

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 Monday, December 9th, 2019

8
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.*

13
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 Monday, December 9th, 2019.

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

20
21 The meeting was called to order at 9:02 a.m. by David Derry, Chair.

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

24 David Derry, Certified General Real Estate Appraiser
25 William Barnes, Certified Residential or General Real Estate Appraiser
26 Renee Piszczek, Mortgage Lending Member
27 Ashlee Stetson, Public Member

28
29 Division Staff present in the meeting:

30 Tracy Wiard, Occupational Licensing Examiner
31 Joe Bonnell, Records and Licensing Supervisor
32 Melissa Dumas, Administrative Officer II
33 Amber Whaley, Investigator III

34
35 Public Members present in the meeting:

36 Gretchen Druhot, Applicant
37 Nicky Pinsky, Applicant
38 Sarah Waldrop, Supervisory Appraiser

41 **Agenda Item #2** **Continuing Education Statement Credits**

42

43 Chair Derry stated that board members or other licensed appraisers can obtain continuing
44 education credits for meeting attendance can do so. No board members or licensees stated that
45 they would like continuing education credits for meeting attendance.

46

47 **Agenda Item #3** **Ethics Report**

48

49 Chair Derry moved on to the ethics report. He stated that he has not received a report of any
50 ethics violations or potential ethics violations from board members or anyone else. He asked the
51 board if there were any violations to report. There were none.

52

53 **Agenda Item #4** **Review / Approve Agenda**

54

55 The board reviewed the agenda. It was noted that item number 2 was listed twice, once as
56 continuing education statement and one on review / approve meeting minutes. It was noted and
57 will be corrected on the final agenda.

58

59 Chair Derry stated one of the reasons the board was having this meeting so close to the last
60 meeting was to review any possible regulation changes the board would like to make before
61 session. Chair Derry noted that these topics were on the agenda for discussion.

62

63 **On a motion made by Renee Piszczek, seconded by Bill Barnes, and passed unanimously, it**
64 **was RESOLVED to APPROVE the agenda.**

65

66 **Agenda Item #5** **Review/Approve Past Meeting Minutes**

67

68 The board reviewed the meeting minutes from the August 2, 2019 board meeting. There was one
69 suggested change on line 13 to include that the meeting was held in person and not solely via
70 teleconference. The board thought this was worth noting in the meeting minutes and OLE Wiard
71 would amend this in the final draft.

72

73 **On a motion made by Renee Piszczek, seconded by Ashley Stetson, and passed**
74 **unanimously, it was RESOLVED to APPROVE the meeting minutes from the August 2,**
75 **2019 board meeting as amended.**

76

77 The board moved on to review the draft meeting minutes from the October 25, 2019 meeting
78 minutes. Chair Derry asked the board if they noted any corrections or changes. There were no
79 recommended changes or corrections to the minutes.

80 **On a motion made by Renee Piszczek, seconded by Bill Barnes, and passed unanimously, it**
81 **was RESOLVED to APPROVE the meeting minutes from the October 25, 2019 board**
82 **meeting as written.**

83
84 The board then moved on to review the November 1, 2019 meeting minutes. There were no
85 changes suggested for the November 1, 2019 meeting minutes.

86
87 **On a motion made by Renee Piszczek, seconded by Ashlee Stetson, and passed**
88 **unanimously, it was RESOLVED to APPROVE the meeting minutes for the November 1,**
89 **2019 board meeting minutes as written.**

90
91 Off Record: 9:18 am
92 On Record: 9:30 am

93
94 Those present, constituting a quorum of the Board:
95 David Derry, Certified General Real Estate Appraiser
96 William Barnes, Certified Residential or General Real Estate Appraiser
97 Renee Piszczek, Mortgage Lending Member
98 Ashlee Stetson, Public Member

99
100 Division Staff present in the meeting:
101 Tracy Wiard, Occupational Licensing Examiner
102 Joe Bonnell, Records and Licensing Supervisor
103 Melissa Dumas, Administrative Officer II
104 Amber Whaley, Investigator III

105
106 Public Members present in the meeting:
107 Druhot, Applicant
108 Nicky Pinsky, Applicant
109 Sarah Waldrop, Supervisory Appraiser

110
111 **Agenda Item #6 Investigative Report**

112
113 Amber Whaley provided the APR board with their investigative report. The report was from the
114 period of October 09, 2019 through November 18, 2019. Investigations opened three new
115 matters since the last report and closed one matter. A total of eight matters remain on going and
116 one is under active or pending litigation.

