Board stating that two complaints were taken off and that none were added, and that the majority of complaints on the list is simply waiting on signatures, and should be removed from the list shortly. Rebecca Loar commented that with respect to Informal Hearings that are on the list, all the necessary notices had been sent out and that the date of the informal has been set for April 18, 2012. Ms. Loar also noted a correction on case 3148, Phillip G. Hudson Jr. from Pending Other to Voluntary Surrender, and stated that all that is currently needed is a signature. Les Abrams asked for an update on case 3081, Sterling Slaughter. Dan Pietropaulo responded that the Appraisal office is waiting to see if Mr. Slaughter is going to renew his license. Ms. Loar also reported to the Board 2 weeks ago there were 163 pending complaints but currently there are 153 cases.

Executive Director's Report

Dan Pietropaulo updated the Board that on the newly purchased email domain that is being beta tested, and that the process is going very well. He explained the email names are very short, and the web site name is also simplified, and that because it is web based, staff emails can be addressed from home. Potentially, the Board will receive an email address as well, which will allow attachments to be sent, and in turn save the Board of Appraisals much expense. Dan further notified the Board that the State Auditor General Audit is happening very soon, and that the ASC Audit is scheduled for April 16 through April 18, 2012.

Les Abrams allowed Joanna Conde to ask about whether the rules have changed regarding appraisers (appraiser/meeting attendees) being required to provide the Board with their email address. Dan responded that the Board of Appraisal cannot require appraisers to provide their email address, and that for that to be possible the Appraisal Board would have to be given authority.

Complaint Statistics: The Board was given updated reports for last 2 months of Board meetings. Frank Ugenti asked if the Board's efforts were actually doubled as a result of doubling up on monthly Board meetings. Ms. Loar gave statistics, and reported that the Board's increased efforts were in fact effective.

There was discussion by the Board about creating/revising the Complaint Statistics report that would help the Board better track it's progress with a summary of last year's progress in addition to a summary for this year's to date totals, and to provide these

updates to the Board, and post these totals online in lieu of what has been provided to the Board, and posted to date on the web site.

Application Committee Review

James Heaslet gave the recommendations of the Application Review Committee to the Board. Mr. Heaslet informed the Board that Mr. Neil was upset that the Board does not take personal checks. Jeanne Gavin, Assistant Attorney General noted that not taking personal checks is an internal policy, but that the Board is working on being able to accept credit cards for payments. Dan Pietropaulo further commented that accepting checks can potentially turn into an accounting nightmare, and that it has ramifications that can ripple down through ACS recordings, etc. The Board recommended that Staff should probably respond to Mr. Neil that it is still an internal policy not to accept personal checks and to inform him that we are working towards accepting credit cards to help streamline the payment process.

There were two requests from appraisers to be allowed to take the USPAP online due to medical issues. It is the committee's recommendation for the Board to accept both requests. There was also discussion about changing the Application Review Committee meeting time, starting next month to 10 AM from 3 PM. due to Staff's need to complete set up for the regular Board meeting in the afternoon. The Application Review Committee has agreed to give the new time a try.

It was recommended that Mr. Brooks attend the next Application Review Committee meeting, as he was not appropriately noticed. Debra Rudd made the motion to accept the Committee's recommendations as drafted. Mike Petrus seconded the motion. The Board voted unanimously in favor of the motion.

Testing and Education Committee Review

Mike Petrus gave the recommendations of the Testing and Education Committee to the Board. There was discussion on the possibility of appraiser Board member auditing education courses. The Committee agreed to work on this issue. Joe Stroud commented that due to the number of issues the Committee is working on, in order for the Committee to come to the right conclusions, the Committee has decided that this issue will take about three months to complete. It was also discussed and decided by the committee to adjust its schedule to accommodate Staffing needs. Debra Rudd made a motion for the Board to accept the Committees recommendations. Les Abrams seconded the motion. The Board voted unanimously in favor of the motion.

New Business discussion, consideration, and possible action regarding HB2778 update

Call to the Public

Carl Schutze appeared representing AAREA and disclosed to the Board that he is Joanna Conde's husband. Mr. Schutze stated his background includes 40 years of research experience including a lot of survey work. Mr. Schutze stated that he believes the introduction of the COAA survey to be very negatively slanted with respect to proposed legislation. Mr. Schutze goes on to say that, there were 2 Board members at the last stakeholder meeting, and when asked at the end of the meeting if anyone had issues with the meeting, no one said they did.

Mr. Schutze then addressed the Board regarding four concerns:

1. With regards to the Uniform Standards of Professional Appraisal Practice (USPAP) being accepted by the Board, Mr. Schutze comments that this item was initially suggested by the Board, and that the wording was rendered by the Legislative Council and passed. He explained that the reason for this is the Board has to accept the current USPAP, that in the past the Board has had to go to Legislature to change the rules to accept the new version of USPAP.

