



NCPAC



North Carolina Professional Appraisers Coalition
is a Proud Sponsor of
THE APPRAISAL FOUNDATION
dedicated to progress in the interest of appraisal
and the appraisal profession

The North Carolina Professional Appraisers Coalition

The Scope

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APR 2023

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What is the cost of becoming an NCPAC member? \$100 per year for general membership.

What are the benefits of being an NCPAC member?

The North Carolina Professional Appraisers Coalition (NCPAC) was organized for the purpose of serving and protecting the collective interest of all professional appraisers in North Carolina. To this end, it will encourage professional appraisal practice and promote professional appraisal services by providing a number of services to its members, including, but not limited to, the following:

- Continued development and maintenance of a system for sharing information among its members through newsletters, Internet, personal contact, periodic group meetings, or other reasonably available means.
- Identifying and disseminating representative views of its appraiser members on matters of common interest, including but not limited to: Changes in **USPAP**; Changes in the **NC Appraisers Act**; Changes in **NCAB** rules; and Appointments to the **NCAB**.
- Representing the views of its appraiser members to the **NC Legislature**, to the **NCAB**, to federal appraisal oversight agencies, and to any other entity that affects professional appraisal practice in NC.
- Seeking and obtaining group discounts for goods and services typically used by appraisers,
- Providing a website together with a monitored Internet bulletin board (on Facebook) for use of its members.
- Providing a public access website that includes (among other things) a directory of all members of **NCPAC**.
- **NCPAC** has been at the forefront of providing transparency of the **NCAB** meetings by streaming them live on FB and on YouTube, as well as recording them to be viewed at your convenience. NCPAC Past-President Stephen Craddock organized and spearheaded this benefit. Prior to this, if you were coming from the mountains and/or the coast it could be up to a 7 hour drive each way and an overnight hotel stay for many people to attend the meetings in person. When the NCAB meetings have been live NCPAC has always tried to have some members of our leadership team in attendance to take note of and help craft responses to any specific issues that arise.
- **NCPAC** has had the benefit of a retained attorney for the last few years to counsel us on and appear on our behalf at the **NCAB**, **NC Legislature** and **The Appraisal Foundation** (TAF) when required.
- **NCPAC** holds an Annual Conference and Business Meeting to provide opportunities for Education, Networking and Professional Development.
- Due to **NCPAC's** sponsorship of **The Appraisal Foundation** and our numerous volunteer members we have representatives at the state and federal level.
- **NCPAC** provides a copy of the Student Manual for the 7-Hour USPAP course to each member.



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- **NCPAC** provides a **Peer Review Committee** for assistance with difficult assignments and they can provide you with advice if you have to appear before **NCAB**.
- One of NCPAC's co-founder's, Past-President, and current Board member, Doug Winner helped create and support the **NCPAC Library Project** which has enabled a written copy of Appraisal related material to be maintained at the NCAB as a reference for any appraiser when needed. This can be especially helpful when working on Retrospective Assignments.
- **NCPAC** sends a member who is our **AARO (Association of Appraiser Regulatory Officials)** Representative and attends their meetings and speaks on behalf of NCPAC and appraisers on the national issues which are brought up at these meetings.
- Via our local NCPAC chapters throughout the state, we provide opportunities to meet, learn from and discuss topics with other local appraisers in your area.
- **NCPAC** offers a track towards Designation and becoming a **Coalition Designated Appraiser (CDA)** for both Residential and Commercial Appraisers. [CDA Designation Program - The North Carolina Professional Appraisers Coalition \(NCPAC\) - Online](#)
- By attending the conference and the CDA tour we hope you have been able to see different aspects of the state and the influence of industry, nature, farming, etc... on housing and employment in different areas of the state and relate that in some way back to your own area and appraisal practice.
- **NCPAC** designated appraisers (**CDA**) can now be recognized through NAR with their designation as either a **General Accredited Appraiser (GAA)** or **Residential Accredited Appraiser (RAA)**. We are also seeking additional designation opportunities!
- **NCPAC**, as a **Sponsor of The Appraisal Foundation (TAF)** with a seat on **The Advisory Council (TAFAC)** we have been able to help ensure that the average appraiser is able to have their voice heard on a national level. NCPAC was able to take part in "Vision 2030" which was the long term planning initiative for TAF. NCPAC is a member of the

"Group of 40", advisors composed of trustees, association representatives and senior staff. We were able to provide input which will be critical as TAF explores the current professional environment and the future of our profession. Without the support of your dues we would never be able to keep our position as a Sponsor of TAF and maintain a seat on TAC.

