

# NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

**June 8, 2015 - MINUTES**  
**Holiday Inn Riverside, Minot ND**

Chairperson Ibach called the meeting to order at 9:00 AM. Roll call was taken.

Board Members present:	Chairperson Joseph Ibach	Tim Timian
	Kathy Maier	Brock DesLauriers
	David Lanpher	
Staff Present:	Edward Erickson, Legal Counsel	Jodie Campbell
		David Campbell
Others Present:	Dean Rylander	Dean Vorland
	Jim Szymanski	Kevin Ternes
	Tonia Dosch	Diane Schwandt
	Leah Reynolds	Robert Gietzen
	Dot Frank	
Others Present Online:	Kathy Berry	Eric Oberg
	Petter Eriksmoen	Neal Eriksmoen
	David Williamson	Craig Steinley
	Michael Pitcher, Office of Attorney General	Kurt Kielisch

**Public Comment Period:** No comments

**Minutes:** Board members reviewed the minutes of April 13, 2015, with one correction noted. Tim Timian moved to approve the minutes as corrected. Dave Lanpher seconded the motion. Tim Timian, Kathy Maier, Brock DesLauriers, Dave Lanpher and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

**Educational Review:** As part of the Board's educational review process, an independent review was completed on a report submitted by Leah Reynolds (CR level). Ms. Reynolds and her Supervisor, Robert Gietzen, were in attendance for discussion. Discussion took place. The Board encouraged Ms. Reynolds to utilize the review, as well as Board member comments, to assist in completing future reports.

## **Applications:**

**Permits Issued/Require Board approval:** Staff reviewed, approved and issued permits to the following applicants:

### **Certified General:**

John Albrecht (Via reciprocity with MN)  
Andrew T. Donahue (Via reciprocity with MN)  
Jonathan Faherty  
Jonathon A. Hale (Via reciprocity with AZ)  
Tad S. Marinac (Via reciprocity with MN)  
David S. Reach (Via reciprocity with MN)  
Rajesh P. Shah (Via reciprocity with OH)  
Scott C. Siemens (Via reciprocity with MN)  
Lucas Still (Via reciprocity with AZ)

### **Certified Residential:**

John P. Heeren (Via reciprocity with TX)

### **Licensed:**

Deidre L. Lange (Via reciprocity with SD)

### **Apprentice:**

Jon P. Ravnaas

Dave Lanpher moved to affirm the applicants for their respective levels. Kathy Maier seconded the motion. Tim Timian, Kathy Maier, Brock DesLauriers, Dave Lanpher and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

Petter Eriksmoen is making application for certified general and was present online for discussion. Review of Mr. Eriksmoen's application indicates he meets the education and experience hour requirements for certified general. Based on review of work product, the Board determined that Mr.

Eriksmoen has demonstrated a working knowledge for the certified general level. Dave Lanpher moved to approve Petter Eriksmoen for certified general. Kathy Maier seconded the motion. Brock DesLauriers, Tim Timian, Kathy Maier, Dave Lanpher and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

**Investigations:**

Chairperson Ibach turned the Chair over to Dave Lanpher. Mike Pitcher, legal counsel for the Board regarding the Inv 214-122 is online for discussion.

**Executive Session:** Inv 213-122 may be discussed in executive session. The legal authority for closing this portion of the meeting is North Dakota Century Code Section 44-04-19.1. The topic or purpose of this executive session is attorney consultation. Tim Timian moved the Board enter into Executive Session format. Kathy Maier seconded the motion. A roll call vote was taken. Dave Lanpher, Tim Timian, Kathy Maier and Brock DesLauriers voted in favor. Joe Ibach recused himself from voting. Motion carried. The public was asked to leave the room. Executive Session began at 10:26AM and discussion proceeded.

The Board authorized legal counsel to negotiate an offer of settlement with the provisions as outlined by the Board.

Executive Session adjourned at 11:00AM. The Board returned to open session and the public was invited to return.

**Inv 215-130 & 214-138:** David Williamson is requesting the Board reconsider the proposed Settlement Agreement of April 22, 2015. He is online for discussion. Mr. Williamson indicated he understands his mistakes and has revised his appraisal practice. He further indicated he has moved back to Colorado and is no longer appraising in ND. Board discussion took place.

