

DEPARTMENT OF COMMERCE, COMMUNITY, AND ECONOMIC DEVELOPMENT  
 DIVISION OF CORPORATIONS, BUSINESS AND PROFESSIONAL LICENSING  
**ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

CONDENSED MINUTES OF THE MEETING HELD 5/23/2023

These draft minutes were prepared by the staff of the Division of Corporations, Business and Professional Licensing. They have not been reviewed or approved by the Board.

Date:	5/23/23
Time:	10:01 am the meeting was called to order
Location:	Zoom Meeting: <a href="https://us02web.zoom.us/j/84549445122">https://us02web.zoom.us/j/84549445122</a>
Attending:	Board Members: Mae Hayes, Val Kudryn, Leon McKean Staff: Sara Sather, Melissa Dumas, Anna Gabriel, Sara Chambers, Stefanie Davis, Alison Osborne Public Members: Scott DiBiasio, Jessica Waldrop
Absent:	None

<b>1. Call to Order/Roll Call</b>	
Brief Discussion:	The Committee Meeting was called to order at 10:01 am with Mae Hayes, Val Kudryn, and Leon McKean present.
	The agenda was reviewed and approved as written.
	There were no ethic disclosures made.
	Mae Hayes requested CE for attending the meeting.
Motion:	On a motion duly made by Mr. Kudryn, second by Ms. Hayes, it was RESOLVED to approve the meeting agenda for May 23, 2023 as written.
Recorded Votes:	Mae Hayes - Y
	Valery (Val) Kudryn - Y
	William (Leon) McKean -
Action Items:	Staff will email CE for participation request to Mae Hayes.
<b>2. Review/Approve Past Meeting Minutes</b>	

Brief Discussion:	The meeting minutes for 2/7/23, 4/11/23, 4/25/23, and 5/17/23 were reviewed with no concerns.	
Motion:	On a motion made duly by Mr. Kudryn, second by Ms. Hayes, it was RESOLVED to approve the meeting minutes for 2/7/23, 4/11/23, 4/25/23, and 5/17/23 as written.	
Recorded Votes:	Mae Hayes - Y	
	Valery (Val) Kudryn - Y	
	William (Leon) McKean -	
Action Items:	Staff will forward approved meeting minutes to the Chair for signature and then posting to the Board webpage.	

**3. Public Comment**

Brief Discussion:	<p>An email from Mr. Michael Strong, which was received through the Deputy Director Glenn Saviers, was presented to the Board. The question was asking for clarification as if the 15hr USPAP course may be taken in place of the renewal requirement of the 7hr USPAP.</p> <p>Ms. Hayes stated that she recognizes this is a common question, and she too would like to take the 15hr, however, as Alaska regulations are written it requires the 7hr course for renewals. It states the 15hr cannot be taken in its place for renewals. The Board recognizes they must follow regulations as written.</p> <p>The Board did go on to discuss that courses are ultimately left to the education provider as to what they seek approval for; qualifying education (QE) or continuing education (CE). It was discussed that some of these applications have been submitted for both QE and CE. It was requested for staff to reach out to the Foundation to verify if these are considered duplicate courses if the 15hr and 7hr are taken within the same licensing period. Mr. Kudryn stated that the 7hr and 15hr USPAP do have different purposes and cover different content. Additionally, the AQB Criteria was referenced where it lists the requirement of the 15hr course for QE and the 7hr for CE with renewals.</p> <p>Jessica Waldrop provided a comment to the Board stating that she is thankful the Board is reviewing the regulations. She provided a brief summary of her application process and some of the difficulties she has been presented with, largely in the areas of education requirements. She noted that she too has seen some areas where the AQB Criteria does</p>	
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	<p>not align with the Alaska regulations, such as the Criteria allowing for both CLEP Exams and college courses, whereas Alaska regulations do not allow these to be combined. Additionally, Ms. Waldrop shared that she is thankful for current staff support and explanation through this process.</p> <p>Chair Hayes inquired if Ms. Waldrop may be interested in the open public seat of the Board, as Ms. Waldrop has demonstrated an interest in the profession and regulations. It was requested for staff to send information for Boards and Commissions to Ms. Waldrop. It was mentioned that with Ms. Waldrop having an interest in the profession it is unclear if she would qualify for the requirements of the public seat.</p>
Motion:	No motion necessary.
Recorded Votes:	Mae Hayes -
	Valery (Val) Kudryn -
	William (Leon) McKean -
Action Items:	<p>Staff will reach out to the Foundation for clarification on the 7hr and 15hr USPAP courses. The received information will be presented during the next Board Meeting.</p> <p>Staff will send information for Boards and Commissions to Ms. Waldrop.</p>
<b>4. Division Update</b>	
Brief Discussion:	<p>Ms. Dumas provided the division update for FY23 3<sup>rd</sup> Quarter.</p> <p>Revenue in the total of \$59,150 was reviewed. The program is within renewals currently and it was explained that the financials will show more within the 4<sup>th</sup> quarter due to this. At this time, Ms. Dumas shared that 68% of the licensees have not renewed as of yet. It was explained that no general funds have been received, however, there might be a need for some received in quarter 4.</p> <p>Expenditures in the amount of 115, 140 were reviewed.</p> <p>No additional questions from Board Members at this time.</p>
Motion:	No motion necessary.
Recorded Votes:	Mae Hayes -

