Effective January 1, 2010, the Appraisal Standards Board (ASB) amended the Competency Rule of USPAP. The Rule now specifically defines competency and states that an appraiser must have the knowledge and experience to complete an assignment competently. We have observed that Appraisal Management Companies (AMC’s) often hire appraisers to perform assignments in markets where the appraiser has little or no experience. In those cases, the selections of data used to develop the appraisal reports reflect that lack of appraiser knowledge. Appraisers should be very cautious when accepting assignments in unfamiliar markets and be prepared to defend their competency to complete these assignments.
At the January 21, 2011 meeting, the Board voted to amend the continuing education requirements for Trainees and Mentors. The Board feels the current orientation information has become very outdated and uninteresting, we are going to put a new spin on things.

Beginning immediately the Board is requiring **ALL** Trainees and Mentors to attend a Board meeting. During this meeting you will see how the Board operates and handles business, which directly affects appraisers. After the regular meeting is adjourned Board members will stay and conduct an orientation session that will consist of demo appraisals that include some of the most common errors that our Board sees in reviewing appraisal reports.

After **ALL** Trainees and Mentors have attended one of these new orientations **ONLY** new Trainees and Mentors will be required to attend.

The first Board Meeting/Orientation will be held on May 19, 2011. The Board staff will send notices to all Trainees/Mentors in advance of all Board Meeting/Orientations. The Orientation fee will remain $50. Trainees and Mentors will receive 7 hours of CE credit to attend this Board Meeting/Orientation.

**REMEMBER…attendance is required in order to renew your license by September 30, 2011. Also, the Board has indicated there will be no make-up sessions.**
DISCIPLINARY REPORT

The Alabama Law requires the Board to regulate the conduct of appraisers in Alabama. The Board’s Administrative Rules outline the procedure for handling complaints. The Uniform Standards of Professional Appraisal Practice provide the basic ethical standards for which appraisers must comply. Appraisers should carefully note the following violations, which resulted in disciplinary action of the Board.

**AB 08-52** On November 19, 2009, the Board issued a private reprimand to a Certified Residential Appraiser. Licensee signed a Consent Settlement Order and agreed to pay a $1700 administrative fine. The violations were: The Licensee communicated a misleading report by failing to adequately describe the neighborhood and subject site and by concealing the existence of the concrete block building on the subject site and the railroad tracks adjacent to the subject. Licensee failed to analyze comparable sales to determine adjustments for site, location, age and condition and failed to analyze the sales contract for the subject, which was current at time of appraisal.

**AB 08-159, AB 08-160, AB 08-161** On November 19, 2009, the Board issued a private reprimand to a Certified Residential Appraiser. Licensee signed a Consent Settlement Order and agreed to pay a $1350 administrative fine. The violations were: Licensee failed to retain a complete copy of an appraisal report. The copy of the appraisal report presented to the Board was not a true copy of the original appraisal report under investigation. Licensee stated conflicting statements as to how the opinion of site value was determined in the Cost Approach. Licensee indicated both the reproduction cost and replacement cost was developed, when only the replacement cost was developed in the Cost Approach. In the comparable photo addendum, photos of the adjoining properties to the comparable were presented as photos of comparable #1 and #2. Licensee failed to provide adequate information to replicate the cost figures and calculations in the cost approach. Licensee failed to accurately state the Alabama statutory appraiser certification. Failed to provide support for a 10-year effective age when actual age is 31 years. In the sales comparison approach, failed to analyze and adjust for the actual age of comparable #5 or provide support for the omission of an adjustment.

**AB 09-26** On November 19, 2009 the Board issued a public reprimand to Michael Schilleci, a Trainee Appraiser. Licensee signed a CSO and agreed to pay an administrative fine of $500. The violations were: The Licensee failed to renew his appraiser license and appraised a property while he was in a non-renewed status.

