

IOWA REAL ESTATE APPRAISER EXAMINING BOARD
200 East Grand Avenue, Suite 350, Des Moines, IA 50309 – Electronic Means
Thursday, March 26, 2020 | 9:00 a.m.

Pursuant to Iowa Code 21.8, the Real Estate Appraiser Examining Board conducted the March 26, 2020, meeting by electronic means due to the health and safety concerns stemming from the COVID-19 virus, which have rendered an in-person meeting impossible or impractical.

Board Members present for all or part of the meeting (Morning Session):

Fred Greder, Chair	James Pooley, Vice Chair
Dan Fuhrmeister	Teresa Selberg
Loretta Laubach	Mark Kapfer
Tracy Crimmins	

Board Members not present for the meeting (Morning Session):

None

Staff present for all or part of the meeting (Morning Sessions):

Brandy March, Executive Officer	Kimberly Gleason, Licensing Specialist
Luke Dawson, AAG	Rod Reed, Bureau Chief

Public present for all or part of the meeting (Morning Session):

Clark De Vries	Mary Gettel
Jordan Maus	Jared Gregory
Cody Wellington	

Call to Order (Morning Session)

Call to Order by Greder 9:01 a.m.

Welcome, Introduction & Roll Call (Morning Session)

Attendance: Roll Call by Gleason: Greder; aye, Pooley; aye, Fuhrmeister; aye, Selberg; aye, Laubach; aye, and Crimmins; aye.

Quorum was established.

Greder requested Mr. Maus introduce himself. Maus announced he will be joining the Board on May 1, 2020. Maus stated he is excited to serve on the Board and be more involved in the profession.

Approval or Revision of Agenda

Motion by Laubach to approve the agenda as amended with moving agenda item 10 D, New Business COVID-19, to the afternoon session.

Seconded by Selberg.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed.

Approval or Revision of Minutes

Motion by Selberg to approve the January 22, 2020 open and closed session minutes as presented.

Seconded by Laubach.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed.

Greder authorized March to sign the minutes on his behalf.

Public Comments

None.

Board Member Reports

Chair Report – Greder had nothing to report.

Associate Committee Report – Crimmins, Selberg and Laubach had nothing to report.

Code Committee Report – Dawson, Greder and Pooley had nothing to report.

Discipline Committee Report – Selberg and Greder met on March 20, 2020. Selberg stated they discussed a total of nine (9) cases with four (4) being new cases. Committee recommendations will be discussed in closed session.

Peer Reviewer Committee Report – Fuhrmeister stated he and Selberg discussed holding a peer reviewer training. Selberg stated the AARO training, although cancelled, and the Investigator trainings offered are sufficient. Fuhrmeister stated he would like the peer reviewers to be invited to a future board meeting.

Rules Committee Report – Crimmins stated that the Committee met on January 24, 2020 and March 12, 2020. March noted they are making progress and are ready for the Board to review the Notice of Intent, but with the current COVID-19 pandemic, the Governor's office has requested all rule changes, which are not an emergency, be placed on hold for the time being.

WPR Committee Report – Fuhrmeister and Pooley met on March 10, 2020, and will present later in the agenda.

Board Member Individual Reports – No one had anything to report.

Staff Reports

Reed had nothing to report and commended the Board for being proactive.

March reported that James Pooley will no longer be on the Board as of April 30, 2020. The Governor's Office has assigned Jordan Maus from Davenport to replace Mr. Pooley and reappointed Teresa Selberg. March noted these changes were subject to Senate Confirmation. March also report the April Board meeting is still scheduled to be held in-person, as of now, and includes a formal hearing. March stated if necessary, the meeting will be changed to an electronic meeting via Zoom. March noted a joint webinar held by the ASC, TAF and AARO will begin noon for all state regulators, which includes Board Members. March stated the ASC and TAF are allowing a 90-day extension for continuing education. The ASC is also working with states to allow extensions to other deadlines such as renewals, Temporary Practice Permit decisions and final resolution to complaints if there are specially documented circumstances. March recommended everyone on the board and staff attend the webinar as it pertains to the COVID-19 discussion being held in the afternoon session. March briefly touched on COVID-19 topics, stating the Governor's Office has requested no rule changes be made that do not pertain to the current pandemic; as of March 19, 2020, the Board's office was closed to walk-in traffic, unless an appointment is made in advance; IDOB and PLB staff are working from home four (4) days a week, with each employee being in the office one (1) day a week; and the State of Iowa has suspended all travel. March reported she has received several calls regarding interior inspections and stated she is providing these individuals with the TAF USPAP Q&A document that is now posted on the Board's website.

