

**MINUTES**  
**ALABAMA REAL ESTATE APPRAISERS BOARD**  
**RSA UNION STREET**  
**SUITE 370**  
**MONTGOMERY, ALABAMA**  
**March 19, 2015**

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Mr. Christopher Baker (Chairman)

**OTHERS PRESENT:**

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

**GUESTS PRESENT:**

None

- 1.0 With quorum present, Mr. Edmond G. Eslava, Vice-Chairman, called the meeting to order at 9:03 a.m. Mrs. Carolyn Greene, Executive Secretary, recorded the minutes. The meeting was held in the 3<sup>rd</sup> Floor Conference Room, 100 North Union Street, Montgomery, Alabama. Prior notice of the meeting was posted on the Secretary of State's website on December 3, 2014 in accordance with the Alabama Open Meetings Act.
- 2.0 The meeting was opened with prayer by Mr. Pettey followed by the Pledge of Allegiance, led by Mr. Eslava.
- 3.0 Members present were, Mr. Edmond G. Eslava, III, Mr. Billy Cotter, Mr. Lew Watson, Mr. Robert Butler, Mr. Richard D. Pettey, Mr. Dennis Key, Ms. Angie Frost, and Mr. Chester Mallory. Member absent was Mr. Chris Baker.

- 4.0 On motion by Mr. Mallory and second by Mr. Butler, the regular minutes for February 11, 2015 were approved as written. Motion carried by unanimous vote.
- 5.0 Ms. Conway informed the Board that the hearing scheduled for this meeting had been tentatively rescheduled for the May 21, 2015 Board meeting.
- 6.0 Mr. Mallory presented the Legislative report. Ms. Conway informed the Board that according to Mr. Jerry Bassett and Mr. Frank Caskey of the Legislative Reference Service, the Board can move forward with an Administrative Code change and fee study for Appraisal Management Company reasonable and customary fees and that she will have a draft ready for the may Board meeting. Mrs. Brooks explained the process for obtaining bids for professional services to the Board. Mr. Butler asked if it was necessary to have a fee study done when so many other states have already had them done. Mr. Eslava told the Board that he felt the fee study needed to be done in order for the change to the Administrative Rule to be defensible. Ms. Conway told the Board that a requirement to compensate appraisers at a customary and reasonable rate is already in the Law, but not on the Appraisal Management application at this time. Mr. Eslava stressed that this change should be top priority.
- 7.0 On motion by Ms. Frost and second by Mr. Mallory, the following applications were voted on as listed. Motion carried by unanimous vote.
- 7.1 **Trainee Real Property Appraiser applications approved:** William H. King, David Zachary Maloy, Anita Metcalf and Megan Sloane Rhoden. **Applications deferred:** None. **Applications denied:** None.
- Trainee Real Property Appraiser Experience Logs for Review: Logs approved:** None. **Logs deferred:** Chris Greene and Nancy Turner. **Logs denied:** None.
- 7.2 **State Registered Real Property Appraiser applications approved:** None. **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:** Linda Maria Cheers (Recip.)(TX), Deborah Margaret Jordan (Recip.)(FL), and Jessica Laffosse. **Applications deferred:** John Kenneth Lewis. **Applications denied:** None.
- 7.5 **Certified General Real Property Appraiser applications approved:** Laura Hays Burnett, Scott Allen Fowler (Recip.)(TX), Brad D. Gorski (Recip.)(GA), Harold Edgar Lee (Recip.)(GA), Lori Y. Matzke (Recip.)(CA) and Patrick Alan McMakin (Recip.)(TN). **Applications deferred:** None. **Applications denied:** None.

7.6 **Mentor applications approved:** None. **Applications deferred:** None.  
**Applications denied:** None.

8.0 Ms. Frost presented the Finance report and stated that in February, the Board was 41% into Fiscal Year 2015 and 40% into budget expenditures. Ms. Frost stated that there were no negative trends that could not be reconciled at this time.

On motion by Mr. Watson and second by Mr. Key, the Board voted to approve the Financial Reports. Motion carried by unanimous vote.

9.0 On motion by Ms. Frost and second by Mr. Pettey, the following education courses and instructor recommendations were approved, deferred, or denied as indicated. Motion carried by unanimous vote.

### **AMERICAN SOCIETY OF FARM MANAGERS AND RURAL APPRAISERS**

#### **New Applications:**

(CE) Cost Approach Applications – 8 Hours – Classroom  
(Instructor: Wayne Young)  
**Both Course and Instructor Approved**

(CE) Highest & Best Use – 8 Hours – Classroom  
(Instructor: Wayne Young)  
**Both Course and Instructor Approved**

### **IRWA INTERNATIONAL RIGHT OF WAY ASSOCIATION**

#### **New Applications:**

(CE) 403 – Easement Valuation – 8 Hours – Classroom  
(Instructor: Edmond Eslava)  
**Both Course and Instructor Approved**

(CE) 421 – The Valuation of Partial Acquisitions – 32 Hours – Classroom  
(Instructor: Edmond Eslava)  
**Both Course and Instructor Approved**

(CE) 800 – Principles of Real Estate Law – 16 Hours – Classroom  
(Instructor: Joe Neighbors)  
**Both Course and Instructor Approved**

(CE) 803 – Eminent Domain Law Basics for ROW Professionals – 16 Hours – Classroom  
(Instructor: Joe Neighbors)  
**Both Course and Instructor Approved**

- (CE) 103 – Ethics and the Right of Way Professional – 8 Hours – Classroom  
(Instructor: Joe Neighbors)  
**Both Course and Instructor Approved**