**AB 08-01** On January 21, 2010, the Board entered an order revoking the license of Trainee Appraiser Terry L. Belcher, T01547 and assessing an administrative fine of $3,450 following an administrative hearing on May 28, 2009. The violations were: Mr. Belcher, a Trainee Appraiser, violated ALA. ADMIN. CODE § 780-X-9-.01 (2)(b) by preparing the appraisal report in question without the direct supervision of his Mentor, Dr. Larry Cowart, in violation of § 34-27A-20(a)(9), ALA. CODE 1975; Mr. Belcher, a Trainee Appraiser, violated ALA. ADMIN. CODE § 780-X-9-.01 (2)(b) by soliciting appraisal assignments in the name of his company, Valuation-Resources, Inc., instead of soliciting and accepting appraisal engagements in the name of his Mentor in violation of § 34-27A-20(a)(9), ALA. CODE 1975; Mr. Belcher, a Trainee Appraiser, violated the Ethics Rule, USPAP, 2006 Ed., by affixing the signature of a Certified General Appraiser to an appraisal report without the knowledge or permission of the Certified General Appraiser in violation of §§ 34-27A-20(a)(6) and 34-27A-20(a)(9), ALA. CODE 1975; Mr. Belcher violated Standards Rule 1-2(d), 2-2(a)(vi), USPAP 2006 Ed., by dating the appraisal report in question June 12, 2007, with a date of value of June 14, 2007, in violation of §§ 34-27A-20(a)(6), (7), and (8), ALA. CODE 1975; Mr. Belcher violated Standards Rule 1-1(a), 1-2(e)(ii), and 1-4(d), USPAP, 2006 Ed., by using estimates of market rents in his income approach to value when his appraisal report indicated that he was appraising the property in leased fee estate instead of using actual current rents in violation of §34-27A-20(a)(6), (7), and (8), ALA. CODE 1975; and Mr. Belcher violated Standards Rules 1-1(c) and 1-4, USPAP, 2006 Ed., by failing to verify comparable sales used in the cost approach.
approach of the appraisal report in question in violation of § 34-27A-20(a)(6), (7), and (8), ALA. CODE 1975.

**AB 07-39** On March 18, 2010, the Board entered an order revoking the privilege of temporary practice of Georgia Certified General Real Property appraiser Elbert Jenkins and assessing an administrative fine of $8,000 following an administrative hearing on October 20, 2009. Respondent accepted an appraisal assignment in Alabama, completed the assignment and transmitted the appraisal without first applying for and obtaining a temporary permit. The Board received a complaint and requested a copy of the appraisal. Jenkins provided a copy of the appraisal dated after the issuance of the temporary permit. Further, land sales utilized by Jenkins were subject to zoning restrictions and price controls that did not apply to the subject property. The restrictions and price controls were not mentioned or adjusted in the appraisal report. Jenkins stated the intended use of the appraisal was for purchasing purposes. The client’s intended use was for financing purposes. Jenkins states the subject is 4.8 acres and improvements thereon. The legal description and plat map show a 20-acre parcel. Jenkins does not identify the subject as a physical segment of the whole parcel. The neighborhood map and flood map identifying the subject indicate a location on Clinton Avenue in downtown Huntsville, Alabama. The subject is located 20 miles east of downtown. The appraisal report does not state a hypothetical condition of proposed construction and installation of equipment. Jenkins failed to report the three-year sales history of the subject.

**AB 09-19** On March 18, 2010 the Board approved a Consent Settlement Order and issued a private reprimand to a Certified General Real Property Appraiser. Licensee also agreed to pay a $750 administrative fine. The licensee utilized a comparable sale that was a split foyer home with a total of 2,300 square feet of finished living area located on the main level and in the finished basement area. The subject property is a one and half story home containing 1,988 square feet. The licensee utilized the room count and the total square footage of the comparable sale as above grade living area and made adjustments to the comparable as if the room count and living area were all above grade. The licensee incorrectly measured the upper level of the residence and over stated the upper floor area by 175 square feet. Another certified appraiser gave significant appraisal assistance in this assignment but the assistance was not disclosed in the report and the identity of the appraiser assisting was not disclosed.

