

# **NORTH CAROLINA APPRAISAL BOARD**

## **Minutes**

**Raleigh  
December 15, 2009**

### **Board Members Present**

John D. Lyon, Jr., Chairman  
J. David Brooks, Vice-Chairman  
Thomas A. Barton  
Henry E. Faircloth  
Sidney P. Jessup  
Donald S. Johnson  
Charles J. Moody, III  
J. Vance Thompson  
Lauriette W. West-Hoff

### **Staff Present**

Donald T. Rodgers, Executive Director  
Thomas W. Lewis, III, Deputy Director  
Roberta A. Ouellette, Legal Counsel  
Jeffrey H. Davison, Investigator  
Terri S. Haywood, Investigator  
Mindy Sealy, Administrative Assistant

### **CALL TO ORDER**

Chairman Lyon called the meeting to order at 9:00 a.m.

Chairman Lyon read the Conflict of Interest reminder. No Board Member indicated any conflicts of interest.

### **APPROVAL OF AGENDA**

Mr. Thompson moved, second by Mr. Brooks that the Board approve the agenda with the Chairman being able to take items in any order. Motion carried.

### **APPROVAL OF MINUTES**

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Ms. West-Hoff moved, second by Mr. Barton to approve the November Minutes (**Exhibit 1**) as presented. Motion carried.

**PUBLIC HEARING ON RULE CHANGES (Exhibit 2)**

Ms. Ouellette summarized the proposed rule adoption and changes. The Board received eight written comment on the proposed rule changes. The Board received public comments from Everett Vic Knight, Philip W. Humphries, Doug Winner and Nancy Toombs. Mr. Rodgers recommended four changes from the rules as published. At the close of the meeting, the Board decided to postpone any ruling on the proposed rule changes until the February 2010 meeting.

**HEARINGS**

**2008-0142     Gordon F. Lucks**

Following a hearing, the Board suspended Mr. Lucks' residential certification for a period of six months or until he is no longer on probation, whichever is longer.

**OPEN FORUM (Exhibit 3)**

There were no requests to speak at the Open Forum

**FINANCE**

The Board reviewed the **financial report (Exhibit 4)** for the period ending November 30, 2009.

**LEGAL**

**Consent Orders**

**2007-0111     Arnold G. Anderson**

Mr. Faircloth moved, second by Mr. Thompson that the Board deny the consent order as presented. If Mr. Anderson agrees that, in addition to the stipulations in the order as presented, he will take and pass the state certification examination, the consent order will be accepted. Motion carried.

The consent order currently states that Mr. Anderson's certification will be

suspended for a period of five years. His certification is lapsed. He may be reinstated on July 1, 2011 if he completes the following courses before that time: residential market analysis and highest and best use, valuation of vacant land, and appraiser liability. In order to be reinstated on July 1, 2011, Respondent must take all continuing education that would have been required had he been continually licensed by the Appraisal Board. He must also notify the Board by June 1, 2011 that he wishes to be reinstated. Failure to take the required education or to notify the Board by June 1, 2011 will result in denial of his reinstatement. He will then need to file a new application and comply with laws and rules in effect on the date of application in order to become licensed by the Board in any capacity.

**2007-0131 Edward B. Anderson**

Mr. Brooks moved, second by Ms. Jessup that the Board suspend Mr. Anderson's general certification for a period of three years. The first year of the suspension is active. Before the end of the first year, Mr. Anderson must complete the precertification course known as Residential Sales Comparison and Income Approach (including examination). His certification will not be reissued at the end of the active year of suspension unless he has taken and passed the state certification examination. Motion carried.

**2008-0087 Ronald W. Brooks**

Mr. Brooks moved, second by Mr. Moody that the Board issue a reprimand to Mr. Brooks. Mr. Brooks must complete a class in home inspection and a class in NC Appraisal Board rules by June 1, 2010, or the reprimand will be vacated and a one month suspension imposed on that date. Motion carried.

**2008-0145 John T. Rendleman, Jr.**

Mr. Moody moved, second by Mr. Brooks that the Board suspend Mr. Rendleman's residential certification for a period of twelve months. The first two months of the suspension are active and the remainder is stayed. If Mr. Rendleman completes the 15 hour national USPAP course, including passing the exam, and a class in business practices and ethics by June 1, 2010, the remainder of the suspension will be inactive. Motion carried.

