

MINUTES

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

Thursday, November 20, 2008
10:00 a.m.

Mr. Traynor called the meeting to order at 9:00 a.m. in Conference Center Room #20 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with IC § 25-34.1-8-4.

Members Present:

Joe Traynor, Chairman
Wayne Johnson, Vice Chairman
Terry Watson, Appraiser Member
John Newlin, Appraiser Member
Lowell K. Griffin, Appraiser Member

Members Absent:

James Lewis, Consumer Member
Liz Stoll, Lender Member

State Officials Present:

Nicholas Rhoad, Director Indiana Real Estate Commission
Patricia Price, Assistant Director, Indiana Real Estate Commission
Stephanie Sims, Litigation Specialist
Jim Schmidt, Deputy Attorney General

- I. CHAIRMAN'S REPORT
- II. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE
- III. OLD/NEW BUSINESS

A. 2008 Continuing Education Audit

1. Review of licensees who did not meet continuing education criteria in order to renew their license

The Board reviewed the continuing education files from the 2008 continuing education audit. A motion was made and seconded to issue conditional licenses and report the following the ASC as AQB-non compliant: **James Gasvoda** (been assessed a civil penalty in the amount of \$140.00); **Roger Lane** (been assessed a civil penalty in the amount of \$5,000.00, complete 35 hours of continuing education, including: the four hour Indiana Appraiser Law license update course; and the 2007 USPAP update; **John R. Shives** (been assessed a civil penalty in the amount of \$420.00.); **Dany Ray Skimhorn** (assessed a civil penalty in the amount of \$140.00); **Kimberly Truex** (assessed a civil penalty in the amount of \$5,000.00, complete 35 hours of continuing education, including: the four hour Indiana Appraiser Law license update course; and B. the 2007 USPAP update; **and Kurt Von Sprecklesen** (been assessed a civil penalty in the amount of \$140.00).

B. Appraisal Subcommittee update

1. First Audit – see attached spreadsheet file
 - a) Were are we with the providers
 - b) Students
 - c) Decision on what to do with the disallowed hours

Mr. Rhoad provided the Board an update that he is in constant communication with the education providers and the ASC in an attempt to obtain a list of students who took the disallowed courses from the 2004 continuing education audit. Most providers have supplied this information to the Board, but a few are still in the progress of obtaining this data.

2. Second Audit – see attached spreadsheet file
 - a) Were are we with the providers
 - b) Students
 - c) AQB determination

Mr. Rhoad informed the Board that the audit for the 2008 cycle revealed that some appraisers took disallowed courses in an attempt to renew their license. The Board made the decision not to accept these hours and instructed Mr. Rhoad to contact them and inform the licensees they have until December 10, 2008 to obtain the necessary continuing education hours. These licensees include:

- (a) Tim Cork 19/35 and USPAP from a certified USPAP instructor
- (b) Ronald Dorscha 15/35
- (c) Floyd Heaton 0/35 including USPAP from a certified USPAP instructor
- (d) Traci Ostendorf 31/35
- (e) William Reiners 33/35
- (f) Charles Mowery 27/35
- (g) Patrick Troy 18/35
- (h) Paul Tellef 34/35
- (i) Jennifer Willet 18/35
- (j) Thomas Eiler 21/35
- (k) Jerrald Titus 18/35
- (l) Joe Giacoletti 29/35
- (m) Stephen Shelton 33/35 (courses were approved by Kentucky Board - they are OK).
- (n) Cathy Pollard
- (o) Monty Ewing 34/35
- (p) Lester Templin 25/35 (will turn in by evening of 12/9/08)
- (q) Winston Hunter 11/35 (wants to turn in license)

3. Letter to all providers

Mr. Rhoad informed the Board that for the second time he has sent a letter to all appraisers and any and all real estate and appraiser education providers (current and former) explaining what is considered an approved continuing education course for appraisers. In addition to this letter, it has been preceded by web announcements, e-mails, and articles in professional trade association magazines.

4. January 2009 Visit

Mr. Rhoad reminded the Board of the ASC's visit during the January Board meeting.

C. Pearson VUE Update

Mr. Rhoad explained a new service offered by Pearson VUE that can assist the Board in tracking the continuing education of the appraisers in real-time. The Board has requested that Pearson come and demo this product in the early part of 2009.

D. Changes to experience log and new experience reporting form

1. New application status.

Mr. Rhoad informed the Board the updated application has been approved by State Forms and is now available on the Board's website.

E. NAIFA Model Legislation for Appraisal Management Companies

Mr. Rhoad provided the Board with copies of the model AMC legislation for their reference.

F. New Reciprocal Agreements

1. New Agreements

- a) Idaho
- b) Kansas
 - (1) Needs Board Action

Mr. Traynor signed the new reciprocal agreement with Idaho. Although Kansas does not sign agreements, the Board exercised their authority to approve applicants from Kansas for licensure in Indiana, and Kansas has promised to do the same for Indiana applicants in their state.

