

REAL ESTATE APPRAISER COMMISSION 500 JAMES ROBERTSON PARKWAY NASHVILLE, TENNESSEE 37243 615-741-1831

Meeting Minutes for June 20, 2023 First Floor Conference Room 1-B Davy Crockett Tower

The Tennessee Real Estate Appraiser Commission met on June 20, 2023, and the following business was transacted:

BOARD MEMBERS PRESENT: Jim Atwood, Brett Mansfield, Nelson Pratt, Sandra Tuck, Dr. Mark Sunderman, Francie Mello, Will Haisten

BOARD MEMBERS ABSENT: Eric Robinson

STAFF MEMBERS PRESENT: Glenn Kopchak, Anna Matlock, William Best, Heidi Overstreet, Taylor Hilton, Alexandria Griffey

CALL TO ORDER / ROLL CALL / NOTICE OF MEETING

Director Glenn Kopchak called the meeting to order at 9:15 am and took roll call.

AGENDA

Jim Atwood made a motion to adopt the agenda. This was seconded by Sandra Tuck. The motion passed by unanimous voice vote.

MINUTES

Jim Atwood made a motion to adopt the minutes from March 20, 2023. This was seconded by Nelson Pratt. The motion passed by unanimous voice vote.

EXPERIENCE INTERVIEWS

Mr. Jim Atwood

Name	Upgrade Type	Recommend	Board Vote
James Dalton	CR	Yes	Yes
Daniel Owens	CR	Yes	Yes

Mr. Will Haisten

Name	Upgrade Type	Recommend	Board Vote
Jennifer Trosper	CR	Yes	Yes

Mr. Brett Mansfield

Name	Upgrade Type	Recommend	Board Vote
Kimberly Prescott	CR	Yes	Yes

Mr. Nelson Pratt

Name	Upgrade Type	Recommend	Board Vote
Alexander Tipton	CG	Yes	Yes
Ryne Foster	CG	Yes	Yes

Ms. Sandra Tuck

Name	Upgrade Type	Recommend	Board Vote
Jessica McClenahan	Licensed	Yes	Yes
Gerald Tary	Licensed	Yes	Yes

Brett Mansfield made a motion to approve the above interview recommendations. This was seconded by Will Haisten. The motion passed by unanimous voice vote.

APPLICATION REVIEWS

Direct Appraisal Management, Corp: The board deferred the application until the next meeting to allow AMC Member Eric Robinson to review and provide additional comments.

Will Haisten made the motion to defer application. This was second by Nelson Pratt. The motion passed by unanimous voice vote.

EDUCATION REPORT

Course Provider	Course Number	Course Name	Instructor(s)	Туре	Hours	Recommendation
Appraiser eLearning	2659	Desktops 101: Navigating GSE Appraisal Modernization (Online)	James Baumberger	CE	4	Approve
Appraiser eLearning	2660	FHA Roadmap	Bryan Renolds	CE	7	Approve
Appraiser eLearning	2661	The Other Appraisal Reports: Exploring Restricted & Oral Appraisal Reports	Bryan Reynolds	CE	7	Approve
American Society of Farm Managers and Rural Appraisers	2667	Introduction to Business Valuation for Rural Appraisers	Brian Stockman	CE	8	Approve
American Society of Farm Managers and Rural Appraisers	2669	Appraising Natural Resources: Oil, Gas, and Minerals	Briana Lamphier	CE	8	Approve
American Society of Farm Managers and Rural Appraisers	2671	Farmer Mac Appraisal Requirements	Rebecca Stone	CE	4	Approve
American Society of Farm Managers and Rural Appraisers	2672	Livestock Ranch Seminar	Lee Smith	CE	8	Approve
Melissa Bond	2673	Site Inspection with ANSI	Melissa Bond	CE	7	Approve
TN Chapter of Appraisal Institute	2674	Impact of Short-Term Rentals (AirBnB, VRBO, HomeAway) on Real Estate Valuations	Jason Ferris	CE	7	Approve
OPREP Education Network	2676	Appraiser Liability and Risk Management	Timothy Anderson	CE	7	Approve
Federal Highway Administration Resource Center	2678	Eminent Domain Appraisal in the Federal	Chad Crawford	CE	14	Approve

