

**REAL ESTATE APPRAISER LICENSURE
AND CERTIFICATION BOARD**

September 9, 2010

Minutes

Mr. Johnson called the meeting to order at 9:20 a.m. in Conference Center Room A 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
John Newlin, Vice Chairman
Lowell K. Griffin, Appraiser Member (by telephone)
Liz Stoll, Lender Member
Terry Watson, Appraiser Member

Members Absent:

Ron Kohart, Consumer Member

State Officials Present:

Jeanette Roberts, Director
Patricia Price, Assistant Director
Eric Felde, Litigation Specialist
Jim Schmidt, Deputy Attorney General

Reporter: Joann Shinall, Rutledge Reporters

I. CHAIRMAN'S REPORT

II. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

Jenny Beller gave the report for Gabby Owens regarding the number of complaints filed and closed. They have had no AMC complaints as of yet.

III. ADOPTION OF THE MINUTES FROM THE JULY 8, 2010 MEETING OF THE BOARD

A motion was made and seconded to adopt the minutes as amended.

Newlin/Stoll
6/0/0 Motion carried.

IV. STATUS OF LICENSEES ON PROBATION

A. Report from Staff regarding licensees on probation

Eric Felde, Litigation Specialist, gave his report to the Board.

V. PROBATION WITHDRAWAL HEARING

A. State of Indiana v. Deron J. Strickland

REAB 07-82

Re: Hearing for Withdrawal of Probation

A motion was made and seconded to terminate the probation on the license.

Newlin/Traynor
6/0/0 Motion carried.

VI. ADMINISTRATIVE RULES HEARING

Re: LSA Document # 10-346
Appraisal Management Companies Fee rule

This hearing was rescheduled.

VII. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Aaron D. Magner

REAB 02-15, REAB 09-08
Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to consolidate the cases.

Griffin/Stoll
4/0/2 (Traynor and Johnson recused) Motion carried.

A motion was made and seconded to deny the Proposed Findings of Fact Conclusions of Law and Order as presented. The Board would like to see the probation to be indefinite and can request termination after 2 years. The trainee rule should be removed since it is already addressed in the rule. Language needs to be added allowing the Board to select appraisals for review.

Griffin/Stoll
4/0/2 (Traynor and Johnson recused) Motion carried.

B. State of Indiana v. Terry Nunley

REAB 09-59
Re: Proposed Findings of Fact Conclusions of Law and Order

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

Traynor/Watson
5/0/1 (Johnson recused) Motion carried.

C. State of Indiana v. Robert W. Zachidny

REAB 10-04
Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to deny the Proposed Findings of Fact Conclusions of Law and Order as presented. The Board would like to see a deadline imposed for taking the required course. Language needs to be added allowing the Board to select appraisals for review. Nicholas Rhoad's name should be replaced with Jeanette Roberts' name.

Traynor/Newlin
5/0/1 (Griffin recused) Motion carried.

D. State of Indiana v. Erika Nichole Mullen

REAB 10-07

Re: Proposed Findings of Fact Conclusions of Law and Order

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

Griffin/Newlin

5/0/1 (Traynor recused) Motion carried.

E. State of Indiana v. Tu Tran

REAB 10-16

Re: Proposed Findings of Fact Conclusions of Law and Order

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

Griffin/Newlin

5/0/1 (Traynor recused) Motion carried.

F. State of Indiana v. Jacob D. Kirkpatrick

REAB 10-13

Re: Proposed Findings of Fact Conclusions of Law and Order

A motion was made and seconded to deny the Proposed Findings of Fact Conclusions of Law and Order as presented. The Board would like to see a deadline imposed for taking the required course.

Traynor/Watson

4/0/2 (Griffin/Newlin) Motion carried.

G. State of Indiana v. Kathleen P. Kennedy

REAB 09-86

Re: Proposed Findings of Fact Conclusions of Law and Order

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

Griffin/Watson

5/0/1 (newlin recused) Motion carried.

H. State of Indiana v. Thomas Raynor

REAB 09-77

Re: Proposed Findings of Fact Conclusions of Law and Order

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

Stoll/Griffin

4/0/2 (Traynor/Newlin recused) Motion carried.

I. State of Indiana v. Mark Andrew Hubele

REAB 09-38

Re: Costs

A motion was made and seconded to approve the costs as submitted.

Traynor/Stoll
6/0/0 Motion carried.

J. 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 accept the Proposed Findings of Fact Conclusions of Law and Order.

Stoll/Newlin
5/0/1 (Traynor recused) Motion carried.

VIII. DEFAULT HEARINGS

A. State of Indiana v. Dennis L. Harlen

REAB 09-52

Re: Possible Issuance of Default and Final Order

This matter was continued.

B. State of Indiana v. Charles I. Newkirk

REAB 07-73

Re: Possible Issuance of Default and Final Order

A motion was made and seconded to vacate the Notice of Proposed Default and direct the final order to be issued.

Newlin/Traynor
6/0/0 Motion carried.

IX. ADMINISTRATIVE HEARINGS

A. State of Indiana v. Allan Woodhouse

REAB 06-154

Re: Request for Withdrawal of Probation

A motion was made and seconded to withdraw the probation.

Traynor/Newlin
6/0/0 Motion carried.

B. State of Indiana v. Scott Piepenbrink

REAB 06-104

Re: Hearing for Withdrawal of Probation

A motion was made and seconded to deny the request to withdraw the probation.

