

MINUTES

REAL ESTATE APPRAISER LICENSURE AND CERTIFICATION BOARD

Wednesday, June 25, 2008
8:30 a.m.

Mr. Traynor called the meeting to order at 8:30 a.m. in Room W064 of the Indiana Government Center-South, 402 West Washington Street, Indianapolis, Indiana, and declared a quorum, in accordance with IC § 25-34.1-8-4.

Members Present:

Joe Traynor, Chairman
Wayne Johnson, Vice Chairman
Terry Watson, Appraiser Member
John Newlin, Appraiser Member
Liz Stoll, Lender Member
Lowell K. Griffin, Appraiser Member

Members Absent:

James Lewis, Consumer Member

State Officials Present:

Nicholas Rhoad, Director Indiana Real Estate Commission
Patricia Price, Assistant Director, Indiana Real Estate Commission
Stephanie Sims, Litigation Specialist
Jim Schmidt, Deputy Attorney General

I. ADOPTION OF MINUTES FROM June 12, 2008

A motion was made and seconded to approve the minutes from June 12, 2008.
Motion Carried

II. ADOPTION OF MINUTES FROM June 25, 2008

A motion was made and seconded to approve the minutes from June 25, 2008
Motion Carried

III. CHAIRMAN'S REPORT

Mr. Traynor delivered his report to the Board.

IV. REPORT FROM THE INDIANA ATTORNEY GENERAL'S OFFICE

The Attorney General's Office delivered their report to the Board.

V. OLD/NEW BUSINESS

A. Richard Hagar, SRA, fraud training invitation

Mr. Rhoad provided the Board with information about an upcoming Mortgage Fraud and Investigation workshop being hosted by PLA and other state agencies.

B. Advisory Opinion Update

Mr. Schmidt provided the Board an explanation of possible legal options in responding to the continuing education matters outlined by the ASC. The Board decided to review the possible options between now and the next meeting in October.

C. Probation monitoring update

Mr. Rhoad provided the Board an update on the probation monitoring contract.

D. Reactivation of Inactive License-- Pat

1. Ervin W. Day

A motion was made and seconded to reactivate the inactive license of Ervin W. Day.

Newlin / Watson
Motion Carried 6-0-0

2. Ronald Paul Harper
A motion was made and seconded to reactivate the inactive license of Ronald Paul Harper
Watson / Newlin
Motion Carried 6-0-0

3. Jacques Maynard
A motion was made and seconded to table decision on the reactivation of the inactive
license of Jacques Maynard.
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Johnson / Griffin
Motion Carried 6-0-0

E. Reciprocal Agreements

Mr. Rhoad provided the Board an update on newly executed reciprocal agreements.

1. Ohio
2. Washington
3. Iowa
4. Michigan
5. Oklahoma

F. Changes to experience log and new experience reporting form

Due to a new clarification from the ASC states now need to update their experience reporting forms
as part of their applications. Mr. Griffin volunteered to develop the updated form with Mr. Rhoad.

G. Trainee Exam Update

A motion was made and seconded to allow a six month extension on passage of the exam due to the
AQB's and Pearson VUE's delay in implementing an appropriate exam

H. ASC agency / operations update

Mr. Rhoad provided an update on the ASC

I. Undergraduate College Coursework and Qualifying Education update

Mr Johnson informed the Board of the progress of his discussions with IU

J. Indiana License Law Update

Mr. Rhoad informed the group of the progress of the administrative rule to repeal the requirement of
completing the Indiana License Law as part of the renewal requirements.

K. Investigative Fee change

A motion was made and seconded to increase the investigative fund fee from \$10 to \$20
Griffin / Watson
Motion Carried
5-0-0

L. 2008 Continuing Education Audit

Mr. Rhoad provided the Board an update that the Continuing Education Audit is in progress

M. September Meeting Date

The Board decided not to meet in September

N. Greg Archer Real Estate Appraisals

A motion was made and seconded to approve the CE submissions by Mr. Archer's program
Watson / Stoll

VI. REVIEW AND DETERMINATION OF OBJECTION TO DEFAULT ORDER

A. State of Indiana V. Michael Asher

REAB 08-06

Re: Request for reopening of disciplinary hearing
Re: Response from State regarding Mr. Asher's request

A motion was made and seconded to set aside the Board's Final Order in this matter and reschedule it for hearing.

VII. PERSONAL APPEARANCE HEARINGS FOR LICENSEES ON PROBATION

A. State of Indiana V. Michael Shane Nikirk (9:00 AM)

REAB 07-70

RE: Final Order stipulates respondent appear before the Board every 90 days

Mr. Nikirk appeared before the Board in accordance with this Final Order.

B. State of Indiana V. Darrell Cummings (9:30 AM)

REAB 07-22

RE: Reviewer has requested licensee to make a personal appearance

Mr. Cummings appeared before the Board and discussed concerns outlined in his monthly probation reports.

