

SOUTH CAROLINA REAL ESTATE APPRAISERS BOARD

Synergy Business Park, Kingstree Building
110 Centerview Drive, Kingstree Building, Room 202
Columbia, South Carolina 29210
Minutes

Friday, November 13, 2009

9:00 a.m.

Called To Order:

Herbert Sass, Chairman, called the regular meeting of the Real Estate Appraisers Board to order at 9:00 a.m. Other members present for the meeting included: Andrew Johnson, Ann King, Rhonwen Newton, Terrence O'Brien and Carlton Segars.

Staff members participating in the meeting included: Sheridan Spoon, General Counsel, Paula Magargle, Hearing Attorney, Jamie Saxon, Advice Attorney, Jay Pitts, Administrator, Angela Scott, Administrative Assistant, Laura Smith, Compliance Coordinator, Beau Tiller, Education Manager, Bill Plunkett, Investigations and Lisa Hawsey, Office of Business and Building.

Others present participating in the meeting included: Dan King, Sean Muzzy and Michael Foster.

Herbert Sass, Chairman, announced that public notice of the meeting was properly posted on the bulletin boards at the main entrance of the Kingstree Building and by notice mailed to all requesting persons, organizations and news media in accordance with §30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance:

All present recited the Pledge of Allegiance.

Introduction of Board Members and All Other Persons Attending

Chairman Sass introduced the Board members and staff.

Members Absences:

NONE

Approval of Minutes:

Thursday, August 27, 2009

MOTION:

Mr. O'Brien moved to approve the Thursday, August 27 2009, meeting minutes with the following corrections: Page 3 under Mr. John C. Tezza 4th paragraph change to Ms. Newton. Mrs. King seconded the motion, which carried unanimously.

Friday, August 28, 2009

MOTION:

Mr. O'Brien made a motion to approve the Friday, August 28, 2009, meeting minutes with the following corrections: Page 1 1st paragraph under Disciplinary Hearings change Chairman Cox to Chairman Sass and Page 2 3rd paragraph delete motion unanimously carried to motion carried with one nay vote, made by Mr. O'Brien. Mrs. King seconded the motion, which carried unanimously.

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Approval of Agenda:

Friday, November 13, 2009

MOTION

Mr. O'Brien moved to approve the Friday, November 13, 2009, agenda as previously noticed.
Mr. Johnson seconded the motion, which carried unanimously.

Chairman's Remarks:

Chairman Sass thanked Mr. Pitts and staff for all the outstanding work.

Administrator's Remarks:

Update On Licensees – Mr. Pitts reported the licensing numbers as of today:

3479 Active Appraisers (includes all categories)	
615 Apprentices	911 Certified General
22 Certified General Mass	1218 Certified Residential
52 Certified Mass Appraisers	24 Inactive Appraiser
35 Inactive Certified General	44 Inactive Certified Residential
31 Inactive Licensed Appraisers	5 Inactive Licensed Mass
442 Licensed Appraisers	65 Licensed Mass Appraisers
14 Temporary permits	

Update On Investigations – Mr. Pitts reported the number of investigations as of today:

43 Open Cases in Investigations
38 Complaints split between two investigators
5 cases sent to Office of General Counsel

AARO Annual Meeting Update _ Mr. O'Brien reported that he and Mr. Pitts attended the AARO Conference which was held October 10-13, 2009. The meeting was very informative and topics of interest included:

- The Board Members Manual – Mr. O'Brien reported that the manual included the duties and responsibilities of Board members. He reported that this would be a good tool for new Board appointees to review.
- Voluntary Disciplinary Action Matrix – Mr. O'Brien reported that Voluntary Disciplinary Action Matrix would be a good tool to use as guidelines for any future disciplinary actions. **The Board was in favor of formalizing the Voluntary Disciplinary Action Matrix in early 2010.**
- AMC Legislation – Mr. O'Brien reported that the following States have adopted the AMC legislation: Utah, Arizona, Nevada, Louisiana, California and New Mexico and the following States are pending legislation: North Carolina, Hawaii, Minnesota, Missouri and Alabama. California signed to regulate AMC's legislation but the bill has no body, fees and regulations. **The Board decided to appoint a task force consisting of Chairman Sass, Mr. O'Brien, Mr. Pitts and members of the Appraisers Institute and SCPAC to establish a statement addressing the Board's opinion regarding the AMC legislation and have it distributed by December 15, 2009. The statement will be published on the website, sent via-email and sent to the associations.**

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Mr. Johnson reported that it is imperative for appraisers to work within their jurisdictions and locations of where they live when doing appraisals.

