

NORTH CAROLINA APPRAISAL BOARD

Minutes

**One Hundred Thirty-Eighth Meeting
December 10-12, 2002**

Board Members Present

- Bart Bryson, Chairman
- J. Vance Thompson, Vice-Chairman
- Bruce W. DesChamps
- Henry E. Faircloth
- Charles K. Hinnant
- Jack O. Horton
- E. Ossie Smith

Staff Present

- Mel Black, Executive Director
- Roberta A. Ouellette, Legal Counsel
- John K. Weaver, Deputy Director
- Philip W. Humphries, Deputy Director
- Matthew W. Green, Investigator
- Donald T. Rodgers, Investigator
- Kim G. Maney, Administrative Assistant

CALL TO ORDER

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

Mr. Black read the Conflict of Interest reminder. Mr. Hinnant indicated a conflict of interest and will ask to be recused prior to the Board taking up the matter.

APPROVAL OF AGENDA

Mr. Faircloth moved, second by Mr. Thompson to approve the agenda with the Chairman being able to take items in any order. Motion carried.

APPROVAL OF MINUTES (Exhibit 1)

Mr. Hinnant moved, second by Mr. Smith to approve the minutes as presented. Motion carried.

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HEARINGS:

2000-0069 **Thomas Hildebrandt, Jr.**

The Board heard arguments on the State's exceptions to the decision of the administrative law judge. The Board voted to reject the proposed decision, and then voted unanimously to suspend Mr. Hildebrandt's general certification for a period of six months. The Board stayed the suspension for six months. If Mr. Hildebrandt successfully completes a course in narrative report writing, consisting of at least thirty hours, before the end of the six months, the suspension will be inactive.

2001-0124 **Andrew Ausley**

Following a hearing, the Board suspended Mr. Ausley's general certification for a period of twelve months. The Board stayed the suspension for six months. If Mr. Ausley takes a course in market abstraction and the prelicensing course known as R-2 within the six months, the suspension will remain inactive. If not, the suspension will be activated at the end of the six months.

OPEN FORUM (Exhibit 2)

There were no requests to speak at the Open Forum.

FINANCE (Exhibit 3)

The Board reviewed the financial report (**Exhibit 3**) for the current fiscal year through December 3, 2002.

LEGAL

Consent Orders

2002-0100 **Jeffrey Johnson**

2002-0146 **David Duty**

Mr. Hinnant moved, second by Mr. Horton that the Board suspend Mr. Johnson's and Mr. Duty's certifications for three months. The suspensions are stayed until

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April 30, 2003. Mr. Johnson and Mr. Duty also agree to take a course in appraiser liability by April 30, 2003. If they fail to take the course as agreed, the suspensions will be activated on that date. Motion carried with one vote in the negative.

2002-0105 Henry M. Watts

Mr. Bryson recused himself from the discussion and vote in this matter. Mr. Faircloth moved, second by Mr. Hinnant that the Board issue an administrative warning to Mr. Watts. The Administrative Warning will be for a period of three years. During the three-year period, Board staff will perform periodic criminal records checks to see if Mr. Watts has pleaded guilty to or been convicted of any other criminal offense that involves violation of a court order or of stalking. If so, staff will reopen the current case. Motion carried.

Probable Cause (Exhibit 4)

2002-0119 Mr. Horton recused himself from the discussion and vote in this matter. Mr. Faircloth moved, second by Mr. Smith to move this case to a hearing. Motion carried with two votes in the negative.

2002-0149

2002-0148 Mr. Smith moved, second by Mr. Hinnant to move these cases to a hearing. Motion carried with one vote in the negative.

2002-0150 Mr. Smith moved, second by Mr. Hinnant to move this case to a hearing. Motion carried.

2002-0159

2002-0160

2002-0161 Mr. Smith moved, second by Mr. Horton to move these cases to a hearing. Motion carried.

2002-0173 Mr. Smith moved, second by Mr. Faircloth to dismiss this case. Motion carried.

2002-0187 Mr. Hinnant moved, second by Mr. Thompson to dismiss this case with a letter of warning. Motion carried.

2002-0199 Mr. Smith moved, second by Mr. Hinnant to dismiss this case. Motion carried.

