

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY, & ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS, & PROFESSIONAL LICENSING

4 BOARD OF CERTIFIED REAL ESTATE APPRAISERS

5
6 MINUTES OF THE BOARD MEETINGS

7 Thursday, January 17, 2018

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9 *These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and*
10 *Professional Licensing.*

11
12 *These minutes have not been reviewed or approved by the Board.*

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14
15 By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
16 scheduled meeting of the Board of Certified Real Estate Appraisers was held via teleconference on
17 Thursday, January 17, 2018. .

18
19 **Agenda Item #1** **Call to Order/Roll Call**

20
21 The meeting was called to order at 9:00 a.m. by Robert Tracy, Vice Chair.

22
23 Those present, constituting a quorum of the Board:

24 Robert Tracy, Certified Residential Real Estate Appraiser
25 Wendy Lawrence, Certified Residential Real Estate Appraiser
26 Renee Piszczek, Mortgage Lending Member

27
28 Division Staff present in the meeting:

29 Dawn Dulebohn, Occupational Licensing Examiner
30 Joe Bonnell, Records and Licensing Supervisor
31 Shyla Consalo, Investigator III
32 Sher Zinn, Regulations Specialist II
33 Melissa Dumas, Administrative Officer
34 Marylene Wales, Accountant III
35 Sara Chambers, Deputy Director
36 Renee Hoffard, Records and Licensing Supervisor

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38 **Agenda Item #2** **Ethics Disclosure/Review Ethics**

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40 There were no ethics issues to disclose.

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Agenda Item #3 Review Agenda

Vice Chair Robert Tracy prompted the Board to review the meeting agenda. There were no changes made to the agenda.

On a motion made by Renee Piszczek, seconded by Wendy Lawrence, and passed unanimously, it was:

RESOLVED to APPROVE the agenda as written.

Agenda Item #4 Review/Approve Minutes

The Board reviewed the minutes from the November 19, 2018 meeting and board member Renee Piszczek noted the dates of the next meeting for January 19, 2019 are incorrect. It needs to be updated to the correct date of January 17, 2019. The board concurred with the date changes, no other changes were addressed in the meeting minutes from the November 19, 2018 board meeting.

On a motion made by Wendy Lawrence, seconded by Wendy Lawrence, and passed unanimously, it was: RESOLVED to APPROVE the November 19, 2018 meeting minutes with the discussed corrections.

TASK:

OLE Dulebohn will correct the November 19, 2018 minutes to reflect the correct date of this meeting: January 17, 2019.

Renee Hoffard, Records and Licensing Supervisor, joined at 9:04am.

Supervisor Hoffard addressed the board in regards to a potential new OLE for the Real Estate Appraisers Board. The staffing concerns are being addressed and hope to have it resolved very soon.

Renee Hoffard out at 9:06am.

Vice Chair Tracy directed the board to move up agenda item #13, Old Business, while waiting for Sher Zinn to arrive and present agenda item #5: AMC/AQB Regulations Update.

80 **Agenda Item #13** **Old Business**

81
82 **Course Delivery Definitions**

83 The board began discussing the definitions of Course Delivery, prompted by Chair Derry in the
84 previous board meeting. Vice Chair Tracy stated they’re trying to move toward conforming to
85 the rest of the nation in establishing what will be accepted for continuing education. They would
86 like to clarify if “synchronous” classes can fill the definitions of “in-class” hours. OLE
87 Dulebohn read regulation 12AAC 70.140, and this would be a regulation change and not just a
88 motion to adopt as a policy. Mr. Tracy states that he doesn’t want to take up a regulations
89 change without Mr. Derry present but they could review the definitions as requested.

90
91 *Sher Zinn joined at 9:10am.*

92
93 **Agenda Item #5** **AMC/AQB Regulations Update**

94
95 **AMC/AQB Draft Regulations**

96
97 Regulations Specialist Zinn addressed the board and asked if they’ve been able to review the
98 public comments that came in regarding the regulations project. After being directed where to
99 find the public comments by OLE Dulebohn and a brief reading review by board members, Vice
100 Chair Tracy directed the board to address the corrections made with public comment. Specialist
101 Zinn described the clarifications used with the amended public comments & ASC suggested
102 portion of the regulation. Zinn went on to state that one public comment was made in regards to
103 Bonding. The comment suggested the board define what kind of bond is needed and what it’s
104 used for, but it cannot be added to this regulation project. It can be addressed in another
105 regulations project but not the current one. The change is just too big to address in this current
106 project.

