



COLORADO

Department of
Regulatory Agencies

Division of Real Estate

1560 Broadway, Suite 925
Denver, CO 80202-5111

BOARD OF REAL ESTATE APPRAISERS MEETING

Meeting Minutes

January 5, 2023

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MINUTES
BOARD OF REAL ESTATE APPRAISERS
January 5, 2023
Colorado Division of Real Estate
Meeting Conducted Via Webinar

A Colorado Board of Real Estate Appraisers public meeting was conducted via Webinar and was held on Thursday, January 5, 2023.

Notice of the meeting was published timely and the meeting was held pursuant to the Colorado Sunshine Laws, Title 24, Article 6, C.R.S., as amended.

ORDER OF BUSINESS BY THE CHAIR:

Call to Order, Roll Call, Determination of a Quorum-

The meeting was called to order at 9:01 a.m. by Chair Tony Pistilli. Director Marcia Waters made a quorum determination.

Board Members in Attendance: Tony Pistilli, Chair; Mickey Sanders, Vice-Chair; Patrice Campbell; Christopher Chippindale; Kristy McFarland and Larry Stark. The Board has one vacancy

Also attending via webinar: Marcia Waters, Director; Eric Turner, Deputy Director; Penny Elder, ESP Manager; David Donnelly, Education, Communication & Policy Manager; and Doreen Archuleta, Board Manager. Christian Aggeler was present via webinar from the Office of the Attorney General. The meeting webinar was open to the public.

MINUTES APPROVAL - November 3, 2022

After review, it was moved by Mr. Stark and seconded by Ms. Campbell to approve the Minutes of the regular Board meeting on November 3, 2022 as written.



BOREA

Minutes_November 3

Motion unanimously carried.

POLICY MATTERS:

Appraiser Professionalism -

The Board discussed the Division's lack of ability to regulate and enforce professionalism within the industry. Director Waters advised the Board that Colorado is prohibited from promulgating rules that are more strict than Federal rules and guidelines. Director Waters will reach out to her counterpart in Montana to see if appraiser professionalism coursework is available.

Agenda Items for Next BOREA Meeting -
None

PUBLIC COMMENT:
None

COMPLAINT INVESTIGATIONS:

A. Complaint No. 2022-1701 (Robert Walker, Investigator)

Director Marcia Waters presented this matter to the Board.

The report alleged violations of: §12-10-613(1)(b) C.R.S.; §12-10-613(1)(g) C.R.S.; USPAP violations include Recordkeeping Rule; Competency Rule; Scope of Work Rule; and Standard Rule 1 and Standard Rule 2.

Mr. Stark moved and Mr. Chippendale seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-1701. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include: 15 hours in National USPAP; 7 or more hours in Comparative Analysis and/or Supporting Adjustments; and the BOREA workfile course.

Motion unanimously carried.

B. Complaint No. 2022-798 (Scott Wentz, Investigator)

Director Marcia Waters presented this matter to the Board.

The reports alleged violations of: §12-10-613(1)(b) C.R.S.; §12-10-613(1)(g) C.R.S.; USPAP violations include Recordkeeping Rule; and Standard Rule 1 and Standard Rule 2.

Ms. Campbell moved and Mr. Stark seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-798. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include: TAF - Residential Report Writing vs. Form Filling; 5 or more hours in Data Verification; 7 or more hours in Comparative Analysis and/or Supporting Adjustments; and the BOREA workfile course.

Motion unanimously carried.

C. Complaint No. 2022-1271 (Scott Wentz, Investigator)

Director Marcia Waters presented this matter to the Board.

NOTE: Mr. Stark recused himself from consideration of Complaint #2022-1271 and left the webinar at 9:29 a.m.

The reports alleged violations of: §12-10-613(1)(b) C.R.S.; §12-10-613(1)(g) C.R.S.; USPAP violations include Recordkeeping Rule; and Standard Rule 1 and Standard Rule 2.

Ms. Sanders moved and Ms. Campbell seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-1271. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include a \$1,000 fine (+mandatory 15% surcharge) and coursework in: 15 hours in Residential Report Writing and Case Studies; 7 or more hours in Comparative Analysis and/or Supporting Adjustments; and a Reliable Recordkeeping course.

Motion carried.

NOTE: Mr. Stark returns to the webinar at 9:36.

ESP MATTERS:

NOTE: Ms. Campbell recused herself from consideration of ESP Matter A - Complaint #2018-1249; 2018-1290; 2018-1324 & 2019-1528 - FAO Violation Case # APR2020-0002; and 2020-1683 at 9:37 a.m.

ESP Matter A, Complaint #2018-1249; 2018-1290; 2018-1324 & 2019-1528 - FAO Violation Case # APR2020-0002; 2020-1683 - Stipulation and FAO violation -

The Board was presented with a Stipulation and FAO Violation report by Penny Elder regarding ESP Matter A, Complaint #2018-1249; 2018-1290; 2018-1324 & 2019-1528 - FAO Violation Case # APR2020-0002; 2020-1683.

After discussion, it was moved by Mr. Stark and seconded by Ms. McFarland to proceed with a Stipulation and FAO violation and refer the cases to the Attorney General's Office to consolidate as appropriate with direction to seek revocation of the Real Estate Appraiser's license.

Motion carried.

NOTE: Ms. Campbell returns to the webinar at 9:40.

ESP Matter B, Complaint #2022-1541 - Counteroffer -

The Board was presented with a Counteroffer request report by Penny Elder regarding ESP Matter A, Complaint #2022-1541.

After discussion, it was moved by Ms. McFarland and seconded by Mr. Pistilli to offer alternative settlement direction to include a Stipulation and Final Agency Order, public censure and a fine in the amount of \$500 (+mandatory 15% surcharge).

Motion unanimously carried.

ESP Matter C, Complaint #2021-1414 - Reconsideration -

The Board was presented with a Request for Reconsideration report by Penny Elder regarding ESP Matter A, Complaint #2021-1414.

After discussion, it was moved by Ms. Campbell and seconded by Mr. Stark to allow the respondent to relinquish her Real Estate Appraiser's License per Board Rule 8.8

Motion unanimously carried.

ADJOURN:

The regular meeting of the Colorado Board of Real Estate Appraisers adjourned at 9:56 a.m. on January 5, 2023.

Tony Pistilli, Chair

Mickey Sanders - Vice-Chair

Patrice Campbell

Christopher Chippindale

Kristy McFarland

Larry Stark

Vacancy

Marcia Waters, Director
Colorado Division of Real Estate