

**MINUTES**  
**ALABAMA REAL ESTATE APPRAISERS BOARD**  
**RSA UNION STREET**  
**SUITE 370**  
**MONTGOMERY, AL 36104**  
**May 18, 2023**

**MEMBERS PRESENT:**

Mr. Roger Ball (Chairman)  
Mr. Billy Cotter  
Mr. Richard D. Pettey  
Mr. Mark Haller  
Mrs. Melanie Housh

**MEMBERS ABSENT:**

Mr. Chad Anderson (Vice-Chairman)  
Mr. Robert Butler  
Mr. Drew Watson

**STAFF 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:**

None

- 1.0 Mr. Roger Ball, Chairman, called the meeting to order at 9:18 a.m. Mrs. Carolyn Greene, Executive Secretary, recorded the minutes. The meeting was held in the 1st Floor Purchasing Conference Room of the RSA Union Building, 100 N. Union Street, Suite 192, Montgomery, Alabama. Prior notice of the meeting was posted on the Secretary of State's website on December 6, 2022, and revised on May 18, 2023, in accordance with the Alabama Open Meetings Act.
- 2.0 The meeting was opened with prayer and the Pledge of Allegiance, led by Mr. Cotter.

- 3.0 Mr. Ball asked Mrs. Greene to call a voice roll to establish a quorum. Board members present were Mr. Mark Haller, Mr. Roger Ball, Mr. Rick Pettey, Mr. Billy Cotter, and Mrs. Melanie Housh. Members absent were Mr. Chad Anderson, Mr. Robert Butler, and Mr. Drew Watson. A quorum was established.
- 4.0 On motion by Mrs. Housh and second by Mr. Cotter, the regular minutes for March 16, 2023, were approved as written. Motion carried by unanimous vote.
- 5.0 Ms. Conway informed the Board that a hearing in the case of AB-21-22, (Sean Hollis, R00701) is scheduled for 11:00 a.m. before the Board, and that there was no other Pending Litigation to discuss.
- 6.0 Ms. Conway gave the Legislative Report and reported that the Legislature is still in session. Governor Ivey issued Executive Order 735, Reducing “Red Tape” on citizens and businesses through a moratorium on new administrative rules and by establishing goals for the reduction of existing regulatory burdens on March 8, 2023. Even though the Board voted to amend several rules at the March meeting, those amendments will be held until the expiration of the moratorium in 2024. The Executive Order requires agencies to inventory existing rules and develop a rule-reduction plan to be implemented beginning in 2024. The process of inventorying the rules has not yet begun.
- Mrs. Brooks discussed with the Board that Senator Chris Elliot introduced SB 156 which would transfer executive branch regulatory agencies to the Secretary of State’s office. Several agencies are exempt from the transfer and Mrs. Brooks has requested a meeting with Senator Elliot and with Representative Margie Wilcox about including the REAB in the exempt status.
- Mrs. Brooks reported that there have been no appointments made to the Board, however, she and Mr. Ball have spoken with the Governor’s Appointment Secretary, Mason Bass regarding Board appointments. Mrs. Brooks told the Board that she had stressed the importance of the appointments for the Board members who have been serving for many years.
- 7.0 On motion by Mr. Haller and second by Mrs. Housh, the following applications were voted on as listed. Motion carried.
- 7.1 **Trainee Real Property Appraiser applications approved:** Caleb Douglas Cummings, Antwain Davis, Joshua Elam, Anna Celeste Field, Timothy Gray, Randy Craig Nelson, William Mark Roberts and Zoe Elizabeth Walker. **Applications approved:** None. **Applications denied:** None.