	Valery (Val) Kudryn -	
	William (Leon) McKean -	
Action Items:	No action items for this agenda item.	
<b>5. Investigation Report</b>		
Brief Discussion:	Ms. Gabriel provided a summary of the current investigative report, stating that there have been some updates since the report provided within the Board Book; 5 open cases, 4 are complaints and 1 an investigation, no closed out cases. There have been 2 new cases since the last meeting.	
	No Board member questions.	
Motion:	No motion necessary.	
Recorded Votes:	Mae Hayes -	
	Valery (Val) Kudryn -	
	William (Leon) McKean -	
Action Items:	No action items for this agenda item.	
<b>6. Annual Report</b>		
Brief Discussion:	The Board has scheduled their upcoming Board Meetings for 8/22/23, 11/7/23, 2/20/24, and 5/21/24 starting at 10 am. The Board would like to continue with teleconference meetings.	
	The draft Annual Report was reviewed. The Board has requested to allow for 2 Board Members and 1 staff to attend the AARO Conferences. The Board recognizes the value of information presented at the conference and wants to continue to support current Board Members and staff, especially while working through a comprehensive regulation project.	

	<p>Additionally, it is recognized that there are two vacancies that are actively being recruited for. The importance of providing education to new members was expressed.</p> <p>For additional budget items the Board has requested to continue their AARO Membership as well as request additional education for staff and Board Members. It was stated that as staff field questions from the public and assist with applications and various received documents it is important for them to understand USPAP and the appraisal processes. The Board has requested the 15hr USPAP course as well as the Basic Appraisal Principles and Procedures for staff. Additionally, the Board has requested additional Board Member trainings in regards to Board business and investigative matters.</p>								
Motion:	<p>On a motion made duly by Mr. Kudryn, second by Ms. Hayes, it was RESOLVED to approve the annual report for FY23 as reviewed and written.</p>								
Recorded Votes:	<table border="1"> <tr> <td>Mae Hayes - Y</td> <td></td> </tr> <tr> <td>Valery (Val) Kudryn - Y</td> <td></td> </tr> <tr> <td>William (Leon) McKean - Y</td> <td></td> </tr> <tr> <td></td> <td></td> </tr> </table>	Mae Hayes - Y		Valery (Val) Kudryn - Y		William (Leon) McKean - Y			
Mae Hayes - Y									
Valery (Val) Kudryn - Y									
William (Leon) McKean - Y									
Action Items:	<p>Staff will forward the reviewed and approved annual report to the publications team in compliance with the June deadline.</p> <p>It was agreed to break for lunch at 11:33 am.</p> <p>12:32 pm the Board was back on record with a quorum.</p>								
<b>7. Statute Project(s)</b>									
Brief Discussion:	<p>Ms. Hayes provided an update on the Statute Project, stating that there has not been movement in interested sponsorship. Ms. Hayes expressed that she feels she might need help from staff at the state to locate a sponsor, as it has been shared the importance Federal requirements hold.</p> <p>Ms. Hayes stated she will continue to follow up with the sponsor who has stated she was interested, however, it has been communicated that she is very busy at the moment.</p> <p>Mr. Kudyrn inquired if the person Ms. Hayes was speaking with has a full agenda if there were other individuals to reach out to.</p> <p>Ms. Hayes stated she was initially provided with two names of individuals who may be interested with Appraiser business. One was not able to assist. The other is interested, however, has a very busy schedule at the moment. Ms. Hayes has not heard back from this individual's chief of staff after documents were provide for review. Ms. Hayes stated, yes, she will start to reach out to additional potential sponsors.</p>								