**2009-0140 Michael Ollison**

Mr. Faircloth moved, second by Mr. Thompson that the Board suspend Mr. Ollison's residential certification for a period of twelve months. The suspension is stayed until June 1, 2010. If Mr. Ollison completes the 15 hour National USPAP course, including passing the exam, and also completes a course in appraisal

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report writing by that date, the suspension will be inactive. Mr. Barton recused himself from this case. Motion carried.

**Probable Cause (Exhibit 4)**

Ms. West-Hoff moved, second by Mr. Faircloth that the Board accept staff recommendation on the probable cause summaries with the exception of cases 2009-0073, 2009-0107 and 2009-0128. Motion carried.

**2008-0139** Move this case to a hearing.

**2009-0015** Dismiss this case.

**2009-0030**

**2009-0031** Dismiss these cases with a warning to properly reconcile their approaches to value, conditioned upon completion of a 15 hour class in residential market analysis and highest and best use. Both Respondents took the 15 hr National USPAP course after this appraisal was completed.

**2009-0072** Dismiss this case with a warning to change the effective date on the report if the contract price changes. Respondent took the 15 hour National USPAP course after this appraisal was completed.

**2009-0073** Mr. Thompson moved, second by Mr. Brooks that the Board dismiss this case. Motion carried.

**2009-0082** Dismiss this case.

**2009-0096**

**2009-0183** Dismiss these cases.

**2009-0097** Dismiss this case.

**2009-0107** Mr. Thompson moved, second by Mr. Brooks that the Board dismiss this case with a warning that any transmission of an appraised value is an appraisal report, and that "draft" appraisal reports are not considered appropriate practice. Motion carried.

**2009-0109** Move this case to a hearing.

**2009-0110** Dismiss this case with a warning to accurately identify neighborhood boundaries and comparable sales.

**2009-0112** Move this case to a hearing.

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**2009-0128** Mr. Moody moved, second by Mr. Brooks that the Board dismiss this case with a warning to inspect more thoroughly. Motion carried.

**2009-0135** Dismiss this case with a warning to keep copies of all reports sent to clients.

**2009-0147** Dismiss this case.

**2009-0163**

**2009-0164** Dismiss these cases.

**Investigation Request (Exhibit 6)**

Mr. Thompson moved, second by Ms. West-Hoff that the Board accept staff recommendation on the investigation request. Motion carried.

**Request for Reconsideration (Exhibit 7)**

Ms. Faircloth moved, second by Mr. Brooks that the Board deny the petition for reinstatement. Motion carried.

The Board reviewed the **Pending Cases Report (Exhibit 8)** and the **Disciplinary Actions Year-to-Date (Exhibit 9)**.

**LICENSING AND EDUCATION**

The Board reviewed the list of candidates who have been recently registered or certified (**Exhibit 10**).

**Consider character of candidates who otherwise are qualified**

Following a character conference (**Exhibit 11**) Mr. Barton moved, second by Ms. West-Hoff that the Board issue a certified residential license to **Todd Edward Dent** and a trainee registration to **Reginald Brian Williams**. Motion carried.

**OTHER ITEMS**

The Board reviewed the **Examination Reports (Exhibit 12)** for October 2009.

The Board reviewed the **Course and Instructor Evaluation Summaries (Exhibit 13)**.

Mr. Moody moved, second by Ms. West-Hoff that the Board enter into a reciprocity agreement

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with the State of Texas. Motion carried.

**Committee Reports**

The Finance Committee did not meet.

The Building Committee met on Tuesday, November 10, 2009 after the Board meeting to discuss and repairs that needed to be done to the building. They also discussed the possibility of painting some areas.

**Staff Report**

Ms. Ouellette and Mr. Rodgers met with the course providers and some of the instructors on November 13, 2009 to discuss the proposed rule changes.

The next Supervisor course is scheduled for January 29, 2010 in Raleigh.

Mr. Lewis taught the investigator training course in Chicago November 11 – 14, 2009.

Ms. Ouellette will be receiving the chairman's public service award from the Board of Trustees of the Appraisal Foundation for her work on the consistent enforcement task force at the AARO Spring Conference in San Diego.

We will be in contact with the Legislature early next year concerning the AMC legislation.

There being no further business to come before the Board, Mr. Thompson moved, second by Mr. Faircloth that the meeting be adjourned. Motion carried.

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Donald T. Rodgers, Executive Director

This, the \_\_\_\_\_ day of February, 2010.

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John D. Lyon, Jr., Chairman