

MINUTES
ALABAMA REAL ESTATE APPRAISERS BOARD
RSA UNION STREET
SUITE 370
MONTGOMERY, ALABAMA
January 20, 2011

MEMBERS PRESENT:

Mr. Chris Pettey (Chairman)
Mr. Joseph Lundy (Vice-Chairman)
Mr. Fred Crochen
Mr. Kenneth D. Wallis, III
Mr. Joseph Lambert
Mrs. Cornelia Tisher
Mrs. Dot Wood
Mr. Mark Moody
Mr. Chester Mallory (arriving at 8:32 a.m.)

MEMBERS ABSENT:

None

OTHERS PRESENT:

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

GUESTS PRESENT:

Mr. Dale Bolena,
Mr. Lou Watson
Ms. Penny Nichols, Certified Residential Appraiser, Millbrook, Alabama
Mr. Will Sims
Mr. Ward Watson
Mr. Michael K. Adams

- 1.0 With quorum present Mr. Chris Pettey, Chairman, called the meeting to order at 8:19 a.m. Mrs. Carolyn Greene, Executive Secretary, recorded the minutes. The meeting was held at the RSA Union Building, 100 N. Union Street, 3rd Floor Conference Room, Montgomery, Alabama. Prior notice of the meeting was posted on the Secretary of State's website on November 30, 2010 in accordance with the Alabama Open Meetings Act.
- 1.1 The meeting was opened with prayer and followed by the Pledge of Allegiance led by Mr. Pettey.
- 2.0 Mr. Pettey welcomed the guests present and asked Board Members to introduce themselves. Members present were Mr. Chris Pettey, Mr. Joseph Lundy, Mr. Fred Crochen, Mrs. Cornelia Tisher, Mrs. Dot Wood,

Mr. Mark Moody, Mr. Chester Mallory, Mr. Kenneth Wallis III, and Mr. Joseph Lambert.

3.0 On motion by Mr. Lambert and second by Mr. Moody, the regular minutes for November 18, 2010 were approved with modifications to include the names of licensees for whom Public Reprimands were issued or whose licenses were revoked. Motion carried by unanimous vote.

3.2 Ms. Conway included the following for Board member information:

- In Mrs. Nancy White's appeal, CV-2010-902165.00, of the Board's denial of her application for Licensed Real Property Appraiser:
 1. An Order in the Circuit Court of Jefferson County denying Mrs. Nancy White's appeal.
 2. A Motion to Reconsider Order in the Circuit Court of Jefferson County.
 3. The Alabama Real Estate Appraisers Board Opposition to Appellant's Motion to Reconsider and the Boards Motion to Strike Affidavit of Robert J. Dow.
- A Motion to Continue the hearing for Donald W. Manuel, AB-08-131, which had been previously scheduled for January 20, 2011 and has not been reset at this time.
- A Motion to Withdraw Hearing Before the Board in the same case and to have the petition heard by an Administrative Law Judge.
- Findings of Fact and Conclusions of Law of the Administrative Law Judge on Complaint No. AB-08-100 (Joshua Matthew Smith).

At 8:29 a.m. on motion by Mr. Lundy and second by Mr. Moody, the Board voted to enter Executive Session to deliberate on the Findings of Fact and Conclusions of Law of the Administrative Law Judge on Complaint No. AB-08-100 (Joshua Matthew Smith). Those in favor were Mr. Pettay, Mr. Lundy, Mr. Crochen, Mrs. Tisher, Mrs. Wood, Mr. Moody, Mr. Mallory, Mr. Wallis and Mr. Lambert. Motion carried by unanimous vote.

At 8:41 a.m. on motion by Mr. Lundy and second by Mr. Wallis, the Board voted to re-enter Regular Session. Those in favor were Mr. Pettay, Mr. Lundy, Mr. Crochen, Mrs. Tisher, Mrs. Wood, Mr. Moody, Mr. Mallory, Mr. Wallis and Mr. Lambert. Motion carried by unanimous vote.

