

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

**MINUTES OF MEETING
February 19, 2010**

By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled meeting of the Board of Certified Real Estate Appraisers was held February 19, 2010, at the Atwood Building, 550 W. 7th Avenue Suite 1860, Anchorage, AK.

Call to Order/Roll Call

The meeting was called to order at 8:35 a.m. by Steve MacSwain, Chairman.

Those present, constituting a quorum of the Board:

Steve MacSwain, Chairman, General Real Estate Appraiser
Gene Shafer, Vice Chair, Residential Real Estate Appraiser
William Larick, General Real Estate Appraiser
Butch Olmstead, Mortgage Banking Executive
April Moore, Public Member

In attendance from the Department of Commerce, Community and Economic Development, Division of Corporations, Business and Professional Licensing, were:

Jan Mays, Licensing Examiner
Margo Mandel, Investigator

Guest:

Stephen Turner

Agenda Item 1 – Review Agenda

The following items have been added to the Agenda.

- Stephen Turner – Sunset Audit

Upon a motion by Moore, seconded by Larick and approved unanimously, it was:

RESOLVED approve the agenda as amended.

Agenda Item 2 – License Surrender

Margo Mandel, Investigator presented the Litigation Report on Cases #3300-09-002 and 3300-09-004. Both cases involve multiple allegations of errors, negligence, and

carelessness in the preparation of two separate real estate residential appraisals. The complaints also contained allegations of falsely inflated value, with a possible indication of fraud.

Upon a motion by Moore, seconded by Larick and approved unanimously, it was:

RESOLVED to accept the Surrender of License/Certificate for Floyd Delapp, Case #3300-09-002 and 3300-09-004.

Agenda Item 3 – Regulation Changes

Gene Shafer stated that the proposed regulation changes address the concerns that were outlined in the Appraisal Subcommittee (ASC) Field Review Audit Preliminary Report.

Mr. Shafer stated that a new section for 12 AAC 70.940 has been drafted. The proposed regulation should bring Alaska into compliance with the ASC retention guidelines. However, the ASC preliminary report noted that Alaska Statute 08.87.300(a) should be amended since it only requires three years of records retention. AS 08.87.300(a) stated that the records shall be retained for “no less than 3 years”. So, adding a new section in 12 AAC 70.940 to read five years of records retention, as it is not in conflict with AS 08.87.300(a) will fix the problem.

Mr. Shafer stated there is one issue that the Board might not want to consider. In regards with Courtesy License in 12 AAC 70.920, ASC preliminary report noted that the Board must issue a courtesy license to out-of-state individuals credentialed at the State Licensed Level. Alaska regulation only allows individuals with State Certified credentials, therefore, since only Certified Alaskan are allowed to practice in the State, the lesser licensed credentialed appraisers from out-of-state should not be issued a courtesy license to practice in Alaska.

Agenda Item 4 – Public Comment

There were no individuals in attendance for public comment.

Agenda Item 5 – Regulation Changes (Con't)

The Board discussed further on the Courtesy license issue matter.

Upon a motion by Olmstead, seconded by Shafer and approved unanimously, it was:

RESOLVED to approve the proposed regulation changes for 12 AAC 70.940, .210, .220, .920 to comply with the ASC Field Review Audit Preliminary Report.

Agenda Item 6 – Files to Review 2007 ASC Audit

The Board reviewed two license files: Josh Horan and April Anthony. Both license files were still outstanding from the 2007 ASC Field Review Audit. The Board must take action on the two files.

Upon a motion by Olmstead, seconded by Larick and approved unanimously, it was:

RESOLVED to refer Joshua C. Horan 's residential license file to the investigator for noncompliance and for not responding to the October 15, 2008 letter. Mr. Horan's work log does not comply with the minimum requirements in accordance with 12 AAC 70.108(b)(1). Work log only verified 20 months of work experience versus the 24 months minimum requirement.

Upon a motion by Olmstead, seconded by Moore and approved unanimously, it was:

RESOLVED to refer April Anthony's residential license file to the investigator for noncompliance and for not responding to the October 15, 2008 letter. Ms. Anthony's work log does not comply with the minimum requirements in accordance with 12 AAC 70.108(b)(2). Work log only verified 126.5 work experience hours in appraisal work versus the 2500 work experience hours.

Mrs. Mays provided an update on the two files from the 2009 ASC Field Review Audit. ASC established a conclusion that the two files that were reviewed demonstrated that the work experience was logged in the previous work log, not in the one that was implemented by the Board. Mrs. Mays stated that an email was sent to Neal Fenochietti, Policy Manager, Appraisal Subcommittee, requesting clarification since both licensees submitted application for licensure before the new work log was implemented. Once Mrs. Mays receives a response from Neal a letter will be sent to the two licensees. Mrs. Mays will keep the Board informed of the status.

Agenda Item 7 - Sunset Audit

Stephen Turner, past chairman was present to discuss the Sunset Audit. April Moore stated that she contacted Senator Coghill's office that HB342 needed to go before the legislature. Senator Coghill's office contacted Ms. Moore to notify that the bill was forwarded to Representative Tammy Wilson.

Mr. Turner stated that Jenny Strickler, Operations Manager and Lynne Smith, Director would most likely attend the hearing and suggested that two board members attend as well. Mr. MacSwain stated that Butch Olmstead would be representing the Board.

Upon a motion by Olmstead, seconded by Shafer and approved unanimously, it was:

RESOLVED to draft an Appreciation letter for Steve MacSwain and William Larick for their time served on the Board.

Upon a motion by Moore, seconded by Olmstead and approved unanimously, it was:

RESOLVED to nominate Gene Shafer to serve as the next chairman for the Board of Certified Real Estate Appraiser.

Upon a motion by Shafer, seconded by Larick and approved unanimously, it was:

RESOLVED to nominate Butch Olmstead to serve as the next vice-chairman for the Board of Certified Real Estate Appraiser.

Agenda Item 12 - Board Business

Sign Wall Certificates

No Wall Certificates to sign.

Schedule Next Meeting

The following are meeting dates for 2010.

June 3-4, 2010(one day USPAP course for all Board members)

Sign Meeting Minutes

No meeting minutes to sign.

Sign TA's and Collect Receipts

Travel Authorization forms were given to each Board member to sign.

Task List

Jan Mays

- Setup CAP for course approval applications applying for initial certification only.
- Setup and schedule a USPAP 15 hour training for all Board members. Preferably at the June 4, 2010 meeting.

Upon motion by Olmstead, seconded by Shafer and approved unanimously, it was:

RESOLVED to adjourn the meeting of the Alaska Board of Certified Real Estate Appraiser.

The meeting adjourned at 1:59 p.m.

Respectfully Submitted:

Jan Mays
Licensing Examiner

Approved:

Gene Shafer, Chair

Date: _____