TN Chapter of Appraisal Institute	2681	The tough Ones: An Income Capitalization and Sales Comparison Approach to Mixed Use Properties	Myra Pitts	CE	7	Approve
Appraiser eLearning	2682	Top 15 Takeaways from Your Colleagues Legal Misfortunes	Peter Christensen	CE	3	Approve
Melissa Bond	2684	Report Writing	Melissa Bond	CE	7	Approve
Appraiser eLearning	2685	2023 UAD Redesign Vegas	Multiple	CE	7	Approve
AL/MS Chapter of Appraisal Institute	2686	Conservation Easements: 2023 Updates on Legal, Appraisal, Accounting, and Ethical Issues	Multiple	CE	5	Approve
Appraiser eLearning	2689	Non-Lending Appraisals: Expanding Your Appraisal Practice	Joshua Walitt	CE	7	Approve
Appraiser eLearning	2690	Ultimate Workfile: What, When, Why	Joshua Walitt	CE	4	Approve
Appraiser eLearning	2691	2023 Market Conditions	Ben Maxwell	CE	7	Approve
Melissa Bond	2692	Mortgage Lending & Appraisal Shelf Life	Melissa Bond	CE	7	Approve

Individual Course Approvals

Licensee	Course Provider	Course Name	Hours	Type	Recommendation
Jerrod Gaertner	The Appraisal Institute	Wisely Appraising Intangibles	3	CE	Approve
Jesse Gilliland	GA Appraiser School	Building a Perfect Appraisal Report	7	CE	Approve

Jim Atwood made a motion to approve the education committee's recommendations. This was seconded by Sandra Tuck. The motion passed by unanimous voice vote.

DIRECTOR'S REPORT

Budget Report

Director Kopchak stated that the report covers 4 months of record, Jan-April, and noted that everything is on course and the board is tracking in surplus.

AARO Spring Conference Update

Brett Mansfield and Sandra Tuck found the conference to be very informational and rewarding. They encouraged other members and staff to take the opportunity to experience the conference. They provided updates regarding PAREA and the potential for use of a disciplinary sanction matrix provided by the Appraisal Foundation. As for PAREA, those and other updates will be provided on the website or by signing up for voluntary notifications at notify.tn.gov.

LEGAL

Legal Report

1. 2023002881

Opened: 1/30/2023

License Type: Certified General Real Estate Appraiser

First Licensed: 12/12/1991

Expires: 12/12/2021 (Expired, Active)

History: None

Complainant states they believe Respondent was overly swayed by an involved parties' opinions when writing their appraisal report. However, Complainant has since requested to withdraw their complaint, and explained they no longer wish to pursue anything against Respondent. Additionally, Respondent denies any outside opinions influencing their report. Respondent further explains that they have since retired and are no longer appraising properties. As such, Counsel recommends dismissing the complaint with no action.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel's recommendation.

2. 2023014341

Opened: 4/17/2023

License Type: Certified General Real Estate Appraiser

First Licensed: 10/31/1991

Expires: 10/31/2023

History: None

Complainant alleges Respondent used comparables materially different from the subject property in a report dated August 10, 2022. However, Respondent's daughter informed Counsel that Respondent unexpectedly passed in January 2023. Respondent's daughter explained Respondent was the sole owner/operator of their appraisal company. As such, Counsel recommends dismissing the complaint without action.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel's recommendation.

3. 2023018341

Opened: 5/1/2023

License Type: Certified Residential Real Estate Appraiser

First Licensed: 6/21/2005

Expires: 3/31/2024 History: None

Complainant states Respondent was hired to perform a secondary appraisal on their home by the Bank. Complainant contends, however, despite Respondent agreeing to perform this second appraisal, they stopped answering all communication and did not come to the property. Complainant alleges their Bank has tried to follow up on the status of the report but cannot reach Respondent by phone. Complainant additionally states they and their spouse have tried to contact Respondent via email, text message, and by phone, but Respondent has failed to communicate. Complainant states Respondent's actions have cost them significant losses as it has put them weeks behind on their building project. Complainant states they believe Respondent has been unprofessional and not acted in accordance with the Appraiser industry requirements.