Motion:	No motion necessary.
Recorded Votes:	Mae Hayes -
	Valery (Val) Kudryn -
	William (Leon) McKean -
Action Items:	Ms. Hayes will continue to seek sponsorship.
<b>8. Review Legal Opinion from Department of Law regarding 12 AAC 70.105 and 12 AAC 70.115</b>	
Brief Discussion:	<p>Ms. Sather provided a summary of a question that has been received through an applicant, which resulted in consulting with the Department of Law for a legal opinion.</p> <p>12 AAC 70.105(B) states that 12 AAC 70.115(c) or (d) are required. As staff have been operating both are required, as one speaks to appraiser specific courses and one speaks to education requirements.</p> <p>The Department of Law’s legal review provided explanation that ultimately both (c) and (d) are required for licensure, however, (c) speaks towards the requirements for certification as an appraiser whereas (d) speaks to the requirements for the Appraiser Qualification Board examination.</p> <p>Staff wanted to present this information to the Board for their interpretation, clarify staff procedures, and inquire if the regulation may need to be clearer.</p> <p>The Board did express interest in clarifying the regulation by including this within the current regulation project. The initial comments were to change the wording of “or” to “and” as well as consideration of removing the duplicate wording of “200 hours” to align with the formatting of the other regulations.</p>
Motion:	No motion necessary.
Recorded Votes:	Mae Hayes -
	Valery (Val) Kudryn -

	William (Leon) McKean -	
Action Items:	Staff will include this information with the list of regulations being reviewed within the regulation project.	
<b>9. Regulation Projects(s)</b>		
Brief Discussion:	<p>Ms. Osborne provided an update summarizing from the last Committee Meeting as well as new information that was presented to staff this week. The attorney through Department of Law was reviewing the AQB Criteria as an entire document. She had advised it is not advisable to adopt by reference at this time as it did not entirely align with Alaska regulations and statutes. The advice was to do a side by side review of the document and Alaska regulations and statutes to identify all contradicting elements. Ms. Osborne shared after the committee meeting she had spoken with Sara Chambers to provide this update. It was discussed that the ASC has just completed a thorough review of the regulations through the Off Site Assessment compliance review in 2022. The conclusion that was reached, as a review has been completed, is to pick up where the Board had initially started to review each section in consideration of PAREA and practicums. It was explained that this advice is not in conflict with the advice received from the Department of Law, as the attorney was providing a brief general review of the document and at that time was not provided with all background information that staff are privy too such as the fact that the ASC had recently completed a compliance review.</p> <p>Ms. Chambers provided some additional explanation that Alaska statues do not provide many options for adoption by reference and for regulations to adopt by reference there would need to be statutory authority in place. It was recommended for the Board to consider continuing where this project initially started with identifying which areas the Board would like to amend in consideration of PAREA and other enhancements of the profession.</p> <p>Mr. Kudryn inquired if there was anything in place that would prevent him from doing a side by side comparison of the Criteria and Alaska statues and regulations to bring back to the Committee for review. It was shared that, no, there is nothing preventing him from reviewing the documents.</p> <p>The Board agreed they would like to proceed with conducting a review to identify any contradicting elements.</p> <p>Mr. Kudryn requested if he may have approval to review the documents further on his own time and bring back his findings to the Committee. Mr. Kudryn further explained that he recognizes the Committee has no power to make changes but can make suggestions to the Board.</p>	