VIII. PETITIONER'S OBJECTION TO REAL ESTATE APPRAISER BOARD'S DECISION AND REQUEST FOR EMERGENCY HEARING

A. State of Indiana V. Michael Shane Nikirk

REAB 07-70

Re: Petitioner's Objection to Real Estate Appraiser Board's Decision and Request for Emergency Hearing

and

Re: Respondent's Motion to Strike the Petitioner's Objection to Real Estate Appraiser Board's Decision and Request for an Emergency Hearing

and

Re: Petitioner's Response to the Respondent's Motion to Strike and Renewal of Petitioner's Objection to the Real Estate Appraiser Board's Decision. Hearing

and

Re: Respondent's Response to the Petitioner's Renewal of Objection

A motion was made and seconded to clarify the Final Order

Griffin / Watson

Motion Carried 4-0-1

IX. STATUS OF LICENSEES ON PROBATION

A. Report from Staff regarding licensees on probation

Ms. Sims and Mr. Rhoad provided a report on the progress of licensees on probation.

X. Petition to Amend Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order (10:00 A.M)

A. State of Indiana v. Douglas Meyer

REAB 06-144

Re: Petition to Amend Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to DENY the Petition to Amend Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order.

Griffin / Newlin

Motion Carried

5-0-0

B. State of Indiana v. Rodney Williams

REAB 07-89

Re: Petition to Amend Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order

A motion was made and seconded to approve the Petition to Amend Final Order Accepting Proposed Findings of Fact, Conclusions of Law, and Order. A motion was also made to correct the minutes from the meeting where his order was approved.

Newlin / Stoll

Motion Carried

5-0-0

XI. LICENSE RENEWAL PERSONAL APPEARANCES FOR LICENSES WITH POSITIVE RESPONSES WITH INFORMATION -- (10:00 AM)

A. Joshua Anderson - R (Griffin / Watson)

B. Richard Thompson - R (Griffin / Stoll)

XII. ADMINISTRATIVE LAW JUDGE ORDERS FOR DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Betty Jane Wilson

REAB 06-95

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried 5-0-0

B. State of Indiana v. Wade Oesch

REAB 06-112

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried 5-0-0

C. State of Indiana v. Mark Courtney

REAB 07-20

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried 5-0-0

D. State of Indiana v. Patrick J. Humphrey

REAB 08-15

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried 5-0-0

E. State of Indiana v. Amy A. Morris

REAB 06-99

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried 5-0-0

F. State of Indiana v. Cy Marlow

REAB 06-94

Re: Administrative Law Judge Order

A motion was made and seconded to approve the Administrative Law Judge Order

Motion Carried 5-0-0

XIII. DELIBERATIONS AND POSSIBLE ISSUANCES OF FINAL ORDER

A. State of Indiana v. Rebecca A. Roberts

REAB 08-19

Re: Proposed Findings of Fact, Conclusions of Law and Order

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

Motion Carried 5-0-0

B. State of Indiana v. Tim A. Negri

REAB 07-48

Re: Proposed Findings of Fact, Conclusions of Law and Order

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

Motion Carried 4-0-0

C. State of Indiana v. Jasen Simcox

REAB 07-33

Re: Motion for Voluntary Dismissal

A motion was made and seconded to approve the Motion for Voluntary Dismissal Motion Carried 5-0-0

D. State of Indiana v. Jerry L. Thomas

REAB 06-114

Re: Proposed Findings of Fact, Conclusions of Law and Order

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

Motion Carried 5-0-0

XIV. Motion to Withdraw Appearance

A. State of Indiana v. Brian Carrington

REAB 07-37

Re: Motion by Counsel to Withdraw Appearance

A motion was made and seconded to approve the Motion by Counsel to Withdraw Appearance

Motion Carried 5-0-0

B. State of Indiana v. Martha Payton

REAB 07-60

Re: Motion by Counsel to Withdraw Appearance

A motion was made and seconded to approve the Motion by Counsel to Withdraw Appearance

Motion Carried 5-0-0

XV. COSTS

A. State of Indiana v. Cynthia Mosconi

REAB 06-163

Re: Approval of costs

A motion was made and seconded to approve the submitted costs

Motion Carried 5-0-0

B. State of Indiana v. Brent Mosconi

REAB 06-164

Re: Approval of costs

A motion was made and seconded to approve the submitted costs

Motion Carried 5-0-0

XVI. APPLICATION REVIEW

A. Certified Residential

- 1. Bryan Moore - A
- 2. Dylan Wood - A
- 3. Christopher John Niedbalski - A

B. Temporary Permits

- 1. See attached sheets - A

C. Education Review

- 1. **The Hoosier State Chapter of the Appraisal Institute** - A
 - a. Valuation of Wetlands 4.0 hours Patrick Murphy
 - b. Partial Interest Valuation 7.0 hours Patrick Murphy
- 2. **Appraisal Institute** - A
 - a. Commercial Appraisal Engagement & Review Seminar for Bankers and Appraisers 7.0 hours Nikki Griffith
- 3. **American Society of Farm Managers and Rural Appraisers** - A
 - a. Appraisal Through the Eyes of the Reviewer 7.0 hours Chris Greenwalt
- 4. **Alterra Group, LLC** - A
 - a. Name change from Declining Markets to Market Metrics 7.0 hours
 - b. Keynote / Valuation Visionaries 7.0 hours
 - c. Legislative and Regulatory Updates / Chief Appraiser Panel 7.0 hours

XVII. Adjournment

A motion was made and seconded to adjourn the meeting.

Griffin / Johnson

Motion Carried

Joseph A. Traynor, Chairman

Date