117 Bill Barnes asked why such an increase in investigative cases and it was stated that the certified
118 appraisers often appeal the accusation and consent agreements. It was noted that appraisers do

119 not like actions on their licenses and generally try to fight the accusation. Mrs. Whaley provided
120 further information regarding the investigative process.

121

122 **Agenda Item #7** **Division Report**

123

124 Administrative Officer Dumas provided the APR with the Division Report. The report covered
125 the 1st quarter of FY 2020. The APR board brought in \$29,024.00 in revenue. The APR fees
126 were reduced in FY 2019. This is a non-renewal year and the revenue seemed to be right on
127 track so far.

128

129 The expenditures were broken out into non-investigative expenditures and investigative. Total
130 expenses for personal services for non-investigative expenses for the 1st QTR of FY 2020
131 \$27,994.00. This would be for OLE fees, supervisory fees, and regulations specialist's fees. The
132 other non-investigative services such as travel, etc. were broken down on the report. There was
133 \$1933.00 in travel and \$63.00 in services for travel. The total expenditures for Non-Investigative
134 expenditures was \$29,990.00.

135

136 The investigative expenses were \$9,231.00 in personal services, \$1,842.00 for investigative
137 travel and \$1,050.00 for expert witness fees. There was an additional \$5.00 in other services.
138 The total investigative expenses were \$12,128.00. There was a grand total of \$42,118.00 in
139 direct expenditures.

140

141 The indirect expenditures are calculated by a quarter of the previous year's total indirect
142 expenditures. The number for the 1st QTR of FY 2020 is a placeholder and will be accurately
143 calculated at the end of year report. The total for indirect expenditures are \$13,489.00. This
144 brings the total expenditures for 1st QTR of 2020 to \$55,607.00. There was a carry forward from
145 the previous year and there is a surplus of \$297,025.00.

146

147 **Agenda Item #8** **Board Training**

148

149 OLE Supervisor Joe Bonnell came in to provide the board with a refresher training on the topics
150 of board meetings and voting. Mr. Bonnell noted that the board meetings are subject to the Open
151 Meetings Act found in AK Statute 44.62.310. Mr. Bonnell went on discuss meeting
152 administration and creation of the agenda. He also noted that items requiring in depth
153 discussion, document review, or advanced notice to the public should not be added to the agenda
154 at the time of the meeting and subcommittee meetings should be public noticed and handled by
155 staff.

156

157 Mr. Bonnell then went on to address the appropriate times for a board to go into executive
158 session. AS 44.62.310(b) authorizes a body to meet in executive session by those reasons
159 allowed within the law. This is not an exception to the Open Meetings Act. The board should
160 decide to go into an executive session must weigh the potential harm of an open meeting against
161 the public interest and the public's right to know. There must be a clear motion to enter
162 executive session stating one of the legal reasons for doing so. A review of license applications
163 is not a reason to go into executive session unless there is a qualifying reason.
164

165 The last item Mr. Bonnell discussed was voting on applications. He discussed approved,
166 approved pending and deny. He stated that anytime a vote is denied there needs to be a listed
167 statute or regulation and submitted to the examiner by e-mail. If the vote to deny does not
168 include a statutory or regulatory reason then the vote will be considered a table and discussed at
169 the next meeting. A vote to deny still requires a majority vote and would be required to be read
170 into at the next meeting. Tabling a vote was also discussed and there must be a reason provided
171 to table the application. It may not be tabled indefinitely. The last item was a recusal. A board
172 member needs to submit the request via e-mail to the examiner who will forward to the chair for
173 consideration.
174

175 **Agenda Item #9 Regulations Update**

176
177 Regulations Specialist Zinn advised the board that there were several items included as part of
178 the board packet. Mrs. Zinn stated she had drafted changes based on the recommendations from
179 the most recent ASC audit. She hoped the board would consider a new section for renewal and
180 reinstatement of APR licenses to be in conformity with the rest of the CBPL programs. She also
181 emphasized the board state continuing education requirements for renewal and reinstatement
182 include the phrase, "must have completed continuing education during the concluding licensing
183 period."
184

185 Chair Derry asked for clarification that the proposed regulation changes do not include
186 legislative approval. Mrs. Zinn stated that the regulation changes do not require legislative
187 approval only statute changes require legislative involvement. Mrs. Zinn stated she would not
188 have brought the regulations to the board if they were a statutory change.
189

190 **On a motion made by Ashlee Stetson, seconded by Renee Piszczek, it was RESOLVED to**
191 **APPROVE the 1st two regulation changes as proposed by regulations specialist Sher Zinn.**
192

193 There was some discussion by regulations specialist Sher Zinn to include the changes to the
194 regulations that were on page 2. The motion may have been incomplete. Chair Derry asked
195 Ashlee and Renee if they meant to leave out the other 2 changes and they said, "no."

