



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

**Meeting Minutes for Nov.13, 2023
First Floor Conference Room 1-B
Davy Crockett Tower**

The Tennessee Real Estate Appraiser Commission met on Nov.13, 2023, and the following business was transacted:

BOARD MEMBERS PRESENT: Brett Mansfield, Nelson Pratt, Sandra Tuck, Dr. Mark Sunderman, Francie Mello, William Haisten, Taylor Vandever, Eric Robinson

BOARD MEMBERS ABSENT: None

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

CALL TO ORDER / ROLL CALL / NOTICE OF MEETING

Brett Mansfield called the meeting to order at 10:00 am and Heidi Overstreet took roll call.

AGENDA

Brett Mansfield made a motion to adopt the agenda. This was seconded by William Haisten. The motion passed by unanimous voice vote.

MINUTES

Brett Mansfield made a motion to adopt the minutes from Sept. 12, 2023. This was seconded by Eric Robinson. The motion passed by unanimous voice vote.

EXPERIENCE INTERVIEWS

Mr. Will Haisten

Name	Upgrade Type	Recommend	Board Vote
Mathew McTyre	CR	Yes	Yes
Ericka Payne	Licensed	Defer	

Mr. Brett Mansfield

Name	Upgrade Type	Recommend	Board Vote
Josh Couch	Licensed	Defer	
Catherine Dunn	CR	Yes	Yes
William Gaines	CR	Yes	Yes

Mr. Nelson Pratt

Name	Upgrade Type	Recommend	Board Vote
Josh Cash	CR	Yes	Yes
Anthony Eaton	CR	Defer	

Ms. Sandra Tuck

Name	Upgrade Type	Recommend	Board Vote
Robert Taylor	CR	Yes	Yes
Dylan Roberts	Licensed	Yes	Yes

Mr. Taylor Vandever

Name	Upgrade Type	Recommend	Board Vote
Andrea Wandell	CR	Yes	Yes

Ms. Francie Mello

Name	Upgrade Type	Recommend	Board Vote
Courtney Olson	CR	Yes	Yes

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

EDUCATION REPORT

Course Provider	Course Number	Course Name	Instructor(s)	Type	Hours	Recommendation
Appraiser eLearning	2711	Creating Formulas That Work	Brent Bowen	CE	7	Approve
American Society of Farm	2712	Rapid Fire Case Studies 2023	Brian Stockman	CE	5	Approve

American Society of Farm Managers and Rural Appraisers	2713	ASFMRA Annual Meeting 2023	Brian Stockman	CE	6	Approve
Internation Right Of Way Association	2714	IRWA Region 6 Fall Forum 2023	Multiple	CE	8	Approve
Internation Right Of Way Association	2715	804 Skills of Expert Testimoney	Raymond Howd	CE	8	Approve
American Society of Farm Managers and Rural Appraisers	2716	Appraisal Through the Eyes of the Reviewer	Scott Seely	CE	7	Approve
ALMS Chapter fo the Appraisal Institute	2718	Recent Zoning Trends and Highest and Best Use Implications	Myra Pitts	CE	3	Approve
Appraisal Institute	2732	Valuation Bias- The Invisible Fence of Racial Discrimination	Craig Harrington	CE	7	Approve

Individual Course Approvals

Licensee	Course Provider	Course Name	Hours	Type	Recommendation
Michael Mooney	Altus Group	ARGUS Enterprise	15	CE	Approve
Amber DeWig	Farm Credit Mid America	Supporting Your Appraisal	7	CE	Approve

Dr. Mark Sunderman made a motion to approve the education committee’s recommendations. This was seconded by Brett Mansfield. The motion passed by unanimous voice vote.

DIRECTOR’S REPORT

Budget Report

Heidi Overstreet briefed the budget report, covering the FY23 total expenditures which trended slightly upward and revenues, resulting in a fiscal year balance of \$147k in surplus added to the total reserve balance. Heidi Overstreet then briefed the surplus/deficit report for FY24 with the months of July through September 2023 available for review, reporting \$56k in surplus for the current year of record.

