

NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

April 11, 2013 Minutes

Chairperson Ibach called the meeting to order. Roll call was taken.

Board Members present: Chairperson Joseph Ibach
Tim Timian
Carolyn Corwin present online
Harvey Huber
David Lanpher

Others Present: Edward Erickson, Legal Counsel
Jodie Campbell, Staff
David Campbell, Staff
Jill Beck, ND Association of Realtors
Matthew Williamson
George Wynn
Gregory Smith
Kristin Smith
Phil McKenzie
Vince Salzer
Diane Schwandt

Minutes: Board members were provided and reviewed the minutes of November 29 and December 19, 2012; January 15, January 28, February 6 and March 8, 2013. Staff was directed to delete the last sentence in paragraph four on page three of the November 29th minutes. Carolyn Corwin moved to approve the minutes as amended. Harvey Huber seconded the motion. Tim Timian, Carolyn Corwin, Harvey Huber, Dave Lanpher and Joe Ibach all voted yes to the motion. Motion carried.

Approval of Applicants: Chairperson Ibach turned the Chair over to Harvey Huber.

Corey Kost is making application for the certified general level. Review of Mr. Kost's application indicates he meets the education, experience hours and examination requirements for certified general. Review of Mr. Kost's work product indicates compliance with the USPAP. Based on review of work product, the Board determined that Mr. Kost has demonstrated a working knowledge for the certified general level. Carolyn Corwin moved to approve Corey Kost for the certified general level. Dave Lanpher seconded the motion. Tim Timian, Carolyn Corwin, Harvey Huber and Dave Lanpher all voted yes to the motion. Joe Ibach abstained from voting. The vote was unanimous. Motion carried.

Harvey Huber turned the Chair back to Joe Ibach.

Tim Timian moved to go into Executive Session. As discussion proceeded in Executive Session it was found there was a mix-up in the information packet. Executive Session closed.

Angela Kluck is making application for the licensed level and was online for discussion. Review of Ms. Kluck's application indicates she was under the supervision of Vince Salzer/Jack Lindsay. However, Ms. Kluck does not hold an apprentice permit. The Board questioned whether an individual who does not hold a credential is allowed to complete appraisals for federally related transactions. The Board further questioned whether this experience can be counted as credible appraisal experience. It was determined that clarification from the national level was required. Ms. Kluck's application was tabled.

Ms. Kluck left the meeting.

Diane Schwandt is making application for licensure and was present for discussion. Review of Ms. Schwandt's application indicates she meets the education, experience hours and examination requirements for licensure. Review of Ms. Schwandt's work product indicates various concerns. Board members discussed the concerns noted in the reviews, as well as additional issues of concern found by Board members. Among the concerns included 1) No support for market rent, 2) no rent analysis, 3) no support for opinion of site value/no indication of site value source, and 4) no reconciliation. Based upon the reports not meeting minimum standards, Carolyn Corwin moved to table Ms. Schwandt's application for licensure and request she submit two additional reports for formal review. Harvey Huber seconded the motion. Dave Lanpher, Harvey Huber, Tim Timian, Carolyn Corwin and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Dennis Stebner is making application for the licensed level and was present online for discussion. Review of Mr. Stebner's application indicates he meets the education, experience hours and examination

requirements for licensure. Based on review of work product and discussion with Mr. Stebner, the Board determined that Mr. Stebner has demonstrated a working knowledge for the licensed level. Carolyn Corwin moved to approve Dennis Stebner for licensure. Dave Lanpher seconded the motion. Dave Lanpher, Harvey Huber, Tim Timian, Carolyn Corwin and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Dennis Stebner left the meeting.

Matt Williamson is making application for the licensed level and was present for discussion. Review of Mr. Williamson's application indicates he meets the education, experience hours and examination requirements for licensure. Based on review of work product and discussion with Mr. Williamson, the Board determined that Mr. Williamson has demonstrated a working knowledge for the licensed level. Carolyn Corwin moved to approve Matt Williamson for the licensed level. Harvey Huber seconded the motion. Dave Lanpher, Harvey Huber, Tim Timian, Carolyn Corwin and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Investigations:

Inv 212-120: Board members reviewed and discussed the complaint, appraiser's response to the complaint, the review and the appraiser's response to the review. Gregory Smith, the appraiser complained upon, was present for discussion. The complaint is from a lender and the issue appears to be value related. The lender included an Appraisal Field Review as part of the complaint. Board members discussed the field review, noting numerous issues with the review. With these findings, the Board could not give credibility to the field review. Dave Lanpher moved to dismiss the complaint. Tim Timian seconded the motion. Dave Lanpher, Harvey Huber, Tim Timian, Carolyn Corwin and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried. The appraiser was encouraged to use the Review completed by the Board's Reviewer as an educational tool.