With Mrs. Wood and Mr. Lambert recusing, on motion by Mr. Wallis and second by Mr. Lundy, the Board voted to accept those Findings of Fact, Conclusions of Law and Recommendation of the Administrative Law

Judge as written. Those in favor were Mr. Pettey, Mr. Lundy, Mr. Crochen, Mrs. Tisher, Mr. Moody, Mr. Mallory, and Mr. Wallis. Motion carried by unanimous vote.

On motion by Mr. Wallis and second by Mrs. Wood, the Board voted to revoke Mr. Smith's Mentor Status effective 60 days from today. Those in favor were Mr. Pettey, Mr. Lundy, Mr. Crochen, Mrs. Tisher, Mrs. Wood, Mr. Moody, Mr. Mallory, Mr. Wallis and Mr. Lambert. Motion carried by unanimous vote.

- 4.0 Mr. Moody discussed the December 6, 2010 and January 19, 2011 Legislative Committee meetings and the Substitute Bill for HB490 with the Board. Mr. Lou Watson, Mr. Will Sims and Mr. Ward Watson spoke to the Board regarding the proposed AMC legislation. Mr. Pettey thanked the gentlemen for their time and comments.
- 5.0 On motion by Mr. Lambert and second by Mr. Crochen the following applications were voted on as listed. Motion carried by unanimous vote.
- 5.1 **Trainee Real Property Appraiser applications approved:** James D. Phillips. **Applications deferred:** None. **Applications denied:** None.
- 5.2 **State Registered Real Property Appraiser applications approved:** Benjamin Scott McDade and Barrett H. Sanders. **Application deferred:** None. **Applications denied:** None.
- 5.3 **Licensed Real Property Appraiser applications approved:** James Adam Hurst. **Applications deferred:** Darby Hale. **Applications denied:** None.
- 5.4 **Certified Residential Real Property Appraiser application approved:** Reuben Bullock, Ben Glass III, Donna Montgomery (Recip.)(GA), Michelle Pitts, D. Glenn Strickland (Recip.)(GA), and Bonnie Wheatley. **Applications deferred:** Jason King. **Applications denied:** Summer Maples.
- 5.5 **Certified General Real Property Appraiser applications approved:** Michael Brophy (Recip.)(GA), Eric L. Enloe (Recip.)(KS), Robert L. Ryan (Recip.)(GA), Darrell E. Shepherd (Recip.)(GA) and Luten L. Teate (Recip.)(GA). **Applications deferred:** None. **Applications denied:** None.
- 5.6 **Mentor applications approved:** Ethan Couch, Shawn Murphy and George Michael Shanahan. **Applications deferred:** None. **Applications denied:** None.
- 6.0 Mr. Mallory discussed the financial report with the Board. Mr. Mallory stated that the Board was 25% into FY 11 and 25% into budget expenditures, and that there were no negative trends that could not be reconciled at this time. On motion by Mr. Mallory and second by Mr. Lambert, the Board voted to approve the Financial Report. Motion carried

by unanimous vote.

Mr. Mallory also discussed the Finance Committee meeting held on January 19, 2011. Mr. Mallory reported that the Committee reviewed current fees and fines charged by the Board and compared them to fees and fines charged by other Boards. Mr. Mallory discussed suggestions for increases to various fees made by the Committee. On motion by Mr. Mallory and second by Mrs. Wood, the Board voted to have Ms. Conway amend Administrative Rules 780-X-4.08, Miscellaneous Fees, 780-X-4-.02, Application and License Fees to reflect increases as recommended by the Finance Committee. Mr. Pettey abstained. Motion carried.