Respondent contends while they did start on Complainant's assignment, the report was never finished as the required documents were never provided to Respondent. Specifically, Respondent points out that they never received documentation for the cost of construction, the material lists, or the list for interior finishings. Respondent states the preliminary report was sent to their client, but was never completed due to the lack of required data to accurately and properly represent the property to be constructed. Additionally, Respondent states at that time, the loan officer contacted them and attempted to unduly influence the outcome of the assignment by stating the value amount needed to make the loan work. Respondent states, accordingly, they rescinded the report and recused themselves from any further involvement with the report. Respondent states they were never paid for any work on this assignment.

Respondent states they were later contacted by Complainant, who was not their client, and that they explained to Complainant they were no longer working on the assignment. Respondent states while the complaint contends a second appraisal was ordered and accepted by Respondent, they were never in receipt of any additional orders/assignments for Complainant's property. Respondent notes that had a second assignment been requested, they would have declined the assignment due to conflict of interest and previous

attempts to unduly influence the value. Based on Respondent's answer and the lack of evidence of any violations on behalf of Respondent, Counsel recommends dismissing the complaint without action.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel's recommendation.

4. 2023021741

Opened: 5/22/2023

License Type: Certified Residential Real Estate Appraiser

First Licensed: 11/15/1991

Expires: 11/30/2023

History: 2006 Letter of Warning; 2010 Consent Order for USPAP violations; 2021 Consent Order for Inappropriate Comparable Sales selection due to location

Complainant states Respondent initially completed a private appraisal for them on March 27, 2023. Complainant states that the appraisal was submitted to them directly by Respondent and they paid Respondent directly. Complainant states they then listed the home for sale. Complainant states that following this, their Bank required another appraisal, and Respondent was hired to complete this secondary appraisal. Complainant states Respondent completed the second appraisal on April 27, 2023, and alleges they submitted to the Bank the same documents and report that were given to Complainant after the first appraisal. Complainant states they informed the Bank about Respondent submitting the same report from the private appraisal. Complainant alleges after this, Respondent changed the conditions of the loan. Complainant additionally alleges that previously there had been no repairs listed as needed prior to closing. However, after being reported for submitting the same paperwork, Respondent then changed the conditions for the loan to require repairs on the roof and on the plumbing and pipes. Complainant is alleging Respondent retaliated against them by changing the repairs needed.

Respondent states in March 2023, they were initially hired to conduct a private appraisal on the home in question. Respondent states on March 20, 2023, they went to the subject property and performed a restricted appraisal, and emailed the report to their client. Respondent states then on April 24, 2023, they received a request from a different client to perform another appraisal on the same subject property. Respondent states they disclosed to the new client that they had recently performed another appraisal on the same subject property. Respondent states they were instructed to still proceed with the secondary appraisal. Respondent states, as such, on April 24, 2023, they performed an FHA appraisal on the subject property. Respondent states while at the subject property, they were told a home inspection was going to be completed, and that it was a family-to-family sale. Respondent states at the time of turning in their appraisal, they were not aware of any repairs that were required, so they did not list any in their report.

Respondent states, however, on May 2, 2023, they were given a copy of the home inspection. Respondent explains after reviewing the inspectors' findings, they decided to

update their report to require minor repairs and sent in their updated report on May 3, 2023. Respondent asserts in response to the complaint that the appraisals were not the same and that the first one was performed on a restricted form, while the second one was an FHA appraisal performed on a URAR/UAD form. Respondent states each appraisal had different photos, narratives, and addendums. Respondent states while the comparables were the same, they were all still relevant, and they went and performed another site visit of the property. Respondent states they did not retaliate against Complainant and were not aware they were upset until receiving this complaint. Respondent states they did not mislead anyone, and disclosed all information about previously performing an appraisal on the subject property to the client before proceeding.

Based on the information provided, there does not appear any violations on behalf of Respondent. As such, Counsel recommends dismissing the complaint with no action.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel's recommendation.