**MCKISSOCK, LP**

**New Applications:**

- (CE) Adjustments: Supported or Not Supported? – 7 Hours – Classroom  
(Instructors: Dan Bradley, Wally Czekalski, Chuck Huntoon, Tracy Martin, Larry McMillen, Steve Vehmeier, Steve Maher and John Smithmyer)  
**Both Course and Instructors Approved**
- (CE) Appraisal of Industrial Incubators – 7 Hours – Online  
(Instructor: Tracy Martin)  
**Both Course and Instructors Approved**
- (CE) Appraisals of Owner-Occupied Commercial Properties – 7 Hours – Online  
(Instructor: Tracy Martin)  
**Instructor Approved**

**REQUEST FOR CONTINUING EDUCATION CREDIT**

Mrs. Brooks discussed a request from Mr. Christopher Pettey, Sr. for credit for attending Comprehensive Appraisal Workshop: Income Approach & Partial Interests. On motion by Ms. Frost and second by Mr. Pettey, the Board voted to grant 7 hours continuing education credit to Mr. Pettey. Motion carried by unanimous vote.

Mr. Eslava discussed the Education Committee meeting held March 18, 2015. He invited all members to attend the next committee meeting, which will be held Wednesday, May 20, 2015 and updated the Board on the progress of the new course being developed by Mr. Davis and Mr. Dixon on the pitfalls of appraising.

**The following appraisal course monitor reports were included for Board information:**

Mr. Dixon – Evaluating Residential Construction, taught by the Appraisal Institute - Alabama Chapter on February 6, 2015.

Mr. Dixon – Understanding and Using Comparable Transactions, taught by the National Association of Independent Fee Appraisers.

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 6 new complaints were received since the January 2015 Board meeting, 1 complaint was dismissed, and no complaints were settled, leaving a total of 25 open complaints.

- 11.0 The Board reviewed Probable Cause Report **AB-14-14**: With Mr. Pettey and Mr. Eslava recusing, on motion by Mr. Mallory and second by Mr. Key, 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-14-18**: With Mr. Key and Mr. Butler recusing, on motion by Mr. Mallory and second by Mr. Pettey, 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-14-20 companion case to AB-14-21**: With Mr. Key recusing, on motion by Ms. Frost and second by Mr. Pettey, the Board voted that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-14-21 companion case to AB-14-20**: With Mr. Key recusing, on motion by Ms. Frost and second by Mr. Pettey, the Board voted that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-14-25**: With Mr. Butler recusing, on motion by Mr. Key and second by Mr. Mallory, the Board voted that probable cause does not exist and to issue a Letter of Counsel. Motion carried by unanimous vote.

The Board reviewed a Request for Board Initiated Complaint **AB-15-02 companion case to AB-14-23**: With Mr. Butler and Mr. Pettey recusing, on motion by Ms. Frost and second by Mr. Mallory, the Board voted to open a formal investigation. Motion carried by unanimous vote.

- 12.0 The Board reviewed the Consent Settlement Order on **AB-12-33**. With Mr. Key recusing, on motion by Mr. Mallory and second by Ms. Frost, the Board voted to approve this Consent Settlement Order. Mr. Eslava opposed the motion. Motion carried.

The Board reviewed the Consent Settlement Order on **AB-14-12**. With Mr. Key recusing, on motion by Mr. Cotter and second by Mr. Butler, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

- 13.0 The following reciprocal licenses were issued since the January Board meeting: Linda Maria Cheers ('R')(TX), Scott Allen Fowler ('G')(TX), Brad D. Gorski ('G' GA), Deborah Margaret Jordan ('R' FL), Harold Edgar Lee ('G' GA), Lori Y. Matzke ('G' CA) and Patrick Alan McMakin ('G')(TN).

- 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 Mrs. Brooks discussed the following administrative items:

- Statements of Economic Interest forms, included along with the instructions in the Board books, which are due by April 30, 2015.
- A Petition for Declaratory Ruling filed by Ms. Judith Haney. On motion by Mr. Watson and second by Mr. Butler, the Board voted to deny the request for a declaratory ruling filed by Ms. Judith Haney for an interpretation of Rule 780-X-17-.15. Those in favor were Mr. Watson, Mr. Butler, Mr. Eslava, Mr. Pettey, Mr. Cotter, Mr. Mallory and Mr. Key. Ms. Frost recused. Motion carried. The language in the Rule is the exact language as in §34-27A-58, the statute passed by the Legislature. Ms. Haney also requested that the Board repeal Rule 780-X-17-.15 and adopt an amended rule that would require an Appraisal Management Company to pay appraisal fees without undue delay. The Board was informed by Ms. Conway that it could not make a rule that contradicts the statute.

17.0 There was no unfinished business to discuss at this time.

18.0 The Trainee/Mentor requirements discussion was deferred until the May 2015 Board meeting.

19.0 At 10:57 a.m., on motion by Mr. Key and second by Mr. Butler, the Board voted to adjourn the regular Board meeting. Motion carried by unanimous vote. The Board's tentative meeting schedule for the remainder of 2015 is May 21, 2015, July 16, 2015, September 17, 2015, and November 19, 2015 in the 3<sup>rd</sup> Floor Conference Room, 100 North Union Street, Montgomery, Alabama.

Sincerely,

Carolyn Greene  
Executive Secretary  
/cg

**APPROVED:** \_\_\_\_\_  
**Edmond G. Eslava, III, Vice-Chairman**