**AB 09-24** On March 18, 2010, the Board approved a Consent Settlement Order and issued a public reprimand to Certified General Appraiser Roger M. Pugh, G00162. Licensee developed the sales comparison approach on data inaccurately recorded from the data source. Licensee stated in the executive summary the estimated value by the income approach was $1,400,000 when the income approach was not developed. Licensee stated in the executive summary the estimated value by the direct sales comparison or market approach was N.A. and the sales comparison approach was developed. Licensee incorrectly stated his reporting option as a “complete analysis” instead of a self contained report. There were many instances of canned language referring to other locations in the report that were not included in the report, which affected the overall credibility of the report. Licensee reported a large horse barn and large pool as off-site improvements and they were on-site improvements. Licensee failed to and verification source of the comparables used in the sales comparison approach, state that the value developed was retrospective. Licensee’s scope of work was not fully stated. Licensee failed to identify the map reference and did not identify the FEMA flood map by number and date. There was insufficient information to support an effective age of 10-12 years for a 40 year old home. The number of sales in the subject neighborhood and the price range of those sales were not adequately stated in the report. The proximity to the subject of comparables #2 and #3 was not accurate. Sale and finance concessions of the comparables used in the sales comparison approach were not reported. The adjustments in the sales comparison approach were not logical or supported. Licensee failed to explain the exclusion of the cost approach and income approach within the report. Licensee stated the approaches had very little relevance and were omitted but did not explain the exclusion of the approaches.

**AB 09-35** On July 15, 2010, Noah Lee Marshall voluntarily surrendered his Trainee Real Property Appraiser License #T01202 in lieu of an investigation of the complaint.
**AB 09-38, AB 09-40, AB 09-42** On July 15, 2010, Fletcher M. Moore, Sr. voluntarily surrendered his Certified General Real Property Appraiser License # G00154 in lieu of an administrative hearing in these cases.

**AB 09-87** On July 15, 2010, the Board approved a Consent Settlement Order and issued a private reprimand to a Certified Residential Appraiser. Licensee also agreed to pay a $900 administrative fine and complete a 15-hour USPAP course with exam. The USPAP course may not be claimed as CE credit. The violations were: Licensee communicated six appraisal reports for the same assignment to the lender/client with values of $160,500, $162,000 and $164,000 without reasons in the reports for the increase in value. Licensee became an advocate for the cause or interest of the client by increasing the value opinion with no rationale for the increase. All value opinions were within the range of value indicated by the sales analysis. In the Sales Comparison Approach, Licensee failed to set out in his analysis of some of the attributes indicated by the data source for adjustments to comparable sales 1, 2 and 3 and omitted adjustments. Licensee failed to accurately indicate the Subject foundation as crawl space foundation in the Improvement section of the appraisal report. In the Sketch Addendum the Subject is shown with four (4) bedrooms when the report states 3 bedrooms. Licensee failed to accurately locate Comparable #2, #3 and Comparable #5 on the Location Map. Licensee failed to provide sufficient information to support an effective age of 15 years when actual age is 47 years. Licensee failed to explain the absence of a site adjustment for the difference in the site sizes. Licensee failed to explain the absence a quality of construction adjustment between the Subject and Comparable #5. Licensee failed to explain the exclusion of the Income Approach. Licensee failed to include the Alabama certification in the report.

**AB 09-88** On July 15, 2010, the Board approved a Consent Settlement Order and issued a private reprimand to a Certified Residential Appraiser. Licensee also agreed to pay a $450 administrative fine and complete a 14 hour Sales Comparison Approach, Declining Market and Sales Concession. The course may not be claimed as CE credit. The violations were as follows: Licensee failed to adjust comparables for a negative time adjustment that was indicated by the comparable sales located in the neighborhood. Licensee misapplied the appraisal technique of paired sales analysis and therefore applied a flawed adjustment for view. The Licensee also did not apply this adjustment uniformly by applying it to comparables 2 and 4 but not applying it to comparable 3, which also did not have a view of the golf course. Licensee also failed to analyze and adjust comparable 2 for excess sales concessions.