6.1

Mr. Lundy reported on the Education Committee meeting held on January 19, 2011. On motion by Mr. Lundy and second by Mr. Lambert, the Board voted to allow 7 of the 28 hours required for continuing education to be of the Licensees choosing provided the Licensee submits the course content, timeline and syllabus along with a \$35 non-refundable application/review fee. The request for approval must be submitted prior to renewal and the Education Committee will review the courses and make a determination. Motion carried by unanimous vote.

Mrs. Brooks discussed an email from Mr. Kirk Epstein requesting approval for the Property Tax Education and Certification course that he took October 18-22, 2010. Mr. Lundy recommended that Mr. Epstein's request must meet the new requirements for courses, which have not been previously approved for Continuing Education by the Board.

Mr. Lundy also reported that the Education Committee discussed changes to the current Trainee/Mentor Orientation format. The attendance fee will remain \$50 for each attendee; however, Orientation will be held in conjunction with the Board Meetings, with the attendees being required to attend one of the designated Board meetings in the morning and a Trainee/Mentor Seminar in the afternoon, for a 7-hour total continuing education credit. Two Board Members will be in attendance at each afternoon seminar. After all currently licensed Trainees and Mentors have attended one of the new Trainee/Mentor Orientations, only newly licensed Trainees and newly approved Mentors will be required to attend. Motion carried by unanimous vote.

Mr. Wallis discussed his concerns with Licensed Real Property Appraisers being eligible to apply for Approved Mentor Status. The matter was deferred until the March 2011 Board meeting.

On motion by Mr. Lundy and second by Mr. Wallis, the following education courses and instructor recommendations were approved, deferred, or denied as indicated.

American School of Real Estate Express

(LIC) 2010-2011 USPAP – 15 Hours - Online
(Instructor: David Deverman)

Both Course and Instructor Approved

APPRAISAL UNIVERSITY

- (CE) Practices and Pitfalls for the Residential Appraiser – 9 Hours – Online
(Instructor: William Pastuszek)
Both Course and Instructor Approved
- (CE) Practical Application of the Cost Approach – 3.5 Hours – Online
(Instructor: Gregory Accetta)
Both Course and Instructor Approved
- (CE) Appraising Historic Property – 7 Hours – Online
(Instructor: Steven Spangle)
Both Course and Instructor Approved

LIA ADMINISTRATORS & INSURANCE SERVICES

- (CE) Loss Prevention Program for Real Estate Appraisers - 4 Hours – Classroom
(Instructor: Peter Christensen)
Both Course and Instructor Approved

MCKISSOCK

- (CE) Environmental Contamination of Income Properties – 5 Hours – Online
(Instructor: Bruce Coin)
Both Course and Instructor Approved
- (LIC) General Report Writing and Case Studies – 30 Hours – Online
(Instructor: Bruce Coin)
Both Course and Instructor Approved
- (LIC) General Appraiser Income Approach - 60 Hours – Online
(Instructor: Dan Bradley)
Both Course and Instructor Approved
- (LIC) General Appraiser Sales Comparison Approach – 30 Hours – Online
(Instructor: Dan Bradley)
Both Course and Instructor Approved

USA CENTER FOR REAL ESTATE STUDIES / UNIVERSITY OF SOUTH ALABAMA

- (CE) Gulf Coast Commercial Real Estate Summit IV and Market Review - 7 Hours – Classroom
(Instructor: Donald Epley)
Both Course and Instructor Approved

- (CE) Coastal Economy Outlook IV - 7 Hours – Classroom
(Instructor: Donald Epley)
Both Course and Instructor Approved

VAN EDUCATION CENTER

- (LIC) Basic Appraisal Procedures – 30 Hours – Online
(Instructor: Burton Lee)
Both Course and Instructor Approved

- (LIC) Basic Appraisal Principles – 30 Hours – Online
(Instructor: Burton Lee)
Both Course and Instructor Approved

- (CE) 7 Hour USPAP – 7 Hours – Online
(Instructor: Burton Lee)
Both Course and Instructor Approved

The motion carried by unanimous vote.

