



# NORTH CAROLINA APPRAISAL BOARD

# APPRAISER REPORT

Volume 17

August 2007

Number 2

## Appraiser's Act Amended

Several changes were made to the Appraiser's Act during the 2007 Legislative Session. Most changes are effective **October 1, 2007**. Rule-making is in progress to reflect these changes. Some of the more important changes are:

- Trainees must have at least a high school diploma or equivalent.
- The application fee goes from \$150 to \$200.
- Applicants must pay for and submit a criminal record report with their applications.
- Late fee for renewals goes from \$5 a month to \$10 a month.
- Course sponsors must pay \$5 to the Board per student for each CE course.
- Replacements for lost registrations, licenses or certificates increases from \$5.00 to \$10.00.
- Fees for prelicensing courses have been set at \$100.00 for approval of a course and \$50.00 for renewal of a course, regardless of type of school or sponsor.
- Anonymous complaints will not be opened.
- A surrender of a registration, license or certificate is for a minimum of five years.
- Trainees and appraisers have 30 calendar days to respond to a complaint or answer a letter of inquiry. The trainee or appraiser must send copies of all documents requested by the Board.

Two major changes are effective **January 1, 2008**.

- **The Board will no longer issue a license for a licensed residential appraiser.** Those who are currently licensed will be allowed to keep that license as long as it is properly renewed each year. Applications that have been received but not approved before January 1, 2008 will be returned to the applicant.
- The 2008 AQB increase in education will become effective which makes North Carolina in full compliance with AQB requirements. □

## Board Elects Officers

Henry E. Faircloth has been elected Chairman of the Appraisal Board for 2007-2008. This represents a record fifth term that Mr. Faircloth has served the Board as Chairman. He was first appointed to the Board on July 1, 1991 and has served continuously based on the appointment of the President Pro Tempore of the North Carolina Senate.

Mr. Faircloth owns a construction company which specializes in commercial construction. He is on the Board of Trustees for Sampson Community College and is very active in both civic and community affairs. He and his wife, Faye, make their home in Salemburg.

J. Vance Thompson has been elected Vice-Chairman of the Board for 2007-2008. Mr. Thompson was originally appointed to the Board by Governor James B. Hunt, Jr. in 1998 and has continuously served by being appointed to additional terms by Governor Michael F. Easley.

Mr. Thompson, a certified residential appraiser and real estate broker, was County Tax Supervisor for Surry County and has held both local and state offices in the National Association of Independent Fee Appraisers. He has been very active in local civic and community affairs. He and his wife Betty make their home in Elkin. □

## STAFF UPDATE

Deborah Liggins began work in April 2007 as the Board's receptionist. Her primary responsibility is communications. Ms. Liggins will most likely be the person who greets you by telephone or in person if you visit our office. Ms. Liggins has many years of experience as an office administrator and most recently was employed as office manager of a local appraisal company.

# APPRAISERREPORT

Published as a service to appraisers to promote a better understanding of the Law, Rules and Regulations, and proficiency in ethical appraisal practice. The articles published herein shall not be reprinted or reproduced in any other publication, without specific reference being made to their original publication in the **North Carolina Appraisal Board Appraisereport**.

## NORTH CAROLINA APPRAISAL BOARD

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Michael F. Easley, Governor

### APPRAISAL BOARD MEMBERS

Henry E. Faircloth  
Chairman ..... Salemburg  
J. Vance Thompson  
Vice-Chairman ..... Elkin  
J. David Brooks ..... Oxford  
Charles K. Hinnant ..... Kenly  
W. Tom Morgan ..... Raleigh  
Earl M. Worsley, Jr. .... Wilmington  
Larry N. Wright ..... Candler

### STAFF

Philip W. Humphries, *Executive Director*  
Roberta A. Ouellette, *Legal Counsel*  
Donald T. Rodgers, *Deputy Director*  
Thomas W. Lewis, III, *Investigator*  
Jeffrey H. Davison, *Investigator*  
Terri S. Haywood, *Investigator*  
Kim N. Giannattasio, *Executive Office Administrator*  
Jacqueline Kelty, *Administrative Assistant*  
Mindy M. Sealy, *Administrative Assistant*  
Deborah C. Liggins, *Receptionist*

### APPRAISER COUNT

(As of August 8, 2007)

Trainees ..... 937  
Licensed Residential ..... 377  
Certified Residential ..... 1957  
Certified General ..... 963  
Total Number ..... 4234

### APPRAISER EXAMINATION RESULTS

January 2007 - June 2007

Examination	Total	Passed	Failed
Trainee	261	200	61
Licensed Residential	46	44	2
Certified Residential	106	79	27
Certified General	36	22	14

Examinations are administered by a national testing service. To apply for the examination, please submit an application which may be downloaded from the Appraisal Board's website at <http://www.ncappraisalboard.org/forms/InfoAndApp.pdf>

# You Must Personally Affix Your Signature!

A recent rule change makes it clear that trainees and appraisers must personally affix their signatures to their appraisal reports. If the appraisal report is sent electronically and signed with a digital or electronic signature, the appraiser signing the report must be the one to affix his or her signature. For example, if a trainee completes a report and sends the report to his supervisor for approval, the report must not be sent with the trainee's signature already on the report, and the supervisor cannot affix the trainee's signature once the report has been reviewed and signed by the supervisor. Likewise, the trainee cannot affix the supervisor's signature to the report. Trainees and appraisers may not allow office personnel, an appraisal management company, a client, or any other person or entity to have the ability to affix their signatures to appraisal reports. □

## All Trainees and Appraisers Must Keep Logs!

A recent rule change now requires that all trainees and appraisers must log certain information for every appraisal they perform. For trainees and appraisers who are keeping a log in order to upgrade, the current log form satisfies this rule change.

For trainees and appraisers who do not plan to upgrade, the new log must consist of five items. Those items are (1) the trainee's registration number or the appraiser's license or certificate number, (2) the street address of the subject property, (3) the date the report was signed, (4) the name of anyone assisting in the preparation of the report, and (5) the name of the client. There is no Appraisal Board form for this log. Logs can be kept in any format, including electronic. If your software will generate such a report upon request, you will not need to keep a separate log. Logs must be updated at least every 30 days.

Please note that the experience logs that have been used for many years will change beginning January 1, 2008 to meet a new AQB requirement. Work experience will be documented by hours, not by points, beginning on this date. The Board will revise and convert the current point system to hours and will notify licensees of the changes later this year. □

## Mission Statement

The mission of the North Carolina Appraisal Board is to protect consumers of real estate services provided by its licensees by assuring that these licensees are sufficiently trained and tested to assure competency and independent judgment. In addition, the Board will protect the public interest by enforcing state law and Appraisal Board rules to assure that its licensees act in accordance with professional standards and ethics. □

# What Tasks Can an Unlicensed Assistant Perform in North Carolina?

North Carolina law requires that any one who assists in the preparation of an appraisal be registered as a trainee (N.C.G.S. §93E-1-3(b)) or be a licensed or certified appraiser. Questions have arisen as to exactly what an unlicensed assistant can lawfully do in this state without violating the Appraisers Act.

An unlicensed assistant may be a secretary or other administrative assistant, a college student working a summer job at a parent's appraisal firm or a person looking to gain knowledge of the appraisal business. Some examples of what these people do include obtaining copies of tax cards, deeds and maps. They may also assist in measuring the property by holding the "dumb" end of a tape, check MLS listings for data and type the report.

Unlicensed assistants may **not** select comps, measure or inspect a property, make adjustments to comps or draft an appraisal report. The distinction is that only a licensed or certified appraiser should make the professional decisions required when performing an appraisal. Unlicensed assistants can only do work of a clerical nature and cannot exercise any independent judgment when performing those tasks.

In some areas with comprehensive listing services and GIS systems, an unlicensed assistant may pull general information from those sites. For example, the assistant can run a list of all sales in the subject subdivision that occurred in the past year. The appraiser could also ask the assistant to find all sales of properties in a zone or zip code that had certain characteristics similar to the subject property, such as square feet or room count. The difference is

that the assistant cannot generate such a specific list on his or her own initiative. To do so is engaging in appraisal activity.

Under some limited circumstances unlicensed assistants may take photographs at the direction of the appraiser. For example, if the appraiser has already taken photographs of the comparison sales and discovers that one photo did not come out; the appraiser could ask an unlicensed assistant to retake that one photograph. An unlicensed assistant should not be allowed to take photographs at his or her discretion.

