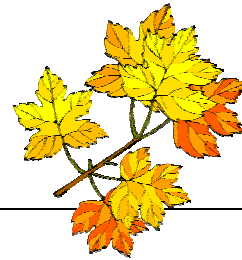


The Kansas Real Estate Appraisal Board

2004

Fall Newsletter



INVESTIGATION OF COMPLAINTS

The Board is made up of seven members appointed by the Governor. One of the members must represent the general public, two must represent financial institutions, and at least three members must be appraisers. In matters concerning the complaint process the Board is made up of two committees, the Investigative Committee (IC) and the Hearing Panel (HP). The IC investigates and reviews complaints. This committee currently includes four Board members. The HP currently includes three members of the Board and they hear the cases that go to hearing.

When a complaint is received, the allegations and documentation are reviewed. Sometimes additional information may be required from the complainant. If there is nothing in the complaint to support allegations, action taken on the complaint may be concluded. If it is determined that there is probable cause to proceed with an investigation, the appraiser will be contacted and asked to respond to the allegations and provide the Board with copies of the appraisal report, work-files and other pertinent documentation relating to the complaint. After the information is received, it will either be reviewed by a third party reviewer or go to the Investigative Committee for determination on how to proceed.

After the review is complete, the entire file, including the original complaint, information provided by the appraiser and the review of the report are presented to the IC. The Committee is also made aware of any previous disciplinary action the Board has taken against the appraiser. In some cases additional information may be requested from the appraiser, the reviewer or both. When the IC meets, the case is discussed and the committee determines an appropriate manner in which to settle the case

Some of the ways the committee settles cases include: dismissal, a consent agreement and order, or hearing. Whenever possible, settlement is usually the first option taken by the committee. The type of disciplinary actions taken against an appraiser involves many factors. Some of these include: the number of previous complaints against an appraiser, the nature of the complaint, allegations or indications of fraud, a pattern or practice of negligent or intentional violations of USPAP, the specific types of uniform standards that have been violated, and ethical issues.

A Consent Agreement and Order is one of the options used by the committee for settlement of a complaint. The Agreement provides terms and conditions for settlement that are mutually agreed to by both the IC and the appraiser. The appraiser may wish to negotiate some of the terms of the agreement or choose not to sign the agreement. If the matter cannot be settled by Consent Agreement, the matter will be referred for prosecution and a hearing is set.

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INVESTIGATION OF COMPLAINTS (CONTINUED)

The terms and conditions of the Consent Agreements offered to appraisers vary according to various factors involving the complaint. Some of the terms may include: the cost of the review, taking educational courses, maintaining logs, suspension, downgrade, supervision of work, or fines. If the case is settled by agreement, the terms are usually less stringent than if the matter is referred for hearing.

At times, due to the factors involved in a case, the committee may determine that the matter cannot be settled by agreement and refer it directly to hearing. In these cases it not uncommon to request revocation. Upon determining a hearing will be necessary, a referral for prosecution is forwarded to the attorney general's office and a request that a petition for hearing be filed. Once the petition is filed with the Board, a copy of the petition is sent to the appraiser and the matter is set for hearing at a future date.

As each complaint is individual and involves different circumstances, investigation may vary from complaint to complaint.



HOW COMPLAINTS ARE RECEIVED

The Board receives complaints from various sources. Some of these include clients, property owners, reviewers, HUD and other appraisers. A complaint may also be filed against an appraiser by the Board. It is the Board's policy to file a complaint against a supervising appraiser when an applicant's experience is denied based upon reviews performed on the reports.

Anonymous complaints are accepted by the Board; however, before investigating a complaint, the IC will request a copy of the report and evidence of USPAP violations or other violations relating to the Appraisers Act. A copy of an appraisal report or other documentation that contains clear errors may be treated as a written complaint. All complaints sent to the Board must be in writing. The Board also requests that they be submitted by US or private mail service as faxed copies are not always legible.



PUBLICATION OF DISCIPLINARY ACTIONS

Since publication of disciplinary actions are considered a negotiating tool used by the IC when settling complaints, not all disciplinary actions are published in the newsletter or on the Board's website. However, all disciplinary action taken by the Board **must be reported** to the Appraisal Subcommittee and added to the National Registry. In order to find out if an appraiser has had disciplinary actions, but they are not listed on our website, please contact the Board office directly at (785) 271-3373.

