

## MINUTES

### CONNECTICUT REAL ESTATE APPRAISAL COMMISSION

**NOVEMBER 16, 2005**

The meeting of November 16, 2005 was called to order by Christopher Italia, Chairman at 8:35 A.M. in Room 126 of the State Office Building, 165 Capitol Avenue, Hartford, Connecticut.

Commission Members Present:	Christopher Italia, Chairman (Cert. Gen. App. - 1sr District) Gerald Rasmussen (Cert. Gen. App. - 4 <sup>th</sup> District) Nicholas J. Tetreault (Cert. Res. App - 3 <sup>rd</sup> District) Francis Buckley, Jr. (Cert. Gen. App. - 2 <sup>nd</sup> District) Sean T. Hagearty (Cert. Gen. App. - 2 <sup>nd</sup> District) Russell Hunter (Public Member)
Commission Members Absent:	None
Commission Vacancies:	Two Public Members
Commission Counsel Present:	None
DCP Staff Present:	Nelson Leon, Board Secretary Richard M. Hurlburt, Director Lauren Rubino, Real Estate Supervisor Elisa Nahas, DCP Attorney Richard Maloney, Trade Practices Director Timothy Keefe, Real Estate Examiner
Public Present:	Elliott C. Morales

**Note:** The administrative functions of this Commission are carried out by the Department of Consumer Protection, Occupational and Professional Licensing Division.  
For information contact Richard M. Hurlburt, Director at (860) 713-6135.

### **REVIEW MINUTES OF PREVIOUS MEETINGS**

The minutes of the September 14, 2005 and October 12, 2005 meeting were not available for review. The Commission voted unanimously to table review and approval of the September 14, 2005 and October 12, 2005 minutes to their next meeting scheduled for Wednesday, December 14, 2005.

### **COMMISSION REQUESTED AT THEIR OCTOBER 12, 2005 MEETING THAT EITHER RICHARD MALONEY, TRADE PRACTICES DIRECTOR OR TIMOTHY KEEFE, REAL ESTATE EXAMINER APPEAR BEFORE THEM AND PROVIDE INPUT RELATING TO THE APPRAISAL COMPLAINT REVIEW PROCESS.**

Commissioner Rasmussen reports that the perception in the appraisal market is that not a damn thing is being done relevant to complaints and the resolution thereof, which is also reflected within publications as well. Studies shown to Washington, DC and information from the appraisal industry reflect that we in this state of Connecticut are lacking as far as enforcement. The Commission expressed concern relating to appraisal meetings in which no complaints are brought before them, and word within the industry is that individuals have in fact sent in complaints to DCP and have not received a response to their complaints.

Mr. Maloney informed the Commission that when a complaint is received at DCP, it gets tracked within days into the computer system, consistent with all the nine thousand complaints received in the Trade Practices Division. Mr. Maloney further informed the Commission that all appraisal complaints are properly reviewed and investigated, and that DCP has employed a former West Hartford police officer with thirty years experience, responsible for the investigatory decisions and in charge of Tim Keefe, Real Estate Examiner, who conducts appraisal investigations, making certain Mr. Keefe gets the proper tools to do his job.

Chairman Italia informed Mr. Maloney that it is the Appraisal Commission who acts on an appraisal complaint and that it has always been that way the past seven years, and that as of today, the Commission has had no input in the investigatory process. Chairman Italia further informed Mr. Maloney that in the past, the Commission was asked questions as to whether or not certain cases should be pursued by Edward McMahan, Real Estate Examiner or Mr. Keefe himself, and that the Commission has always provided their opinion and/or recommendations on matters concerning appraisal complaints. Chairman Italia expressed his concern regarding Mr. Keefe being the only one assigned to investigate appraisal complaints as well as the only one at DCP with an appraisal license. Ms. Nahas informed the Commission that if Mr. Keefe has an issue requiring additional expertise from the Commission, he would not hesitate to ask a member of the Commission to step down and assist him concerning such matter. Chairman Italia stated that Mr. Keefe should be reporting to the Commission and that the Commission should have control over appraisal complaint examinations and fines to be levied. Chairman Italia asked who is making decisions concerning fines and indicated that the Commission has no knowledge of any such fines being levied within the last several months.

Upon the Commission reviewing an appraisal complaint log dated 10/31/05, the Commission questioned how DCP arrived at a \$2,700.00 fine concerning complaint number 2004-1981, which did not come before the Commission, and appears to be one that may have possibly required a revocation of an appraiser license, considering the amount of the fine.

Ms. Nahas informed the Commission that during compliance meetings, decisions are made by DCP and does not require input by the Commission, unless it involves large disputed matters. The Commission questioned what constitutes large disputes. Mr. Keefe presented a scenario to the Commission and further stated that he reviews all aspects of an appraisal complaint as well as disputed appraisal reports to determine if there is a myriad of USPAP violations within the appraisal reports provided, and in many cases it boils down to an estimate and/or opinion of value which was arrived in accordance with USPAP rules, which may not reflect violations of USPAP.

The Commission is requesting a running list every month of Mr. Keefe's complaint activities concerning closed cases and cases to be referred to a compliance meeting. The Commission expressed their confidence in Mr. Keefe's ability to properly and thoroughly conduct his investigations accordingly. Chairman Italia indicated that as the Appraisal Commission Chairman, he is supposed to sign-off on settlement agreements, which to date, he has not had any settlement agreements for his signature within last 6 months. Ms. Nahas informed the Commission that if a case comes to legal for a compliance meeting, which she has not received one within last 6 months, a settlement agreement will not be drafted without the Commission being a part of that process. Chairman Italia said he is more concerned with cases that do not make it to the Commission and that as of recent, no cases have come before them. The Commission asked how, out of the (49) forty-nine complaints, of which (19) nineteen require monitoring, does DCP monitor? Mr. Keefe indicated that that if a file is closed for minor infractions, a note is made on the file and the computer system, which will pop up and cause Mr. Keefe to call the respondent in for a compliance meeting. Ms. Nahas informed the Commission that appraisal complaints are in fact Mr. Keefe's first priority.