5. 2023006801

Opened: 2/21/2023

License Type: Certified Residential Real Estate Appraiser

First Licensed: 12/12/1991

Expires: 12/31/2023

History: 2011 Letter of Warning/Caution

Complainant believes Respondent exercised unfair practices when conducting an appraisal of their home. Complainant states upon reviewing the appraisal report, they noticed a few things they believe to be inaccurate. Specifically, Complainant states the square footage reported and the comparables used were erroneous. Complainant states that some of the comparables used by Respondent were not the most appropriate ones available. Complainant states two of the comparables used by Respondent were appraised almost a year prior and were outside of their subdivision. Complainant states, additionally, based on a market analysis that they had completed on their home, they feel Respondent undervalued their home by more than \$100,000.

Respondent states they are sorry Complainant is not satisfied with the appraisal, but they believe the best appraisal possible was completed. Respondent states Complainant never reached out to them or their client for more information on the report or its finding prior to filing their complaint. Respondent states they believe the conclusions in their report were supported.

An expert conducted a review. The expert reviewer determined that there were no observations in Respondent's report that reflected non-compliance with USPAP Standards, and that the appraisal report was credible. The expert recommended that no education or formal discipline be assessed. As such, Counsel recommends dismissing the complaint with no action.

Recommendation: Dismiss.

Commission Decision: The Commission voted to accept counsel's recommendation.

6. 2022030501

Opened: 7/24/2022

License Type: Certified General Real Estate Appraiser

First Licensed: 12/27/1991

Expires: 12/27/2023 History: None

Complainant states on May 20, 2022, Respondent conducted an appraisal of their home. Complainant states the appraisal was conducted as a part of their divorce proceedings. Complainant states, however, they were unaware Respondent was coming to the home to perform the appraisal, as they were hired by opposing counsel. Complainant alleges the value Respondent found was not based on accurate information. Complainant alleges Respondent used inappropriate comparables, and listed the incorrect square footage for the home in their report. Complainant alleges Respondent is working with opposing counsel in their divorce to give an inaccurate appraisal.

Respondent denies the allegations of the square footage being incorrect and states they personally measured the house on May 20, 2022, with both a tape measurer and a laser measuring tool. Respondent states Complainant is comparing their appraisal to a different appraisal that was performed eight months prior, which is not relevant. Respondent states they did not review the prior appraisal and do not review other appraisers' work, as their reports are based on their own findings. Respondent states the comparables used were respectively 0.11 miles, 0.93 miles, 1.02 miles, and 0.92 miles from the subject. Respondent states all comparables used were within the marketing area, and that they used the most recent transactions at the time as market conditions were increasing. Respondent denies working with or being "bribed" by their client's law firm. Respondent asserts their conclusions were supported by their findings.

An expert review was completed. The expert found that there was very "canned Neighborhood statement[s]". The expert found this to violate 2020/2023 USPAP Standards: SR1-1 (c), S SR1-2 (e)(i), SR 2-1 (b), and SR2-2(a) (iv). However, the expert found that the report appeared to be overall credible and that the submitted materials appeared to support the opinion of market value. Based on the experts' findings, and Respondent's lack of history, Counsel recommends issuing a Letter of Instruction to Respondent for the USPAP violations found.

Recommendation: Letter of Instruction.

Commission Decision: The Commission voted to dismiss this complaint.

7. 2023004271

Opened: 2/13/2023

License Type: Certified Residential Real Estate Appraiser

First Licensed: 10/6/2015

Expires: 9/14/2024 History: None

Complainant alleges Respondent did not come back to their home to take the required repair pictures. Complainant states they cannot get Respondent to return text or phone calls, and that they need an XML file from Respondent. Complainant alleges Respondent instructed them to take pictures of the subject property and send them to Respondent but to not let anyone know. Complainant alleges Respondent is holding up their closing because they are failing to do their work.

