

NORTH CAROLINA APPRAISAL BOARD



Minutes

One Hundred Thirty-Ninth Meeting January 21, 2003

Board Members Present

Bart Bryson, Chairman
J. Vance Thompson, Vice-Chairman
Bruce W. DesChamps
Henry E. Faircloth
Charles K. Hinnant
Jack O. Horton
E. Ossie Smith

Staff Present

Mel Black, Executive Director
Roberta A. Ouellette, Legal Counsel
John K. Weaver, Deputy Director
Philip W. Humphries, Deputy Director
Matthew W. Green, Investigator
Donald T. Rodgers, Investigator
Lynn P. Crawford, Appraiser Secretary

CALL TO ORDER

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

Mr. Black read the Conflict of Interest reminder. Mr. Hinnant and Mr. Smith indicated conflicts of interest and will ask to be recused prior to the Board taking up the individual matters.

APPROVAL OF AGENDA

Mr. Smith moved, second by Mr. Hinnant to approve the agenda with the Chairman being able to take items in any order and to add a closed session to discuss personnel. Motion carried.

APPROVAL OF MINUTES (Exhibit 1)

Mr. Hinnant moved, second by Mr. Smith to approve the minutes as presented. Motion carried.

HEARINGS:

2002-0210 **Charles Walter Scott**

Following a hearing, the Board granted Mr. Scott's application to become a registered trainee.

2002-0226 **David Matthew Horton**

Following a hearing, the Board granted Mr. Horton's application to become a registered trainee.

OPEN FORUM (Exhibit 2)

Robert Ipock and Thomas G. Hildebrandt, Jr. spoke at the Open Forum.

FINANCE (Exhibit 3)

The Board reviewed the financial report (**Exhibit 3**) for the current fiscal year through January 10, 2003.

LEGAL

Consent Orders

2002-0114 **Joseph B. Harding**

Mr. Horton moved, second by Mr. Hinnant that the Board suspend Mr. Harding's residential certification for three months. The suspension is stayed until June 30, 2003. Mr. Harding also agreed that he will complete the prelicensing course known as R-3 and a 15 hour USPAP course by June 30, 2003. If he takes the courses as agreed, the suspension will be inactive. If he does not, the suspension will be activated on July 1, 2003. Motion carried.

2002-0148 **Stephen Wolfsen**
2002-0149 **William Batuyios**

Mr. Horton moved, second by Mr. Faircloth that the Board issue an administrative warning to Mr. Wolfsen and Mr. Batuyios. Both Mr. Wolfsen and Mr. Batuyios agree that until they have completed G-1, G-2, and G-3, they will perform only appraisals of properties that are one- to four family residential properties. Mr. Batuyios also agrees that he will complete a narrative report-writing course by June 30, 2003. If he does not take the course as agreed, a one-month active suspension will be activated on July 1, 2003. Motion carried.

2002-0159 **William Caterino**
2002-0160 **Gregory Wargin**
2002-0161 **John Wargin**

Mr. Wargin, Mr. Caterino and Mr. Wargin agreed that they will not perform any appraisals of property located in North Carolina without first being licensed to do so, either by obtaining a temporary practice permit for each assignment or by becoming licensed in North Carolina by the North Carolina Appraisal Board.

Mr. Smith moved, second by Mr. Hinnant that if Mr. Wargin, Mr. Caterino and Mr. Wargin should do any future appraisal work in North Carolina without a license, the North Carolina Appraisal Board will seek an injunction against them. If that should occur, and the Appraisal Board is successful in obtaining an injunction, Mr. Wargin, Mr. Caterino and Mr. Wargin agree to pay all costs and attorney's fees incurred by the Appraisal Board in that action. The Appraisal Board will also refer that matter to the District Attorney's office for criminal prosecution. Motion carried.

2001-0202 **Caroline Ray**

Mr. Smith moved, second by Mr. Faircloth to deny the consent order. Motion carried.

Probable Cause (Exhibit 4)

Mr. Horton moved, second by Mr. Hinnant to accept staff recommendation on all probable cause summaries. Motion carried.

2002-0093
2002-0094 Dismiss these cases with letters of warning.

MINUTES

January 21, 2003

Page 4

- 2002-0131 Move this case to a hearing.
- 2002-0136 Dismiss this case
- 2002-0143
- 2002-0144 Dismiss these cases
- 2002-0156 Dismiss this case
- 2002-0163
- 2002-0164 Move these cases to hearings.
- 2002-0167
- 2002-0168 Move these cases to hearings.
- 2002-0200 Dismiss this case
- 2002-0201 Move this case to a hearing
- 2002-0206
- 2002-0207 Move these cases to hearings.
- 2002-0216
- 2002-0218 Dismiss these cases.
- 2002-0221 Dismiss this case
- 2002-0222 Dismiss this case

The Board reviewed the **Pending Cases Report (Exhibit 5)** and the **Disciplinary Actions Year-to-Date (Exhibit 6)**.