Traynor/Newlin
6/0/0 Motion carried.

C. State of Indiana v. Stephen Sanders

REAB 09-39

Re: Disciplinary Hearing

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

Griffin/Newlin
5/0/1 (Traynor recused) Motion carried.

D. State of Indiana v. Jeffrey Heller

REAB 10-11
Re: Disciplinary Hearing

This matter was continued.

E. State of Indiana v. Christine L. Wenger

REAB 10-05
Re: Disciplinary Hearing

This matter was continued.

F. State of Indiana v. Adam James Arnold

REAB 09-19
Re: Disciplinary Hearing

This matter was continued.

G. State of Indiana v. Benjamin J. Parks

REAB 08-30
Re: Disciplinary Hearing

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

Traynor/Stoll
6/0/0 Motion carried.

H. State of Indiana v. Daniel J. Shanahan*

REAB 10-15
Re: Disciplinary Hearing

This matter was continued.

I. State of Indiana v. Paul Watkins

REAB 10-20
Re: Disciplinary Hearing

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

Watson/Griffin
6/0/0 Motion carried.

J. State of Indiana v. Tracy Dawn Meier*

REAB 09-32
Re: Disciplinary Hearing

This matter was continued.

K. State of Indiana v. Elbert Cotton*

REAB 10-10

Re: Disciplinary Hearing

This matter was continued.

L. State of Indiana v. Karen Gregory

REAB 09-47

Re: Disciplinary Hearing

A motion was made and seconded to issue a Notice of Proposed Default and to deny the request for continuance.

Newlin/Watson

5/0/1 (Traynor recused) Motion carried.

X. APPLICATION REVIEW

A. Certified Residential Applications

B. Certified General Applications

1. Amily Birch Tsiampas

A motion was made and seconded to approve the application.

Traynor/Stoll

6/0/0 Motion carried.

XI. EDUCATION REVIEW

All of the following applications were approved by the Board.

1. Allterra Group, Inc.

- 2010 Keynote/Valuation Visionaries 7.0 hours
- 2010 Appraiser Town Hall Meeting/ReEngineering the Appraisal Process 7.0 hours

2. ASFMRA

- ASFMRA Governance and Ethics for New Members 4.0 hours
- Rapid Fire Case Studies 6.0 hours
- ASFMRA 81st Annual convention 7.0 hours

3. Appraisal Academy

- AMC's Appraisal Management Companies 7.0 hours

4. NAIFA

- Understanding the Message 4.0 hours

- The Appraisal Spreadsheet Boot Camp 4.0 hours
- General Appraiser Report Writing Update 7.0 hours
- Institutional Fraud 4.0 hours

5. Appraisal Institute

- Analyzing Tenant Credit Risk and Commercial Lease Analysis 7.0 hours

The following applications were NOT approved by the Board.

- Financial Management Seminar 4.0 hours
- ASFMRA Animal Agricultural Seminar 4.0 hours

XII. CE AUDIT REVIEW

A. Gloria Niedbalski

TR40200299

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$630 and require the 18 hours of CE to be completed within 6 months.

Newlin/Watson
6/0/0 Motion carried.

B. Rick Hevel

CR69100281

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$70 and require the 2 hours of CE to be completed within 6 months.

Traynor/Newlin
6/0/0 Motion carried.

C. Samuel Taylor

CR69100013

The CE audit was completed successfully.

D. Russell Sloan

CG40200146

The CE audit was completed successfully.

E. Scott Emerick

CR49500077

The CE audit was completed successfully.

F. Angela Snider

LR49700176

The CE audit was completed successfully.

G. James Freck
CR69201095

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$490 and allow submitted hours to be counted.

Traynor/Watson
6/0/0 Motion carried.

H. Edward Rich
CG49500004

The CE audit was completed successfully.

I. Belinda Graber
CG69100736

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$735 and allow submitted hours to be counted.

Newlin/Watson
5/0/1 (Johnson recused) Motion carried.

J. Diana Brown
CR69201284

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$1000 and must complete 7 hours USPAP course within 6 months.

Traynor/Newlin
6/0/0 Motion carried.

K. Melvin Bontrager
LR69201262

A motion was made and seconded to issue a Notice of Noncompliance and impose no civil penalty but require the 10 hours of CE to be completed within 6 months.

Traynor/Griffin
6/0/0 Motion carried.

L. Chris Burton
LR60700460

A motion was made and seconded to issue a Notice of Noncompliance and impose a civil penalty of \$70 and require the 3 hours of CE to be completed within 6 months.

Traynor/Newlin
6/0/0 Motion carried.

XIII. OLD/NEW BUSINESS

A. Supervisor/Review Course

The Board is supportive of this course. Mr. Ratterman should be asked to proceed.

B. CE Audit Discussion

The CE audit was discussed.

C. Taskforce Discussion

Joe Traynor gives the Board an update on the Taskforce.

D. Voluntary Disciplinary Action Matrix

The Board was given the material for review.

E. Appraisal Subcommittee invite

The Board Director provided the Board with the information regarding the invitation to the Appraisal SubCommittee meeting.

F. State of Indiana v. Arthur G. Fenn

REAB 08-09

Re: Probation status

The Board discussed probationers that are in this status and made recommendations to the staff.

XVI. 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 2:50 pm.

Wayne Johnson, Chairman