

MAINE BOARD OF REAL ESTATE APPRAISERS
BOARD MEETING MINUTES – January 3, 2012

MEMBERS PRESENT

WendyAnn Boston, Chair
William Dobrowolski, Vice Chair
Bruce Bell
Kenneth Charest
Joseph Herlihy, Complaint Officer
Alan Johnson
Theodore Webersinn

MEMBERS ABSENT

OTHERS PRESENT

Carol Leighton, Administrator
Andrew Black, Assistant Attorney General
Catherine Pendergast, Education Director
Kim Baker, Licensing Clerk
Jeffrey Frankel, Staff Attorney for OPOR

Location: Central Conference Room

Start: 9:05 a.m.

Adjourn: 11:25 a.m.

CALL TO ORDER

The meeting was called to order at 9:05 a.m. by the Board's Chair WendyAnn Boston.

AGENDA MODIFICATIONS

A motion was made by Dobrowolski and seconded by Webersinn, to add two items to the agenda: Case number 2011-REA-7856 and case number 2011-REA-6237 Decision and Order, to the Complaint Officer's Report; Unanimous.

OLD BUSINESS

Action on Minutes of December 6, 2011 Meeting

A motion was made by Dobrowolski and seconded by Bell to approve the minutes of the December 6, 2011 meeting; Boston, Bell, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy and Charest abstained.

NEW BUSINESS

Election of Officers

A motion was made by Bell and seconded by Charest to re-elect WendyAnn Boston as Chair; William Dobrowolski as Vice-Chair; and Joseph Herlihy as Complaint Officer; Bell, Boston, Charest, Herlihy, Johnson, and Webersinn voted in the affirmative; none opposed; Dobrowolski abstained. Motion carried.

Public Hearings

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At 9:04 a.m. Board Chair Wendy Boston opened the public hearing on proposed rulemaking on Chapter 220, Educational Course Requirements. No written comments or testimony were received and no one from the audience presented verbal testimony. The hearing closed at 9:07 a.m.

At 9:09 a.m. OPOR Staff Attorney Jeffrey Frankel opened the public hearing on proposed rulemaking on Chapter 10, Establishment of License Fees. No written comments or testimony were received and no one from the audience presented verbal testimony. The hearing closed at 9:13 a.m.

Administrator's Report

1. Request From K. Alton Spencer (2010-REA-6878) for an extension to complete the 15-hour USPAP course by the end of January 2012 & the "Residential Market Analysis and Highest and Best Use" course by January 15, 2012 – A motion to grant the request to extend the completion dates to the dates requested subject to written verification that the December 10 & 11, 2011 15 hour USPAP course was cancelled, was made by Dobrowolski and seconded by Johnson; Unanimous.
2. Email from HealthTrust, Arlene Abiera-Salis – A motion was made by Charest and seconded by Herlihy to approve Carol Leighton's response to the email; Boston, Charest, Dobrowolski, Herlihy, Johnson and Webersinn voted in the affirmative; Bell opposed. Motion carried.
3. 2012-REA-7876 Failure to Disclose Professional Discipline – A motion was made by Johnson and seconded by Charest to offer a Consent Agreement with admission for non-disclosure of discipline from the New Hampshire Board of Real Estate Appraisers in September 2011; failure to report the discipline to the Maine Board of Real Estate Appraisers within ten days; and a fine of \$200. Bell, Boston, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy opposed. Motion carried.
4. 2012-REA-7875 Failure to Disclose Professional Discipline – A motion was made by Johnson and seconded by Charest to offer a Consent Agreement with admission for non-disclosure of discipline from the Massachusetts Board of Registration of Real Estate Appraisers in February 2011; failure to report the discipline to the Maine Board of Real Estate Appraisers within ten days; and a fine of \$200. Bell, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Boston and Herlihy opposed. Motion carried.

Complaint Officer's Report

1. 2011-REA-7658 - A motion was made by Bell and seconded by Webersinn to dismiss the complaint with a Letter of Guidance to be more diligent in analysis and adjustments to appraisals; the Letter shall be retained in the licensee's file for two years; Bell, Boston, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy abstained. Motion carried.
2. 2011-REA-7677 - A motion was made by Bell and seconded by Charest to dismiss the complaint; Bell, Boston, Charest, Johnson voted in the affirmative; Dobrowolski and Webersinn opposed; Herlihy abstained. Motion carried.

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3. 2011-REA-7683 - A motion was made by Dobrowolski and seconded by Charest to dismiss the complaint; Bell, Boston, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy abstained. Motion carried.
4. 2011-REA-6980 Dismissal Order (Finney) – A motion was made by Charest and seconded by Dobrowolski to approve the Dismissal Order as written; Bell, Boston, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy abstained. Motion carried.
5. 2011-REA-7856 – A motion was made by Dobrowolski and seconded by Charest to deny the renewal application pursuant to 10 M.R.S.A. §8003-G, subsection 5-A, paragraph A, and 5 M.R.S.A §5301 (2), for non-disclosure of a criminal conviction and failure to report a conviction to the Board within 10 days; Bell, Boston, Charest, Dobrowolski, Johnson and Webersinn voted in the affirmative; Herlihy opposed. Motion carried.
6. 2011-REA-6237 Decision and Order (Traub) - A motion was made by Bell and seconded by Charest to approve the Decision and Order as written; Bell, Boston, Dobrowolski, Johnson and Webersinn voted in the affirmative; Charest and Herlihy abstained. Motion carried.

Review and Action on Applications and Education

There was no action taken by the Board on applications and education.

Correspondence

No action was taken by the Board on correspondence

Next Meeting Scheduled for February , 2012 at 9:00 a.m.

OTHER BUSINESS

ADJOURN

Being no further board business the meeting was adjourned at 4:30 p.m.

Respectfully submitted,
Kim Baker, Board Clerk