

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
January 21, 2021

MEMBERS PRESENT:

Mr. Billy Cotter (Chairman)
Ms. Patrice McClammy (Vice-Chairman)
Mr. Richard D. Pettey
Mr. Drew Watson
Mr. Robert Butler
Mr. Mark Haller
Mr. Roger Ball
Mr. Chad Anderson
Mr. Lew Watson (departing at 10:43 a.m.)

MEMBERS ABSENT:

None

OTHERS PRESENT:

Mrs. Lisa Brooks, Executive Director
Ms. Neva Conway, Legal Counsel
Mrs. Carolyn Greene, Executive Secretary
Mrs. Margaret Anne Davis
Mr. Sam Davis

GUESTS PRESENT:

Ms. Melissa Bond, Certified Residential Appraiser/Instructor, Kiln, MS

- 1.0 Mr. Billy Cotter, Chairman, called the meeting to order at 9:00 a.m. Mrs. Carolyn Greene, Executive Secretary, recorded the minutes. The meeting was held via teleconference. Prior notice of the meeting was posted on the Secretary of State's website on January 1, 2021 in accordance with the Alabama Open Meetings Act.
- 2.0 The meeting was opened with prayer and the Pledge of Allegiance, led by Mr. Haller.
- 3.0 Mr. Cotter asked Mrs. Greene to call a voice roll to establish a quorum. Members present were Mr. Billy Cotter, Mr. Richard D. Pettey, Mr. Roger Ball, Mr. Mark Haller, Mr. Chad Anderson, Mr. Robert Butler, Mr. Lew Watson, Mr. Drew Watson and Ms. Patrice McClammy.

- 4.0 On motion by Mr. Haller and second by Mr. Butler, the regular minutes for November 19, 2020 were approved as written. Motion carried by unanimous vote.
- 5.0 Ms. Conway stated that there was nothing new to report on the Federal Trade Commission VS Louisiana Real Estate Appraisers Board or on the Dental Board VS Smile Direct Club.
- 6.0 There was no Pending Legislation to discuss at this time.
- 7.0 On motion by Mr. Lew Watson and second by Mr. Haller, the following applications were voted on as listed. Motion carried by unanimous vote.
- 7.1 **Trainee Real Property Appraiser applications approved:** Joseph A. Campbell, James Gabriel Hackney, Madison Faith Jenks, Zayin Arthur Lake, Stephen Andrew Lovoy, Stephen Thompson Miner, Stephen Francis Mutton, Hayden Alan Pharr, Brayden Reed Wiggins and Myron Howard Wright. **Applications deferred:** None. **Applications denied:** None.
- Trainee Real Property Appraiser Experience Logs for Review: Logs approved:** Jamie Hicks, Caleb Montgomery, Branton Still, and Daniel Whitten. **Logs deferred:** Chelsea Sellers. **Logs denied:** None.
- 7.2 **State Registered Real Property Appraiser applications approved:** Maurice Lyon Courtney. **Applications deferred:** None. **Applications denied:** None.
- 7.3 **Licensed Real Property Appraiser application approved:** Victor L. Smith. **Applications deferred:** None. **Applications denied:** None.
- 7.4 **Certified Residential Real Property Appraiser applications approved:** None. **Applications deferred:** None. **Applications denied:** None.
- 7.5 **Certified General Real Property Appraiser applications approved:** Christopher R. Benton (Recip)(TN), Lexi Ann Clark, Robert Leo Juneau (Recip)(LA), and Benjamin A. Levin (Recip)(TN). **Application deferred:** None. **Applications denied:** None.
- 7.6 **Mentor application approved:** Ronald Brent Gordy, Laura Leavell and William D. Mackey. **Applications deferred:** Homer Tripp Baldwin and Beth Hoffman. **Applications denied:** None.
- 8.0 Mr. Pettey presented the Finance report for December 2020-2021. Mr. Pettey stated that the Board was 25% into Fiscal Year 2021 and 19% into budget expenditures. Mr. Pettey stated that there were no negative trends that could not be reconciled at this time.
- On motion by Mr. Ball and second by Mr. Pettey, the Board voted to approve the Finance Report. Motion carried by unanimous vote.

