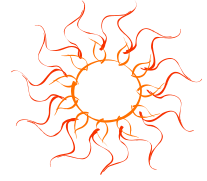




Kansas Real Estate Appraisal Board

2013

Summer Newsletter



September, 2013

Vol. 1

NEWS FROM THE APPRAISAL FOUNDATION

The Appraisal foundation has released two new pamphlets benefitting consumers and lenders. *A Guide to Understanding a Residential Appraisal* was developed specifically for consumers. Thousands of home buyers are given a copy of their appraisal prior to closing on their new home. This pamphlet provides consumers an overview of the residential appraisal and how it relates to the home buying process. *Appraisers, Appraisals & You: A Lender's Guide to USPAP*, was developed for lenders working in the loan underwriting process. This pamphlet provides insight to lenders in working with appraisers as well as an overview of the entire appraisal process.

Single copies of both pamphlets are available from the Foundation by downloadable PDF (free), a flip-book version (free) and in print edition (limited quantities available for bulk purchasing).

APPRAISAL STANDARDS BOARD (ASB)

Effective March 27, 2013, the ASB adopted its proposed revisions to Advisory Opinion 13 (AO-13), *Performing Evaluations of Real Property Collateral to Conform with USPAP*. The full text of this Opinion can be accessed at:

<https://appraisalfoundation.sharefile.com/download.aspx?id=s9906a4f957d4deeb>

On February 1, 2013, the ASB adopted modifications to the Uniform Standards of Professional Appraisal Practice (USPAP). Below is a summary of those changes incorporated in the 2014-15 edition of USPAP and associated guidance material with an effective date of January 1, 2014.

- Revisions to the DEFINITIONS of "Assignment Results" and "Scope of Work"
- Revisions to the PREAMBLE
- Revisions to the Conduct section of the ETHICS RULE
- Revisions to the COMPETENCY RULE
- Revisions to Reporting Requirements, including the type and number of Report Options
- Revisions to Standards Rule 3-5
- Retirement of STANDARDS 4 and 5
- Revisions to Advisory Opinion 11, *Content of the Appraisal Report Options of Standards Rules 2-2 and 8-2* and Advisory Opinion 12, *Use of the Appraisal Report Options of Standards Rules 2-2 and 8-2*.

The Board is also considering revisions to Advisory Opinion 21 (AO-21), *USPAP Compliance*, which, if adopted, will appear in the 2014-15 USPAP.

Revisions not adopted for 2014-15 USPAP include:

- Proposed revisions to the DEFINITION of "Report"
- Proposed revisions to the RECORD KEEPING RULE.

For the full text of the changes to be made, go to:

<https://appraisalfoundation.sharefile.com/download.aspx?id=sc1a9de474cd4769a>

APPRAISAL PRACTICES BOARD (APB)

The APB has been charged with the responsibility of identifying and issuing opinions on Recognized Valuation Methods and Techniques, which may apply to all disciplines within the appraisal profession. The APB will offer voluntary guidance in topic areas which appraisers and users of appraisal services feel are the most pressing. There are current two exposure drafts: *Concept Paper – Valuation Issues in Separating Tangible and Intangible Assets*, <https://netforum.avectra.com/eweb/DynamicPage.aspx?Site=taf&WebCode=APBDrafts> and

Valuation of Green Buildings: Background and Core Competency, <https://appraisalfoundation.sharefile.com/download.aspx?id=s319e3972cbd4fe7a>.

(continued)

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The following topics can be found in their archive at <https://appraisalfoundation.sharefile.com/download.aspx?id=s862ed1a62684049b> :

- Adjusting Comparable Sales for Seller Concessions
- Collection and Verification of Sales Data
- Residential Appraising in a Declining Market
- Identifying Comparable Properties Automated Valuation and Mass Appraisal Models
- Measurement and Application of Market Participant w/Exhibits
- Valuation of Customer-Related Assets

APPRAISAL QUALIFICATIONS BOARD (AOB)

In their 2nd Exposure Draft of Proposed Interpretation and Revision to the *Real Property Appraisal Qualification Criteria*, the AOB addresses Continuing Education Waivers and Deferrals. In May 2006, the AOB adopted an interpretation prohibiting all waivers of continuing education, and limited deferrals of continuing education to individuals returning from active military duty seeking to reactivate their appraiser credentials. Their revised interpretation for the 2008 criteria (currently in place) modifies this interpretation to read *Deferrals may not be granted to credential holders, except in the case of individuals returning from active military duty, or individuals impacted by a state- or federally-declared disaster.*

Below is a reprint of the January 24, 2012 press release addressing the changes to the Real Property Appraiser Qualification Criteria that will become effective on January 1, 2015.