The appraisal report need not state that the unlicensed assistant performed clerical tasks. USPAP and state law require only that anyone providing significant real estate appraisal assistance be mentioned

in the appraisal report. The licensed or certified appraiser signing the report takes full responsibility for the report. If any work performed by an unlicensed assistant is incompetent or misleading, it is the appraiser who will bear the consequences. For example, if a secretary types up a report which contains erroneous information, such as incorrect sales dates or prices for comps, and the appraiser signs the report, it is the appraiser who takes responsibility for issuing a misleading report; the appraiser cannot rely on the defense that the assistant made a typographical error which the appraiser did not notice.

An unlicensed assistant who wishes to perform more than clerical tasks should be encouraged to become a registered trainee. □

## Fee Schedules

A large appraisal company has been contacting appraisers to subcontract appraisals in their area of the state. The company sets forth a fee schedule in which fees for residential appraisals are determined by the appraised value of the property. For example, the fee for property appraised at \$100,000 to \$500,000 may be \$350; the fee for property appraised at \$500,000 to \$900,000 may be \$400. The Management Provision of the Ethics Rule of USPAP makes it clear that an appraiser cannot accept an assignment having a compensation arrangement that is contingent upon the amount of a value opinion. Compensation for the **complexity** of the assignment in a manner that does not address appraised value would be more appropriate. For example, a fee schedule based on square feet of the subject dwelling or estimated time to complete the assignment would be acceptable. If an appraiser accepts assignments in accordance with the fee schedule as proposed by the company, he or she could be in violation of the Ethics Rule of USPAP.

# Mortgage Fraud—How to Spot It

By now, most appraisers are familiar with the harm that can be done to consumers due to mortgage fraud. Newspapers are full of articles regarding this growing problem, and appraisers are starting to be sentenced to federal prison for participating in these schemes.

There are several ways an appraiser can ascertain whether he is in the middle of a mortgage fraud transaction. It should be noted that an appraiser may still be able to do the appraisal for the transaction, but must scrupulously follow USPAP to make sure he does not contribute to the scheme.

Here are some red flags to look for:

- ***The sales price on the contract is higher than the listing price for the property.*** Unless there is evidence of a bidding war, an increased sales price is usually a way for a buyer to try to get 90% or even 100% financing based on an inflated appraisal. A higher sales price than list price is used in what is known as a “layered transaction”: a transaction where layers are added to the sales price to cover other items of value, such as down payments, loan fees, increased commissions for the mortgage broker or cash to the buyer before or after closing.
  - ***After you complete your appraisal, you are told that the sales price has increased and are asked to change the appraisal to reflect this new contract. Be extremely cautious if you are asked to do this.*** This is a new appraisal assignment, and obviously you have to change the effective date of the appraisal to the date of the new contract. If you accept this assignment, you must mention the prior sales contract in the report.
  - ***The sales contract contains excessive costs to be paid by the seller.*** This is often combined with a sales price that is higher than the list price. Buyers still get the property for the actual sales price, but with better financing.
  - ***The sales contract or other documents indicate gifts to be paid by others as part of the purchase agreement.*** Many times these “gifts” are never actually made, but are done to qualify someone for a lower interest loan. Often this is done with an inflated sales price for the property, and an increased loan amount. See the article elsewhere in this edition of the *Appraiserreport* regarding down payment assistance.
  - ***The seller or buyer tells you to state that the property is owner-occupied on the appraisal report when it appears to be occupied by a tenant or is vacant.*** The seller may tell you that he plans to move into it or is getting new furniture. Sometimes the seller will “stage” the house to make it look lived in.
  - ***You are told that the property will be repaired or construction will be complete by the time the sale occurs, so you should appraise the property as if it were complete, but check the “as is” box on the report.*** You must indicate the actual condition of the property on the effective date of the appraisal unless you are specifically told to perform the appraisal subject to completion.
- In a “subject to” appraisal, you should list the items to be completed or repaired.
- ***The sales agreement includes personal property “at no additional cost.”*** This may include a car or a boat or other types of incentives to purchase the property. For example, the seller includes a boat valued at \$10,000 with the property. This personal property may be a sales concession, which reduces the actual value paid for the subject.

So how do you protect yourself from getting involved in mortgage fraud? First of all, insist on receiving a signed copy of the sales contract. Secondly, disclose all known information regarding the sales contract in the appraisal report, even if it means attaching a lengthy addendum. Take sufficient photographs to document the condition of the property on the effective date of the appraisal. Even if you do not attach them to the appraisal report, you will have them in your work file if a question arises in the future about your report. If the owner says that he lives in the subject dwelling and you have questions about it, make sure you know the facts before you indicate the occupancy status on your appraisal report. If you cannot verify the information, explain the situation in the appraisal report.

Finally, don't allow pressure from a buyer, seller or client to influence your appraisal. After all, you are the one who could lose your appraisal license for participating in mortgage fraud! □



# **Down Payment Assistance & Gifts Are Seller Concessions!**

As an appraiser, you must report seller concessions in an appraisal report as part of the analysis of the sales contract required by Standards Rule 1-5 of USPAP. Sales concessions must also be reported for your comparable sales, and subtracted from the sales price in the Sales Comparison Approach, if they inflated the sales price. Sales concessions may include special financing, gifts, personal property included with the sale, closing costs paid by the seller, or other financial incentives. **Whenever the sales price exceeds the list price, you should check to see if there were seller concessions.**

Appraisers are familiar with the definition of market value: the most probable price which a property will bring in a competitive and open market, where the buyer and seller are typically motivated and are well-informed, where a reasonable time is allowed for exposure to the open market, where payment is made in terms of cash, and *where the sales price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.*

There has been an increase in this state of sales that are using down payment assistance programs. In this program, the seller gives a “gift” to a charity (which is usually an entity set up solely to funnel these gifts), which in turn gives the “gift” to the buyer.

The buyer then uses the “gift” to make a down payment on the property. The amount of the “gift” is usually added to the sales price. In essence, the buyer is not putting any money down on the transaction. The lender believes that with the down payment, there is an 80% - 95% loan to value ratio.

In your appraisal practice, you must verify the comparable sales information you have

received, and you must analyze such information. This includes analyzing any sales concessions that were made. If you find that these concessions are outside of what is normal for this market area, you must then subtract those seller concessions from the sales price or make appropriate adjustments to reflect the concessions in your Sales Comparison Approach. □

## **Appraisers cannot place liens on property for unpaid appraisal fees!**

It has come to the attention of the Board that appraisers are attempting to place liens on real property for unpaid appraisal fees. State law allows such liens only after the appraiser has sued the homeowner and won a judgment, and the judgment remains unpaid.

Some appraisers appear to be under the impression that they can file a lien on the subject property because the owner benefited from the appraiser’s services. North Carolina lien laws require that the appraiser have a contract with the homeowner to provide a service before a lien can be placed. If anyone other than the property owner engages the services of the appraiser, that person or entity is the client and the lien laws definitely do not apply under any circumstances.

In a small number of circumstances, the property owner directly engages the services of the appraiser to determine a value of the property for the owner’s personal use. Even if this is the case, the mechanic’s lien law still does not apply. A mechanic’s lien can be placed upon the property only in very limited situations. The services provided must “improve” the property in a physical way, such as building an addition on the property, adding landscaping or constructing driveways. Any person who performs or furnishes labor or materials pursuant to a contract to make an improvement on a property has the right to file a lien. There is a specific statutory allowance for a lien for architects and landscape professionals, but there is none for real estate appraisers.

Filing a lien not authorized by statute is a Class 1 misdemeanor. In addition, filing such a lien may result in a complaint being filed against an appraiser.

# Approved Continuing Education Courses

(As of August 24, 2007)

Listed below are the courses approved for appraiser continuing education credit as of date shown above. Course sponsors are listed alphabetically with their approved courses. Shown parenthetically beside each course title are sets of numbers [for example: (15/10)]. The first number indicates the number of actual classroom hours and the second number indicates the number of approved continuing education credit hours. You must contact the course sponsor at the address or telephone number provided to obtain information regarding course schedules and locations.