2. Existing Agreements

- a) Arizona
- b) Arkansas
- c) Connecticut
- d) Georgia
- e) Illinois
- f) Iowa
- g) Kentucky
- h) Louisiana
- i) Michigan
- j) Maryland
- k) Ohio
- l) South Dakota
- m) Texas
- n) State of Washington

G. Recommendation to the Indiana Real Estate Commission on the approval of emergency administrative rules to implement fingerprinting under IC 25-34.1-8-10

A motion was made and seconded to recommend to the Indiana Real Estate Commission on the approval of emergency administrative rules to implement fingerprinting under IC 25-34.1-8-10.

Johnson / Griffin
Motion Carried
5-0-0

H. December Meeting Date

The Board agreed to meet in January.

I. February Settlement Conferences

IV. STATUS OF LICENSEES ON PROBATION

A. Report from Staff regarding licensees on probation

Mr. Rhoad provided a report on the current status of licensees on probation.

V. PERSONAL APPEARANCE AS REQUESTED BY THE BOARD

A. David Jones

Re: AQB non-compliance / HUD reporting problem

A motion was made and seconded to change Mr. Jones' status to expired / AQB compliant.

Griffin / Johnson

Motion Carried

5-0-0

VI. RENEWAL POSITIVE RESPONSE PERSONAL APPEARANCES 9:00 A.M.

A. Brian Carrington

Re: Renewal Positive Response

Mr. Carrington made a personal appearance before the Board in order to renew his license. A

Motion was made and seconded to grant his renewal.

Watson / Johnson

Motion Carried

5-0-0

VII. PERSONAL APPEARANCE FOR LICENSEE ON PROBATION 11:00 A.M.

A. State of Indiana v. Michael Shane Nikirk

REAB 07-70

Re: Final order stipulations respondent appear before the Board every 90 days

Mr. Nikirk appeared before the Board as required by his Final Order. No additional action was taken.

VIII. PETITIONS TO VOLUNTARY SURRENDER APPRAISAL LICENSE

A. State of Indiana v. Hal Higgins

REAB 08-14

Re: Voluntary Surrender his Appraisal License

A motion was made and seconded to approve the Motion for voluntary Surrender his Appraisal License.

Newlin / Watson

Motion Carried

5-0-0

B. State of Indiana v. Patrick Early

REAB 07-53

Re: Voluntary Surrender his Appraisal License

Re: Objection to Respondent's Proposed Surrender of License

Re: Response to State's Objection to Proposed Surrender of License

A motion was made and seconded to deny the Motion for Voluntary Surrender.

Newlin / Watson

Motion Carried

5-0-0

IX. ADMINISTRATIVE LAW JUDGE ORDERS FOR DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Michael Hughes

REAB 08-08

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order.

Newlin / Johnson

Motion Carried

5-0-0

B. State of Indiana v. Jean Ankrom

REAB 06-165

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order.

Newlin / Johnson

Motion Carried

5-0-0

C. State of Indiana v. Jerry Thomas

REAB 06-114

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order.

Newlin / Johnson

Motion Carried

5-0-0

D. State of Indiana v. Amy A. Morris

REAB 06-99

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order.

Newlin / Johnson

Motion Carried

5-0-0

X. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Shane Carl Crock

REAB 08-12

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

B. State of Indiana v. Jenny Winebrenner

REAB 08-17

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

C. State of Indiana v. Susan Ruhana

REAB 07-40

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

D. State of Indiana v. Mario Christopher Carrizales

REAB 08-20

Re: Proposed Findings of Fact, Conclusions of Law and Order

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law and Order.

Motion Carried

E. State of Indiana v. Loren Randall

REAB 08-29

Re: Motion for Voluntary Dismissal

A motion was made and seconded to accept the Motion for Voluntary Dismissal Motion Carried

XI. DISCIPLINARY HEARINGS (All hearings begin at 1:00)

A. State of Indiana v. Michael T. Asher

REAB 08-06

Re: Disciplinary Hearing

A motion was made and seconded to place the respondent on indefinite probation for 180 days, submit monthly logs/appraisals and pay costs.

Griffin / Newlin

Motion Carried

5-0-0

B. State of Indiana v. Loren Randall*

REAB 08-29

Re: Disciplinary Hearing

No hearing was held in this matter to allow for a settlement conference.

C. State of Indiana v. Marcus F. Bubp *

REAB 07-51

Re: Disciplinary Hearing

No hearing was held in this matter to allow for a settlement conference.

D. State of Indiana v. Larry D. Burks *

REAB 07-55

Re: Disciplinary Hearing

No hearing was held in this matter to allow for a settlement conference.

XII. APPLICATION REVIEW

A. Certified General

1. Steven Huntsman 2nd review - T
2. William Branch 2nd review - T

C. Temporary Permits

See attached sheets on CD ROM

B. Education Review

1. **Appraisal Institute** - A
Appraising Distressed Commercial Real Estate 7.0 hours
Instructor: William Ted Anglyn
2. **Lighthouse ESP** - A
Cartography and Photography 7.0 hours
Instructor: Linda Rathmann
3. **Liability Insurance Administrators** - D
Loss Prevention for Real Estate Appraisers 4.0 hours
Instructor: Robert Allen Wiley

XIII. Adjournment

A motion was made and seconded to adjourn the meeting.

Joseph C. Traynor

Date