**Trainee Real Property Appraiser Experience Logs for Review:** **Logs approved:** Jeremy Clark, Thomas Coutu, Whitney Ford, Robert Naves, Sam McPhillips, John Solberger and Donna Sutherland. **Log Reviews deferred:** Thomas Chapman, Emily Deason, Grant Dickey, Ashton Fowler, Austin Grace, John Alexander Hutto and Kellie Summerlin. **Log Reviews 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:** Charles Matthew Gordon (Recip)(MO), Tyler Ward Hinson (Recip)(MS) and Ginger MacLeod. **Applications deferred:** None. **Applications denied:** None.
- 7.4 **Certified Residential Real Property Appraiser applications approved:** Kayla Atchley, Joseph Beatty, Brooke Cheatwood, Christine Davis, Thomas Keith Holmes (Recip)(GA), Mark Peter Ragno (Recip)(AZ), Robert Nicholas Rogers (Recip)(GA), Troy Taylor (Recip)(TX), Jessica L. Vittek (Recip)(MD), and Jacob Allen Womack (Recip)(GA). **Applications deferred:** None. **Applications denied:** None.
- 7.5 **Certified General Real Property Appraiser applications approved:** Elizabeth Benz, Zachary H. Fairley (Recip)(MS), James Burchfield Givens (Recip)(TX), Kaitlyn Nicole Grant (Recip)(TN), Terry L. Hart (Recip)(MI), Ray Carter Higdon (Recip)(TN), Michael Horton (Recip)(GA), Wayne Horvath (Recip)(NJ), Christopher Lassiter (Recip)(TN), Patrick McMakin (Recip)(TN), Stephen Thompson Miner, Derek Munro, Theofanis Nicholas (Recip)(IL), Kristin Rinaudo (Recip)(FL), Russell Rivard (Recip)(TX), Sarah Rouse (Recip)(NY), Jason R. Schultz (Recip)(GA), Arturo Singer (Recip)(TX), Greg Stephens (Recip)(TX), Reagan Schwarzlose (Recip)(TX), and Samuel Turner. **Applications deferred:** R. Jason Wright. **Applications denied:** None.
- 7.6 **Mentor applications approved:** Jeffrey Andrew (Drew) Clark. **Applications deferred:** Alyson Kipp. **Applications denied:** None.
- 8.0 Mr. Pettey presented the Finance report for April 2022-2023. Mr. Pettey reported that the Board was 59% into Fiscal Year 2023 and 50% into budget expenditures and that there were no negative trends that could not be reconciled at this time.
- On motion by Mr. Cotter and second by Mrs. Housh, the Board voted to approve the Finance Report. Motion carried by unanimous vote.
- 9.0 On motion by Mrs. Housh and second by Mr. Pettey, the following education courses and instructor recommendations on the May Education agenda were approved, deferred, or denied as indicated. Motion carried by unanimous vote.

## **APPRAISAL INSTITUTE – CHICAGO**

### **New Applications:**

- (LIC) Advanced Market Analysis and Highest & Best Use – 33 Hours – Online  
(Instructor: Kerry Jorgensen)  
**Both Course and Instructor Approved**
  
- (LIC) General Appraiser Sales Comparison Approach – 30 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**
  
- (CE) Case Studies in Appraising Green Residential Buildings – 7 Hours – Classroom  
(Instructor: Rick Carlile)  
**Both Course and Instructor Approved**
  
- (CE) Online Appraising Condos, Co-ops, and PUDs – 7 Hours – Online  
(Instructor: Maureen Sweeney)  
**Both Course and Instructor Approved**
  
- (LIC) Quantitative Analysis – 33 Hours – Classroom  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**

### **Renewal Applications:**

- (LIC) Online Real Estate Finance, Statistics, and Valuation Modeling – 15 Hours – Online  
(Instructor: Ken Foltz)  
**Both Course and Instructor Approved**

## **APPRAISAL INSTITUTE – ALABAMA/MISSISSIPPI CHAPTER**

### **New Applications:**

- (CE) Complex Valuation – 7 Hours – Classroom  
(Instructors: Randell Bell and Michael Tochovsky)  
**Both Course and Instructors Approved**
  
- (CE) Aerial Inspections for Real Estate Appraisers – 7 Hours – Classroom  
(Instructor: Lamar Ellis)  
**Both Course and Instructor Approved**

## **APPRAISER ELEARNING, LLC**

### **New Application:**

- (CE) Top 15 Takeaways from Your Colleagues' Legal Misfortune – 3 Hours - Classroom  
(Instructor: Peter Christensen)  
**Both Course and Instructor Approved**

## **MCKISSOCK**

### **New Application:**

- (CE) Responding to a Reconsideration of Value (ROV) – 3 Hours - Classroom  
(Instructors: Dan Bradley, Wally Czekalski, Charles Huntoon, Larry McMillen, Philicia Lloyd, Dan Tosh, Rob McClelland, Julie Molendorp, Tony Pistilli, Alex Gilbert, Josh Walitt, Charles Fisher, and Robert Frazier)  
**Both Course and Instructors Approved**

## **MELISSA BOND**

### **New Applications:**

- (CE) Mortgage Lending & Appraisal Shelf-Life – 7 Hours - Classroom  
(Instructor: Melissa Bond)  
**Both Course and Instructor Approved**
- (CE) Site Inspection with ANSI – 7 Hours - Classroom  
(Instructor: Melissa Bond)  
**Both Course and Instructor Approved**

