

NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

Minutes- March 19, 2018 Holiday Inn, 3903 State Street, Bismarck, ND

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:	Jodie Campbell	David Campbell
Legal Counsel present:	Edward Erickson	
Guests Present		
Addressing the Board:	David Nord	Todd Ramage
	Taylor Siverson	Ross Berg
	Gary Geiszler	Linda Koterba
	Nikki Mertz	Jill Beck
	Carrie Mann	Jared Miller
Guest Present Online:	Kathy Berry	George Wynn
	Peggy Boettner	Joe Sumers
	Matt Schlenvoght	

Public Comment Period: No comments received

Minutes: Board members reviewed the minutes of November 11, 2017 and March 5, 2018. Corey Kost moved for approval of the minutes. 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.

Educational Review: David Nord submitted a report for review as part of the Board's educational review process. An independent review was completed. Board members discussed the review with Mr. Nord. Mr. Nord was encouraged to utilize the review, as well as Board member comments, when completing future reports.

Applicants:

Permits Issued-Requiring Board Confirmation:

Apprentice:

Jaime Boretski-LaValla / Kevin M. Osborne / Ben D. Stremick / Shawn M. Stumphf / David P. Whartnaby

Certified Residential:

Timothy M. Antonian-MI / Christopher A. Ascioti-NM

Taina N. Garman-WY / James P. Nelsen-MN

Steven O'Brien-AZ / Tanna F. Parker-WY

Certified General:

Ryan L. Bauer-MN / Meghan B. Bean-MO

David W. Phillips-GA / Erik J. Hanson-WI

Matthew A. Hummel-KS / Harry R. Johnson-MN

Brandon Kirk-MN / Andrew S Makredes-MN

William M Steigerwaldt-WI

Applicants Requiring Work Product for Review:

Todd Ramage is making application for licensure and was present for discussion. Review of Mr. Ramage's application indicates he meets the education, experience hour and examination requirements for licensure. Reports were reviewed by an independent reviewer. Review of Mr. Ramage's work product indicates the reports meet the minimum standards set forth in USPAP. Tim Timian moved to approve Todd Ramage for licensure. Corey Kost 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.

Luke Koterba is making application for certified residential and was present for discussion. Mr. Koterba's application was tabled at the September 25, 2017 meeting. The Board requested Mr. Koterba submit two additional reports, one small income producing and one residential with two approaches, for Board review.

A detailed discussion took place. Review of the additional reports indicates the reports meet the minimum standards set forth in USPAP for the certified residential level. Kathy Maier moved to approve Luke Koterba for certified residential. 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.

Ross Berg is making application for certified general. Review of Mr. Berg's application indicates he meets the education and experience hour requirements for certified general. Reports were reviewed by an independent reviewer. Review of Mr. Berg's work product indicates the reports meet the minimum standards set forth in USPAP. Mr. Berg has demonstrated a working knowledge of all three approaches to value. Corey Kost moved to approve Ross Berg for certified general. Kathy Maier seconded the motion. Corey Kost, Tim Timian, Brock DesLauriers, Kathy Maier and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Taylor Siverson is making application for certified general and was present for discussion. Review of Ms. Siverson's application indicates she meets the education experience hour and examination requirements for certified general. Reports were reviewed by an independent reviewer. Discussion took place. Some of the issues noted included: 1) lack of analysis of the subject sale; 2) RCN support missing from the work file; 3) highest and best use not sufficiently developed, and 4) support for allocation not clearly summarized. The Board further questioned whether the appraiser was interpreting the market.

Based on the reviews and discussion with Ms. Siverson, Tim Timian moved to table Taylor Siverson's application for certified general and request Ms Siverson revise and resubmit one report for Board review. Kathy Maier seconded the motion. Tim Timian, Kathy Maier, Brock DesLaurier and Dave Lanpher all voted yes to the motion. Corey Kost voted no. Motion carried.

