MINUTES ALABAMA REAL ESTATE APPRAISERS BOARD RSA UNION STREET SUITE 370 MONTGOMERY, AL 36104 November 17, 2022

MEMBERS PRESENT:

Mr. Chad Anderson (Vice-Chairman)

Mr. Mark Haller Mr. Robert Butler

Mrs. Melanie Housh

Mr. Drew Watson (arriving at 9:22 a.m.)

MEMBERS ABSENT:

Mr. Roger Ball (Chairman)

Mr. Billy Cotter

Mr. Richard D. Pettey

OTHERS PRESENT:

Mrs. Lisa Brooks, Executive Director Ms. Neva Conway, Legal Counsel

Mrs. Carolyn Greene, Executive Secretary

Mr. Jimmy Green, Investigator Mr. Sam Davis, Investigator

STAFF ABSENT:

None

GUESTS PRESENT:

Mr. Tyler Parr, Trainee Real Property Appraiser

- 1.0 Mr. Chad Anderson, Vice-Chairman, called the meeting to order at 9:21 a.m. Mrs. Carolyn Greene, Executive Secretary, recorded the minutes. The meeting was held in the 3rd Floor Conference Room of the RSA Union Building, 100 N. Union Street, Montgomery, Alabama. Prior notice of the meeting was posted on the Secretary of State's website on November 18, 2021, in accordance with the Alabama Open Meetings Act.
- 2.0 The meeting was opened with prayer, led by Mr. Butler, and the Pledge of Allegiance, led by Mr. Anderson.

- 3.0 Mr. Anderson asked Mrs. Greene to call a voice roll to establish a quorum. Board members present were Mr. Mark Haller, Mr. Robert Butler, Mrs. Melanie Housh, Mr. Chad Anderson, Mr. Drew Watson. A quorum was established. Members absent were Mr. Roger Ball, Mr. Rick Pettey, and Mr. Billy Cotter. Mr. Anderson welcomed guest Mr. Tyler Parr.
- 4.0 On motion by Mrs. Housh and second by Mr. Watson, the regular minutes for September 22, 2022, were approved as written. Motion carried by unanimous vote.
- 5.0 Ms. Conway included, for Board information, the Order Granting Motion to Dismiss in Case No. CV-2022-900203.00, Judith E. Haney V. Alabama Real Estate Appraisers Board.
- Ms. Conway discussed a proposed change to 780-X-9, Classification of Real Estate Appraisers, and new rule 780-X-13-.02, Declaration of Measurement Standard. Both were carried over to the January Board meeting.
- 7.0 With Mr. Watson abstaining, on motion by Mr. Haller and second by Mrs. Housh, the following applications were voted on as listed. Motion carried.
- 7.1 <u>Trainee Real Property Appraiser</u> applications approved: Payton Davis Thornton Barnette, Duncan Overton Craddock, Mark William Gotschall, Heather Marie Meacham, Matthew Pelham Rowan, Nicole Kathleen Scott, and Daniel Ryan Tyler. **Applications approved:** None. **Applications denied:** None.

Trainee Real Property Appraiser Experience Logs for Review: Logs approved: Colby-Win Beasley, Joseph Beatty, Christine Davis, Greg Garner, Ramsey Griffin, James Jay, Ginger Macleod, David Zachary Mazzei, Michael Major Murphree, Tyler Parr, Joshua Robinson, Thomas Schneider and Amanda Short. Logs deferred: Ashton Fowler and Frank Moody. Logs denied: None.

- 7.2 <u>State Registered Real Property Appraiser applications approved:</u>
 None. Applications deferred: None. Applications denied: None.
- 7.3 <u>Licensed Real Property Appraiser</u> applications approved: Britany Tyree. Applications deferred: Jason David Griffin. Applications denied: None.
- 7.4 <u>Certified Residential Real Property Appraiser</u> applications approved:
 James Leighton Elwood (Recip)(ID), James Robert Fullerton (Recip)(GA),
 James Neil Guiler, Justin Maxwell Harley (Recip)(VA), Michelle Kay Keller
 (Recip)(MI), Alyson Lynn Kipp (Recip)(VA), Heidi Newton and Haleigh
 Wright. **Applications deferred:** None. **Applications denied:** None.