PUBLIC COMMENT PERIOD RELATED TO ITEMS ON THE AGENDA

There were no comments from the public.

LEGAL

(Presented by Taylor Hilton, with Francie Mello abstaining from the vote on Case #2)

Legal Report

1. 2023031391

Opened: 7/3/2023

License Type: Certified Residential Real Estate Appraiser First

Licensed: 7/13/1995

Expires: 10/31/2023

History: 2018 Consent Order for USPAP Violations

Complainant alleges that Respondent has been operating below the standard of care and has been harming veterans, sellers, and buyers. Complainant alleges Respondent has made it next to impossible for a veteran to buy a home in Complainant's region by operating intentionally, often egregiously, below the standard of care. Complainant alleges that Respondent is undervaluing these homes and causing harm to veterans.

Respondent states find this complaint to be defamatory and completely untrue. Respondent explains they feel Complainant offered no specific statement of fact with any particular date nor any specific property nor any specific property owner in which Respondent violated Fair Housing Act laws. Respondent states the complaint makes no direct

relationship between the accusation and any action on behalf of Respondent. Respondent alleges Complainant is making accusations without proof and denies the allegations.

Respondent states that Complainant has not read any actual reports nor reviewed the data analysis submitted. Respondent explains the complaint only refers to a final value, not to the process used to opine the value. Respondent states the US Department of Veteran Affairs has made no disciplinary action toward them for the appraised values under contract sale prices, nor has the Department offered to join any complaint from any agent, veteran, seller, or lender.

Complainant did not provide any appraisals or documentation with their complaint. As such, Counsel reached out to Complainant requesting relevant appraisals for review. However, Complainant only provided Counsel with a single screenshot of one page of an appraisal report. As such, there was not enough information provided with the complaint to establish any violations. Additionally, the complaint is primarily based on valuation concerns outside the Commission's jurisdiction. Accordingly, Counsel recommends dismissing the complaint without action.

Recommendation: Dismiss.

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

2. 2023032231

Opened: 7/17/2023

License Type: Certified Residential Real Estate Appraiser First

Licensed: 3/22/2019

Expires: 11/28/2023

History: None

Complainant states Respondent appraised their home on November 15, 2022. Complainant explains that Respondent walked into their home and did not ask questions or obtain any information about the home from them. Complainant states Respondent then submitted a report Complainant does not believe to be accurate. Specifically, Complainant notes that the comparisons used were inappropriate, and some were fifteen (15) miles down the street "in a different area."

Respondent states while they understand and respect a borrower's right to review and inquire into the appraisal, they fully stand by their work. Respondent states that they are confident in their conclusion and that all comparables used were supported. Respondent says they are secure that they completed a credible report.

An expert review was conducted. The expert reviewer determined that there were no observations in Respondent's report that reflected non-compliance with 2020/2021 USPAP Standards and that the report was credible overall. As such, Counsel recommends dismissing the complaint without action.

Recommendation: Dismiss.**Commission Decision: The Commission voted to accept counsel's recommendation.****3. 2023032841****Opened: 7/24/2023****License Type: Certified Residential Real Estate Appraiser First****Licensed: 6/25/2003****Expires: 10/31/2024 History: None**

Complainant states on June 6, 2023, they ordered an appraisal for their client's home. Complainant alleges that Respondent had difficulty determining the house's value. Complainant states they understood Respondent's issues and offered comparables to help, as well as a previous appraisal conducted on the home. Complainant states, however, that Respondent never submitted their appraisal report on the property. Complainant explains, as such, their clients were at a "standstill" for a month waiting on the report from Respondent. Complainant states an employee at their office reached out to Respondent on June 29, 2023, when Respondent explained they were planning on submitting the report. Complainant states, however, that Respondent never submitted their report.