During the investigation process, a complaint is considered to be confidential and information pertaining to the complaint is not considered an open record. After a complaint has been adjudicated, certain information becomes an "open record" and may be obtained from the Board by submitting a written request.



SUMMARY OF COMPLAINTS RECEIVED AND DISCIPLINARY ACTIONS TAKEN BY KREAB 10/01/2003 THROUGH 09/30/2004

Between October 1, 2003 and September 30, 2004, the Board has received 63 new complaints. During that same timeframe, the Investigative Committee of the Board has held 11 meetings concerning both new and pending complaints.

SUMMARY

Complaints Dismissed	13
Settled by Consent Agreement	23
New License Not Issued	1
New Petitions for Hearings	3
Settled by Hearing or Final Order	4
Pending Hearings	4
Pending Complaints	27



EXPOSURE DRAFT OF PROPOSED CHANGES TO RULES AND REGULATIONS

The KREAB is in the process of introducing 4 new regulations for adoption. These regulations will deal exclusively with experience supervision for each of the four appraiser license/certification types available. Some of the requirements proposed by K.A.R. 117-2-2a, 117-3-2a, 117-4-2a and 117-5-2a are:

- Supervising appraiser must be certified and in good standing;
- supervisor must have been certified for a minimum of two years;
- no more than three applicants may be supervised at one time; and
- supervisor must inspect a minimum of the first 25 properties and continue to inspect until satisfied applicant is competent.

The proposed effective date of these regulations would be July 1, 2007, allowing time for licensed appraisers to complete the education and test requirements for certification.

Copies of the exposure drafts will be mailed to all appraisers and applicants for public comment, along with the notice of public hearing.



INCOME REPROACH

By Mark Freitag

Several residential appraisal reports have been submitted to the Kansas Real Estate Appraisal Board which contains a statement similar to the following, "The subject is not currently rented nor is it intended to be utilized for income production in the future. Therefore the income approach was not developed".

The Uniform Standards of Professional Appraisal Practice offers several conditions under which an appraiser may exclude one of the approaches to value in the development of an appraisal. However, the existing use or contemplated use of the subject is not one of these conditions. Regardless of whether the subject is owner occupied, tenant occupied or vacant, any of the approaches to value, including the income approach, may be appropriate.

Regarding the development of the income approach, in residential appraisals, there are two issues for the appraiser to consider:

- Is the approach applicable to the assignment?
- Is the approach necessary to produce a credible appraisal?

IS THE INCOME APPROACH APPLICABLE?

In most residential appraisals the typical buyer is an owner occupant. Few, if any, of the typical buyers are investors. In these assignments the income approach does not simulate the thought process of the typical buyer and therefore is not applicable. When an approach is not applicable, the appraiser should explain the reason for the exclusion of the approach in the report. The Departure Rule is not an issue when an approach is not applicable and the appraisal remains a complete appraisal. This is the first condition under which an approach to value may be excluded.

In some residential markets, investors are a significant portion, or even a majority of the probable buyers. Lower end single-family homes as well as small multiple family dwellings are often purchased as investments properties. This buyer group is motivated by income production, which is the basis for the income approach. The income approach may well be applicable given an assignment in one of these market segments.

IS THE INCOME APPROACH NECESSARY?

Once an approach to value is determined to be applicable the appraiser must determine if the approach is necessary in order to produce a credible appraisal. If the approach is determined to be necessary, the approach must be developed. If the approach is not considered necessary, the appraiser may exclude it by invoking the Departure Rule. This is the second condition under which an appraiser may exclude one of the approaches to value. In determining whether an approach to value, or any other scope of work decision, is necessary the appraiser must consider the following tests:

- The expectations of appraisal clients and other intended users of similar appraisal services.
- The actions of an appraiser's peers in performing a similar assignment.
- The use of recognized methods and techniques for similar assignments.

Based upon these criteria the appraiser must determine whether an applicable approach is also necessary to produce a credible value estimate. Only when the appraiser has determined that the approach is not necessary can the appraiser exclude that approach. This is accomplished by invoking the Departure Rule and supporting the decision to exclude the approach. The resulting report would be a limited appraisal.

SUMMARY

In order to comply with the USPAP Rules, an approach to value may only be excluded under one of two circumstances. The appraiser must either determine that an approach is not applicable, or that an approach is applicable but not necessary to provide a credible value estimate.

