

IDAHO REAL ESTATE APPRAISER BOARD
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 6/18/2012

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Travis Klundt
Paul J. Morgan
Jack R. Van Wyk

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Eric Nelson, Prosecuting Attorney
Roger Hales, Administrative Attorney
Maurie Ellsworth, Legal Counsel
Maria Brown, Technical Records Specialist

OTHERS PRESENT: Greg Ruddell
Christine E. Smith
Scott G. Smith
Timothy Sullivan

The meeting was called to order at 8:30 AM MDT by Brad Janoush.

APPROVAL OF MINUTES

The Board reviewed the 4/30/2012 minutes. It was moved by Mr. Van Wyk to approve the 4/30/2012 minutes as written. Seconded by Mr. Morgan, motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report.

FINANCIAL REPORT

Ms. Hall presented the financial report, which indicates a cash balance of (\$74,464.12) as of 5/31/2012.

FORMAL DISCIPLINARY ACTION

Mr. Nelson presented a memorandum for case REA-2012-2. Mr. Morgan recused himself from discussion and voting on case REA-2012-2. It was moved by Mr. Van Wyk to close case REA-2012-2 with a strongly worded advisory letter. Seconded by Mr. Klundt, motion carried.

Mr. Nelson presented a memorandum for case REA-2012-7. Mr. Morgan recused himself from discussion and voting on case REA-2012-7. It was moved by Mr. Van Wyk to close case REA-2012-7. Seconded by Klundt, motion carried.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report.

For Board Determination:

Case number I-REA-2012-24. Mr. Morgan recused himself from discussion and voting on case I-REA-2012-24. Following review, it was moved by Mr. Van Wyk to accept the Bureau's recommendation for closure for case I-REA-2012-24 with a strongly worded advisory letter. Seconded by Mr. Klundt, motion carried.

Case number I-REA-2012-25. Mr. Morgan recused himself from discussion and voting on case I-REA-2012-25. Following review, it was moved by Mr. Van Wyk to accept the Bureau's recommendation for closure for case I-REA-2012-25 with a strongly worded advisory letter. Seconded by Mr. Klundt, motion carried.

PROBATION REPORT

Ms. Peel presented the probation report.

CORRESPONDENCE

Ms. Peel presented a request for online USPAP approval for case REA-2011-8. The Board denied the request.

Ms. Peel presented requests for termination of probation for cases REA-2010-12 and REA-2010-24. It was moved by Mr. Van Wyk to approve the requests for termination of probation for cases REA-2010-12 and REA-2010-24. Seconded by Mr. Morgan, motion carried.

NEW BUSINESS

A motion was made by Mr. Morgan that the Board amend the agenda to include the correspondence from Mr. Stan Moe under Idaho Code § 67-2343(4) (c) based on it coming in late on Friday. Seconded by Mr. Van Wyk. The vote was:

Mr. Morgan, aye; Mr. Janoush, aye; Mr. Klundt, aye; and Mr. Van Wyk, aye.
Motion carried.

The Board reviewed the e-mail from Mr. Moe regarding Idaho Code 54-4105 (4). The Board directed staff to draft a response to Mr. Moe outlining Idaho Code 54-4105 (4) and 54-4104 and letting him know about filing a complaint. The Board noted that an isolated section of the code cannot be taken out of context without reading the entire code.

OLD BUSINESS

PROPOSED LAW AND RULE CHANGES

Mr. Tim Sullivan gave the Board an update on the work that has been done thus far regarding regulating appraisal management companies in the State of Idaho. He presented the Board with a draft of the work that is complete at this time and stated that it's been a collaboration of individuals that represent the American Society of Farm Managers and Rural Appraisers (ASFMRA), the Appraisal Institute (AI), the Idaho association of realtors (IAR), and the bankers association. The group will be presenting the appraisal management company (AMC) legislation to the Idaho Legislature. Mr. Hales explained the legislative process and the importance of including all stakeholders.