Dave Lanpher moved to revise the Agreement to a conditional dismissal, with all the terms of the agreement remaining the same. Discussion continued relative to Mr. Williamson relocating his practice back to Colorado. Mr. Lanpher made a friendly amendment to his motion to delete #3 from the Proposed Agreement. The language requiring Mr. Williamson submit a log of work experience and Board review of work product to be removed. Kathy Maier seconded the motion. Discussion took place. Tim Timian moved to increase the fine to \$2000. The motion died for lack of second. Board members voted on Mr. Lanpher's initial motion and friendly amendment. Dave Lanpher, Brock DesLauriers, Kathy Maier and Joe Ibach voted yes to the motion. Tim Timian voted no. Motion carried. The Agreement will be revised to a conditional dismissal to include: 1) Mr. Williamson must successfully complete of a 15-hour course relating to the appraisal of complex properties within three months of signing the agreement and 2) pay a \$1500 fine. Upon completion of the terms of the Agreement, the investigation will be dismissed. A conditional dismissal is not reported to the national registry.

**Inv 215-149:** Board members reviewed the allegations and the appraiser's response. Discussion took place. In the process of completing an assignment on a residential property, the appraiser revised his initial appraisal three times. The Board found the main areas of concern included: 1) the appraiser did not analyze the purchase agreement and 2) the appraiser did not disclose prior services.

Considering the allegations and response to the allegations, Dave Lanpher moved to offer a conditional dismissal of the allegations. Tim Timian seconded the motion. Dave Lanpher, Tim Timian, Brock DesLauriers, Kathy Maier and Joe Ibach voted yes to the motion. The motion was unanimous. Motion carried.

Kathy Maier moved to offer the appraiser a conditional dismissal on the following terms: 1) The appraiser must successfully complete a 15-Hour course in the *Uniform Standards of Professional Appraisal Practice* (USPAP) within six months of signing the Agreement. Upon successful completion of the 15-Hour USPAP course, the investigation will be dismissed. A conditional dismissal is not reported to the national registry. Tim Timian seconded the motion. Dave Lanpher, Tim Timian, Brock DesLauriers, Kathy Maier and Joe Ibach voted yes to the motion. The motion was unanimous. Motion carried.

**Inv 215-152AN:** A report, with correspondence detailing allegations, was received into the Board office from an anonymous source. Board members reviewed the information provided. Staff indicated this was the same appraiser as Inv 215-150AN. The issues appear to be the similar to those outlined in Inv 215-150AN.

Tim Timian moved to table the investigation until the Board receives and reviews the field review to be completed on Inv 215-150AN. Brock DesLauriers seconded the motion. Dave Lanpher, Tim Timian, Brock DesLauriers and Kathy Maier. Joe Ibach recused himself from voting. Motion carried.

Edward Erickson, legal counsel for the Board provided an update on proposed settlement offers. Staff provided an update on pending investigations. The review relative to Inv 214-133 is on hold pending receipt of requested work file. Legal Counsel will draft a letter to the appraiser informing him that he may be in violation of statute should he not provide the documents.

Discussion took place relating to revising the investigative process either through the use of a peer review committee or hiring a full time investigator. Staff was directed to review other State's procedures.

**Other Business:**

Dot Frank with the Bismarck Mandan Homebuilders Association was in attendance for discussion relative to questions from the HBA in a letter dated June 2, 2015. Discussion took place. Some of the topics discussed included concerns that appraisals appear to be falling short, requirements for applicants via reciprocity versus in-state applicants, and homebuilders do not have a clear on what is guiding comparables. The Board addressed questions relative to requirements and procedures. However, the Board recommended HBA turn to local appraisers relative to methodology. Discussion turned to HBA inviting a panel of appraisers to address the HBA.

**Finances:** Staff submitted the current income and expense report. After review and discussion, Tim Timian moved for approval. Dave Lanpher seconded the motion. Tim Timian, Kathy Maier, Dave Lanpher, Brock DesLauriers, and Joe Ibach all voted yes to the motion. The vote was unanimous. Motion carried.

**Other Business:**

**AMC Symposium:** Staff and Chairman Ibach will be attending an AMC Symposium meeting on June 11th in Chicago.

**ASC 2016 State Review** is scheduled for June 21-23, 2016.

**Election of Chairperson:** Tim Timian moved to appoint Dave Lanpher as Chair. Kathy Maier seconded the motion. Tim Timian, Kathy Maier, Brock DesLauriers and Joe Ibach voted yes to the motion. Motion carried.

**Upcoming Board meetings:** The next quarterly meeting is scheduled for September 21, 2015 in Bismarck. A conference call is tentatively scheduled for June 29th.

Chairperson Lanpher called for adjournment at 3:16pm.

Respectfully submitted,

Jodie R. Campbell, Executive Secretary