

NORTH DAKOTA REAL ESTATE APPRAISER QUALIFICATIONS AND ETHICS BOARD

Minutes – November 11, 2020 – 3:00pm CT
Zoom/Teleconference Call Board Meeting

Chairperson Timian called the meeting to order at 3:00. Roll call was taken.

Board Members present online: Chairperson Timian, Corey Kost, Matt Schlenvogt, Joe Sheehan
and Brock DesLauriers

Staff Present: Jodie Campbell and David Campbell

Investigations:

Prior to addressing the investigations, Chairman Timian addressed comments regarding public meeting versus trial and the public's right to speak at a Board meeting. Chairman Timian summarized an explanation legal counsel provided at a previous meeting. A public meeting is not a hearing and due process attaches to a hearing. Should a respondent choose not to accept an offer to settle, he/she would be offered the opportunity for due process through an administrative hearing. Regarding open meetings, the Attorney General's Guidelines for open meeting specifies that it is at the Chairman's discretion whether to allow the public to speak.

Case 220-112: This Case involved an allegation filed by the North Dakota Appraiser Board against Dennis Huber. Board members received and reviewed the allegation, response, preliminary review by Board Investigator and additional comments from Mr. Huber. Discussion took place.

Dennis Huber signed appraisal reports that included a statement in the signed certification misrepresenting an appraiser credential (specifically, that of Dennis Danzl); a violation of ND Appraiser Rules. Board members concurred that while this issue is a violation of ND Appraiser Rules, it does not appear to be an intentional action by Mr. Huber. However, even though it may be unintentional, the action is not acceptable. It is the supervisor's responsibility to oversee an apprentice. The Board recognized Mr. Huber's history in successfully supervising a number of apprentices, with no record of disciplinary actions taken by the Board. Based on the information presented, Board members do not feel the action should rise to the level of a complaint, but rather an offer of conditional dismissal of the allegations.

Corey Kost moved to offer Dennis Huber a conditional dismissal of the allegations with the following terms: 1) payment of a \$250 fine and 2) issue a letter of concern. Brock DesLauriers seconded the motion. Chairman Timian called for further discussion.

There was a question relative to "a letter of concern". As part of a conditional dismissal, a letter of concern is not reported to the national registry. It is a consequence that remains in the appraiser's file for Board purposes only.

Chairman Timian called for the vote. Matt Schlenvogt, Brock DesLauriers, Corey Kost, Joe Sheehan, and Tim Timian voted yes. The vote was unanimous. Motion carried.

Case 220-108: Staff provided an overview. Anonymous allegations were filed in the Board office. Staff forwarded the allegations to the Board Investigator to determine if there is sufficient information to move forward with an investigation. The Board Investigator provided a Preliminary Report to the Board with a recommendation to move forward with an investigation and request further information. Discussion took place.

Board members reviewed the information provided. There appear to be a number of possible allegations outlined to warrant further investigation, with the most significant issue being the selection of comparable sales.

Based on the information received and reviewed, Corey Kost made a motion to move forward an investigation. Brock DesLauriers seconded the motion. Chairman Timian called for the vote. Matt Schlenvogt, Brock DesLauriers, Corey Kost, Joe Sheehan, and Tim Timian voted yes. The vote was unanimous. Motion carried.

Chairman Timian called for adjournment.

Respectfully submitted,

Jodie R. Campbell, Executive Secretary