The second issue is relative to the Continuing Education class, COAA raised the red herring that in their statements concerning this particular issue that there is carry over of CE credit and this is going to be in opposition or frowned on by the ASC. There really is no carry over. What this does is it really sets the clock of the two-year cycle of when the person turns in their 2-year renewal, not when their new license is issued.

The third issue that COAA finds objectionable is that the appraisers have to disclose their fee in the scope of work and again they raise the scare tactic in their discussion of this particular issue saying that "If you have to disclose your fee in the report, that Fannie May will gobble up the fees into their database, and thus become defacto customary and regular fees. This is really far fetched in that this only pertains to appraisers in the state of AZ.

The fourth issue is just a concern that you have to question very carefully, what is the universe COAA is attempting to make inferences to with their research when you consider the information submitted by COAA.

Call to the Public

Joanna Conde appeared representing AAREA to the Board as a representative and President of AAREA. She updated the Board that on President's Day at a stakeholder's meeting, both Frank Ugenti and Debra Rudd were present and discussed proposed legislation. At the end of the meeting, Ms. Conde asked if there were any objections, and two issues were raised. The first issue was raised by homebuilders regarding several requests of the "hold harmless 3rd party issue." It had nothing to do with appraisers. The second issue was raised by Debra Rudd, stating that the Board would not be able to accept a request to develop an investigative committee if expenses are involved. Ms. Conde stated that Representative McLain will remove the investigative committee issue from the proposed bill. The issue with regard to "hold harmless" will be struck in the AMC portion of the proposed language. There were no further complaints or issues raised. Ms. Conde concluded by stating that it was disappointing that COAA came out with a survey after AAREA's two stakeholder meetings, as AAREA has been working with the stakeholders and the regulated community in an open and honest manner. Dan Pietropaulo noted that Section 7 §32-3681 "Prohibited Practices" lines 37-41 are being struck because it is already located in another place in the proposed bill.

Call to the Public

Ann Susko appeared representing COAA and HB2778. Ms. Susko confirmed that Debra Rudd and Frank Ugenti were at the stakeholder meeting. Everyone at that meeting was representing one organization or another. At the end of the meeting, each one would have to go back to their respective organization and review the proposed legislation. That is why there was not a mass agreement by everyone at this time. Ms. Susko stated that the professional organizations have remained neutral because they are waiting for the Board to determine which items are enforceable and which items will pose a difficulty for the Board.

Debra Rudd raised a question regarding the difference in the filing time for inactive license or certificate status during military inactive duty in Section 4 §32-3628. Ms. Rudd stated another question concerning Section 2 32-3610 and also commented that the proposed language in Section 3 §32-3625 3H referring to qualifying education for renewal has the potential of being in conflict with the Appraisal Sub Committee (ASC) and the Appraisal Qualification Board's requirements as proposed.

Dan Pietropaulo commented that his concern with the language is that it has the potential of causing problems with the ASC. Also, he stated, appraisers procrastinate by waiting until the last minute to update their education for renewal. He also stated that these types of changes can cause huge ripples in the whole process. Les Abrams would like to see more information on the ramifications of these issues and how they would affect the regulated community, the Board, and Board Staff.

The Board deliberated on the following points:

New Statute Proposed:

Point 1:

Section 1§ 32-3604 4.C - State Board of Appraisal 4.C

There was discussion that there was not a 3-hour USPAP class developed. Dan stated that if the Board wanted to take the 7-hour USPAP class that would be fine. However, there is no funding available to support this proposed language. Joe Stroud moved to accept the proposed language. Mike Petrus seconded the motion. Because there was no clear consensus, the Board took Roll Call.

Roll Call:

Joe Stroud – Yes

James Heaslet – No

Kevin Yeanoplos- No

Mike Petrus – Yes

Frank Ugenti – No

Debra Rudd – No

Les Abrams – No

Motion did not pass.

Point 2:

Section two§ 32-3610 - Uniform Standards of Professional Appraisal Practice: State Standards; exception.

The Board came to a consensus on the proposed language concluding that the language should remain in the bill.

Point 3:

Section 3 §32-3625 3H - Continuing Education.

The Board came to a consensus to strike the proposed language.

Point 4:

Section 4 §32-3628 2D and E - Inactive License or Certificate Status during Military Duty; Reactivation Application; Renewal Application and Fee; Continuing Education.

The Board came to a general consensus to accept the proposed language. Debra Rudd clarified that Line D relates to time allowed for reactivation, and that Line E relates to time allowed for submitting education.

Point 5:

Section 5 §32-3634.01 - Prohibition Indemnification Agreement.

The Board accepted proposed language for §32-3634.01 A and B, and there was discussion that the appraiser needs to be responsible for their work, and the AMC needs to be responsible for their work. Regarding Section 7 §32-3681 Prohibited Practices. Pertaining to this section, the Board came to a consensus to strike the proposed language.

Point 6:

Section 6 §32-3673 B - Disclosure Fees.

There was discussion that the new HUD1 coming out could change the proposed language. The Board came to a consensus to strike the proposed language.