Note: Proposed changes to the USPAP may eliminate the Departure Rule in favor of an expanded Scope of Work Decision. Even if these changes transpire, the above criteria will still be utilized of appraisers in determining the proper methodology to be employed in determining which of the approaches to value are appropriate in a given assignment.



USPAP Q & A

Q. I accept assignments from an Appraisal Management Company (AMC) which has informed me they are an authorized agent for the lenders they represent. The AMC does not want me to list their name as the client, and asks that I only list the name of the lender they are representing. Since USPAP says the appraiser's client is the party who engages the appraiser, is it ethical to omit the AMC's name as the client on my reports?

A. Yes. If the AMC is acting as a duly authorized agent for a lender, identifying only the lender's name as your client is acceptable.

Q. Recently I have considered maintaining only electronic work-files (i.e. saving only electronic versions of my reports and supporting data, and scanning any paper documents used so that copies may be stored on electronic media). Is this prohibited by USPAP?

A. No. There is nothing in USPAP that would prohibit an appraiser from maintaining only electronic versions of work-files.

The Record Keeping section of the ETHICS RULE states, in part:

The work-file must include:

- *the name of the client and the identity, by name or type, of any other intended users;*
- *true copies of any written reports, documented on any type of media;*
- *summaries of any oral reports or testimony, or a transcript of testimony, including the appraiser's signed and dated certification; and*
- *all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with this Rule and all other applicable Standards, or references to the location(s) of such other documentation.*

As long as an electronic work-file contained these items, it would be sufficient.

An appraiser must also be mindful of the requirement to have access to the work-file for the applicable required time period. The appraiser must ensure that the proper software is maintained to allow access to the electronic files.

Q. My client has asked that I provide a draft of my appraisal report prior to issuing the report in final form. Is this permitted under USPAP?

A. USPAP does not explicitly define or address drafts of reports. When clients, other intended users, and appraisers use the term "draft", they may mean many different things, from preliminary spreadsheets to a written document that contains all that will be in the "final" report except it is labeled as "draft" and does not contain signatures. Report drafts have traditionally been part of certain types of appraisal practice but have never been considered acceptable in other types of appraisal practice.

State-regulated appraisers should be aware of applicable state laws and regulations. Many laws define a "report" as "any communication, written or oral, of an appraisal".

Whatever a "draft" may be in a particular context, it would always be part of "appraisal practice", because it is a valuation service provided by an appraiser. When performing a service

that is considered appraisal practice but for which there are no applicable Standards Rules, an appraiser must comply with the PREAMBLE and the Rules (ETHICS RULE, COMPETENCY RULE, JURISDICTIONAL EXCEPTION RULE AND SUPPLEMENTAL STANDARDS RULE).

The second sentence of the PREAMBLE states "It is essential that appraisers develop and communicate their analyses, opinions, and conclusions to intended users of their services in a manner that is meaningful and not misleading". Additionally, the ETHICS RULE states that, "An appraiser must not communicate assignment results in a misleading or fraudulent manner". Therefore, if an appraiser communicates with intended users prior to completion of an assignment, the communication must not be misleading.

The purpose of issuing a "draft" cannot be to allow the client to improperly influence the appraiser.

Q. I was asked to appraise a single-family residence for refinancing. I am aware that the property had been previously listed but did not sell. During my data investigation and analysis, I noted that the owner's "estimate of value" was \$375,000. When I looked up the listing history, I found it had been withdrawn from the market at the asking price of \$325,000. What are my obligations under USPAP regarding a withdrawn or expired listing of the subject property?

A. Standards Rule 1-5(a) states that in developing a real property appraisal, an appraiser must, if such information is available to the appraiser in the normal course of business:

*"...analyze all agreements of sale, options, or listings of the subject property **current** as of the effective date of the appraisal."* (Bold added for emphasis.)

Therefore, there is not a specific requirement in Standards Rule 1-5(a) to consider and analyze a withdrawn or expired listing of the subject property, prior to the date of the appraisal.

However, any prior listing of the subject property (as of the effective date of the appraisal) might be significant in that it indicates the property's availability in the market and the market reaction to that availability. Likewise, agreements of sale

and options are generally significant to the appraisal problem in that they involve a "meeting of the minds", relating to the property's value, of the potential buyer and seller.

