

NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

December 5, 2016 - MINUTES
Ramkota, 800 S 3rd Street, Bismarck, North Dakota

Chairperson Lanpher called the meeting to order at 9:00 AM. Roll call was taken.

Board Members present:	Chairperson Dave Lanpher	Tim Timian
	Kathy Maier	Brock DesLauriers
	Corey Kost	
Staff Present:	Edward Erickson, Legal Counsel	Jodie Campbell
		David Campbell
Guests Present:	Sheila Ressler	Jill Beck, ND Realtors Assoc
	Keana Schuler	Brett Bina
	Mark Thelen	
Guests Present Online:	Matt Schlenvogt	Eric Oberg
	Kathy Berry	Robert Gietzen

Public Comment Period: No comments

Minutes: Board members reviewed the minutes of September 21, October 17 and November 2, 2016. Brock DesLauriers moved to approve the minutes with the corrections noted. Tim Timian seconded the motion. Tim Timian, Kathy Maier, Brock DesLauriers, Corey Kost and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Applicants:

Keana Schuler is making application for certified residential and was present for discussion. Review of Ms. Schuler's application indicates she meets the education, experience hour and examination requirements for certified residential. Ms. Schuler's application was tabled at the meeting of March 28, 2016. The Board requested she submit one additional report that includes three approaches to value for Board review. Discussion took place.

Based on discussion with Ms. Schuler and review of her work product, the Board found that Ms. Schuler has demonstrated a working knowledge of all three approaches to value. Kathy Maier moved to approve Keana Schuler's application for certified residential. Tim Timian seconded the motion. Kathy Maier, Brock DesLauriers, Corey Kost, Tim Timian and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Sheila Ressler is making application for certified general and was present for discussion. Review of Ms. Ressler's application indicates she meets the education and experience hour requirements for certified general. Ms. Ressler's application was tabled at the meeting September 21, 2016. All three reports submitted for initial review indicated substantial compliance with USPAP. However, Rules require an applicant for certified general must demonstrate a working knowledge of all three approaches to value. Board members requested Ms. Ressler submit one additional work product that includes all three approaches for Board review.

Based on discussion with Ms. Ressler and review of her work product, the Board found that Ms. Ressler has demonstrated a working knowledge of all three approaches to value. Tim Timian moved to approve Sheila Ressler's application for certified general, pending passage of the certified general examination. Corey Kost seconded the motion. Corey Kost, Brock DesLauriers, Tim Timian, Kathy Maier and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Brett Bina is making application for certified general. Review of Mr. Bina's application indicates he meets the education, experience hours and examination requirements for certified general. Corey Kost recused himself from discussion and voting. Review of work product indicates the reports appear to meet the minimum standards set forth in USPAP. Furthermore, the Board found that Mr. Bina has demonstrated a working knowledge of all three approaches to value. Tim Timian moved to approve Brett Bina's application for certified general. Kathy Maier seconded the motion. Brock DesLauriers, Tim Timian,

Kathy Maier and Dave Lanpher all voted yes to the motion. Corey Kost recused himself from voting. Motion carried.

Investigations:

Case 215-155: Mr. Robert Gietzen is online for discussion. As part of a signed Settlement Agreement, Robert Gietzen must: 1) complete the course "Advanced Residential Application and Case Studies", 2) complete a course related to legal descriptions of real property, 3) pay a \$500 fine, 4) complete a demonstration report on the appraisal in question, for Board review 5) have no valid complaints filed against him within the next five years or he would be subject to further disciplinary action by the Board.

Mr. Gietzen has paid the fine, provided verification of completing the required education and submitted the demonstration report for Board review. Board members received a copy of the demonstration report for consideration. A detailed discussion took place. The Board reminded Mr. Gietzen of the importance of thorough research and verification to provide an accurate legal description.

Tim Timian moved that Robert Gietzen has met the requirements of the Settlement Agreement, with the exception of #5 as listed above "*have not no valid complaints filed against him within the next five years or he would be subject to further disciplinary action by the Board*". Kathy Maier seconded the motion. Brock DesLauriers, Tim Timian, Kathy Maier, Corey Kost and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Cased 216-163: This Case relates to the appraiser's lack of timeliness and non-communication. The appraiser accepted an assignment, did not communicate with the Client and did not deliver the report. In her response, the appraiser apologized to the lender and borrower, acknowledging responsibility. The appraiser further acknowledged ongoing health issues as a cause of her actions. Discussion took place.

