Division of Real Estate
Marcia Waters
Director

BOARD OF REAL ESTATE APPRAISERS MEETING
January 5, 2012

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MINUTES
BOARD OF REAL ESTATE APPRAISERS
January 5, 2012
Colorado Division of Real Estate
1560 Broadway, Suite 1250C
Denver, CO 80202

A meeting of the Colorado Board of Real Estate Appraisers was held on Thursday, January 5, 2012 at 1560 Broadway, Suite 1250C, 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 VICE-CHAIR:

Call to Order, Roll call, Determination of a Quorum-
The meeting was called to order at 9:00 a.m. – Chair Robin Anderson made a quorum determination.

Board Members in attendance: Chair-Robin Anderson, Vice Chair-Frank Beltran, Deborah Delaney, Anthony Navarro, Susan Secrest, Wayne Hunsperger and Bruce Willard.

Also attending were Marcia Waters, Division Director; Cary Whitaker, Deputy Director; Hollis Glenn, Investigations Manager; Penny Elder, ESP Program Manager; Eric Turner, Education, Policy & Communications Manager; Sherri Karstetter, ESP Program; Melissa Phipps, Assistant Attorney General; Heather Flannery, Assistant Attorney General; Doreen Archuleta, Enforcement; Martha Torres-Recinos, Program Support, 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 Mr. Hunsperger seconded the motion to approve the Minutes of the December 1, 2011 Board meeting.

Motion unanimously carried.

ORDER OF BUSINESS:

Policy Matters, Updates and Information

Assessor Jurisdiction and Investigative Process-
Marcia Waters, Director, advised the Board that the ASC extends oversight over any assessor who has an appraiser's license. The Division sees very few assessor complaints. The one assessor complaint we had in 2011 resulted in dismissal.

The Division will include a statement on its website that the public should refrain from filing complaints with us based on disputes with regard to tax valuations. The Division does not want to spend staff time and resources on complaints that we do not have the authority to investigate.

NOTE: Mr. Tony Navarro arrives for the meeting at 9:05 a.m.

Citizen Participation:

David Wissel, Park County Assessor, addressed the Board.

COMPLAINT INVESTIGATIONS:

Case No. 2011030304 (Carl Hegewald, Contract Investigator)
Mr. Glenn presented this matter to the Board.

Complaint No. 2011030304 the report alleged violations of: USPAP – Ethics Rule and Conduct Section; Competency Rule; Departure Rule; Supplemental Standards Rule; Standard 1; Standards Rule 1-1(a), 1-1(b), and 1-1(c); Standards Rule 1-2(a) and 1-2(f); Standards Rule 1-3(b); Standards Rule 1-4, 1-4(a), 1-4(b), and 1-4(e), ; Standards Rule 1-6(a); Standard 2; Standards Rule 2-1(a) and 2-1(b); Standards Rule 2-2(a)(i), 2(a)(vii), 2-2(a)(ix), and 2-2(a)(x), 2-2(a)(xi); and §12-61-710(1)(g), C.R.S.

Mr. Hunsperger moved and Mr. Beltran seconded that the Board find that reasonable grounds exist to believe that violations of appraisal law occurred in Case Number 2011030304. The Board voted to refer back to Staff for a settlement offer consistent with Staff recommendations of Level 4 discipline; a $4,000 fine; a Review of three appraisals in six months and real estate appraiser education including 15 hours USPAP, 30 hours General Appraiser Market Analysis and Highest and Best Use; 30 hours General Appraiser Sales Comparison Approach; and a course in Eminent Domain to be completed within six months.

Motion unanimously carried.

Case No. 2010121319 (Chris Stanley, Contract Investigator)
Mr. Glenn presented this matter to the Board.

Mr. Beltran moved and Mr. Hunsperger seconded that the Board finds that no violations of appraisal law occurred in Case Number 2010121319. The Board voted on dismissal of the case conditioned upon completion of education. Real Estate Appraiser education shall include 15 hours USPAP, 15 hours Residential Market Analysis and Highest and Best Use; and 30 hours Residential Sales Comparison and Income Approaches to be completed within three months.

Motion unanimously carried.

LICENSING AND OTHER MATTERS:

No matters presented.

EXPEDITED SETTLEMENT PROGRAM (ESP):

ESP Matter, Complaint #2005100871-
Penny Elder presented this matter to the Board.

The Board was requested to reconsider discipline from the respondent in Complaint #2005100871. The respondent has been compliant and the terms of the Stipulation have been met. After discussion, it was by Mr. Willard and seconded by Mr. Hunsperger to reconsider. The Board voted to delegate authority to staff to work in coordination with the Attorney General's Office to change the original ESP stipulation to a Stipulation for Diversion.

Motion unanimously carried.

ESP Matter, Complaint #2009111658-
Penny Elder presented this matter to the Board.

The Board was requested to reconsider discipline from the respondent in Complaint #2009111658. The respondent has requested that the Board disregard the ordered discipline and to waive his disciplinary obligations, as he has plans to retire at the end of the year.

After discussion, it was moved by Mr. Beltran and seconded by Mr. Hunsperger to deny the request to reconsider.

Motion unanimously carried.

ESP Matter, Complaint #2009071197 and #2009111858-
Marcia Waters presented this matter to the Board.

The Board was requested to reconsider discipline from the respondent in Complaint #2009071197 and #2009111858. The respondent voluntarily relinquished his license and wants the Board to reconsider the relinquishment because he was unaware the impact it would have.

After discussion, it was moved by Mr. Beltran and seconded by Mr. Navarro to deny the request to reconsider.

Motion unanimously carried.

EXECUTIVE SESSION

After conferring with Ms. Melissa Phipps with the Attorney General's Office, it was determined that no Executive Session be held as there were no matters for discussion.

Agenda Items for Next Meeting:

- University designed curriculum to qualify for an Appraiser's license
- BOREA Retreat will immediately follow the February 2, 2012 meeting

ADJOURN:
The Colorado Board of Real Estate Appraiser's meeting adjourned at 10:28 a.m. on January 5, 2012.

_____
Robin Anderson, Chair

_____
Frank Beltran, Vice-Chair

_____
Deborah Delaney

_____
Wayne Hunsperger

_____
Anthony Navarro

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Susan Secrest

_____
Bruce Willard

_____
Marcia Waters, Director
Colorado Division of Real Estate