

KENTUCKY REAL ESTATE APPRAISERS BOARD

TYPE OF MEETING

Regular Meeting

DATE AND LOCATION

February 28, 2008  
Holiday Inn University Plaza, Bowling Green, KY

PRESIDING OFFICER

J.W. Grabeel, Chair

ROLL CALL

Present:

J.W. Grabeel, Chair  
Loren C. Huff, Vice Chair  
Theresa Marshall, Board Member  
Paul Moore, Board Member

Present Also:

Larry Disney, Executive Director  
Angie Thomas, Staff Assistant  
James Grawe, Board Counsel  
Dennis Badger, Investigator

Absent:

Dorsey Hall, Board Member

Chair, J.W. Grabeel opened the meeting by welcoming all the guest.

Motion by Theresa Marshall, second by Paul Moore and the Board unanimously approved the January 29, 2008 minutes.

**EDUCATION**

Motion by Paul Moore, second by Theresa Marshall and the Board unanimously agreed to approve the following education courses for fiscal year 2007-08:

- (1) M.A.E. Real Estate Education – One (1) continuing education course:
  - (a) Developing & Reporting a Defensible 1004 Form Report (AP202) – 8 hours
- (2) Wilson Education Group – One (1) continuing education course:
  - (a) WEG 2008 – 2008 Appraisal Issues – 7 hours

- (3) Larry McMillen – One (1) continuing education course
  - (a) National USPAP Update 2008 – 7 hours
- (4) Kentucky Association of American Society of Farm Managers & Rural Appraisers – Two (2) continuing education courses:
  - (a) National USPAP Update – 7 hours
  - (b) Farm Bill, Capital, and Bio-Fuels and Their Impacts on Values – 3 hours
- (5) McKissock, LP – One (1) continuing education online course and two (2) qualifying education online courses:
  - (a) Online - Even Odder: More Oddball Appraisals – 7 hours - CE
  - (b) Online – Residential Market Analysis & Highest & Best Use – 15 hours QE and 14 hours CE
  - (c) Online – Advanced Residential Applications & Case Studies – 15 hours QE and 14 hours CE
- (6) Appraisal Institute – One (1) qualifying education online course and one (1) continuing education course:
  - (a) Online – Residential Sales Comparison and Income Approach – 30 hours QE
  - (b) Online – Marshall & Swift Commercial Cost Training – 7 hours CE

## **EXPERIENCE**

Motion by Loren Huff, second by Paul Moore and the Board unanimously agreed to approve the following:

- (1) Nicholas Beck – Approve for Certified Residential
- (2) David English – Approve for Certified Residential.
- (3) Robert H. Osbourne – Approve for Certified Residential
- (4) James G. Page – Approve for Certified General
- (5) Gregory Rawlings – Approve for Certified Residential
- (6) Ena Thompson – Approve for Certified Residential

Motion by Theresa Marshall, second by Paul Moore and the Board unanimously agreed to reject the following:

- (1) Aimee Henderson – Submit two additional residential appraisal reports.
- (2) Edward Hysinger – Submit one additional residential appraisal report.
- (3) Missy Marrs – Submit one additional residential appraisal report.
- (4) Jouett McDowell – Submit one additional residential appraisal report.
- (5) Micki Mensch – Submit two additional residential appraisal reports.
- (6) Mathew Sanderfer – Request to contact Larry Disney concerning appraisal reports.
- (7) Dale Scudder – Submit one additional residential appraisal report.
- (8) Donald Stewart – Submit one additional residential appraisal report.

