

**BOARD OF REAL ESTATE APPRAISERS MEETING  
February 12, 2009**

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# **MINUTES**

## **BOARD OF REAL ESTATE APPRAISERS**

**February 12, 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, February 12, 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 9:04 a.m. Chair Thomas Fellows made a quorum determination.

**Board Members in attendance:** Chair Thomas Fellows, Vice-Chair Michael Morton, Robin Anderson, Frank Beltran, and Leslie Mitchell.

**Board Members not in attendance:** Tony Navarro

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 Mr. Beltran seconded the motion to approve the Minutes of January 8, 2009.

#### **Motion unanimously carried.**

#### **Executive Session Minutes:**

Executive Session was not held during the meeting of January 8, 2009. Accordingly, no approval or acknowledgement of minutes was presented.

## **Citizen Participation:**

Mildred Wilson, a Licensed Appraiser, provided public comment concerning the Division's process as it pertains to appraiser licensure and upgrades.

## **ORDER OF BUSINESS:**

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

Ms. Waters reported that no changes have been made to the hiring freeze. The Board will be informed as changes are made.

Ms. Waters informed the Board that a meeting is scheduled for February 27, 2009 between the Division, Appraiser Education Task Force and PSI to revise the registered appraiser exam.

Ms. Waters reported that with the renewal cycle 600 appraisers went into an expired status. 340 were registered appraisers and the remainders were licensed appraisers.

Ms. Waters informed the Board that the division is tracking several bills. The Conservation Easement Bill is set for second reading of the Senate. Legislation was also introduced to modify 12-61-712 of the Colorado Revised Statutes concerning violation laws on Real Estate Appraisers. This would increase criminal penalties and violations. And, a bill was introduced on the fee cap but was postponed indefinitely.

Ms. Waters acknowledged that the Board vacancy has been filled. A formal Board introduction will be held at the next meeting.

Ms. Waters discussed the Appraisal Subcommittee's letter. The letter provides an update on the Division's case status and progress.

## **COMPLAINT INVESTIGATIONS:**

Case No. 2009010071 (Chris Stanley, Investigator)

Marcia Waters informed the Board that Respondent surrendered her license prior to the Board Meeting. No action required of the Board.

### **Motion unanimously carried.**

Case No. 2008091214 (Carl Hegewald, Investigator)

Marcia Waters presented this matter to the Board.

The report alleges violations of Standard 1-1 (c), 1-2 (g), 1-5 (a), 2-1 (a), 2-1 (b), 2-1 (c), and 2-2 (b)(viii).

Mr. Morton moved and Ms. Mitchell seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2008091214. The Board voted to remand the case back to Staff to decipher settlement offer with a Level 4a maximum disciplinary.

**Motion unanimously carried.**

Mr. Morton recused himself from discussion and voting on Case No. 2008091140. Case No. 2008091140 (Future Davis, Investigator)  
Marcia Waters presented this matter to the Board.  
The report alleges violations of Standard 1-1 (a), 1-1 (b), 1-4, and 2-1 (a).

Mr. Beltran moved and Ms. Anderson seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2008091140. The Board voted to refer the case to hearing with a settlement offer consistent with a Level 6 disciplinary case (up to 6 month suspension, up to \$14,000 fine, up to 75 hours of qualifying education within allotted timeframe, up to 20 appraisals under a supervisor approved by the Board).

**Motion unanimously carried.**

Case No. 200801169 (Future Davis, Investigator)  
Marcia Waters presented this matter to the Board.  
The report alleges violations of Standard 1-1 (a), 1-1 (b), 1-4, and 2-1.

Mr. Morton moved and Mr. Beltran seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 200801169. The Board voted to refer the case for staff re-review with a settlement offer consistent with an ADP Stipulation.

**Motion unanimously carried.**

**OTHER COMPLAINT MATTERS:**

License Application for Board Action – Licensee A  
Marcia Waters presented this matter to the Board.

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

**Motion unanimously carried.**

## **EXECUTIVE SESSION**

Mr. Morton 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 10:35 a.m. Ms. Mitchell seconded the motion and the Board entered into Executive Session.

### **Motion unanimously carried.**

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

**ADJOURN:**

The Colorado Board of Real Estate Appraiser's meeting adjourned at 11:16 a.m. on February 12, 2009.

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Thomas Fellows, Chair

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Michael Morton, Vice-Chair

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Robin Anderson

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Frank Beltran

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Leslie Mitchell

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ABSENT  
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 February 12, 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 February 12, 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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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 February 12, 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