



**BOARD OF REAL ESTATE APPRAISERS MEETING**  
**August 13, 2009**

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**MINUTES**  
**BOARD OF REAL ESTATE APPRAISERS**

**August 13, 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, August 13, 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, Vice-Chair Michael Morton, Tony Navarro, Frank Beltran, and Leslie Mitchell.

**Board Members not in attendance:** Robin Anderson.

Also attending were Marcia Waters, Investigations and Compliance Director, Susan Scholl, Appraiser Program Manager, Jeannine Miller, 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 Mr. Beltran seconded the motion to approve the Minutes of July 16, 2009.

**Motion unanimously carried.**

**Executive Session Minutes:**

Executive Session was not held during the meeting of July 16, 2009. Accordingly, no approval or acknowledgement of minutes was presented.

## **ORDER OF BUSINESS:**

### **Policy Matters, Updates and Information**

Ms. Waters discussed the vacancy in the Education Task Force. Patrick Armbrust, a previous member is interested reappointment. After submission review, the Division recommends reappointment. Mr. Morton moved and Mr. Beltran seconded the motion for reappointment.

Ms. Waters confirmed the Board Retreat. The Retreat is scheduled for September 10, 2009, commencing after the public Board meeting. An agenda with topics for discussion will be distributed to the Board Members.

### **Citizen Participation:**

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

## **COMPLAINT INVESTIGATIONS:**

Case Nos. 2009020212 (Future Davis, Investigator)

Susan Scholl presented this matter to the Board.

The reports allege violations of Standard 1-1(a), 1-1(b), 1-1(c), 1-2(h), 1-4, 1-4(a), 1-4(b)(i), 1-4(b)(ii), 1-4(b)(iii), 1-6(b), 2-1(a), 2-1(b), and 2-2(b)(viii).

Ms. Mitchell moved and Mr. Morton seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2009020212. The Board voted to refer back to Staff for a settlement offer consistent between Level 4 a - b disciplinary case (up to 90 day suspension, up to \$2,000 fine, appropriate coursework within allotted timeframe).

**Motion unanimously carried.**

## **Licensing and Other Matters:**

License Application for Preliminary Advisory Opinion

Mary Kanaly presented this matter to the Board.

After further review of the proposed findings, Mr. Morton moved and Mr. Navarro seconded the motion for Staff Recommendation of a restricted license.

## **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 10:03 a.m. Mr. Beltran seconded the motion and the Board entered into Executive Session.

### **Motion unanimously carried.**

The Board re-entered open session at 10:36 a.m.

## **EXECUTIVE SESSION COMPLAINT INVESTIGATIONS:**

Case No. 2006060744

This matter presented to the Board by Melissa Smith, Attorney General.

After further review of the proposed findings, Mr. Fellows moved and Mr. Morton seconded the motion to accept staff recommendation to proposed counter offer as amended.

### **Motion unanimously carried.**

**ADJOURN:**

The Colorado Board of Real Estate Appraiser's meeting adjourned at 10:40 a.m. on August 13, 2009.

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Thomas Fellows, Chair

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Michael Morton, Vice-Chair

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**ABSENT**

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Robin Anderson

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Frank Beltran

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Leslie Mitchell

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Tony Navarro

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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 August 13, 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 August 13, 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.

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Jeannine Miller  
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 13, 2009 was confined to the topic authorized for discussion pursuant to §24-6-402(3)(a)(II), C.R.S.

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Thomas Fellows, Chair  
Colorado Board of Real Estate Appraisers