**Allen Tate School of Real Estate – A Dan Mohr School**  
5000 Nations Crossing Road, Suite 206, Charlotte, NC 28217  
704-362-2296

Mfg/Mod Homes & Real Property (7/7)  
National USPAP Update 2006 (7/7)  
New Rules & Regs FHA/HUD Appraisal Requirements (14/14)  
Residential Construction Seminar (14/14)  
Staying Out of Trouble – NC App (7/7)

**Allstate Home Inspection & Household Environmental Testing, Ltd.**  
91 Summer Street, Barre, VT 05641  
802-476-8746

Environmental Awareness Seminar (8/8)  
FHA Test Preparation (8/8)  
Introduction to Home Inspection (8/8)  
USPAP Refresher (8/8)

**Allterra Consulting Group**  
7721 Five Mile Road, Cincinnati, OH 45230  
513-659-1656

AVM Fundamentals (7/7)  
Keynote/Chief Appraiser Panel (7/7)  
Valuation Visionaries/Appraisal Fraud (7/7)

**American Society of Farm Managers and Rural Appraisers**  
950 South Cherry Street, Suite 508, Denver, CO 80222  
303-758-3513

7-Hr National USPAP Course (7/7)  
16-Hr Uniform Agricultural Appraisal Report Seminar (16/16)

A-25 Eminent Domain (19/19)  
A-27 Income Capitalization (28/27)  
A-29 Highest & Best Use (15/15)  
A-36 Intro to Appraisal Review (14/14)  
A-370 Appraisal Review (21/21)  
A-400 Advanced Rural Case Studies (30/30)  
Advanced Appraisal Review Case Studies (A390) (16/16)  
Appr Rev Under Uniform App Stnd for Fed Land Acq (A380) (16/16)

Appraising Agricultural Land in Transition (14/14)  
Appraising Agricultural Land in Transition (8/8)  
Appraising Rural Residential Properties (15/15)  
ASFMR Code of Ethics (4/4)  
Basic Appraisal Procedures (A102) (28/28)  
Minerals Appraisal (12/12)  
Tax Deferred 1031 Exchanges (4/4)  
Timber Property Valuation (12/12)  
Uniform Agricultural Appraisal Report (8/8)

**American Society of Appraisers, NC Chapter**  
121 SE 21st Street, Oak Island, NC 28465  
910-278-7151

Appraising Small Residential Income Properties (7/7)  
National USPAP Update 2006 (7/7)  
The Appraisal of Small Subdivisions (7/7)

**Appraisal Schools by M. Curtis West**  
P.O. Box 947, Zebulon, NC 27597  
919-404-5115; 800-317-8040

National USPAP Update 2006 (7/7)  
O/L 2006 National USPAP Update (7/7)  
Scope of Work in the Appraisal Process (7/7)

**Appraisal Academy (The)**  
3802 N. University Street, Peoria, IL 61614  
309-681-8100

O/L Intro to Commercial Appraisal (3.5/3.5)  
O/L Limiting Appraiser Liability Exposure (7/7)  
O/L The Cost Approach (7/7)  
O/L The Income Approach (7/7)  
O/L The Sales Comparison Approach (7/7)  
O/L Tough Residential Appraisal Assignment (4/4)  
O/L Manufactured Home Appraising (7/7)  
O/L Fundamentals of Small Business Valuation (7/7)

**Appraisal Institute**  
550 W. Van Buren Street, Suite 1000, Chicago, IL 60607  
312-335-4236

320 General Applications (39/30)  
330 Apartment Appr: Cncpts & (14/14)  
410 National USPAP (15/16)  
420 Business Practice and Ethics (7/7)  
500 Adv Res Form & Narrative (40/30)  
520 High & Best Use & Mkt Anal (40/30)  
530 Adv Sales Comp & Cost Appr (40/30)  
600 Inc Val of Sm Mixed-Use Prop (15/15)  
610 Cst Val of Sm Mixed-Use Prop (15/15)  
620 Sls Comp Val Sm Mixed-Use (15/15)  
700 Appraisers as Expert Witness (15/15)  
705 Litigation Appr: Splcld Topics & (16/16)

710 Condemnation Appr: Basic Prin & (15/15)  
720 Condemnation Appr: Adv Topics & (15/15)  
810 Computer-Enhanced Cash Flow Mod (15/15)  
2007 Shared Interest Group Conference (7/7)  
2007 Washington Appraisal Summit (7/7)  
A Prof's Guide for Cnsvrtion Easement Appraisals (4/4)  
Adv Res Applctns & Case Studies (14/14)  
Adv Res Report Writing Pt 2 (28/28)  
Analytics with the Site to do Business (7/7)  
Appraising Manufactured Housing (7/7)  
Condominiums Co-Ops & PUDS (7/7)  
FHA & the New Residential Appraisal Forms (7/7)  
Forecasting Revenue (7/7)  
General Appraiser Income Approach Part 1 (27/27)  
General Appraiser Income Approach Part 2 (27/27)  
General Appraiser Report Writing & Case Studies (28/28)  
Gen Appr Sales Comp Approach (28/28)  
Gen Appr Site Valuation & Cost Approach (27/27)  
Gen Demo Appr Rpt Writing Sem (7/7)  
General Market Analysis & Highest & Best Use (28/28)  
Liability Management for Residential Appraisers (7/7)  
Making Sense of the Changing Landscape of Valuation (4/4)  
Mkt Anal & the Site to Do Business (7/7)  
National USPAP Update 2006 (7/7)  
Office Bldg Valuation: A Contemporary Perspective (7/7)  
O/L Analyzing Distressed Real Estate (4/4)  
O/L Basic Appraisal Principles (28/14)  
O/L Basic Appraisal Procedures (28/14)  
O/L Course 400: 7-Hr National USPAP Equivalent Update (7/7)

O/L Course 420: Business Practices & Ethics (8/7)  
O/L Analyzing Operating Expen (7/7)  
O/L Appraisal of Nursing Facilities (7/7)  
O/L Appraising Convenience Stores (7/7)  
O/L Appraising from Blueprints (7/7)  
O/L Apartment Appraisal, Concepts & Applications (15/15)  
O/L Appraising Manufactured Housing (7/7)  
O/L Condominiums, Co-Ops & PUD's (7/7)  
O/L Cool Tools: New Technology for RE Appraisers (7/7)  
O/L Eminent Domain & Condemnation (7/7)  
O/L Feasibility, Market Value, Investment Timing: Option Value (7/7)  
O/L Internet Search Strategies for R (7/7)  
O/L Intro to GIS Apps for RE App (7/7)  
O/L Intro to International Valuation Standards (8/8)  
O/L Prof Guide to the FNMA 2-4 Unit Form 1025 (10/10)  
O/L Real Estate Finance, Statistics & Valuation Modeling (14/14)  
O/L Res Design & Functional Utility (7/7)  
O/L Res Property Construction & In (7/7)  
O/L Scope of Work: Expanding Your Range of Services (7/7)  
O/L Sm Hotel/Motel Val: Lmtd S (7/7)  
O/L The Cost Approach to Commercial Appraising (7/7)  
O/L The FHA and the Appr Proce (7/7)  
O/L The Professional's Guide to the URAR (7/7)  
O/L Using Your HP12C Financial (7/7)  
O/L Val of Detrimental Conditions (7/7)  
O/L What Commercial Clients Would Like Appraisers to Know (7/7)

Professional's Guide to the URAR (7/7)  
Quality Assurance in Residential Appraisals (7/7)  
Rates & Ratios: Making Sense of GIMs, OARs and DCF (7/7)  
RE Finance, Stats, Valuation M (14/14)  
Real Estate Investing & Development: A Valuation Prosp (7/7)  
Res Demo Appr Report Writing S (7/7)  
Res Market Analysis & Highest and Best Use (14/14)  
Residential Report Writing & Case Stud (14/14)  
Reviewing Residential Appr Rpt (7/7)  
Residential Sales Comparison & Income Approaches (28/28)  
Residential Site Valuation & Cost Approach (14/14)  
RMK Timberland Group's Appraiser Training Conference (10/10)  
Scope of Work: Expanding Range (7/7)  
Subdivision Valuation (7/7)  
The Client Perspective on the Appraisal Profession (4/4)  
The Real Estate Economy: What's in Store for 2008 (4/4)  
Uniform Appraisal Standards for Federal Land Acquisitions (16/15)

**Appraisal Institute NC Chapter**  
3717 W. Market Street, Suite C, Greensboro, NC 27403  
336-297-9511

Appraisal Exam Review (15/15)  
Evaluating Commercial Construction (16/16)  
What Clients Want Their Appraisers to Know (7/7)  
Valuation of Detrimental Conditions in Real Estate (7/7)

**Bob Ippock & Associates, Inc.**  
1218 Heatherloch Drive, Gastonia, NC 28054  
704-867-1985

Appraiser Liability (3.5/3.5)  
Appraising in NC (4/4)  
Back to Basics (4/4)  
National USPAP Update 2006 (7/7)  
NCAB Website Access & Information (3.5/3.5)