In the development of an appraisal, an appraiser is required under Standards Rule 1-1(b), to *not commit a substantial error or omission or commission that significantly affects an appraisal*. If information about a withdrawn or expired listing is known by the appraiser and that information is relevant to the appraisal problem, it must be considered.

Q. When an appraiser is asked to value a significantly large group of similar or like items, does USPAP require that the appraiser follow STANDARD 6 for mass appraisals?

A. No, USPAP does not require that STANDARD 6 be followed in such cases. Mass appraisal, for which standards are addressed in STANDARD 6, is an appraisal method. USPAP does not dictate the use of any particular method or technique in any particular assignment or under any particular set of circumstances. While mass appraisal methods may be helpful in the appraisal of large numbers of similar assets, whether its use is appropriate in a particular assignment would depend on such things as assignment conditions, the intended use of the appraisal results, and, at times, agreement with the client.

Q. Is there any connection between the application of STANDARD 6 for mass appraisals and the application of a blockage discount?

A. No. There is no connection between the application of mass appraisal methods, as addressed in STANDARD 6, and the application of a blockage discount. A blockage discount may be applicable when the appraisal problem being addressed indicates an assumption that a large number of similar assets would be offered for sale on the market at once. Under some circumstances, this would create an oversupply, which would depress the value of the assets.

Whether the application of a blockage discount is appropriate depends on many factors, including the intended use of the appraisal, the definition of value, the conditions of the assignment,

the relevant characteristics of the assets such as their nature, and the market for those assets.

Q. Does USPAP offer guidance in how to calculate an appropriate blockage discount?

A. No. USPAP focuses on appraisal standards, not appraisal methodology or how to perform calculations. USPAP does require that an appraiser be competent (see the COMPETENCY RULE) and states, in various Standards Rules, that an appraiser must “*be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal*”.

The concept of the compilation of the assets appraised is addressed, for example, in Standards Rule 1-4(e), which states:

An appraiser must analyze the effect on value, if any, of the assemblage of the various estate or component parts of a property and refrain from valuing the whole solely by adding together the individual values of the various estates or component parts.

Standards Rule 6-2(i)(i) states that, in appraising real property or personal property, an appraiser must *identify the appropriate market area and time frame relative to the property being valued*. Standards Rule 6-2(i)(v) requires that the appraiser *identify and analyze whether an appraised physical segment contributes pro rata to the value of the whole*. Standards Rule 6-2(m) requires that an appraiser *analyze the relevant economic conditions at the time of the valuation, including market acceptability of the property and supply, demand, scarcity, or rarity*.

Q. I am considering the sale of my appraisal practice. What are my USPAP obligations regarding confidentiality and record keeping?

A. In the sale of an appraisal practice, the selling appraiser must comply with the Confidentiality and Record Keeping sections of the ETHICS RULE.

The Confidentiality section of the ETHICS RULE states:

An appraiser must protect the confidential nature of the appraiser-client relationship.

An appraiser must be aware of, and comply with, all confidentiality and privacy laws and regulations applicable in an assignment.

An appraiser must not disclose confidential information or assignment results prepared for a client to anyone other than the client and persons specifically authorized by the client.

The Record Keeping section of the ETHICS RULE states:

An appraiser must have custody of his or her work-file, or make appropriate work-file retention, access, and retrieval arrangements with the party having custody of the work-file.

The selling appraiser can retain possession of the work-files to satisfy confidentiality and record keeping obligations. This would also satisfy any client-confidentiality agreements and applicable privacy laws and regulations.

The selling appraiser must adhere to the requirement to (1) protect appraiser-client relationship and (2) not disclose assignment results and confidential information to anyone other than the client and persons specifically authorized by the client. This can be accomplished by seeking client authorization to disclose assignment results and confidential information that would be part of the work-file. Providing the acquiring appraiser with access to the selling appraiser's work-files without client authorization is a violation of the Confidentiality sections of the ETHICS RULE.

With client authorization, the selling appraiser can provide the acquiring appraiser with access to the selling appraiser's work-files. However, the selling appraiser should also consider the impact of applicable privacy laws and regulations.

To comply with the Record Keeping section of the ETHICS RULE, the selling appraiser should make appropriate work-file retention, access, and retrieval as part of sale terms.

Q. I am considering the purchase of another appraiser's appraisal practice. What are my USPAP obligations regarding record keeping and confidentiality?