Respondent states they were hired to perform an appraisal on Complainant's property by an Affiliate company. Respondent states Complainant was present at the time of inspection, and informed Respondent that another appraisal had just been completed on the property. Respondent states Complainant expressed they were unhappy about the lender requiring a secondary appraisal. Respondent alleges at that time, Complainant informed them of the value determined in the first appraisal and expressed they need this appraisal to be for "at least \$5000 more." Respondent alleges Complainant made that comment numerous times throughout the appraisal. Respondent states they ignored these comments, completed their appraisal as normal, and turned in the report subject to the installation of a handrail on the stairs leading to the home's basement. Respondent states following their submission, they were engaged a few weeks later to complete the final report. Respondent states they then attempted to schedule a time with Complainant to come to the home and complete the final inspection. Respondent states, however, Complainant was going out of town and was refusing to set up a time that worked for both of them. Respondent alleges Complainant was being abrasive with their responses.

Respondent states at that time, Complainant asked if they could just send Respondent a photo of the installed handrail. Respondent explains they initially informed Complainant that they needed to see the installation in person, and were unable to accept a photo. Respondent states, however, they were receiving a lot of pressure from their client to turn in the report and that Complainant was unwilling to work with them to set up an appointment time. Respondent states, as such, after being unable to see the installation in person, they eventually accepted the photo from Complainant and used that to complete their report. Respondent states they have never in the past used a photo from a homeowner, but due to the pressure from their client and the unwillingness from Complainant, they felt they had no choice in this situation. Respondent states they are apologetic for this, and that they would never make the same mistake again.

Based on Respondent's answer and their lack of history, Counsel recommends the Commission authorize issuing a Letter of Warning to Respondent.

Recommendation: Letter of Warning.

Commission Decision: The Commission voted to dismiss this complaint.

8. 2023008501

Opened: 3/6/2023

License Type: Certified Residential Real Estate Appraiser

First Licensed: 7/29/1994

Expires: 7/29/2024

History: 2021 Letter of Caution for Failure to Timely Complete Continuing

Education Requirements.

Complainant alleges when Respondent performed an "Construction" appraisal for their home being built, they failed to include the "two-bonus" rooms that would be upstairs in their report. Complainant alleges, accordingly, Respondent's report was inaccurate and in violation of USPAP. Respondent states they initially did not include the upstairs area in the Gross Living Area (GLA) calculation because they were told that area was not going to be finished, and to proceed with the GLA, not including it. Following turning in their report, Respondent was informed by the Bank that they now wanted to include the upstairs in the GLA, and were instructed to re-do their report to include that area. Respondent states they informed the Bank this would change the GLA from 1486 square feet to 1999 square feet, and that the comparables would need to be changed to reflect the larger GLA. Respondent states the Bank agreed, and so they re-comped and changed the report.

An expert review was conducted. The expert found the following violations:

Neighborhood Section:

- There is no support for the One-Unit Housing Trends reported in the neighborhood section of the appraisal.
- There is no summary of analysis supporting the Stable Values indication, the shortage in Demand/Supply indication, and the marketing times under 3 months indication.
- Under Market Conditions the appraiser states "Housing trends, exposure times, etc. are based on data available as of the effective date of the report". However, the "data available" is not summarized in the appraisal as required by USPAP.

These observations reflect non-compliance with the following 2020/2023 USPAP Standards: SR 1-2(e)(i); SR 2-1(b); SR 2-2(a)(x)(5).

Site/Highest & Best Use Section:

- There is no summary of the analysis undertaken in support of the Highest and Best Use conclusion.
- The appraiser states in the Site section that "the subject's current use is legally permissible, physically possible, financially feasible, and yields maximum profitably." However, there is no summary of the analysis undertaken in support of this conclusion, as required by USPAP.

These observations reflect non-compliance with the following 2020/2023 USPAP Standards: SR 1-1(a); SR 1-1(b); SR 1-3(b); SR 2-1(b); 2-2(a)(xii).

Sales Comparison Approach:

- None of the comparable sales are located in the same city as the subject property.
- Three of the sales are 3.62, 3.72, and 3.69 miles, respectively, from the subject.
- Two of the sales are located 6.24 and 6.69 miles, respectively, away from the subject.
- There is no summary of any locational analysis undertaken addressing the need (or lack thereof) for location adjustments.
- Subject's site is 37,157 square feet, while the comparable sales have site sizes of 11,700, 9,500, 20,295, 12,000, and 13,818 square feet. However, there are no site size adjustments have been applied and there is no summary of any analysis in support of the lack of site area adjustments.