196 **On a motion made by Ashlee Stetson, seconded by Renee Piszczek, and passed by roll call**
197 **vote, it was RESOLVED to APPROVE the 1st motion to include all the regulation changes**
198 **on page 1 and 2 of the board packet as proposed by regulations specialist Sher Zinn.**

199
200 **Roll Call Vote:**

202 Board Member	Approve	Deny	Recuse	Absent
204 David Derry	X			
205 Wendy Lawrence				X
206 William Barnes				X
207 Renee Piszczek	X			
208 Ashlee Stetson	X			

209
210 Chair Derry then shifted the board to additional topics to be covered for regulation changes that
211 were proposed by himself and Claire. He asked the board if they would like to look at the
212 proposed regulations and come back to vote on the changes at the next meeting, form a
213 subcommittee of two board members to review the proposed changes and then return to the
214 board at the next meeting to make a recommendation or the board could decide to do nothing.

215
216 Renee suggested that the board review the regulations and then vote at the next meeting. Chair
217 Derry stated that some in person discussion may be required for the regulation regarding online
218 vs. in person hours of continuing regulations the board would allow for continuing education
219 hours upon renewal. Chair Derry proposed the formation of a subcommittee to come to the
220 March 2, 2019 board meeting and recommend changes. Chair Derry recommended Bill Barnes
221 and Renee Piszczek.

222
223 **On a motion made by Dave Derry, seconded by Ashlee Stetson, and passed by roll call vote,**
224 **it was RESOLVED to APPROVE the formation of a subcommittee with Bill Barnes and**
225 **Renee Piszczek primarily and Ashlee Stetson as an alternate to look over proposed**
226 **regulatory changes from the ASC and report back at the March 2, 2020 meeting.**

227
228 **Roll Call Vote:**

230 Board Member	Approve	Deny	Recuse	Absent
232 David Derry	X			
233 Wendy Lawrence				X
234 William Barnes	X			
235 Renee Piszczek	X			
236 Ashlee Stetson	X			

237 The board took a break for lunch and planned to return at 1:00 pm. It was clarified by the OLE
238 that the subcommittee would need to public notice any meetings they have. They are not
239 required to provide as much notice as is required with a board meeting but the subcommittee
240 meetings do need to be publicly noticed.

241

242 Off Record: 11:08 AM

243 On Record: 1:03 PM

244

245 Those present, constituting a quorum of the Board:

246 David Derry, Certified General Real Estate Appraiser

247 William Barnes, Certified Residential or General Real Estate Appraiser

248 Renee Piszczek, Mortgage Lending Member

249 Ashlee Stetson, Public Member

250

251 Division Staff present in the meeting:

252 Tracy Wiard, Occupational Licensing Examiner

253 Joe Bonnell, Records and Licensing Supervisor

254 Melissa Dumas, Administrative Officer II

255 Amber Whaley, Investigator III

256

257 Public Members present in the meeting:

258 Gretchen Druhot, Homer, AK, Applicant

259 Nicky Pinsky, Applicant

260 Sarah Waldrop, Supervisory Appraiser

261

262 **Agenda Item #11** **Public Comment**

263

264 Gretchen Druhot addressed the board and had a question concerning the next board meeting on
265 March 2, 2020. She was concerned her application would not be approved until after March 2,
266 2020. It was explained that the applications can be reviewed and approved through Onboard and
267 they would not have to be approved at a board meeting.

268

269 Nikki Pinsky called into public comment stating she failed the appraiser examination because
270 Pearson Vue testing center only allowed her to use one dry erase board for her math questions.
271 She needed more than one dry erase board and this caused her failure. She also stated she
272 needed a letter from the board to Pearson Vue so she could retake the test again. A letter will be
273 provided to retake the exam.

274

275

276 **Agenda Item #12** **Review Regulations for Regulations Change Project**

277
278 Chair Derry brought the board to the next topic of discussion regarding a review of the boards
279 statutes and regulations and decisions to make any changes to the current APR statutes and
280 regulations. Chair Derry then directed the board back to the meeting minutes from the
281 November meeting so he could once again discuss some of his strategic plan items with the
282 board. He believed the board should attempt to get a legislative bill out to adopt changes on the
283 appraiser statute of limitations on the professional liability period capping it at 5 years. This will
284 keep the liability period in line with the records retention law. He noted many states are
285 choosing to do this because of the 2008 real estate market crash.