Washington, DC — The Appraisal Foundation is pleased to announce that Proposed Revisions to the *Real Property Appraiser Qualification Criteria* (Criteria) have been adopted by the Appraiser Qualifications Board (AOB). The AOB is an independent Board of the Appraisal Foundation. The AOB is responsible for developing minimum qualifications for education, experience, examination, and continuing education for real property appraisers in the United States.

The Criteria, which were adopted at the December 2011 meeting of the AOB, will be effective on January 1, 2015. The changes to the Criteria are the result of five public exposure drafts, covering a period of 15 months. Feedback was received from interested parties in the form of comment letters as well as comments made to the Board at public meetings. The changes to the Criteria will affect individuals seeking a real property appraiser credential as of January 1, 2015. It is important to note that individual State Appraiser Regulatory Agencies may opt to implement the Criteria earlier than the 2015 deadline.

A summary of the changes to the Criteria include:

- Education and experience will have to be completed prior to taking the *National Uniform Licensing and Certification Examinations*;
- Applicants for the Certified Residential and Certified General classifications will have to possess a Bachelor's degree or higher from an accredited college or university;
- Applicants for the Licensed Residential classification will have to have successfully completed 30 semester hours of college-level education from an accredited college, junior college, community college, or university, *or* have an Associate's degree or higher from an accredited college, junior college, community college, or university.

- All candidates will be required to undergo a background check;
- Recognition of approved university degree programs as counting toward the education requirements in the *Real Property Appraiser Qualification Criteria*;
- Removal of the "Segmented" Approach to the *Real Property Appraiser Qualification Criteria* implementation;
- *Prohibition of repetitive continuing education in the same continuing education cycle*;
- *clarification of the term "written examination"*;
- *Revisions to the Trainee Appraiser classification that will include a requirement to take a course oriented to the requirements and responsibilities of Trainee Appraisers and Supervisory Appraisers*;
- *New Supervisory Appraiser requirements*;
- *Revisions to Guide Note 1*; and
- *Additions to the illustrative list of educational topics acceptable for continuing education.*

A more detailed summary of the changes to the Criteria is available at the following link:

<https://appraisalfoundation.sharefile.com/d/sd2f26fafefe402ab>.

Any questions on the *Real Property Appraiser Qualification Criteria* and the work of the Appraiser Qualifications Board can be directed to Magdalene Vasquez, Qualifications Administrator at (202) 624-3074.



APPRAISAL MANAGEMENT COMPANIES

It's now been just over a year since the KREAB began registering Appraisal Management Companies (AMC) and we are in the process of completing our first renewal. We have received 120 applications for registration and currently have 117 AMCs registered.

Each appraiser is responsible for ensuring that the AMC they are accepting assignments from is registered in Kansas. Each letter of engagement is required to include the AMC's Kansas registration number; however, it is still the responsibility of the appraiser to verify that the AMC is current. A listing of current AMCs can be located on the Board's website at

<http://www.kansas.gov/kreab/pdf/AMC/AMC%20List.pdf>.

Appraiser's wanting to file a complaint against an AMC must do so in writing. The letter should include the name of the AMC, the basis of the complaint, and copies of any documentation you have.



IMPORTANT NOTICE TO SUPERVISORS!

If you are training, whether the trainee has the provisional license or is working unlicensed, discuss with them how the 2015 criteria changes will affect them. If you are unsure, have the trainee contact our office.

Anyone whose license/certification has not been issued on or prior to January 1, 2015, will become subject to the criteria change. Those changes affect the college level education, testing, and supervised experience. Keep in mind that experience can take up to four (4) months to process, review, and present to the Board for approval. Experience applications and logs should be submitted no later than August 31, 2014 to ensure adequate time for processing.



