

# NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

Minutes- May 22, 2019  
Board Teleconference Call Meeting

Chairperson Timian called the meeting to order at 11:00 AM. Roll call was taken.

Board Members present:

Chairperson Tm Timian	Corey Kost
Kathy Maier	Joe Sheehan
Brock DesLauriers	

Staff Present:

Jodie Campbell	David Campbell	Allyson Hicks, Legal Counsel
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Applicants:

Eddy Mitzel is making application for licensure and was present online for discussion. Mr. Mitzel's application was tabled at the March 27th meeting. The Board requested Mr. Mitzel revise and re-submit one report for Board review.

Discussion took place. Review of the revised report indicates compliance with the minimum standards set forth in USPAP for the licensed level. Based on the reviews, Corey Kost moved to approve Eddy Mitzel for licensure. Kathy Maier seconded the motion. Chairman Timian called for the vote. Corey Kost, Brock DesLauriers, Kathy Maier, Joe Sheehan and Tim Timian all voted yes to the motion. The vote was unanimous. Motion carried.

Lori Gietzen is making application for certified residential and was present online for discussion. Ms. Gietzen's application was tabled at the March 27th meeting. The Board requested Ms. Gietzen revise and re-submit her income producing appraisal for Board review.

Discussion took place. Review of the revised report indicates compliance with the minimum standards set forth in USPAP for certified residential. Based on the reviews, Kathy Maier moved to approve Lori Gietzen for certified residential. Corey Kost seconded the motion. Chairman Timian called for the vote. Corey Kost, Joe Sheehan, Brock DesLauriers, Kathy Maier and Tim Timian all voted yes to the motion. The vote was unanimous. Motion carried.

David Nord is making application for certified residential and was present online for discussion. Mr. Nord's application was tabled at the March 27th meeting. The Board requested Mr. Nord revise and re-submit his income producing appraisal for Board review.

Discussion took place. Review of the revised report indicates compliance with the minimum standards set forth in USPAP for certified residential. Based on the reviews, Corey Kost moved to approve David Nord for certified residential. Kathy Maier seconded the motion. Chairman Timian called for the vote. Corey Kost, Brock DesLauriers, Kathy Maier, Joe Sheehan and Tim Timian all voted yes to the motion. The vote was unanimous. Motion carried.

**NDCC 43-23.3-04:** Based on past legal interpretation the Board has been operating under the assumption that ND is a voluntary state as it relates to licensing and certification. Allyson Hicks, current legal counsel, is questioning the previous interpretation and has recommended the Board request a formal opinion from the Attorney General. Discussion took place. Board members were in agreement with legal counsel that clarification is needed.

Kathy Maier made a motion to forward a request to the Attorney General's office for a formal opinion as to whether ND is mandatory under NDCC 43-23.3-04 to perform appraisals. Brock DesLauriers seconded the motion. Chairman Timian called for the vote. Corey Kost, Brock DesLauriers, Joe Sheehan, Kathy Maier and Tim Timian all voted yes to the motion. The vote was unanimous. Motion carried.

**Update on Temporary Waiver Request:**

To date, the Waiver request has not been added to the Federal Registry. The comment period will begin once the request is added to the Federal Registry. A letter of response on behalf of the Board is being drafted in opposition to the request, with the goal of providing an accurate portrayal of the appraiser industry in ND and addressing possible long-term solutions.

**Application:**

Ryon Rypkema is making application for certified general via reciprocity with South Dakota. The Board will meet in Executive Session to discuss Mr. Rypkema's application.

Chairman Timian called for Executive Session and looked to Allyson Hicks, Legal Counsel to address the process:

*The next item on the agenda is review of application for certification. This item must be discussed in Executive Session as it deals with confidential records. The legal authority for closing this portion of the meeting is NDCC 44-04 –19.2 and NDCC 12-60-24. The topic or purpose of this executive session is discussion of CHRI results. At this time, as the meeting must be closed the Board will convene in Executive Session. The Executive Session will be recorded, and all members of the governing body are reminded to limit their discussion during the executive session to the announced topic. Any collective decision collective commitment, or other final action by the governing body must occur after it reconvenes in an open meeting, unless the final action is specifically required by law to be taken during the executive session.*

*We will now move to the executive line. We anticipate adjourning the Executive Session and reconvening the open portion of the meeting at approximately 11:55am. The minutes will show that the Executive Session began at 11:45am, Board members and legal moved to the executive line.*

Executive Session adjourned at 12:05, the Board moved to open session.

Legal Counsel clarified that the Board has three options in addressing a permit application. The Board can either: 1) approve, 2) deny, (must state the reasons for denial and the facts supporting that denial) or 3) approve a conditional permit, (a settlement agreement whereby the Board will grant the applicant a permit if the applicant agrees to the terms)

Corey Kost moved to approve Ryon Rypkema's certified residential application on conditional approval, contingent upon a settlement agreement. Mr. Rypkema must sign a conditional settlement agreement to include the following terms: 1) complete a 7-hour ethics course and 2) certification would be issued 6 months from the date of receipt of the application, March 24, 2019. Joe Sheehan seconded the motion.

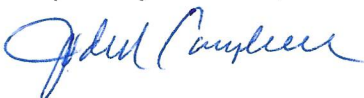
Discussion took place. To clarify, Mr. Rypkema cannot practice until the terms of the conditional agreement are met. This is a conditional settlement agreement, not a denial of licensure.

Mr. Rypkema addressed the Board stating this was an honest mistake. In correspondence dated 4-29-19, he requested the Board take into consideration the timeframe the incidents occurred and the fact that the incidents have never been an issue in South Dakota during his application and renewal process.

Chairman Timian called for the vote. Corey Kost, Kathy Maier, and Joe Sheehan voted yes. Brock DesLauriers and Tim Timian voted no. Motion carried.

Chairman Timian called for adjournment.

Respectfully submitted,



Jodie R. Campbell  
Executive Secretary