

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
July 21, 2016

MEMBERS PRESENT:

Mr. Edmond G. Eslava, III (Chairman)
Mr. Dennis Key (Vice-Chairman)
Ms. Angie Frost
Ms. Patrice McClammy
Mr. Lew Watson
Mr. Billy Cotter
Mr. Richard D. Pettey
Mr. Robert Butler

MEMBERS ABSENT:

Mr. Christopher Baker

OTHERS PRESENT:

Mrs. Lisa Brooks, Executive Director
Ms. Neva Conway, Legal Counsel
Mrs. Carolyn Greene, Executive Secretary
Mr. Sam Davis, Investigator
Mr. Joe Dixon, Investigator

GUESTS PRESENT:

Mrs. Jane Mardis, Certified General Real Property Appraiser, Birmingham, AL, Jefferson County Board of Equalization
Mr. Derrick Coleman, Director, State of Alabama Department of Revenue, Property Tax Division
Mr. Brady Rigdon, Attorney for the Jefferson County Board of Equalization

- 1.0 With quorum present, Mr. Edmond G. Eslava, III, Chairman, called the meeting to order at 9:04 a.m. Mrs. Carolyn Greene, Executive Secretary, recorded the minutes. The meeting was held in the 3rd Floor Conference Room, 100 North Union Street, Montgomery, Alabama. Prior notice of the meeting was posted on the Secretary of State's website on February 2, 2016 in accordance with the Alabama Open Meetings Act.
- 2.0 The meeting was opened with prayer and the Pledge of Allegiance, led by Mr. Eslava.
- 3.0 Members present were, Mr. Edmond G. Eslava, III, Mr. Billy Cotter, Mr. Lew Watson, Ms. Angie Frost, Mr. Richard D. Pettey, Patrice McClammy,

Mr. Robert Butler and Mr. Dennis Key. Mr. Christopher Baker was absent.

Mr. Eslava welcomed the guests present and asked the Board Members and staff to introduce themselves. Mr. Eslava then asked the guests to introduce themselves.

- 4.0 On motion by Mr. Watson and second by Mr. Butler, the regular minutes for May 19, 2016 were approved as written. Motion carried by unanimous vote.

Mr. Eslava made a motion to hold the annual election of officers. Mr. Key seconded the motion. Motion carried by unanimous vote. Mr. Eslava opened nominations for the Chairman position. Mr. Watson made a motion to nominate Mr. Key for the position of Chairman. Mr. Cotter seconded the nomination. On motion by Mr. Watson and second by Mr. Pettey, the nominations were closed. The Board voted to elect Mr. Key as Chairman of the Board. Motion carried by unanimous vote.

Mrs. Brooks opened nominations for the Vice-Chairman position. Mr. Pettey nominated Mr. Watson for the position of Vice-Chairman. Mr. Eslava seconded the nomination. On motion by Mr. Pettey and second by Mr. Eslava, the nominations were closed. The Board voted to elect Mr. Watson as Vice-Chairman of the Board. The motion carried by unanimous vote.

Mr. Key thanked the Board and told them he looked forward to serving as Chairman.

Mrs. Brooks expressed her appreciation to Mr. Eslava for his service to the Board and told Mr. Key that she looked forward to working with him.

- 5.0 Ms. Conway informed the Board that she is working on several upcoming hearings before Administrative Law Judges.

- 6.0 Mr. Watson reported that there was no Legislative business to discuss at this time.

Ms. Conway discussed the proposed rule changes to 780-X-4-.08, Miscellaneous Fees. On motion by Ms. Frost and second by Mr. Watson, the Board voted to adopt the changes as written, file it with Legislative Reference Services and to submit for final certification if no comments are received during the comment period. Motion carried by unanimous vote.

Ms. Conway discussed the Request for Proposal for a Periodic Study of Customary and Reasonable Appraisal Fees.

Ms. Conway discussed the Final Adoption of 780-X-1-.17, 'Study of Customary and Reasonable Fee for Appraisals of Alabama Properties'; 780-X-17-.18, 'Business Practices'; and 780-X-17-.21, 'Appraiser Independence and Customary and Reasonable Fees'. On motion by Mr.