Utilizing a Data Entry Service

Q I primarily perform residential appraisal assignments for mortgage finance purposes. I recently received a solicitation from a company that is offering to enter all the data into my appraisal software program for me at a very low cost. Is this something that is allowed under USPAP?

A There are two primary concerns. The first concern is whether the service provider is performing significant real property appraisal assistance. If the service provider simply performs clerical tasks, such as entering information provided by the appraiser, USPAP does not require disclosure; this would be a clerical service, not significant real property appraisal assistance. However, if the service includes performing tasks that require appraisal competency, the name of each individual performing that service must be stated in the certification as having provided significant real property appraisal assistance, and the extent of the assistance must be addressed within the appraisal report. Tasks that require appraisal competency include, but are not limited to, rating a property's quality or condition, estimating remaining economic life, and selecting comparable data.

The second concern deals with the issue of appraiser-client confidentiality. The Confidentiality section of the ETHICS RULE states, in part:

- *An appraiser must not disclose: (1) confidential information; or (2) assignment results to anyone other than:*
- *the client;*
- *persons specifically authorized by the client;*
- *state appraiser regulatory agencies;*
- *third parties as may be authorized by due process of law; or*
- *a duly authorized professional peer review committee except when such disclosure to a committee would violate applicable law or regulation.*

Therefore, the appraiser is prohibited from disclosing *confidential information or assignment results* (both, as defined in USPAP) to anyone other than the parties identified in the ETHICS RULE without the client's permission.

Shelf-Life of an Appraisal or Appraisal Report

Q I've received inquiries from some of my clients asking me how long my appraisal reports are valid. In other words, what is the useful life or shelf-life of my appraisal? Is this addressed in USPAP?

A USPAP does not determine the length of time for which an appraisal or appraisal report is valid. Various users of appraisal services may establish their own requirements or guidelines for the validity period of an appraisal or appraisal report.

It is also important to note that USPAP distinguishes an appraisal from an appraisal report. An appraisal is an opinion of value while an appraisal report is any communication, written or oral, of an appraisal that is transmitted to the client upon completion of an assignment.

Two dates are essential to an appraisal report: the effective date of the appraisal and the date of the report. The effective date of the appraisal establishes the context for the value opinion, while the date of the report indicates whether the perspective of the appraiser

on the market and property as of the effective date of the appraisal was prospective, current, or retrospective.

As such, the effective date of the appraisal, the date of report, or both may be important reference points when determining when a new appraisal or appraisal report is required.

Templates or Forms used in Appraisal Review Assignments and USPAP Compliance

Q I am often asked to perform appraisal review assignments using a particular report form. Standards Rules 2-2 and 8-2 include language that specifically requires appraisers to supplement a report form when necessary to ensure that intended users are not misled and to that the report complies with USPAP. If an appraisal review report form does not adequately address the minimum requirements of USPAP, am I required to supplement it with the necessary information?

A Yes. Each assignment is different, and no form could cover all USPAP requirements for all assignments. Templates or 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 review and to properly report the assignment results. A template or form may or may not be adequate to report the assignment results and comply with USPAP. In these situations, the appraiser must ensure the report complies with the minimum reporting requirements set forth in USPAP for communicating an appraisal review assignment. The substantive content of a report determines its compliance.

Rebuttals and Appraisal Reviews

Q I am a state certified appraiser and recently performed an appraisal assignment for a client. The client subsequently had an appraisal review performed on my appraisal and the reviewer brought up some issues that I do not agree with. My client has asked me to provide a written "rebuttal" explaining why I believe I'm correct.

In "defending" my appraisal, I am concerned that I would be, at least indirectly, offering an "opinion on the quality of another appraiser's work that was performed as part of an appraisal review," which could mean that I would be required to comply with STANDARD 3. Furthermore, I am concerned that in this "rebuttal" I may not be able to be objective and unbiased, since I have an interest in defending my original appraisal. How can I perform this "rebuttal" without violating USPAP?

