

**BOARD OF REAL ESTATE APPRAISERS MEETING
May 7, 2009**

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MINUTES BOARD OF REAL ESTATE APPRAISERS

May 7, 2009

Colorado Division of Real Estate
1560 Broadway, Suite 925
Denver, CO 80202

A meeting of the Colorado Board of Real Estate Appraisers was held on Thursday, May 7, 2009, at 1560 Broadway, Suite 925, Denver, Colorado at 9:00 a.m.

Notice of the meeting was published timely and the meeting was held pursuant to the Colorado Sunshine Laws, Title 24, Article 6, C.R.S., as amended.

ORDER OF BUSINESS BY THE CHAIR:

Call to Order, Roll call, Determination of a Quorum-

The meeting was called to order at 9:05 a.m. Chair Thomas Fellows made a quorum determination.

Board Members in attendance: Chair Thomas Fellows, Robin Anderson, Leslie Mitchell, Tony Navarro, and Robert Bleiberg.

Board Members not in attendance: Vice-Chair Michael Morton and Frank Beltran.

Also attending were Marcia Waters, Investigations and Compliance Director, Lisa Brenner Freimann, Assistant Attorney General and several members of the Board's staff. The meeting was open to the public, and several members of the public attended.

Minutes Approval:

After review, Ms. Mitchell moved and Ms. Anderson seconded the motion to approve the Minutes of April 16, 2009.

Motion unanimously carried.

Executive Session Minutes:

After review, the Board acknowledged and approved the Executive Session Minutes from the April 16, 2009 meeting.

ORDER OF BUSINESS:

Policy Matters, Updates and Information

Ms. Waters formally introduced Robert Bleiberg. Mr. Bleiberg was appointed to the Board of Real Estate Appraisers on January 2009.

Ms. Waters introduced Susan Scholl the new Appraiser Program Manager. With the transition, Ms. Waters will maintain Board Meeting participation.

Ms. Waters discussed the letter from Independent Bankers of Colorado. The letter addressed real estate brokers conducting broker price opinions. The Division will work with counsel and address their concerns accordingly.

Ms. Waters discussed case mediation. The Division is requesting Board assistance as it pertains to case resolution and settlement on two cases. One case is scheduled for August 24, 2009 at 1:30 p.m. and the second is set for June 25, 2009 at 1:30 p.m. One Board member is required for mediation and appropriate case resolution. Ms. Leslie Mitchell will attend August 24th mediation and Ms. Robin Anderson will attend June 25th. A motion was unanimously carried for case mediation settlement authority. After further discussion, due to a scheduling conflict, Ms. Mitchell will not be able to attend the mediation on August 24th. Mr. Fellows is tentatively scheduled for the mediation on August 24th.

Ms. Waters informed the Board that the Appraisal Subcommittee's one year investigative period is also applicable to the conservation easement complaints/investigations.

Ms. Waters discussed legislation. The bill that affects appraisers has passed the third reading and is pending signature. This bill will increase criminal penalties.

Citizen Participation:

Although several members of the public were present, no members of the public asked to address the Board.

COMPLAINT INVESTIGATIONS:

Case No. 2008091218 (Future Davis, Investigator)

The reports allege violations of Standard 1-1 (a), 1-1 (b), 1-4, and 2-1 (a).

Susan Scholl presented this matter to the Board.

Ms. Anderson moved and Mr. Navarro seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2008091218. The Board voted to refer the case to hearing with a settlement offer consistent with a Level 5 – 6 disciplinary (up to 6 month suspension, up to \$14,000 fine, up to 75 hours of qualifying education, and up to 20 appraisals under a supervisor approved by the board).

Motion unanimously carried.

Ms. Mitchell recused herself from discussion and voting on Case Nos. 2008101399, 2008101400 and 2008101401.
Susan Scholl presented this matter to the Board.

Cases were initially brought to the Board on April 16, 2009 and a dismissal motion was made. Motion was made without a quorum, thus ratifying prior motion.

Case No. 2008101399 (Carl Hegewald, Investigator)
Case No. 2008101400 (Carl Hegewald, Investigator)
Case No. 2008101401 (Carl Hegewald, Investigator)
The report alleges violations of Standard 1-1 (e) and 1-4 (d).

Mr. Navarro moved and Ms. Anderson seconded that the Board refer back to staff disposition/dismissal on Case Nos. 2008101399, 2008101400, and 2008101401.

Motion unanimously carried.

Case No. 2008111443 (Chris Stanley, Investigator)
Susan Scholl presented this matter to the Board.
The report alleges violations of Standard 1-1 (a), 1-1 (b), 1-1 (c), and 1-2 (e)(i), 1-4 (a).

