

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 12/1/2014

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

BUREAU STAFF: Tana Cory, Bureau Chief
Lori Peel, Investigative Unit Manager
Eric Nelson, Board Prosecutor
Maurie Ellsworth, Legal Counsel
Maria Brown, Technical Records Specialist

OTHERS PRESENT: John Holt
H. Scott Calhoun

The meeting was called to order at 8:30 AM MST by Paul J. Morgan.

APPROVAL OF MINUTES

Mr. Vollmer made a motion to approve the minutes of 10/7/2014. It was seconded by Mr. Janoush. Motion carried.

FINANCIAL REPORT

Ms. Cory gave the financial report, which indicated that the Board has a cash balance of \$14,670.72 as of 10/31/2014.

DISCIPLINE

Mr. Nelson updated the Board regarding case REA-2008-41 and presented an Amended Final Order. Mr. Janoush recused himself from discussion and voting on case REA-2008-41. Mr. Vollmer made a motion to approve the Amended Final Order in case REA-2008-41 and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Krier. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that based on the Supreme Court's ruling on case REA-2008-4, that the statutory authority allowing the Board to order that respondents reimburse the Board for the fees and costs of prosecution does not include attorney fees, the Bureau is proposing a statute change that would apply to all Boards served by the Bureau and to clarify that attorney fees can be recovered as part of a disciplinary action.

DISCIPLINE

Mr. Nelson presented a memorandum regarding case number REA-2014-10. After discussion, the Board gave recommendations for appropriate discipline.

Mr. Nelson presented a memorandum regarding case number REA-2015-2. Mr. Janoush and Mr. Krier recused themselves from discussion and voting on case REA-2015-2. Ms. Sommerwerck made a motion to close case REA-2015-2 with a warning letter. It was seconded by Mr. Vollmer. Motion carried.

Mr. Nelson presented a Stipulation and Consent Order in cases REA-2014-5 and REA-2014-9. Mr. Janoush recused himself from discussion and voting on cases REA-2014-5 and REA-2014-9. Ms. Sommerwerck made a motion to approve the Consent Orders and allow the Board Chair to sign on behalf of the Board. It was seconded by Mr. Vollmer. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Krier made a motion to approve the Bureau's recommendation and authorize closure in case I-REA-2011-29. It was seconded by Mr. Vollmer. Motion carried.

Ms. Peel presented a memorandum regarding case numbers I-REA-2014-21 and I-REA-2014-22. Mr. Janoush and Ms. Sommerwerck recused themselves from discussion and voting on cases I-REA-2014-21 and I-REA-2014-22 and left the room.

EXECUTIVE SESSION

Mr. Krier made a motion that the Board enter executive session to discuss pending litigation with counsel per Idaho Code 67-2345(1) (f). The purpose of the executive session was to discuss cases I-REA-2014-21 and I-REA-2014-22. It was seconded by Mr. Vollmer. The vote was: Mr. Krier, aye; Mr. Vollmer, aye; and Mr. Morgan, aye. Motion carried.

Mr. Krier made a motion to come out of executive session. It was seconded by Mr. Vollmer. The vote was: Mr. Krier, aye; Mr. Vollmer, aye; and Mr. Morgan, aye. Motion carried.

Mr. Vollmer made a motion to approve the Bureau's recommendation and authorize closure in cases I-REA-2014-21 and I-REA-2014-22. It was seconded by Mr. Krier. Motion carried.

PROBATION REPORT

Ms. Peel gave the probation report. Mr. Krier made a motion to approve the removal from probation for case REA-2013-8. It was seconded by Mr. Janoush. Motion carried.

OLD BUSINESS

TO DO LIST

The Board reviewed the to do list.

Mr. Janoush updated the Board regarding the work being done by stakeholders drafting Appraisal Management Company (AMC) Legislation. He stated that he will be attending an upcoming conference call with the group. Ms. Cory suggested that he inform the group that the draft should include an effective date of at least a year out to give the Bureau and Board time to promulgate rules and have an administrative process in place. The Board directed staff to add AMC discussion to its next agenda.

NEW BUSINESS

2015 BOARD MEETING DATES

February 19, 2015
April 17, 2015
June 2, 2015
August 17, 2015
October 19, 2015
December 7, 2015

BACKGROUND CHECKS

The Board addressed its current administrative process regarding background checks. Mr. Janoush made a motion that felony hits would be taken to the Board for review. Misdemeanor hits would go through the Chairman for review to

determine if it needs full board review. It was seconded by Mr. Krier. Motion carried.

EXECUTIVE SESSION

Mr. Janoush made a motion 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. It was seconded by Ms. Sommerwerck. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

Ms. Sommerwerck made a motion to come out of executive session. It was seconded by Mr. Vollmer. The vote was: Mr. Morgan, aye; Mr. Janoush, aye; Mr. Vollmer, aye; Mr. Krier, aye; and Ms. Sommerwerck, aye. Motion carried.

APPLICATIONS

Mr. Krier made a motion to approve the following for licensure pending a background check and passage of the national exam:

HAYNES KRISTOPHER	CGA
HOLT JOHN EDWARD	CRA
HUMBLE JACOB A	CRA

It was seconded by Ms. Sommerwerck. Motion carried.

Mr. Krier made a motion to approve the following for licensure pending a background check and passage of the national exam:

HANSEN JEFFREY LYLE	TCGA
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It was seconded by Ms. Sommerwerck. Motion carried.

CONTINUING EDUCATION COURSES

The Board reviewed and approved the following continuing education applications:

APPRAISAL INSTITUTE
SUPERVISORY APPRAISER / TRAINEE APPRAISER COURSE

IDAHO / UTAH CHAPTER ASFMRA
INTRODUCTION TO SOILS FOR APPRAISERS

ADJOURNMENT

Mr. Vollmer made a motion to adjourn the meeting at 11:37 AM MST. It was seconded by Ms. Sommerwerck. Motion carried.

Paul J. Morgan, Chair

Nancy Sommerwerck

Brad Janoush

Darin D Krier

Douglas D Vollmer

Tana Cory, Bureau Chief