

NORTH CAROLINA APPRAISAL BOARD

Minutes

**Raleigh
September 16, 2008**

Board Members Present

Henry E. Faircloth, Chairman
J. David Brooks
Sidney P. Jessup
Donald S. Johnson
J. Vance Thompson
Earl M. Worsley, Jr.
Larry N. Wright

Staff Present

Philip W. Humphries, Executive Director
Roberta A. Ouellette, Legal Counsel
Thomas W. Lewis, III, Chief Investigator
Jeffrey H. Davison, Investigator
Terri S. Haywood, Investigator
Mindy M. Sealy, Administrative Assistant

CALL TO ORDER

Chairman Faircloth called the meeting to order at 9:00 a.m.

Chairman Faircloth read the Conflict of Interest reminder. No Board Member indicated any conflicts of interest.

SWEARING IN CEREMONY

The Honorable Jennifer Green of the Wake County District Court performed the Swearing in Ceremony for Sidney P. Jessup as a new Board Member.

APPROVAL OF AGENDA

Mr. Wright moved, second by Mr. Worsley that the Board approve the agenda with the Chairman being able to take items in any order. Motion carried.

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Mr. Thompson moved, second by Mr. Johnson to approve the August Minutes (**Exhibit 1**) as amended. Motion carried.

AUDITOR'S PRESENTATION OF 2007-2008 AUDIT REPORT

Ms. Furr presented the auditor's report to the Board. Mr. Thompson moved, second by Mr. Brooks that the Board approve the financial audit for 2007-2008 as presented. Motion carried.

HEARINGS

2007-0133 David W. McNeil

Following a hearing, the Board revoked Mr. McNeil's right to renew his residential certification.

2007-0181 David A. Norris

Following a hearing, the Board revoked Mr. Norris's right to renew his residential certification.

OPEN FORUM (Exhibit 2)

There were no requests to speak at the Open Forum.

FINANCE

The Board reviewed the **financial report (Exhibit 3)** for the period ending August 31, 2008.

LEGAL

Consent Orders

2006-0203 Brandon L. Hawks

Mr. Johnson and Mr. Worsley recused themselves from the discussion and vote in this case. Mr. Wright moved, second by Mr. Thompson that the Board accept the voluntary surrender of Mr. Hawks' right to renew his general certification.

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Motion carried.

2007-0134 **Tammy Vines**

Mr. Worsley moved, second by Mr. Brooks that the Board deny the consent order in this matter. Motion carried.

2007-0192 **Lynn Rabello**

Mr. Worsley moved, second by Mr. Johnson that the Board deny the consent order in this matter. Motion carried.

Probable Cause (Exhibit 4)

Mr. Worsley moved, second by Mr. Wright that the Board accept staff recommendation on the probable cause summaries with the exception of cases 2007-0190, 2007-0194, 2008-0029, 2008-0030, and 2008-0031. Motion carried.

2007-0167 Move this case to a hearing.

2007-0190 Mr. Wright moved, second by Mr. Brooks that the Board dismiss this case with a warning to carefully proofread reports before they are sent to the client and to open a case against the other appraiser. Motion carried.

2007-0191 Dismiss this case.

2007-0194 Mr. Brooks moved, second by Mr. Wright that the Board move this case to a hearing. Mr. Worsley recused himself from this case. Motion carried.

2007-0200 Dismiss this case.

2007-0206 Dismiss this case.

2007-0209 Dismiss this case with a warning to verify measurements, conditioned upon a course in residential construction. Also, open a case against the appraiser who valued the property at \$240,000.00.

2008-0009 Move this case to a hearing.

2008-0013

2008-0014 Dismiss these cases conditioned upon completion of a class in sales comparison.

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2008-0018

2008-0099 Dismiss these cases with a warning to make sure to make appropriate adjustments to sales, conditioned upon the completion of a course in sales comparison.

2008-0028 Move this case to a hearing.

2008-0029 Mr. Wright moved, second by Mr. Brooks that the Board dismiss this case. Motion carried.

2008-0030 Mr. Thompson moved, second by Mr. Brooks that the Board dismiss this case with a warning that, in the future, Respondent consider the effect, if any, of a right of way at the subject property. Motion carried.

2008-0031 Mr. Worsley moved, second by Mr. Wright that the Board dismiss this case with a warning to keep appropriate work files, and to carefully proofread reports before they are transmitted to his clients. Motion carried.

2008-0061 Dismiss this case.

2008-0062 Dismiss this case.

2008-0063 Dismiss this case with a warning to keep a copy of every version of an appraisal report sent to his clients.

Investigation Request (Exhibit 5)

Mr. Wright moved, second by Mr. Thompson that the Board open a case against the appraiser for failing to report the pending charges on her application. Motion carried.

Request for Reconsideration (Exhibit 6)

Mr. Worsley moved, second by Mr. Wright that the Board deny the request and let the hearing decision stand. Motion carried.

The Board reviewed the **Pending Cases Report (Exhibit 7)** and the **Disciplinary Actions Year-to-Date (Exhibit 8)**.

LICENSING AND EDUCATION

The Board reviewed the list of candidates who have been recently registered or certified (**Exhibit 9**).

OTHER ITEMS

The Board reviewed the **Examination Report for July 2008 (Exhibit 10)**.

The Board reviewed the **Course and Instructor Evaluation Summaries (Exhibit 11)**.

The Board reviewed the **AARO Press Release (Exhibit 12)**.

The Board reviewed the **ASC Policy Statement – 10-G Revision (Exhibit 13)**.

Committee Reports

The Finance Committee did not meet.

The Property Committee did not meet.

Staff Report

Mr. Rodgers is in Chicago today for the ASB meeting.

Mr. Rodgers will be attending a USPAP Instructor course in Dallas, Texas in a couple of weeks.

Ms. Ouellette appeared in Wake County Superior Court and got the Eric Brown case dismissed.

The Board offered the Supervisor Course in Winston-Salem on September 5th. The next Supervisor Course is scheduled for November 21, 2008 in Raleigh.

The new rule for certified residential appraisers to be able to supervise up to three (3) trainees has been well received.

Ms. Sealy and Ms. Kelty will be attending a notary course later this month.

Mr. Lewis will be traveling to Utah with Dennis Badger to teach them how to become a board on behalf of AARO.

Mr. Rodgers and Mr. Humphries will be attending Valuation 2008 in Las Vegas.

Mr. Humphries will be making a recommendation in the future regarding the regulation of appraisal management companies.

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Mr. Humphries has informed all staff and asks the Board to refer any media questions directly to him. He will require questions to be in written form and will respond in writing to avoid any miscommunications and have documentation.

Mr. Humphries has been asked to speak on a radio talk show in Charlotte, but has declined the offer.

AARO is coming up in October. Mr. Humphries asks that you please check your rate upon checking in. The AARO room rate should be \$205.00 a night.

Mr. Humphries has ordered a new microphone for the witness stand and two lapel microphones for the attorneys.

There being no further business to come before the Board, Mr. Worsley moved, second by Mr. Thompson that the meeting be adjourned. Motion carried.

Philip W. Humphries, Executive Director

This, the _____ day of November, 2008.

Henry E. Faircloth, Chairman