Respondent states they had difficulty determining the value of the property in question. Respondent explains the subject property is a basement home with one (1) bed and 1.1 Baths above Grade. Respondent explains the subject has three (3) rooms in the basement being used as a bedroom. Respondent states they made their client, the mortgage company, aware of their issues with determining value. Respondent explains their problems were due to the lack of "meaningful sales data" in the area for a one-bedroom home above grade. Respondent clarifies that they attempted to complete a credible appraisal but could not gather enough information to produce a supported report.

Respondent states that they did not want to submit an unsupported report or one that did not meet USPAP standards. Respondent explains they never typed or submitted a report as they were never

able to obtain data to do so. Respondent states, as such, that their client reassigned the appraisal order to someone else to complete. Respondent states they have been appraising for over twenty (20) years and do not want to start submitting unsupported reports or ones they do not believe are credible. Respondent states their client supported their decision and has assigned them new work since.

Based on Respondent's explanation, Counsel recommends dismissing the complaint without action.

Recommendation: Dismiss.

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

4. 2023030311

Opened: 7/3/2023

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 inappropriate Sales Comparables; 2021 Consent Order for Inappropriate Comparable Sales selection due to location

Complainant states they contacted Respondent in May 2023 for a date of death appraisal and a current appraisal for the property. Complainant explains they reviewed both reports and did not believe Respondent used the appropriate comparables and adjustments. Complainant states they have tried to contact Respondent with questions, but Respondent failed to answer. Complainant explains they do not want to cause problems for Respondent unjustly but believe someone needs to review Respondent's reports.

Respondent states that Complainant contacted them in May of 2023 for a date of death appraisal for a tract of land Complainant's father owned. The date of death was June 20, 2021. Respondent states following that, Complainant also requested for Respondent to perform a current appraisal as well. Respondent explains they completed both appraisals and emailed the reports to Complainant. Respondent explains that they told Complainant to reach out if they had any questions, and Respondent would review the reports with them. Respondent states they never heard from Complainant or an agent of theirs requesting information about the comparables used. Respondent states when they were out of town on June 15, 2023, they missed a call from Complainant. Respondent explains since they were out of the office, the call went to voicemail. Respondent states that Complainant left them a voicemail, just asking for Respondent to call back whenever possible.

Respondent states that they received notification of this complaint when they returned to office on June 21, 2023. At that time, Respondent explains they did not believe it was appropriate to call Complainant back. Respondent explains they were willing to speak with Complainant, but Complainant needed to give Respondent more time to answer. Respondent explains that the land had been appreciating since 2021 but seemed to have stabilized in 2023. Respondent clarifies that this is the reason for the difference in the two issued reports.

Respondent states they stand by both reports and believe they accurately reflect the market at the time. Respondent explains that if Complainant had given them a little more time, they would have

contacted and reviewed the reports with Complainant. Respondent states they believe they handled the matter professionally and that both reports are supported.

An expert review was conducted. The expert found the report did not include any obvious recognition of the various characteristics of the three distinct parcels. The reviewer explained the scope of work should have reasonably included sales matching attributes of the three parcel types. Based on the minimal violations found, Counsel recommends closing this complaint with a Letter of Instruction pertaining to the expert reviewers' findings.

Recommendation: Letter of Instructions pertaining to the expert reviewers' findings.

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

5. 2023039111

Opened: 8/28/2023

**First Licensed: 3/25/1999 Expires:
3/31/2024**

Type of License: Certified Residential Real Estate Appraiser

History: 2015 Consent Order for allegedly undervaluing a property by using inappropriate comparable sales; 2021 Letter of Caution

Complainant states they believe they are the victim of home appraisal discrimination by Respondent. Complainant states their mortgage company hired Respondent to appraise their home. Complainant explains prior to Respondent appraising their home on August 3, 2023, their mortgage company requested Complainant to give an estimate on what they believed the home value was. Complainant states that, as such, they researched the home's value and looked into the recent sales in their subdivision. Respondent alleges the appraisal provided was inconsistent with the previous sales in their neighborhood. Complainant explains they are the only family of their race in the neighborhood. Specifically, Complainant alleges that the comparables chosen were "not truly comparable" to the subject property.

