

**REAL ESTATE APPRAISERS BOARD  
MINUTES  
FEBRUARY 13, 2013**

**PRESENT:** Marla Britton, Sharon Fiedler (via telephone), 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 9:32 a.m. A quorum of four (4) members was confirmed.

**ADOPTION OF AGENDA**

**Amendments:**

- Item K10 (closed session) – Proposed Stipulation, Final Decision and Order, Carl Nicholson - 11 APP 055 – Case Advisor, Lawrence Nicholson – insert after page 106
- Case Status Report – insert at the end of closed session

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

**APPROVAL OF MINUTES OF NOVEMBER 28, 2012**

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to approve the minutes of November 28, 2012 as written. Motion carried unanimously.

**EXECUTIVE DIRECTOR MATTERS**

**ELECTION OF OFFICERS**

**CHAIR**

**NOMINATION:** Henry Simon nominated Marla Britton for the Office of Chair.

Thomas Wightman called for other nominations three (3) times.

**VICE CHAIR**

**NOMINATION:** Henry Simon nominated Sharon Fiedler for the Office of Vice Chair.

Thomas Wightman called for other nominations three (3) times.

**SECRETARY**

**NOMINATION:** Henry Simon nominated Lawrence Nicholson for the Office of Secretary.

Thomas Wightman called for other nominations three (3) times.

**MOTION:** Henry Simon moved, seconded by Sharon Fiedler, to elect the slate of officers as nominated. Motion carried unanimously.

**BOARD APPOINTMENTS**

**MOTION:** Henry Simon moved, seconded by Lawrence Nicholson, to acknowledge the appointments made by Marla Britton, Chair of the Real Estate Appraisers Board:

- Monitoring Liaison – Sharon Fiedler
- CE Liaison – Lawrence Nicholson

Motion carried unanimously.

**MOTION:** Sharon Fiedler moved, seconded by Henry Simon, to acknowledge Lawrence Nicholson's appointment as Chair of the Application Advisory Committee. Motion carried unanimously.

**SECRETARY ROSS - BOARD MEMBERS PRESENT  
UPCOMING ISSUES FACING REAL ESTATE APPRAISERS**

The following issues were presented to Secretary Ross:

1. Need for public and/or AMC board members to fill two vacancies.
2. Need to fill vacant licensed appraiser board position. With AMC legislation, add two certified appraisers & one AMC representative.
3. Change in current 2008 AQB criteria education requirements for appraiser classifications, effective 1/01/2015.
4. Firm date versus current segmented approach deadline, 1/01/2015.
5. Mandatory licensing for anyone who completes an appraisal.
6. Add supervisor/trainee appraiser relationship categories.
7. Legislation has been drafted by WRA that is needed to be in place by 1/01/2015 to meet requirements under Title XI of FIRREA, Dodd-Frank Reform Act to register and regulate AMCs.
8. Statutory authority for AMC registration and regulation to be with the Appraisers Board.
9. Implement a requirement by 1/01/2015 for background checks (& fingerprinting) for applicants initially, and to include all renewing credential holders in the future.
10. Effective 7/01/2013, ASC requirements regarding state reciprocity.

As a follow-up to the Panel discussion on reciprocity issues that was heard during the 2012 spring AARO conference, the real property appraiser regulatory agencies are being requested to please respond to a survey pertaining to the following requirement identified within the ASC Bulletin No. 2011-01, dated March 18,2011:

"Effective July 1, 2013, the ASC will begin reviewing State Programs for compliance with the following three requirements. Over the next two years, the ASC will monitor State's efforts to implement the requirements.

- Reciprocity: Provisions of the Dodd-Frank Act require States to have in place a policy for issuing a reciprocal certification or license to an appraiser from another State under specific conditions. Moreover, a federally regulated financial institution may not engage a certified or licensed appraiser to perform an appraisal of a property for a federally related transaction unless the State wherein the appraiser is credentialed has such reciprocity in place. The State's reciprocity policy must meet the following condition:

- (1) the appraiser licensing and certification program of such other State is in compliance with the provisions of this title; and
- (2) the appraiser holds a valid certification from a State whose

requirements for certification or licensing meet or exceed the certification and licensure standards established by the State where an individual seeks reciprocity."

Below are three (3) draft options States may consider to use in compliance with the above requirement:

- 1) Reciprocity shall automatically be granted to an appraiser who is credentialed in an AQB compliant state;
- 2) Reciprocity shall be granted if the appraiser is credentialed in an AQB compliant state ***and*** the appraiser separately satisfies any requirements of the receiving state that exceed those of the sending state; and
- 3) Reciprocity shall be granted ***only*** if the appraiser is credentialed in an AQB compliant state that has been determined to meet or exceed the requirements of the receiving state (i.e., there are no additional requirements of the receiving state to satisfy because they have satisfied them all as part of the credentialing process of the sending state).

#### **CONVENE TO CLOSED SESSION**

**MOTION:** Henry Simon moved, seconded by Sharon Fiedler, 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 12:25 p.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 1:51 p.m.

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

**REAFFIRM MOTIONS MADE IN CLOSED SESSION**

**MOTION:** Henry Simon moved, seconded by Lawrence Nicholson, to reaffirm all motions made in closed session with the exception of case closing 11 APP 053. Motion carried unanimously.

**PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**MOTION:** Lawrence Nicholson moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **John M. Bosanec (10 APP 020, 10 APP 053 and 11 APP 017)**. Motion carried unanimously.

**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 **James E. Gargulak (11 APP 018)**. Motion carried unanimously.

**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 **Robert Hasselkus (11 APP 057)**. Motion carried unanimously.

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Joshua L. Posthuma (11 APP 060)**. Motion carried unanimously.

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Daniel R. Heffron, Jr. (12 APP 001)**. Motion carried unanimously.

**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 **Mark D. Olson (12 APP 006)**. 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 **Peter L. Walls (12 APP 008)**. Motion carried unanimously.

**MOTION:** Henry Simon moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **James D. Dhein (12 APP 041)**. Motion carried unanimously.

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Jennifer A. Jacobson (11 APP 056)**. Motion carried unanimously.

**MOTION:** Henry Simon moved, seconded by Sharon Fiedler, to adopt the Findings of Fact, Conclusions of Law, Final Decision and Order in the disciplinary proceedings against **Carl Nicholson (11 APP 055)**. Motion carried unanimously.

#### **MONITORING**

**MOTION:** Lawrence Nicholson moved, seconded by Sharon Fiedler, to deny the request from **Thomas M. Prock** for an extension of time to complete education. Motion carried unanimously.

**MOTION:** Henry Simon moved, seconded by Sharon Fiedler, to remove the limitations and reinstate the full license of **April L. Konczal (Certified Residential and Licensed Appraiser)**. Motion carried unanimously.

#### **CASE CLOSINGS**

**MOTION:** Sharon Fiedler moved, seconded by Lawrence Nicholson, to close case **11 APP 030 for insufficient evidence**. Motion carried unanimously.

**MOTION:** Lawrence Nicholson moved, seconded by Henry Simon, to close case **11 APP 053 for prosecutorial discretion (P3) and refer the matter to the Real Estate Examining Board**. Motion carried. One member opposed.

**ADJOURNMENT**

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

The meeting adjourned at 1:54 p.m.

**NEXT MEETING SCHEDULED FOR MAY 8, 2013**