**Brunswick Community College**  
PO Box 30, Supply, NC 28462-0030  
910-371-2400

National USPAP Update 2006 (7/7)  
Small Income Residential Properties (7/7)

**BudBlack.net**  
P.O. Box 11111, Cherryville, NC 28021  
800-750-1114

7-Hour National USPAP Update 2006 (7/7)  
Sales Comparison Analyses Based on Market Data (7/7)  
Value? What Value? (4/4)

**Career Webschool**  
1395 S. Marietta Pkwy., Bldg. 400, Suite 107  
Marietta, GA 30067  
770-919-9191

O/L A URAR Form Review (7/7)  
O/L Appraisal Methods (14/14)  
O/L 7-Hr National USPAP Update 2006 (7/7)  
O/L Overview of Appr Process (14/14)  
O/L Residential Appr Site Valuation & Cost Approach (14/14)  
O/L Res Mkt Analysis & Highest & Best Use (14/14)  
O/L Residential Report Writing & Cases (14/14)

**Carolina Mountain Land Conservancy**  
PO Box 2822, Hendersonville, NC 28793  
828-697-5777

Financial Strategies for Landowners (4/4)

**CCIM Institute**  
430 N. Michigan Ave., 8th Floor, Chicago, IL 60611-4092  
312-321-4473

C1101 Financial Analysis of Commercial Invest. (30/30)  
C1102 Market Analysis Comm Inv. (30/30)  
C1103 Lease Analysis Comm Inv. (30/30)  
C1104 Invest Analysis Comm Inv. (30/30)  
Intro to Com Investment RE An (12/12)

**CLE International**  
1620 Gaylord Street, Denver, CO 80206  
303-377-6600

Eminent Domain (12/12)  
Land Use Law (14/14)

**Columbia Institute (The)**  
8546 Broadway, Suite 165, San Antonio, TX 78217  
800-460-3147

Analyzing the Subject, No. 012 (4/4)  
FHA, the URAR & the 1025, No. 104 (8/8)  
Fundamentals of Appraisal Review No. 105 (8/8)  
National USPAP Update 2006 (7/7)  
O/L 7-Hr National USPAP Update 2006 (7/7)  
O/L Residential Report Writing & Case Studies (14/14)  
O/L URAR Form Review (7/7)  
Scope of Work & Appraiser Due Diligence (4/4)

**Creative Education**  
PO Box 640, Alexis, NC 28006  
704-867-0485

O/L 2006 National USPAP Update (7/7)  
O/L The Cost Approach (7/7)  
O/L The Income Approach (7/7)  
O/L The Sales Comparison Approach (7/7)

**Dan Mohr Real Estate Schools**  
1400 Battleground Ave., Suite 150, Greensboro, NC 27408  
800-639-9813

Depreciation Workshop (7/7)  
Environmental Hazards-Res Prop (7/7)  
Extraction of Data from Market Res (7/7)  
HP 12C Course (7/7)  
Intro to Residential Construction (30/30)  
Mfg/Mod Homes & Real Prop App (7/7)  
National USPAP Update 2006 (7/7)  
Res Appr & Conv Underwriting Guide (7/7)  
Residential Construction Cost (7/7)  
Residential Construction Seminar (14/14)  
Rules & Regs FHA/HUD Rqrmnt (14/14)  
Staying Out of Trouble – NC App (7/7)  
The Narrative Appraisal Report (7/7)

**Dynasty School**  
2373 S. Hacienda Boulevard, Hacienda Heights, CA 91745  
800-888-8827

O/L National USPAP Update 2006 (7/7)  
O/L Real Estate Appraisal (14/14)  
O/L Residential Report Writing (15/15)





# Disciplinary Actions

*The following is a summary of recent disciplinary actions taken by the Appraisal Board. This is only a summary; for brevity, some of the facts and conclusions may have not been included. Because these are summaries only, and because each case is unique, these summaries should not be relied on as precedent as to how similar cases may be handled.*

**Tammy Abernethy A5006 (Charlotte)**—Following a hearing, the Board suspended Ms. Abernethy's residential certification for a period of two years. If she completes courses in the cost approach, the sales comparison approach, appraising the tough ones, and the 15-hour National USPAP course, only the first year of the suspension will be active. The Board found that Ms. Abernethy appraised a property located in Mooresville, North Carolina. The subject property is a large waterfront home containing 7959 square feet above grade and 2072 finished square feet below grade. It is located on a cove of a large lake. Ms. Abernethy first appraised the property in November 2005 when the current owners were purchasing it, finding an appraised value of \$2,200,000. The subject property was listed for sale for \$1,375,000 on the effective date of the report, and sold for \$1,100,000 on January 18, 2006. Ms. Abernethy appraised the subject again in February 2006 for refinancing purposes, again finding an appraised value of \$2,200,000. Ms. Abernethy made numerous errors in both reports. She stated that the price range for the subject neighborhood was \$500,000 to \$4,200,000. There was an area of manufactured housing and smaller stick built homes near the subject property where prices began at approximately \$85,000, thus the price range was not correct. In the February 2006 appraisal report, Ms. Abernethy stated in the sales history section of appraisal report on the sales grid page that the last sale of the subject was for \$460,000 on October 5, 2004, when in fact the last sale of the subject before February 2006 was on January 18, 2006 for \$1,100,000. The January sale was reported in an addendum section. In both of her appraisal reports, Ms. Abernethy chose comparable sales from an exclusive subdivision known as The Point. The Point contains numerous amenities, such as a designer golf course, village green, movie theater, club house, playground, pool, recreation area, numerous docks, and tennis courts. The subject was located in a subdivision known as Stutt's Cove. The only neighborhood amenity in Stutt's Cove was a community dock. Despite this difference in amenities, Ms. Abernethy did not make any adjustment for location for her comparable sales. Her three comparable sales had wide water views of Lake Norman, while the view from the subject property was of a small finger of the lake. Wide water views are more valuable amenities for a property, yet Ms. Abernethy failed to make adjustments to her comparable sales for the differences in view. She valued the subject site at \$275,000; sales in the subject area support a lot value of \$175,000 to \$225,000. The difference in lot sales prices and lot tax values between the subject and the comparables should have alerted Ms. Abernethy that the subject lot was worth considerably less than the lots of the comparables, and thus that an adjustment was needed for the differences in value, yet she failed to make such an adjustment. There were other sales available that were more comparable to the

subject property in location and amenities that could have been used in the appraisal. Ms. Abernethy significantly overvalued the subject property in both of her appraisal reports.

**William E. Antone, Jr. A1467 (Lumberton)**—The Board accepted the voluntary surrender of Mr. Antone's residential certification.

**Robert L. Barker A1548 (Edenton)**—The Board accepted the voluntary surrender of Mr. Barker's general certification.

**John Boggess A1333 (Matthews)**—Following a hearing, the Board revoked Mr. Boggess' general certification. There were two cases against Mr. Boggess. In the first case, Mr. Boggess appraised a property located in Concord, North Carolina in March 2003, finding an appraised value of \$122,000. The subject property is a 2-year-old doublewide manufactured home containing approximately 1,680 square feet. The subject property had sold for \$80,000 in May 2001, but Mr. Boggess did not analyze or disclose this sale in the appraisal report. He stated in the appraisal report that his first comparable sale sold for \$118,000 in June 2002. Public records indicate that the property sold in March 2002 with tax stamps of \$40,000. The sales information contained in the appraisal report could not be verified. The subject property had no garage or carport. Mr. Boggess correctly stated in the appraisal report that his second comparable sale had a two-car carport. The second comparable sale also had a one-car garage that he did not mention or adjust for in his Sales Comparison Approach. The third comparable sale had a 40 x 40 foot horse barn with three stalls and a hay barn, but Mr. Boggess did not mention or adjust for these items in his Sales Comparison Approach. The fourth comparable sale was a "stick-built" home and was not comparable to the subject property. Although Mr. Boggess stated that it was located three miles from the subject, it was closer to nine miles from it. None of these sales were comparable to the subject property. There were other sales more similar to the subject property that would have led to a much lower estimate of value. The appraisal report submitted with the complaint indicates an appraised value of \$131,000, while the report submitted by the Mr. Boggess notes an appraised value of \$122,000. Mr. Boggess told the Board's investigator that the report submitted with the complaint had been forged altered. The client for this report was the owner of the subject property. The owner told Mr. Boggess he wanted to have an appraisal done to determine a potential marketing price for the subject property. At some point before Mr. Boggess performed this appraisal, he had become aware that a broker from a mortgage company may have been utilizing URAR software to alter and fabricate appraisals Mr. Boggess had performed. This broker had worked with the property owner. Mr. Boggess stated that he asked whether this report would be used for financing purposes or submitted to this mortgage broker, and the owner denied that would happen. Mr. Boggess stated that he deliberately made mistakes on this appraisal report so that if the report were submitted for use in a financing transaction, the mistakes would be caught in underwriting and he would be notified. In the second case, Mr. Boggess appraised a property located in Cherryville, North Carolina in September 2002, finding an appraised value of \$164,000. The subject property had transferred in January 2002 for \$76,581.53 and again in May 2002 for \$78,000, yet neither sale was reported in the appraisal report. Mr. Boggess stated the wrong owner on the appraisal report. The subject property is split-level dwelling that sits on a .70-acre lot. The first comparable sale used in this report is a ranch style home that con-

