

Appraiser Certification & Licensure Board

Quarterly Board Meeting - Summary Minutes July 15, 2010

Originally scheduled at ACLB Office, 3000 Market Street NE, Suite 541, Salem, Oregon
Moved to Red Lion Hotel, 3301 Market St NE, Mt. Bachelor Conference Room, Salem Oregon

BOARD MEMBERS IN ATTENDANCE

Jill Whitlock, Chair
Phil Johnson
Daneene Fry
Rick Herman, Vice Chair
Brad Armbrust

ACLB STAFF IN ATTENDANCE

Bob Keith, Administrator
Karen Turnbow, Programs Manager
Raul Ramirez, Legal Counsel, DOJ
Cyndie Standley, Compliance Analyst
Chuck Fisher, Compliance Analyst

BOARD MEMBERS ABSENT

Craig Zell
John Larsen

PUBLIC IN ATTENDANCE

Max Smith
Barry Dayton
Jerry Ball
Diane Forsberg
Laurie Egan
Michele Kennison
Tim Burchett

I: CALL TO ORDER AND VERIFICATION OF QUORUM

Chairperson Whitlock called the meeting to order at 9:50 a.m. and verified that a quorum was present.

Whitlock introduced Jenny Tidwell and Vicki Ledbetter of the Appraisal Subcommittee; also, Raul Ramirez, who is filling in for Warren Foote, Legal Counsel.

II: PUBLIC INPUT

None

III: ACTION ITEMS

Adoption of April 12, 2010 Board meeting minutes:

MOTION #1

Herman moved and Johnson seconded that:

The Board approve the April 12, 2010 quarterly board meeting minutes as drafted.

Motion passed unanimously.

EXECUTIVE SESSION: 9:55 am

The Board went into executive session for the purposes of reviewing legal advice from counsel.

RETURN TO OPEN SESSION: 10:40 am

IV: NEW BUSINESS

Consideration of Board Action on Legal Advice from Executive Session (Whitlock):

MOTION #2

Herman moved and Armbrust seconded that:

The Board table further discussion and a decision until the next Board meeting.

Motion passed. Fry and Johnson voted no. Whitlock, Herman and Armbrust voted yes.

House Rule (HR) 4173 Conference Report / Draft New State Legislation (Whitlock):

HR 4173 includes major changes to FIRREA, including a federal appraisal independence standard that intends to replace the Home Valuation Code of Conduct, and a requirement that Appraisal Management Company regulation be under the oversight of the states' real estate appraiser licensing agencies. Discussion regarding state legislation to implement the federal bill, if it becomes law.

MOTION #3

Johnson moved and Fry seconded that:

The Board contact the Governor's office and create a subcommittee to explore options for creation of a legislative concept for the 2011 legislation session in response to the anticipated passage of HR 4173.

Further discussion. No vote.

MOTION #4

Johnson moved and Fry seconded:

To amend the prior motion as follows – have Keith contact the Governor’s office and the Board create a task force to track the status of HR 4173 and develop a legislative concept for the 2011 legislative session in response to the anticipated passage of HR 4173.

Motion passed unanimously.

In the interim, the task force will include Whitlock, Johnson and Keith.

Authorization for Reserve Fund Re-investment (Whitlock):

MOTION #5

Johnson moved and Fry seconded:

The Board ratify the Administrator’s renewal/reinvestment of the CD that had expired.

Motion passed unanimously.

Keith noted that two additional CDs will be coming up for renewal in the near future.

Keith advised that we have taken steps to amend the signature authority for the checking account and CDs to remove Craig Zell and add the current Board-Chair, Jill Whitlock.

ASB 2nd Exposure Draft of Proposed Changes to 2012-2013 USPAP (Whitlock):

Discussion regarding the Board’s position on the proposed changes. The Board authorized Keith to advise the ASB of their agreement with the proposed changes including the recommendation that Standards 4 and 5 be removed and placed in the Advisory Opinions.

AQB Request for Comments and Exposure Draft (Whitlock):

The Board authorized Keith to advise the AQB of their agreement with the proposed changes. Additional discussion.

Board Issued Appraiser Identification Cards (Whitlock):

After discussion, the Board chose to take no action.

Consider Termination of Reciprocal Agreement with Washington State (Keith):

Discussion regarding Washington’s current policy and requirements for Washington licensees upgrading to Certified Residential. Washington now requires only that an existing licensee take three additional classes and have a two year degree or its equivalent.