**AB 09-37, AB 09-39, AB 09-41** On September 16, 2010, the Board approved a Consent Settlement Order and issued a public reprimand to Ricky Higginbotham, Trainee Real Property Appraiser License # T01679. Licensee also agreed to pay a $4,050 administrative fine and complete 15 hour USPAP course and a 15 hour Sales Comparison Approach Course. The courses may not be claimed as continuing education or for license upgrade. Licensee may not participate in or assist in any appraisal other than the appraisal of residential 1-4 properties until he obtains approval of the Board to remove the restriction on his license. The violations in all three appraisals are: Licensee failed to identify the intended user(s) and intended use of the appraisal report. Licensee failed to identify the relevant characteristics of the Subject and violations in all three appraisals are: Licensee failed to identify the intended user(s) and intended use of the appraisal report. Licensee failed to identify the relevant characteristics of the Subject and comparables. Licensee failed to identify all elements of comparison that affect the value of land being appraised. Licensee failed to develop a credible indicated value of the Subject by the Market Data Analysis. Licensee failed to analyze the ownership and ownership interests of the Subject property. Licensee failed to develop a credible opinion of the highest and best use of the Subject property. Licensee’s estimate of value was not credible because the Market Data Analysis was not credible. Licensee failed to accurately analyze market sales data, which affected the credibility of the Market Data Analysis. Licensee failed to analyze the Subject’s 3-year sales history. Licensee failed to reconcile the quality & quantity of data available, the applicability/suitability of the approach used and the exclusions of the Cost Approach and Income Approach. Licensee failed to determine the necessary Scope of
Work to produce a credible assignment for a land appraisal. Licensee included directly conflicting statements and information in the report that affected the credibility of the report. Licensee failed to specify the reporting option. Licensee stated the type & definition of value but failed to cite the source of the definition. Licensee failed to state the use of the real estate as of the date of value, which was different than the highest and best use in the appraisal. Licensee failed to summarize the support and rationale for the opinion of the highest and best use in the appraisal report. Licensee failed to include statutory certification.

**AB 09-68, AB 09-70** On September 16, 2010, the Board approved a Consent Settlement Order and issued a private reprimand to a Licensed Appraiser. Licensee also agreed to complete a Board approved 7 hour FHA/HUD appraisal course. The course may not be claimed as credit for continuing education. The violations in **AB 09-68** were as follows: Licensee did not develop the appraisal report/assignment according to the published standards of HUD/FHA, an intended user of the report. Licensee failed to state and analyze the sales/finance concession of a comparable in the Sales Comparison Approach. Licensee analyzed the cost of the fence, a site improvement, in the total estimate of cost new in the Cost Approach. The miscalculation of the total estimate of cost new resulted in inaccurate accrued depreciation. Licensee developed the Cost Approach but failed to reconcile the Cost Approach in the reconciliation process. Licensee reported the garage count as one (1) in the Improvement/Car Storage section of the description of improvements when the garage count was two. Licensee accurately reported (2) garage storage in the Sales Comparison Approach. Licensee failed to explain the comment that the neighborhood is stable, when the property values are reported as increasing with over 75% build up rate for the neighborhood. Licensee failed to state the data verification source(s) in the Sales Comparison Approach. Licensee did not comment on Comparable #3 and Comparable #4 sold for more than the original list price. Licensee reported the fireplace count for Comparable #1 as one (1) in the Sales Comparison Approach, and the data sources reflected two (2). Licensee did not comment on the lack of an adjustment for fireplace to Comparable #2 and #3. Licensee did not comment on why repairs were listed in the Additional Comments section, when the appraisal was made “as is”. Licensee failed to state that the photos of Comparable #2 and Comparable #3 were his file photos and not current photos as of the date of the appraisal. Licensee did not include HUD/FHA as an intended user.

The violations in **AB 09-70** were as follows: Licensee failed to state and analyze the sales/finance concessions for Comparable #2. Licensee stated the intended use is for the lender/client to evaluate the property that is the subject of this appraisal for a mortgage finance transaction. Licensee failed to state the additional use is to support FHA’s decision to provide mortgage insurance on the real property that is the subject of the appraisal. Licensee failed to develop an appraisal report with the Scope of Work necessary to comply with HUD/FHA appraisal requirements. Licensee reported R-2 Single Family Residential when RG Residential Garden Homes was the accurate zoning classification and description stating a basement finished area in the Improvement section when the Subject did not have a basement. Reported four (4) bedrooms for Comparable #1 the data sources reported three (3) bedrooms. Licensee failed to explain the comment that the neighborhood is stable when the property values are reported as increasing with over 75% build up rate for the neighborhood. Licensee did not comment on why Subject property is reported in average condition in the Improvement section and analyzed as good condition in the Sales Comparison Approach. Licensee failed to report the verification source(s) in the Sales Comparison Approach section of the appraisal report. Licensee did not include HUD/FHA as an intended user. Licensee failed to explain the exclusion of the Cost Approach.