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The Board reviewed the **Pending Cases Report (Exhibit 5)** and the **Disciplinary Actions Year-to-Date (Exhibit 6)**.

LICENSING AND EDUCATION

The Board reviewed the list of candidates who have been recently registered, licensed or certified (**Exhibit 7**).

Consider character of candidates who otherwise are qualified (Exhibit 8)

Mr. Thompson moved, second by Mr. Faircloth that the Board continue consideration of the trainee application of **Richard Joseph Batten, Jr.** of Kannapolis, North Carolina and offer a character conference to Mr. Batten. Motion carried.

Mr. Smith moved, second by Mr. Thompson to issue **Michael Phillip Berkowitz** of Concord, North Carolina a trainee registration. Motion carried.

Mr. Horton moved, second by Mr. Hinnant to issue **Laura Gay Daniels** of Merry Hill, North Carolina a trainee registration. Motion carried with one vote in the negative.

Mr. Faircloth moved, second by Mr. Smith to issue **Roger Phillip Knox, Jr.** of Winterville, North Carolina a residential certification. Motion carried.

Mr. Smith moved, second by Mr. Hinnant that the Board continue consideration of the trainee application of **Christopher Lee VanDyke** of Marion, North Carolina and offer a character conference to Mr. VanDyke. Motion carried.

Education Issues

The Board considered a letter from **Dr. Larry Hogan, Fayetteville Technical Community College**, regarding the **National USPAP courses (Exhibit 9)**. Mr. Thompson moved, second by Mr. Hinnant that the Board begin work to explore the seeking of approval from The Appraisal Foundation for an equivalent 15-hour USPAP course for the North Carolina schools to teach in place of the mandatory 15-hour USPAP prelicensing course. Motion carried. The education committee will be involved with this project.

The Board reviewed recent correspondence between **Lee & Grant Company** and **The Appraisal Foundation** regarding the **National USPAP course (Exhibit 10)**.

OTHER ITEMS

The Board reviewed the Examination Reports (**Exhibit 11**) for October 2002 and November 2002.

The Board reviewed the Course and Instructor Evaluation Summaries (**Exhibit 12**).

The Board reviewed the Fall *Appraisereport* (**Exhibit 13**) and approved it for publication.

Mr. Faircloth moved, second by Mr. Smith to not approve the request from **Michael Sean Curran** (**Exhibit 14**) to be exempted from the requirements of Board Rule 57A.0407. Motion carried.

Mr. Thompson moved, second by Mr. Horton to revise the Board's **Videotaping Policy** (**Exhibit 15**) as proposed. Motion carried.

The Board discussed plans for the **May 2003 and August 2003 Board meetings** (**Exhibit 16**). The meetings are tentatively planned to be held in Asheville in May and in Wrightsville Beach in August.

The Board considered placing **Minutes** from Board Meetings on the Board's website. Board staff will investigate the cost and time involved to place the Minutes on the website.

Committee Updates

The Finance Committee did not meet.

Mr. Thompson gave the report for the Education Committee. The Education Committee is continuing to work with a group to have a trust fund set up for a scholarship for future degree program in real estate appraisal. The Education Committee is continuing looking into the Board hosting a make-up exam for the AQB Instructor Certification Course. Mr. Black has set the date with The Appraisal Foundation for the make-up exam for January 27, 2003. Mr. Hinnant moved, second by Mr. Horton to approve the payment of \$1100 to The Appraisal Foundation to offer the make-up exam. Motion carried.

Mr. Faircloth gave the report for the Building Committee. The City of Raleigh is checking the plot plan. The architects have made initial floor plans. Mr. Hinnant moved, second by Mr. Smith to confer upon Mr. Faircloth broad actual authority to represent the Board in all matters related to the office space project. Motion carried.

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Staff Report

The Board reviewed a response from The Appraisal Foundation in reference to the Board's letter regarding The Appraisal Foundation's creation of a State Advisory Group.

The 2003 version of USPAP is expected to be on The Appraisal Foundation's website within one week.

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

Mel Black, Executive Director

This, the day of January, 2003.

Bart Bryson, Chairman