

IOWA REAL ESTATE APPRAISER EXAMINING BOARD  
200 E. Grand, Suite 350, Des Moines | Bureau Conference Room  
Wednesday, January 30, 2019 | 12:00 p.m.

**Board Members present for all or part of the meeting:**

Fred Greder, Chair  
Tracy Crimmins  
Bob Felderman joined via teleconference at 12:07 p.m.  
James Pooley via teleconference  
Dan Fuhrmeister  
Mark Kapfer via teleconference

**Board Members not present for the meeting:**

Teresa Selberg, Vice Chair

**Staff present for all or part of the meeting:**

Brandy March, Executive Officer  
Rod Reed, Finance Bureau Chief joined at 1:05 p.m.  
Luke Dawson, AAG  
Ashley Thompson, Licensing Specialist

**Public present for all or part of the meeting:**

Gene Nelson, Nelson Appraisal  
Lynn Schultz, Central IA Appraisers  
Joe Bryant, UNI  
Shawna Neal, Neal Appraisal

**Call to Order**

Call to Order by Greder at 12:02 p.m.  
Attendance: Roll Call by Thompson: Greder; aye, Pooley; aye, Fuhrmeister; aye, Crimmins; aye, Kapfer; aye.  
Quorum was established.

Thompson reported that there were four public attendees.

**Motion by Fuhrmeister to approve the December 20, 2018 Open and Closed Session Minutes.**

Seconded by Crimmins.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

Greder authorized, Executive Officer, March to sign the finalized minutes on his behalf.

**Public Comments**

Neal addressed the Board concerning the May 1, 2018 AQB requirement that reduce the time to gain experience to no less than 12 months, which were adopted by the Board and went into effect on January 9, 2019. As a supervisor and trainer, Neal does not feel a residential fee appraiser is anywhere close to being ready to work on their own; she believes three years is when everything really starts to click and come together. Some associates may be ready by two years. Ultimately, Neal would like to keep the 2015 AQB requirements. If there is not a way to revisit that option, she would like to see safeguards implemented that will protect the appraiser profession. Her main concerns are inadequate reporting, credibility of the profession as a whole, online qualifying education classes, lack of field experience, hours allowed on a log, and associate's not knowing all the different diversities. Neal would like supervisors to be given the opportunity to provide comments on whether or not they feel the associate is ready for certification during the work product review (WPR) and for the Board to consider the supervisors comments and deferral recommendations.

Schultz addressed the Board concerning the May 1, 2018 AQB requirement that will allow a new appraiser to obtain certification in one year, versus two years. As a supervisor and trainer himself, Schultz

believes a trainee is not ready until, at the very least, 18 months. Schultz would also like the authority, as the trainee's supervisor, to request deferral of the WPR if he feels the trainee is not ready.

Nelson agreed that a trainee would not be ready in just one year, as they do not know the rules completely.

#### **UNI Report**

Nelson gave a report based on a summary prepared by Dr. Art Cox who is the Director for the Center for Real Estate Education (RE) program at the University of Northern Iowa (UNI). Graduates who receive a Bachelor's Degree under the RE program now meet all the qualifying education requirements, aside from the 15-hour USPAP course.

Bryant, an instructor who teaches the "Principals of Appraisals" course within the RE program at UNI, said the program has been very successful and went on to describe the RE program in further detail.

Pooley stated that there is a UNI graduate in his office that has excelled due to completing the RE program at UNI.

Fuhrmeister added that the WPR coming from UNI graduates seems to be well written and almost always USPAP compliant.

#### **Board Member Reports**

WPR: Fuhrmeister gave an overview on Kirchner's WPR stating she is very competent, but lacks experience with farm appraisals. Kirchner's was deferred in April 2018; she submitted two more farm reports which were reviewed by the Committee in January 2019. Currently, Kirchner does not have a supervisor and will have a hard time finding one in southeast corner. The Committee recommends approving Kirchner with a practice restriction pertaining to farm appraisals. The Committee suggests the applicant consult with a qualified farm appraiser for more insight and experience. Felderman suggested the WPR be deferred until Kirchner gains acceptable experience and can produce a USPAP compliant farm report.

#### **Motion by Pooley to accept and countersign the Practice Restriction/Remedial Plan for Megan Kirchner.**

Seconded by Fuhrmeister.

VOTE: Aye: Greder, Crimmins, Kapfer, Pooley, Fuhrmeister

Nay: Felderman

Abstaining: None

Motion passed.

Greder authorized March to sign the order on his behalf.

Code Committee: Greder reported on an update on the statute change. The Governor's office has forwarded the bill to the legislature and it is awaiting a committee.

#### **Staff Report**

March reported that all Board members need to sign past per diems for compensation from previous teleconference meetings going back until the beginning of this state fiscal year. March asked the WPR Committee for an update on any proposed changes that they would like to implement in the WPR meetings due to the adopted May 1, 2018 AQB requirements and public comments. Pooley and Fuhrmeister would like more time to convene.