6.2

The Board reviewed the following disciplinary reports.

AB-08-121 and AB-08-155 – On September 16, 2010, the Board approved a Consent Settlement Order with Everett S. Brooks, G00442, suspending his Certified General Appraiser license and appraisal course instructor approvals for one year. The license suspension was stayed and Brooks is on probation for two years. Licensee surrendered his approval to Mentor Trainee appraisers and agreed not to sign any appraisal report in any supervisory capacity. He will also submit reports of his appraisal assignments to the Board and submit appraisal reports for review by the Board during the probationary period.

AB-08-154 – On September 16, 2010, the Board approved a Consent Settlement Order and issued a public reprimand to Christopher Keith Hallum, S00101. Licensee will also complete education.

AB-09-01, AB-09-02, AB-09-03, AB-09-04 – On November 18, 2010, the Board approved the Voluntary Surrender of License from S. Lee Pake, G00027, effective immediately. The violations are: The reports lacked any discussion about the characteristics of the subject property. The reports lacked any analysis of the highest and best use of the subject properties. The reports lacked any discussion or analysis of the sales comparison approach or the comparable sales utilized. Licensee failed to report that the subject access is on a street that was dedicated but never built and that there is a drainage area that splits the subject property and approximately ½ of the site is in a flood zone. Licensee says the subject is not in a flood zone and under additional comments states that a portion of subject is located in flood zone and includes a map in showing flood area. There is no summary of the Licensee's analysis of the highest and best use of the subject property. There is no summary of the Licensee's

analysis of the adjustments or lack of adjustments made in the Licensee's sales comparison approach to value. **Violations: Standards Rule 2-1(b), 2-2(b)(iii), 2-2(b)(viii), USPAP, 2006 Ed.**

AB-09-77 – On November 18, 2010, the Board approved a Consent Settlement Order from a Certified Residential Appraiser and issued a private reprimand to the Licensee. The Licensee agreed to complete 15 hours of education that will not count toward CE requirement or any future license upgrade. The Violations are as follows: The Licensee failed to make needed adjustments or large enough adjustments to comparable sales utilized. Site values were not adjusted enough to account for the differences in the subjects estimated site value and the site values of the comparables. No adjustments were made for functional utility due to the subject property being over built for the area. The licensee states one place that the property is appraised "as is" and another place that the property is appraised for a prospective market value. There were better comparable sales available to the licensee that were not influenced by being water front properties. **Violations: Standards Rule 1-1(b), 1-2(d), 1-4(a), USPAP, 2006 Ed.**

AB-09-89 – On November 18, 2010, the Board approved the voluntary surrender of license from Jane E. Smithson, R00965, effective immediately. The violations were: Licensee reported that the subject property (a duplex) was appraised "as is" and had been recently repaired/renovated including but may not be limited to: Exterior Paint, Interior paint throughout, replaced drywall where it had been damaged by previous tenants, replaced rotted wood on eaves, fascia and roof over front upper porch, replaced rotted wood on window casing where necessary, new ceramic tile in baths, painted kitchen cabinets and replaced counter tops, rewired house to include upgraded electrical box, replaced plumbing, replaced rotted stoop and back stairs to upper level, replaced broken window panes where necessary, installed new vinyl in kitchens and laid new carpet in bedrooms. The Investigator noted approximately three months after the effective date of the appraisal that the exterior and first floor area of the building were in very poor condition with only minor signs on the interior on the first floor that any remodeling had taken place. The first floor unit was not livable on the date inspected by the investigator. The exterior of the building had not been painted in several years, there was rotted wood on the exterior, missing siding, windows missing and broken, window casings rotted and in need of putty and painting. Part of the foundation of the front porch appeared to have settled or collapsed causing the front porch to collapse partially. Licensee's comparable sale number one was reported by the licensee as being a duplex but MLS stated that the structure was a single-family residence. The MLS contained in the licensee's work file had this property as a single family residence with notes about the remodeling, if licensee had verified this information then the comparable would not have been utilized. Listing/Sales Agent stated the home had been a duplex at one time but had been remodeled extensively in 2006 into a single-family residence. It might also be noted that the MLS states this is a "Short Sale". By using this sale as a sale of a duplex would significantly affect