C. Motion by Paul Moore, second by Theresa Marshall and the Board unanimously accepted the terms of the Issuance of Certificate of Terms of Probation for Roger Embry:

- (a) Embry will have C.W. Wilson perform Standard 3 Technical "desk" reviews for all reports for real property appraisal assignments of subject properties greater than 1-4 unit residential use, until such time as there is agreement by Roger Embry, C.W. Wilson and the Kentucky Board members that sufficient progress has been made as evidenced by assignment written reports and appraisal development procedures for Embry to proceed forward without assistance.
- (b) Embry shall maintain an experience log of all activities, as well as the traditional appraisal log, including Standards Rule 1 direction on real property appraisal methods and techniques, and Standards Rule 2 reporting.
- (c) There shall be a periodic review of Embry's process, to occur at minimum 3 month intervals or at a frequency of time determined necessary by the KREAB, via phone or in person with Larry Disney, C.W. Wilson and Roger Embry.
- (d) In case of any disagreement with the terms and conditions of this agreement by Roger Embry, C.W. Wilson or Larry Disney, or in case Embry's progress is deemed to be insufficient in the opinion of the Board, this agreement shall immediately null and void and the Certified General Real Property credential awarded to Embry will be suspended until such time as there can be agreement achieved to the satisfaction of the KREAB.
- (e) If C.W. Wilson decides, for any reason, that he no longer wishes to act as a review appraiser for Embry in this matter, he shall be immediately released from this agreement upon written notification to the Board. If C.W. Wilson notifies the Board of his withdrawal, Embry shall not perform real property appraisal assignments of subject properties greater than 1-4 unit residential use until a new review appraiser is approved by the Board.
- (f) The final decision of when if Embry should move forward without the oversight of a review appraiser or technical review of real property appraisal assignments, and his release from the probationary terms of this agreement, will be at the sole discretion of the Board upon request by Roger Embry.
- (g) Embry further agrees that if the Board or its agent learns that he has failed to comply with any term of this agreed order, including but not limited to completing an assignment of property having uses greater than 1-4 residential units without the required review of C.W. Wilson, Embry's certificate shall be immediately suspended. Embry may request a hearing before the Board within 20 days of the letter informing him of the suspension. Upon receipt of the request, the Board shall issue proper notice and schedule a hearing on the matter under KRS Chapter 316 and KRS Chapter 13B. A request for a hearing shall not interrupt or stay the suspension of Embry's licenses, which shall remain in effect until and unless the Board determines that Embry has prevailed at the hearing. The issues to be decided in the hearing, if requested, shall include whether Embry failed to comply with a term of this agreed order.

## **CERTIFICATION/LICENSURE**

Motion by Theresa Marshall, second by Paul Moore and the Board voted to approve a total of 15 individuals for certification/licensure.

- (1) Relda Ann Adkins – Certified Residential – Reciprocal with Tennessee
- (2) Nicholas Beck – Certified Residential
- (3) David English – Certified Residential
- (4) Stephen B. Kay – Certified General – Reciprocal with Illinois
- (5) Kevin A. Kernan – Certified General
- (6) Karen S. Kuhn – Licensed Real Property
- (7) Tracy D. Meier – Certified Residential – Reciprocal with Indiana
- (8) Tracy J. Meyer – Certified Residential – Reciprocal with Ohio
- (9) Norette Mitchell – Certified Residential – Reciprocal with Ohio
- (10) Robert Osbourne – Certified Residential
- (11) James G. Page – Certified General
- (12) Gregory Rawlings – Certified Residential
- (13) Ena Thompson – Certified Residential
- (14) Jeffrey C. Wikle – Certified General – Reciprocal with North Carolina
- (15) Robert B. Wombwell – Certified General – Reciprocal with Alabama

- A. Mark Tackett – Applicant applying for reciprocal license with legal proceedings brought against him from another state. Motion by Theresa Marshall, second by Paul Moore and the Board approved the application pending verification from the State of Arkansas that the case has been dismissed.

## **COMPLAINT**

- A. Dennis Badger – Report on the contractor activities for the preceding month. – Motion by Paul Moore, second by Theresa Marshall and the Board accepted the report as presented by Mr. Badger.
- B. The Board was advised there have been a total of 75 cases for 2007 and 14 cases for 2008.
- C. New Cases:
1. Case No.06-58 – Grievant: KREAB  
Respondent: William Daddono  
Motion by Loren Huff, second by Theresa Marshall and the Board agreed to dismiss the case.
  2. Case No.07-04 – Grievant: KREAB  
Respondent: William P. Sanderfer, Jr.  
Motion by Paul Moore, second by Theresa Marshall and the Board agreed to file a formal complaint and set for a hearing.
  3. Case No.07-05 – Grievant: KREAB  
Respondent: Leslie Moore  
Motion by Theresa Marshall, second by Paul Moore and the Board agreed to file a formal complaint and set for a hearing.

