

# NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

## Minutes- November 1, 2023

Chairman Kost called the meeting to order at 9:00AM. Roll call was taken.

Board Members present online: Chairman Corey Kost, Matt Schlenvogt, Brock DesLauriers, Nikki Mertz, and Joe Sheehan

Staff Present: Jodie Campbell and David Campbell

Legal Counsel: Joshua Amundson

**Case 218-186 and Case 218-187:** Chairperson Kost continues to be recused from discussion and voting on Cases 218-186 and 218-187. Chairperson Kost turned the Chair over to Vice Chairperson Schlenvogt.

Vice Chair Schlenvogt called on Board Counsel, Josh Amundson to provide an overview of the September 20, 2023, Order on Appeal. While the Judge ruled in favor of the findings of fact and conclusions of law, the Judge found issue with the fact that there was no hearing held on the disciplinary action imposed by the Board in the February 1, 2023, Order. Board Counsel explained that the attorney who handled the administrative hearing for the Board had signed a stipulation with opposing counsel without Board authorization. This stipulation stated there would be a hearing on the discipline. A hearing never took place. Therefore, the Judge remanded the Case back to the Board for the purpose of a hearing on the discipline and a reissue of whatever discipline the Board determines after the hearing.

Board Counsel recommended the Board follow the Judge's findings, send the Case back to the Board's current attorney at civil litigation and instruct the attorney to move forward in scheduling a hearing with the administrative law judge.

Board Counsel discussed two other options the Board could consider: 1) re-negotiate, based off the fact that the Judge ruled in favor of the findings of fact and conclusions of law, or 2) the Board could let the matter drop. Board Counsel did not advise either of these two options based on the Judge's findings to remand the Case back to the Board for a hearing on the discipline.

Board Counsel turned discussion to a letter each Board member may have received from a different branch of the State of North Dakota. If any Board member received this letter, Board Counsel would like each member to confirm that they could remain fair and impartial in moving forward with this Case. If each member could confirm this, the Board could move forward and continue to decide on this matter. Joe Sheehan, Nikki Mertz, Brock DesLauriers, and Matt Schlenvogt each confirmed they could be fair and impartial. Corey Kost continued to be recused from discussion and voting.

Vice Chair Schlenvogt recapped the three options: 1) move forward with a hearing on disciplinary action, 2) re-negotiate, or 3) let the matter drop. Board Counsel reiterated that his recommendation is to follow through with a hearing on the disciplinary action.

Joe Sheehan moved to proceed to a hearing on the disciplinary action. Nikki Mertz seconded the motion. Vice Chair Schlenvogt called for discussion. Joe Sheehan indicated he was in full support of the advice from Board Counsel to continue to follow through with due process. Board Counsel explained that even though the Board never authorized the stipulation, because it was entered as evidence and the opposing party thought that the attorney had the authority to enter into the stipulation, this is the correct direction to follow.

Vice Chair Schlenvogt questioned Board Counsel as to whether there was anything the Board failed to do in moving through this process. Board Counsel stated that, in his legal opinion, he believes the Board followed the process correctly. Discussion concluded. Vice Chair Schlenvogt called for the vote. Nikki Mertz, Brock DesLauriers, Joe Sheehan, and Matt Schlenvogt all voted yes. Corey Kost abstained from voting. Motion carried.

Vice Chair Schlenvogt turned the meeting back to Chairperson Kost. Chairperson Kost called for adjournment.

Meeting adjourned at 9:10am.

Respectfully submitted,

Jodie R. Campbell  
Executive Secretary