## **OREP EDUCATION NETWORK**

### **New Applications:**

- (CE) Appraiser Liability and Risk Management – 7 Hours - Online  
(Instructor: Timothy Anderson)  
**Both Course and Instructor Approved**

## **THE CE SHOP**

### **New Applications:**

- (CE) Supervisory Appraiser/Trainee Appraiser Course – 4 Hours - Online  
(Instructor: Rebecca Jones)  
**Both Course and Instructor Approved**

(CE) Appraisal Economics and Value – 7 Hours - Online  
(Instructors: Rebecca Jones and Sam Martin)  
**Both Course and Instructor Approved**

Mr. Pettey asked how many hours Board members will receive for attending meetings this continuing education cycle. Mrs. Greene will notify Board members how many hours each will receive.

Mr. Pettey discussed Board members and Investigators receiving continuing education credit for attending AARO conferences. On motion by Mr. Pettey and second by Mr. Haller, the Board voted to grant 7 hours continuing education credit to attendees of an AARO conference during a continuing education cycle.

10.0 **AB 20-12** On March 16, 2023, the Board approved a consent settlement with a Certified General Real Property Appraiser where the Licensee agreed to pay a \$600 Administrative Fine, complete an Appraisal Foundation developed education course and receive a private reprimand. The Violations in the report are: After submitting the report to the client, Licensee received a letter with comments from the client asking for some revisions. Licensee revised the report and states in the revised report that the revisions were made with comments. There was no copy of the original report (prior to revisions) included in the work file. In addition, the work file did not contain data to support the opinions and conclusions Under Site value the licensee states the site value was “developed through the use of land sales but does not include sales data or analysis to support this value. **RECORD KEEPING RULE, STANDARDS RULE 1-4(b)(i), USPAP, 2018-2019 Edition.**

**AB 21-18** On March 16, 2023, the Board approved a consent settlement with Certified Residential Real Property Appraiser Russell Van Johnson (R00860) where the Licensee agreed to pay a \$2000 Administrative Fine and complete a 15-hour USPAP course with exam. The violations in the report are: The subject is a single-family residence, and the site is 57 acres of land. There was an additional single-family residence (SFR) on the site that was not included in the appraisal. It should be noted that the additional SFR was included in the sale transaction although the appraiser was given verbal instruction from the seller that it was not included. The MLS listing and the county property records report the existence of the additional SFR. The terms of the contract for the sale did not exclude the additional SFR and any acreage assigned to that structure. The appraisal was performed utilizing an inadequate disclosure of a Hypothetical Condition that the additional SFR was not included in the transaction contrary to the appraisal engagement. There is a Scope of Work Rule violation by failing to communicate with the client to determine the appraisal problem to be solved. There is no indication in the engagement that the additional SFR would be excluded in the appraisal. The subject property contains approximately 57 acres of land, 2 SFR units and an additional Accessory Dwelling Unit. No analysis of highest and best use was performed. The appraiser does not appropriately

analyze or address the four criteria relative to the highest and best use of the property as though vacant and as improved. Further, the 2<sup>nd</sup> SFR was not included in this analysis. The highest and best use should contain a more thorough explanation. All the comparables have large adjustments for site size. The subject contains 57 acres. There is no support for site value in the appraisal or the work file. There is no adjustment for age as licensee considered them the sales equivalent to the subject. The actual age of the improvements of the subject is 44 years and comparables are between 9 and 42 years. The appraisal indicates that the subject has an effective age of 12 years indicating that the subject has been well maintained with no support for this. The appraiser indicates that there have been no updates within the last 15 years. However, there are no adjustments for age. The appraiser indicates in the discussion, that there are differences in the quality of construction between the subject and the comparables. However, there is no adjustment or support for the lack thereof in the grid. There is an adjustment for conditions on Sale 1 and Sale 4 with no support or explanation. There are adjustments for room count with no support. There is no support for the garage/carport adjustment.