A. The acquiring appraiser has general USPAP obligations to protect public trust in appraisal practice. The PREAMBLE states:

The appraiser's responsibility is to protect the overall public trust and it is the importance of the role of the appraiser that places ethical obligations on those who serve in this capacity.

The ETHICS RULE states:

To promote and preserve the public trust inherent in professional appraisal practice, an appraiser must observe the highest standards of professional ethics.

In the sale of an appraisal practice, the acquiring appraiser should respect the selling appraiser's obligations under the Confidentiality and Record Keeping sections of the ETHICS RULE.

The acquiring appraiser does not have an appraiser-client relationship with the clients of the selling appraiser, but the acquiring appraiser's obligation to protect public trust creates a responsibility when access is provided to another appraiser's work-file. The acquiring appraiser should treat the acquired assignment results and confidential information in the work-files in compliance with USPAP.

The acquiring appraiser should honor the work-file retention, access, and retrieval arrangements made by the selling appraiser in compliance with the Record Keeping section of the ETHICS RULE.

Q. Fannie Mae recently issued several new text appraisal report forms. Do these new forms comply with USPAP?

A. It is the position of the Appraisal Standards Board that appraisers comply with USPAP, not forms. Each assignment is different, and no form could cover all USPAP requirements for all assignments. Appraisal forms are simply tools to assist in organizing the reporting of assignment results.

It is the responsibility of the appraiser to properly *develop* an appraisal, and to properly *report* the assignment results. A template or form may or may not adequately report the assignment results. It may be necessary for the appraiser to supplement a form with addenda to comply with USPAP requirements.

Fannie Mae has requested that all interested parties provide comments on the test forms (test_appraisal_forms@fanniemae.com) prior to the comment deadlines of September 15, 2004, for the first set of forms and October 1, 2004, for the second set of forms. The Appraisal Standards Board intends to provide comments to Fannie Mae prior to the published deadlines.

Q. A local lender has asked me to appraise only a 5-acre portion of a 62-acre parcel, stating that Fannie Mae will lend on no more than 5 acres. Am I permitted to comply with this request?

A. Standards Rule 1-2(e)(v) states that the subject of an assignment may be a physical segment of a property. However, appraisers must also comply with any supplemental standards that might apply (see SUPPLEMENTAL STANDARDS RULE).

If the assignment requires compliance with supplemental standards published by Fannie Mae, the appraiser must be aware of the current policy. As stated on page 35 of the *Fannie Mae Handbook for Appraisers*:

"Some appraisers report that they have been asked to appraise only a portion of a larger site: for example, the borrower owns a 30-acre site and you are asked to appraise only five acres and the property improvements. Fannie Mae considers this an unacceptable appraisal practice..."

Failure to recognize this supplemental standard would be a violation of the ETHICS RULE or COMPETENCY RULE.

This communication by the Appraisal Standards Board (ASB) does not establish new standards or interpret existing standards. The ASB USPAP Q&A is issued to inform appraisers, regulators, and users of appraisal services of the ASB responses to questions raised by regulators and individuals; to illustrate the applicability of the Uniform Standards of Professional Appraisal Practice (USPAP) in specific situations; and to offer advice from the ASB for the resolution of appraisal issues and problems.



Don't forget, the 7-hr USPAP Update course is required once during each education cycle. If the course was not taken for the

2004 renewal, it will be required for the 2005 renewal. The 15-hr tested USPAP course **can-not** be substituted.



DISCIPLINARY ACTIONS

FRED E. JONES, JR. (L-1782) COMPLAINT #334 KANSAS CITY, MO

VIOLATIONS: K.S.A. 58-4121, 58-4118 (a)(6), 58-4118(a)(7), and 58-4118 (a)(8).

ACTION: A Consent Agreement and Order was entered into on March 15, 2004, with the following terms and conditions: That Jones take and pass the examination of the 15-hour USPAP course on or prior to June 30, 2005; that Jones take and pass the examination of a minimum 40-hour report writing course on or prior to June 30, 2005; and that Jones pay \$640 to cover the cost of the review associated with this complaint within 30 days from the date of the Agreement.

JOHN L. PLOGER (G-500) COMPLAINT #349 KINSLEY

VIOLATIONS: K.S.A. 58-4121, 58-4118 (a) (6), 58-4118(a)(7), and 58-4118(a)(8).