Legal Report

Dawson reported the Governor's COVID-19 Disaster Proclamation will be discussed during the afternoon session. Dawson also stated that all legislation, not related to COVID-19, is on hold. Dawson briefly discussed a possible sunset provision bill which would require the Board justify existence every five (5) years. Dawson mentioned another bill in review that would create a mobility process for licensee's and in turn would change standards for those who have been convicted of certain crimes. Dawson expressed

concerns over this and mentioned the Board would be required to change its rules if either of these passed.

Old Business

No old business to report.

New Business

Clark De Vries' Exam & Experience Application

March gave an overview of the application regarding De Vries' education and experience. March stated De Vries has enough hours logged on Iowa properties to meet the Criteria to sit for the exam. March stated she reached out to the other states in which he claimed experience hours. Many of these states would allow the applicant to still proceed through the upgrade process based on the individual circumstances. Selberg stated she would like to allow De Vries to continue through the upgrade process and be approved to sit for the examination. Laubach agreed. March has been tasked by the Board to include information regarding licensure requirements in other states as part of the associate appraiser approval letter and notification of registration.

Motion by Fuhrmeister to approve Clark De Vries' exam and experience application and allow him to sit for the national exam and continue through the upgrade process.

Seconded by Selberg.

VOTE: Aye: Greder; aye, Pooley; aye, Fuhrmeister; aye, Selberg; aye, Crimmins; aye Nay: None

Abstaining: Laubach

Motion passed.

De Vries spoke briefly regarding his error in failing to register as an associate appraiser in the other states in which he performed work under his supervisor.

VA Course Audit for VA Appraisal 101

March stated she attended the course VA Appraisal 101 put on by the VA. March noted two (2) people, who were representatives of the VA but which were not pre-approved as instructors, provided guidance and spoke on at least one (1) slide each. March noted another concern was that registration for the course was only available through the Iowa Realtor's Association's website because the course was not approved for credit with the Iowa Real Estate Commission and the provider was the VA.

Motion by Selberg to approve the VA's VA Appraisal 101 course for two (2) hours of continuing education credit and to submit the final report to the course provider as amended with a statement regarding the fact that all individuals providing instruction be included on the application and vetted by the Board.

Seconded by Fuhrmeister.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed.

Greder authorized March to sign the final report on his behalf, if necessary.

WPR Review for Elliot Smith and Mary Gettel

Fuhrmeister stated that Elliot Smith was seeking certified general status and even though all his reports came back as not being USPAP compliant, they only contained minor issues. Fuhrmeister stated the applicant acknowledged his errors and did well in the interview. Fuhrmeister gave an overview on Mary Gettel stating she was seeking certified residential status and had very good reports. Fuhrmeister noted that both candidates passed the exam on the first try and the committee recommends approval. Pooley stated he was very impressed by both candidates.

Motion by Fuhrmeister to approve the WPR for Elliot Smith and Mary Gettel.

Seconded by Pooley.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed.

TN Board of Nursing News Article RE: Board Member Research

March presented the article to the Board and expressed the consequences of not following proper protocols with regards to complaints and performing any type of investigation of their own. March reminded the Board that they cannot conduct any investigations on their own and if they do they should be recused from the case and not talk about it, or the information gathered, with other board members whether or not in an effort to sway another board member's vote. Dawson spoke on the legal structure and evidence presentation in the US and the importance for each side to have, and be able to refute, information.

