

KENTUCKY REAL ESTATE APPRAISERS BOARD

TYPE OF MEETING

Regular Meeting

DATE AND LOCATION

October 28, 2016 – Board Office

PRESIDING OFFICER

Thomas Oliver, Chair

ROLL CALL

Present:

Thomas Oliver, Board Member - Chair
Dann Cann, Board Member – Vice Chair
Kathy Mayfield, Board Member
Jeff Fultz, Board Member
Dwain Wheeler, Board Member

Present Also:

Larry Disney, Executive Director
Tom Veit, Executive Assistant
Angie Thomas, Staff Assistant
Kim Mathias, Executive Secretary
Nicole Biddle, Attorney General Office

Chair, Thomas Oliver opened the meeting by welcoming the guest in attendance.

MINUTES

Motion by Dwain Wheeler, second by Jeff Fultz and the Board unanimously approved the September 26, 2016 minutes. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

EDUCATION

Motion by Kathy Mayfield, second by Dwain Wheeler and the Board unanimously approved the following education courses for Fiscal Year 2016-17. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

1. American Society of Farm Managers & Rural Appraisers
 - A. ASFMRA 87th Annual Convention Day 1 – 6 hours CE Classroom
 - B. ASFMRA 87th Annual Convention Day 2 – 3 hours CE Classroom
 - C. Highest & Best Use Seminar – 8 hours CE classroom
2. Calypso Continuing Education
 - A. 2016-17 Equivalent USPAP Update Course – 7 hours CE Online
3. Redd, Brown & Williams Real Estate Services
 - A. Supervisor & Associate Mandatory Course – 7 hours CE Classroom
4. Individual Request
 - A. Cincinnati Area Board of Realtors
 1. Protect Your Appraisal Practice – Practice Professionally – 3.5 hours CE classroom

EXPERIENCE REVIEW

Motion by Jeff Fultz, second by Dwain Wheeler and the Board unanimously approved the following individuals experience. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

1. Kevin Kustes - Approve experience for Certified Residential. He must pass the CR exam.
2. Jonathan Walker - Approve experience for Certified Residential. He must pass the CR exam.

CERTIFICATION/LICENSURE

Approval – Appraisers – Motion by Kathy Mayfield, second by Dwain Wheeler and the Board voted to approve the following certification list of appraisers. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

1. Appraisers

- A. Robert C. Burkhart – Associate
- B. Michael Shane Claypool - Associate
- C. Jennifer G. Driskell – Certified Residential
- D. Jay Sudkamp – Certified Residential
- E. Toby Ward – Certified Residential
- F. Kurk C. Ziegler – Certified General (OH)

AMC Renewal Application – Pending Allegations – Renewal issued advised AMC to notify the Board upon final action.

AMC Renewal Application – Pending Allegations – Renewal issued advised AMC to notify the Board upon final action.

AMC with prior disciplinary action – Tabled from September meeting. Motion by Jeff Fultz, second by Dwain Wheeler and the Board approved the application. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

AMC Renewal Application – Pending Allegations – Renewal issued advised AMC to notify the Board upon final action.

Applicant from Associate license with prior conviction - Motion by Jeff Fultz, second by Dwain Wheeler and the Board approved the application. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler – Yes.

Kim Mathias advised the Board of the following AMC's Renewals:

121 AMC's were licensed prior to the renewal period

112 AMC's have renewed to date

5 – AMC's have not renewed

4 – AMC's Not Renewing

2 - Pending New AMC Applications

COMPLAINT

1. The Board reviewed the Case Summary Chart. Tom Veit reported 30 appraiser cases and 0 AMC case have been filed for 2016.
2. Case No. 16-12– Motion by Dwain Wheeler, second by Kathy Mayfield and the Board unanimously agreed to set for an informal mediation and if not successful to set the case for a hearing. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

