



**BOARD OF REAL ESTATE APPRAISERS MEETING**  
**June 11, 2009**

**MINUTES – INDEX**

	<b><u>PAGE #</u></b>
<b>ADJOURN</b>	<b>7</b>
<b>COMPLAINT INVESTIGATIONS:</b>	<b>3</b>
Case # 2009060896	
Case # 2009040673	
<b>LICENSING AND OTHER MATTERS:</b>	<b>4</b>
Reconsideration of Discipline: Licensee 1	
<b>EXECUTIVE SESSION</b>	
Minutes Approval – April 16, 2009	<b>2</b>
May 7, 2009	<b>7</b>
Minutes and Attestations	<b>8</b>
<b>ORDER OF BUSINESS BY THE CHAIR:</b>	
Call to Order, Roll call, Determine Quorum	<b>2</b>
Minutes Approval	<b>2</b>
Permanent Rulemaking Hearing	
Citizen Participation	<b>3</b>
<b>POLICY MATTERS:</b>	
General Updates	<b>3</b>

# MINUTES

## BOARD OF REAL ESTATE APPRAISERS

June 11, 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, June 11, 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 9:43 a.m. Chair Thomas Fellows made a quorum determination.

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

**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. Bleiberg seconded the motion to approve the Minutes of May 12, 2009.

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

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

After review, the Board acknowledged and approved the Executive Session Minutes from the May 12, 2009 meeting.

## **Permanent Rulemaking Hearing: Marcia Waters, Investigations and Compliance Director, Colorado Division of Real Estate**

The permanent rule making hearing is called to order by Chair Fellows 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 permanent rules 1.8 Initial License, 1.25 Supervisory Appraiser, 1.33 Credential Upgrade, 7.2 Required Continuing Education Hours, 7.19 7-hour National Uniform Standards of Professional Appraisal Practice Update Course Requirement, 8.10 Continuing Education Requirements for Renewal or Reinstatement of License On Inactive Status, and 13.6 Real Estate Appraisal Education as Part of Disciplinary Action.

This is a permanent rule making hearing pursuant to the process set forth in the Administrative Procedure Act. Pursuant to the Act, Board may hear testimony in regards to the permanent rule. The public record will consist 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 will review 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.

### **ORDER OF BUSINESS:**

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

Ms. Waters informed the Board that on June 4, 2009 House Bill 09-1183 was signed into law. This bill will increase criminal penalties for appraisers.

Ms. Scholl gave an update on a tax court case, Hughes V. IRS. All Conversation Easements impact property value. The IRS created a matrix for determining the diminution in value which was rejected by the court.

Ms. Waters discussed selection of Chair and Vice-Chair. Mr. Morton moved and Mr. Beltran seconded that Mr. Fellows continue as Chair. Ms. Mitchell moved and Ms. Anderson seconded that Mr. Morton continue as Vice-Chair.

Ms. Waters discussed the Appraisal Standards Board - Summary of Actions Related to Proposed Changes. The proposed USPAP changes are to add clarity and consistency.

Ms. Waters discussed Arizona's letter requesting reciprocity. After further discussion, the Board moved to delegate power of authority with regards to reciprocity. Mr. Morton moved and Mr. Beltran seconded the motion.

Ms. Waters informed the Board that the Division attended investigative training funded by the Appraisal Foundation. Chris Stanley, Lisa Ballard, and Yvette Gabardi attended the training.

Ms. Waters discussed appraiser and real estate broker continuing education. A statement will be posted on the website informing that real estate course providers can submit real estate appraisal courses for continuing education approval.

### **Citizen Participation:**

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

### **COMPLAINT INVESTIGATIONS:**

Case Nos. 2009060896 and 2009030337 (Harold Ovsiowitz, Investigator)  
Mr. Beltran recused himself from discussion and voting on Case Nos. 2009060896 and 2009030337.  
The reports allege violations of Standard 1-1(a)(b)(c), 1-2(b)(f)(g)(h), 1-3(a)(b), 1-4, 1-6(a) and 2.  
Marcia Waters presented this matter to the Board.

Mr. Morton moved and Ms. Anderson seconded that the Board table Case Nos. 2009060896 and 2009030337 to Executive Session.

### **Motion unanimously carried.**

Case No. 2009040673  
Susan Scholl presented this matter to the Board.  
The Report allege violations of Standard

Mr. Bleiberg moved and Mr. Morton seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2009040673. The Board voted to refer the case to hearing with a settlement offer consistent between a Level 4a and Level 5 disciplinary case (up to \$14,000 fine, up to 90 day suspension, up to 75 hours of qualifying education within allotted timeframe, up to 20 appraisals under a supervisor approved by the Board, and include probation period).

### **Motion not unanimously carried.**

### **OTHER COMPLAINT MATTERS:**

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

After further review of the proposed findings, Mr. Beltran moved and Mr. Morton seconded the motion for licensure upgrade with a five year probation term.

**Motion unanimously carried.**

### **EXECUTIVE SESSION**

Mr. Beltran 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 11:04 a.m. Mr. Fellows seconded the motion and the Board entered into Executive Session.

**Motion unanimously carried.**

The Board re-entered open session at 11:51 a.m.

### **EXECUTIVE SESSION COMPLAINT INVESTIGATIONS:**

Case Nos. 2009060896 and 2009030337 (Harold Ovsiowitz, Investigator)

Mr. Beltran recused himself from discussion and voting on Case Nos. 2009060896 and 2009030337.

The reports allege violations of Standard 1-1(a)(b)(c), 1-2(b)(f)(g)(h), 1-3(a)(b), 1-4, 1-6(a) and 2.

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 Nos. 2009060896 and 2009030337. The Board voted to refer the case to hearing with a settlement offer consistent with a Level 7 disciplinary case (revocation and up to \$15,000 fine).

**Motion unanimously carried.**

**ADJOURN:**

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

---

Thomas Fellows, Chair

---

Michael Morton, Vice-Chair

---

Robin Anderson

---

Frank Beltran

---

Robert Bleiberg

---

Leslie Mitchell

---

**ABSENT**

---

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 June 11, 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 June 11, 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 June 11, 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