

# NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

October 17, 2016  
Teleconference MINUTES

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:	Edward Erickson, Legal Counsel	Jodie Campbell
		David Campbell
Guests Present:	Eric Whitehill	Keana Schuler
	Rob Knoll	Todd Schmidt
	Eddy Mitzel	

## Investigations:

Case 216-161: Board members reviewed the allegations and response from Mark Thelen, the respondent. The allegations note numerous of errors within the report, which include an incorrect property address, legal description, and owner, etc., as well as a number of clerical errors.

Corey Kost moved there was sufficient evidence to open an investigation. Kathy Maier seconded the motion. Corey Kost, Kathy Maier, Tim Timian, Brock DesLauriers and Dave Lanpher all voted yes. The vote was unanimous. Motion carried.

Discussion took place. In addition to the allegations, the Board noted a number of issues, some of which included: 1) no highest and best use analysis, 2) adjustments did not relate to the current market, 3) the scope of the assignment was not specific to this assignment, 4) no work file was provided and 4) the methodology used did not appear to be appropriate. The Board determined these series of errors may have led to a misrepresentation of value, resulting in a report that is not credible.

The following USPAP violations cited: Standards 1-1b *not commit a substantial error of omission or commission that significantly affects an appraisal*; 1-1c *not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results* and Ethics-Record Keeping Rule A *work file must be made available by the appraiser when required by a state appraiser regulatory agency or due process of law*.

Based on the allegations and review of all the information provided, the Board determined there was probable cause to believe a violation has occurred. Kathy Maier moved to initiate a complaint, proceed with disciplinary action and offer Mr. Thelen a Settlement Agreement. The terms of the agreement to include: 1) payment of a \$500 fine; 2) successful completion of a 15-hour USPAP Course; 3) refund of the appraisal fee to the consumer; 4) review of 2 reports within the next 3 months; 5) if there are further valid complaints within the next 24-month, a 3-month suspension. Tim Timian seconded the motion. Kathy Maier, Corey Kost, Tim Timian, Brock DesLauriers and Dave Lanpher all voted yes. The vote was unanimous. Motion carried.

Chairperson Lanpher called for adjournment.

Respectfully submitted,



Jodie R. Campbell  
Executive Secretary