3. Case No. 16-15– Motion by Dann Cann, second by Jeff Fultz and the Board unanimously agreed to set for an informal mediation and if not successful to set the case for a hearing. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.
4. Case No. 16-18– Motion by Dann Cann, second by Kathy Mayfield and the Board unanimously agreed to set for an informal mediation and if not successful to set the case for a hearing. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.
5. Case No. 16-10– Motion by Dwain Wheeler, second by Jeff Fultz and the Board unanimously agreed to dismiss the case with a letter of caution. Roll call – Kathy Mayfield – Yes; Dann Cann – Recused himself from any vote because he participated in the pre-adjudicative phase of this preceding; Jeff Fultz – Yes; Dwain Wheeler - Yes.
6. Case No. 16-08 – Motion by Dwain Wheeler, second by Jeff Fultz and the Board unanimously agreed to dismiss the case with a letter of caution. Roll call – Kathy Mayfield – Recused herself from any vote because she participated in the pre-adjudicative phase of this preceding; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.
7. Case No. 15-35– Motion by Jeff Fultz, second by Kathy Mayfield and the Board unanimously agreed to the following agreed order. Roll call – Kathy Mayfield – Yes; Dann Cann –Yes; Jeff Fultz – Yes; Dwain Wheeler - Recused himself from any vote because he participated in the pre-adjudicative phase of this preceding;
 - (a) Respondent shall pay a fine of \$5,000 on or before June 30, 2017.
 - (b) Respondent shall provide no testimony in a court of law regarding real property valuation and shall have no associate real property appraisers or assume any responsibility for supervising real property appraisers for a period of 2-years from the date of the signed agreed order;
 - (c) Respondent agrees to submit an experience log of work each quarter for two years. Respondent shall grant the Board members, Board staff, or assigns of the Board access to all appraisal, appraisal review and appraisal consulting files at such time as a request to view the files is presented.
 - (d) Respondent shall complete a 15 hour USPAP course with successful completion of the examination for the course. Said 15 hours of

education shall be in addition to the regular continuing education requirement of 201 KAR 30:125. The course work required herein shall be completed by June 30, 2017.

- (e) Respondent agrees that if the terms of the agreed order set for in 6(a)-(d) are not completed by June 30, 2017, then the Board shall suspend their certificate for a period of thirty (30) days.

- 8. Case No. 15-36 - Motion by Jeff Fultz, second by Kathy Mayfield and the Board unanimously agreed to the following agreed order. Roll call – Kathy Mayfield – Yes; Dann Cann –Yes; Jeff Fultz – Yes; Dwain Wheeler - Recused himself from any vote because he participated in the pre-adjudicative phase of this preceding;

- (a) Respondent hereby agrees that his Certified Residential Real Property Appraiser Certificate is suspended for a period of six (6) months. The six (6) month suspension shall be served beginning December 1, 2016 and ending May 31, 2017.
- (b) Respondent shall have no associate real property appraisers or assume no responsibility for supervising real property appraiser for a period of 3 years from the date of the signed agreed order.
- (c) Respondent agrees to submit an experience log of work each quarter for two years. Respondent shall grant the Board members, Board staff, or assigns of the Board access to all appraisal, appraisal review and appraisal consulting files at such time as a request to view the files is presented.
- (d) Respondent agrees that if the term of the agreed order set forth in 6(a) is not completed by May 31, 2017, then the Board shall suspend their certificate.

ATTORNEY REPORT

- 1. Cases pending or on appeal
 - a. Case Nos. 08-49 through 08-57 and 09-02, 09-03 and 09-07-- KY Court of Appeals – Waiting on Court to decide on appeal – Oral Argument is set for August 23, 2016 – Pending Decision by Court

MISCELLANEOUS

The Board reviewed and discussed the following information:

- A. Budget Ending September 30, 2016 – Larry Disney advised the Board the budget is very healthy and very sustaining.

1. Purchase of 2 TV's to be used as monitors and video conferencing.

Motion by Dwain Wheeler, second by Jeff Fultz and the Board unanimously approved the purchase of two tv monitors to be used for Board meetings, mediations, meetings, etc. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

- B. 2017 KREAB Seminars –

1. Bowling Green –Friday, February 24, 2017

2. Richmond – Tuesday, February 28, 2017

3. Louisville – Friday, March 31, 2017

4. Florence – Friday, April 28, 2017

- C. 2017 Board Meeting Dates

- D. Dann Cann request to take course implemented for corrective action for appraisers – The Board agreed to table the request until additional information can be obtained from the Appraisal Foundation concerning Board members taking the courses.

- E. November Board Meeting – Thursday, November 17, 2016 at Board office. – The Board voted to reschedule the Board meeting to Thursday, November 17, 2016.

- F. December Board Meeting – Friday, December 16, 2016 at Board Office.

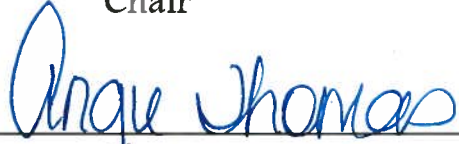
- G. Motion by Jeff Fultz, second by Dwain Wheeler and the Board agreed that staff will begin working on an advisory bulletin concerning the competency of appraisers when appraising manufactured homes. The Board authorized Dann Cann to assist the staff if needed on the advisory bulletin. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.

- H. Thomas Clark, Budget Analyst failed to appear due to a scheduling conflict but joined via phone conference and discussed general budget items based on questions from the Board.

Motion by Dwain Wheeler, second by Jeff Fultz and the Board agreed to adjourn the meeting. Roll call – Kathy Mayfield – Yes; Dann Cann – Yes; Jeff Fultz – Yes; Dwain Wheeler - Yes.



Chair



Staff Assistant