- 7.5 Certified General Real Property Appraiser applications approved: Gerald R. Barber (Recip)(MS), Robert Edward Barnes (Recip)(GA), David Lee Beal (Recip)(FL), Fred Beall V (Recip)(SC), Alvin O. Benton (Recip)(GA), Charles Victor Beyer III (Recip)(NJ), Ralph J. DeBee III (Recip)(FL), Mary Elizabeth Haigler, Philip Steven Hartmann (Recip)(VA). Steven Richard Hickstein (Recip)(WY), Dorothy Hodge-Wells (Recip)(MS), Virginia Maddox-Johnson (Recip)(GA), Stephen Wayne King (Recip)(GA), Christopher W. Mashburn (Recip)(NC), Eric Phillip Moskau (Recip(LA), George W. Null (Recip)(MS), Dan A. Paulus (Recip)(AZ), Kyle Douglas Redfearn (Recip)(TX), Timothy Seth Rohling (Recip)(TN), Steven Roy Romer (Recip)(FL), Matthew John Rose (Recip)(GA), Hans W. Schmitter (Recip)(TX), Scott Silverman (Recip)(NJ), Elizabeth M. Sykes (Recip)(TN), David Justin Warren (Recip)(GA), Malcolm R. Williamson (Recip)(NC), and Joshua Warren Wood, IV (Recip)(TX) . Applications deferred: None. Applications denied: None.
- 7.6 <u>Mentor applications approved:</u> None. Applications deferred: John Michael Harwood and Steven Alan Pharr. Applications denied: None.
- 8.0 Mrs. Brooks presented the Finance reports for September 2021-2022, the Thirteenth accounting period and October 2022-2023. Mrs. Brooks reported that the Board was 8% into Fiscal Year 2023 and 11% into budget expenditures for October and that there were no negative trends that could not be reconciled at this time.

On motion by Mr. Butler and second by Mr. Haller, the Board voted to approve the Finance Report. Motion carried by unanimous vote.

Mrs. Brooks also presented the 2024 Budget Request for Board approval. On motion by Mrs. Housh and second by Mr. Haller, the Board voted to approve the request. Motion carried by unanimous vote.

9.0 On motion by Mrs. Housh and second by Mr. Watson, the following education courses and instructor recommendations on the November Education agenda were approved, deferred, or denied as indicated. Motion carried by unanimous vote.

<u>APPRAISAL INSTITUTE - CHICAGO</u>

New Applications:

(CE) Community Land Trust (CLT) Appraiser Training – 4 Hours – Classroom (Instructor: Darwin Ernst)

Both Course and Instructor Approved

(LIC) Online General Appraiser Sales Comparison Approach – 30 Hours – Online (Instructor: Kenneth Foltz) Both Course and Instructor Approved

Renewal Applications:

- (LIC) Residential Report Writing and Case Studies 15 Hours Classroom (Instructor: Dana Thornberry)

 Both Course and Instructor Approved
- (LIC) Online Residential Site Valuation and Cost Approach 15 Hours Online
 (Instructor: Liza Meinczinger)

 Both Course and Instructor Approved
- (CE) Advanced Spreadsheet Modeling for Valuation Applications 14
 Hours Classroom
 (Instructor: Rick Carlile)
 Both Course and Instructor Approved

APPRAISER ELEARNING, LLC

Renewal Application:

(CE) Advanced Appraisal Review – 7 Hours - Classroom (Instructor: Thomas Humphreys)

Both Course and Instructor Approved

CALYPSO CONTINUING EDUCATION

New Applications:

- (CE) 2022-2023 7-Hour USPAP Equivalent Update Course -- 7 Hours -- Online
 (Instructor: Amy McClellan)
 Both Course and Instructor Approved
- (CE) Concept to Completion 7 Hours Online (Instructor: Francis Finigan)

 Both Course and Instructor Approved
- (CE) FHA Site Inspection 7 Hours Online (Instructor: Francis Finigan)

 Both Course and Instructor Approved

Renewal Application:

(CE) A Brief Stroll Through America's Architectural Styles – 7 Hours - Online
 (Instructor: Francis Finigan)
 Both Course and Instructor Approved

DYNASTY SCHOOL

New Application:

(LIC) Residential Report Writing and Case Studies – 15 Hours - Online (Instructor: Robert Abelson)

Both Course and Instructor Approved

MCKISSOCK

New Applications:

- (CE) Live Webinar: 2022-2023 7-Hour National USPAP Update Course

 7 Hours Online
 (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)

 Instructors Approved
- (LIC) Live Webinar: 2020-2021 15-Hour National USPAP Course 15 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Appraising Complex and Stigmatized Residential Properties – 7 Hours - Online (Instructors: Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Appraising Condominium Units 3 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)
 Instructors Approved
- (CE) Live Webinar: Appraising Small Apartment Properties 4 Hours Online
 (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)
 Instructors Approved
- (LIC) Live Webinar: Basic Appraisal Principles 30 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (LIC) Live Webinar: Basic Appraisal Procedures 30 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved

- (CE) Live Webinar: Bifurcated and Hybrid Appraisals: A Practical Approach 4 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Diversify Your Practice with Assessment Appeals –
 4 Hours Online
 (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)
 Instructors Approved
- (CE) Live Webinar: Diversify Your Appraisal Practice with Estate Appraisals 3 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)

 Instructors Approved
- (CE) Live Webinar: Focus on FHA Minimum Property Requirements 4
 Hours Online
 (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)
 Instructors Approved
- (CE) Live Webinar: Fundamentals of Expert Witness Testimony 4
 Hours Online
 (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)
 Instructors Approved
- (CE) Live Webinar: Land and Site Valuation 5 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Learning from the Mistakes of Others: Appraisal Disciplinary Case Studies 3 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Market Disturbances-Market Analysis in Atypical Markets and Cycles 4 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Measuring 1-4 Unit Residential Properties-ANSI Z765 Standard 4 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Mortgage Lending Appraisal Requirements: Fannie Mae and Freddie Mac 7 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved

- (CE) Live Webinar: New Construction Essentials: Luxury Homes 3
 Hours Online
 (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)
 Instructors Approved
- (CE) Live Webinar: Residential Property Inspections: An Appraiser's Perspective 7 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: REO Appraisal: Guidelines and Best Practices 4 Hours - Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Responding to a Reconsideration of Value (ROV) 3 Hours - Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: Supporting Adjustments: The Journey from Analysis to Adjusting 4 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: The Appraiser's Guide to HUD Handbook 4000.1 7 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved
- (CE) Live Webinar: The Fundamentals of Appraising Luxury Homes 4
 Hours Online
 (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)
 Instructors Approved
- (CE) Live Webinar: Using Appraisal Report Templates Responsibly 3
 Hours Online
 (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob)
 Instructors Approved
- (CE) Live Webinar: Valuation of Residential Solar 3 Hours Online (Instructors: Pamela Teel, Greg Stephens, and Diana Jacob) Instructors Approved

MELISSA BOND

New Application:

(CE) Cost Approach & Supporting Adjustments – 7 Hours – Classroom (Instructor: Melissa Bond)

Both Course and Instructor Approved

10.0

AB-21-09 On September 22, 2022, the Board approved a Consent Settlement Order, where the Licensee agreed to a private reprimand, a \$2000.00 administrative fine and completion of a 15-hour USPAP course with an exam. The violations are:

Licensee violated the Preamble, Ethics Rule and Ethics Rule Confidentiality Provision when he posted interior photographs made by the appraiser for the appraisal of the subject property on his Facebook page. During the investigation, Licensee did not acknowledge that the disclosure was improper because he did not include the address and client identity in the post. Licensee claims to post many things on his Facebook page. Licensee stated that the comments to the post on Facebook resulted in his deleting the post. There were questions concerning the different ages of the comparable sales utilized in the appraisal, as well as the fact the smallest comparable with the smallest acreage, sold for the highest sale price. Licensee indicated that he made no adjustment for age as he considered them equivalent. However, there was no indication of the effective age of the improvements. Licensee also indicated that there was probably a location consideration for this sale. This was not indicated in the appraisal. The licensee failed to analyze pertinent information relevant to the development of the Sales Comparison Approach to value. The Licensee failed to adequately report and discuss the information relevant to the development of the Sales Comparison Approach to value. Violations: PREAMBLE TO USPAP; ETHICS RULE; CONFIDENTIALITY; STANDARDS RULE 1-1(a); 1-4; 2-1, <u>USPAP</u> 2020-21 Edition.