Mrs. Brooks reported to the Board that she had received one quote on the new database which was quite substantial and that she is still waiting on two more. Mr. Pettey asked for an explanation of what the database is used for. Ms. Conway gave a detailed explanation.

- 9.0 On motion by Mr. Ball and second by Mr. Lew Watson, the following education courses and instructor recommendations were approved, deferred, or denied as indicated. Motion carried by unanimous vote.

AMERICAN SOCIETY OF APPRAISERS

New Application:

- (CE) Sales Comparison: A Fresh Approach – 7 Hours – Classroom
(Instructors: Mark Evans and Mike Orman)
Both Course and Instructors Approved

APPRAISAL INSTITUTE – ALABAMA

New Application:

- (CE) Rapid Response: Market Analysis in Volatile Markets – 7 Hours – Classroom
(Instructor: Randall Button)
Both Course and Instructor Approved

APPRAISAL INSTITUTE – CHICAGO

New Application:

- (CE) Getting it Right from the Start: A Workout Plan for Your Scope of Work – 7 Hours – Classroom
(Instructor: Stephanie Coleman)
Both Course and Instructor Approved
- (CE) Online Appraisal of Manufactured Homes Featuring Next Generation Manufactured Homes – 7.5 Hours – Online
(Instructor: Kenneth Foltz)
Both Course and Instructor Approved
- (CE) Online Appraisal of Manufactured Homes Featuring Next Generation Manufactured Homes – 8.5 Hours – Online
(Instructor: Kenneth Foltz)
Both Course and Instructor Approved

MCKISSOCK, LP

New Applications:

- (CE) Appraising REO Properties – 4 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved
- (CE) Desktop Appraisal Assignments – 3 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved
- (CE) Documenting the Appraiser's Workfile – 3 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved
- (CE) Evaluating Today's Residential Appraisal – 7 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved
- (CE) 2020-2021 National USPAP Update – 7 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved
- (CE) Real Estate Damages-Appraising After a Natural Disaster – 3 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved
- (CE) That's a Violation: Appraisal Standards in the Real World – 3 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved
- (CE) The Appraisal of 2-4 Unit Properties – 4 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved
- (CE) The FHA Handbook 4000.1 – 7 Hours - Classroom
(Instructors: Robert Luciani, Joanne Bailey, Alexander Gilbert, Tony Pistilli, Julie Molendorp, Bob Abelson and Dan Tosh)
Instructor Approved

- (CE) Bifurcated and Hybrid Appraisal: A Practical Approach – 4 Hours - Classroom
(Instructor: Dan Bradley, Wally Czekalski, Chuck Huntoon, Philicia Lloyd, Dan Tosh, Bob Abelson, Tony Pistilli, Larry McMillen, Steve Vehmeier, Steve Maher, Dale Shea, Robert McClelland, Julie Molendorp, Alex Gilbert, Josh Walitt, Joanne Bailey, Rob Luciani, Rob Frazier and Charles Fisher)
Both Course and Instructors Approved
- (CE) Fundamentals of Expert Witness Testimony – 4 Hours - Classroom
(Instructor: Dan Bradley, Wally Czekalski, Chuck Huntoon, Philicia Lloyd, Dan Tosh, Bob Abelson, Tony Pistilli, Larry McMillen, Steve Vehmeier, Steve Maher, Dale Shea, Robert McClelland, Julie Molendorp, Alex Gilbert, Josh Walitt, Joanne Bailey, Rob Luciani, Rob Frazier and Charles Fisher)
Both Course and Instructors Approved
- (CE) Using Appraisal Report Templates Responsibly – 3 Hours - Classroom
(Instructor: Dan Bradley, Wally Czekalski, Chuck Huntoon, Philicia Lloyd, Dan Tosh, Bob Abelson, Tony Pistilli, Larry McMillen, Steve Vehmeier, Steve Maher, Dale Shea, Robert McClelland, Julie Molendorp, Alex Gilbert, Josh Walitt, Joanne Bailey, Rob Luciani, Rob Frazier and Charles Fisher)
Both Course and Instructors Approved
- (CE) Appraising Small Apartment Properties – 4 Hours - Classroom
(Instructor: Dan Bradley, Wally Czekalski, Chuck Huntoon, Philicia Lloyd, Dan Tosh, Bob Abelson, Tony Pistilli, Larry McMillen, Steve Vehmeier, Steve Maher, Dale Shea, Robert McClelland, Julie Molendorp, Alex Gilbert, Josh Walitt, Joanne Bailey, Rob Luciani, Rob Frazier and Charles Fisher)
Both Course and Instructors Approved