There is no support for the barn/shop/fence adjustment. There is no support for the porches/patio/deck adjustments. There is no support in the application of the fireplace adjustment. There is no adjustment for the 1,106 SF Accessory Dwelling Unit. To appropriately analyze the comparables and employ the correct methodology in the Sales Comparison Approach, the appraiser must correctly apply adjustments indicated by the market. The appraiser has made numerous adjustments to the comparable sales without market support or explanation either in the report or work file. In the Cost approach, there is no support for site value in the appraisal or the work file. The appraiser has indicated MSV and local builders as the source of the cost for the improvements. However, there is no support in the appraisal or work file. There is no support or explanation for depreciation. The subject was under contract dated 3/17/19 for \$368,000, which is approximately 16 days prior to the effective date of the appraisal. The sale was not analyzed appropriately taking into consideration, price history or any changes, days on the market, or any history concerning the subject. It should be noted that the appraiser valued the subject at \$420,000 which is 7.97% higher than the contract price but omitted from value the second SFR included in the sale. The appraisal lacks discussion and explanation for adjustments as well as support and reasoning for the reconciled final opinion of value. The appraisal does not contain a sufficient highest and best use analysis with explanation and support. The workfile contained a revised report dated April 24, 2020, although the complaint was submitted with a copy of a report dated April 7, 2019. Additionally, requests for revisions were transmitted to the appraiser from a lender who was not the original client although the client identified in the revised report of April 24, 2020, continued with the client in the original report. **STANDARDS RULE 1-2, 1-3, 1-4, 1-5, 2-2, RECORD KEEPING RULE, USPAP 2018-2019, Edition.**

**AB 21-20** On March 16, 2023, the Board approved a consent settlement order with Certified Residential Real Property Appraiser Richard C. Allison, R00712, where the Licensee agreed to pay an administrative fine of \$1500 to the Board, take a 15-hour USPAP course with exam and receive a public reprimand. The violations are: In the course of the interior inspection, Licensee's inspection included areas outside the scope of the assignment.

Under Site value the licensee states the site value was developed through the use of land sales and allocation, but licensee gives no data or analyzes to support this value.

Licensee's stating the site value was developed from land sales and from the allocation method but the licensee not reporting the data or analyzes of the data and opinions and conclusions make the statement not supported by relevant evidence or logic and make this report misleading.

**ETHICS RULE, STANDARDS RULE 1-4(b)(i), 2-1(a), USPAP 2020-2021 Edition.**

**AB 21-48** On March 16, 2023, the Board approved a consent settlement with a Certified Residential Real Property Appraiser Gregory S. Haggard, R01211 where the Licensee agreed to complete a corrective education course. The violations in the report are: By failing to document and explain the adjustments to sales used in the sales comparison approach, the licensee did not correctly execute the sales comparison approach. There were large adjustments to the comparable sales and there was no documentation of market support or explanation in the report or work file for the adjustments. The licensee did not summarize his analysis of the four elements of the highest and best use for the subject property. The licensee only checked the box on the form report that subjects highest and best use was its current use. The licensee states in the report that the "method of estimating site value is based on allocation and land sales", but there is no data or summary of analysis to support the value. Licensee disclosed but did not analyze a prior sale of the subject property that occurred within the three-year period. There is no summary of a sales history analysis, only a sales date and sales price. There is no analysis or explanation in the report for the opinions developed by the appraiser in reaching the final value opinion. **STANDARDS RULE 1-1, 1-3, 1-4, 1-5, 2-1, 2-2, USPAP, 2020-2021 Edition.**

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway reported that 7 new Appraiser complaints and no new Appraisal Management Company (AMC) complaints were received since the March 2023 Board meeting, 14 complaints were dismissed, and 4 complaints were settled, leaving a total of 42 open complaints.

11.0

**AB 21-19** Ms. Conway asked the Board to reconsider the finding of probable cause in the case of AB 21-19 and to consider education completed by licensee and to approve a conditional dismissal. This resolution is consistent with some resolutions in similar cases. On motion by Mr. Cotter and second by Mr. Haller, 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-22-02**: With Mr. Haller and Mrs. Housh recusing, on motion by Mr. Cotter 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-22-06**: With Mr. Haller recusing, on motion by Mr. Pettey and second by Mr. Cotter, 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-22-10**: With Mr. Haller recusing, on motion by Mr. Pettey and second by Mrs. Housh, 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-22-14**: With Mrs. Housh recusing, on motion by Mr. Haller 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-22-16**: With Mr. Haller recusing, on motion by Mrs. Housh and second by Mr. Cotter, 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-22-29**: With Mrs. Housh recusing, on motion by Mr. Pettey and second by Mr. Haller, 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-22-50**: On motion by Mrs. Housh and second by Mr. Cotter, 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-23-01**: With Mr. Haller recusing, on motion by Mr. Pettey and second by Mrs. Housh, 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-23-02**: With Mr. Haller recusing, on motion by Mr. Cotter and second by Mr. Pettey, 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-23-03**: With Mr. Haller recusing, on motion by Mrs. Housh and second by Mr. Pettey, 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-23-04**: With Mr. Haller recusing, on motion by Mrs. Housh and second by Mr. Cotter, 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-23-05**: With Mr. Haller recusing, on motion by Mr. Cotter and second by Mrs. Housh, 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-21-39**. On motion by Mr. Pettey and second by Mr. Cotter, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