107
108 **On a motion duly made by Renee Piszczek, seconded by Wendy Lawrence, and approved**
109 **by a roll call vote, it was:**

110
111 **RESOLVED to ADOPT the final draft of AMC/AQB regulations as amended with public**
112 **comment.**

113
114 **Roll Call Vote:**

115 Board Member	Approve	Deny	Recuse	Absent
116 David Derry				X
117 Wendy Lawrence	X			

120 **Robert Tracy** X

121

122 **Renee Piszczek** X

123

124 **Ashlee Stetson** X

125

126 OLE Dulebohn reminded the Vice Chair Tracy to sign and return the adoption page form,
127 certifying the changes to the regulations of the Board of certified Real Estate Appraisers.

128

129 **TASK:**

130 **OLE Dulebohn will email Vice Chair Robert Tracy the adoption form for the**
131 **AMC/AQB regulations amendment and the signature page to approve the previous**
132 **meetings minutes.**

133

134 *Specialist Zinn out at 9:26am.*

135

136 In an order to make best use of their time, the Vice Chair Tracy moved up Old Business.

137

138 **Agenda Item #13 (Continued) Old Business**

139

140 Task List

141

142 The board reviewed the task list and Vice Chair Tracy asked what needed to be done with item 5
143 – sending a response letter to Mr. Safer’s previous correspondence. He said he did not give OLE
144 Wiard direction to send the email out so he will get back on to reviewing and completing the
145 letter.

146

147 *Accountant III Marylene Wales joined at 9:28am.*

148

149 Accountant Wales advised the board they would need to enter executive session to address the
150 next matter.

151

152 **Off record at 9:29am**

153 **On record at 9:33am**

154

155 **Agenda Item #6 Continuing Education Consent Agreements**

156

157 **On a motion made by Renee Piszczek, seconded by Wendy Lawrence, and passed**
158 **unanimously, it was: RESOLVED to enter into Executive Session in accordance with AS**

200 probation on January 12, 2019. Julie Dinneen was ordered to pay \$3500.00 in fines which were
201 paid in full June 1, 2018. Ms. Dinneen also completed her additional hours of continuing
202 education on April 25, 2018.

203

204 *Investigator Conselo out at 10:06am.*

205

206 **Agenda Item #10** **Review Tabled Application**

207

208 Vice Chair Tracy directed board to review the tabled application.

209

210 **Off record at 10:08am.**

211 **On record at 10:32am.**

212

213 *Director Sarah Chambers & Accountant Marylene Wales joined @ 10:32am.*

214

215 **Agenda Item #9** **Division Update & Financial Report**

216

217 Accountant Wales began by discussing the 1st Quarter of FY19. Accountant Wales began by
218 providing the Board with their financial status using her budget report. Ms. Wales broke down
219 total revenues and total expenditures, which ultimately came to a deficit for FY19's 1st Quarter.
220 But it will turn around once the next renewal period come into effect.

221

APR	2019
\$317,092	Beginning Surplus
\$16,324	Total Revenue
\$18,812	Direct Expense (i.e. personal services, travel, contractual, supplies, equipment)
\$9,207	Indirect Expense (Commissioner's office, human resources, technology, postage, maintenance)
\$28,019	Total Expenses
\$317,092	2019 1st Quarter Cumulative Surplus

222

223 *Melissa Dumas, Administrative Officer, joined at 10:42am.*

224 *Marylene Wales out at 10:49am.*

225 **Agenda Item #14** **Administrative Business**

226

227 Director Sara Chambers addressed the board in regards to the concerns between AMC
228 registration fees & renewal fees. The fees she proposed are slightly lower than what the board
229 recommended. Both the board recommended fees and those fees selected are dramatically lower
230 than what Mr. Derry recommended. If there was a will to change the fees, it would have to go
231 back out for public comment and go through the process again. We're already behind on getting
232 the program up and running so that would be 1 technical aspect that would have to be completed
233 before increasing the fee to \$2000.00. We are required to set fees where revenues and
234 expenditures approximately match. It's our duty to make sure those fees are equivalent to the
235 programs regulations. It is not based on what other states charge, it's is based on law and
236 rational methodology.

237

238 The AMC regulatory fee is just so new, we have used our best estimate when assigning fees. But
239 in a year, the review of programs needs can be addressed if they is an issue. If increased fees are
240 needed, then those can be addressed at that time.

