

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 8/20/2012

BOARD MEMBERS PRESENT: Brad Janoush - Chair
Travis Klundt
Darin D Krier
Paul J. Morgan
Nancy Sommerwerck

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: Shelly Bates

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

APPROVAL OF MINUTES

The Board reviewed the 6/18/2012 minutes. It was moved by Mr. Morgan to approve the 6/18/2012 minutes with amendments. Seconded by Mr. Krier, motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report and explained the legislative process to the new Board members.

FINANCIAL REPORT

Ms. Hall presented the financial report, which indicates a cash balance of (\$73,661.80) as of 7/31/2012.

CONTRACT RENEWAL

Ms. Hall presented the contract renewal for FY 2013. She explained that the Board's budget was increased due to the onetime expense for the new licensing system. It was moved by Mr. Morgan to approve the FY 2013 contract renewal and authorize the Board Chair to sign on behalf of the Board. Seconded by Mr. Klundt, motion carried.

FORMAL DISCIPLINARY ACTION

Mr. Nelson presented a memorandum for case REA-2012-3. Mr. Morgan recused himself from discussion and voting on case REA-2012-3. It was moved by Ms. Sommerwerck to close case REA-2012-3 with a strongly worded advisory letter. Seconded by Mr. Krier, motion carried.

Mr. Nelson presented the Board a Stipulation and Consent Order for cases REA-2010-8 and REA-2010-10. It was moved by Mr. Morgan to accept the Consent Order for cases REA-2010-8 and REA-2010-10 and authorize the Board Chair to sign on behalf of the Board. Seconded by Ms. Sommerwerck, motion carried.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report. Ms. Sommerwerck stated that some states have a statute of limitations for filing a complaint of two years. Ms. Peel stated that Idaho does not have a statute of limitations for filing complaints, but that there is a law on record retention of five years for appraisers.

For Board Determination:

Case number I-REA-2012-31. Following review, it was moved by Mr. Klundt to close case I-REA-2012-31. Seconded by Ms. Sommerwerck, motion carried.

Case number I-REA-2012-32. After review, the Board presented its recommendations to Ms. Peel.

PROBATION REPORT

Ms. Peel presented the probation report.

CORRESPONDENCE

Ms. Peel presented requests for termination of probation for cases REA-2008-74 and REA-2011-5. It was moved by Mr. Morgan to approve the requests for termination of probation for cases REA-2008-74. Seconded by Mr. Klundt, motion carried. It was moved by Ms. Sommerwerck to approve the requests for

termination of probation for cases REA-2011-5. Seconded by Mr. Krier, motion carried.

A motion was made by Mr. Klundt that the Board amend the agenda to include the correspondence regarding case REA-2011-7 under Idaho Code § 67-2343(4) (c) based on it coming in on the day of the meeting. Seconded by Ms. Sommerwerck. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Klundt, aye; Ms. Sommerwerck, aye; and Mr. Krier, aye. Motion carried.

The Board reviewed the e-mail requesting a payment plan for case REA-2011-7. It was moved by Mr. Morgan to deny the payment plan and direct staff to respond to the request that payment of all legal fees needs to be paid within 90 days and the balance paid within the following 10 months. This included a warning that the respondent must comply with the Stipulation and Consent Order, or the Board may file a complaint for violating the original order. Seconded by Ms. Sommerwerck, motion carried.

OLD BUSINESS

PROPOSED LAW AND RULE CHANGES

Mr. Hales addressed the Board regarding the progress of a draft of the proposed law and rule changes that the Board addressed during its 4/30/2012 and 6/18/2012 Board meetings. Mr. Hales asked that the Board form a subcommittee to help draft the proposed changes. Mr. Krier and Ms. Sommerwerck volunteered to serve on the subcommittee and assist Mr. Hales in the drafting of the proposed law and rule changes. Mr. Hales addressed the Board regarding its position on appraisers testifying in court cases noted in the 10/24/2011 Board Meeting minutes. Mr. Janoush explained the background of this issue to the new Board members. Mr. Hales stated that he would work with the subcommittee to draft these law and rule changes.

TO DO LIST

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

NEW BUSINESS

CORRESPONDENCE

APPRAISAL FOUNDATION

The Board discussed the correspondence from the Appraisal Foundation regarding its proposed strategic plan. The Chairman encouraged individual Board members to respond on their own if they wished.

LICENSURE COUNT

The Board discussed the current licensee count.

ASSOCIATION OF APPRAISER REGULATORY OFFICIALS

The Board discussed the fall AARO conference. It was moved by Ms. Sommerwerck to send Mr. Morgan and Ms. Brown to the upcoming AARO conference and pay their registration and expenses. Seconded by Mr. Krier, motion carried.

FUTURE MEETINGS

The Board discussed the possibility of holding quarterly Board meetings. The Board tabled this discussion for the 10/22/2012 Board meeting. The Chairman asked that General Manning be invited to address the Board on the role of a Board member once the third new Board member has been appointed.

BOARD PLAQUE

The Board discussed ordering a plaque for Mr. Nuhn and Mr. Van Wyk. It was moved by Mr. Krier to approve sending Mr. Nuhn and Mr. Van Wyk a plaque for their service on the Board. Seconded by Ms. Sommerwerck, motion carried.

EXECUTIVE SESSION

A motion was made by Mr. Morgan 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. Krier. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Klundt, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

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

APPLICATIONS

Approved for licensure by examination

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

BATES SHELLY LEANNE

CRA

HILTON NICHOLAS JOSEPH

CRA

Seconded by Mr. Krier, motion carried.

Approved for a Temporary Permit

It was moved by Mr. Morgan to approve the following applicant for a temporary permit:

WHITMER TED RICHARD

TCGA

Seconded by Krier, motion carried.

Pending

It was moved by Mr. Morgan to hold the following application pending further information:

901091899

Seconded by Mr. Krier, motion carried.

CE AUDIT REVIEW

The Board reviewed a continuing education audit. After review, the Board presented its recommendations to Ms. Brown.

ELECTION OF CHAIRMAN AND VICE CHAIRMAN

The Board discussed the election of the Chairman and Vice Chairman. It was moved by Ms. Sommerwerck to elect Mr. Janoush as the Board's Chairman. Seconded by Mr. Krier, motion carried. It was moved by Ms. Sommerwerck to elect Mr. Morgan as the Board's Vice Chairman. Seconded by Mr. Krier, motion carried.

NEXT MEETING 10/22/2012

ADJOURNMENT

It was moved by Mr. Morgan that the meeting adjourn at 11:50 AM MDT. Seconded by Ms. Sommerwerck, motion carried.