

**REAL ESTATE APPRAISERS BOARD
MINUTES
FEBRUARY 24, 2010**

PRESENT: Marla Britton, Sharon Fiedler, Edward Potter, Karen Scott, Henry Simon

EXCUSED: Micquel Hoffmann

STAFF: Gail Sumi, Bureau Director; Michael Berndt, General Counsel; Karen Rude-Evans, Bureau Assistant

GUESTS: Linda Verbecken, Appraisal Institute; Debbi Conrad, WRA

CALL TO ORDER

Chair Marla Britton called the meeting to order at 9:09 a.m. A quorum of five (5) members was confirmed.

APPROVAL OF AGENDA

Amendments:

- Page 13 of the printed agenda packet should be inserted after page 3
- Handout from Marla Britton regarding the Board's mission

MOTION: Henry Simon moved, seconded by Sharon Fiedler, to approve the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES OF NOVEMBER 11, 2009

MOTION: Henry Simon moved, seconded by Karen Scott, to approve the minutes of November 11, 2009 as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Annual Policy Review

Gail Sumi reviewed the DRL policies with the Board.

Report from Board Chair Reception and Training Held December 3-4, 2009

The board chair and vice chair training was well attended. The training was comprehensive and afforded an opportunity to interact with other board's officers.

Staff Changes

Gail Sumi is now the Bureau Director working with the Real Estate Appraisers Board. Gail gave a brief history of her background. Ruby Jefferson Moore retired in November, and Michael Berndt, General Counsel, is filling in as legal counsel until new counsel is hired.

There are changes in the Division of Enforcement (DOE). Marvin Robinson, Division Administrator, and Attorney Mark Herman have both left DRL. Attorney Nick Schweitzer will also be leaving DRL.

John Lease, Administrator, Division of Board Services

John Lease introduced himself to the Board and gave a brief history of his background. Mr. Lease also thanked the Board members for their service on behalf of the citizens of Wisconsin.

Board Member Updates

The Board welcomed Edward Potter as the new member. Mr. Potter gave a history of his background. Karen Scott will be leaving the Board as of May 1, 2010. Lawrence (Larry) Nicholson, from the Real Estate Appraisers Application Advisory Committee, will be replacing Ms. Scott on this Board.

Practice Question Procedure, FAQ Project and Website Review

The new DRL website went live on February 1, 2010. It is a great improvement and much more user friendly than the old site. Sharon Fiedler and Henry Simon will work with Gail Sumi to review the REA Board content on the DRL website.

Monitoring Liaison

Sharon Fiedler will replace Karen Scott as the monitoring liaison effective May 1, 2010.

UPDATE ON OUTSIDE APPRAISER CONTRACTORS

Lara Herman and Candi Bloedow appeared before the Board. There are a number of counties that do not have any appraisers contracted to assist the Division of Enforcement with review of cases and for expert witness testimony. Ideally, there would be a contracted appraiser in each county or geographic region of the state. These contracted appraisers do not replace the need for Board members and case advisors, but assist the DOE staff in reviewing case information and keeping to the one-year federal deadline. Lara Herman and Candi Bloedow will share the list of contracted appraisers with the Board members to avoid any possible conflicts of interest in the event a Board member needs to utilize an appraiser.

BOARD CASE ADVISOR ROLE AND CASE PROCESSING TIMELINES

Secretary Celia Jackson addressed the Board regarding the letter from James R. Park, Executive Director, Appraisal Subcommittee of the Federal Financial Institutions Examination Council and her reply correspondence.

MOTION: Karen Scott moved, seconded by Henry Simon, to approve Secretary Jackson's letter dated February 24, 2010 to James R. Park, as written. Motion carried unanimously.

DISCUSSION OF NEW MODEL LANGUAGE FOR BOARD ORDERS AND DELEGATION OF AUTHORITY

Sharon Henes appeared before the Board to present the proposed model language for board orders and delegation of certain authorities.

MOTION: Edward Potter moved, seconded by Sharon Fiedler, to adopt the new model language for board orders and the delegation of authority. Motion carried unanimously.

REPORT FROM 2009 ASSOCIATION OF APPRAISER REGULATORY OFFICIALS (AARO) FALL CONFERENCES

This item was tabled to the next meeting.

DISCUSSION OF WRA "APPRAISAL NEWSLETTER"

Karen Scott raised the issue that the WRA newsletter has the members of the Real Estate Appraisers Board and the Department of Regulation and Licensing listed on the cover page and

the Board and DRL are also referred to twice in this newsletter. It gives the impression that the Board endorses this information and that the newsletter comes from the Board. The Board deemed it appropriate to have the WRA clarify the Board's position on AB 472. Debbi Conrad, WRA, said this layout of the newsletter was not meant to imply endorsement by the Board and DRL, but would take the Board's comments under consideration.

2010 AUDIT BY THE APPRAISAL SUBCOMMITTEE OF THE FEDERAL FINANCIAL INSTITUTIONS EXAMINATION COUNCIL – BOARD REVIEW OF FINDINGS AND REVIEW RESPONSE TO FINDINGS FOR APPROVAL

This was covered in the earlier conversation with Secretary Jackson.

PRESENTATION OF PROPOSED STIPULATIONS

The Board did not require presentations of the proposed stipulations.

CONSIDERATION OF DISSOLUTION OF THE REAL ESTATE APPRAISERS EDUCATION AND EXPERIENCE ADVISORY COMMITTEE

Mary Reavey, Assessment Commissioner, City of Milwaukee, appeared via telephone to address the Board. The Real Estate Appraisers Education and Experience Advisory Committee was first organized in 2002. Many of the recently scheduled meetings have been cancelled, and it appears that the Committee has completed its mission. The Real Estate Appraisers Board should be able to handle any issues that arise, or the Committee could reorganize in the future if needed. Ms. Reavey recommended dissolving the Committee at this time.