MELISSA BOND QUALITY EDUCATION

New Application:

- (CE) Challenging Repairs – 4 Hours – Classroom
(Instructor: Melissa Bond)
Both Course and Instructor Approved

Mr. Ball addressed the Board sponsored USPAP course question that he had been asked to research by the Board at the November Board meeting. Mr. Ball reported that he had spoken with people around the country who are involved with the appraisal profession or who are currently or have been involved with state boards. While on the surface, it seems like a good idea, it seems that there would be a lot of potential issues and no other state boards seem to be doing anything like this. Some boards provide a copy of USPAP to their licensees at no cost. Mr. Ball stated that based on his research, he would not recommend the Board providing a USPAP course for Alabama licensees.

Mr. Pettey agreed with Mr. Ball and added that he did not believe that the Board could afford to provide this to licensees.

Mr. Butler asked if the Board couldn't contract with possibly up to 7 instructors and hold the course in each of the 7 Congressional Districts, making it incumbent upon the licensees to attend.

Mr. Ball explained that the course put on by the Board in the past was not required. This USPAP course would be required for continuing education and there would be a significantly higher demand.

Ms. McClammy asked if there were any other courses that the Board could provide. Mr. Ball stated that he was not tasked with answering that question, however, it was his belief that the Board should not be involved in putting on education.

Mrs. Brooks stated that she would like to wait until the database quotes have been received before any decisions are made.

On motion by Mr. Ball and second by Mr. Lew Watson, the Board voted not to provide the USPAP course for continuing education to licensees. Mr. Butler abstained. Motion carried.

Mr. Ball discussed an email from Jackie Vincent from McKissock, regarding whether the Board will allow licensees to continue to take courses previously approved as in-person to be taken virtually through the end of 2021 per the AQB guidelines. On motion by Mr. Drew Watson and second by Mr. Butler, the Board voted to approve this request. Motion carried by unanimous vote.

Mr. Drew Watson voiced concerns regarding providers allowing attendees to complete courses in less than the allotted hours of the course.

Ms. Bond explained the IDEC approval process and that she believes it is up to each state to not accept the course if they have proof that it took the licensee less than the allotted time to complete the course.

Mr. Anderson asked Ms. Bond if the education providers have the information regarding the length of time each licensee took to take each course. Ms. Bond stated that the providers do have that information and would provide it. Mrs. Brooks stated that the Board could request that information. The applicant Board asked Ms. Conway to request this information from education providers. Ms. Conway stated that if the Board started to ask for that information, they might want to strengthen the Administrative Regulation.

Mr. Drew Watson discussed PAREA (Practical Applications of Real Estate Appraisal) with the Board. Mrs. Brooks stated that it had been discussed at the November Board meeting and is under Unfinished Business. Mr. Drew Watson explained that PAREA gives potential licensees another path to licensure. Mrs. Brooks explained that she and Ms. Conway have already discussed this and that there will have to be changes made to the Administrative Rules.

Ms. Bond gave further insight into PAREA.

On motion by Mr. Drew Watson and second by Mr. Lew Watson, the Board voted to study PAREA with the intention of the Board going forward with it. Mr. Ball asked for further discussion. Ms. McClammy also asked for this to go to the Education Committee before a vote is made. Mr. Cotter asked if Mr. Drew Watson would like to amend his motion. Mr. Drew Watson amended his motion send this to the Education to bring to the Board. Motion carried by unanimous vote.

Mr. Ball stated that Ms. Bond had provided a mini course for the Board on foreclosure properties as an example of the type courses she can provide.