ACTION: A Consent Agreement and Order was entered into on March 17, 2004, with the following terms and conditions: That Ploger take and pass the examination of the 15-hour USPAP course on or prior to June 30, 2005; that Ploger take and pass the examination of a minimum 40-hour report writing course on or prior to June 30, 2005; and that Ploger pay a fine of \$250 within 30 days from the date of the Agreement.

BRIAN E. KERN (G-52) COMPLAINT #335 LANSING

VIOLATIONS: K.S.A. 58-4121, 58-4118(a)(6); 58-4118(a)(7); and 58-4118(a)(8).

ACTION: A Consent Agreement and Order was entered into on May 5, 2004, with the following terms and conditions: That Kern take and pass the examination of the 15-hour Uniform Standards of Professional Appraisal Practice course on or prior to June 30, 2005; that Kern take and pass the examination of a report writing course that is a minimum of 24-hour in length on or prior to June 30, 2005; and that Kern pay \$240 to

cover the cost of the review associated with this complaint within 30 days from the date of the Agreement.

PETER THOMAS LIKENS (L-1396) COMPLAINT #355 OVERLAND PARK

VIOLATIONS: K.S.A. 58-58-4121, 58-4118(a)(6); 58-4118(a)(7); and 58-4118(a)(8).

ACTION: A Consent Agreement and Order was entered into on May 5, 2004, with the following terms and conditions: That Likens attend and pass the examination of the 15-hour Uniform Standards of Professional Appraisal Practice Course on or prior to June 30, 2005; that Likens take and pass the examination of a report writing course that is a minimum of 24-hours in length on or prior to June 30, 2005; and that Likens pay \$480 to cover the costs of the review associated with this complaint within 30 days from the date of the Agreement.

PETER THOMAS LIKENS (L-1396) COMPLAINT #365 OVERLAND PARK

VIOLATIONS: K.S.A. 58-58-4121, 58-4118(a)(6); 58-4118(a)(7); and 58-4118(a)(8).

ACTION: A Consent Agreement and Order was entered into on June 24, 2004, with the following terms and conditions: That Likens take and pass the examination of a minimum 24-hour sales comparison course on or prior to June 30, 2005; that Likens cease and desist all supervision of trainee appraisers until evidence of completion of the education has been received and acknowledged by the Board; that Likens will submit a log of all appraisals performed, beginning with the date of this Agreement, for a period of 12 months; said log to be submitted to the Board office on the first of each month; that the Board may select a maximum of three additional reports for review; that should review of said reports indicate that they are not in substantial compliance with USPAP, a new complaint will be filed and Likens will, upon notification from the Board, cease all supervision until the new complaint has been adjudicated; and that Likens will pay the cost of the additional reviews within 30 days of notification by the Board.

DEBRA Mc GOWAN (L-1606) COMPLAINTS #325 & 353 KANSAS CITY, MO

VIOLATIONS: K.S.A. 58-5141, 48-4118 (a)(6), 58-4118(a)(7), and 58-4118(a)(8).

ACTION: A Consent Agreement and Order was entered into on June 24, 2004, with the following terms and conditions: That McGowan cease and desist from all supervision of trainee appraisers for a period of 12 months from the date of the Agreement; that McGowan take and pass the examination of a minimum 24-hour report writing course on or prior to June 30, 2005; that McGowan take and pass the examination of the 15-hour USPAP course on or prior to June 30, 2005; that McGowan take and pass the examination of a minimum 12-hour small residential income property course on or prior to June 30, 2005; that following completion of the education, McGowan maintain a log of all appraisals performed for a period of six (6) months and submit said log to the Board office on the first of each month; that the Board will select a maximum of three (3) appraisals from the log for review; that should review indicate that the appraisal(s) is not in substantial compliance with USPAP a new complaint will be filed, that McGowan pay \$440 to cover the cost of the review associated with these complaints, and that McGowan will pay the cost of the additional reviews performed within 30 days from the date of notification by the Board.

**JOHN HENRY HUGHES, II (L-907)
COMPLAINT # 372
TOPEKA**

VIOLATIONS: K.S.A. 58-4121, 58-4118(a)(6), 58-4118(a)(7); and 58-4118(a)(8)

ACTION: A Consent Agreement and Order was entered into on June 30, 2004, with the following terms and conditions: that Hughes must be supervised by a Kansas certified appraiser, in good standing with the Board, for a period of 12 months, beginning with the date of this Agreement; that Hughes will submit a log of all appraisals performed during that 12 month period, each entry to be signed by Hughes supervisor; said log to be submitted to the Board office on the first of each month; that at any time during that 12 month period, the Board may select any number of the logged appraisals for review; that Hughes pay \$400 to cover the cost of the reviews associated with this complaint, and that Hughes will pay the costs of a maximum of three additional reviews.