Investigations:

Case 218-178: George Wynn was present online. A detailed discussion took place. Tim Timian recused himself from discussion. In brief, the allegations questioned the excessive adjustments for location, basement, and porch and fence, as well as the appraiser's use of comparables with a C3 rating.

Discussion took place. Review of Mr. Wynn's response found he provided support for his adjustments. 1) In adjusting for location it appears comparable #1 and #4 were similar, both are located next to commercial properties; 2) In adjusting for condition, comparables #2 and #3 were updated to the same extent of the subject; comparables #1 and #4 were updated but not to the level of #2 and #3.

The Board concluded that Mr. Wynn's response addressed the allegations. The adjustments made by Mr. Wynn appear to be consistent from sale to sale, and consistent with what his peers would do.

Based on his written response and discussion with Mr. Wynn, further investigation does not appear warranted. Corey Kost moved to dismiss the allegations. Kathy Maier seconded the motion. Brock DesLauriers, Corey Kost, Kathy Maier and Dave Lanpher all voted yes to the motion. Tim Timian abstained. Motion carried.

Case 218-180: Gary Geiszler was present for discussion. In brief, the allegations questioned: 1) the comparables used, 2) the distance to services, and 3) the size and value of an improvement. Board members discussed the allegations and response with Mr. Geiszler. Methodology and USPAP issues were also discussed. The Board found additional concerns: 1) the report lacked explanation/support/comment, 2) no income approach was used, and 3) no taxes were reported. These concerns led the Board to question the methodology used by the appraiser.

Based on the written response and discussion with Mr. Geiszler, as well as the additional concerns found by the Board, Corey Kost moved to table the allegation and request a desk review to determine compliance with USPAP. Tim Timian seconded the motion. Brock DesLauriers, Tim Timian, Corey Kost, Kathy Maier and Dave Lanpher all voted yes to the motion. The vote was unanimous. Motion carried.

Update on Pending Investigations: Edward Erickson, legal counsel for the Board, was in attendance to provide an update. He is currently working on correspondence relating to proposed settlement offers. Thelen and Hraba investigations are in administrative hearings, no hearing dates have been scheduled.

Finances:

The North Dakota Appraiser Association is requesting financial assistance in offering the ND Supervisory and Apprentice Training Course. The Association is proposing to offer the course twice a year and requesting the Board provided financial assistance of \$500 per course, with the exception of the initial course. The Association would contract with Craig Steinley, the course developer, to instruct the initial course and assist in the training of two instructors from the ND Appraisers Association to instruct thereafter. With the additional cost of this format, the Association is requesting an additional \$500 assistance in the offering of this initial course.

Discussion took place. Tim Timian moved to approve the ND Appraisers Association request for \$1500 financial assistance for 2018. The Board will review the proposal each year thereafter. Kathy Maier seconded the motion. Tim Timian, Kathy Maier, Corey Kost, and Dave Lanpher all voted yes to the motion. Brock DesLauriers was offline. Motion carried.

Staff submitted the 2017 Year End Budget and 2018 Proposed Budget. After review and discussion, Corey Kost moved for approval. Tim Timian seconded the motion. Tim Timian, Kathy Maier, Corey Kost, and Dave Lanpher all voted yes to the motion. Brock DesLauriers was offline. Motion carried.

Other Business:

The Appraisal Qualifications Board (AQB) approved changes to the appraiser criteria effective May 5, 2018. This effective date is not feasible in ND, as the changes on the national level will require a Rules change on the State level. The rulemaking process can take anywhere from 6 to 9 months. It was decided to set a meeting date in April to address these revisions.

Staff Investigator/Reviewer: The Board is in the process of redefining the Review-Investigative process to include a Staff Investigator/Reviewer as a central figure to communicate with the Board/investigators/appraiser. Board members reviewed the proposed Staff/Investigator Duties/Responsibilities provided by Staff. Recommendations were made. Staff will make the revisions and the Board will finalize the duties/responsibilities at the next Board meeting.

Chairman Lanpher called for adjournment.

Respectfully submitted,

Jodie R. Campbell
Executive Secretary