tains 2227 square feet of above-grade living area. This property had many updates, including electrical, plumbing, roof, windows, brick fence, etc. Mr. Boggess stated in the appraisal that the subject was in average condition and made a positive \$10,000 adjustment to it for condition. The second comparable sale is also a ranch style home that contains 1860 square feet of above-grade living area and 1860 square feet of basement area. The basement has a den and recreation room. The basement area was given a \$10,000 adjustment in the Sales Comparison Approach, but the finished rooms were not mentioned in the appraisal report. This property also has a four-stall horse barn that is 85 feet long and contains a grooming area, water and electricity. These features are not mentioned or adjusted for in the Sales Comparison Approach. The third comparable sale is a story and a half and contains 2158 square feet of above-grade living area. The site contains 1.44 acres, yet Mr. Boggess made no adjustment for this factor. This property is located in the Country Club, yet this feature is not mentioned or adjusted for in the Sales Comparison Approach. None of the sales chosen by Mr. Boggess were comparable to the subject property. There were other sales in the area that were more comparable to the subject that would have led to a much lower value for the subject property. Mr. Boggess had previously been disciplined by the Appraisal Board in two other cases.

**John T. Cashatt A1980 (Gastonia)**—By consent, the Board issued a reprimand to Mr. Cashatt and ordered him to take courses in sales comparison, a course in appraising high-end residential properties, and a course in appraiser liability. If he fails to complete the courses by September 1, 2007, the reprimand will be vacated and a three-month suspension will be activated on that date. Although the Board did not find that Mr. Cashatt had committed any violations of standards, the Board did allege the following: that Mr. Cashatt appraised a property located in Cramerton, NC in November 2004, finding an appraised value of \$655,000. At the time of the appraisal the subject property was a proposed two-story brick custom home containing 4391 square feet and a three car garage. Mr. Cashatt used three properties in his sales comparison approach. None of those properties were sales that were exposed to the market. They were all new custom-built homes; the owners all contracted with a builder to construct a residence on land they already owned. The "sales prices" stated in the appraisal report were calculated by adding the amounts the owners paid for the lots to the prices charged by the builders when the properties were constructed. Mr. Cashatt stated in the report that these three sales were "custom presales," yet could have provided further explanation as to how he derived the information used in the sales comparison approach. Mr. Cashatt used land/home package sales as comparables in his sales comparison approach.

**John C. Coleman A1201 (Raleigh)**—By consent, the Board suspended Mr. Coleman's residential certification for a period of two months. The suspension is stayed until September 1, 2007. If Mr. Coleman completes a course in appraiser liability and the 15-hour USPAP course by that date, the suspension will be inactive. Mr. Coleman also agrees not to supervise any trainees for a year. The Board found that Mr. Coleman and a trainee appraised a property located in Rocky Mount, North Carolina in June 2003, finding an appraised value of \$148,000. The subject was a 1722 square foot home with a brick and vinyl exterior that has 7 rooms total including 3 bedrooms and 2 baths. Mr. Coleman correctly noted the tax stamps for the comparable sales, but did not do the appropriate calculation to determine the actual sales price.



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As a result, Mr. Coleman reported all of the comparables' sales prices at twice their actual sales prices. This led to an inflated value for the subject property. There were other sales available that were more comparable to the subject that would have led to a lower appraised value for the subject. Mr. Coleman failed to provide adequate training and supervision for his trainee.

**Judith DeAngelo A4834 (Wingate)**—By consent, the Board suspended Ms. DeAngelo's residential certification for a period of one year. The first six months of the suspension shall be active and the remainder stayed until March 1, 2008. If Ms. DeAngelo completes a course in sales comparison and a course in appraising high-end residential properties by March 1, 2008, the remainder of the suspension will be inactive. The Board found that Ms. DeAngelo performed an appraisal of a property located in Waxhaw, North Carolina in August 2005, finding an appraised value of \$1,900,000. The subject property is a 2 story single-family home that contains 6874 square feet of gross living area, plus a 3312 square foot basement. The subject is located on a .9-acre lot, and has a 3 car attached garage. Ms. DeAngelo stated that the site value for the subject is \$225,000, yet lots in the subject neighborhood sell for \$134,000-\$150,000. Her site value was not supported. The subject property was under contract for sale for \$1,900,000 on the effective date of the appraisal, which was stated in the report. The appraisal listed the current owner as the borrower, which was not accurate. Ms. DeAngelo used 5 closed sales and 2 pending sales in her appraisal report. The two closed sales she used from the neighborhood sold for \$1,049,000 and \$1,050,000. She made positive adjustments of \$200,000 to each of these sales that were not warranted. The three closed sales she used from outside the neighborhood were located in superior areas of higher priced homes, and she made no adjustments for location. Ms. DeAngelo overvalued the subject property.

**Sandra Gibby A5381 (Cullowhee)**—By consent, the Board suspended Ms. Gibby's residential license for a period of six months. The first three months of the suspension shall be active, and the remainder stayed until June 1, 2007. If Ms. Gibby completes a course in home inspection or residential property construction by that date, the remainder of the suspension will be inactive. The Board found that Ms. Gibby appraised two properties located in Maggie Valley, North Carolina, both with effective dates of April 8, 2005. The first property was a 29-year-old rambler style dwelling sitting upon a 1.23 acre site located in a country club. Ms. Gibby valued it at \$706,500. She stated that the subject had 2352 square feet, when it actually had approximately 2016 square feet. The subject had a garage that had been converted into living space, although the garage door was still present on the exterior. Ms. Gibby included the square footage of the garage in the gross living area of the property, but she also stated in the report that the subject had a one-car garage. Had she not included the square footage of the garage in her gross living area, her appraised value would have been lower. The second property was a 25-year-old rambler style residence sitting upon a 2.09-acre site located in a country club. Ms. Gibby stated that the subject had 2328 square feet, and she valued it at \$706,500. The subject property actually has 1164 square feet. The lower level was finished, but was completely below grade on one side and partially below grade on two sides. Ms. Gibby included the below grade area in her gross living area based upon comments from the borrower that he planned to excavate around the bottom level; however, she did the appraisal "as is", rather than "subject to" the excavation. By including the lower level in the gross

living area, Ms. Gibby chose comparable sales that were larger than and superior to the subject, and she made inadequate adjustments for the differences. There were other sales available that would have led to a much lower value for the subject property.

**Kevin Jennings T3025 (Fletcher)**—By consent, the Board suspended Mr. Jennings' trainee registration for a period of three months. The suspension is stayed until June 1, 2007. If Mr. Jennings completes a course in the income approach and a course in the cost approach by that date, the suspension will be inactive. The Board found that Mr. Jennings and his supervisors performed three appraisals of a proposed veterinary clinic located in Henderson, North Carolina. The first report was performed effective January 23, 2004, with a value of \$460,000, for the purchase of the property. Although there were existing improvements on the subject property, Mr. Jennings gave them no value. The report did not, however, utilize or report a hypothetical condition that the subject was being appraised as though vacant. The second report was performed effective May 25, 2004, with a value of \$1,020,000; it was done subject to the construction of a veterinary clinic. Although there was sufficient data to perform a cost approach, only the income approach was used. A cost approach should have been used in the assignment. In the income approach, the capitalization rate was derived from a web site and not from the immediate market area. Mr. Jennings chose a capitalization rate of 7.4%, which was inappropriate for the market area and was too low. This led to an inflated value for the subject property. The third report was performed effective April 13, 2005, with a value of \$1,080,000, when the veterinary clinic was complete. All three approaches to value were used. Mr. Jennings again relied on a capitalization rate obtained from the website, utilizing a 7.6% rate which was too low. The sales used in the sales comparison approach were older sales from an area of more intensive commercial development. The value in the appraisal report was overstated.