**AB 08-121, AB 08-155** On September 16, 2010, the Board approved a Consent Settlement Order with Everett S. Brooks, G00442, suspending his Certified General Appraiser license and appraisal course instructor approvals for one year. The license suspension was stayed and Brooks is on probation for two years. Licensee surrendered his approval to mentor Trainee appraisers and agreed not to sign any appraisal assignments to the Board and submit appraisal reports for review by the Board during the probationary period.
AB 08-154 On September 16, 2010, the Board approved a Consent Settlement Order and issued a public reprimand to Christopher Keith Hallum, S00101. Licensee will also complete education.

Letters of Warning was issued on the following investigations for the discrepancies indicated. This disciplinary action will be considered in any future discipline proceedings:

AB 09-23 To a Licensed Real Property appraiser for an appraisal where in the Sales Analysis, quality of construction is reported as type of construction. The actual age of comparable sales is given as a range from MLS and exclusion of the Income Approach was not explained as required by 2-2(b)(viii).

AB 09-32 To a Certified Residential appraiser for an appraisal where there was a series of errors in the report that did not significantly affect the results of the appraisals. However, the aggregate effect of the errors negatively impacted the credibility of the reports. Licensee reported sales prices and GLA for comparable sales that did not match the stated data sources in the reports. Licensee researched and verified the data used through other appraisers with actual knowledge of the properties and sales but did not indicate an accurate data source. Investigation confirmed that the data reported was correct.

AB 09-33 To a Certified Residential appraiser for an appraisal where there was a series of errors in the report that did not significantly affect the results of the appraisals. However, the aggregate effect of the errors negatively impacted the credibility of the reports. Licensee reported sales prices and GLA for comparable sales that did not match the stated data sources in the reports. Licensee researched and verified the data used through other appraisers with actual knowledge of the properties and sales but did not indicate an accurate data source. Investigation confirmed that the data reported was correct.

AB 09-44 To a Certified Residential appraiser where Licensee did not state the reason for the exclusion of the income approach. Licensee displayed a photo for a comparable that was the photo of another property.

AB 10-01 To a Certified Residential appraiser where the Cost approach is flawed by analyzing dwelling cost items, porches and deck, as site improvement costs. These items were not depreciated. Appliances were analyzed as a part of dwelling cost instead of as a separate cost item. Licensee included a certification for a national appraisal organization member and Licensee is not a member of that organization. There is no explanation of the exclusion of the cost approach. Adjustments were not made for the difference in bedroom counts between the subject and comparables 2 & 3.

AB 10-04 To a Certified Residential appraiser where Licensee did not have adequate information in the workfile submitted to the Board to support the appraisal report. Licensee reported a basement for the subject that was not supported by county property records and resulted in an 800 S.F. error in living area for comparable #2 used in the appraisal. Licensee subsequently corrected the error.
**AMENDMENT TO EXPERIENCE LOG**

At their July 15, 2010 Board meeting the Board voted to adopt an amendment to the Experience Log to include the actual hours worked on each appraisal assignment. This change was requested by The Appraisal Subcommittee in order to be in compliance with The Appraisal Qualifications Board’s qualification criteria.

This new experience log can be found on the Board’s website at [www.reab.state.al.us](http://www.reab.state.al.us) under Licensure and Certification/Licensure and Certification Process/NEW EXPERIENCE LOG.

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**TRAINEE CONTRIBUTION IN APPRAISAL**

At their January 21, 2010 Board meeting, the Board voted to allow claim for experience credit to non-signatory Trainee appraisers only if the specific contributions of that appraiser are set out in an addendum as required by Standard Rule 2-3 of USPAP and as suggested in Advisory Opinion 31 of USPAP. If the Trainee does not sign the report and does not list their specific contributions in the addendum experience credit will not be allowed.