A USPAP does not prohibit an appraiser from "defending" (or explaining) his or her appraisal. However, there is a fine line between defending one's own appraisal and offering an opinion on the quality of another's work.

A "rebuttal" where an appraiser simply provides additional rationale or support for his or her analyses, opinions, and conclusions is not a new assignment under USPAP, and there are no Standards that apply. However, if the appraiser agrees to also examine the appraisal review and critique what the reviewer has done, it becomes an appraisal review and the appraiser must comply with STANDARD 3.

Difference Between Appraisal and Appraisal Report

Q I have heard some very experienced appraisers and appraisal clients use the terms appraisal and appraisal report interchangeably. I know they are each defined separately in USPAP; what is the difference between the two?

A It is important to understand that USPAP distinguishes an appraisal from an appraisal report. An appraisal is an opinion

of value. An appraisal report is the communication of an appraisal, which is transmitted to the client upon completion of an assignment. In other words, the appraisal is the opinion itself, while the appraisal report is the communication of that opinion to the client.

Signed and Dated Certification Requirement for an Oral Appraisal Review

Q I understand that a signed and dated certification is required to be maintained in the workfile when an oral appraisal report has been communicated. Is there a similar workfile requirement for an oral appraisal review report?

A Yes. The requirements identified in the RECORD KEEPING RULE apply to oral reports and testimony in an appraisal, appraisal review, or appraisal consulting assignment. The RECORD KEEPING RULE states, in part:

An appraiser must prepare a workfile for each appraisal, appraisal review, or appraisal consulting assignment.

The workfile 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. (A true copy is a replica of the report transmitted to the client. A photocopy or an electronic copy of the entire report transmitted to the client satisfies the requirement of a true copy.);*
- **summaries of all oral reports or testimony, or a transcript of testimony, including the appraiser's signed and dated certification;**
- *all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or references to the location(s) of such other documentation; and*
- *a workfile in support of a Restricted Use Appraisal Report must be sufficient for the appraiser to produce a Summary Appraisal Report (for assignments communicated under STANDARDS 2 and 8) or an Appraisal Report (for assignments communicated under STANDARD 10). (Bold added for emphasis.)*

Differing Scopes of Work

Q I recently completed an appraisal that complied with FHA guidelines, including a more detailed physical inspection of the subject property than is normally performed for conventional loans. The borrowers changed their minds and are now opting for a conventional loan. Can I simply remove any references to FHA guidelines and resubmit the appraisal for conventional loan purposes? What if I had named FHA/HUD as an intended user in my original appraisal report, can I remove them as an intender user as well?

A USPAP would not preclude you from preparing a new report that removed references to any FHA guidelines. However, if you obtained any information as a result of your inspection of the subject property for FHA purposes, you would have to disclose the results of that inspection, even if it were a more thorough inspection than required for conventional financing. For example, if you noted roof problems because you entered the attic when performing your inspection for FHA, you would be obligated to disclose those same results, even if you wouldn't typically access an attic when inspecting the subject property for conventional financing.

Because FHA/HUD was named as an intended user in your original report, USPAP requires you to treat the request as a *new assignment*, since the intended user(s) are an assignment element, and as such, cannot be changed in the same assignment.

The USPAP Q&A is posted on The Appraisal Foundation website (www.appraisalfoundation.org). The ASB compiles the USPAP Q&A into the USPAP Frequently Asked Questions (USPAP FAQ) for publication with each edition of USPAP. In addition to incorporating the most recent questions and responses issued by the ASB, the USPAP FAQ is reviewed and updated to ensure that it represents the most recent guidance from the ASB. The USPAP Frequently Asked Questions can be purchased (along with USPAP and USPAP Advisory Opinions) by visiting the "Foundation Store" page on The Appraisal Foundation website (<https://commerce.appraisalfoundation.org>).

For further information regarding USPAP Q&A, please contact:

John S. Brennan, Director of Appraisal Issues
The Appraisal Foundation
1155 15th Street, NW, Suite 1111
Washington, DC 20005
(202) 624-3044 (202) 347-7727 fax
john@appraisalfoundation.org



HOW WILL THE 2015 CRITERIA CHANGES AFFECT LICENSURE IN KANSAS?