**Robert B. Jones A5494 (Monroe)**—By consent, the Board suspended Mr. Jones' residential license for a period of six months. If Mr. Jones completes a course in sales comparison and a course in appraising high-end residential properties, the suspension will be inactive. The Board found that Mr. Jones appraised a property located in Weddington, North Carolina in May 2006, finding an appraised value of \$2,100,000. The subject property is a large home containing 7719 square feet. It has 16 rooms and many amenities, including a pool. The indicated value by the Cost Approach was \$1,819,200, which should have indicated to Mr. Jones that the market value was out of line in a neighborhood with new construction options. Mr. Jones used three comparable sales in his Sales Comparison Approach, all of which had sold in August 2005. The first comparable sale sold for more than the list price. This property was a charity home built by an award-winning builder to benefit a children's hospital. It had turrets, brick exterior, and many extras. The second comparable sale was a builder's personal home; it had a brick exterior, three kitchens, a large pool house, a back-up generator, and other extras. The third comparable sale sold for more than the list price. It had a brick and stone exterior. Some amenities were not noted in the appraisal report. All three of these sales were superior to the subject property, and inappropriate adjustments were made for the differences. There were other, more comparable sales available that would have led to a lower value for the subject property.

**Justin Loeback A5380 (Greensboro)**—By consent, the Board suspended Mr. Loeback's residential

license for a period of one year. The first six months of the suspension shall be active and the remainder stayed until March 1, 2008. If Mr. Loeback completes a course in sales comparison and the 15 hour National USPAP course by March 1, 2008, the remainder of the suspension will be inactive. The Board found that Mr. Loeback performed two appraisals of a property located in Greensboro, North Carolina. The subject property is a one-story single-family ranch style residence. The first appraisal was performed in May 2005, and Mr. Loeback valued the subject at \$150,000. On the first two comparable sales used in that report, Mr. Loeback added the basement living area to the main level living area and omitted the basements for these two comparables. Comp 2 sold for \$11,500 more than the list price with no explanation. Mr. Loeback stated in the report that the subject had not sold within the past 36 months, when in fact it had sold in 2003 for \$90,000. He selected sales from higher priced areas without making adjustments for location, which resulted in an inflated value for the subject property. The second appraisal was performed in January 2006, and Mr. Loeback again valued the subject at \$150,000. He stated in the report that the subject had not sold within the past 36 months, when in fact it had sold in 2003 for \$90,000. Comp 1 was a foreclosure, which was not noted. Comp 2 had a walk up attic and renovated kitchen that were not mentioned or adjusted for. Comp 3 had a remodeled kitchen and baths, a whirlpool and \$3,000 in seller concessions. None of these were mentioned or adjusted for. Comp 4 had \$4,000 in seller concessions, which was not mentioned. In both appraisals, there were sales in the subject neighborhood that closed within one year of the appraisal date that ranged in price from \$20,000 to \$95,000. The value in both appraisals was overstated.

**Ricky McClure A1265 (Asheville)**—By consent, the Board suspended Mr. McClure's residential certification for a period of six months. The suspension is stayed until September 1, 2007. If Mr. McClure completes a course in appraising manufactured housing, a course in sales comparison and a course in appraising the oddball by that date, the suspension will be inactive. Mr. McClure appraised a property located in Asheville, North Carolina as of May 22, 2001 and estimated a value of \$101,500. There are two dwellings on the subject lot. One is a stick built home. The other is an encapsulated manufactured home. Mr. McClure stated in the report that the borrower was the owner, but the owner at the time was borrower's mother. The copy of the appraisal in his work file included an addendum outlining the correct owner of the property, but that addendum did not appear on the appraisal sent in by the Complainant. The appraisal report mentioned the existence of the stick built home, but gave it no value and there was no photograph of it in the report. The subject dwelling that was included in the appraisal has been encapsulated and does not appear from the street to be a manufactured house. It has a porch, deck, and enclosed porch, and a steel carriage. It does have foundation skirting on one side where a den area was added to the original structure, but no steel carriage was present in that area. The sales used in the appraisal report are all stick built homes.

**Thomas G. McDowell A4248 (Winston-Salem)**—The Board accepted the voluntary surrender of Mr. McDowell's residential certification.

**Jonathan M. Messick A481 (Greensboro)**—By consent, the Board issued a reprimand to Mr. Messick and ordered him to take a course in highest and best use by September 1, 2007. If he fails to do so, the reprimand will be vacated and a one-month active suspension will begin on that date. The Board

# Disciplinary Actions

found that Mr. Messick and a trainee performed an appraisal of a property located in Gibsonville, North Carolina in May 2005, finding an appraised value of \$425,000. The subject property is a 21 year-old one-story home containing 1448 square feet. It is located on a 20-acre lot. The subject is zoned Agricultural, and residential development is allowed in this zone with a minimum 40,000 square foot lot size. The property could have been appraised as a single-family home with excess acreage adjusted with values derived from similar properties. It could also have been appraised as a development property that had a dwelling on it. Mr. Messick appraised the subject based on the subject's current use and zoning, but made adjustments for the excess land based on sales of land that were sold for development purposes. Mr. Messick did not perform an adequate highest and best use analysis.

**Michael D. Ollison A4718 (Clayton)**—By consent, the Board issued a reprimand to Mr. Ollison and ordered him to take courses in highest and best use and in the valuation of vacant land. If he fails to take the courses, the reprimand will be vacated and he will receive a two-month suspension. The Board found that Mr. Ollison performed an appraisal of a tract of land located in Clayton, North Carolina in May 2005, finding an appraised value of \$150,000. The subject property is a 13.61-acre tract of unimproved land, but due to the fact that 4 acres of the subject are wetlands, Mr. Ollison gave value to only 9.61 acres. The entire tract is below grade, irregular in shape, and a creek runs through it, and the entire tract is in the 100-year flood zone, yet Mr. Ollison's report did not reflect these factors. He noted only that 4 acres were wetlands. Although Mr. Ollison stated in the report that there was no zoning, the subject was zoned rural/agricultural. He stated that the highest and best use was single family residential. The highest and best use of the property should have been as residential multifamily, with an appropriate subdivision analysis performed.

**Julian D. Rembert, III A5890 (Raleigh)**—The Board accepted the voluntary surrender of Mr. Rembert's residential certification.

**Larry G. Rhyder A5710 (Granite Falls)**—By consent, the Board suspended Mr. Rhyder's residential license for a period of six months. The suspension is stayed until September 1, 2007. If Mr. Rhyder completes a course in sales comparison and a course in the cost approach by that date, the suspension will be inactive. There were two cases against Mr. Rhyder. In the first case, Mr. Rhyder appraised a property located in Hudson, North Carolina in December 2005, finding an appraised value of \$162,500. The subject property was under contract for \$168,000 on the effective date of the appraisal. The appraisal sent in with the complaint noted an appraised value of \$161,000. Mr. Rhyder had sent a "draft" appraisal report to his client with this value on it. The draft report did not indicate in any fashion that it was a draft; it contained a specific property address, a valuation estimate, an effective date, and Mr. Rhyder's signature. After receiving the "draft" appraisal back from his client, he made changes to it and sent back the "final" report. In the "final" report, Mr. Rhyder stated that the subject property was not listed for sale when in fact it was listed for sale for \$169,000 at the time of the report. The effective ages for sales were changed from the "draft" to the final report so adjustments would be positive rather than negative, resulting in a \$1,500 final value increase. No reason was given for the change in effective age. The cost approach had no opinion of site value. The depreciated cost of improvements was stated as \$155,958 and the "as is" value of site improvements was stated as \$8,500, for a total indicated value by the

cost approach of \$164,458. In the second case, Mr. Rhyder appraised a property located in Hickory, North Carolina in January 2006, finding an appraised value of \$365,000. The appraisal was made "as is." On the effective date of the report, a sunroom was under construction, which was noted on the first page of the report but not addressed in the sales comparison approach. For the sales history for the comparable sales, Mr. Rhyder put in the same sale that was reported in the sales comparison approach. His third sale had transferred twice in the year prior to the appraisal, which was not reported. The sales used in the report were somewhat superior to the subject and inadequate adjustments were made for the differences. There were few sales available that could have been used in the appraisal.