the appraisal. Licensee's source of information for licensee's comparable sale number two was Courthouse Retrieval System. After checking the public records it was discovered that the property used as comparable number two had not sold as reported. It appeared that the sales information reported on the Courthouse Retrieval System was an error. Not verifying the reported sale with an additional source resulted in the licensee using information that would significantly affect the appraisal. **Violation: Ethics Rule, Conduct, USPAP, 2008-2009 Ed.**

AB-09-107 – On November 18, 2010, the Board approved a Consent Settlement Order for a Certified Residential Appraiser where the Board issued a Private Reprimand and the Licensee agreed to complete a 7 Hour FHA course that may not be used for continuing education. The violations were: Licensee failed to utilize the most comparable sales available at the time of the assignment when more comparable sales were available. Licensee made an unsupported assumption that the subject 49 year old home had an effective age of 15 years. There were better comparable sales available to the licensee that if used would have resulted in a lower estimate of market value. **Violations: STANDARDS RULE 1-1(a), 1-3(a), 1-4(a), USPAP, 2008-2009 Ed.**

AB-09-112 – On November 18, 2010, the Board approved a Consent Settlement Order for a Certified Residential appraiser where the Board issued a Private Reprimand and the Licensee agreed to pay a \$900 administrative fine and complete 14 hours education in Sales Comparison. The violations are: The intended use of the appraisal was divorce litigation. Included in the work file and provided at the interview is documentation that the wife engaged the appraiser's services and the report was furnished to the husband's attorney instead of his client. In the Sales Comparison Approach licensee used stick-built homes as comparables for a modular home and did not consider quality or type of construction and did not comment on the difference in construction. The licensee did not take into consideration that the subject site was located partially in a flood zone when the comparable sales were not located in a flood zone. The licensee did not document or analyze the additional improvements on the subject site in the sales comparison approach. Licensee failed to identify the client or any intended users of the report. **Violations: ETHICS RULE, Confidentiality, Standards Rule 1-1(a), 1-1(b), 1-2(a), 2-2(b)(i) USPAP, 2008-2009 Ed.**

AB 08-120, AB 08-125 - On November 18, 2010, the Board approved a Consent Settlement Order and issued a private reprimand to a Certified Residential appraiser for two appraisals of income producing properties. The Licensee will pay an administrative fine of \$6,500, complete a 15-hour education course which may not be claimed for CE or license upgrade. Licensee may not appraise income-producing property without the prior approval of the Board. All appraisals assignments completed by the Licensee are subject to screening by the Board for a two-year period. The violations are: **AB 08-120** Respondent used a Hypothetical Condition to appraise the subject property as vacant land with no merchantable timber, but in the appraisal of the subject the Respondent failed to adjust

comparable sales for the amount of merchantable timber located on the comparables. This would be a negative adjustment to the comparables and resulted in the subject property being overvalued. The Respondent failed to adjust the comparables for difference in the amount and quality of road frontage as all the comparables had more road frontage of a higher quality than the subject. This would be a negative adjustment to the comparable sales and resulted in the subject being over valued. Respondent failed to analyze or report two prior sales of the subject property, one on May 2, 2006 for \$210,000 the other on November 20, 2006 for \$250,000. The appraisal assignment was not performed ethically and competently and resulted in a misleading or fraudulent report that was knowingly communicated to a client. The scope of work determined by the Respondent is not sufficient to produce credible assignment results. Respondent's scope of work as stated is too narrow to produce comparable sales data that was available. Respondent's decision to omit the income approach deviates from the steps a peer group would take in completing the same or similar assignment. Respondent fails to use the best comparable sales that were available at the time of the appraisal. Respondent used comparable sales that contained merchantable timber when the stated scope of work was to appraise subject as vacant with no merchantable timber. There were sales in existence that did not include merchantable timber. Respondent fails to make adjustments for value of timber, and amount and quality of road frontage. There is no highest and best use analysis. Respondent failed to analyze or report two prior sales of the subject property May 2, 2006 for \$210,000 and November 20, 2006 for \$250,000. **Violation: Competency Rule, Scope of Work Rule; Statement 10; Standards Rule 1-2(b), 1-4(a), 1-4(c), Standards Rule 2-2(b)(viii), Standards Rule 1-1(a), 1-1(b), Standards Rule 1-5(b), USPAP, 2006 Edition.**

