



**BOARD OF REAL ESTATE APPRAISERS
EMERGENCY MEETING
August 19, 2010**

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MINUTES

BOARD OF REAL ESTATE APPRAISERS

August 19, 2010
Colorado Division of Real Estate
1560 Broadway, Suite 1250A
Denver, CO 80202

An emergency meeting of the Colorado Board of Real Estate Appraisers was held on Thursday, August 19, 2010 at 1560 Broadway, Suite 1250A, Denver, Colorado at 10:00 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 10:04 a.m. Chair Anthony Navarro made a quorum determination.

Board Members in attendance: Chair Anthony Navarro and Wayne Hunsperger.

Board Members in attendance via teleconference: Vice-Chair Robin Anderson, Frank Beltran, Thomas Fellows, and Susan Secret.

Also attending were Marcia Waters, Interim Director; Susan Scholl, Appraiser Program Manager; Melissa Smith, Assistant Attorney General; and several members of the Board's staff. The meeting was open to the public.

Permanent Rulemaking Hearing: Susan Scholl; Colorado Division of Real Estate

The permanent rule making hearing was called to order by Chair Anthony Navarro to hear oral testimony and to accept written submission related to the proposed rule referenced in the Colorado Code of Regulations known as 4 CCR 725-2 and more commonly known as 12.8 License or Permit Title.

This was a permanent rule making hearing pursuant to the process set forth in the Administrative Procedure Act. Pursuant to the Act, the Board heard testimony in regards to the permanent rule. The public record consists of all oral testimony as well as any written information submitted within the allowable time frame. Therefore, in addition to all public testimony and comments at rulemaking hearing, the Division reviewed all written materials in order to make a final decision on the content of the regulations. Public record for the regulation closed at the end of the hearing.

After further review, Mr. Fellows moved and Ms. Anderson seconded the motion to adopt the Rule.

ORDER OF BUSINESS:

Policy Matters, Updates and Information

Ms. Waters discussed the Appraisal Subcommittee's letter regarding the Appraisal Program audit. The required documents including budget information was submitted as requested by the ASC. Previously, budget information had not been requested. The ASC wants to see the resources required to run an effective Appraiser Program. Additionally, the budget information can be used for ASC Grants. The audit is scheduled for September 7 – 9, 2010 and will address the Board on September 9, 2010, during the scheduled meeting. If necessary, they will stay through September 10, 2010. It is anticipated that the Division will continue to be non-compliant with Policy Statement 10, which is the investigative one-year case resolution. To assist with the case load, an additional investigator was hired. With the passage of HR4173, the ASC has more tools to use when a state is non-complaint than just non-recognition, now they can sanction states. The ASC understands the difficulties involved in complying with the one-year deadline and stated that those cases should be noted and documented indicating the complexity involved. Also, HR4173 extends the ASC's authority to do rule making to revise policy statements or do additional rules.

Ms. Waters informed the Board that Retreat scheduled for September 9, 2010 will be rescheduled, due to the ASC's audit.

Ms. Waters discussed the Delegations of Authority. Effective August 11, 2010 the Division became a Type Two Agency. The Board received a copy of the revised Delegations of Authority and the Division is seeking Board Approval. The revisions encompass changes in emergency meetings, summary suspensions, subpoenas, and correspondence on the Board's behalf. The Board expressed concern with the delegation of summary suspension. Ms. Waters will amend the Delegations accordingly, as discussed, and distribute to the Board. After review, Mr. Fellows moved and Mr. Hunsperger seconded the motion to grant the Amended Delegations of Authority.

Citizen Participation:

No members of the public were present.

EXECUTIVE SESSION

Mr. Hunsperger 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. Mr. Beltran seconded the motion and the Board entered into Executive Session.

Motion unanimously carried.

The Board re-entered open session at 11:15 a.m.

OTHER MATTERS:

Stipulation, Complaint Nos. 2009030377 and 2009060896

Melissa Smith, Assistant Attorney General introduced this matter to the Board, which was presented to the Board in Executive Session, given that the matter is currently assigned to the Attorney General's Office.

After further review of the matter, Mr. Hunsperger moved and Mr. Fellows seconded the motion to accept the Stipulation with a proviso that paragraph 7b shall be amended as discussed in Executive Session.

ADJOURN:

The Colorado Board of Real Estate Appraiser's meeting adjourned at 11:16 a.m. on August 19, 2010.

Anthony Navarro, Chair

Robin Anderson, Vice-Chair

Frank Beltran

Thomas Fellows

Wayne Hunsperger

Susan Secrest

Marcia Waters, Interim 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 August 19, 2010. 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 August 19, 2010, 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.

Melissa Smith
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 August 19, 2010 was confined to the topic authorized for discussion pursuant to §24-6-402(3)(a)(II), C.R.S.

Anthony Navarro, Chair
Colorado Board of Real Estate Appraisers