**Warren Roberts A2028 (Hendersonville)**—By consent, the Board suspended Mr. Roberts' general certification for one year. The first six months of the suspension will be active and the remainder stayed until January 1, 2008. If Mr. Roberts completes a course in the income approach and a course in the cost approach by that date, the remainder of the suspension will be inactive. The Board found that Mr. Roberts and a trainee performed three appraisals of a proposed veterinary clinic located in Henderson, North Carolina. The first report was performed effective January 23, 2004, with a value of \$460,000, for the purchase of the property. Although there were existing improvements on the subject property, Mr. Roberts gave them no value. The report did not, however, utilize or report a hypothetical condition that the subject was being appraised as though vacant. The second report was performed effective May 25, 2004, with a value of \$1,020,000; it was done subject to the construction of a veterinary clinic. Although there was sufficient data to perform a cost approach, only the income approach was used. A cost approach should have been used in the assignment. In the income approach, the capitalization rate was derived from a web site and not from the immediate market area. Mr. Roberts chose a capitalization rate of 7.4%, which was inappropriate for the market area and was too low. This led to an inflated value for the subject property. The third report was performed effective April 13, 2005, with a value of \$1,080,000. This was a complete, summary report that used all three approaches to value that was performed when the veterinary clinic was completed. Mr. Roberts again relied on a web site to obtain a capitalization rate of 7.6%. Although the report was performed in 2005, Mr. Roberts chose three comparable sales that sold from 2000 to 2003. These sales came from areas of more intensive commercial development. The value in this report was inflated.

**Garrett L. Shearin T1895 (Norlina)**—The Board suspended Mr. Shearin's trainee registration for a period of one year. If he completes the 15-hour National USPAP course, a course in appraiser liability and the Board's supervisor/trainee course by December 31, 2008, the remainder of the suspension will be inactive. The Board found that while working under the supervision of a certified general real estate appraiser, Mr. Shearin appraised a property located in Garner, North Carolina in August 2002, finding an appraised value of \$120,000. The appraisal report did not state the name of the owner. On the effective date of the appraisal report, the subject was listed for sale in the MLS for \$94,900 by a bank after foreclosure. The subject was on the market for only 23 days. Although Mr. Shearin had a copy of the MLS listing in his work file for the assignment, he did not state in the report that the subject was listed for sale. Mr. Shearin and his supervisor also appraised a property located at 232 Seastone in Garner, North Carolina in April 2003, finding an appraised value of \$285,000. The work file for the appraisal assignment

did not contain a copy of the contract for sale for the subject property. On the effective date of the appraisal report, the subject was listed for sale in the MLS for \$209,900, by a bank after foreclosure. The property was on the market for only 17 days. Although Mr. Shearin had a copy of the MLS listing in his work file for the assignment, he did not state in the report that the subject was listed for sale. Mr. Shearin reported only two of the three sales of the subject property that took place in the 3 years prior to the effective date of the appraisal. Mr. Shearin and his supervisor appraised a property located in Garner, North Carolina in March 2003, finding an appraised value of \$122,000. Although on the effective date of the appraisal report, the subject was listed for sale in the MLS for \$99,000, Mr. Shearin did not report this fact in the appraisal report. The work file for the appraisal assignment did not contain a copy of the contract for sale for the subject property. On all the above reports, Mr. Shearin's supervisor did not accompany him on the inspections of the subject property, although all of the reports indicated that he had. All of the subject properties were located far more than fifty miles from the supervisor's place of business.

**Michael Shelton A4319 (Gastonia)**—By consent, the Board suspended Mr. Shelton's residential license for a period of 30 days. The terms of the consent order require Mr. Shelton to take three continuing education courses: Staying Out of Trouble, the 15 hour National USPAP course, and a course in business practices and ethics. Pursuant to the consent order, Mr. Shelton may not declare or supervise any new trainees for a period of over two years and must retake the Board's supervisor class before declaring any new trainee. If he does not take the three classes by June 30, 2008, an additional 60-day active suspension will be imposed on that date. There were two cases against Mr. Shelton. In the first cases, the Board alleged that Mr. Shelton entered into a business relationship with two registered trainees. According to the allegations, these trainees inspected subject properties and prepared reports under Mr. Shelton's guidance. The trainees are no longer involved with Mr. Shelton nor the appraisal business; have not maintained their trainee registration and are no longer registered trainees. Mr. Shelton alleged that the individuals were not trainees under his supervision but were permitted to shadow him and work independently from him to gain practical experience of the appraisal process on a part-time basis and as their schedules permitted. Mr. Shelton contends that the individuals did not provide any significant contribution to the appraisals for his clients, and that he independently drafted the appraisal reports that were sent to the clients. In the second case, Mr. Shelton and another trainee appraised a property in Concord, North Carolina, in September 2005. The Board alleged that Mr. Shelton did not inspect the subject property on the effective date of the report nor did he state in his report when his inspection was made. The Board alleged that Mr. Shelton did not accompany his trainee on the inspection and had not properly declared the trainee on the effective date of the report. Mr. Shelton contended that he did inspect the property as stated in the report.

**Mott E. Simpson A4896 (Monroe)**—By consent, the Board suspended Mr. Simpson's residential license for a period of one year. The first four months of the suspension shall be active and the remainder stayed until March 31, 2008. If Mr. Simpson completes a course in sales comparison, a course in appraiser liability and a course in business practices and ethics by March 31, 2008, the remainder of the suspension shall be inactive. There were two cases against Mr. Simpson. In the first case, the Board



# Disciplinary Actions

found that Mr. Simpson and a trainee performed two appraisals in 2002, one of a property located in Salisbury, North Carolina and the other of a property located in Spencer, North Carolina. In the second case, Mr. Simpson and a trainee performed four appraisals of properties located in Salisbury, North Carolina in 2002. Mr. Simpson used one comparable sale on several of the reports from all the above cases that they reported sold in January 2002 for \$105,000, when it actually transferred for \$45,000. For all of the above appraisals, the appraisal reports failed to mention the sales prices, although they all were under contract. The purpose of the report was not stated. The work files did not contain copies of the sales contracts. The work files contained multiple copies of the reports, with the lender/client and or the borrower noted as different people. Mr. Simpson failed to verify the information in the appraisal reports. All of the reports used comparable sales that were not truly comparable to the subject, resulting in a significantly inflated value for all of these properties.

**Daniel B. Smith T3422 (Brown's Summit)**—By consent, the Board issued a reprimand to Mr. Smith and ordered him to take a course in highest and best use by September 1, 2007. If he fails to do so, the reprimand will be vacated and a one-month active suspension will begin on that date. The Board found that Mr. Smith and his supervisor performed an appraisal of a property located in Gibsonville, North Carolina in May 2005, finding an appraised value of \$425,000. The subject property is a 21 year-old one-story home containing 1448 square feet. It is located on a 20-acre lot. The subject is zoned Agricultural, and residential development is allowed in this zone with a minimum 40,000 square foot lot size. The property could have been appraised as a single-family home with excess acreage adjusted with values derived from similar properties. It could also have been appraised as a development property that had a dwelling on it. Mr. Smith appraised the subject based on the subject's current use and zoning, but made adjustments for the excess land based on sales of land that were sold for development purposes. Mr. Smith did not perform an adequate highest and best use analysis.

**David M. Smith A3103 (Burlington)**—By consent, the Board suspended Mr. Smith's residential certification for a period of one year. The suspension is stayed under the following conditions: Mr. Smith will undergo a substance abuse evaluation and assessment at a substance abuse facility or with a licensed mental health provider. Once the assessment is completed, a copy of the completed assessment, including recommendations, will be sent to the Appraisal Board. Mr. Smith will undergo treatment as determined by the facility or provider. He will continue to participate in AA, attending at least 3 meetings a week. He will refrain from the use of alcohol at all times. If at any time in the future it is shown to the satisfaction of the Board after a hearing or upon admission that he has again been convicted of an offense involving alcohol, he will face revocation of his certification. The Board found that Mr. Smith was convicted of DWI in January 2006. As a result he was sentenced to 6 months of imprisonment that was suspended, ordered to unsupervised probation for one year, ordered to take a 30 hour driving class, required to surrender his driving privileges for 12 months, and pay a fine. He also entered the AA program on his own. Mr. Smith was also convicted of three other charges on February 1, 2006, both based on the same offense date of June 14, 2005. One charge was resisting a public officer, one was reckless driving to endanger, and the third was hit and run, failure to stop, with property damage. All three

charges were consolidated for sentencing. Mr. Smith was ordered to complete 72 hours of community service, attend a driving class, pay a fine, and lose his driver's license for 12 months. Mr. Smith was also convicted of driving while impaired (Level 2) in September 2006. He was required to surrender his license for 24 months, pay a fine, attend a driving class, and serve 7 days in jail. Mr. Smith reported these convictions to the Appraisal Board.

