



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

May 4, 2023

MINUTES - INDEX

	<u>PAGE #</u>
ORDER OF BUSINESS BY THE CHAIR:	
Call to Order, Roll Call, Determine Quorum	2
MINUTES	
January 5, 2023	2
INTRODUCTION - BOREA Member Clinton Taylor	2
POLICY MATTERS:	
Update on Montana Regulations & Coursework Regarding Appraiser Professionalism	6
Code of Ethics for Boards and Commissions	3
COMPLAINT MATTERS:	
A. Complaint #2022-1771	3
B. Complaint #2022-1791	3
C. Complaint #2022-2029	4
D. Complaint #2022-2125	4
E. Complaint #2022-823	4
F. Complaint #2022-2216	5
G. Complaint #2022-2256	5
H. Complaint #2023-160	6
EXECUTIVE SESSION	6
ATTORNEY GENERAL MATTERS	6
ADJOURN	7

MINUTES
BOARD OF REAL ESTATE APPRAISERS
May 4, 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, May 4, 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 9:00 a.m. by Acting-Chair Mickey Sanders. Director Marcia Waters made a quorum determination.

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

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

MINUTES APPROVAL - January 5, 2023

After review, it was moved by Ms. Campbell and seconded by Mr. Chippindale to approve the Minutes of the regular Board meeting on January 5, 2023 as written.



BOREA

Minutes_January 5, 2023

Motion unanimously carried.

INTRODUCTION:

The Division of Real Estate welcomes Clinton Taylor to the Board of Real Estate Appraisers. Mr. Taylor was appointed as the AMC representative for the Board.

POLICY MATTERS:

Code of Ethics for Boards and Commissions -

Director Waters submitted the Code of Ethics for Boards and Commissions. All Board and Commission members as well as stakeholder and task force group members will be required to sign the policy so that all DORA Boards and Commissions operate consistently.

Agenda Items for Next BOREA Meeting -

None

PUBLIC COMMENT:

None

COMPLAINT INVESTIGATIONS:

A. Complaint No. 2022-1771 (Robert Walker, Investigator)

Director Marcia Waters presented this matter to the Board.

The report alleged violations of: §12-61-710(1)(g) C.R.S.; Board Rule 13.4; USPAP violations include Scope of Work Rule; and Standard Rule 1 and Standard Rule 2.

Mr. Stark moved and Ms. Campbell seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-1771. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include: 15 hours in National USPAP; 15 hours in Advanced Residential Applications and Case Studies; 7 or more hours in Comparative Analysis and/or Supporting Adjustments; and the BOREA's Reliable Recordkeeping workfile course. In addition, the respondent will be required to complete work product review of four appraisals in two months.

Motion unanimously carried.

B. Complaint No. 2022-1791 (Robert Walker, 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.

Mr. Stark moved and Ms. McFarland seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-1791. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include: a \$1,000 fine (+15% mandatory surcharge); 7 or more hours in Sales Comparison; and 15 hours in Residential Report Writing and Case Studies.

Motion unanimously carried.

NOTE: Tony Pistilli joins the meeting at 9:31 a.m.

C. Complaint No. 2022-2029 (Robert Walker, Investigator)

Director Marcia Waters presented this matter to the Board.

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

Mr. Stark and Mr. Taylor seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-2029. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include a \$500 fine (+mandatory 15% surcharge) and coursework in: 15 hours National USPAP; 7 hours in Complex Properties - the Odd Side of Appraisal; and 4 hours in Divorce and Estate Appraisals.

Motion unanimously carried.

D. Complaint No. 2022-2125 (Robert Walker, Investigator)

Director Marcia Waters presented this matter to the Board.

The reports alleged violations of: §12-61-710(1)(g) C.R.S.; USPAP violations include Competency Rule; Ethics Rule Violation; Scope of Work Rule; Recordkeeping Rule; and Standard Rule 1 and Standard Rule 2.

Mr. Stark and Ms. McFarland seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-2125. The Board voted to refer back to Staff for a settlement offer for a Stipulation and Final Agency Order to include a \$500 fine (+mandatory 15% surcharge) and coursework in: 15 hours Residential Report Writing and Case Studies; 5 or more hours in Data Verification; 7 or more hours in Comparative Analysis and/or Supporting Adjustments; TAF: Scope of Work: Appraisals and Inspections; and Reliable Recordkeeping.

Motion unanimously carried.

