



1560 Broadway, Suite 925  
Denver, CO 80202-5111

**BOARD OF REAL ESTATE APPRAISERS MEETING**  
**Meeting Minutes**  
**March 3, 2022**

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**MINUTES**  
**BOARD OF REAL ESTATE APPRAISERS**  
**March 3, 2022**  
**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, March 3, 2022.

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 9:00 a.m. by Chair Patrice Campbell. Director Marcia Waters made a quorum determination.

**Board Members in Attendance:** Patrice Campbell, Chair; Tony Pistilli, Vice-Chair; Chris Brownlee; Christopher Chippindale; Kristy McFarland; Mickey Sanders and Larry Stark

Also attending via webinar: Marcia Waters, Director; Eric Turner, Deputy Director; Natalie Lutz, Special Assistant to the Director; Gary Kujawski, Education, Communication & Policy Manager; and Doreen Archuleta, Director's Office. Christian Aggeler was present via webinar from the Office of the Attorney General. The meeting webinar was open to the public.

**HEARING MATTERS:**

- A. Exceptions to the Initial Decision; Colorado Board of Real Estate Appraisers, Petitioner vs Michael (Milo) Anthony Vigil, Respondent; License No. CG-10033168, Case Number: APR 2020-0002 -  
Heather Whitman and Sue Kim from the Attorney General's Office serve as Conflicts Counsel for the Division of Real Estate in this case.

**NOTE:** Chairwoman Campbell recuses herself from consideration of the Hearing Matter involving Michael (Milo) Anthony Vigil and leaves the webinar at 9:01 a.m. Mr. Pistilli assumes responsibility as the Chair.

**EXECUTIVE SESSION:**

At 9:01 a.m., it was moved by Ms. McFarland, seconded by Ms. Sanders, and approved by more than two-thirds vote of the Board that pursuant to §24-6-402(3)(a)(II), C.R.S. concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding:

- Exceptions to the Initial Decision; Colorado Board of Real Estate Appraisers, Petitioner vs Michael (Milo) Anthony Vigil, Respondent; License No. CG-10033168, Case Number: APR 2020-0002

**Motion carried.**

Executive Session is conducted via Google Meet and begins at 9:07 a.m.

The Board adjourned out of Executive Session at 9:28 a.m. and resumed meeting via webinar that is open to the public.

**Decision to Grant or Deny the Request for Oral Arguments in Case No. APR 2020-0001 -**

It was moved by Ms. Sanders and seconded by Ms. McFarland to deny the request for Oral Arguments.

**Motion carried.**

The Board discussed final disposition of discipline. Following discussion, it was moved by Mr. Pistilli and seconded by Ms. McFarland to adopt the Findings of Fact and Conclusions of Law in the Initial Decision.

**Motion carried.**

It was moved by Mr. Stark and seconded by Ms. Sanders to adopt the Initial Decision with modification to the disciplinary sanctions to include a public censure of the appraiser's license.

**Motion carried.**

It was moved by Mr. Pistilli and seconded by Ms. McFarland to direct adjudicatory counsel to draft a Final Agency Order reflecting the Board's determination for sanctions to include public censure; payment of a fine in the amount of \$7,000 (+15% mandatory surcharge); and coursework as follows: 7 hours How to Support and Prove Your Adjustments; 7 hours Defensible Appraising; 15 hours Advanced Residential Applications and Case Studies with exam; 4 hours Documentation and Record Keeping; 15 hours Residential Market Analysis and Highest and Best Use with exam; and 7 hours Appraisal Review.

**Motion carried.**

It was moved by Mr. Pistilli and seconded by Ms. McFarland to Board delegate authority to Deputy Director Eric Turner to sign the Final Agency Order on behalf of the Board.

**Motion carried.**

The Board's discussion of this matter concluded at 9:43 a.m.

**NOTE:** Chairwoman Campbell returns to the webinar at 9:44 and resumes responsibilities as the Chair.

**NOTE:** The Rulemaking Hearing was moved to the end of the Agenda to accommodate public comment.

## MINUTES APPROVAL - January 6, 2022

After review, it was moved by Mr. Chippindale and seconded by Mr. Pistilli to approve the Minutes of the regular Board meeting on January 6, 2022 as written.



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6, 2022.pdf

### Motion unanimously carried.

## POLICY MATTERS:

### Appraiser Professionalism -

There is no further discussion necessary for this topic.

### Legislative Update -

Director Marcia Waters advised the Board that the Sunset Review will be heard by the Legislature on March 16<sup>th</sup>. In addition, 4 Board members were confirmed by the Senate.

## PUBLIC COMMENT:

- Daniela Gosselova - Regarding regulation of fees. The Division of Real Estate does not have the authority to regulate professional fees.

## COMPLAINT INVESTIGATIONS:

### A. Complaint No. 2020-2006 and B. Complaint No. 2020-2021 (James Fuller, Investigator)

Director Marcia Waters presented these complaint matters to the Board.

## EXECUTIVE SESSION:

At 10:19 a.m., it was moved by Mr. Stark, seconded by Ms. McFarland, and approved by more than two-thirds vote of the Board that pursuant to §24-6-402(3)(a)(II), C.R.S. concerning disputes that are the subject of pending or imminent court action and/or for the purpose of receiving legal advice on specific legal questions regarding:

- Complaint A - #2020-2006 and Complaint B - #2020-2021

### Motion unanimously carried.

Executive Session is conducted via Google Meet and begins at 10:20 a.m.

