Appraiser Certification & Licensure Board

Quarterly Board Meeting - Summary Minutes

August 20, 2007

Oregon Parks and Recreation Department, Conf. Room 124A, 725 Summer Street NE , Salem, Oregon

BOARD MEMBERS IN ATTENDANCE
Craig Zell, Chair
Jill Whitlock
John Larsen
Rick Herman
Doug Nelson
Clifford Houck
Sara Fraser

ACLB STAFF IN ATTENDANCE
Bob Keith, Administrator
Larry Green, Compliance Analyst
Cyndie Standley, Compliance Coordinator
Warren Foote, Legal Counsel, Dept. of Justice

BOARD MEMBERS ABSENT
None

PUBLIC IN ATTENDANCE
Tawfik Ahdab
Craig McKern
Michele Kennison
Paul Wooley
Evan Schechter
Jerry Bone Jr
Margaret Treat

I: CALL TO ORDER AND VERIFICATION OF QUORUM

Chairperson Zell called the meeting to order at 9:02 a.m. and verified that a quorum was present.

II: PUBLIC INPUT

Tawfik Ahdab - State Certified Residential Appraiser: Presented a copy of an appraisal review performed on a complex residential appraisal that Ahdab performed. He will be filing complaints against these appraisers. Appraisal signed by a Texas Trainee and a New York licensed appraiser.

Craig McKern - State Certified Residential Appraiser from Eugene: It's been two years since the Board has issued a newsletter. Requests that the Board send out e-mails to all licensees every other month summarizing the enforcement actions against appraisers. Would like regular updates on enforcement action. Zell stated that the Board intends to issue e-mail newsletters biannually. McKern also requested the Board have further discussion of real estate licensees issuing broker price opinions on Oregon properties for purposes other than obtaining a listing or formulating an offer.

Michelle Kennison - Wanted to bring up the issue of sales concessions that were brought up at the last Board meeting. Wanted to know if the Board has obtained any further information regarding disclosure of sales concessions. Kennison also raised the issue of "E-Appraise It". Kennison brought a copy of court testimony of the President of E-Appraise It on

a court case. In addition, Kennison supplied the Board with a copy of testimony from Alan Hummel of the Appraisal Institute. Turnbow will send copies of both transcripts of testimony to the Board members following the Board meeting.

Nelson provided copies to the Board of an appraisal that was sent to a client wherein the appraisal had been altered. The changes seem to occur when the receiver of the report unlocks and downloads the report, creating an altered report.

Evan Schechter: Attorney representing Ausama Zarrugh, a State Licensed Appraiser. Zarrugh requested that his attorney thank the Board for consideration of a proposed settlement and resolution of his case.

III: ACTION ITEMS

Zell acknowledged Cliff Houck's reappointment as a Board Member.

Adoption of April 23, 2007 quarterly Board meeting minutes:

MOTION #1

John Larsen and Jill Whitlock seconded that:

The Board approve the April 23, 2007 quarterly board meeting minutes as drafted.

Motion passed unanimously.

Adoption of July 16, 2007 Special Board meeting minutes:

MOTION #2

Doug Nelson moved and John Larsen seconded that:

The Board approve the July 16, 2007 special board meeting minutes as drafted.

Motion passed unanimously.

Consideration of Enforcement Action: Keith summarized the issues raised in the Board's Notice of Proposed Revocation of the appraiser's license and assessment of civil penalty. Subsequently the appraiser hired an attorney who has presented a proposed settlement involving something other than revocation of the appraiser's license. Keith sought direction from the Board to either go forward with the proposed revocation or pursue alternative settlement negotiations. Assistant Attorney General Foote summarized the legal avenues to pursue regarding settlement or going forward to a hearing and receipt of a Proposed Order from the Administrative Law Judge and the time frames. Keith recommended that the Board amend the Notice of Proposed Revocation to include denial of renewal of his appraiser license. Keith summarized a proposed settlement offer as verbally discussed with Attorney Schechter. The Board authorized Keith to pursue settlement negotiations with the appraiser and their attorney. The Board also authorized Keith to amend the notice of proposed revocation to include denial of license renewal.

MOTION #3

Doug Nelson moved and Jill Whitlock seconded that:

The Board amend the existing notice of proposed revocation to include denial of renewal of the Appraiser's license.

Motion passed unanimously.

IV: NEW BUSINESS

Staffing/Compensation Recommendation: Larson recommended the following:

1. Adjust the ACLB staff salary levels to coincide with DAS salary ranges and pay grades
2. Reclassify Principle Executive Manager (PEM) position (Administrator) from a level D to level E.
3. Reclassify the PEM position (Office Manager) from a level A to a level C.
4. Reclassify the present Program Tech 2 positions to Compliance Specialist 3 (enforcement personnel). The Program Tech 2 classification is pending elimination, on a statewide basis.
5. Reclassify the present Office Specialist 2 position (Licensing Specialist) to Administrative Assistant 1.
6. Authorize the addition of one new full-time-equivalent (FTE) employee, increasing the size of the Board staff to six FTE. The position would be in the support staff level.

Nelson questioned whether Board members could assist with reviewing and conducting appraisal audits to avoid hiring a permanent full-time employee. Nelson also suggested using a personal services contract in lieu of a full-time employee. Herman recommended that the Board approve the FTE to maintain the necessary services to keep the Board a credible agency.

MOTION #4

Cliff Houck moved and Jill Whitlock seconded that:

The Board approve Larsen's August 7, 2007 recommendations 1-6 and implement those changes immediately.

Motion passed unanimously.

BREAK: 10:45 a.m. to 11:00 a.m.

V: OLD BUSINESS

Status of Attorney General's legal opinion on sales concessions: Assistant Attorney General Foote advised that there has been a draft legal opinion that has been discussed with the Administrator. A legal opinion should be issued shortly. The Board will receive a draft for consideration by the Board before being issued.

IV: NEW BUSINESS (continued)

Presentation of proposed 2007-2009 biennium budget: Discussion of draft budget to present for public input and consideration by the Board for October 2007 budget hearing, including specific income and expense items. The Board recommended the draft budget be revised to include a $50 per year increase in license fees effective January 1, 2008.

MOTION #5

John Larsen moved and Rick Herman seconded that:

The Board accept for presentation to the public the draft 2007-2009 projected budget, including a change to category 1007 for license fees to allow for the proposed increase of license fees by $50 per year effective January 1, 2008 .

Motion passed unanimously.

VI: ADMINISTRATOR'S REPORT

None.

Meeting adjourned at 12:00 p.m.
Next scheduled meeting – October 22, 2007