The Board members discussed the allegations as well as the appraiser's health issues. The appraiser's lack of service and lack of communication affected both the Client and Consumer. Additionally, the Board discussed the appraiser's lack of timeliness in responding to the Board's request for a response to the allegations.

Having considered the allegations, as well as the appraiser's lack of timeliness in responding to the Board, Kathy Maier moved to offer a conditional dismissal of the allegations. Brock DesLauriers seconded the motion. Kathy Maier, Tim Timian, Brock DesLauriers, Corey Kost and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Corey Kost moved to offer the appraiser a conditional dismissal on the following terms: 1) within 60 days of signing the conditional dismissal, the appraiser must provide verification from a professional of enrollment in a treatment plan relative to the health issues noted in the response, 2) the appraiser must pay a \$300 fine and 3) there must be no valid complaints filed against the appraiser within the next 24 months (effective the date of signing the agreement). Brock DesLauriers seconded the motion. Kathy Maier, Tim Timian, Brock DesLauriers, Corey Kost and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Case 216-160B: Case 216-160 involves allegations against two appraisers. Case 216-160B relates to Mark Thelen. At the meeting of 9/21/16, the Board moved to initiate an investigation against Mr. Thelen and requested he provide additional information. Further information has been provided and Mr. Thelen is present for discussion.

Work file was among the documents requested. Mr. Thelen maintains he did not act as an appraiser in this assignment, therefore no work file was provided. Correspondence relative to the assignment was provided, reviewed and discussed. The Board determined that it appears Mr. Thelen was engaged by the Client, accepted a fee, and provided significant assistance to this assignment.

Based on the allegations and review of all the information provided, the Board determined there was probable cause to believe a violation has occurred. Corey Kost moved to initiate a complaint against Mr. Thelen, proceed with disciplinary action and offer Mr. Thelen a settlement agreement on the following terms: 1) payment of a \$1500 fine, 2) a two year probation, 3) provide an experience log for the 24 months following the two-year probation and 4) no valid complaints within the next 24 months following

the two-year probation. A complaint would result in a one-year suspension. The motion died due to lack of a second.

Discussion turned to Case 216-164, another Case against Mr. Thelen.

Case 216-164: Board members reviewed the allegations and found the allegations are similar to those filed against Mr. Thelen in Case 216-161. Kathy Maier made a motion to move forward with an investigation and initiate a complaint. Tim Timian seconded the motion. Brock DesLauriers, Tim Timian, Kathy Maier and Corey Kost all voted yes to the motion. Dave Lanpher voted no. Motion carried.

In review of all three cases (Case 216-160B, Case 216-161 and Case 216-164), the Board determined Mr. Thelen has been practicing outside the scope of work allowed for the licensed level.


Based on the allegations in all three Cases (Case 216-160B, Case 216-161 and Case 216-164) and review of all the information provided, the Board determined there was probable cause to believe a violation has occurred. Tim Timian made a motion to combine all three Cases into one complaint and move forward with disciplinary action. The terms detailed in the proposed Settlement Agreement relative to Case 216-161 should be considered. Kathy Maier seconded the motion. Corey Kost, Brock DesLauriers, Tim Timian, Kathy Maier and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Brock DesLauriers moved to offer Mr. Thelen a Settlement Agreement on the following terms: 1) payment of a \$1500 fine, 2) successful completion of a 15-hour USPAP course, 3) reimbursement of the appraisal fee to the consumer in Case 216-161, 3) a 90-day suspension, 4) provide an experience log 2 years going forward from the 90-day suspension. Reports may be selected from this log for review for compliance with USPAP, 5) a 2- year probationary period from the date of suspension, 6) if there are further complaints within the next 5 years after suspension there will be an automatic one-year suspension and 7) allow 3 months for completion of current assignments. Tim Timian seconded the motion. Corey Kost, Brock DesLauriers, Tim Timian, Kathy Maier and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Due to inclement weather Kathy Maier moved to adjourn the meeting. Tim Timian seconded the motion. Corey Kost, Brock DesLauriers, Tim Timian, Kathy Maier and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Chairman Lanpher adjourned the meeting

Respectfully submitted,



Jodie R. Campbell
Executive Secretary