Electronic Device Updates

March stated that all board members are considered an employee of the State and therefore, any Board business conducted on their personal devices such as laptops, tablets, and cellular phones, are subject to OCIO oversight. Additionally, the software on any electronic device used for Board business should have the latest software version, antivirus and malware protections as possible.

AQB Public Meeting Recap

March reported on the AQB public meeting. She noted TAF requested that a Governmental Accountability study be conducted, which is currently underway. March also noted the 2022/2023 USPAP changes are already underway. March reported that PAREA did not appear to be able to be practically implemented due to costs, therefore, alternatives are being investigated.

ASB Webinar Recap

March stated that changes to USPAP were highlighted during the ASB Webinar and comments to the exposure drafts are essential, especially regarding the appraisal report and restricted appraisal report changes. March noted Board members may comment as an individual or as a Board. Greder inquired on necessity of updating USPAP every two (2) years. Selberg and Fuhrmeister agreed that it seemed unnecessary.

EO Recordkeeping/Miscellaneous Information/Committee Assignments

- **Gubernatorial Appointee Handbook** – March presented the current version to the members. March inquired if everyone had attended the training put on by the Governor. Laubach stated that she had not. March did note that with Laubach being new to the Board this was not an issue. March stated this document would be housed on the Google Drive and will be updated as new versions are received.
- **Q&A Disciplinary Hearings** – March noted that with a hearing in April each board member should review the handout and direct questions to AAG Dawson.
- **Legal Overview** – March presented the legal overview document to the board and noted it would be reviewed during the May Board meeting which includes annual training.
- **Peer Reviewer Training** – March stated she found this document and presented it to the Peer Reviewer committee to determine if the Board should consider holding these types of trainings, or meetings, between the Board and the peer reviewers.
- **National Exam as part of Discipline** – March presented a letter outlining the approval for the Board to use the national exam as part of resolving a complaint. March noted this option was only available as part of a settlement agreement or consent order.
- **Rule Review Plan** – March stated this document lays out the rule review plan adopted or designed for REAP. March requested that the Rules Committee review the document and update as needed.

- Complaint Process Map – March requested the Discipline Committee revise this document to ensure it is up to date. March also noted that the ASC recently requested similar information on the Board’s timeline and processes to share with other states that may have had trouble closing complaints on time.
- New Board Member Manual – March noted that the Board Member manual will now be housed in the Google Drive to ensure it has the most up to date information and guidance. March stated that the binders previously provided to Board Members will no longer be given so as to ensure Board Members always have the most up to date information.

Cody Wellington Waiver

March noted that no fingerprints are being done due to COVID-19, which is the reason for the waiver request. Dawson and March noted that in lieu of a state and federal background check prior to application processing, other information will be gathered and verified. Once fingerprint resumes, the application will be required to submit to a state and federal background check once fingerprinting resumes and that any license issued will be contingent on the accuracy of the information received prior to and after the state and federal background check has been conducted.

Motion by Fuhrmeister to approve the waiver for Cody Wellington to allow him to temporarily postpone the state and federal background check until such time as the local police departments reconvene the fingerprinting process and place any license or registration granted subject to the applicable laws and regulations regarding criminal history requirements.

Seconded by Selberg.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed.

Greder authorized March to sign the waiver on his behalf.

Motion Selberg to go into closed session at 10:34 a.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 Fuhrmeister.

VOTE: Roll Call by Gleason: Greder; aye, Pooley; aye, Fuhrmeister; aye, Laubach; aye, Kapfer; aye Crimmins; aye; and Selberg, aye.

Motion carried.

Motion by Selberg to return to open session at 10:43 a.m.

Seconded by Crimmins.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed.

Greder called a recess to the meeting at 10:43 a.m. with a reconvene time of 2:00 p.m.