AB-08-125 - Respondent's description of the subject property does not adequately describe the property characteristics and attributes for comparison to the sales comparables. There is no mention of the topography, the timber growth, the beaver pond, the wetlands and the streamside management zones. Respondent concluded that the highest and best use of the subject is residential without an analysis of the highest and best use. The photographs of the subject in the report indicate intent to mislead the reader. The appraisal assignment was not performed ethically and competently and resulted in a misleading report and was knowingly communicated to a client. The Respondent readdressed the appraisal report and delivered it to a new client/lender. The Respondent did not retain a copy of the appraisal report prepared for the first client prior to readdressing the report to the second client. The Respondent's Scope of Work did not include the research and analysis necessary to develop credible assignment results. The Respondent did not analyze and adjust for the following characteristics or attributes of the subject property: flood zone, wetlands, timber, and streamside management zone. Respondent's failure to consider adjustments for omitted characteristics and attributes of the subject is a substantial error of omission that significantly affected the appraisal. Respondent did not identify and analyze the affect on use and value of the physical adaptability of the subject site for flood zone. The site is listed on the

National Wet Lands Inventory. Respondent did not develop a credible highest and best use of the subject site due to failure to analyze the legal, physical and economic factors of the site. Respondent did not summarize sufficient information about the physical and economic property characteristics to develop a credible appraisal. An appraiser cannot develop a credible appraisal when information about relevant characteristics such as being located in a flood zone and being on the National Wet Lands Inventory is not researched, analyzed and reported. Respondent does not report his analysis of the highest and best use of the subject property. **Violation: Competency Rule, Scope of Work Rule, Standards Rule 1-1(a), 1-1(b), 1-3(a), 1-3(b), 2-2(b)(iii), 2-2(b)(viii), USPAP, 2006 Edition.**

AB 08-124 On November 18, 2010, the Board approved a Consent Settlement Order and issued a private reprimand to a Certified Residential appraiser for an appraisal of income producing property completed as a State Registered Appraiser under the supervision of another appraiser. The Licensee agreed to pay a \$2850 administrative fine and complete a 15-hour USPAP course, which may not be used as continuing education, or to upgrade a license. The violations are: Respondent's description of the subject property does not adequately describe the property characteristics and attributes for comparison to the sales comparables. There is no mention of the topography, the timber growth, the beaver pond, the wetlands and the streamside management zones. Respondent concluded that the highest and best use of the subject is residential without an analysis of the highest and best use. The photographs of the subject in the report indicate intent to mislead the reader. The appraisal assignment was not performed ethically and competently and resulted in a misleading report and was knowingly communicated to a client. The Respondent readdressed the appraisal report and delivered it to a new client/lender. The Respondent did not retain a copy of the appraisal report prepared for the first client prior to readdressing the report to the second client. The Respondent's Scope of Work did not include the research and analysis necessary to develop credible assignment results. The Respondent did not analyze and adjust for the following characteristics or attributes of the subject property: flood zone, wetlands, timber, and streamside management zone. Respondent's failure to consider adjustments for omitted characteristics and attributes of the subject is a substantial error of omission that significantly affected the appraisal. Respondent did not identify and analyze the affect on use and value of the physical adaptability of the subject site for flood zone. The site is listed on the National Wet Lands Inventory. Respondent did not develop a credible highest and best use of the subject site due to failure to analyze the legal, physical and economic factors of the site. Respondent did not summarize sufficient information about the physical and economic property characteristics to develop a credible appraisal. An appraiser cannot develop a credible appraisal when information about relevant characteristics such as being located in a flood zone and being on the National Wet Lands Inventory is not researched, analyzed and reported. Respondent does not report his analysis of the highest and best use of the subject property. **Violation: Competency Rule, Scope**