Mr. Hales addressed the Board regarding a draft of the proposed law and rule changes that the Board discussed during its 4/30/2012 Board meeting. He recommended, and the Board agreed, to wait to present any Law and Rule changes to the Legislature until 2014, but stated that he would draft the proposed changes for the Board to review during its next Board meeting. This would allow the Board time to post the proposed changes for public comment well in advance of the 2014 Legislative Session.

TO DO LIST

The Board reviewed the to do list. No action was taken.

NEW BUSINESS

LICENSURE COUNT

The Board discussed the current licensure count.

CORRESPONDENCE

The Board reviewed an e-mail from Mr. Jimmy Black regarding the length of time a disciplinary action, taken by the Board, is listed on the Board's website. He asked the Board to consider removing the discipline from an appraiser's record after a

certain period of time. Mr. Black also asked the Board to define transaction value. The Board denied the request to remove discipline from an appraiser's record after a certain period of time and directed Ms. Brown to respond to Mr. Black with an explanation of the oversight by the Appraisal Subcommittee. The Board stated that it had previously addressed transaction value and that the information was available in the Board's 2/9/2011 minutes.

FORMAL DISCIPLINARY ACTION

Mr. Hales presented a State's Memorandum of Costs and Fees and Affidavits in support, Williams Objections to Costs and Fees, State's Response to Objection with Affidavits, Williams' Reply Brief, and State's motion to extend deadline for case REA-2008-41. Mr. Janoush recused himself from discussion and voting on case REA-2008-41.

It was moved by Mr. Van Wyk that the Board enter executive session to discuss pending or potential litigation with counsel per Idaho Code 67-2345 (1) (f). The purpose of the executive session will be to discuss case REA-2008-41. Seconded by Mr. Klundt. The vote was: Mr. Klundt, aye; Mr. Van Wyk, aye; and Mr. Morgan, aye. Motion carried.

It was moved by Mr. Van Wyk that the Board enter regular session. Seconded by Mr. Klundt. The vote was: Mr. Klundt, aye; Mr. Van Wyk, aye; and Mr. Morgan, aye. Motion carried.

It was moved by Mr. Van Wyk to accept the State's Memorandum of Costs and Fees and Affidavits in support, to reject Mr. Williams Objections to Costs and Fees, to adopt the State's Response to Objection with Affidavits, to reject Mr. Williams' Reply Brief, and to approve the State's motion to extend the deadline for case REA-2008-41 and to direct counsel to prepare the order and authorize the Vice Chairman to sign on behalf of the Board. Seconded by Mr. Klundt, motion carried.

BOARD APPOINTMENTS

Mr. Klundt informed the Board that due to personal reasons, he would be resigning from the Board, but would make himself available until a replacement was found. He thanked the Board and Bureau for the opportunity to serve as a Board member. The Board and staff thanked Mr. Klundt for his outstanding service to the citizens of Idaho and said that he will be greatly missed.

EXECUTIVE SESSION

A motion was made by Mr. Van Wyk that the Board go into executive session under Idaho Code § 67-2345(1) (d) to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive

session was to consider license application materials. Seconded by Mr. Klundt. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Klundt, aye; and Mr. Van Wyk, aye. Motion carried.

It was moved by Mr. Van Wyk that the Board enter regular session. Seconded by Mr. Morgan. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Klundt, aye; and Mr. Van Wyk, aye. Motion carried.

APPLICATIONS

Approved for licensure by examination

It was moved by Mr. Morgan to approve the following applicants for licensure by examination:

BURTON BRETT DANIEL	LRA
RIGGINS CHARLES TIM	CRA

Seconded by Mr. Klundt, motion carried.

NEXT MEETING 8/20/2012

ADJOURNMENT

It was moved by Mr. Van Wyk that the meeting adjourn at 11:10 AM MDT. Seconded by Mr. Morgan, motion carried.