Complainant explains when they received the appraisal from Respondent on August 7, 2023, they immediately reached out to their mortgage company to express their concern about the appraisal report. Complainant states they submitted three additional comparables for Respondent to consider, but Respondent refused. Complainant explains this refusal caused them to become suspicious of racial bias. Specifically, Complainant notes that some historical photos they had in their upstairs loft area were knocked over during the appraisal process. Complainant further alleges that Respondent decreased the square footage of their home from 3061 square feet to 3048 square feet. Complainant notes that Respondent did not explain the discrepancy. Complainant states they are submitting their complaint in hopes of getting answers for Respondent's failure to accept the suggested comparables and for the report not being consistent with the other neighborhood sales.

Respondent states their trainee arrived at the property on August 3, 2023, to start the observation part of the appraisal process. Respondent states they greeted the homeowners and proceeded upstairs to measure the second floor once they arrived at the property. Respondent explains during the measuring process, they accidentally knocked over the aforementioned pictures and books that were situated on a desk due to the homeowner's furniture and belongings obstructing the wall that we were measuring. Respondent explains this was entirely accidental and commonly happens during

the measuring process. Respondent explains they immediately picked the items up, put them back as they were, and apologized to the homeowners.

Respondent states that after completing their visual observation and measuring, they had a pleasant conversation with Complainant and exited the property. In response to Complainant's statements about being the only family of their race in the neighborhood, Respondent notes that they would not have access to any public data or information specific to races and ethnicities in a neighborhood. Respondent further explains they used supported comparable sales in the community and do not base appraisals on race or color, religion, sex, national origin, familial status, or disability.

Respondent explains Complainant's mortgage company, not Respondent, asked for an estimated value of the home prior to the appraisal. Respondent states they were not given that information, nor should they have considered that estimated value as it would violate USPAP. Respondent states Complainant researched the property's value through online sites, which only gives an estimate of value and not a detailed appraisal. Respondent notes the comparables used within the report were located on the same street and similar in construction due to the same builder's use of the same materials. Respondent states per USPAP guidelines, they used comparable homes based on size, age, quality, site, condition, location, and other similar factors.

Respondent explains the square footage difference of thirteen (13) square feet mentioned in the complaint has no bearing on the home's value, and the home's GLA can vary depending on people measuring differently. Respondent states no explanation was given because it had no significance on the value, and Respondent double-checked all measurements. Respondent states that they do not believe any of their actions support the allegations regarding the racial bias contentions. Respondent states they were polite to Complainant and based their findings on the supported data they obtained. Respondent states they have been appraising for over twenty-four (24) years and have never been accused of having racial bias present in their appraisals. Respondent states they stand by their report and note that the lender, their client, did not have any issues with the report.

An expert review was conducted. The expert found the only credible USPAP violation to be Standards Rule 1-4 which states:

In developing a real property appraisal, an appraiser must collect, verify and analyze all information necessary for credible assignment results.

(b) When a cost approach is necessary for credible assignment results, an appraiser must:

(iii) analyze such comparable data as are available to estimate the difference between the cost new and present worth of the improvements (depreciation).

The expert explains that, overall, the appraisal appears credible. The expert notes the cost approach omitted a depreciation allowance although the home was approximately two years old, violating Standards Rule 1-4. The expert explains that Respondent did not include a statement to indicate that the effective age was zero.

Based on the minimal violations, the expert reviewer explains they do not believe any continuing education is applicable. The expert clarifies that USPAP violation appears to result from oversight as opposed to a lack of knowledge. As such, Counsel recommends closing this complaint with a Letter of

Instruction pertaining to the aforementioned USPAP violation.