286
287 Bill Barnes agreed that this would be a worthwhile pursuit as appraisers are being held liable in
288 professional liability suites for incidents that happened 12+ years ago long after the records have
289 been purged according to record retention laws. Chair Derry asked if this was something the
290 Alaska Chapter of Appraisal Institute would endorse? Bill Barnes is the chapter president and he
291 believed the Appraisal Institute does not endorse topics but he would double check.

292
293 **On a motion made by Bill Barnes, seconded by Renee Piszczek, and passed by roll call vote,**
294 **it was RESOLVED to APPROVE the regulations committee to work to change the statutes**
295 **to shorten the professional liability period for appraisers to 5 years from the date of the**
296 **appraisal report.**

297
298 **Roll Call Vote:**

299

300 Board Member	Approve	Deny	Recuse	Absent
301				
302 David Derry	X			
303 Wendy Lawrence				X
304 William Barnes	X			
305 Renee Piszczek	X			
306 Ashlee Stetson	X			

307
308 Chair Derry directed the board to turn to page 8 of the November meeting minutes. He wanted
309 to board to consider adopting a statute that would allow appraisers to perform evaluations. This
310 is a topic that has come up nationally. In Alaska, if an evaluation is completed by an appraiser it
311 is not USPAP compliant and all Alaska appraisers are required to comply with USPAP. If the
312 statute was changed to allow appraisers to perform evaluations for lenders, the evaluations may
313 not always require USPAP compliance. The ASC had previously recommended to board contact
314 law for guidance on the issue.

315

316 It was the opinion of board member Ashlee Stetson to obtain an opinion from law on the issued
317 instead of going forth without an opinion. She felt it could get messy involving banks and
318 lenders. Bill Barnes asked Renee her thoughts based on her banking experience. She stated as a
319 lender it would be nice to see something from appraisers that is very general. She stated a lot of
320 appraisers do not have time to get a LAM appraisal. She consults with real estate agents to try to
321 get opinions of values and she would like to be able to contact an appraiser for something
322 generic and usable.

323
324 **On a motion made by Dave Derry, seconded by Renee Piszczek, and passed by roll call**
325 **vote, it was RESOLVED to APPROVE that the board pursue changing the statute to allow**
326 **certified appraisers to perform evaluations in conformance with federal definitions that**
327 **would not require compliance with USPAP.**

328
329 **Roll Call Vote:**

330 Board Member	Approve	Deny	Recuse	Absent
331 David Derry	X			
332 Wendy Lawrence				X
333 William Barnes	X			
334 Renee Piszczek	X			
335 Ashlee Stetson	X			

336
337
338
339 Chair Derry then brought up the topic of changing the documentation required for continuing
340 education course approvals. He would like to be able to review and approve an application for
341 continuing education credit that has been approved by IDECC or the AQB without all the other
342 requirements. He does not like the cumbersome, time consuming task of reviewing all the
343 documents for a course that already has AQB or IDECC approval. Board member Renee
344 Piszczek agreed. Chair Derry is hoping to change the regulations to streamline the process to
345 review AQB and IDECC approved courses.

346
347 **On a motion made by Dave Derry, seconded by Bill Barnes, and passed by roll call vote, it**
348 **was RESOLVED to APPROVE that the board pursue a regulatory change to allow**
349 **changing the statute to allow an abbreviated submission for education credit when the**
350 **course has already been approved by the AQB and/or the IDECC. The details of the**
351 **written regulations would be discussed with the regulations specialist.**

352
353
354
355

356 **Roll Call Vote:**

357

358 Board Member	Approve	Deny	Recuse	Absent
359				
360 David Derry	X			
361 Wendy Lawrence				X
362 William Barnes	X			
363 Renee Piszczek	X			
364 Ashlee Stetson	X			

365

366 Chair Derry stated that he would follow up with the regulations specialist regarding the changes
367 discussed and asked that they be added to his task list. OLE made note and will distribute a task
368 list after the meeting.

369

370 **Agenda Item #13 Review/Approve Tabled Applications**

371

372 Chair Derry directed the board to the next topic of reviewing tabled applications. The first
373 application to review was the HVCC Appraisal Ordering, INC. There were some differences in
374 votes from the board. There was no appraisal panel listing Alaskan appraisers. AS 08.87.135 (4)
375 and (5) a. The application seemed incomplete. In addition, the owner and control person never
376 disclosed all the states they were ever licensed in. It was suggested by OLE Supervisor Joe
377 Bonnell to table the application until additionally requested information is provided.