AB-21-11 On September 22, 2022, the Board approved a Consent Settlement Order where Barry Neal Hickman, R01187, agreed to pay an administrative fine of \$625.00. The violations in the report are: The licensee did not correctly employ the sales comparison approach. Licensee made several large adjustments to the comparable sales without market support or explanation in the report or work file. This makes the sales comparison approach non-credible due to lack of support. The licensee states in the report that the condition of the subject is C3- no updates in the 15 years prior to February 10, 2021. Licensee ignored reliable sources for property characteristics such as MLS data and property owner's statements The licensee has the MLS listing in the work file dated 1/11/2019 that contradicts the licensee's statement in the The MLS states new hardwood floors, professional painted, newer cabinets on bathrooms, tiled bathroom upstairs, newer appliance. The property owner states that "all kitchen cabinets, all bathroom floors, shower, toilet's, cabinet's, sink remodeled" also stated new hardwood floor.

The licensee did not do an analysis 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 market extraction which was supported by MLS lot 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 did not correctly indicate the condition of the subject property in that he stated no remodeling in 15 years when there was evidence that there had been remodeling which makes the report misleading. Licensee states in the Scope of Work section of the report that Market data was researched and analyzed but there was no support for the adjustments made in the sales comparison approach to value and the report does not contain data to support the statement that market date was researched fully. There was no summery of the information analyzed and the reasoning that supports the analyses, opinions, and conclusions in the report. Violations: STANDARDS RULE 1-1(a); 1-2(e)(i); 1-3(b); 1-4(b)(i); 2-1(a); USPAP 2020-2021.

AB 21-23 On September 22, 2022, the Board approved a Consent Settlement Order where Veronica M. Underwood, R00801, agreed to pay an administrative fine of \$1,000.00 and complete a 15-hour USPAP course with exam. The violations in the report are: The workfile does not contain data or documents that the Licensee says in the report are in the workfile and does not contain data or documents to support the appraiser's opinions and conclusions and to show compliance with USPAP. The licensee did not have market support or explanation for the large adjustments in the Sales Comparison approach or the cost approach for the site value. When there is no support for opinions, the opinion is not credible.

The licensee excluded finished area on the second floor and misstated the GLA of the subject by about 300 square feet which caused substantial errors in the licensee's analysis to arrive at the opinion of value. The appraisal report stated that property values in the subject neighborhood were stable, that Demand/Supply was in balance and that Marketing Time was 3 to 6 months. Investigation of the market conditions reported in the local MLS along with a review of the market condition addendum Licensee included in the report show that neighborhood property values were increasing, that demand was greater than supply and marketing time was decreasing. Because Licensee classified about 300 SF of finished space on the second floor of the subject as unfinished and excluded it from the GLA, Licensee's research and analysis in the sales comparison approach was of data that was not comparable to the subject or alternatively, the adjustments did not reflect an accurate difference in the subject and the sales. Under Site value the licensee states the site value was developed through the use of land sales but gives no data or analysis to support this value. Licensee did not correctly indicate the physical and economic characteristics of the subject property in that the licensee excluded finished area from the GLA.

The appraisal report stated that property values in the subject neighborhood were stable, that Demand/Supply was in balance and that Marketing Time was 3 to 6 months. Investigation of the market conditions reported in the local MLS along with a review of the market condition addendum Licensee included in the report show that neighborhood property values were increasing, that demand was greater than supply and marketing time was decreasing. Comparable sales one and two sold for more than listing price, for sale one after 2 days on the market and for comparable sales 2 and 3 on the day of listing. This indicates Demand and supply is out of balance and that marketing time is under 30 days. Licensee misstated the economic characteristics of the subject neighborhood which is misleading. Licensee reported but did not include any analysis of the prior sale of the subject. Violations: RECORD KEEPING RULE; STANDARDS RULE 1-1(a); 1-1(b); 1-2(e)(i); 1-4(a); 1-4(b)(i); 2-1(a); USPAP 2020-2021 Edition.

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 21-35: True copies of all reports issued for this assignment were not in the workfile.