Recommendation: Letter of Instruction pertaining to the relevant USPAP violation. Commission

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

6. 2023042991

Opened: 9/25/2023

**First Licensed: 1/22/2010 Expires:
12/31/2023**

Type of License: Certified Residential Real Estate Appraiser

History:

Complainant is a building company and the owner of the subject property. Complainant states the appraisal occurred on August 7, 2023, and Respondent submitted the report on August 11, 2023. Complainant alleges that Respondent did not spend enough time at the property to appraise the subject properly. Complainant states additionally that the report included multiple errors. Specifically, Complainant notes the square footage was reported as 1,004 square feet when it should have read as 1,025 square feet and that Respondent listed the driveway as having the capacity of two (2) vehicles when it is an oversized driveway that can hold six (6) vehicles. Complainant does not believe the details included in Respondent's appraisal report accurately represent the subject property.

Respondent states on August 7, 2023, they inspected the above-referenced property. Respondent states they measured the property and inspected both the interior and exterior. Respondent explains, as noted in the report, that the property was gutted and fully renovated with many quality features and materials for the size. Respondent notes the driveway was oversized and gravel. Respondent explains they believe the quality and condition rating is accurate for this appraisal and that all comparables utilized in the sales comparison approach are of similar quality and condition to that of the subject property.

Respondent states the only requested changes or updates to the report from their client, the lender, were to revise the borrower/co-borrower's name and review additional comparables provided by the lender. Respondent explains they completed both requests on August 16, 2023. Respondent states as of September 15, 2023, the lender provided no other changes or rebuttals. Respondent explains in regard to the complaint that the fireplace was reported in the improvements section, and the fence was excluded in the improvements section, it was simply a matter of the wrong one being selected. Respondent states in the improvements section these two features are right next to each other, and they simply checked the wrong box. Respondent explains that the sales grid reported the features correctly and adjusted the comparables accurately. Respondent states they measured the house at the time of inspection in accordance with ANSI standards, and that sketch is included in the report.

An expert review was conducted. The expert found that some descriptive data was incorrect in the improvement section but correct in work file field notes. The expert found Respondent violated Standards Rule 1-1, which states:

In developing a real property appraisal, an appraiser must:

- (c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.

Based on the minimal violations and Respondent's lack of history, Counsel recommends closing this complaint with a Letter of Instruction pertaining to the aforementioned USPAP violation.

Recommendation: Letter of Instruction pertaining to the relevant USPAP violation. Commission

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

7. 2023043061

Opened: 9/25/2023

**First Licensed: 4/17/2003 Expires:
6/30/2025**

Type of License: Certified Residential Real Estate Appraiser History: None

Complainant is the property owner. Complainant states Respondent appraised their condo on July 25, 2023. Complainant explains the closing was scheduled for August 18, 2023, and they received the appraisal on August 16, 2023. Complainant states Respondent was not impolite or rude during the appraisal. Complainant explains, however, upon review, they identified several errors with the report. Specifically, Complainant points to Respondent using a comparable that sold 368 days before the appraisal and is not in the area. Complainant further alleges that Respondent included inaccurate statements in the report pertaining to the updates in the subject property. Complainant states that Respondent also misstated the square footage at 1,320 square feet instead of the accurate 1,378 square feet. Complainant alleges that based on these errors; Respondent failed to provide an accurate appraisal.

Respondent states they completed the inspection of the subject property on July 25, 2023, and after completing the market analysis, they discovered the estimated value was coming in below the contracted price. At that time, Respondent explains they initiated the Tidewater process as required by the VA. Respondent clarifies they requested comparable sales that supported the contract price from the agent through the lender. Respondent explains when they never received a response, and they processed to submit the appraisal.