We believe the change that will impact most is that there will be no "segmented approach" when implementing these changes in Kansas. In other words, if you begin the licensing process, it must be completed (education application received and approved, test taken and passed, experience submitted and approved by the Board and your license/certification issued) on or prior to December 31, 2014. If the license/certification has not been issued by that date, you would be subject to the new criteria.

WHAT WOULD THAT MEAN? For one thing, if you used the "in lieu of" option currently in place for the college level education for both the Residential and General certifications, you would no longer qualify, as effective January 1, 2015, that option will no longer apply. If you are seeking the Residential certification and have only an Associate's degree, you will no longer qualify, as the college level education requirement will be a Bachelor's degree. If you are applying for the State License, you would no longer qualify if you do not have the 30-hours of college-level education or an Associate's degree of higher (in any field).

If you are a Provisional Trainee when the new criteria takes effect in 2015, there are several areas where you will be impacted. First, your education may no longer qualify you for the license/certification level you are provisioning to (see above). Also, as the new criteria will require that both a trainee and a supervisory appraiser must have taken and passed a course specific to supervision. If that course has not been completed by January 1, the Trainee would be required to cease supervised appraisal work and the Supervisor must cease all supervisory work until the course has been completed and applicable notifications have been made. It is also possible that your Supervisory appraiser would no longer qualify to supervise as those requirements will change from: (a) carrying a state license/certification for a minimum of 2 years to carrying a certification for a minimum of 3 years; and (b) in good standing for a period of 2-years prior to supervision to in good standing for a period of 3-years prior to supervision.

TIME LINE EXAMPLES:

Applicants for the Certified General Classification: For a new applicant (not an up-grade from a current appraiser li-

cense/certification), assuming that no experience has been accrued prior to applying, the education application should be submitted to the Board office on or prior to June 30, 2012. An applicant's experience must cover no less than 30 months and the approval process of the experience can take up to 4 months. There would still be no guarantee that the certification could be issued prior to January 1, 2015. **Keep in mind** that the only change that will have much bearing on the certified general applicant is the removal of the "in lieu of" option for the college level education. If you already have your Bachelor's Degree, the January 1, 2015 date carries less importance. It may, however, impact you with regard to the test if you have already taken it. The new criteria require that the test be the last step in the process. If your experience is not completed and submitted until after January 1, 2015, and you have already taken and passed the exam, it will be invalid and you will be required to retest provided your experience is approved. It may also impact you with regard to who is allowed to supervise you.

Applicant for the Certified General Classification: For a current licensed/certified appraiser seeking to up-grade, it is assumed that he/she would have met their 3,000 experience hours already (1,500 of which must be in non-residential appraisals and must have been supervised), therefore the time frame is not so rigid; however, if the applicant has only residential appraisals at the time they apply, they must meet the 1,500 hours of non-residential appraisals and must take that time into account when submitting an application. At a minimum, an application to upgrade to the Certified General classification should be submitted by the first of 2014 to ensure that the certification can be issued prior to the cut-off date. Again, if you already have your Bachelor's Degree and you have not taken the test, the January 1, 2015 date carries less importance.

Applicant for the Certified Residential Classification: For a new applicant (not an up-grade from a current appraiser license), assuming that no experience has been accrued prior to applying, the education application should be submitted to the Board office on or prior to December 31, 2012. An applicant's experience must cover no less than 24 months and the approval process of the experience can take up to 4 months. There would still be no guarantee that the certification could be issued prior to January 1, 2015. **Keep in mind** that the only changes that will have much bearing on the certified residential applicant is that instead of an Associate's Degree, they must have a Bachelor's Degree, and the removal of the "in lieu of" option for the college level education. The new criteria require that the test be the last step in the process. If your experience is not completed and submitted until after January 1, 2015, and you have already taken and passed the exam, it will be invalid and you will be required to retest provided your experience is approved. It may also impact you with regard to who is allowed to supervise you.

