



**BOARD OF REAL ESTATE APPRAISERS MEETING**  
**September 10, 2009**

**MINUTES – INDEX**

	<b><u>PAGE #</u></b>
<b>ADJOURN</b>	<b>5</b>
<b>COMPLAINT INVESTIGATIONS:</b>	<b>3</b>
Case # 2009020279	
Case # 2009020288	
Case # 2009050670	
Case # 2009060760	
<b>EXECUTIVE SESSION</b>	
Minutes Approval – June 11, 2009	<b>2</b>
July 16, 2009	<b>5</b>
Minutes and Attestations	<b>6</b>
<b>ORDER OF BUSINESS BY THE CHAIR:</b>	
Call to Order, Roll call, Determine Quorum	<b>2</b>
Minutes Approval	<b>2</b>
Citizen Participation	<b>3</b>
<b>POLICY MATTERS:</b>	
General Updates	<b>3</b>

# MINUTES

## BOARD OF REAL ESTATE APPRAISERS

September 10, 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, September 10, 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 9:00 a.m. Chair Thomas Fellows made a quorum determination.

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

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, Mr. Beltran moved and Ms. Anderson seconded the motion to approve the Minutes of August 13, 2009.

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

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

Executive Session was not held during the meeting of August 13, 2009. Accordingly, no approval or acknowledgement of minutes was presented.

## **ORDER OF BUSINESS:**

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

Ms. Waters formally recognized Mr. Fellows for his service on the Board and his commitment with the Division. An award was presented in appreciation of his contribution as the Board's chairperson.

Ms. Waters gave an update on the Conservation Easement Taskforce. A meeting was held to discuss various issues including drafting rules, legislation, definition of draft appraisals and conservation appraisals, and associated fees. Also discussed was the revision of the affidavit pertaining to updates, questions regarding duplicate appraisals, and scope of work. The issues will be addressed accordingly with counsel.

Ms. Waters provided a staffing update. The Division's part-time appraiser investigator recently resigned. The Division is looking at changing the part-time investigator vacancy to a full-time position. Harold Ovsiowitz was previously reporting to Marcia Waters and now reports to Hollis Glenn under the Conservation Easement Program. Further internal changes included switching the Real Estate Program Manager and the Chief Settlement Officer positions. Mary Kanaly is now the Real Estate Program Manager and Penny Elder is the Chief Settlement Officer. Also, two positions were recently filled. Aaron Acker filled the Settlement Specialist position reporting to Penny Elder and Jordan Beezley the Conservation Easement Compliance Investigator reporting to Hollis Glenn.

Ms. Waters reported on licensure upgrades. Currently there is a steady flow of licensure upgrades. Harold Ovsiowitz and John Fausett are volunteering their time and reviewing applications. If the volume increases, a date will be organized to have volunteers assist with the review process in order to expedite the applications quickly.

### **Citizen Participation:**

Mr. Ray Brienza addressed the Board concerning Real Estate Contracts. Mr. Brienza stated that being versed in contracts is beneficial to appraisers. Mr. Brienza also recommended a contracts course as part of Appraiser Continuing Education.

## **COMPLAINT INVESTIGATIONS:**

Case Nos. 2009020279 and 2009020288 (Carl Hegewald, Investigator)

Susan Scholl presented this matter to the Board.

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

Mr. Morton moved and Mr. Navarro seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Numbers 2009020279 and 2009020288. The Board voted to refer back to Staff for a settlement offer consistent with a Level 4a disciplinary case (trainee's fine not exceed supervisor's fine - no more than half of supervisor's fine (up to \$2,000 fine, appropriate coursework and work product review within allotted timeframe).

**Motion unanimously carried.**

Case No. 2009020279 (Carl Hegewald, Investigator)  
Susan Scholl presented this matter to the Board.

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

Mr. Morton moved and Mr. Navarro seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2009020279. The Board voted to refer back to Staff for a settlement offer consistent with a level 6 disciplinary case (up to \$14,000 fine, up to 75 hours of qualifying education within allotted timeframe, up to 6 month suspension up to 20 appraisals under a supervisor approved by the Board).

**Motion unanimously carried.**

Case Nos. 2008050670 and 2008060760 (Future Davis, Investigator)  
Susan Scholl presented this matter to the Board.

The reports allege violations of Standard Rules 1-1(a), 1-1(b), 1-1(c), 1-2(e)(i), 1-4, 1-4(a), 2-1(a), 2-1(b), and 2-2(b)(viii).

Ms. Anderson moved and Mr. Morton seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2009020279. The Board voted to refer back to Staff for a settlement offer consistent with a level 5 disciplinary case (\$2,000 to \$14,000 fine with appropriate coursework and up to 90 day suspension).

**Motion unanimously carried.**

**Licensing and Other Matters:**

Reconsideration of upgrade denial (originally hard February 2009) – AL40032334  
Susan Scholl presented this matter to the Board.

After further review of the proposed findings, Mr. Morton moved and Mr. Beltran seconded the motion to officially the deny request.

**Motion unanimously carried.**

Counter Offer – No. 2008070883  
Marcia Waters presented this matter to the Board.

After further review of the proposed findings, Mr. Morton moved and Mr. Navarro seconded the motion to table counter offer and refer to Executive Session for further discussion.

**Motion unanimously carried.**

Request to modify terms of stipulation, Case No. 2007060714  
Susan Scholl presented this matter to the Board.

After further review of the proposed findings, Mr. Navarro moved and Mr. Morton seconded the motion to refer to Executive Session for discussion.

**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 11:00 a.m. Mr. Beltran seconded the motion and the Board entered into Executive Session.

**Motion unanimously carried.**

The Board re-entered open session at 11:32 a.m.

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

Counter Offer – No. 2008070883  
Marcia Waters presented this matter to the Board.

After further review of the proposed findings, Mr. Navarro moved and Mr. Morton seconded the motion to reject counter offer.

**Motion unanimously carried.**

Request to modify terms of stipulation, Case No. 2007060714  
Susan Scholl presented this matter to the Board.

After further review of the proposed findings, Mr. Navarro moved and Mr. Beltran seconded the motion to refer back to staff for disposition.

**Motion unanimously carried.**

**ADJOURN:**

The Colorado Board of Real Estate Appraiser's meeting adjourned at 11:35 a.m. on September 10, 2009.

---

Thomas Fellows, Chair

---

Michael Morton, Vice-Chair

---

Robin Anderson

---

Frank Beltran

---

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 September 10, 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 September 10, 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.

---

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 September 10, 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