Board Members present for all or part of the meeting (Afternoon Session):

Fred Greder, Chair
Dan Fuhrmeister
Loretta Laubach
Tracy Crimmins

James Pooley, Vice Chair
Teresa Selberg
Mark Kapfer

Public present for all or part of the meeting (Afternoon Session):

Joe Anderson	Amanda Luscombe
Jordan Maus	Jeremy Keller
Jared Gregory	Rob Emmerson
Julie Wulfekuhle	Shauna Gehring

Call to Order (Afternoon Session)

Call to Order by Greder 2:00 p.m.

Motion by Selberg to close case 19-12 as discussed in closed session.

Seconded by Pooley.

VOTE: Aye: Pooley, Fuhrmeister, Laubach, Kapfer, Selberg and Crimmins Nay: None

Abstaining: Greder

Motion passed.

New Business

COVID-19 Potential Pandemic and Impact to Board Business

Dawson presented the State of Iowa Executive Department Proclamation of Disaster Emergency dated 22 March 2020 and shared the draft version of the Guidance for the Board to utilize. Dawson pointed out Sections 5, 6, 8 and 10 as they pertain to the Real Estate Appraiser Examining Board. Dawson provided an overview of Section 5, which includes a 90-day extension on continuing education, Section 6 which pertains to renewals and should not impact appraisers, Section 8, which includes background checks that require fingerprinting and Section 10 which includes examination deadlines. Dawson stated the Board does not have the authority to suspend or waive the examination provision in Section 10 as it falls under the AQB Criteria.

March stated continuing education providers will need to submit waiver requests/applications to convert classroom continuing education courses into interactive, synchronous classes for those that do not hold IDECC approval. Pooley noted that Arkansas and Missouri are extending their renewal deadlines by 90 days which includes proof of continuing education. March explained the Proclamation and Board Guidance will require appraisers to renew on time; however, they will have the option of selecting the COVID-19 exception and therefore the ability to complete the required continuing education within 90 days of the renewal date if they have a COVID-19 related issue should the Guidance be approved by the Governor's Office. Reed inquired if EO March would be able to grant and approve waivers vs board approval. AAG Dawson replied that the board can grant that authority to Ms. March.

March displayed the letter to be submitted to the Governor's Office in regards to appraisers being considered essential. Reed requested the letter be reviewed further before being submitted to the Governor's Office.

Motion by Fuhrmeister to deem appraisers' as essential employees and to submit the final edited letter to Governor Reynolds.

Second by Pooley.

VOTE: Aye: All Nay: None Abstaining: None

Motion passed.

Motion by Selberg to approve the Guidance document regarding the effect of regulatory suspensions effectuated by Governor Reynold's Proclamation of Disaster Emergency, dated March 22, 2020, and providing for Professional Licensure relief subject to and incorporating any final changes as directed by the Governor's general counsel and giving EO March authority to approve waiver requests related to the COVID-19 emergency.

Seconded by Fuhrmeister.

VOTE: Aye: All Nay: None Abstaining: None
Motion passed.

Upcoming Meetings and Last Minute Comments

WPR Committee Meeting (Zoom)	April 9, 2020 at 10:30 a.m.
Discipline Committee Meeting (Zoom)	April 21, 2020 at 2:00 p.m.
Board Meeting (In-Person)	April 30, 2020 at 9:00 a.m.

March requested a COVID-19 Committee be formed and requested volunteers from the Board and public. Shauna Gehring, Amanda Luscombe and Dan Fuhrmeister agreed to sit on the committee. March stated she will contact them following the meeting to assist in scheduling meetings and providing content to licensees and the public regarding the appraisal profession.

Motion by Selberg to name Dan Fuhrmeister, Amanda Luscombe and Shauna Gehring to the COVID-19 Committee.

Seconded by Crimmins.

VOTE: Aye: All Nay: None Abstaining: None
Motion passed.

March noted she will be sending out Doodle Polls to schedule upcoming board and committee meetings.

Adjournment

Greder adjourned the meeting at 3:03 p.m.

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

4/30/2020
Date

B March for
By: Fred Greder, Chair