241

242 A third issue addressed by Director Chamber that the regulations authority for setting fees no
243 longer rest at the Director level. It's handled by the Deputy Commissioner who is not
244 philosophically inclined to increase fees or charge new fees at all. We are working through those
245 processes but it is possible the fee may be even lower than proposed by Director Chambers. If
246 the fees do come in lower, all information will be sent to the board for review.

247

248 Vice Chair Tracy asked Director Chambers if she had inquired with any of the other states in
249 regards to their fees and why they have set their fees the way they have. Director Chambers said
250 she did not, as there are many different variables in other states, particularly the economy and
251 scale of Alaska. She would have to learn everything about the other states program to be able to
252 compare to ours and that was something that is just not time appropriate. The board briefly
253 discussed the fees and agreed that review in a year to make sure the fees chosen have been
254 sufficient in supporting the program. Director Chambers added if we see sooner than a year the
255 fee systems needs to be addressed, we can certainly do that. Vice Chair Tracy asked for
256 clarification on if they were to be at a deficit for the AMC regulatory fees, would it come out of
257 the boards' funds. The answer is yes it would. But again, fees can be readdressed should these
258 deficits happen and move forward from there.

259

260 *Sarah Chambers & Melissa Dumas out @ 11:08am.*

261

262

263

264 **Agenda Item #10(Continued) Review Tabled Application**

265
266 OLE Dulebohn asked the board if they had enough time to review the tabled application or did
267 they need to enter into executive session. Vice Chair Tracy stated he would need to discuss in
268 executive session.

269
270 *Cody Halterman joined @ 11:10am via telephone.*

271
272 Cody Halterman was asked by Vice Chair Tracy if he wanted to be heard on the record or the
273 board could enter executive session. Mr. Halterman stated he was fine with being on record. His
274 only question to the board was how the 3,000 hours were counted. Is it by calendar year, fiscal
275 year, or when he began took the position working with the company. Depending on how it's
276 counted, he could be over the hours or under the hours. Mr. Halterman is currently a furloughed
277 federal worker and does not have access to all his documents at the moment so he's going off
278 memory.

279
280 Vice Chair Tracy questioned Mr. Halterman about the license he's going for and the properties
281 he's currently been surveying. The question raised was does Mr. Halterman feel he's been
282 surveying residential as it seems he's been surveying large land tracts. The questions were to
283 determine what is considered residential surveying and what is not. Vice Chair Tracy also asked
284 how Mr. Halterman counts his hours. Mr. Halterman stated he does not count his commercial
285 flights but when he gets into the "bush planes" and begins to head to the property, he counts
286 those hours.

287
288 **Agenda Item #11 Lunch**

289
290 Vice Chair Tracy called for a lunch break at 11:18am to allow OLE Dulebohn to do research in
291 regards to Cody Halterman's questions of how the 3,000 hours were considered to
292 begin/accumulated.

293
294 **Off record at 11:18am**

295 **On record at 1:15pm**

296
297 **Agenda Item #12 Public Comment**

298
299 No one signed up for Public Comment or joined telephonically to address the Board.

300
301
302

303 **Agenda Item #10(Continued) Review Tabled Application**

304
305 Chair Tracy questioned Cody Halterman about which assignments were highest and best use of
306 “residential” parcels. Because Cody doesn’t have his documents in front of him, he’s unable to
307 specify at this time.

308
309 OLE Dulebohn asked Mr. Halterman about the 2 different work experience forms he turned in.
310 One form is provided by division and OLE Dulebohn verified the other form was also work
311 experience (form generated by Mr. Halterman personally). The question posed to Mr. Halterman
312 “Was the information transferred from the work sheets he created over to division worksheets, is
313 there a duplication in numbers?” The answer was yes.

314
315 Last question posed was did Mr. Halterman begin working September 16, 2016? He stated he
316 really began in May of 2016 and in June of 2016, he did his first inspection with his supervisor.
317 But that June date was NOT denoted on his work experience. He did not know if the June date
318 could be used so the date he and his supervisors came up was September 16, 2016.