Draft Guidelines for disposition of complaints concerning infractions in other state jurisdictions – Mr. Plunkett presented draft guidelines for disposition of complaints concerning infractions in other states. **After review, the Board decided to table the approval of the guidelines until reviewed and approved by the Office of General Counsel.**

Appraisal Subcommittee Update- Mr. Beau Tiller reported that Appraisal Subcommittee Staff conducted an ASC Compliance of the Appraiser Regulatory Program on May 12 – 14, 2009. The ASC considered the staff's preliminary findings regarding the Review and the State's response.

- The ASC staff found that the Board uses a point system for determining experience hours and has never required applicants to provide actual number of hours per assignment. On July 10, 2009, the Board reported, appraisers are required to provide the actual number of hours they worked on each appraisal assignment on their experience log.
- The ASC staff found that due to a department directive, cases considered as "Do Not Open" were being destroyed after one year. On July 10, 2009, the Board reported that case files that were considered "Do Not Open" would be maintained and not destroyed until ASC staff has had an opportunity to review the files at the next compliance review.

The ASC determined that South Carolina's Program appeared to be in substantial compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended.

Board Member Retreat – Mr. Pitts recommended that the Board have a Board Member Retreat offsite before the next scheduled meeting. He asked the members to review their calendars to check their availability for January 2010.

New Business:

IRC Reports:

MOTION:

Ms. Newton made a motion, to approve the recommendations of the Investigative Review Committee. Mr. Johnson seconded the motion, which carried unanimously.

Minutes – Mr. Spoon advised that it is imperative for the minutes to reflect any motions to go into executive session and the reason why the Board is going into executive session. The following are reasons why a Board may go into executive session:

- To deliberate on a Application Hearing;
- To deliberate on a Disciplinary Hearing; and
- To seek legal advise.

Application Hearing:

Mr. Sean Muzzy

The Board held an Application Hearing regarding Mr. Sean Muzzy.

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MOTION:

Mr. Segars made a motion to approve Mr. Muzzy's application. Ms. Newton seconded the motion, which carried unanimously.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Adjournment:

Ms. Newton moved the meeting be adjourned. Mr. O'Brien seconded the motion, which carried unanimously. The November 13, 2009, meeting of the South Carolina Real Estate Appraisers Board was adjourned at 10:35 a.m. Chairman Sass stated that the meeting would reconvene at 11:00 a.m.

Called To Order:

Herbert Sass, Chairman, called the regular meeting of the Real Estate Appraisers Board back to order at 11:00 a.m.

Disciplinary Hearing:

(Jamie Saxon, Advice Attorney)
(Paula Magargle, Hearing Attorney)

Mr. Michael Foster

The Board held a Disciplinary Hearing regarding Mr. Michael Foster.

MOTION:

Mr. O'Brien made a motion as of the August 27, 2009, hearing, the Order from which was issued August 28, 2009, the Respondent's North Carolina certification was current and had been since at least December 31, 2008. Therefore, they found that their decision to suspend the Respondent's license was in error. By this Order, The Board granted the Respondent's motion, and further, rescinded the suspension of his license and expunge that suspension, retroactive to August 28, 2009. Mrs. King seconded the motion, which unanimously carried.

(This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.)

Public Comments

None

Adjournment

Ms. Newton moved the meeting be adjourned. Mrs. King seconded the motion, which carried unanimously. The November 13, 2009, meeting of the South Carolina Real Estate Appraisers Board was adjourned at 11:35 a.m.