378

379 **On a motion made by Bill Barnes, seconded by Renee Piszczek, and passed by roll call vote,**
380 **it was RESOLVED to APPROVE the HVCC #150939 AMC Application pending receipt of**
381 **the complete list of all states the owner and controlling person have ever held an appraisal**
382 **license in. It was further amended to ask the applicant for a certified statement how the**
383 **AMC will form their Alaska appraisal panel of Alaska state certified appraisers.**

384

385 **Roll Call Vote:**

386

387 Board Member	Approve	Deny	Recuse	Absent
388				
389 David Derry	X			
390 Wendy Lawrence				X
391 William Barnes	X			
392 Renee Piszczek	X			
393 Ashlee Stetson	X			

394

395 The board then went on to review the application from Sara Benham. She has submitted an
396 additional explanation regarding the required verification of work experience from someone in

397 the real estate profession. The applicant provided a verification from her nurse supervisor and a
398 co-worker in the office of the appraiser she worked with. The board had concerns a nurse could
399 not verify appraisal work and a co-worker is not allowed to complete the work verification. The
400 letter state that the supervisory appraiser, Sarah Waldrop would be calling into the board meeting
401 to discuss the application with the board. It was suggested that she obtain a verification from a
402 lender that was used during the appraisals completed.

403
404 **On a motion made by Renee Piszczek, seconded by Bill Barnes, and passed by roll call vote,**
405 **it was RESOLVED to APPROVE the reinstatement of the previous motion regarding this**
406 **application from the 11/01/2019 meeting. The application will be approved pending receipt**
407 **of an additional Work Verification Form by someone in the real estate profession.**

408
409 **Roll Call Vote:**

410					
411	Board Member	Approve	Deny	Recuse	Absent
412					
413	David Derry	X			
414	Wendy Lawrence				X
415	William Barnes	X			
416	Renee Piszczek	X			
417	Ashlee Stetson	X			

418
419 The board went on to review the application for Gretchen Druhot. She called into the board
420 meeting to verify the status of her application. The board reviewed her application and decided
421 that she would be approved pending successful completion of the exam and approval of her work
422 products.

423
424 **On a motion made by Renee Piszczek, seconded by Ashlee Stetson, and passed by roll call**
425 **vote, it was RESOLVED to APPROVE the Gretchen Druhots residential appraiser**
426 **application by exam pending approval of the work product review and successful**
427 **completion of the exam the board is authorizing her to take.**

428 **Roll Call Vote:**

429					
430	Board Member	Approve	Deny	Recuse	Absent
431					
432	David Derry	X			
433	Wendy Lawrence				X
434	William Barnes	X			
435	Renee Piszczek	X			
436	Ashlee Stetson	X			

437 **Agenda Item #14** **Board Business**

438

439 The board moved on to the board business and create a task list. OLE Wiard stated she would
440 send e-mails to applicants who the board voted on at today's meeting. Chair Derry is to consult
441 with the regulations specialist regarding regulation changes and the regulation subcommittee is
442 going look at the statutory and regulatory changes voted on and report back to the board at the
443 March 2020 meeting. The regulations subcommittee is composed of Bill Barnes and Renee
444 Piszczek with Ashlee Stetson as an alternate.

445

446 Bill Barnes brought up the topic of roll call at continuing education courses for appraisers. He
447 noted he attended a course and there were 2 appraisers that had friends sign them into the class
448 and would say they briefly stepped out when asked by people in the course. Bill wanted to make
449 sure appraisers were accountable for attending the course they received credit for. Chair Derry
450 advised reporting this type of incident to the sponsor of the course. He stated it was the course
451 sponsors obligation to comply with board regulations and maintaining an accurate attendance
452 log. He stated that the board could also take the complaint and refer it to investigations. Bill
453 wondered if this was worth a regulation change.

454

455 There was a last-minute caller on the line from Sarah Waldrop. Chair Derry noted it was past the
456 public comment period but the board was running ahead of schedule. Sarah Waldrop is the
457 supervisor for Sara Benham. She wanted more clarification for the work experience and who she
458 can use for a reference. Bill Barnes suggested that she take her to AK USA, Residential
459 Mortgage or Prime Lending complete the form. She stated she did have someone do that and it
460 was mailed from Prime Lending. OLE Wiard, stated the work verification form was not
461 received at the office now. Chair Derry asked that she inform Sara Benham the application will
462 be approved pending receipt of the additional work verification form.

463 **In a motion made by Bill Barnes, and seconded by Renee Piszczek, it was RESOLVED to**
464 **ADJOURN.**

465

466

467

468

469

470

471

472

473

474

475

476 Hearing nothing further, Chair Derry adjourned the meeting at 3:10 pm.

477

478 Respectfully Submitted,

479

480

481

482 _____
Tracy Wiard, Licensing Examiner

_____ Date

483

484

485

486 _____
David Derry, Vice Chair

_____ Date

DRAFT