

**MAINE BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING
April 4, 2015
MINUTES**

MEMBERS PRESENT

Theodore Webersinn, Chair
Alan Johnson, Vice Chair
Joseph Herlihy, Complaint Officer
Bruce Bell
WendyAnn Boston

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

Kenneth Charest

Location: Androscoggin Room

Start: 9:00 a.m.

Adjourn: 10:07 a.m.

CALL TO ORDER

The meeting was called to order at 9:00 a.m. by the Board's Chair, Theodore Webersinn.

AGENDA MODIFICATIONS

A motion was made by Bell and seconded by Boston to add an email from Andrew Lowe under correspondence. Unanimous.

OLD BUSINESS

Action on Minutes of March 3, 2015 Meeting

A motion was made by Boston to approve the minutes of the March 3, 2015 meeting; seconded by Bell. Unanimous.

NEW BUSINESS

Decision and Order 2014-REA-10138 and 2014-REA10060 (Ellen Dyer)

A motion was made by Johnson and seconded by Boston to approve the Decision and Order in case numbers 2014-REA-10138 and 2014-REA10060. Bell, Boston, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.

The Board reviewed the request for an extension from Ellen Dyer. *A motion was made by Boston and seconded by Johnson to extend the fine due date to November 7, 2015. Bell, Boston, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.*

Complaint Officer's Report

Complaint Presentation 2015-REA-10789 – *A motion was made by Boston and seconded by Johnson to dismiss the complaint. Bell, Boston, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.*

Complaint Presentation 2015-REA-10793 - A motion was made by Boston and seconded by Johnson to dismiss the complaint with a Letter of Guidance regarding the description of GLA measuring procedures. Bell, Boston, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.

Complaint Presentation 2015-REA-10794 - A motion was made by Johnson and seconded by Webersinn to dismiss the complaint. Bell, Boston, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.

Complaint Presentation 2015-REA-10940 - A motion was made by Johnson and seconded by Boston to offer a consent agreement for non-compliance of the continuing education requirement pursuant to Board Rule Chapter 220 (2)(1). The consent agreement to include: a \$300.00 fine to the licensee (Hardy); completion of 14 hours of AQB approve continuing education inclusive of a 7 hour USPAP course within 30 days. The continuing education taken under the terms of the consent agreement may not be used for the 2015 renewal cycle. Unanimous.

Review of Letters of Guidance 2015-REA-10937 (Cyr and Martin) – A motion was made by Boston and seconded by Bell to approve the letters of guidance in case number 2018-REA-10937. Bell, Boston, Johnson, and Webersinn voted in the affirmative. Herlihy abstained. Motion carried.

Administrator's Report

The administrator reported that William Dobrowolski has resigned as the Board's public member. Boston offered to draft a letter of appreciation for review by the Board.

Regarding the email from Bret Vicary dated 12/16/2014: A motion was made by Herlihy and seconded by Johnson to refer Mr. Vicary to the legislative process for clarification of the affected professions, e.g. arborists, foresters and appraisers. Unanimous.

Review and Action on Applications and Education

The Board reviewed the staff report of applications processed since the last meeting.

The Board reviewed two courses from the Appraisal Institute for continuing education approval. A motion was made by Johnson and seconded by Boston to approve: *Litigation Appraising: Specialized Topics and Applications*, and *The Appraiser as an Expert Witness: Preparation and Testimony*. Unanimous.

The Board reviewed continuing education audit materials submitted by a licensee who made a timely renewal of his license and had completed 14 hours of Board approved continuing education, but did not take the 7 hour USPAP Update course within calendar year 2014.

A motion was made by Boston and seconded by Johnson to offer a consent agreement for non-compliance of the continuing education requirement pursuant to Board Rule Chapter 220 (2)(1) to include a \$300.00 fine to the licensee (Borges), and to complete a 7 hour USPAP Update course within 15 days. Unanimous.

The Board reviewed continuing education audit materials submitted by a licensee who made a timely renewal of his license and had completed the 7 hour USPAP Update course prior to renewal of the license, but did not complete the remaining 7 hours of Board approved continuing education prior to renewing the license. The licensee did subsequently take two 7 hour Board approved courses in January 2015.

A motion was made by Johnson and seconded by Boston to offer a consent agreement for non-compliance of the continuing education requirement pursuant to Board Rule Chapter 220 (2)(1) to include a \$300.00 fine to the licensee (Kitchen). The Board will allow 7 CEUs for the course, "Practical Application of the Cost Approach" completed on 01/02/2015 to be applied to the 2014 renewal cycle. This course may not be used for the 2015 renewal cycle. Unanimous.

The Board reviewed continuing education audit materials submitted by a licensee who made a timely renewal of her license and had completed the 7 hour USPAP Update course prior to renewal of the license, but did not complete the remaining 7 hours of Board approved continuing education prior to renewing the license.

A motion was made by Boston and seconded by Johnson to offer a consent agreement for non-compliance of the continuing education requirement pursuant to Board Rule Chapter 220 (2)(1) to include a \$300.00 fine to the licensee (Miller), and to complete an additional 7 hour Board approved course for the 2014 renewal cycle. Unanimous.

OTHER BUSINESS

Correspondence

The Board reviewed an email from Andrew Lowe regarding the difficulty of finding certified appraisers to supervise trainee appraisers.

A motion was made by Boston and seconded by Johnson to encourage Mr. Lowe to relocate to an area with a higher demand for appraisers and to consider alternate ancillary pathways to the profession. Unanimous.

Meeting Schedule

The meeting scheduled for May 5, 2015 was cancelled.

The next meeting is scheduled for Friday, June 5, 2015.

ADJOURN

Being no further board business the meeting was adjourned at 10:07 a. m.

Respectfully submitted,
Kim Baker, Board Clerk