Watson and second by Mr. Eslava, the Board voted to adopt the rules as published, and instructed Ms. Conway to file the rules for final adoption. Motion carried by unanimous vote.

At 10:36 a.m., Ms. Conway called for a Public Hearing on 780-X-17-.04, Registration Renewal; and 780-X-18-.06, AMC Renewal Application. There were no comments and the public hearing was closed at 10:40 a.m.

7.0 On motion by Mr. Eslava and second by Mr. Butler, the following applications were voted on as listed. Motion carried by unanimous vote.

7.1 **Trainee Real Property Appraiser applications approved:** Michael Hymes and David D. Martin. **Applications deferred:** None. **Applications denied:** None.

Trainee Real Property Appraiser Experience Logs for Review: Logs approved: Max Burkhalter, Nathan Childers, Todd Crawford, Calvin Perryman and Jamie Shertzer. **Log deferred:** Scott Gartman. **Logs denied:** None.

7.2 **State Registered Real Property Appraiser application approved:** Seth Knowles. **Applications deferred:** None. **Applications denied:** None.

7.3 **Licensed Real Property Appraiser applications approved:** None. **Applications deferred:** None. **Applications denied:** None.

7.4 **Certified Residential Real Property Appraiser applications approved:** Hansel Aaron Dobbs (Recip)(TX), Christopher Green, Stella Jo Ann Hancock (Recip)(FL), William T. Ivey and Lee Martin Moorefield (Recip)(GA). **Applications deferred:** None. **Applications denied:** None.

7.5 **Certified General Real Property Appraiser applications approved:** Alvin O. Benton (Recip)(GA), Steven Mack Halbert (Recip)(GA), Scott Douglas Helms, and Michael Patrick Size (Recip)(FL). **Applications deferred:** None. **Applications denied:** None.

7.6 **Mentor applications approved:** Randy Mink and Nick Musso. **Application deferred:** None. **Applications denied:** None.

8.0 Ms. Frost presented the Finance report and stated that the Board was 75% into Fiscal Year 2016 and 64% into budget expenditures. Ms. Frost stated that there were no negative trends that could not be reconciled at this time. On motion by Mr. Pettey and second by Mr. Watson, the Board voted to approve the Finance Report. Motion carried by unanimous vote.

Ms. Frost presented the Operations Plan for Fiscal Year 2017 to the Board. On motion by Ms. Frost and second by Mr. Pettey, the Board voted to approve the Fiscal Year 2017 Operations Plan. Motion carried

by unanimous vote.

- 9.0 On motion by Mr. Watson and second by Mr. Pettey, the following education courses and instructor recommendations were approved, deferred, or denied as indicated. Mr. Butler abstained. Motion carried.

NATIONAL ASSOCIATION OF INDEPENDENT FEE APPRAISERS

New Applications:

(CE) Course 2.4 – Roadmap System – 7 Hours – Classroom
(Instructor: Michael Lange Sr.)

Both Course and Instructor Approved

(CE) How to Do an Appraisal & Sleep at Night – 4 Hours – Classroom
(Instructor: Albert Cerone)

Both Course and Instructor Approved

Mr. Key asked Mrs. Brooks to send course surveys to attendees of “How to Do an Appraisal & Sleep at Night”.

The Board discussed applications for new course approval and asked that the new courses be sent to the Education Committee Chairman for review.

REQUEST FOR CONTINUING EDUCATION CREDIT

Mrs. Brooks discussed a request from Mr. Jarred Acker for credit for attending the IAAO’s course 102 – Income Approach to Valuation. On motion by Mr. Watson and second by Mr. Pettey, the Board voted to grant 7 hours continuing education credit to Mr. Acker. Motion carried by unanimous vote.

Mrs. Brooks informed the Board that registration forms for the Board sponsored course ‘Common Mistakes Found During Investigations’ had been sent out to all licensees in Congressional District 2.

- 10.0 There was no disciplinary report to review at this time.

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway informed the Board 8 new complaints were received since the May 2016 Board meeting, 3 complaints were dismissed, and no complaints were settled, leaving a total of 41 open complaints.