Consider Adoption of AQB’s Minimum QE Upgrade Requirements (Keith):

Discussion.

LUNCH BREAK: 12:45 pm to 2:00 pm

NEW BUSINESS (continued):

Discussion regarding current AQB minimum requirements, and Oregon's education requirements as they impact current reciprocal agreements.

MOTION #6

Johnson moved and Fry seconded:

The Board rescind the Washington reciprocal agreement as well as any other state reciprocal agreement Whose education requirements for licensing/certification and upgrade are not the same or similar to Oregon.

Motion failed. Johnson and Fry voted yes. Whitlock, Herman and Armbrust voted no.

MOTION #7

Armbrust moved and Fry seconded:

The Board table consideration of adoption of the AQB minimum education requirements to upgrade until the October 12, 2010 board meeting.

Motion passed. Johnson voted no.

Out-Of-State Credential Holder Rule Revisions (Keith):

Discussion regarding revising OAR 161-015-0025 to include the following language: "that does not maintain a reciprocal agreement with Oregon" at the end of the first sentence of paragraph (1).

MOTION #8

Johnson moved and Armbrust seconded:

The Board include the proposed change to OAR 161-015-0025(1) as part of the next rulemaking session..

Motion passed unanimously.

Summary of Spring AARO conference (Whitlock):

Whitlock gave a brief summary of the topics that were covered at the Spring AARO conference.

Items to include as an agenda item for the next board meeting:

Johnson suggested the Board discuss the issue of publication of negotiated settlement agreements.

V: OLD BUSINESS

Reciprocal Agreements – Revision Status (Keith):

Brief summary by Keith regarding those states that have or have not agreed to changes to current reciprocal contracts to remove the State Licensed Appraisers level.

Budget Report (Larsen/Standley):

Standley gave a brief summary regarding the Board's budget.

Legislative Report (Whitlock):

Whitlock gave a brief summary of the status of implementation of HB3624 by DCBS.

Licensing Report (Keith):

Summary by Keith regarding the current number of licensed/certified appraisers and appraiser assistants as compared to last quarter and prior years.

Administrative Rules Committee Report (Johnson):

Johnson had no information to report.

Enforcement Report / Ratification of Board Orders (Keith/Standley):

Keith gave a brief summary of a couple of significant enforcement cases, including Sassa and Pavenick.

Review and ratification of enforcement actions.

Keith requested the Board ratify those cases as outlined on pages 51 and 52 of the Board packet.

MOTION #9

Armbrust moved and Fry seconded:

The Board ratify the final order regarding the application by Andrew Stuedli, and ratify the following enforcement cases: 09-1747, 09-1736, 10-1809, 09-1766, 09-1741, 09-1730, 10-1799, 09-1765, 10-1803, 09-1794, 09-1739, 08-1607, 09-1716, 09-1753, 10-1771, 09-1744, 09-1724, 09-1729, 09-1714, 09-1687, 09-1679, and 09-1745.

Motion passed unanimously.

MOTION #10

Armbrust moved and Fry seconded:

The Board ratify the cases identified as dismissed with counsel.

Motion passed unanimously.

VI: ADMINISTRATOR'S REPORT

The Appraisal Foundation and Appraisal Subcommittee will be offering a second round of investigator training.

Keith advised that, with a couple of exceptions, staff has finalized articles for the next Board newsletter and that Turnbow is working on putting those articles together into a publication for the Summer 2010 newsletter.

A new Board, the Appraisal Practice Board, has recently been created as part of the Appraisal Foundation. The Board has seven members.

Chuck Fisher gave a brief statement regarding possible adoption of a rule that sets forth requirements for issuing a revised report. Keith will refer this matter to the rules committee.

Keith encouraged Board members to come in to the office and review enforcement files.

VII: ASC REPORT

Presentation by Vicki Ledbetter regarding the Appraisal Subcommittee's responsibilities and their review of the ACLB. Ledbetter praised the Board and agency staff for the great job they do. The Subcommittee found no violations of Title XI or ASC policy statements during their review.

VIII: ADJOURNMENT

MOTION #11

Fry moved and Armbrust seconded that:

The Board meeting be adjourned.

Motion passed unanimously.

Meeting adjourned at 4:20 pm

Next scheduled meeting – October 18, 2010