Appraiser Certification & Licensure Board

Quarterly Board Meeting - Summary Minutes

January 9, 2006

Oregon Board of Massage Therapists, 748 Hawthorne Avenue NE, Salem, Oregon

BOARD MEMBERS IN ATTENDANCE
Craig Zell, Chair
Terry Bernhardt, Vice-Chair
John Larsen
Doug Nelson
Jill Whitlock
Clifford Houck
Sara Fraser

ACLB STAFF IN ATTENDANCE
Karen Turnbow, Office Manager
Bob Keith, Administrator
Cyndie Standley, Co-Compliance Program Coordinator
Chuck Fisher, Co-Compliance Program Coordinator
Lori Lindley, Legal Counsel, Dept. of Justice

BOARD MEMBERS ABSENT
None

PUBLIC IN ATTENDANCE
None

I: CALL TO ORDER AND VERIFICATION OF QUORUM

Vice-Chair Terry Bernhardt called the meeting to order at 9:05 a.m. and verified that a quorum was present.

II: PUBLIC INPUT

None

III: ACTION ITEMS

Review and approval of minutes for the January 9, 2006 board meeting.

MOTION #1

Doug Nelson moved and Cliff Houck seconded that:

The Board approve the October 17, 2005 meeting minutes as drafted.

Motion passed unanimously.

IV: NEW BUSINESS

Active duty military waiver: Keith indicated that he is prepared to revise the administrative rules to include a proposed rule that would allow for a waiver or exemption for a delay in completing of continuing education and a possible fee

waiver. Houck would support including a fee waiver during their period of active service and within six months after being honorably discharged or released from active duty. Bernhardt suggested that the Board extend the licensing period for any person in active duty military.

Board clarification of Licensed/Certified Appraisers performing valuation activities exempt from ORS 674.100: Keith advised our statute (ORS 674.100(2)) does not specifically exempt a Board licensed/certified appraiser from the exemptions noted under ORS 674.100(2). OAR 161-025-0060(8) requires that all licensed appraisers comply with USPAP in all valuation work as provided in ORS 674.100(2) and (3). Keith inquired as to whether the Board wanted to include an exemption for those licensees that would also qualify under the exemptions of ORS 674.100(2) or require that those licensees comply with USPAP in all valuation work whether or not it is exempt, such as a licensee who works for Department of Revenue or as a Certified Public Accountant or Realtor. The Board requested that Board staff revise 161-025-0060(8) for clarification and possibly to exempt valuation work performed by licensees that falls under ORS 674.100(2) and (3).

BREAK: 10:20 a.m.

RECONVENED AT 10:35 a.m.

V: OLD BUSINESS

Budget Update: Short presentation by Larsen regarding the Board's budget status.

Enforcement Update: Short presentation by Bernhardt regarding the Board's enforcement case status. Keith provided a brief status report regarding the status of pending cases wherein a notice of proposed disciplinary action was issued and a request for hearing was filed. Keith has been in discussion with the Department of Revenue regarding recouping the Board's legal fees from the Department of Revenue in the case of a licensee that has requested a hearing appealing a license suspension at the request of Department of Revenue for non-payment of taxes.

Comp Checks Report/Recommendation: Bernhardt provided a short presentation regarding comp checks. Is there a requirement to maintain a work file when providing comparable sales data to lenders or others? Keith inquired if the Board wanted to take any action against a licensee for providing comp checks without complying with USPAP, or otherwise prohibiting licensees from performing comp checks. The Board suggested that it provide education to licensees on how to comply with USPAP in performing comp checks.

Appraiser Assistant Advisory Committee Update: Zell advised that the committee previously discussed the proposed rules and the effect of those rules on business, licensee income, limiting the ability to obtain a license, etc. The committee is scheduled to meet again the afternoon of January 9, 2006 and an additional three meetings, if necessary. The committee will need to satisfy the requirements of HB3238 as it pertains to developing a financial impact.

VI: ADMINISTRATOR'S REPORT

Keith advised that the Board is lagging in its processing time for new license applications. The temporary registrations and license renewals are being processed timely, however new applications are taking two to three months to process. Keith advised all types of applications, excluding renewals, have increased by almost 20 percent. Staff has been on vacation during the holidays, and the staff has again started answering calls beginning at 8:00 a.m. Staff is taking corrective measures to bring the processing time of new applications back within 30 days. Keith hopes to have a temporary staff person hired by the end of this week. The temporary person will take over some of the clerical work that Jan is currently doing to free up Jan to spend more time on processing applications.

Keith updated the Board on the status of the Bruce Ostly case. The Department of Justice has recorded the Board's final order in Multnomah County, putting a lien on any real property he may own. Ostly is being served with a notice of demand and then a notice for judgment debtor examination.

The new computer system is installed along with a new voicemail system.

The Appraisal Subcommittee is scheduled to attend the July 13, 2006 Board meeting. The Subcommittee will perform their review on July 12, 2006. The Board will also be having a rules hearing on July 13, 2006.

The Board's lease has gone up another $100 per month and we are beginning the last year of our lease agreement. Keith approached the new building owners about the possibility of extending our current lease and extending the wall to increase our space. Keith discovered that Remax has an option to take more space on the 2nd floor of our building within the next year. Therefore, the building owners are not currently open to discussing a lease extension. SB405 prohibited semi-independent Boards to borrow money to purchase real estate. The building that some of the semi-independent agencies are considering is the Marion and Polk Schools (MAPS) Credit Union building on Hines Street SE. The new owner of that building is trying to fill the building with State agencies and is open to discussing leasing a portion of this space to the Board.

HB2029 created modified reporting requirements for semi-independent agencies. The report was due to the Governor's office by January 1, 2006. The Board's first report under these new reporting requirements was filed on December 31, 2005.

The Board is in the processing of revamping its personnel policies. Keith has been working with Larsen to develop new/revised personnel policies.

USPAP will be changing July 1, 2006. The Board will enforce the 2005 version of USPAP through June 30, 2006.

Keith sent out a mass e-mail to appraisers updating them.

Keith suggested that the Board reduce the newsletter to one edition per year and, instead, notify licensee of updates via e-mails.

Keith advised that there is a growing problem with supervising appraisers sending out assistants to inspect the property and comparable sales but not disclosing in the appraisal report that the licensee did not inspect the subject and comps.

Keith advised that a notice of the Appraiser Assistant Advisory Committee scheduled meetings was sent to all licensees and appraiser assistants to inform them of upcoming meetings that may impact them.

Keith updated the Board regarding other miscellaneous items contained in the Board packet.

Zell indicated that he received an e-mail from Chase regarding the fee schedule for appraisals and seeking appraisers wanting to be on their appraiser panel. He subsequently received another e-mail/fax raising the fee schedule based upon the appraised value.

MOTION # 2

Doug Nelson moved and John Larsen seconded that:

The Board adjourn the meeting.

Motion passed unanimously.

Meeting adjourned at 12:00 p.m.

Next scheduled meeting – April 17, 2006