

**MAINE BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING
November 4, 2014**

MINUTES

MEMBERS PRESENT

WendyAnn Boston, Chair
William Dobrowolski, Vice Chair
Joseph Herlihy, Complaint Officer
Bruce Bell
Theodore Webersinn
Alan Johnson
Kenneth Charest

STAFF PRESENT

Karen Bivins, Administrator
Kim Baker, Office Specialist I
Andrew Black, Assistant Attorney General
Deborah Fales, Office Specialist I
Cathy Pendergast, Education Coordinator

MEMBERS ABSENT

None

Location: Androscoggin Room

Start: 9:02 a.m.

Adjourn: 12:12 p.m.

CALL TO ORDER

The meeting was called to order at 9:02 a.m. by the Board's Chair, WendyAnn Boston.

AGENDA MODIFICATIONS

A motion was made by Dobrowolski and seconded by Johnson to add the Peabbles email to the agenda under new business. Unanimous.

A motion was made by Johnson and seconded by Bell to add the McDaniels email to the agenda under other business. Unanimous.

OLD BUSINESS

Action on Minutes of September 9, 2014 Meeting

A motion was made by Dobrowolski to approve the minutes of the September 9, 2014 meeting; seconded by Webersinn. Unanimous.

NEW BUSINESS

Decision and Order 2013-REA-9573 Carrie Peabbles

A motion was made by Dobrowolski to approve the decision and order in case number 2013-REA-9573 as presented; seconded by Webersinn. Herlihy abstained; Bell, Boston, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative. Motion carried.

The Board discussed the email received from Peabbles regarding signing revisions to appraisal reports when a license has been suspended. The director will research how other state Boards are handling this issue and report back at the next meeting.

Administrator's Report

The Board discussed the email from Eric Huber dated 09/13/2014 regarding the first fifty appraisals on which a supervisor must accompany their trainee. A motion was made by Johnson and seconded by Dobrowolski to table to the next meeting; the AAG to provide background information for discussion at that time. Unanimous.

The Board discussed the email from Bret Vicary dated 09/22/2014 regarding USPAP Standard 7 and personal property and the shade tree issue. A motion was made by Webersinn and seconded by Charest to table to the next meeting. Unanimous.

Complaint Officer's Report

Complaint Presentation 2013-REA-9690 – A motion was made by Johnson and seconded by Charest to set the case for a hearing pursuant to 32 MRS §§14014-A (7) and (8); Board Rules Chapter 240 §1; and the following USPAP Standards: Competency Rule; Standards Rule 1-1(b); and Standards Rule 3-6. Boston, Bell, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy abstained. Motion Carried.

A motion was made by Charest and seconded by Webersinn to offer a consent agreement in lieu of a hearing to include: admission; censure; and education. The education shall be: a 15 hour USPAP course; a 30 hour sales comparison course; and a scope of work course of at least 15 hours. All courses must include an exam which must be passed. The courses may be taken on-line or in a classroom environment. Boston, Bell, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy abstained. Motion Carried.

Complaint Presentation 2014-REA-10054 - A motion was made by Johnson and seconded by Webersinn to dismiss with a letter of guidance pursuant to Board Rules Chapter 240 §1; and USPAP Standards Ethics Rule. Boston, Bell, Johnson and Webersinn voted in the affirmative; Charest and Dobrowolski opposed; Herlihy abstained. Motion Carried.

Complaint Presentation 2014-REA-10060 and 2014-REA-10138 - A motion was made by Webersinn and seconded by Dobrowolski to set the case for a hearing pursuant to 32 MRS §§14014-A (1), (2), (6), (7) and (8); Board Rules Chapter 240 §1; and the following USPAP Standards: Ethics Rule; Competency Rule; Standards Rule1; and Standards Rule 2. Boston, Bell, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy abstained. Motion Carried.

A motion was made by Johnson and seconded by Charest to offer a consent agreement in lieu of a hearing to include: revocation. Boston, Bell, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy abstained. Motion Carried.

A motion was made by Johnson and seconded by Dobrowolski to include a reprimand in the consent agreement. Boston, Bell, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy abstained. Motion Carried.

Complaint Presentation 2014-REA-10114 – A motion was made by Charest and seconded by Webersinn to dismiss. Boston, Bell, Johnson and Webersinn voted in the affirmative; Charest and Dobrowolski opposed; Herlihy abstained. Motion Carried.

Complaint Presentation 2014-REA-10302 - A motion was made by Dobrowolski and seconded by Webersinn to dismiss. Boston, Bell, Johnson and Webersinn voted in the affirmative; Charest and Dobrowolski opposed; Herlihy abstained. Motion Carried.

Complaint Presentation 2014-REA-10304 - A motion was made by Johnson and seconded by Charest to dismiss with a letter of guidance pursuant to Board Rules Chapter 230. Boston, Bell, Johnson, Charest and Webersinn voted in the affirmative; Dobrowolski opposed; Herlihy abstained. Motion Carried.

Complaint Presentation 2014-REA-10390 - A motion was made by Johnson and seconded by Charest to dismiss with a letter of guidance pursuant to Board Rules Chapter 240 §1; and USPAP Standards Ethics Rule under the conduct section regarding disclosure; and Standards Rule 1-4. Bell, Charest, Johnson and Webersinn voted in the affirmative; Boston and Dobrowolski opposed; Herlihy abstained. Motion Carried.

Review and Action on Applications

A motion was made by Bell and seconded by Johnson to approve the following applications for licensure: Peter Johnson, Thomas Mullins, Greg Curtis, Stephen Dylag, Eric Stotz, David Vogel, Robert Grout, Thomas Scheele, Rebecca Jolley, and Jeremy McDaniel. Unanimous.

OTHER BUSINESS

Correspondence

The Board discussed the email from Lesley Piper regarding the future of the appraisal industry. The director will respond for the Board.

The Board discussed the email from McDaniel regarding trainee experience credits and review appraisals. A motion was made by Herlihy and seconded by Webersinn to table further discussion to the next meeting. Unanimous.

Meeting Schedule

The next meeting is scheduled for December 2, 2014

ADJOURN

Being no further board business the meeting was adjourned at 12:12 p.m.

Respectfully submitted,
Kim Baker, Board Clerk