Adjustments in the sales comparison approach were not supported. MLS photos were used for comparable sales contrary to assignment conditions and with no explanation.

The report states that neighborhood property values were stable, Demand/Supply was in shortage and that Marketing Time was 3 to 6 months. The Market Condition Addendum in the report contradicts, it shows values increasing, Demand/Supply not in balance and Marketing Time declining. Violations: Record Keeping Rule, SCOPE OF WORK Rule, Standards Rule 1-1(a), 2-1(a), USPAP, 2020-21 Ed.

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway informed the Board that 7 new Appraiser complaints and no new Appraisal Management Company (AMC) complaints were received since the September 2022 Board meeting, 8 complaints were dismissed, and 4 complaints were settled, leaving a total of 46 open complaints.

11.0 The Board reviewed Probable Cause Report **AB-21-26**: With Mrs. Housh recusing, on motion by Mr. Watson and second by Mr. Butler, the Board voted that probable cause does not exist and dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report AB-21-29: With Mrs. Housh recusing, on motion by Mr. Haller and second by Mr. Butler, the Board voted that probable cause does not exist and to offer the appraiser a Conditional Dismissal. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report AB-21-31: With Mr. Haller recusing, on motion by Mrs. Housh and second by Mr. Butler 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-21-48**: With Mrs. Housh recusing, on motion by Mr. Haller and second by Mr. Watson, 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-22-31**: With Mr. Anderson recusing, on motion by Mrs. Housh and second by Mr. Butler, the Board voted that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

- 12.0 There were no Negotiated Settlements to review at this time.
- 13.0 The following reciprocal licenses were issued since the September Board meeting: Gerald R. Barber ('G' MS), Robert Edward Barnes ('G' GA), David Lee Beal ('G' FL), Fred Beall V ('G' SC), Alvin O. Benton ('G' GA), Charles Victor Beyer III ('G' NJ), Ralph J. De Bee III ('G' FL), James Leighton Elwood ('R' ID), James Robert Fullerton ('R' GA), Justin Maxwell Harley ('R' VA), Philip Steven Hartmann ('G' VA), Steven Richard Hickstein ('G' WY), Dorothy Hodge-Wells ('G' MS), Virginia Maddox Johnson ('G' GA), Michelle Kay Keller ('R' MI), Stephen Wayne King ('G' GA), Alyson Lynn Kipp ('R' VA), Christopher W. Mashburn ('G' NC), Eric Phillip Moskau ('G' LA), George W. Null ('G' MS), Dan A. Paulus ('G' AZ), Kyle Douglas Redfearn ('G' TX), Timothy Seth Rohling ('G' TN), Steven Roy Romer ('G' FL), Matthew John Rose ('G' GA), Hans W. Schmitter ('G' TX), Scott Silverman ('G' NJ), Elizabeth M. Sykes ('G' TN), David Justin Warren ('G' GA), Malcolm R. Williamson ('G' NC), and Joshua Warren Wood, IV ('G' TX),
- 14.0 The Temporary Permit report was provided to the Board for their information.
- The Appraisal Management report was provided to the Board for their information.
- Mr. Anderson discussed the Fall AARO conference. He reported on the appraiser ghosting discussion. Mr. Watson reported on the alternative path discussion. Mr. Anderson announced that the Spring conference will be held in Savannah, GA May 8 -11, 2023.

Mrs. Brooks discussed the 2023 Board meeting calendar. On motion by Mr. Drew Watson and second by Mr. Robert Butler, the Board voted to adopt the 2023 Board meeting calendar as the third Thursday of every other month.

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

- Mrs. Brooks asked the Board to keep Mrs. Housh and her family in their thoughts as her mother recently passed away.
- At 10:46 a.m., on motion by Mr. Haller 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 2023 is January 19th, March 16th, May 18th, July 20th, September 21st and November 16th, held in the RSA Union 3rd Floor Conference Room, 100 Union Street, Montgomery, AL 36104.

Sincerely,

Carolyn Greene
Executive Secretary

/cg

APPROVED: Chad Anderson (Mar 20, 2023 14:17 CDT)

Chad Anderson, Vice-Chairman

MINUTES11-17-22 final

Final Audit Report

2023-03-20

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By: Carolyn Greene (carolyn.greene@reab.alabama.gov)

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