Respondent states a few days after they submitted the report, they received a call from the agent asking for information on how they arrived at their final value conclusion. Specifically, the agent requested information pertaining to the comparables section. Respondent states they told the agent they were not legally allowed to discuss the appraisal process with a third party, and if there was any concern about the report, it should pass through the lender.

Respondent explains they utilized five comparable sales from the development and one comparable from outside the development as required by USPAP. Respondent states they gave their rationale in choosing the comparables in the Sales Comparison Summary of the report. Respondent states, further that they personally carried out the physical measurement of the subject property and represented the result on the sketch attached in the appraisal report. Respondent states they are a person of integrity and stand by their report's credibility.

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

- **Sales Comparison Approach section:**

- The Respondent has not addressed the subject's end-unit/corer location. This locational attribute merits analysis, which was missing from the appraisal and the rebuttal.
- The Respondent did not address that the subject is located near the front of the community in their appraisal or rebuttal. Per this reviewer, such analysis was merited.
- The Respondent included summary analysis in the appraisal addressing the inclusion and reasoning behind the use 2-bedroom sales and stated no functional utility adjustments could be extracted from the market for this feature. This reviewer finds this to be questionable as the difference in functional utility merited more analysis to ensure the appraiser's opinion to not apply an adjustment was credible.

These observations reflect non-compliance with the following 2020-2023 USPAP Standards: 1-2(e)(i); 1-4(a); 2-1(a); 2-1(b), and 2-2(x)(5).

The investigator notes that Respondent stated in their response that when they became aware of the disparity between their appraised value and the pending contract price, they initiated the VA's Tidewater Policy and made their client aware of the value vs. pending contract price disparity. However, when Respondent did not receive any additional sales data to consider in support of the contract price within the two (2) days as required by the VA, they followed the required protocol for this situation. The expert notes they do not see any issue concerning Respondent's actions in this regard. The expert explains that while the appraisal does reflect non-compliance with the identified Standard Rules addressed above, it is the reviewer's opinion the cited missing or incomplete analysis does not rise to the level of a Standard Rule 1-1(b) violation and the appraised value appears adequately supported by the data and analysis contained in the appraisal reviewed. As such, as well as

Respondent's lack of history, Counsel recommends closing this complaint with a Letter of Instruction pertaining to the aforementioned USPAP violations.

Recommendation: Letter of Instruction pertaining to the relevant USPAP violations.

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

8. 2023044851

Opened: 10/2/2023 Unlicensed

History: None

Complainant states they feel Respondent is offering valuation services in their YouTube videos. Complainant notes, however, that they do not believe Respondent holds an appraisal license.

Respondent states in the YouTube videos they upload, that they offer "home valuation" information

but in the sense of an appraisal. Respondent states they are just using the term "valuation." Respondent explains that they never mention the term "appraisal" in their videos and are solely based on educating consumers. Respondent states they are just trying to prepare consumers to enter the market competently. Respondent states their only goal is to be an advisor.

Counsel recommends closing this complaint with a Letter of Instruction reminding Respondent of the rules and regulations pertaining to unlicensed activity.

Recommendation: Letter of Instruction reminding Respondent of the rules and regulations pertaining to unlicensed activity.

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

9. 2023028381

Opened: 7/10/2023

License Type: Certified Residential Real Estate Appraiser First

Licensed: 9/24/2003

Expires: 4/30/2025

History: 2017 Letter of Warning

Complainant states they filed their complaint due to the concern that Respondent is completing appraisal reports without active insurance.

Respondent states they have deep regret for their mistake and for allowing their errors and omissions ("E&O") to lapse. Respondent says they were between "a rock and a hard place" when their insurance lapsed. Respondent explains that from the end of June 2022 to the end of June 2023, their business lost about \$100,000 (or more) in business. Respondent states one of their trainees, who has been employed with them for "7+ full years," had to take a 50% pay cut last July. Respondent states they have since become compliant and have caught up on their outstanding bills.

