

**REAL ESTATE APPRAISER LICENSURE
AND CERTIFICATION BOARD**

July 8, 2010

Minutes

Mr. Johnson called the meeting to order at 9:48 a.m. in Room W064 of the Indiana Government Center South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with Ind. Code § 25-34.1-8-4.

Members Present:

Wayne Johnson, Chairman
Joe Traynor, Appraiser Member
Ron Kohart, Consumer Member
John Newlin, Vice Chairman
Lowell K. Griffin, Appraiser Member (by telephone)

Members Absent:

Liz Stoll, Lender Member
Terry Watson, Appraiser Member

State Officials Present:

Jeanette Roberts, Director
Patricia Price, Assistant Director
Jim Schmidt, Deputy Attorney General
Donna Sembroski, Deputy Attorney General

I. CHAIRMAN'S REPORT

The Chairman suggests a resolution to thank Mr. Nicholas Rhoad for his years of service to the Board.

II. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

Gabrielle Owens gave a report to the board regarding the number of cases that their office processes. She also discussed issues with scheduling settlement conferences, new cease and desist procedures, and the new required \$5.00 fee that the Board will need to access to all final orders for document retention by the Attorney General's Office.

III. ADOPTION OF THE MINUTES FROM THE MARCH 11, 2010 AND MAY 13, 2010 MEETINGS OF THE BOARD

A motion was made and seconded to adopt the minutes from the March 11, 2010 meeting of the Board.

Traynor/Newlin
4/0/0 Motion carried.

A motion was made and seconded to adopt the minutes, as amended, from the May 13, 2010 meeting of the Board.

Traynor/Newlin
4/0/0 Motion carried.

IV. OLD/NEW BUSINESS

A. AVM

This discussion was tabled by the Board.

B. Litigation specialist

The Director informed the Board that we expect a litigation specialist to start in approximately two (2) weeks.

C. Appraisers on Probation

The Director will set up meeting with Gabby/AG's office to discuss options in requiring probationers to pay a reviewer to review submitted appraisals off of list or someone else approved by the board.

D. Experience time for licensure

The Board would like to change the rule regarding the experience time for licensure. The Director will meet with Board Counsel on the specifics. The Board would also like to consider creating a sub-committee to discuss a possible rule change.

E. 2011 meeting dates

The Board will meet the second Thursday of the following months: January, March, April, June, July, September, October, and December.

F. Aaron Magner

Re: Joint Motion to Consolidate for Purposes of Settlement

A motion was made and seconded to table the motion.

Johnson/Kohart
4/0/0 Motion carried.

G. Johnie Baker

Re: Motion to Dismiss

A motion was made and seconded to dismiss the complaint.

Traynor/Kohart
4/0/0 Motion carried.

H. Audit

The Board voted to audit 10% of the licensees who renewed.

I. Sandra Angerer

The State presents a Proposed Findings of Fact, Conclusions of Law and Order to the Board for their consideration.

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Newlin/Kohart

4/0/0 Motion carried.

V. STATUS OF LICENSEES ON PROBATION

A. Report from Staff regarding licensees on probation

This report is tabled until the next meeting of the Board.

VI. NOTICE OF SHOW CAUSE HEARING

A. State of Indiana v. Terry L. Banks

REAB 07-61

Re: Notice of Show Cause Hearing

A motion was made and seconded to find the respondent in compliance and to dismiss the Order to Show Cause.

Traynor/Newlin

4/0/0 Motion carried.

VII. WITHDRAWAL OF PROBATION HEARING

A. State of Indiana v. Brenda Stephens

REAB 06-132

Re: Withdraw of Probation Hearing

A motion was made and seconded to terminate the probationary status on Ms. Stephens license.

Traynor/Kohart

4/0/0 Motion carried.

B. State of Indiana v. Vincent Shimp

REAB 09-37

Re: Withdraw of Probation Hearing

A motion was made and seconded to terminate the probationary status on Mr. Shimp's license.

Newlin/Kohart

4/0/0 Motion carried.

C. State of Indiana v. Michael Shane Nikirk

REAB 07-70

Re: Withdraw of Probation Hearing

A motion was made and seconded to terminate the probationary status on Mr. Nikirk's license.

Traynor/Newlin

4/0/0 Motion carried.

D. State of Indiana v. Dan Wait

REAB 08-22

Re: Withdraw of Probation Hearing

A motion was made and seconded to deny the request to terminate the probationary status on Mr. Wait's license.

Newlin/Kohart
4/0/0 Motion carried.

A motion was made and seconded to renew Mr. Wait's license.

Newlin/Kohart
4/0/0 Motion carried.

E. State of Indiana v. Harry Wyman

REAB 09-23

Re: Withdraw of Probation Hearing

A motion was made and seconded to terminate the probationary status on Mr. Wyman's license.

Newlin/Kohart
4/0/0 Motion carried.

VIII. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Ronald Sipe

REAB 09-70

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Traynor/Kohart
4/0/1 Motion Carried. (Newlin recused)

B. State of Indiana v. Scott A. Sauter

REAB 09-72

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Kohart/Newlin
4/0/1 Motion Carried. (Traynor recused)

C. State of Indiana v. Brian Ferling

REAB 09-85

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Traynor/Kohart
5/0/0 Motion carried.