LICENSING AND EDUCATION

The Board reviewed the list of candidates who have been recently registered, licensed or certified (**Exhibit 7**).

The **Character Conference Panel** presented its recommendations (**Exhibit 8**). Mr. Faircloth moved, second by Mr. Hinnant to accept the recommendations of the Character Conference Panel and issue trainee registrations to **Richard J. Batten, Jr.** and **Christopher L. VanDyke**. Motion carried.

MINUTES

January 21, 2003

Page 5

Consider character of candidates who otherwise are qualified (Exhibit 9)

Mr. Smith moved, second by Mr. Faircloth that the Board accept staff recommendation on the candidates who otherwise are qualified. Motion carried.

Applicant	Level	Action Taken
(A) Larry David Foster	Registered Trainee	Issue Registration
(B) Sherry Elizabeth Goodman	State-Licensed Residential	Issue License
(C) Todd William Riddick	Registered Trainee	Issue Registration

Qualifying Education Equivalency (Exhibit 10)

Mr. Faircloth moved, second by Mr. Horton that **Betty Adelno Lurie** complete a 15-hour USPAP course to qualify for the trainee examination. Motion carried.

Applications for Reinstatement (Exhibit 11)

Mr. Hinnant recused himself from the discussion and vote in this matter. Mr. Smith moved, second by Mr. Thompson that **Edmund Dwight DeHart** complete R-3 and a 15-hour USPAP course to reinstate his trainee registration. Motion carried. Mr. Faircloth moved, second by Mr. Thompson that **Stanley William Miller** complete R-3, G-1, and a 15-hour USPAP course to reinstate his residential certification and that **Matthew G. Pattison** complete G-3 to reinstate his general certification. Motion carried.

Equivalent Continuing Education (Exhibit 12)

Mr. Horton moved, second by Mr. Hinnant to not approve **John Martin Baker's** request for "Appraisal Institute Meeting" for continuing education credit. Motion carried.

Education Issues

Mr. Smith moved, second by Mr. Faircloth to not approve the request from **Rob Martin (Exhibit 13)** for an exemption from Rule 57B.0101. Motion carried with one vote in the negative.

The Board reviewed information from **IDECC – International Distance Education Certification Center (Exhibit 14)**. Mr. Smith moved, second by Mr. Hinnant that the Board continue to approve distance education courses according to Board Rules and to provide IDECC with a copy of the Board's rule for approving distance education. Motion carried.

OTHER ITEMS

The Board reviewed the Examination Reports (**Exhibit 15**) for December 2002.

The Board reviewed the **Course and Instructor Evaluation Summaries (Exhibit 16)**.

Mr. Faircloth moved, second by Mr. Smith that the Board approve creating a **Legal Intern position for Summer 2003 (Exhibit 17)**. Motion carried.

Mr. Thompson moved, second by Mr. DesChamps that **Board Minutes not be placed on the Board's website (Exhibit 18)**. Motion carried.

The Board reviewed the **North Carolina Board of Ethics newsletter (Exhibit 19)**.

Mr. Smith moved, second by Mr. Faircloth that the Board table for further action joining the **Federation of Associations of Regulatory Boards** and attending their upcoming meeting (**Exhibit 20**). Motion carried.

The Board reviewed **The Appraisal Foundation's State Regulator Update (Exhibit 21)** and asked Mr. Black to make application for all Board members and some staff to be included on the Foundation's State Regulatory Advisory Group.

Mr. Black, AARO's TAFAC representative, updated the Board on the January 2003 TAFAC meeting.

The Board's **Operations Manual, Accounting Manual and Complaint Handling Policy** were distributed for review at the February 2003 Board meeting (**Exhibit 22**).

Mr. Horton moved, second by Mr. Hinnant that the Board go into closed session. Motion carried.

Mr. Thompson moved, second by Mr. Faircloth that the Board go into open session. Motion carried.

Committee Updates

The Finance Committee did not meet.

Mr. Thompson gave the report for the Education Committee. The Board agreed that Triangle Real Estate Appraisal and Curtis West's 15-hour USPAP applications be transferred from continuing education applications to qualifying applications.

MINUTES

January 21, 2003

Page 7

Mr. Faircloth gave the report for the Building Committee. Mr. Faircloth reported on the house removal on the Board's property.

Staff Report

Ms. Ouellette discussed "Changing the Name of the Client on an Appraisal Report," an article in the most recent *Appraisereport*. She clarified a number of items and the Board determined that there was no need to amend the article.

Mr. Black announced that the Appraisal Subcommittee will be visiting the Board in April 2003.

Mr. Black will obtain further information on FARB (Federation of Associations of Regulatory Boards).

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

This, the _____ day of February, 2003.

Mel Black, Executive Director

Bart Bryson, Chairman