10.0

AB 19-03 The Board entered into a Consent Settlement agreement with a Certified Residential appraiser where the appraiser agreed to a private reprimand and an administrative fine of \$750. The violations cited are: Licensee made several adjustments to the comparable sales used in the Sales Comparison Approach to value without market support or explanation in the report or work file. This makes the sales comparison approach non-credible due to lack of support. Licensee did not properly research and analyze the data to make credibly market adjustments to the comparable sales utilized in the sales comparison approaches to value in the appraisal. The licensee did not do an analyzes of the subjects highest and best use. The licensee only checked a box stating that the subjects highest and best use was its current use. An appraiser must analyze the relevant legal, physical, and economic factors to the extent necessary to support the appraisers highest and best use conclusion. Under Site value the licensee states the site value was “developed through the use of land sales but gives no data or analyzes to support this value. Under Site value the licensee states the site value was “developed through the use of land sales but gives no data or analyzes to support this value. Licensee’s reporting of data and opinions and conclusions that were not supported by relevant evidence or logic make

this report misleading. Licensee's report failed to have sufficient information to support by relevant evidence and logic the licensee's opinions and conclusions and therefore the intended users could not properly understand the report properly. **Standards Rule 1-1(a), Rule 1-3(b), Rule 1-4(a), Rule 1-4(b)(i), Rule 2-1(a), Rule 2-1(b), USPAP, 2018-2019 Ed.**

Letters of Warning were issued on the following investigations for the discrepancies indicated. This disciplinary action will be considered in any future discipline proceedings:

AB-19-01: Licensee made several adjustments to the comparable sales used in the Sales Comparison Approach to value without market support or explanation in the report or work file. **Standards Rule 1-1(a), 1-4(a), 2-1(a), 2-1(b) USPAP, 2018-19 Ed.** Under Site value the licensee states the site value was "developed through the use of land sales" and although the licensee has a listing of the land sales in his work file, the licensee gives no data or analyzes to support the opinion of value. **Standards Rule 1-4(b)(i), 2-1(a), 2-1(b), USPAP, 2018-19 Ed.**

AB 19-02: Licensee made several adjustments to the comparable sales used in the Sales Comparison Approach to value without market support or explanation in the report or work file. **Standards Rule 1-1(a), 1-4(a), 2-1(a), 2-1(b) USPAP, 2018-19 Ed.** Under Site value the licensee states the site value was "developed through the use of land sales" and the licensee has no data and analysis to support the opinion of site value. **Standards Rule 1-4(b)(i), 2-1(a), 2-1(b), USPAP, 2018-19 Ed.**

AB-19-04: Licensee made several adjustments to the comparable sales used in the Sales Comparison Approach to value without market support or explanation in the report or work file. **Standards Rule 1-1(a), 1-4(a), 2-1(a), 2-1(b) USPAP, 2018-19 Ed.** Under Site value the licensee states the site value was "developed through the use of land sales" and the licensee has no data and analysis to support the opinion of site value. **Standards Rule 1-4(b)(i), 2-1(a), 2-1(b), USPAP, 2018-19 Ed.**

AB 19-06: Licensee made several adjustments to the comparable sales used in the Sales Comparison Approach to value without market support or explanation in the report or work file. **Standards Rule 1-1(a), 1-4(a), 2-1(a), 2-1(b) USPAP, 2018-19 Ed..** Under Site value the licensee states the site value was "developed through the use of land sales" and the licensee has no data and analysis to support the opinion of site value. **Standards Rule 1-4(b)(i), 2-1(a), 2-1(b), USPAP, 2018-19 Ed.**

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway informed the Board that 5 new Appraiser complaints and no new Appraisal Management Company (AMC) complaints were received since the November 2020 Board meeting, 10 complaints were dismissed, and 5 complaint was settled, leaving a total of 37 open complaints.