Inv 212-119:

Board members reviewed and discussed the complaint and response to the complaint. George Wynn, the appraiser complained upon, was present for discussion. The complaint is from a lender. The lender included an Appraisal Field Review as part of the complaint. The field review/complaint indicated the appraiser "utilized dated/superior sales in order to inflate the value of the subject". The appraiser addressed the issues in his letter of response and discussion with the Board. Based on the appraiser's response and discussion with the Board, Harvey Huber moved to dismiss the complaint. Dave Lanpher seconded the motion. Dave Lanpher, Harvey Huber, Tim Timian, and Joe Ibach all voted yes to the motion. Carolyn Corwin abstained. Motion carried.

Inv 212-121: Board members reviewed and discussed the complaint and response to the complaint. Vince Salzer, the appraiser complained upon, was present for discussion. The complaint is from a lender. As part of the application process to be placed on the appraiser roster, the lender requests work product for review. It appears two reports on the same property were submitted to this lender. The two reports were extremely similar, having the same effective date, but signed by two different appraisers from the same firm. The first report was not signed by Mr. Salzer, but he was noted as providing significant assistance. A second report was signed by Mr. Salzer, but there was no mention of another appraiser providing significant assistance. The complainant questioned the homeowner and found that an individual not fitting the description of either of the appraisers who signed the reports made the inspection. The homeowner could not confirm that Mr. Salzer or the other appraiser made an inspection. Based on this information, the complainant questions who inspected the property and who completed the appraisal.

Board members discussed these issues with Mr. Salzer. Mr. Salzer indicated he completed the report and did make an inspection of the property. Discussion continued. The Board determined further investigation is warranted. The matters of who inspected the property and who completed the appraisal are still in question.

Dave Lanpher moved to table the complaint and seek further information. Harvey Huber seconded the motion. Dave Lanpher, Harvey Huber, Carolyn Corwin and Joe Ibach all voted yes to the motion. Tim Timian voted no. Motion carried.

Inv 213-123: Board members reviewed and discussed the complaint and response to the complaint. Board members were in agreement that further information is required before the Board can move forward on this complaint. Tim Timian moved to table the complaint and seek further information. Harvey Huber seconded the motion. Dave Lanpher, Harvey Huber, Tim Timian, Carolyn Corwin and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Board members turned the discussion to the field review completed on Inv 212-120. There were issues of concern that appear to rise to the level of noncompliance with USPAP. Tim Timian moved to file a complaint against the appraiser who completed the review. Harvey Huber seconded the motion. Dave Lanpher, Harvey Huber, Tim Timian, Carolyn Corwin and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Legislative Update:

Two Bills introduced by the Board passed the 2013 Legislative Session: 1) SB 2110-giving the Board the authority to require a background check as part of the application process to obtain a license or certification and 2) HB 1389- relating to the registration and regulation of Appraisal Management Companies. In addition, HB 1225- relating to property sales price disclosure passed both the House and Senate. This Bill was introduced by Rep. Louser, Hanson and Wieland. The Board was in support of HB 1225, allowing for open sales records.

Approval of Applicants:

Thomas Raynor is making application for certified general via reciprocity with IL. Board members reviewed Mr. Raynor's application and concurred that he meets the requirements for certified general. Carolyn Corwin moved to approve Thomas Raynor for certified general. Dave Lanpher seconded the motion. Tim Timian, Carolyn Corwin, Harvey Huber, Dave Lanpher and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Wendi Cassman is making application for apprentice. Ms. Cassman is awaiting verification of passage of the 15-hour USPAP course. Harvey Huber moved to approve Wendi Cassman for the apprentice level pending verification of passage of the 15-hour USPAP course. Tim Timian seconded the motion. Tim Timian, Carolyn Corwin, Harvey Huber, Dave Lanpher and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Staff review of the following applicants found all applicants met the requirements for their respective levels. Permits were issued to:

Certified General:

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- Albert N. Allen (via reciprocity with TX)
- Christopher Baker (via reciprocity with AL)
- Clinton Bogart (via reciprocity with TX)
- Andrew D. Hilston (via reciprocity with WY)
- James B. Hodge (via reciprocity with TX)
- John A. Kilpatrick (via reciprocity with WA)
- George E. Luther, Jr. (via reciprocity with MT)
- Randy J. Seale (via reciprocity with TX)
- Robert J. Strachota (via reciprocity with MN)
- Christopher J. Stockness (via reciprocity with MN)
- James Woolard (via reciprocity with NV)

Apprentice:

- Eric Zink

Harvey Huber moved to affirm the applicants for their respective levels. Tim Timian seconded the motion. Tim Timian, Carolyn Corwin, Harvey Huber, Dave Lanpher and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Brent Haaland is requesting his certification permit be placed on inactive status. Harvey Huber moved to accept Mr. Haaland's request. Tim Timian seconded the motion. Tim Timian, Carolyn Corwin, Harvey

Huber, Dave Lanpher and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Finances: Board members were provided the 2012 Year-End financial report, a 2013 Proposed Budget and the current income and expense information. Discussion took place. Harvey Huber moved to approve finances as submitted. Carolyn Corwin seconded the motion. Dave Lanpher, Carolyn Corwin, Harvey Huber, Tim Timian and Joe Ibach all voted yes to the motion, the vote was unanimous. Motion carried.

Education: The following education has been submitted for approval for continuing education:

Allterra:

- 2013 Keynote/Appraisal Quality (7 hrs CE)
- 2013 Valuation Visionaries/Appraisal Reform (7 hrs CE)

Appraisal Institute:

- Appraising Condos, Co-Ops & PUDs (7 hrs CE)
- Income Approach for Residential Appraisers (7 hrs CE)

ASFMRA:

- Advanced Appraisal Review Case Studies (16 hrs CE)
- Advanced Rural Case Studies (36 hrs CE)
- Appraisal Review Under USPAP (22 hrs CE)
- Appraisal Review Under Uniform Appraisal Standards For Federal Land Acquisition (16 hrs CE)
- Introduction to Appraisal Review (14 hrs CE)
- Requirements of UASFLA – The Yellow Book (22 hrs CE)
- Valuation of Conservation Easements & Other Partial Interests in Real Estate (22 hrs CE)

Dynasty:

- Real Estate Finance, Appraiser's Edition (30 hrs CE)

Kaplan:

- 2013 Appraisal Industry Update (7.5 hrs CE)
- Expanding Your Business: Appraising Residential Income Property (7.5 hrs)

McKissock:

- Introduction to Legal Descriptions (2 hrs CE)
- The Nuts & Bolts of Green Bldg for Appraisers (3 hrs CE)
- Relocation Appraisal & the New ERC Form (6 hrs CE)

Northern Michigan University:

- Avoiding UAD Callbacks and "Stips" – Module One (3 hrs CE)
- Avoiding UAD Callbacks and "Stips" – Module Two (2 hrs CE)

The following courses have been submitted for approval for qualifying education:

ASFMRA:

- Basic Appraisal Principles (30 hrs QE)
- Basic Appraisal Practices (30 hrs QE)
- Eminent Domain (22 hrs QE)

Kaplan:

- Statistics, Modeling & Finance (15 hrs QE)

McKissock:

- Statistics, Modeling and Finance (15 hrs QE)

Tim Timian moved to approve all education for their requested hours as appraisal specific, with the exception of "Real Estate Finance" submitted by Dynasty appears to be appraisal related. Carolyn

Corwin seconded the motion. Harvey Huber, Tim Timian, Carolyn Corwin, Dave Lanpher and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried

Other Business:

Board Members discussed the need for a ND Association of Appraisers. The Board would assist in an organizational meeting for such an Association by moving the June 27th meeting of the Board to a Fargo location, offering the Board meeting room to the group and notifying the appraisers in the State of the organizational meeting.

Chairperson Ibach called for adjournment.

Respectfully submitted,

Jodie R. Campbell, Executive Secretary