Respondent explains they completely understand the degree of their mistake and vow not to let their insurance lapse again. Respondent states they were between their E&O insurance payment and all their other bills and felt it was their only decision. Respondent expresses that they know they have let their two (2) trainees down and that their mistake will also affect them. Respondent communicates they are apologetic for their mistake. Based on the explanation above, Counsel recommends closing this complaint with a Letter of Warning pertaining to Respondent's failure to maintain their E&O insurance.

Recommendation: Letter of Warning pertaining to Respondent's failure to maintain their E&O insurance.

Commission Decision: The Commission voted to dismiss the complaint.

10. 2023030061

Opened: 7/24/2023

**License Type: Appraisal Management Company First Licensed:
2/3/2022**

Expires: 2/2/2024 History: None

This is an administratively opened complaint. The program opened this complaint after Respondent failed to submit their AMC Panel Report for their 2022 calendar year transactions.

Respondent is located in California. Counsel has been unable to get in contact with Respondent. Multiple attempts of communication pertaining to the complaint have been sent to Respondent via both regular U.S. Mail and Certified Mail. However, each correspondence has come back as undeliverable.

Recommendation: Letter of Caution.

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

11. 2023035531

Opened: 8/28/2023

First Licensed: 7/12/2016 Expires:

6/27/2024

Type of License: Certified Residential Real Estate Appraiser

History: 2022 Letter of Warning related to allowing an unlicensed trainee to perform appraisal work

Complainant states they are filing their complaint to fulfill mandatory reporting requirements. Complainant is an AMC, and states they hired Respondent to complete an appraisal on a property. Complainant explains the report contained the appraiser's signed Appraiser's Certification indicating they had completed a complete interior and exterior inspection of the subject property as part of the Scope of Work for the assignment. Complainant alleges, however, that Respondent did not complete the physical appraisal of the property. Rather, Complainant alleges Respondent's trainee completed the inspection.

Respondent states they explained to Complainant prior to appearing at the property that two people would be at the appraisal. Respondent states that on the day of the appraisal, they were running late and instructed their trainee to go into the home and speak with the homeowner. Respondent states that once arriving, they reviewed the work/photos already completed by the trainee and uploaded to their shared server. Respondent states they took notes and measurements once they arrived at the property and assessed all notes and pictures the trainee had already uploaded.

Respondent states their trainee has the competency and necessary hours to inspect properties independently, however, they continue to accompany the trainee on all inspections and will continue to do so. Respondent explains they believe this is the best training course. Respondent explains that this was an isolated instance where they did not complete the interior inspection with the trainee and only the exterior inspection. Respondent clarifies they informed their client, the AMC, that they were not involved in the interior inspection. Respondent states the certification/signature was an oversight

not caught before the final report was submitted initially and that they resubmitted the report with clarification. Respondent states they did not intend to mislead anyone and apologize for their mistake. Respondent has consistently reached out to Counsel to ensure they comply with the investigation and that the Commission has all needed documentation and information from Respondent.

Recommendation: Discuss.

Commission Decision: The Commission voted to issue a Consent Order requiring Respondent to complete a Four (4) Hour CE supervisor trainee course within 180 days of the execution of the Consent Order and in addition to CE required for license renewal.

NEW BUSINESS

Francie Mello provided an update on the Fall AARO conference that was held Oct. 6-8, 2023, in Salt Lake City, Utah. The primary topics for the conference were Fair Housing and Fannie Mae's Exclusionary verbiage. In addition, Director Kopchak related that briefings were also provided on the Practical Applications of Real Estate Appraisal (PAREA) program and the Portal for Appraisal Licensing (PAL) Act which is an initiative by the ASC to establish a cloud-based portal for appraisal credentialing and AMC information modeled after the NMLS and the SAFE Act for MLOs with the intent for it to become the central repository for appraiser and AMC license, certification, and registration applications, renewals, and FBI background checks.

ADJOURNMENT

Brett Mansfield call meeting adjournment at 10:46 a.m.