These observations reflect non-compliance with the following 2020/2023 USPAP Standard Rules: SR 1-1(b); SR 1-4(a); SR 2-1(b); 2-2(a)(x(5).

Subject/Comp Sales History Section:

- There is no analysis of subject's prior sale.

This observation reflects non-compliance with the following 2020/2023 USPAP Standards: SR 1-1(c); SR 1-5(b); SR 2-1(b).

Reconciliation Section:

- The Reconciliation states "The cost approach is considered a supportive value." However, the value per the cost approach does not support the value opinion.
- The value by the cost approach is \$383,370. This does not support the \$330,000 value opinion.
- The value opinion of the cost approach is not reconciled to the value of the sales comparison approach or to the value opinion.

This observation reflects non-compliance with the following 2020/2023 USPAP Standards: SR 1-1(c); SR 1-6(a); SR 2-1(a).

Based on the expert reviewers' findings, Counsel recommends the Commission authorize a Consent Order requiring Continuing Education to be completed within 180 days of the execution of the Consent Order and for these classes to be completed in addition to the continuing education minimum requirements for license renewal. Counsel also recommends that the Commission discuss and decide on the appropriate Continuing Education classes in the Consent Order.

Recommendation: Authorize a Consent Order requiring Continuing Education to be completed within 180 days of the execution of the Consent Order and for these classes to be completed in addition to the continuing education minimum requirements for license renewal. Counsel also recommends that the Commission discuss and decide on the appropriate Continuing Education classes in the Consent Order.

Commission Decision: The Commission voted to authorize a Consent Order requiring Thirty (30) hours of Continuing Education in Sales Comparison and Fifteen (15) hours of Continuing Education in Market analysis and Highest and Best Use to be completed within 180 days of the execution of the Consent Order and for these classes to be completed in addition to the continuing education minimum requirements for license renewal.

9. 2023024291

Opened: 6/5/2023

License Type: Certified Residential Real Estate Appraiser

First Licensed: 8/9/1999 Expires: 11/30/2023

History: 2013 Letter of Warning for Allegedly Over-Valuing a Property by Using

Inappropriate Comparable Sales Data

Complainant states Respondent visited their home on May 17, 2023, to perform an appraisal. Complainant alleges at that time Respondent went into their laundry room, pulled out a pair of undergarments, sniffed them, and then put them back. Complainant's security cameras observed Respondent doing this.

Respondent states they want to assure the Commission they take the incident seriously, and that they know they need to grow professionally and personally from this. Respondent states they have since enrolled in both a real estate ethics course and a USPAP course. Respondent states they are continuing to work on both their professional and personal development, and will take any steps offered by the Commission to rectify the situation. Respondent states they have been in business for over twenty-three (23) years, and assert

this isolated situation does not represent their character or morals. Respondent states they hope to rebuild their trust with the Commission.

Counsel recommends the Commission authorizing a Consent Order suspending Respondent's License for six (6) months based on the incident.

Recommendation: Authorizing a Consent Order suspending Respondent's License for six (6) months.

Commission Decision: The Commission voted to accept counsel's recommendation.

Sunshine Law

Staff Attorney Anna Matlock reviewed the details and requirements of the Sunshine Law with the Commission.

NEW BUSINESS

Director Glenn Kopchak announced the Fall AARO conference will be held Oct. 6-8 in Salt Lake City. Three commission members indicated their willingness to attend and provide representation: Will Haisten, Mark Sunderman, and Francie Mello.

Sandra Tuck made a motion to approve member attendance to the AARO Fall Conference. This was seconded by Nelson Pratt. The motion passed by unanimous voice vote.

Since Jim Atwood's term will expire at the end of the month, the Commission recognized him for his distinguished service.

ADJOURNMENT

Nelson Haisten made a motion to adjourn the meeting. This was seconded by Sandra Tuck. The motion passed by unanimous voice vote. The meeting adjourned at 11:15 a.m.