of Work Rule, Standards Rule 1-1(a), 1-1(b), 1-3(a), 1-3(b), 2-2(b)(iii), 2-2(b)(viii), USPAP, 2006 Edition.

The Board asked that this report be put on the Board website after each meeting.

Ms. Conway discussed with the Board the investigative status charts. Ms. Conway informed the Board 11 new complaints were received since the November 2010 Board meeting, 41 complaints were dismissed, and 12 complaints were settled, leaving a total of 90 open complaints.

6.2.1

The Board reviewed Probable Cause Report **AB-10-02**: With Mr. Pettey and Mr. Wallis recusing, on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-10-20**: With Mr. Lambert and Mr. Lundy recusing, on motion by Mr. Wallis and second by Mr. Moody, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-10-21, AB-10-22, AB-10-23, AB-10-24 and AB-10-25**: With Mrs. Wood and Mr. Lundy recusing, on motion by Mr. Wallis and second by Mr. Moody, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-10-29 companion to AB-10-30 and AB-10-33 companion to AB-10-34**: With Mrs. Tisher, Mr. Wallis and Mrs. Wood recusing, on motion by Mr. Lundy and second by Mr. Lambert, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to issue a Letter of Counsel, provided the Licensee completes a 7-hr USPAP Update and 30-hr Basic Appraisal Principles course within 90 days. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-10-30, companion to AB-10-29 and AB-10-34, companion to AB-10-33**: With Mrs. Tisher, Mrs. Wood and Mr. Wallis recusing, on motion by Mr. Mallory and second by Mr. Lundy, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote. With Mrs. Tisher, Mrs. Wood and Mr. Wallis recusing, on motion by Mr. Wallis and second by Mr. Lundy, the Board voted to revoke the Licensee's Mentor approval, effective 60 days from today.

The Board reviewed Probable Cause Report **AB-10-31 companion to AB-10-32**: With Mrs. Tisher, Mrs. Wood and Mr. Wallis recusing, on

motion by Mr. Lundy and second by Mr. Lambert, 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-10-32 companion to AB-10-31**: With Mrs. Tisher, Mrs. Wood and Mr. Wallis recusing, on motion by Mr. Mallory and second by Mr. Lundy, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote. With Mrs. Tisher, Mrs. Wood and Mr. Wallis recusing, on motion by Mr. Wallis and second by Mr. Lundy, the Board voted to revoke the Licensee's Mentor approval, effective 60 days from today.

The Board reviewed Probable Cause Report **AB-10-47**: With Mr. Lundy recusing, on motion by Mr. Wallis and second by Mr. Moody, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does exist and to set this case for hearing. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-10-56**: With Mr. Lambert recusing, on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-10-101**: With Mr. Wallis recusing, on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-10-106**: With Mr. Wallis recusing, on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

The Board reviewed Probable Cause Report **AB-10-109**: With Mr. Lambert recusing, on motion by Mr. Lundy and second by Mrs. Wood, the Board voted to accept the Disciplinary Committee's recommendation that probable cause does not exist and to dismiss this case. Motion carried by unanimous vote.