4. Case No.07-09 – Grievant: KREAB  
Respondent: Quinton Durham, Jr.  
Motion by Theresa Marshall, second by Paul Moore and the Board agreed to file a formal complaint and set for a hearing.
  5. Case No.07-29 – Grievant: KREAB  
Respondents: Donald Pierce & Gerald Florence  
Motion by Theresa Marshall, second by Loren Huff and the Board agreed to file a formal complaint and set for a hearing.
  6. Case No.07-32 – Grievant: KREAB  
Respondents: David & Ramona Harrington  
Motion by Paul Moore, second by Theresa Marshall and the Board agreed to file a formal complaint and set for a hearing.
  7. Case No.07-35 – Grievant: Christian Van Meter Patterson  
Respondent: Ben H. Campbell  
The Board agreed to defer the case until the March 2008 Board meeting.
  8. Case No. 07-39 – Grievant: KREAB  
Respondent: Daniel J. Fitzsimmons  
Motion by Paul Moore, second by Loren Huff and the Board agreed to file a formal complaint and set for a hearing.
  9. Case No.07-47 – Grievant: KREAB  
Respondent: Matthew Coffman  
Motion by Theresa Marshall, second by Paul Moore and the Board agreed to file a formal complaint and set for a hearing.
- D. Case No. 07-25 – Grievant: Steve Bennett  
Respondent: Julie K. Todd  
Motion by Paul Moore, second by Theresa Marshall and the Board accepted the agreed order, whereby:
- (a) Todd agrees to pay a \$500.00 fine with the total amount due with the signed agreed order.
  - (b) Todd shall complete a 15 hour Report Writing Course with successful completion of the examination. Said 15 hours of education shall be in addition to the regular continuing education requirement of 201 KAR 30:050 Section 7. The course work required herein shall be completed by the July 1, 2008.
  - (c) Todd agrees to permit the Board, Board staff, or representatives appointed by the Board to review an assignment log of appraisal assignments for a period of two years from the date of the agreed order. Also, Ms. Todd shall agree that the Board or Board appointed representative may request assignments from that log for a review on as needed basis to be determined by the Board.
  - (d) If the respondent fails to comply with all of the above items of agreement the respond shall serve a 365 day suspension of practice by the Board.

E. Hearings – Motion by Theresa Marshall, second by Loren Huff and the Board accepted the following:

APPRAISER	CASE NO(S).	
Elnoria Wyatt	05-73	Possible settlement to bring at the March 2008 meeting
Lynn Prichard	04-63	March 17, 2008

### **MISCELLANEOUS**

The Board reviewed:

- A. David Edwards – Agreed Order Education – Motion by Paul Moore, second by Theresa Marshall and the Board accepted the 3 ½ hour ANSI standards course to apply toward the agreed order requirement in place of the 7 hour ANSI course.
- B. Information submitted to the Associated Press
- C. 2008-2009 Personal Service Contracts – Board Discussion
  - 1) Investigations
  - 2) Distance Education
  - 3) Testing
- D. Renewal Forms – The Board agreed that a change to the renewal form and application will need to be made in respect to the prior convictions, legal actions or professional disciplinary action question.
- E. Ky Appraiser Totals
- F. Regulation Update - James Grawe stated a regulation change to 201 KAR 30:030 will be presented at the March 2008 meeting.
- G. 7 hour National USPAP Update course must be completed within a 24 month period.
- H. Larry Disney informed the Board that an increase in fees will need to be made in the future and this will take a change in the Laws.
- I. The Board discussed the names of individuals being published in the newsletter and agreed to table the discussion until the March 2008 Board meeting.

The next Board meeting is scheduled for Friday, March 28, 2008 at 9:00 a.m. at the Board office.

Motion by Paul Moore, second by Loren Huff and the Board voted unanimously to adjourn the meeting.

  
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Chair

  
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Staff Assistant