## **APPLICATIONS**

**Matthew Duane Starr, Provisional Appraiser (Lapsed 5/26/05)** – Applying for a State Certified General Appraiser license.

The Commission voted unanimously to approve Mr. Starr's application, subject to receipt of signed appraisal reports.

## **REQUESTING A HOLD ON THE PROVISIONAL LICENSE**

**Jean Moran, Provisional Appraiser** – Correspondence dated 9/15/05, requesting if her license can be put on hold due to attending to her mother's medical needs and her recent death.

The Commission unanimously concluded that Ms. Moran's clock stopped on January 2004, which gives her credit for ten months of work. Therefore, Ms. Moran has three years and two months remaining on her provisional license.

### **REQUESTING AN EXTENSION ON THE PROVISIONAL LICENSE**

**Tammy Costello, Provisional Appraiser** – Correspondence dated 10/3/05, requesting a thirty-day extension on her Provisional Appraiser License.

The Commission voted unanimously to grant Ms. Costello a (30) thirty day extension on her provisional appraiser license.

### **REQUESTING EXTENSION ON THE MAXIMUM NUMBER OF PROVISIONALS**

**Lori Ferrari, Certified Residential Real Estate Appraiser** – Correspondence dated 11/4/05, requesting an extension on the maximum number of provisional appraisers allowed.

The Commission voted unanimously to grant Ms. Ferrari an extension to the end of the year December 31, 2005.

### **REQUESTING CONTINUING EDUCATION CREDIT**

**Ellen Borofsky, Certified Residential Appraiser** – Correspondence dated 11/2/05, requesting continuing education credit for attending a two-day seminar from 5/18/05 – 5/19/05 in San Diego, CA, titled “RAC TRAC”.

The Commission voted unanimously to grant Ms. Borofsky (7) seven hours of continuing education credit.

**Jeanne F. Shuster, Certified Residential Appraiser** – Correspondence dated 10/27/05, requesting continuing education credit attending a course from 6/7/04 – 6/11/04 titled “60<sup>th</sup> Annual School for Connecticut Tax Assessors and Boards of Assessment Appeals”.

The Commission voted unanimously to grant Ms. Shuster (14) fourteen hours of continuing education credit.

### **FOLLOW-UP TO SIXTY-DAY EXTENSION ON PROVISIONAL LICENSE**

**Connie A. Christiana** - Correspondence dated 11/4/05, questioning the sixty-day extension of her provisional license granted by the Commission at their 9/14/05 meeting.

The Commission voted unanimously to grant Ms. Christiana an extension on her provisional appraiser license to February 28, 2006.

## **CORRESPONDENCE**

**Linda Dick** – E-mail dated 10/18/05, requesting if fire marshal reports are no longer required as part of the course applications.

No action taken on this matter. The Commission unanimously concluded that submittal of Fire Marshal reports concerning appraisal course applications will continue to be required.

## **MISCELLANEOUS**

The Commission inquired as to whom at DCP provides the response to inquiries and requests from appraisers and/or the general public. Mr. Leon informed the Commission that copies of all correspondence is provided to Ms. Rubino, Real Estate Supervisor with the Commission's response written on the correspondence. Ms. Rubino informed the Commission that she only provides responses to applications only and that it is the Board Administrator's responsibility to do the follow-up, and that the new Board Administrator is Richard M. Hurlburt, Director. The Commission asked Ms. Rubino what purpose she is serving the November and December meeting. Ms. Rubino indicated that DCP Deputy Commissioner Jerry Farrell asked her to attend the November and December 2005 meetings in order to fill in as Board Administrator.

## **APPLICATIONS**

The Commission voted unanimously to approve DCP's recommendation concerning approved applications for the month of November 2005, presented by Ms. Rubino as follows:

**Deniz Aydar – Provisional**  
**Richard M. Harding, Sr. – Provisional**  
**Michael E. Hydeck – Provisional**  
**William E. Kalinski – Provisional**  
**Shawn Seinber – Provisional**  
**John M. Stevens – Provisional**  
**Flora L. Whitelaw – Provisional**  
**Gary A. Coughlin - Provisional**

**Melanie J. Kosich – Certified General**  
**William T. Cudjoc – Certified Residential**  
**Martin W. LeVine – Certified Residential**  
**Lori S. Longhi – Certified Residential**  
**Fred J. Masciantonio – Certified Residential**  
**Moira A. McNulty – Certified Residential**  
**Debora A. Pietrella – Certified Residential**

**REAL ESTATE APPRAISAL COURSE APPLICATIONS**

**APPRAISAL INSTITUTE**

**(Continuing Education)**

FHA and the New Residential Appraisal Forms

7 – Hours – **Approved**

**APPRAISAL & REAL ESTATE SCHOOL OF CONNECTICUT**

**(Continuing Education)**

Mandatory Connecticut Appraisal Law Update

3 – Hours – **Approved**

USPAP (Uniform Standard of Professional Appraisal Practices)

7 – Hours – **Approved**

**NORTHERN FAIRFIELD COUNTY ASSOCIATION OF REALTORS**

**(Continuing Education)**

Real Estate Agency

3 – Hours - **Denied**

There being no further business, the meeting adjourned at 10:05 A.M.

Respectfully submitted,

Nelson Leon  
Commission Secretary

**The next meeting of this Commission is scheduled for Wednesday, December 14, 2005 in Room 126**