The Board adjourned out of Executive Session at 11:00 a.m. and resumed meeting via webinar that is open to the public.

**A. Complaint No. 2020-2006** (James Fuller, Investigator)

**B. Complaint No. 2020-2021** (James Fuller, Investigator)

Complaint No. 2020-2006 - the report alleged violations of: §12-10-613(1)(b) C.R.S.; and Board Rule 12.12.

Complaint No. 2020-2021 - the report alleged violations of: §12-10-613(1)(b) C.R.S.; and Board Rule 12.12.

Mr. Stark moved and Ms. Campbell seconded that the Board accepts the investigative reports and conclusions in Complaint No. 2020-2006 and Complaint 2020-2021. The Board identifies no additional USPAP violations. Director Waters will follow up with the respondents.

Mr. Pistilli abstains from voting. **Motion carried.**

**C. Complaint No. 2021-1630** (Scott Wentz, Investigator)

Director Marcia Waters presented this matter to the Board.

Complaint No. 2021-1630 - the report alleged violations of: §12-10-613(1)(b) C.R.S.; §12-10-613(1)(g) C.R.S.; Board Rule 12.8; USPAP violations including Recordkeeping Rule and Ethics Rule; and Standard Rule 1 and Standard Rule 2.

Ms. McFarland moved and Mr. Pistilli seconded that the Board finds that reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2021-1630. The Board voted to refer back to Staff for a settlement offer for dismissal with subsequent education to include: 15 hours in Residential Report Writing and Case Studies; 7 hours or more in Comparative Analysis and/or Support Adjustments; BOREA Workfile Course; and 15 hours USPAP.

**Motion unanimously carried.**

**D. Complaint No. 2021-1991** (Scott Wentz, Investigator)

Director Marcia Waters presented this matter to the Board.

Complaint No. 2021-1991 - the report alleged violations of: §12-10-613(1)(b) C.R.S.; §12-10-613(1)(g) C.R.S.; Board Rule 12.12; USPAP violations including Recordkeeping Rule; and Standard Rule 1 and Standard Rule 2.

Ms. Campbell moved and Mr. Pistilli seconded that the Board finds that reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2021-1991. The Board voted to refer back to Staff for a settlement offer of a Stipulation for Diversion; and successful completion of real estate appraisal education to include: 7 or more hours in Residential Report Writing; 5 or more hours in Data Verification; 7 or more hours in Comparative Analysis and/or Support Adjustments; and 15 hours USPAP.

**Motion unanimously carried.**

#### **E. Complaint No. 2021-1867 (Robert Walker, Investigator)**

Director Marcia Waters presented this matter to the Board.

Complaint No. 2021-1867 - the report alleged violations of: §12-10-613(1)(b) C.R.S.; §12-10-613(1)(g) C.R.S.; Board Rule 12.12; USPAP violations including Recordkeeping Rule; Scope of Work Rule and Standard Rule 1 and Standard Rule 2.

Mr. Pistilli moved and Mr. Brownlee seconded that the Board finds that reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2021-1867. The Board voted to refer back to Staff for a settlement offer of a Stipulation for Diversion; and successful completion of real estate appraisal education to include: 7 or more hours in Comparative Analysis and/or Support Adjustments; 7 or more hours in Residential Report Writing and the BOREA Workfile Course.

**Motion unanimously carried.**

#### **LICENSING MATTERS:**

##### **A. Complaint #2021-2217 - License Application -**

The Board considered this application for licensure as an AMC together with accompanying documentation and information supplied by the applicant.

An application was received on December 29, 2021 for licensure as an AMC. The proposed controlling appraiser has had her appraiser's license disciplined in the State of Ohio for practice violations stemming from three separate complaints filed in 2004 and 2006. She has completed the disciplinary terms associated with those cases. In 2020, the AMC stipulated to a settlement of citation because the controlling appraiser had not disclosed the prior license discipline in Ohio. The AMC was required to pay a \$5,000 fine.

It was moved by Mr. Pistilli and seconded by Mr. Stark to approve the AMC license application.

**Motion unanimously carried.**

#### **RULEMAKING HEARING:**

##### **Chapter 5 - Standards for Real Estate Appraisal Experience**

Public Comment on Rulemaking:

- JoAnn Apostol - Comments submitted via email and read into the record by Director Waters

##### **Chapter 5 - Standards for Real Estate Appraisal Experience -**

It was moved by Mr. Pistilli and seconded by Mr. Stark to adopt Chapter 5 - "Standards or Real Estate Appraisal Experience" as submitted.



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725-2.Adopted.3.3.22.

**Motion unanimously carried.**

The Rulemaking Hearing closes at 11:46 a.m.

**ADJOURN:**

The regular meeting of the Colorado Board of Real Estate Appraisers adjourned at 11:47 a.m. on March 3, 2022.

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Patrice Campbell, Chair

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Tony Pistilli - Vice Chair

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Chris Brownlee

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Christopher Chippindale

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Kristy McFarland

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Mickey Sanders

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Larry Stark

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Marcia Waters, Director  
Colorado Division of Real Estate