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**PROPOSED AMC LEGISLATION**

The Board will again, during this upcoming regular Legislative Session, submit proposed legislation to register and regulate Appraisal Management Companies. This legislation would rename the Alabama Real Estate Appraisers Act the Alabama Real Estate Appraisers and Appraisal Management Company Registration and Regulation Act. The legislation would also provide for the licensing and regulation of Real Estate Appraisal Management Companies by the State of Alabama Real Estate Appraisers Board.

We will notify everyone by email and/or Facebook when we receive the Bill numbers so you can contact your local legislators to show your support of the Bill.
As of May 2007, The Alabama Real Estate Appraisers Board changed their meeting schedule to meet on the third Thursday of each month instead of the third Friday. If committee meetings are scheduled they will be held on the Wednesday afternoon before the meeting on Thursday. If a disciplinary hearing is scheduled the regular meeting and hearing is typically scheduled on Thursday. Meeting notices are now published in advance on the Secretary of State’s website at www.sos.state.al.us/aloma/. Continuing education credits are available for Board meeting attendance. Most meetings and all disciplinary hearings are held at the Board offices in Montgomery. All licensees are urged to attend Board meetings. All meeting are scheduled to being at 8:15 a.m. When you plan to attend a meeting please call the Board office in advance to confirm the particulars of time and location.

**TENTATIVE MEETING SCHEDULE**

- January 20, 2011
- March 17, 2011
- May 19, 2011
- July 21, 2011
- September 15, 2011
- November 17, 2011

**NEW CONTINUING EDUCATION OPTION**

At their January 21, 2011 meeting the Board voted to amend the continuing education requirements for all appraisers. As before, 28 hours of continuing education is required, and 7 of those 28 hours must be the National USPAP Update.

Occasionally, appraisers take appraisal related courses not approved by the Board and ask to use them for continuing education credit. Starting this renewal period the Board will consider approving these requests for continuing education credit **IF** the appraiser does the following:

1. Submit course content, timeline and syllabus.
2. Submit a non-refundable review fee of $35.

The Education Committee will review the course information to determine if the content meets the Appraisal Foundation continuing education criteria. If the course meets all requirements a maximum of 7 hours credit will be granted.

If you have any questions regarding this new option please contact our office.

*CORRECTION MADE TO ARTICLE ON 4-5-2011.*
Below is a complete listing of appraisers who did not renew their license for the period 10-1-10 through 9-30-11. The following is the text of a certified letter, which was mailed to each of them detailing the status of their license and ineligibility to perform appraisals:

“Your renewal information for the license year 10-1-2010 thru 9-30-2011 has not been received. It is imperative that you understand the status of your license. You are not authorized to do appraisals after September 30, 2010 without a current license. Appraisals made without a current license may be subject to disciplinary action or prosecution as a Class “A” Misdemeanor under State Law.

Between 10-1-2010 and 3-31-2011 the renewal of your license requires the payment of a $50 late fee in addition to regular fees. After 3-31-2011 the late fee for renewal is $250 in addition to regular fees. If the renewal fee and late fee for the license year beginning 10-1-2010 is not paid by 9-30-2011 your file will be closed on October 1, 2011.

If your file is closed you will be required to go through the entire application process, meet the education and experience requirements effective at the time of application and successfully pass appropriate examination to receive a new license.”

APPRAISERS WHO HAVE NOT RENEWED
For the License Year 10-1-10 through 9-30-11

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<td>Jennifer F. Valadi</td>
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<td>S00117</td>
<td>Rebecca A. Darden</td>
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In accordance with the Code of Alabama, 1975, §34-27A-16, which requires IMMEDIATE written notification to the Board of changes in business and resident addresses, PLEASE CHANGE MY ADDRESS TO:

Business: (Preferred Mailing _____) Home: (Preferred Mailing ___)

__________________________________________________________

__________________________________________________________

Telephone No.: ______________ Telephone No.: ______________

Signed: ___________________________ License Number: ___________

Date: ___________________________