**VERNON HOPKINS (R-194)
COMPLAINTS #340, 356 & 357
BENTON**

VIOLATIONS: K.S.A. 58-4121; 58-4118(a)(6); 58-4118(a)(7); and 58-4118(a)(8).

ACTION: A Consent Agreement and Final Order was entered into on June 25, 2004, with the following terms and conditions: That Hopkins may renew his appraiser certification for one additional year or July 1, 2004 through June 30, 2005, if all licensing requirements are met and appraiser complies with the terms and conditions of the agreement; that after June 30, 2005, Hopkins agrees to never again renew, apply or seek any authority to conduct business under the Act; that effective June 25, 2004, Hopkins will cease and desist all supervision of anyone who conducts any appraisal, appraisal assignment, special services or who performs any activity covered by the Act; that Hopkins agrees to submit quarterly reports to the Board identifying each appraisal prepared by him during the period of July 1, 2004 through July 1, 2005; that the Board may review appraisals or any other activity over which they have jurisdiction, but Hopkins will be asked to pay for no more than three (3) reviews; that any evidence that Hopkins has violated the Act, the regulations governing the activities of an appraiser or subject Consent Agreement, the Board may issue a summary order immediately suspending Hopkins' license; and that Hopkins will pay the costs of the reviews associated with these complaints.

**JACK R CROSSMAN (L-521) COMPLAINT #381
CHENEY**

VIOLATIONS: K.S.A. 58-4121, 58-4118(a)(6), 58-4118(a)(7) and 58-4118(a)(8).

ACTION: A Consent Agreement and Order was entered into on September 7, 2004, with the following terms and conditions: That Crossman take and pass the examination of the 15-hour Uniform Standards of Professional Appraisal Practice course on or prior to June 30, 2005; that Crossman take and pass the examination of a minimum 24-hour report writing course on or prior to June 30, 2005; and that Crossman pay a fine of \$350 within 30 days from the date of the agreement.

**JASON E PRIEST (L-1146) COMPLAINT #358
OLATHE**

VIOLATIONS: K.S.A. 58-4121, 58-4118 (a) (6), 58-4118(a)(7), and 58-4118(a)(8).

ACTION: A Consent Agreement and Order was entered into on September 10, 2004, with the following terms and conditions: That Priest take and pass the examination of the 15-hour USPAP course on or prior to June 30, 2005; and that Priest pay \$640 to cover the cost of the review associated with this complaint within 30 days from the date of the Agreement.



BOARD PERFORMS EDUCATION AUDIT

During the Board's recent audit, approximately 20% of all appraisers who renewed for 2004 received a notice requiring that they submit copies of their completion certificates for continuing education, as reported on their renewal application. Of the 206 audits, two have been referred to the Board for possible action.

The Board staff would like to take this opportunity to thank all those who responded in such a prompt and well-organized manner. It certainly made this process go smoothly.

**SUPERVISION OF
PROVISIONAL TRAINEES**

Before accepting a trainee, each supervisor should be familiar with K.A.R. 117-5-2. **Be Aware**, it is the policy of the Board to file a complaint against a supervisor if, when experience is submitted by a provisional trainee, a review of that experience results in denial of licensure by the Board due to substantial non-compliance with USPAP.

**LICENSED/CERTIFIED APPRAISERS AS OF
OCTOBER 20, 2004**

GENERAL CERTIFIED	408
RESIDENTIAL CERTIFIED	337
STATE LICENSED	334
PROVISIONAL (TRAINEE)	155

TOTAL 1,234

NON-RESIDENT APPRAISERS

ALABAMA	1	NEBRASKA	11
ARIZONA	2	NEW JERSEY	1
CALIFORNIA	2	NEW YORK	1
COLORADO	10	OHIO	1
FLORIDA	1	OKLAHOMA	6
IOWA	5	PENN.	1
ILLINOIS	9	TEXAS	12
MISSOURI	279	WISCONSIN	1
MARYLAND	1		

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