	<p>The Board was in agreement of providing this approval for Mr. Kudryn to review and bring back his findings to the Committee Meetings.</p> <p>Additionally, the Board discussed expanding the scope of the Committee to allow for this comprehensive review.</p>
Motion:	<p>On a motion made duly by Mr. Kudryn, second by Mr. McKean, it was RESOLVED to expand the scope of the Board Committee currently tasked with adopting PARE and Practicum to include a review of AK statutes and regulations for compliance with AQB to make suggestions to the Board as needed to make changes to those statutes and regulations.</p>
Recorded Votes:	Mae Hayes - Y
	Valery (Val) Kudryn - Y
	William (Leon) McKean - Y
Action Items:	<p>Mr. Kudryn will proceed with conducting a review of Alaska statutes and regulations outside of the meetings to bring back to the next Committee Meeting.</p> <p>The Board continues to provide approval to the Committee to meet and discuss proposed statute and regulation edits for the areas of PAREA, Practicum, and the AQB Criteria.</p>
<b>10. Continued Board Discussions(s)</b>	
Brief Discussion:	<p>The Board clarified that Alaska regulations do not prohibit experience from out of state. This was suggested as a FAQ if needed.</p> <p>The Board continued to discuss mass appraisals as acceptable work experience. Ms. Sather shared notes from a regulator's meeting sharing other state's position on mass appraisals to include limitations in work products not being available or mass appraisal experience not being USPAP compliant. The Board has expressed interest in allowing for a portion of the required hours to be allowed through mass appraisals. It was stated that verification of employment could potentially be used in place of a worklog. However, Mr. Kudryn has requested to do additional review into this topic for discussion at a later meeting.</p>
Motion:	No motion necessary.



Recorded Votes:	Mae Hayes -	
	Valery (Val) Kudryn -	
	William (Leon) McKean -	
Action Items:	Mr. Kudryn will conduct some additional research into the topic of mass appraisals and report back to the Board.	
<b>11. Pending Board Ballots</b>		
Brief Discussion:	Staff provided an update that there are 11 ballots pending on OnBoard. Board Members stated they will complete their review of these ballots outside of the meeting.	
	Ms. Sather stated that there is one application included in their Board Packet for consideration of comments received from the individual reviewing the work products.	
	At 1:32 pm the Board motioned to move into executive session to allow for appropriate consideration of these comments.	
	The Board returned from executive session at 1:39 pm with a quorum back on the record.	
Motion:	I, Mae Hayes, move that the Alaska State Board of Real Estate Appraisers enter into executive session in accordance with AS 44.62.310(c)(2) and (3), and Alaska Constitutional Right to Privacy Provisions, for the purpose of reviewing a pending Board ballot.	
	Second by Mr. Kudryn.	
	On a motion made duly by Ms. Hayes, second by Mr. Kudryn, it was RESOLVED to move to executive session at 1:32 pm.	
Recorded Votes:	Mae Hayes -	
	Valery (Val) Kudryn -	
	William (Leon) McKean -	
Action Items:	Board Members will review pending Board ballots.	

<b>12. Board Business</b>	
Brief Discussion:	The strategic plan was reviewed with verbiage and dates updated per discussion during today's Board Meeting.
	Ms. Sather provided a summary of communication from the ASC in regards to the PAVE Dashboard Results. Ms. Sather explained that in response to the PAVE Report the ASC has completed a review of each jurisdiction's regulations and requirements to present a chart on the ASC website summarizing the state's compliance with the Criteria and whether it is met or exceeded. The Board did not have any questions or additional comments on the information provided.
	The Board was presented with the AQB's second exposure draft in regards to the proposed education changes as well as the Foundation's release of information that AI's PAREA program has received AQB approval.  The Board discussed dates for the next Committee Meetings for the regulation project. It was agreed to meet on July 6 and 13 starting at 10 am. It was agreed that Mr. McKean is excused from the Committee Meetings if he is unable to attend.
	Mr. Kudryn stated that he is continuing to work on the checklist for work product reviews. He currently is working on formatting. Ms. Sather stated that she has included a checklist that was provided during the AARO Conference, mostly utilized within investigations for compliance of USPAP, however, this was included within the Board Book incase this information may be relevant or useful with the development of the work product review checklist.
Motion:	No motion necessary.
Recorded Votes:	Mae Hayes -
	Valery (Val) Kudryn -
	William (Leon) McKean -
Action Items:	Mr. Kudryn will continue to work on the work product checklist.
<b>13. Adjourn</b>	
Brief Discussion:	The Board agreed to adjourn.

Motion:	On a motion duly made by Mr. Kudryn, seconded by Mr. McKean, it was RESOLVED to adjourn.
Recorded Votes:	Mae Hayes -
	Valery (Val) Kudryn -
	William (Leon) McKean -
Action Items:	Draft meeting minutes will be drafted and placed on the website. Tabled agenda items will be added to the next meeting.

Next Meeting:	August 22, 2023 at 10 am
Adjournment:	2:06 pm

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Mae Hayes, Chair

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Date