Point 7:

Section 8 – Appraisal Management Company Investigative Committee.

The Board came to a consensus to strike the proposed language.

Les Abrams directed Dan Pietropaulo to communicate the Board's standing on these points to the legislators involved.

The Board reconvened from lunch

Review and Action concerning 12F-7776-BOA James K. Amoako

Respondent appeared. Jeanne Galvin, Assistant Attorney General gave an opening statement and requested that the Board adopt the Findings of Fact, Conclusions of Law, and Order recommended by the Administrative Law Judge. Mr. Amoako gave an opening statement informing the Board that at the January Board meeting he requested a continuance since he was leaving the country and he requested that his appeal be withdrawn and that he had limited internet access, and he did not have enough time to respond to all of the filings. Mr. Amoako stated that he was hoping to receive a call and that would give him the opportunity to present his side of the case. Mr. Amokao read his response before the Board, see attachment Number #1

Jeanne Galvin informed the Board that Mr. Amoako was properly notified and the Office of Administrative Hearings denied his request for continuance. Debbie Rudd made the motion that the Board adopt the Findings of Fact as recommended by the Administrative Law Judge. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd made the motion that the Board adopt the Conclusions of Law as recommended by the Administrative Law Judge. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion. Debbie Rudd made the motion that the Board adopt the Board's Order denying Mr. Amoako's application for certification as recommended by the Administrative Law Judge. James Heaslet seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning A0056, Equifax Settlement Services

Jeanne Flynn Martin Compliance Officer for Equifax Settlement Services appeared via telephonic conference. The Board reviewed, and Mike Petrus made the motion to dismiss. Debra Rudd seconded it. The Board voted unanimously in favor of the motion.

Review and Action concerning A0058, Equifax Settlement Services

Jeanne Flynn Martin Compliance Officer for Equifax Settlement Services appeared via telephonic conference. Board read a summary of the case from Staff. It was confirmed that the appraiser received payment, but it was past the 45-day requirement. Mike Petrus made the motion to dismiss the complaint and send a letter to remind Equifax of the AMC Statute regarding timely payment. Frank Ugenti seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning 3369, Kathryn A. Weber

Respondent did not appear. Mike Petrus made the motion to dismiss. Debra Rudd seconded the motion. The Board voted unanimously in favor of the motion.

Review and Action concerning A0037, Altisource Valuation Advisors, Inc.

Respondent did not appear. Debra Rudd made the motion to dismiss the complaint and send a letter to remind Altisource of the AMC Statute regarding timely payment.

New Business discussion, consideration, and possible action regarding the process to be utilized in reviewing and adjudicating Complaints 3254 Kyle L. Voris and 3255 W. Wade Clark

Respondents did not appear. Debbie Rudd gave a summary to the Board and explained that after reviewing the material and the volume of the complaint, appraiser's reply, appraisal, and work file that the time frame for scanning would tax staff resources. This is a very complex complaint. Dan Pietropaulo informed the Board on the allocation of funds and he has put this out to bid to several investigators. The bids should come back some time next week. The Board came to a consensus to send this matter to investigation and to keep the Board updated on the process.

New Business discussion, consideration, and possible action concerning the possible formation of a complaint screening committee to review complaints prior to submission to the full Board.

Jeanne Galvin explained that there are other boards that have complaint committees but they are given statutory authority, but that she would research the issue further. Dan Pietropaulo mentioned he would like to hire an in-house investigator to review complaints. It was requested that this issue go on next month's agenda for further discussion.

New Business discussion, consideration, and possible action concerning topics that Board may discuss including but not limited to:

The development process to organize a board focus group
Board investigator's contracts and processes
AARO attendance for April 2012 Conference
Updated Q&A's from the Appraiser Standards Board (ASB)

Joanna Conde, represented AAREA stated that she thinks a board focus group is a good idea and hopes the group would include public members in different areas in the state and the focus group should have some appraisers. There was some confusion

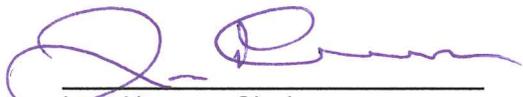
among the board relating to the language used "focus group" instead of "study group". It was discussed and requested that the language should be "study" group. Les Abrams instructed staff to place this on next month's agenda for further discussion.

Dan Pietropaulo requested the Board to give him more time to prepare to discuss the topic relating to Board investigator's contracts and processes. Mr. Pietropaulo needs more time to review the standards of the old Request for Proposal and what kind of quality control the Board has. The Board came to a general consensus to place this matter on next months agenda for further discussion.

It was decided that two appraisers will be attending the AARO attendance for April 2012 Conference, Debbie Rudd, and James Heaslet.

There was discussion from the Board that they would like to see the Updated Q&A's from the Appraiser Standards Board (ASB) emailed to the Board and on the Board's website.

Meeting was adjourned.



Les Abrams, Chairperson