Ms. Conway discussed the Order of Default from Administrative Law Judge Tori Adams and the signed Consent Settlement Order received in AB-14-27, James W. Smith. With Mr. Key and Mr. Butler recusing, on motion by Mr. Pettey and second by Ms. Frost, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

11.0 The Board reviewed Probable Cause Report **AB-12-13**: With Mr. Pettey recusing, on motion by Ms. McClammy and second by Ms. Frost, the Board voted that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-15-14**: With Mr. Key and Mr. Pettey recusing, on motion by Ms. Frost and second by Mr. Watson, the Board voted that probable cause does not exist and to issue a Letter of Counsel. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-15-27**: With Mr. Key and Mr. Pettey recusing, on motion by Ms. Frost and second by Ms. McClammy, the Board voted that probable cause does exist and to set this case for a hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-15-28**: With Mr. Key recusing, on motion by Ms. Frost and second by Ms. McClammy, the Board voted to dismiss this case because the licensee has surrendered his license in another case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-15-34**: With Mr. Pettey, Mr. Key and Mr. Butler recusing, on motion by Ms. Frost and second by Ms. McClammy, the Board voted that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-16-08**: With Mr. Butler recusing, on motion by Ms. Frost and second by Ms. McClammy, the Board voted that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-16-11**: On motion by Mr. Pettey and second by Ms. McClammy, the Board voted that probable cause does not exist and to issue a Letter of Counsel. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-16-12**: On motion by Mr. Pettey and second by Ms. McClammy, the Board voted that probable cause does not exist and to issue a Letter of Counsel. Motion carried by unanimous vote.

12.0 The Board reviewed the Consent Settlement Order on **AB-15-08 and AB-15-21**. With Mr. Eslava and Mr. Pettey recusing, on motion by Mr. Cotter and second by Ms. McClammy, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

13.0 The following reciprocal licenses were issued since the May Board meeting: Alvin O. Benton ('G' GA), Hansel Aaron Dobbs ('R' TX), Steven Mack Halbert ('G' GA), Stella Jo Ann Hancock ('R' FL), Lee Martin Moorefield ('R' GA), and Michael Patrick Size ('G' FL).

- 14.0 The Temporary Permit report was provided to the Board for their information.
- 15.0 The Appraisal Management report was provided to the Board for their information.
- 16.0 Mr. Derrick Coleman, State of Alabama Department of Revenue, Property Tax Division Director, addressed the Board regarding the exemption contained in the Code of Alabama, Section 34-27A-3(b) for appraisers employed by an Alabama County performing mass appraisal work for ad valorem tax purposes. Mr. Coleman requested a declaratory ruling from the Board. Ms. Conway presented Declaratory Ruling # 2016-1 for the Board's approval. On motion by Mr. Eslava and second by Ms. McClammy, the Board voted to approve Declaratory Ruling # 2016-1. Mr. Key abstained. Motion carried. Mr. Brady Rigdon and Mrs. Jane Mardis with the Jefferson County Board of Equalization also addressed the Board.
- Mrs. Brooks informed the Board that the Examiners of Public Accounts would be starting the legal audit on the Board next week.
- Mrs. Brooks discussed the update to the Board website and told the Board that she and Mrs. Greene are meeting with ISD next week. ISD charges \$105 per hour.
- Mr. Key discussed a letter from the Board to State Personnel requesting a pay increase for Mrs. Lisa Brooks. On motion by Mr. Eslava and second by Ms. Frost, the Board voted to approve this pay increase. Motion carried by unanimous vote.
- 17.0 There was no unfinished business to discuss at this time.
- 18.0 The Board discussed the publication of licensee's email addresses. Mrs. Greene will contact Micropact for an estimate on making the necessary changes and report back to the Board.
- Mr. Key discussed new Committee appointments and told the Board that he would make the appointments and notify the Board members and staff.
- Mr. Joe Dixon addressed the Board regarding the Board sponsored course.
- 19.0 At 11:48 a.m., on motion by Mr. Eslava and second by Ms. Frost, the Board voted to adjourn the regular Board meeting. Motion carried by unanimous vote. The Board's tentative meeting schedule for the remainder of 2016 is September 15, 2016 and November 17, 2015 in the 3rd Floor Conference Room, 100 North Union Street, Montgomery, Alabama.

Sincerely,

Carolyn Greene
Executive Secretary
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APPROVED: _____
Dennis Key, Chairman