MOTION: Karen Scott moved, seconded by Sharon Fiedler, to dissolve the Real Estate Appraisers Education and Experience Advisory Committee.
Motion carried unanimously.

AB 472/SB 339 RELATING TO CERTIFICATION AND LICENSURE OF REAL ESTATE APPRAISERS AND REQUIREMENTS FOR APPRAISAL REPORTS AND GRANTING RULEMAKING AUTHORITY

Mary Reavey discussed (via telephone) AB 472/SB 339 with the Board. Assembly Bill 472 has passed the Assembly with amendments and is now with the Senate. The Board previously went on record as opposing the amendments. This bill is tentatively scheduled for a public hearing on March 10, 2010.

MOTION: Karen Scott moved, seconded by Henry Simon, to reaffirm the Board's opposition to Senate Bill 339 amendment #2. Motion carried. Edward Potter dissented.

Edward Potter went on record as being opposed to AB 472/SB 339 in its entirety. Marla Britton will modify the letter that was sent to the Assembly and will send it to the Senate.

**CHAPTER RL 80, RELATING TO ADOPTION OF RL 80 THROUGH RL 87,
MINIMUM STANDARDS CONSISTENT WITH USPAP**

The Board reviewed the revisions to the real estate appraiser rules prepared by Ruby Jefferson-Moore on October 1, 2007.

MOTION: Karen Scott moved, seconded by Sharon Fiedler, to approve the revisions to RL 80 through RL 87 as proposed. Motion carried unanimously.

PRACTICE ISSUES

Discussion Regarding Out of State Discipline

The Board discussed out of state disciplines for individuals who are also licensed in Wisconsin. Cases will be handled individually as they occur.

BOARD MEMBER ACTIVITY

None.

NEW BUSINESS

The Appraisal Foundation draft matrix of voluntary actions was briefly reviewed. The Appraisal Practices Board application information was noted.

PUBLIC COMMENTS

None.

CONVENE TO CLOSED SESSION

MOTION: Edward Potter moved, seconded by Henry Simon, to convene to Closed Session to deliberate on cases following hearing (s).

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19.85(1) (a), Stats.; to consider licensure or discipline (s. 19.85(1)(b), Stats.; to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats. Motion carried by roll call vote: Marla Britton-yes, Sharon Fiedler-yes; Edward Potter-yes; Karen Scott-yes; and Henry Simon-yes.

Open Session recessed at 11:51 a.m.

RECONVENE TO OPEN SESSION

MOTION: Edward Potter moved, seconded by Henry Simon, to reconvene into Open Session. Motion carried unanimously.

Open session reconvened at 1:08 p.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

PROPOSED STIPULATIONS

MARCIAL GALANG (09 APP 066)

MOTION: Karen Scott moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Marcial Galang. Motion carried unanimously.

ROBERT SEBOLD (09 APP 015)

MOTION: Edward Potter moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against Robert Sebold. Motion carried unanimously.

DAVID GEHRING (08 APP 052)

MOTION: Sharon Fiedler moved, seconded by Edward Potter, to adopt the Findings of Fact, Conclusions of Law, Final Decision and order in the disciplinary

proceedings against David Gehring. Motion carried. Karen Scott abstained.

DAVID HEIDEL
(08 APP 079 AND 09 APP 294)

MOTION: Sharon Fiedler moved, seconded by Edward Potter, to approve the Findings of Fact, Conclusions of Law, Final Decision and Order in case 08 APP 079, and to take no action in case 09 APP 294 in the disciplinary proceedings against David Heidel. Motion carried unanimously.

PROPOSED DECISION AND ORDER

RONALD M SZMIDT
(LA 0908181 APP)

MOTION: Karen Scott moved, seconded by Sharon Fiedler, to take no action on the Proposed Decision and Order in the disciplinary proceedings against Ronald M. Szmidt. Motion carried unanimously.

ORDER FIXING COSTS

RAY K MILLER, JR
(LS 00703081 APP AND LS 0710022 APP)

MOTION: Edward Potter moved, seconded by Sharon Fiedler, to authorize drafting of an Order Fixing Costs with a reduction in costs of 30%, to authorize Marla Britton to review the draft and, after Ms. Britton's approval, to authorize a representative from the Department to sign the Order. Motion carried. Karen Scott was excused during deliberation and abstained from voting.

CASE CLOSINGS

08 APP 118

MOTION: Karen Scott moved, seconded by Henry Simon, to close case **08 APP 118** for no violation. Motion carried unanimously.

09 APP 006

MOTION: Sharon Fiedler moved, seconded by Edward Potter, to close case **09 APP 006** for no violation. Motion carried unanimously.

09 APP 026

MOTION: Henry Simon moved, seconded by Sharon Fiedler, to close case **09 APP 026** for no violation. Motion carried unanimously.

09 APP 069

MOTION: Sharon Fiedler moved, seconded by Edward Potter, to close case **09 APP 069** for prosecutorial discretion (P5). Motion carried unanimously.

MONITORING

GREGORY VORDERMANN

MOTION: Henry Simon moved, seconded by Sharon Fiedler, to approve the request for full licensure to Gregory Vordermann. Motion carried unanimously.

THANK YOU TO KAREN SCOTT

Marla thanked Karen Scott for her service on the Board and on behalf of the citizens of Wisconsin.

ADJOURNMENT

MOTION: Karen Scott moved, seconded by Henry Simon, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:18 p.m.

THE NEXT SCHEDULED MEETING IS MAY 19, 2010