13.0 The following reciprocal licenses were issued since the March Board meeting: Zachary H. Fairley ('G' MS), James Burchfield Givens ('G' TX), Charles Matthew Gordon ('L' MO), Kaitlyn Nicole Grant ('G' TN), Terry L. Hart ('G' MI), Ray Carter Higdon ('G' TN), Tyler Ward Hinson ('L' MS), Thomas Keith Holmes ('R' GA), Michael Horton ('G' GA), Wayne Horvath ('G' NJ), Robert B. Kligenbeck ('R' GA), Christopher Lassiter ('G' TN), Patrick McMakin ('G' TN), Theofanis Nicholas ('G' IL), Mark Peter Ragno ('R' AZ), Kristin Rinaudo ('G' FL), Russell Rivard ('G' TX), Robert Nicholas Rogers ('R' GA), Sarah Rouse ('G' NY), Jason R. Schultz ('G' GA), Reagan Schwarzlose ('G' TX), Arturo Singer ('G' TX), Greg Stephens ('G' TX), Troy Taylor ('R' TX), Jessica L. Vittek ('R' MD), and Jacob Allen Womack ('R' GA).

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. Pettey discussed the Spring AARO conference and reported that it was a very informative conference. He also suggested that the Board consider having new Board members complete the CLEAR Board member training that is available free of charge.

Mr. Pettey also reported that there was much discussion of PAREA and bias at the AARO Conference. Mrs. Brooks will include an article on bias in the next newsletter.

Mrs. Brooks discussed the office space lease, noting that Mr. Green had researched the lease and comparable office spaces and determined that this lease is comparable to that of similar office spaces. The Board suggested that Mrs. Brooks negotiate the length of the lease and the price increase. They gave Mrs. Brooks options to negotiate with and suggested that she check with other boards regarding their leases and to get representation to assist with the negotiations. The lease discussion was deferred to the July Board meeting for more information.

Mr. Ball discussed the upcoming Board meeting dates on Mr. Anderson's behalf. Mr. Anderson asked that the Board consider changing the Board meeting dates to perhaps the 2<sup>nd</sup> Thursday instead of the 3<sup>rd</sup> Thursday. Mrs. Brooks will email Board members for their suggestions and/or conflicts with dates.

17.0 Mr. Ball discussed the results of the Board member compensation research.

Mrs. Brooks discussed the new Investigator position. Ms. Conway proposes hiring based on interviews conducted in 2021. The Board prefers to conduct any proposed interviews virtually. Mr. Ball asked for volunteers to do so, and Mr. Pettey, Mrs. Housh, Mr. Haller, and Mr. Ball volunteered to participate in virtual interviews.

Mr. Davis announced that he plans to retire within the next six months.

18.0 Mr. Haller discussed the time commitment necessary to serve on the Disciplinary Committee and attend the committee meetings. Mr. Haller made a motion to meet in person on as needed basis and remotely the remainder of the time. Mrs. Housh seconded the motion. Motion carried by unanimous vote.

### **DISCIPLINARY HEARING**

At 11:10 a.m., the Board convened the administrative hearing for Sean Hollis, AB 21-22, before Administrative Law Judge Jerry Wood. Ms. Conway made an offer of proof of service on Sean Hollis. Judge Wood determined that service was not sufficient and ordered that the Board initiate service for a future hearing date.

At 11:15 a.m., Mr. Wood adjourned the disciplinary hearing.

19.0 At 11:18 a.m., on motion by Mr. Cotter and second by Mrs. Housh, the Board voted to adjourn the regular Board meeting. Motion carried by unanimous vote. The Board's tentative meeting schedule for 2023 is July 20<sup>th</sup>, September 21<sup>st</sup>, and November 16<sup>th</sup>, held in the RSA Union 3<sup>rd</sup> Floor Conference Room, 100 Union Street, Montgomery, AL 36104.

Sincerely,

*Carolyn Greene*

Carolyn Greene  
Executive Secretary  
/cg

*James B. Ball R*

**APPROVED:** \_\_\_\_\_  
Roger Ball, Chairman