

CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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| PUBLIC MEETING MINUTES: | COUNCIL ON REAL ESTATE APPRAISERS |
| MEETING DATE AND TIME: | Tuesday, January 18, 2011 at 9:30 a.m. |
| PLACE: | 861 Silver Lake Boulevard, Dover, Delaware Conference Room A , 2nd floor of the Cannon Building |
| MINUTES APPROVED: | February 15, 2011 |

Members Present

Brad Levering, Chair, Professional Member
Gary V. Parker, Vice Chair, Professional Member
Stephen Huston, Professional Member
Frank Long, Public Member
William Diveley, Professional Member
Frank Smith, Public Member
Yvonne Rickards, Public Banking Member

Division Staff/Deputy Attorney General

Patricia Davis-Oliva, Deputy Attorney General
Nicole Williams, Administrative Specialist II

Members Absent

Ronald Mandato, Professional Member

Others Present

Stephen Smith, Attorney at Law
Douglas L. Nickel
Earl Loomis

Call to Order

Mr. Levering called the meeting to order at 9:45 am.

Formal Hearing: Douglas L. Nickel

Ms. Davis-Oliva announced the purpose of today's formal hearing for Douglas L. Nickel. Ms. Davis-Oliva further advised that the hearing is being recorded and a verbatim transcript can be ordered if so needed. At the time of the 2009 real estate appraiser's renewal, the Council had simultaneously proposed to deny and discipline Mr. Nickel's license after reviewing Mr. Nickel's paper renewal. Mr. Nickel's professional appraiser license had been sanctioned in the State of New Jersey and he reported the disciplinary action on his 2009 renewal for Delaware. Mr. Nickel promptly appealed the Council's decision and the Court overturned the Council's decision. The Council submitted a formal PTD hearing noticed solely for the purpose of proposing to deny Mr. Nickel's license based on the fact that Mr. Nickel's license in the State of New Jersey had been sanctioned. Ms. Davis-Oliva opened the floor to the members of the Council for their introductions. Mr. Nickel and Mr. Nickel's representing attorney, Mr. Stephen Smith, introduced themselves.

Ms. Davis-Oliva swore in Mr. Nickel under oath. Mr. Nickel provided testimony. Mr. Smith provided his argument. Mr. Levering questioned Mr. Nickel. Mr. Parker questioned Mr. Nickel. Mr. Levering questioned Mr. Nickel again. Mr. Smith provided additional argument as clarification. Mr. Levering countered questioned the clarification. Mr. Smith responded to Mr. Levering's counter question. Ms. Davis-Oliva addressed the Council to assist in clarification of Mr. Nickel's testimony. Mr. Nickel provided additional testimony. Mr. Long questioned Mr. Nickel. Mr. Nickel responded to Mr. Long's question. The Council had no further questions for Mr. Nickel. Mr. Smith provided his closing statement.

The Council went off the record at 10:08 am for deliberations. The Council went back on the record at 10:17 am. Mr. Long made a motion to grant Mr. Nickel's his license seconded by Mr. Diveley. Motion carried unanimously. The hearing adjourned at 10:19 am.

Election of Officers

Ms. Davis-Oliva reviewed the statute regarding election of officers for the Council. Mr. Levering advised the Council that he is willing to serve a second term as Chair. Mr. Parker advised that he is willing to serve a second term as well. Mr. Parker additionally advised the Council that Mr. Levering has done an exceptional job in running as Chair for the past year and recommended Mr. Diveley as the new Chair. Mr. Parker made a motion, seconded by Mr. Huston to nominate Mr. Diveley for Chair. Motion carried by majority vote with one opposition. Mr. Huston made a motion to reappoint Mr. Parker for Vice Chair, seconded by Mr. Levering. Motion carried unanimously.

Review and Approval of Minutes

The Council reviewed the minutes from the November 16, 2010 meeting. Mr. Huston made a motion, seconded by Mr. Parker, to approve the minutes as submitted. Motion carried unanimously.

Unfinished Business

Regulation of Appraisal Management Companies (AMC's) – Ms. Davis-Oliva advised the Council that they were supposed to review her draft regulations and provide their

changes/amendments to the draft for discussion at today's meeting. The Council tabled this item until the next meeting when the Council has had the opportunity to further review the draft regulation. Ms. Williams will place this matter back on the agenda for March.

New Business

New Complaints 19-08-10: Assign a Contact Person

Complaint 19-08-10 was assigned to Mr. Diveley. There was no further discussion.

Ratification of Issued Continuing Education Activities

Mr. Huston made a motion to ratify the CE listing, seconded by Mr. Parker. Motion carried unanimously.

Ratification of Issued Licenses

William Clark – Trainee: Supervisor – Michael McGavisk
David Lotierzo – Trainee: Supervisor – Michael Acquaro-Mignogna
Ronald Benfield – MD: Certified General
Melody Campbell – MD: Certified General
Loyd Piercy – NV: Certified General
Wesley Graham – PA: Certified General
Arnold Shupe, Sr. – MD: Certified General
Louis Yorey – PA, NJ, NY, FL, MI: Certified General
Joseph DeMarinis – PA: Certified General

Mr. Parker made a motion, seconded by Mr. Huston, to ratify the above list. Motion carried unanimously.

Review of Temp Applications

Ms. Williams advised that the below permits were issued as the applicants licenses were in good standing on the National Registry. Mr. Diveley announced the listing of the temporary permits issued below.

John Trabol – Kent Co.
Rajesh Shah – New Castle Co., Sussex Co. and Kent Co. (5 Hotels)
Richard Mupo – New Castle Co. (2 properties)
Michael Boehm – Sussex Co.
Samuel Gill – Sussex Co.
Daniel Knezevich – New Castle Co.
Travis Welch – New Castle Co.
Jerome Witte – New Castle Co.
George Louis – New Castle Co.
David Pope – Sussex Co.
Julius Blatt – Kent Co.
Shane Lovelady – Sussex Co.
Alan Plush – Sussex Co.
Howard Kincer – New Castle Co.
Erick Lewis – New Castle Co.

David Mistichelli – Sussex Co.

There was no further discussion by the Council.

Other Business before the Council (for discussion only)

Mr. Huston advised that he received a letter stating that a DE realtor will be completing a Competitive Market Analysis. Ms. Davis-Oliva advised that the Council can file a formal complaint against the DE realtor for unlicensed practice. Mr. Levering thanked the Council.

Public Comment

Mr. Loomis addressed the Council regarding the hearing for Mr. Nickel and how it will proceed as for disciplinary matters. Ms. Davis-Oliva responded to Mr. Loomis's question by outlining the formal process all disciplinary actions follow.

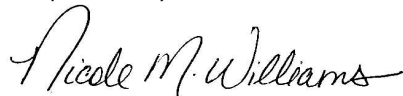
Next Meeting

The next meeting is scheduled for February 15, 2011 at 9:30 a.m. in Conference Room B, second floor, Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

Mr. Parker made a motion, seconded by Mr. Huston, to adjourn the meeting. There being no further business before the Council, the meeting adjourned at 10:38 a.m.

Respectfully submitted,



Nicole M. Williams
Administrative Specialist II