Luke left the meeting at 1:32 p.m. and rejoined at 1:34 p.m.

**Legal Update**

None.

**Unfinished Business**

None.

**New Business**

Waiver Request-W18-03

Discussion held regarding waiver request from the Department of Veteran Affairs asking the Board to waive the instructor developmental workshop for their instructors. After reviewing and discussing the waiver request application and letter provided by the Department of Veteran Affairs, the Board decided that the Department of Veteran Affairs did not provide sufficient reasoning, persuasion, and undue hardship as to why their instructors should be exempt from taking the instructor development workshop.

**Motion by Crimmins to deny the waiver request from the Department of Veteran Affairs to have their instructors be exempt from the instructor development workshop per IAC 193F—11.5(2).**

Seconded by Fuhrmeister.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

If required, Greder authorized EO March to sign order on his behalf.

**Motion by Felderman to send Kapfer, Crimmins, and March to the AARO 2019 Spring Conference on May 3, 2019 in Denver, CO.**

Seconded by Fuhrmeister.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

**Motion by Pooley to send Crimmins and March to the AARO Regulatory Training on May 2, 2019 in Denver, CO.**

Seconded by Fuhrmeister.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

**Motion by Crimmins to send Passmore to the AARO Case Studies for Investigators Training on May 2, 2019 in Denver, CO.**

Seconded by Fuhrmeister.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

**Motion by Pooley to send Dick Bruce to Level I and Level II, Robert Dittmann to Level III, and Terry Kestner and Clinton Cota to Level II and Level III Investigator Training by the Appraisal Foundation if they are available.**

Seconded by Crimmins.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

**McNamara vs. NJ State Board of Real Estate Appraisers**

Greder gave an overview of the McNamara vs. NJ State Board of Real Estate Appraisers case. He stated that the Attorney fighting for the plaintive is claiming that by New Jersey not officially adopting the newest USPAP rules, NJ has no jurisdiction over the appraiser/complaint. Dawson and March mentioned the Board might want to formally adopt any new USPAP versions through the rule making process. Reed

questioned why a vote would need to occur when the code states you have to be USPAP compliant. The Board agreed to reintroduce this topic to the agenda for a future meeting after the NJ case is closed.

**Exception Request per 193F—5.4(2) Melissa Bourne**

March gave overview of Bourne's exception request. Bourne is requesting to use her Maryland experience hours from 2003 and her Texas experience hours from 2013, and apply them to the experience hours needed to obtain licensure in Iowa. Dawson mentioned that the experience would have had to been supervised by a qualifying supervisor and for fair and consistent treatment of applicants, the Board does not typically allow for experience that is over ten (10) years old. It was also mentioned that Texas has a trainee classification.

**Motion by Crimmins to deny the exception request per 193F—5.4(2) from Melissa Bourne based on the Texas experience not being performed under a qualified supervisor and the Maryland experience being so far in the past.**

Seconded by Felderman.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

WPR Process & Supervisor Recommendation was discussed and tabled during Staff reports.

**Motion by Kapfer to go into closed session at 2:32 p.m. pursuant to Iowa Code section 21.5(a) to review records deemed confidential by law, specifically complaint files, investigation files, other investigation reports, and other investigative information deemed confidential by Iowa Code section 272C.6(4)(a); and Iowa Code section 21.5(1)(d) to discuss whether to initiate licensee disciplinary investigations or proceedings. Such review and discussion will include any cases ready for final resolution through closure or consent order.**

Seconded by Crimmins.

VOTE: Roll Call: Greder; aye, Pooley; aye, Fuhrmeister; aye, Crimmins; aye, Felderman; aye, Kapfer; aye.

Motion carried.

Fuhrmeister left call from 2:33 p.m. to 2:34 p.m.

**Motion by Crimmins to return to open session at 2:41 p.m.**

Seconded by Fuhrmeister.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

**Motion by Fuhrmeister to close cases 18-19, 18-26, 18-27, and 19-02 as discussed in closed session.**

Seconded by Felderman.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

**Motion by Fuhrmeister to issue a release to consent order in case 16-05 as discussed in closed session.**

Seconded by Kapfer.

VOTE: Aye: All                      Nay: None              Abstaining: None

Motion passed.

**Upcoming Meetings and Last Minute Comments**

Work Product Committee Meeting (In-Person)  
Work Product Committee Meeting (In-Person)

February 14, 2019 at 10:30 a.m.  
March 1, 2019 at 10:30 a.m.

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Discipline Committee Meeting (In-Person)  
Board Meeting (In-Person)

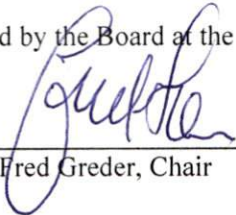
February 27, 2019 at 10:30 a.m.  
March 7, 2019 at 12:00 p.m.

**Adjournment**

Greder adjourned the meeting at 2:45 pm.

These minutes accurately reflect the minutes approved by the Board at the meeting on:

3/7/19  
Date

  
By: Fred Greder, Chair