

NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

January 19, 2017
Teleconference Call Minutes

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:	Rob Knoll	Greg Smith

Applicants:

Permits Issued/Require Board approval:

Staff reviewed, approved and issued permits to the following applicants:

Licensed:

-Stephen T. Frazier(via reciprocity with TX)

Apprentice:

-Erin Sund (Supervisor: John Krill)

Tim Timian moved to affirm the applicants for their respective levels. Kathy Maier 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.

Appraisers Requesting Inactive Status:

Certified General:

-Gary Bleth

-Steve Tomac

Tim Timian moved to approve the appraiser's requests for Inactive Status. Kathy Maier 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.

Investigations:

Case 216-156:

Daryn Fryer is the complainant relative to Case 216-156. Mr. Fryer filed allegations with the Board against Mr. Smith in 2016. He is now requesting the withdrawal of these allegations. The Board discussed Mr. Fryer's request. His request does not take away the fact that the Board has reviewed the allegations and made a determination that there was probable cause to believe a violation occurred. The Board will move forward with the matter.

In response to the Board's proposed conditional dismissal, Mr. Brent Edison, legal counsel for Gregory Smith, has submitted a counter offer on behalf of Mr. Smith. Mr. Smith has plans to move out of state and is concerned that one of the requirements of the Board's offer of conditional dismissal may jeopardize his ability to become certified in another State. The requirement of concern reads "*there must not be a validated allegation filed against Mr. Smith within the next 24 months from his acceptance of the terms of the conditional dismissal.*"

Mr. Smith's counter offer reads: "*....Mr. Smith's plan would be fulfill the terms of the conditional dismissal by (1) providing the Board with proof that he has successfully completed a tested two-day USPAP course and 2) providing the Board with proof of his impending or completed move to another state. If Mr. Smith does not move out of state, as planned, the condition dismissal would still require 24 months without a validated allegation.*"

Discussion took place. The Board is agreeable to the counter offer as long as it is clear that if Mr. Smith does not move of state "the 24-month timeframe without a validated allegation" remains as a requirement of the conditional dismissal.

Tim Timian moved to accept Mr. Smith's counter offer to settle. Kathy Maier seconded the motion. Brock DesLauriers, Tim Timian, Kathy Maier and Dave Lanpher voted yes to the motion. Corey Kost recused himself from voting. Motion carried.

Mr. Smith must provide verification of moving to another state, including a copy of his out-of-state permit.

In response to the Board's proposed Settlement Agreement of September 8, 2016, Mr. Matthew Engel, legal counsel for Mr. Theron Von Behren, has submitted a counter offer on behalf of Mr. Von Behren. Mr. Von Behren's counter offer includes 1) payment of the financial penalty, 2) Mr. Von Behren would keep his ND permit on inactive status indefinitely, 3) should he ever attempt to reinstate his ND permit he would be required at that time to enter into the terms of the Board's first proposed Settlement Agreement.

Discussion took place. Mr. Von Behren indicated, should he agree to surrender his ND appraiser permit as stipulated in the September 8th proposed agreement, reporting this information to the ASC National would cause him to lose his job. Review of the ASC National Registry indicates that currently Mr. Von Behren currently does not hold an active appraiser permit in any state.

Mr. Von Behren's current job does not require an appraisal background nor does it involve the appraisal process. However, even though he does not currently work directly with appraisals, the Board is concerned that the opportunity may present itself.

Based on all the information received, reviewed and discussed, Kathy Maier moved to submit a counter offer of conditional dismissal to Mr. Von Behren's September 30, 2016 offer to settle. The terms of the conditional dismissal include: 1) payment of a \$1500 fine and 2) Mr. Von Behren can not renew or apply for an appraiser permit (licensure or certification) in any U.S. jurisdiction for a period of five years. Tim Timian seconded the motion. Brock DesLauriers, Tim Timian, Kathy Maier, Corey Kost and Dave Lanpher voted yes to the motion. The vote was unanimous. Motion carried.

Update on Investigations:

Staff provided a recap of the pending investigations. Edward Erickson indicated he has several agreements needing to be drafted and forwarded to the parties involved. The legislative session has taken precedence but appears to be slowing down. Chairman Lanpher stressed the importance of the need to get these documents drafted and forwarded to the various parties in a more timely fashion.

Other Business:

Current Board member per diem has been at a rate of \$50 per day since the inception of the Board. Staff provided a recap of other State Boards per diem rates. Review of these rates finds the ND Appraiser Board members per diem is at the extreme low end. The Appraiser Board is a time intensive Board with numerous hours spent in preparation for Board meetings.

Tim Timian moved to increase the Board meeting rate per diem to \$150 per day. Brock DesLauriers seconded the motion. Brock DesLauriers, Tim Timian, Kathy Maier, Corey Kost and Dave Lanpher voted yes to the motion. The vote was unanimous. Motion carried.

Chairman Lanpher called for adjournment.

Respectfully submitted,


Jodie R. Campbell
Executive Secretary