Ms. Anderson moved and Mr. Navarro seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2008111443. The Board voted to refer the case to hearing with a settlement offer consistent with a Level 6 disciplinary case (up to \$14,000 fine, suspension to continue until respondent submits a response, up to 75 hours of qualifying education within allotted timeframe, up to 20 appraisals under a supervisor approved by the Board).

Motion unanimously carried.

OTHER COMPLAINT MATTERS:

License Application for Board Action – Licensee A
Susan Scholl presented this matter to the Board.

After further review of the proposed findings, Mr. Navarro moved and Ms. Mitchell seconded the motion for denial of licensure upgrade.

Motion unanimously carried.

License Application for Board Action – Licensee B
Susan Scholl presented this matter to the Board.

After further review of the proposed findings, Mr. Navarro moved and Ms. Mitchell seconded the motion for denial of licensure upgrade.

Motion unanimously carried.

Reconsideration of Discipline – Licensee 1
Marcia Waters presented this matter to the Board.

After further review of the proposed reconsideration, Ms. Mitchell moved and Ms. Anderson seconded the motion to reject reconsideration of discipline and maintain terms of the stipulation.

Motion unanimously carried.

Reconsideration of Discipline – Licensee 2
Marcia Waters presented this matter to the Board.

After further review of the proposed reconsideration, Mr. Navarro moved and Mr. Bleiberg seconded the motion to reject the proposal to modify disciplinary action posted on the website.

Motion unanimously carried.

EXECUTIVE SESSION

Mr. Navarro moved that the Board of Real Estate Appraisers enter into executive session pursuant to Colorado Revised Statutes Section 24-6-402(3)(a)(II) and (III) to discuss with the Board's attorney the status and strategy of disciplinary cases referred to the alternative diversion program, expedited settlement procedure or

hearing by the Board and that are the subject of pending or imminent litigation and other attorney-client privileged communications at 10:36 a.m. Ms. Anderson seconded the motion and the Board entered into Executive Session.

Motion unanimously carried.

The Board re-entered open session at 11:28 a.m.

EXECUTIVE SESSION COMPLAINT INVESTIGATIONS:

Case No. 2007040542

This matter presented to the Board by the Attorney General.

After further review of the proposed findings, Mr. Bleiberg moved and Ms. Mitchell seconded the motion to accept staff recommendation to proposed counter offer.

Motion unanimously carried.

Case Nos. 2009040640, 2006040479 (80357401), 2005080641 (8065020), and 2005030243 (8055145)

This matter presented to the Board by the Attorney General.

After further review of the proposed findings, Mr. Fellows moved and Mr. Navarro seconded the motion to accept staff recommendation.

Motion unanimously carried.

ADJOURN:

The Colorado Board of Real Estate Appraiser's meeting adjourned at 11:37 a.m. on May 7, 2009.

Thomas Fellows, Chair

ABSENT

Michael Morton, Vice-Chair

Robin Anderson

ABSENT

Frank Beltran

Robert Bleiberg

Leslie Mitchell

Tony Navarro

Erin Toll, Director
Colorado Division of Real Estate

EXECUTIVE SESSION MINUTES

After a two-thirds majority vote and pursuant to §24-6-402(3)(A)(II), C.R.S., the Colorado Board of Real Estate Appraisers held Executive Sessions during its regular public meeting held on May 7, 2009. The Board publicly announced the subject matter of the Executive Sessions, which was to confer with the Board's attorney regarding the status and strategy of disciplinary cases referred to the alternative diversion program, expedited settlement procedure or hearing by the Board and that are the subject of pending or imminent litigation, continuing education issues and other attorney-client privileged communications.

ATTESTATIONS

Pursuant to § 24-6-402(2)(d.5)(I)(B), C.R.S., as counsel for the Board, I attest that it is my opinion that all matters discussed during the executive sessions of the Colorado Board of Real Estate Appraiser's meeting held on May 7, 2009, constituted privileged attorney-client communications and, therefore, the contents of such discussions neither are reflected within these minutes nor is the content of such discussions maintained in electronically recorded format.

Lisa Brenner Freimann
Assistant Attorney General
Attorney for the Colorado Board of Real
Estate Appraisers

Pursuant to §24-6-402(2)(d.5)(I)(B), C.R.S., as Board Chair I attest that the executive sessions of the Colorado Board of Real Estate Appraisers held on May 7, 2009 was confined to the topic authorized for discussion pursuant to §24-6-402(3)(a)(II), C.R.S.

Thomas Fellows, Chair
Colorado Board of Real Estate Appraisers