6.2.2

The Board reviewed Consent Settlement Order on **AB-09-25 and AB-09-45**, Dennis G. Franklin, R00601. With Mr. Pettey, Mr. Lundy and Mrs. Wood recusing, on motion by Mr. Wallis and second by Mr. Lambert, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote. On motion by Mr. Mallory and second by Mr. Lundy, the Board voted to revoke the Mentor status of Mr. Franklin, effective 60 days from today. Mrs. Wood opposed. Motion carried.

The Board reviewed Consent Settlement Order on **AB-09-85**, Cleabron E. Pullum, R00216. With Mr. Pettey, Mrs. Wood and Mr. Lundy recusing, on motion by Mr. Wallis and second by Mr. Lambert, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

The Board reviewed a Consent Settlement Order on **AB-10-07**. With Mr. Lundy and Mr. Wallis recusing, on motion by Mr. Mallory and second by Mr. Lambert, the Board voted to approve this Consent Settlement Order. Motion carried by unanimous vote.

The Board reviewed Consent Settlement Order on **AB-10-13**, Leon G. Nelson, Jr., R00981. With Mr. Lundy recusing, on motion by Mr. Mallory and second by Mr. Moody, the Board voted to approve this Consent Settlement Order. Mr. Pettey opposed. Motion carried.

The Board reviewed Consent Settlement Order on **AB-10-19**, Susan L. Rice, R00877. With Mr. Pettey and Mrs. Wood recusing, on motion by Mr. Wallis and second by Mr. Moody, the Board voted to approve this Consent Settlement Order as written. Motion carried by unanimous vote.

On motion by Mr. Mallory and second by Mr. Lundy, the Board voted, when revoking the Mentor Status of a Licensee, to give the Mentor and Trainee 60 days from the date of the vote to complete all work in progress. Mrs. Wood opposed. Motion carried.

6.3 The following reciprocal licenses were issued since last meeting: Michael Brophy (G)(GA), Eric L. Enloe (G)(KS), Donna Montgomery (R)(GA), Robert L. Ryan (G)(GA), Darrell E. Shepard (G)(GA), D. Glenn Strickland (R)(GA) and Luten L. Teate (G)(GA).

7.0 The Temporary Permit report was provided to the Board for their information.

8.0 Mrs. Brooks included the following for Board information:

A memorandum from Ms. Sherry Grable, State Payroll Audit and Records, notifying state agencies that the continuation of the freeze on merit raises will remain in effect until December 31, 2011

A memorandum from Mr. Thomas L. White, Jr., State Comptroller, increasing the mileage rate to 51 cents per mile, effective January 1, 2011.

An email from Ms. Christine Parrish regarding the Board Member Training to be held on January 26, 2011.

Mrs. Brooks discussed the Board meeting dates for the remainder of 2011, which are posted on the Board's website as well as the Secretary of State's website.

Mrs. Brooks discussed an email from Mr. Charlie Zanaty requesting information from the Board regarding CVR's (Collateral Valuation Report). The Board stated that this is merely a tool and that if Mr. Zanaty used it, he should do so with caution, being sure to follow USPAP.

- 9.0 The Board discussed the progress of research into a possible Inactive Status for licensees. The Board deferred the matter until the March 2011 Board meeting.
- 10.0 The Board set a minimum fine of \$250 for all Letters of Warnings issued.
- 11.0 At 12:03 p.m., on motion by Mr. Lundy and second by Mr. Moody, the Board voted to adjourn. Motion carried by unanimous vote. The Board's meeting schedule for the remainder of 2011 is March 17, 2011, in the 3rd Floor Conference Room of the RSA Union Building, 100 North Union Street, Montgomery, Alabama, May 19, 2011, July 21, 2011, and September 15, 2011 in the 1st Floor Purchasing Conference Room, 100 North Union Street, Montgomery, Alabama, and November 17, 2011 in the 3rd Floor Conference Room of the RSA Union Building, 100 North Union Street, Montgomery, Alabama.

Sincerely,



Carolyn Greene
Executive Secretary

APPROVED:



Chris Pettey, Chairman