319
320 **On a motion made by Wendy Lawrence, seconded by Renee Piszczek, and passed**
321 **unanimously, it was: RESOLVED to enter into Executive Session in accordance with AS**
322 **44.62.310(a), and Alaska Constitutional Right to Privacy Provisions, for the purpose of**
323 **discussing active consent agreement cases, “subjects that tend to prejudice the reputation**
324 **and character of any person, provided the person may request a public discussion.” staff**
325 **were requested to remain in the room for executive session.**

326
327 **Off the Record at 1:24pm.**
328 **On the Record at 1:44pm.**

329
330 **On a motion duly made by Renee Piszczek, seconded by Wendy Lawrence, and approved**
331 **by a roll call vote, it was:**
332
333 **RESOLVED to APPROVE the application for Cody Halterman pending a board review of**
334 **all work experience on required forms 12 AAC 70.110(a) provided by the department &**
335 **clarification of any assignment which had a highest and best use of “residential”.**

336
337 **Roll Call Vote:**

338 Board Member	Approve	Deny	Recuse	Absent
339 David Derry				X
340 Wendy Lawrence	X			

341
342

343 **Robert Tracy** X

344

345 **Renee Piszczek** X

346

347 **Ashlee Stetson** X

348

349 **TASK:**

350 **OLE Dulebohn will contact applicant Cody Halterman on the boards' decision and**
351 **needed items for board review.**

352

353 **Agenda Item #15** **New Business**

354

355 There were no New Business items to discuss per present board members.

356

357 Vice Chair Tracy called for board break at 1:51pm.

358

359 **Off Record at 1:51pm**

360 **On Record at 2:01pm**

361

362 *Renee Hoffard & Lacey Bartlett Join at 2:01pm*

363

364 **Agenda Item #14(Continued)** **Administrative Business**

365

366 **AMC Application Form**

367

368 Supervisor Renee Hoffard joined to discuss the Appraisal Management Company application.
369 The draft application is based on the statues but not the regulations the board had in draft. This
370 is due to not being able to use the regulations in draft until the board had approved them. Per the
371 statue, there is a reporting requirement for federally regulated appraisal management companies.
372 They must send a report of "Intend to Operate" in the state. Supervisor Hoffard stated that there
373 is nothing in the division currently that is similar to the intent to operate that is being requested.
374 The question posed to the board is can a written statement from the controlling agent on
375 company letter head, explaining their intent of how they intend to operate in the state be
376 sufficient?

377

378 Vice Chair Tracy asked why the application itself wasn't considered to be the intent to operate as
379 it has the information they intend to operate, the applicant had to complete the application, pay
380 fees, and that seems like a pretty good indication they intend to operate in the state. Supervisor
381 Hoffard agreed and with the notary page on page 4 of the application, it states "I have read the

382 Alaska Certified Real Estate Appraiser Practice Act. I solemnly declare upon my honor that if
383 granted a certificate to practice in Alaska, I will respectfully comply with any law governing the
384 practice of appraisers in this state and will do my best to uphold and maintain the ethics of the
385 profession.” It’s a relatively clear statement they intend to operate in the State of Alaska.
386

387 Supervisor Hoffard asked the board if they had any additional items or changes they see needed
388 to be made to the application. There is a separate form for the ownership certification if they
389 hold a 10% ownership stake or more. OLE Dulebohn added that Director Chambers also wanted
390 to make sure the board was alerted that in addition to the \$700.00 Certification Fee, there is a
391 \$500.00 Non-Refundable Application Fee. The form fees will be added on page one as they’re
392 finalized. Money cannot be received until March 1, 2019 but the hope is to have the application
393 available on the website by the middle of February, 2019. This is so the AMC’s can have it
394 printed and completed, ready to go by the March 1, 2019 registration opening.
395

396 **On a motion duly made by Wendy Lawrence, seconded by Renee Piszczek, and approved**
397 **by a roll call vote, it was:**

398
399 **RESOLVED to APPROVE the Appraisal Management Company application as drafted,**
400 **subject to inclusion of the appropriate fees.**
401

402 **Roll Call Vote:**

403 Board Member	Approve	Deny	Recuse	Absent
404 David Derry				X
406 Wendy Lawrence	X			
408 Robert Tracy	X			
410 Renee Piszczek	X			
412 Ashlee Stetson				X

413
414
415 *Renee Hoffard and Lacey Bartlett out at 2:11pm.*
416

417 **Agenda Item #14 Adjourn**

418
419 Mr. Tracy commending the board on moving through the agenda items diligently and completing many
420 important tasks.
421

422 **In a motion made by Renee Piszczek, seconded by Wendy Lawrence, and passed**
423 **unanimously, it was RESOLVED to ADJOURN.**

424
425 Hearing nothing further, Vice Chair Robert Tracy adjourned the meeting at 2:13pm.

426
427 Respectfully Submitted,

428
429
430 _____
431 Lacey Bartlett, Licensing Examiner

Date

432
433
434 _____
435 Roberty Tracy, Vice Chair

Date

DRAFT