**Fred A. Smith A3337 (South Hill, VA)**—By consent, the Board suspended Mr. Smith's general certification for a period of two years. If he completes the 15-hour National USPAP course, a course in appraiser liability and a course in North Carolina Board Rules by June 30, 2008, the remainder of the suspension will be inactive. Mr. Smith also agrees that he will no longer supervise any trainees in North Carolina. The Board found that Mr. Smith and his trainee appraised a property located in Garner, North Carolina in August 2002, finding an appraised value of \$120,000. The appraisal report did not state the name of the owner. Although the report indicated that Mr. Smith inspected the subject property, he did not actually do so. On the effective date of the appraisal report, the subject was listed for sale in the MLS for \$94,900 by a bank after foreclosure. The subject was on the market for only 23 days. Although Mr. Smith had a copy of the MLS listing in his work file for the assignment, he did not state in the report that the subject was listed for sale. Mr. Smith and his trainee also appraised a property located in Garner, North Carolina in April 2003, finding an appraised value of \$285,000. The work file for the appraisal assignment did not contain a copy of the contract for sale for the subject property. Although the report indicated that Mr. Smith inspected the subject property, he did not actually do so. On the effective date of the appraisal report, the subject was listed for sale in the MLS for \$209,900, by a bank after foreclosure. The property was on the market for only 17 days. Although Mr. Smith had a copy of the MLS listing in his work file for the assignment, he did not state in the report that the subject was listed for sale. Mr. Smith reported only two of the three sales of the subject property that took place in the 3 years prior to the effective date of the appraisal. Mr. Smith and his trainee appraised a property located in Garner, North Carolina in March 2003, finding an appraised value of \$122,000. Although on the effective date of the appraisal report, the subject was listed for sale in the MLS for \$99,000, Mr. Smith did not report this fact in the appraisal report. The work file for the appraisal assignment did not contain a copy of the contract for sale for the subject property. On all the above reports, Mr. Smith attached a seal that indicated that he was certified as an appraiser in the Commonwealth of Virginia, not the State of North Carolina. Although the seal did not conform to the requirements of 21 NCAC 57A .0405, Mr. Smith did state his correct North Carolina certification number. All of the subject properties were located far more than fifty miles from Mr. Smith's place of business, yet he did not accompany the trainee any of the inspections of the subject properties. Mr. Smith failed to provide adequate supervision for his trainee.

**Walter C. Snowden, III A5533 (Raleigh)**—By consent, the Board issued a reprimand to Mr. Snowden and ordered him to take a course in sales comparison and the 15-hour USPAP course by September 1, 2007. If he fails to take the courses, a one-month active suspension will be activated on that date. The Board found that while a trainee, Mr. Snowden and his supervisor appraised a property located in Rocky Mount, North Carolina in June 2003, finding an appraised value of \$148,000. The subject was a 1722 square foot home with a brick and vinyl exteri-

or that has 7 rooms total including 3 bedrooms and 2 baths. Mr. Snowden correctly noted the tax stamps for the comparable sales, but did not do the appropriate calculation to determine the actual sales price. As a result, Mr. Snowden reported all of the comparables' sales prices at twice their actual sales prices. This led to an inflated value for the subject property. There were other sales available that were more comparable to the subject that would have led to a lower appraised value for the subject.

**Lisa Sullivan A5280 (Greensboro)**—By consent, the Board suspended Ms. Sullivan's residential license for a period of six months. The first month of the suspension shall be active and the remainder stayed until December 31, 2007. Ms. Sullivan also agrees to complete a course in sales comparison and a course in appraiser liability by December 31, 2007. If she takes both courses by that date, the remainder of the suspension shall be inactive. The Board found that Ms. Sullivan performed an appraisal of a property located in Lexington, North Carolina in May 2004, finding an appraised value of \$115,000. The subject property was a 2-story residence that contained 1244 square feet. It was under contract for sale for \$122,000 on the effective date of the appraisal. The subject sold new in 2000 for \$88,500. It transferred in 2003 for \$82,000 through foreclosure, and in March 2004 for \$62,000. The last two sales were reported, but not analyzed. The contract attached to the appraisal report shows \$5,000 in closing costs to be paid, but this was not reported in the report. The comparable sales were all located 3 to 6.2 miles from the subject property, although Ms. Sullivan reported that they were all located less than two miles from the subject. The sales were all located in superior areas, yet no adjustments were made for location. There were other sales available that would have led to a lower value for the subject property.

**R. Kent Wilkinson T2601 (Monroe)**—By consent, the Board suspended Mr. Wilkinson's trainee registration for a period of one year. The first four months of the suspension shall be active and the remainder stayed until March 31, 2008. If Mr. Wilkinson completes a course in sales comparison, a course in appraiser liability and a course in business practices and ethics by March 31, 2008, the remainder of the suspension shall be inactive. There were two cases against Mr. Wilkinson. In the first case, the Board found that Mr. Wilkinson and his supervisor performed two appraisals in 2002, one of a property located in Salisbury, North Carolina and the other of a property located in Spencer, North Carolina. In the second case, Mr. Wilkinson and his supervisor performed four appraisals of properties located in Salisbury, North Carolina in 2002. Mr. Wilkinson used one comparable sale on several of the reports from all the above cases that they reported sold in January 2002 for \$105,000, when it actually transferred for \$45,000. For all of the above appraisals, the appraisal reports failed to mention the sales prices, although they all were under contract. The purpose of the report was not stated. The work files did not contain copies of the sales contracts. The work files contained multiple copies of the reports, with the lender/client and or the borrower noted as different people. Mr. Wilkinson failed to verify the information in the appraisal reports. All of the reports used comparable sales that were not truly comparable to the subject, resulting in a significantly inflated value for all of these properties.

**Stephen G. Williams A3498 (Cary)**—The Board accepted the voluntary surrender of Mr. Williams' right to renew his general certification, which expired on June 30, 2007.



# NC Appraisal Board Disciplinary Action 12-Year Summary

Year	Total Complaints	Dismissed	Pending Investigation	Probable Cause Found	Pending Hearing	Consent Orders	Hearings Held	Other Disposition*
1995	53	27	0	26	0	18	8	0
1996	80	43	0	37	0	30	7	0
1997	109	50	0	59	0	43	12	4
1998	117	58	0	59	0	38	20	1
1999	231	140	0	91	0	63	24	4
2000	152	93	0	59	0	38	20	1
2001	202	138	0	64	0	53	11	0
2002	233	163	0	70	0	44	25	1
2003	236	154	0	82	0	63	14	5
2004	196	129	0	67	0	52	10	5
2005	230	149	0	81	6	63	9	3
2006	222	117	43	57	16	34	5	9
2007								
2008								
<b>Total</b>	<b>2061</b>	<b>1261</b>	<b>43</b>	<b>752</b>	<b>22</b>	<b>539</b>	<b>165</b>	<b>33</b>

\*includes cases where the appraiser died or the license expired, etc.

61% dismissed

37% PC found (72% of these were settled by consent orders and 22% went to hearing)

## North Carolina Appraisal Board Fee Schedule

(effective October 1, 2007)

Original application (ALL LICENSE LEVELS)	\$200.00*	Annual Renewal (ALL LICENSE LEVELS)	\$200.00
Reinstatement (ALL LICENSE LEVELS)	\$200.00*	Request of equivalent approval (CONTINUING EDUCATION)	\$ 50.00
Late renewal fee (ALL LICENSE LEVELS) PER MONTH	\$ 10.00*	Original approval of continuing education course	\$100.00
Replacement registration, license or certificate	\$ 10.00*	Renewal of continuing education course	\$ 50.00
Replacement pocket card	\$ 10.00*	Temporary Practice Permit	\$150.00
Original approval of prequalifying course	\$100.00*	National Registry Fee	\$ 45.00
Renewal of prequalifying course	\$ 50.00*	License history/letter of good standing	\$ 10.00
Course sponsor fee for continuing education		Licensee Roster (STATEWIDE)	\$ 10.00
course (PER STUDENT)	\$ 5.00*	Licensee Roster by County	\$ 5.00
Returned Check Fee	\$ 25.00*		

\*Fee changes effective October 1, 2007

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**NORTH CAROLINA  
APPRAISAL BOARD**  
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