E. Complaint No. 2022-823 (Robert Walker, 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.; Board Rule 12.8; USPAP violations include Scope of Work Rule; Record Keeping Rule; Ethics Rule and Standard Rule 1 and Standard Rule 2.

Mr. Stark and Ms. Campbell seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-823. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include coursework in: 15 hour National USPAP Course; 7 hour or more hours in Comparative Analysis and/or Supporting Adjustments and Reliable Recordkeeping.

Motion unanimously carried.

F. Complaint No. 2022-2216 (Robert Walker, Investigator)

Director Marcia Waters presented this matter to the Board.

The reports alleged violations of: §12-61-710(1)(g) C.R.S.; USPAP violations include Ethics Rule; Scope of Work Rule; Record Keeping Rule; and Standard Rule 1 and Standard Rule 2.

Ms. McFarland and Mr. Pistilli seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-2216. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include coursework in: 15 hour National USPAP Course; 7 hour or more hours in Comparative Analysis and/or Supporting Adjustments and Reliable Recordkeeping.

Motion unanimously carried.

NOTE: Ms. McFarland is excused from the meeting at 9:58 a.m.

G. Complaint No. 2022-2256 (Robert Walker, Investigator)

Director Marcia Waters presented this matter to the Board.

The reports alleged violations of: §12-61-710(1)(g) C.R.S.; USPAP violations include Competency Rule; Scope of Work Rule; Record Keeping Rule; Ethics Rule Violation; and Standard Rule 1 and Standard Rule 2.

Mr. Stark and Mr. Taylor seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2022-2256. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include coursework in: 5 or more hours in Data Verification; 7 or more hours in Comparative Analysis and/or Supporting Adjustments; 7 or more hours in Appraising Complex Properties; and Reliable Recordkeeping. In addition, the respondent must complete Work Product Review of four appraisals in two months.

Motion carried.

H. Complaint No. 2023-160 (Robert Walker, Investigator)

Director Marcia Waters presented this matter to the Board.

The reports alleged violations of: §12-61-710(1)(g) C.R.S.; USPAP violations include Ethics Rule Violation; Scope of Work Rule; Record Keeping Rule; and Standard Rule 1 and Standard Rule 2.

Mr. Stark and Ms. Campbell seconded that the Board finds reasonable grounds exist to believe that violations of appraisal law occurred in Complaint No. 2023-160. The Board voted to refer back to Staff for a settlement offer for a Stipulation for Diversion to include a \$500 fine (+15% mandatory surcharge); and coursework in: 15 hour National USPAP; Reliable Recordkeeping; 7 or more hours in Comparative Analysis and/or Supporting Adjustments; and 7 or more hours in Residential Construction and the Appraiser.

Motion carried.

POLICY MATTERS:

Update on Montana Regulations and Coursework Regarding Appraiser Professionalism -
The Board discussed appraiser professionalism with information from Director Waters.

EXECUTIVE SESSION:

At 10:41 a.m., it was moved by Mr. Pistilli, seconded by Mr. Chippindale, and approved by more than two-thirds vote of the Board that pursuant to §24-6-402(3)(a)(II), C.R.S. to receive legal advice on specific legal questions regarding:

- I. Outstanding LOCs in Case Numbers 2020-2006 and 2020-2121;
- J. Why USPAP Can be Incorporated by State Law; and
- K. Case No. 2023CV30143 - Melinda Schminke vs. Colorado Division of Real Estate and Board of Real Estate Appraisers.

Motion carried.

Executive Session is conducted via Google Meet and begins at 10:50 a.m.

The Board adjourned out of Executive Session at 11:14 a.m. and resumed meeting via webinar that is open to the public.

ATTORNEY GENERAL MATTERS:

A. Outstanding LOCs in Case Numbers 2020-2006 and 2020-2021-

It was moved by Ms. Sanders and seconded by Ms. Campbell to rescind issuing any additional orders or have further correspondence with the complainant and to close Complaint Numbers 2020-2006 and 2020-2021.

Motion carried.

ADJOURN:

The regular meeting of the Colorado Board of Real Estate Appraisers adjourned at 11:17 a.m. on May 4, 2023.

Tony Pistilli, Chair

Mickey Sanders - Acting-Chair

Patrice Campbell

Christopher Chippindale

Kristy McFarland

Larry Stark

Clinton Taylor

Marcia Waters, Director
Colorado Division of Real Estate