Applicant for the Certified Residential Classification: If this is a current licensed appraiser seeking to up-grade, it is assumed that he/she would have met their 2,500 experience hours already, therefore the time frame is not so rigid; however, at a minimum, an experience application to upgrade to the Certified Residential classification should be submitted within the first half of 2014 to ensure that the certification can be issued prior to the cut-off date. If you already have your Bachelor's Degree, the January 1, 2015 date carries less importance. It may, however, impact you with regard to who is allowed to supervise you.

Applicant for the State Licensed Classification: As the required time frame to meet the 2,000 hours of experience is only 12 months for the licensed classification, an education application under the current criteria would need to be submitted prior to July 1, 2014. The change to the requirements for the state license require that an applicant have completed 30 semester hours of college level educa-

tion (no specific areas of study required). If an applicant has a degree or has already completed the 30 semester hours, the January 1, 2015 date carries less importance. It may, however, impact you with regard to who is allowed to supervise you.

Provisional (Trainee): Each Provisional licensed appraiser will be required to have completed and submitted their experience to the Board on or prior to December 31, 2014. If not submitted prior to the January 1, 2015 effective date of the new criteria, they will be required to meet all current criteria prior to issuance of the license/certification. For example, a Provisional licensed appraiser was issued their trainee license on August 1, 2007. They had met the education requirements in place at that time for the Certified Residential classification. They complete their experience and submit their application on March 1, 2015. Before that experience can be reviewed for approval, the trainee will be required to re-file their education application, proving that they have met the current education criteria for the Certified Residential classification. If they took and passed test prior to approval of their experience, that test would be invalid and they would be required to re-test.

Supervisors/Trainees: Effective January 1, 2015, all supervisors/trainees will be required to have completed a specific course for supervised work. It is assumed that these courses will be available at least several months prior to January 1; however, it will be the responsibility of each supervisor/trainee to seek the course prior to continuing supervision/supervised work on and after January 1. Any experience accrued after January 1 where either the supervisor or the trainee have not completed the course and reported same to this office, would be ineligible for experience credit.

Also, each supervisor will be required to have carried their certification (no licensure period will count) for a minimum of 3 years and must have been in good standing (not subject to any disciplinary action) within the last 3 years.





DISCIPLINARY ACTIONS

C. Scott Sparks (G), Kingman
Violations: K.S.A. 58-4121, 58-4118(a)(6), (7), & (8).

A Consent Order was entered into on February 18, 2013, with the following terms and conditions: That Sparks pay a \$250 fine within 30 days from the date of the Order and that Sparks maintain a log of all appraisals he performs or in which he participates for a period of 60 days, said log to be submitted to the Board office at the end of each 30 day period. The Board will select up to 3 reports from said logs for additional review. Sparks is to pay the cost of the additional reviews within 30 days from notification by the Board.

LaVon R. Webb ®, Topeka
Violations: K.S.A. 58-4121, 58-4118(a)(6), (7), & (8).

A Consent Order was entered into on April 8, 2013, with the following terms and conditions: That Webb take and pass the examination of Qualifying Education Module (QEM) #3, USPAP, on or prior to June 30, 2014; that Webb take and pass the examination of QEM #9, Advanced Residential Applications and Case Studies, on or prior to June 30, 2014; and that Webb pay \$900 to cover the cost of the review associated with this complaint within 30 days from the date of the Order.

Steven J. Cohorst ®, Marysville
Violations: K.S.A. 58-4121, 58-4118(a)(6), (7), & (8).

A Consent Order was entered into on April 11, 2013, with the following terms and conditions: That Cohorst take and pass the examination of Qualifying Education Module (QEM) #2, Basic Appraisal Procedures, on or prior to December 31, 2013; that Cohorst take and pass the examination of QEM #6, Residential Sales Comparison and Income Approaches, on or prior to December 31, 2013; and that Cohorst pay \$500 to cover the cost of the review associated with this complaint within 30 days from the date of this Order.



KANSAS APPRAISERS AND AMCS AS OF SEPTEMBER 10, 2013

CERTIFIED GENERAL	435
CERTIFIED RESIDENTIAL	441
STATE LICENSED	118
PROVISIONAL (TRAINEE).....	20
TOTAL	1,014
APPRAISAL MANAGEMENT CO.....	117

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