

**REAL ESTATE APPRAISERS BOARD  
MINUTES  
NOVEMBER 28, 2012**

**PRESENT:** Marla Britton, Sharon Fiedler, Lawrence Nicholson, Henry Simon

**ABSENT:** Jose Perez

**STAFF:** Tom Wightman, Executive Director; Pamela Stach, Legal Counsel; Karen Rude-Evans, Bureau Assistant; other DSPS staff.

**CALL TO ORDER**

Marla Britton, Chair, called the meeting to order at 9:31 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments:**

- Item C2 (open) – Replace page 14 with new page in red folder
- Item J (closed) – MONITORING, delete:
  - 2) Michael S. Rynearson
- Item K1 (closed) – Case Status Report is deleted

**MOTION:** Lawrence Nicholson moved, seconded by Sharon Fiedler, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF AUGUST 22, 2012**

**Corrections:**

- On page 2:
  - Delete the heading, NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS, and delete the sentence following the heading
  - Delete the heading, NEW BUSINESS, and delete the sentence following the heading

**MOTION:** Sharon Fiedler moved, seconded by Lawrence Nicholson, to approve the minutes of August 22, 2012 as corrected. Motion carried unanimously.

**NEW BUSINESS**

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to have the following items as standard agenda items:

- Status of Statute and Administrative Rule Matters
- Mandatory Appraiser Licensing Legislation
- Appraisal Management Company (AMC) Legislation

Motion carried unanimously.

**CONVENE TO CLOSED SESSION**

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to convene to closed session to deliberate on cases following hearing (s. 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. Roll call vote: Marla Britton-yes, Sharon Fiedler-yes; Lawrence Nicholson-yes; Henry Simon - yes. Motion carried unanimously.

Open Session recessed at 10:44 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** Henry Simon moved, seconded by Lawrence Nicholson, to reconvene into open session. Motion carried unanimously.

Open session reconvened at 1:49 p.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON  
IN CLOSED SESSION**

**REAFFIRM MOTIONS MADE IN CLOSED SESSION**

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to reaffirm all motions made in closed session, with the exception of the motion regarding John P. Hill, which was addressed separately in open session. Motion carried unanimously.

**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

- MOTION:** Sharon Fiedler moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **John P. Hill (09 APP 102)** and to send a copy of the Final Decision and Order to all states in which he holds an appraiser credential. Motion carried. Lawrence Nicholson was excused and left the room for deliberation and abstained from voting.
- MOTION:** Henry Simon moved, seconded by Lawrence Nicholson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Paul M. DeAngelis, Jr. (11 APP 043)**. Motion carried unanimously.
- MOTION:** Sharon Fiedler moved, seconded by Lawrence Nicholson, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Joel M. Fallin (11 APP 046)**. Motion carried unanimously.

**MONITORING**

- MOTION:** Henry Simon moved, seconded by Sharon Fiedler, to remove the limitations and reinstate the full license of **Christopher F. Palumbo (Licensed Appraiser)**. Motion carried unanimously.
- MOTION:** Henry Simon moved, seconded by Sharon Fiedler, to remove the limitations and reinstate the full license of **Neal R. Aitchison (Certified Residential)**. Motion carried unanimously.
- MOTION:** Lawrence Nicholson moved, seconded by Sharon Fiedler, to deny the request for an extension of time for payment on the costs from **Stephen C. Fairbairn (Certified Residential)**. Motion carried unanimously.
- MOTION:** Sharon Fiedler moved, seconded by Lawrence Nicholson, to deny the request for voluntary surrender of the license of **Thomas J. Elliott (Licensed Appraiser)** and impose a suspension of the license of **Thomas J. Elliott (Licensed Appraiser)** for failure to comply with the educational requirements of the Board Order. Motion carried unanimously.

**CONSULTING WITH LEGAL COUNSEL**

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to appoint Sharon Fiedler to the Real Estate Appraisers Advisory Committee pursuant to 458.04(2). Motion carried unanimously.

**ADJOURNMENT**

**MOTION:** Henry Simon moved, seconded by Sharon Fiedler, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 1:55 p.m.

**NEXT MEETING SCHEDULED FOR FEBRUARY 13, 2013**