- 11.0 The Board reviewed Probable Cause Report **AB-19-18**: With Mr. Ball and Mr. Lew Watson recusing, on motion by Mr. Anderson and second Mr. Haller, 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-19-19**: With Mr. Ball and Mr. Lew Watson recusing, on motion by Mr. Anderson and second Mr. Haller, the Board voted that probable cause does exist and to issue a Letter of Warning. Motion carried by unanimous vote.
- The Board reviewed Probable Cause Report **AB-19-21**: With Mr. Haller and Mr. Lew Watson recusing, on motion by Mr. Ball and second by Mr. Butler, 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-19-26**: With Mr. Ball and Mr. Lew Watson recusing, on motion by Mr. Anderson and second by Mr. Haller, the Board voted that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.
- AB-20-03** was carried over to the March 2021 Board meeting.
- The Board reviewed Probable Cause Report **AB-20-04**: With Mr. Ball, Mr. Haller and Mr. Lew Watson recusing, on motion by Mr. Anderson and second by Mr. Pettey, 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-20-32**: With Mr. Anderson recusing, on motion by Mr. Pettey and second by Mr. Ball, the Board voted that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.
- 12.0 The Board reviewed the Consent Settlement Order on **AB-19-20**. With Mr. Lew Watson and Mr. Anderson recusing, on motion by Mr. Haller and second by Mr. Ball, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.
- 13.0 The following reciprocal license was issued since the November Board meeting: Christopher R. Benton ('G' TN), Robert Leo Juneau ('G' LA) and Benjamin A. Levin ('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 2021 Board meeting calendar. On motion by Mr. Drew Watson and second by Mr. Robert Butler, the Board voted to adopt the 2021 Board meeting for the third Thursday of every other month.

Mrs. Brooks discussed a memorandum from Kathleen D. Baxter, State Comptroller, announcing that the travel mileage rate for 2021 decreased to 56 cents per mile.

Mrs. Brooks presented a request from Mr. James Baker, Mentor for Justin Chittam, Trainee Appraiser, for a waiver of the rule that no more than 40% of the cumulative experience points may be earned from any one category and the 50-mile radius rule. On motion by Mr. Ball and second by Mr. Haller the Board voted to approve the requests. Motion carried by unanimous vote.

Mrs. Brooks discussed Board member appointments and asked the Board members who are eligible for re-appointment and are interested in being re-appointed, to contact the Governor's Appointment Secretary.

Mrs. Brooks discussed the Investigator position. She stated that before Covid, all the Board members wanted to be involved in the full hiring process. Mrs. Brooks explained what the process had been in the past. Ms. Conway stated that she and Mrs. Brooks requested reports from some of the applicants and that she had reviewed them for readability. Mr. Ball stated that since so much has changed in the past 11 months, he would be in favor of sending a new solicitation letter. Since it has been so long since the last letter was sent out, Mr. Cotter asked Mrs. Brooks to send out a new Solicitation of Interest. He stated that there might be more licensees interested since the last letter was sent. Mr. Cotter asked that Mrs. Brooks and the staff move forward with the process to bring recommendations to the Board. Mrs. Brooks stated that she will send out a new mass email in the next week. Mr. Butler asked for a timeline for the process. Mrs. Brooks stated that she could give the licenses a timeline to submit their resumes, however, she could not say how long it would be before Personnel would have the register updated. Ms. Conway stated that the Board could send the information to Personnel with a request explaining that our Board would like to make a hiring decision maybe by March. Mr. Haller asked that Mrs. Brooks add something to the letter stating that due to Covid, the Board was sending out a new Solicitation of Interest in case there was new interest, and that those who had already applied were still on the register.

17.0 Mr. Drew Watson discussed a hot topics list and creating content for short hot topic suggestions that could be distributed out as links to licensees to bring them to the website to view small instructional videos. Mr. Drew Watson will do more research and report back to the Board.

Mr. Drew Watson discussed a meeting that he had with Mrs. Greene and Mrs. Brooks regarding the application and licensure process. Mr. Drew Watson suggested that the Board have a more transparent milestone checklist available of the expected timeline for licensees. He also stated that he would like to see something along the lines of the PAREA

checklist that Ms. Bond spoke about earlier.

18.0 There was no new business to discuss at this time.

19.0 At 11:32 a.m., on motion by Mr. Drew Watson 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 2021 is March 18th, May 20th, July 15th, September 16th, and November 18th, held either via WebEx or in the RSA Union 3rd Floor Conference Room, 100 Union Street, Montgomery, AL 36104.

Sincerely,

Carolyn Greene
Executive Secretary
/cg

APPROVED: _____
Billy Cotter, Chairman