

NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

May 13, 2013 Conference Call Minutes

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

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

Others Present: Edward Erickson, Legal Counsel
Jodie Campbell, Staff
David Campbell, Staff
Angela Kluck
David Ruth
Jeff Peterson
Dave Cherner
Deb Cherner
Jeff Peterson

Approval of Applicants:

Angela Kluck is making application for the licensed level and was online for discussion. At the meeting of April 11, 2013 Ms. Kluck's application was tabled. Ms. Kluck was under the supervision of Vince Salzer and 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; and further questioned whether this experience can be counted as credible appraisal experience. Staff was to direct these concerns to the national level.

Fannie Mae Guidelines, Announcement 08-30 provided clarification in that Fannie Mae does allow an unlicensed/uncertified appraiser to perform a significant amount of work on an appraisal as long as a licensed or certified appraiser signs the report. Correspondence from John Brenan, Director of Appraisal Issues with the Appraisal Foundation confirmed this as well.

Discussion turned to Ms. Kluck's application. Review of Ms. Kluck's application indicates she meets the education, experience hours and examination requirements for licensure. Based on review of work product and discussion with Ms. Kluck, it appears Ms. Kluck meets the minimum standards of USPAP. Harvey Huber moved to approve Angela Kluck for the licensed level. Dave Lanpher seconded the motion. Dave Lanpher, Harvey Huber and Joe Ibach all voted yes to the motion. Carolyn Corwin and Tim Timian voted no. Motion carried.

Investigations:

Inv 212-114/212-115: David Ruth is requesting the Board reconsider/withdraw the Settlement Agreement he signed with Board in lieu of disciplinary action. The Agreement relates to two complaints filed against Mr. Ruth. As part of the Settlement Agreement with the Board, Mr. Ruth agreed to pay a fine and surrender his certified residential permit effective the date of execution of the Agreement, January 4, 2013.

Since signing the Agreement, Mr. Ruth has found unintended consequences that have negatively impacted his livelihood significantly as an appraiser, as a result of surrendering his certification in ND. New statutes and rules regulating appraisal management companies (AMC's) prevent AMC's from employing or contracting with an appraiser who has surrendered a permit.

The initial offer of Settlement by the Board included probation, review of additional work product and a fine. Several factors contributed to Mr. Ruth's decision to offer the surrender of his certification in lieu of probation and review of additional work product. Mr. Ruth indicated he was not residing in ND nor appraising in ND at the time the complaints were filed against him. He further indicated he had no plans to continue appraising in ND. Thus, Mr. Ruth determined there did not appear to be a way to satisfy the requirements of the initial offer of Settlement by the Board. Therefore, he offered to surrender his ND permit.

Mr. Ruth is requesting the Board reconsider/withdraw the signed Settlement Agreement and consider other alternative disciplinary actions: 1) change his status to inactive, 2) 21 additional hours of continuing education, 3) an additional \$3000 fine and/or 4) should he ever consider pursuing active status in ND the original settlements terms would apply (one-year probation and review of work product).

A lengthy discussion took place. The Board determined further time was needed to review Mr. Ruth's request. The matter was tabled and will be addressed at the June 27th Board meeting.

Approval of Applicants:

Scott Falcum and Jerome A. Weber are making application for certified general via reciprocity with MN. Board members reviewed their applications and concurred that both individuals meet the requirements for certified general. Tim Timian moved to approve Scott Falcum and Jerome Weber 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.

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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- Chris A. Jenkins (via reciprocity with IA)
- Curtis L. Joerger (via reciprocity with IA)
- Kurt C. Kielisch (via reciprocity with WI)
- Ted J. Thoms (via reciprocity with SD)

Apprentice:

Jody L. Sanchez

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

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

Appraisal Institute:

- 2013 Annual Meeting Sessions, Day 1 (2 hrs CE)
- 2013 Annual Meeting Sessions, Day 1 (5.5 hrs CE)
- 2013 Annual Meeting Sessions, Day 1 (5.5 hrs CE)
- Online Case Studies in Appraising Green Residential Buildings(8 hrs with exam/7 hrs without exam)
- Online Introduction to Green Buildings: Principles & Concepts (8 hrs with exam/7 hrs without exam)
- Online REO Appraisal: Appraisal of Residential Property for Foreclosure and Preforeclosure(7 hrs CE)

ASFMRA:

- Minerals Appraisal Seminar (8 hrs CE)
- Regression Analysis Uses in Appraisal (8 hrs CE)
- Rural Case Studies 1 (8 hrs CE)

ND Chapter of the ASFMRA:

- 2013 Summer Meeting: Farm Succession and Retirement Planning (4 hrs CE)

McKissock:

- Essential Elements of Disclosures & Disclaimers (5 hrs CE)

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

Appraisal Institute:

- Online General Appraiser Income Approach Part 1 (30 hrs QE/CE with exam-27 hrs CE without exam)

McKissock:

- Appraisal Subject Matter Electives (20 hrs QE)

Harvey Huber moved to approve the above listed education for their requested hours as appraisal specific, with the exception of the ND Chapter of the ASFMRA "2013 Summer Meeting" as appraisal related. Tim Timian 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

Chairperson Ibach called for adjournment.

Respectfully submitted,

Jodie R. Campbell, Executive Secretary