D. State of Indiana v. David Knop

REAB 10-06

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Newlin/Kohart
4/0/1 Motion carried. (Traynor recused)

E. State of Indiana v. Kimberly J. Shepherd

REAB 09-84

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Kohart/Newlin
4/0/1 Motion carried. (Traynor recused)

F. State of Indiana v. Urban J. Piworski

REAB 09-63

Re: Motion for Voluntary Dismissal

A motion was made and seconded to grant the Motion to Dismiss.

Newlin/Kohart
4/0/0 Motion carried.

G. State of Indiana v. Dennis Kendall

REAB 09-28

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to reject the agreement because the number of hours not included on page 7 and the Board would like the agreement to reflect that the hours must be AQB approved and that the individual must prove successful completion of the examination.

Newlin/Kohart
4/0/1 Motion carried. (Traynor recused)

H. State of Indiana v. Sandy Jo Carper

REAB 10-12

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Newlin/Kohart
4/0/1 Motion carried. (Traynor recused)

I. State of Indiana v. Nicole M. Brooks

REAB 08-24

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Traynor/Kohart
4/0/1 Motion carried. (Newlin recused)

J. State of Indiana v. Glenn Howard

REAB 09-169

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to adopt the Proposed Findings of Fact, Conclusions of Law and Order.

Traynor/Newlin
4/0/0 Motion carried.

IX. DEFAULT HEARINGS

A. State of Indiana v. Mark Andrew Hubele

REAB 09-38

Re: Possible Issuance of Default and Final Order

A motion was made and seconded to hold the Respondent in default.

Traynor/Kohart
4/0/0 Motion carried.

A motion was made and seconded to find the Respondent in violation of Indiana Code in regards to Count I, except for the utilization of non-rounded gross living area adjustments and the indication of the attached garage; in violation of Indiana Code in regards to Count II, except the locational features indicated; and to not find the Respondent in violation of Indiana Code in regards to Count III.

Traynor/Kohart
4/0/0 Motion carried.

A motion was made and seconded to issue a Letter of Reprimand, require an appearance before the board if a renewal application is filed and must pay costs and records fee.

Traynor/Kohart
4/0/0 Motion carried.

X. DISCIPLINARY HEARINGS

A. State of Indiana v. Tracy Dawn Meier

REAB 09-32

Re: Disciplinary Hearing

This hearing is continued until the September meeting of the Board.

B. State of Indiana v. Jacob D. Kirkpatrick

REAB 10-13

Re: Disciplinary Hearing

This hearing is continued until the September meeting of the Board.

C. State of Indiana v. Lori J. Hargis

REAB 10-14

Re: Disciplinary Hearing

This hearing is continued until the September meeting of the Board.

D. State of Indiana v. Kathleen Kennedy

REAB 09-86

Re: Disciplinary Hearing

This hearing is continued until the September meeting of the Board.

E. State of Indiana v. Richard A. Reid

REAB 09-75

Re: Disciplinary Hearing

The State filed a motion to dismiss. The Board voted to dismiss the complaint.

Traynor/Newlin
4/0/0 Motion carried.

F. State of Indiana v. Dennis L. Harlen

REAB 09-52

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default.

Traynor/Newlin
4/0/0 Motion carried.

G. State of Indiana v. Thomas Raynor

REAB 09-77

Re: Disciplinary Hearing

This hearing is continued until the September meeting of the Board.

H. State of Indiana v. Elbert Cotton

REAB 10-10

Re: Disciplinary Hearing

This hearing is continued until the September meeting of the Board.

XI. COST EVALUATION

A. State of Indiana v. Laurlee Lee Hawkins

REAB 08-26

A motion was made and seconded to access costs in the amount of \$1707.20 to be paid to the Attorney General's Office and costs in the amount of \$111.23 to be paid to the Indiana Professional Licensing Agency for a total costs in the amount of \$1818.43.

Traynor/Kohart
4/0/0 Motion carried.

XII. APPLICATION REVIEW

A motion was made and seconded to approval all application listed below.

Traynor/Kohart

4/0/0 Motion carried.

A. Certified Residential Applications

1. **Patricia Stieneker**
2. **Matthew Spagna**
3. **Nathan DeArmond**
4. **Paul Matthews**

B. Certified General Applications

1. **Phillip Porter**
2. **York Pollert**
3. **Tim Perry**

XIII. EDUCATION REVIEW

A. American Society of Appraisers

Re: 2010 International Appraisal Conference – 16 hour course

A motion was made and seconded to approve 3.5 hours on first day of the seminar, 7 hours on second day, and 3.5 hours on the third.

Traynor/Kohart
4/0/0 Motion carried.

B. Appraisal institute – Thinking outside the form

A motion was made and seconded to approve the course.

Traynor/Kohart
4/0/0 Motion carried.

XIV. TEMPORARY PERMITS

The board approved all temporary permits.

XVII. ADJOURNMENT

There being no further business, and having completed its duties, the meeting of the Indiana Real Estate Appraiser Licensure and Certification Board adjourned at 3:29 pm.

Wayne Johnson, Chairman