- **NCPAC** is working on trying to become an authorized CE provider in NC so we can offer more Education options to our members.
- **NCPAC** members can post to a **job board on the NCPAC Website** if they are a trainee or appraiser looking for a firm to affiliate with or are a firm looking for a new candidate to add to their organization. Currently several positions are available!
- **With the number of new trainees coming into our Profession, NCPAC decided to provide a free membership to all new trainees for their 1st membership cycle going forward.**

With the number of new trainees coming into our Profession we have decided to provide a free membership to all new trainees for their 1st membership cycle going forward.

To contact NCPAC with any questions please email ncpac@live.com or visit us at www.ncpac.us and www.facebook.com/ncpac.us.

A quick note from the Editor to thank Keith Manning for his help in creating a new format for The Scope. Let us know if you like it. Thanks Keith!

1. Presidents Corner:

The 2023 NCPAC Conference is scheduled for 26-28 Sept 2023 and is being held in Southport NC. We have a rough agenda in place and will be offering CE and Exam Prep during the conference. We hope that you will make plans to attend. Please note that OREP Insurance/Isaac Peck is offering 3 hours of CE Free for Attendees.



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25 Sep 2023-Monday: Check in for Conference – 05-07pm (if taking CE Tuesday), check in at Hampton Inn & Suites Southport, 4820 Port Loop Rd, Southport NC 28461 (910-477-9830)(link will be provided for Conference Attendees with a discounted rate)

26 Sep 2023-Tuesday:Free Breakfast for Hotel Guests only, Continuing Education (CE) – Excel-Custom MLS Export, Chart & Trendline 08:30am-12:30pm, Lunch 12:30-01:30, Liability & Risk: Protecting Yourself as an Appraiser (Being Offered Free by OREP) 01:30-04:30, Check In for Conference 04:30-05:30 (If attending CDA Tour or Trainee Exam Prep on Wednesday), 05:00-06:30pm-Social, Trainee Q&A/Meet & Greet, Board Member Dinner/Meeting 07pm @ TBD Location.

27 September 2023 – Wednesday: Free Breakfast at Hotel for Guests Only, Check in for Conference(late check in for Members and trainees attending class) 08-09am, Trainee Exam Prep 08am – 04pm (No CE Credit), CDA Tour – Depart for CDA Tour 0900am. Bald Head Island Tour 10am-03pm, Music, Cocktails, Heavy Hors D'oeuvres & Desserts, Guest Speaker (Fisher Wealth or Motivational Speaker) 06-09pm at Southport Community Center. 223 E. Bay Street, Southport NC 28761

28 September 2023 – Thursday: Free Breakfast at Hotel for Guests Only, NCPAC Business Meeting (Install New Officers/Board Members, Awards, Committee Reports) - 09am-01pm

Preview: Are you ready for the national exam? Join us in person for an extra boost to your exam prep with McKissock's new course!

Body:

McKissock Learning invites you to join instructor Julie Molendorp in person for our National Appraiser Exam Crammer (7 Hours).

This 7-hour course is designed to give you that extra boost when preparing for your national exam. You'll get live, real-time questions and answers to all your test prep questions! Focusing on content for both Licensed and Certified Residential exams, this course also assists in understanding the makeup of your exam, as well as some proven test-taking strategies. You will go through practice exam questions with your instructor covering topics you will likely see on your National Exam. This lively question-and-answer format keeps you involved, and your instructor can focus on areas of specific need as you work through the provided sample questions as a class.

Date: September 27, 2023

Time: 8am-4pm ET

Price: \$175

Location: Hampton Inn, 4820 Port Loop Rd, Southport, NC 28461

[CTA: SAVE YOUR SEAT url:

https://forms.office.com/Pages/ResponsePage.aspx?id=f1DGLb_aTKkCPdbsR8aUkoSEcgs7TBspAoM_wgXhprLVUNTJOOUxkSVFZR0s3VVJDQjczUTY4NDIMRy4u]



NCPAC in coordination with McKissock is proud to offer a “Live National Exam Preparation Class” at our annual Conference 27 Sep 2023! You do not have to be an NCPAC member to sign up! We have negotiated a special price for this class. It is usually an online class, due to being a live class being offered at a lower price we will need a minimum of 25 people to hold this class. You can sign up via the link below!

Subject: Be Ready with McKissock's National Appraiser Exam Crammer

2. Appraiser News:

NCPAC is continuing to live stream and record the NCAB meetings for all appraisers who are unable to attend the meetings. You can view the meetings on our NCPAC Facebook page, website – ncpac.us and on YouTube. The next 2 North Carolina Appraisal Board (NCAB) meetings will be 16 May 2023 (Virtual) and 20 June-2023 (Live). The remainder of the 2023 meeting schedule is currently slated to alternate between Live & Virtual.



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The current appointees to the board are:

Appraisal Board Members	
Mike Warren, Chair	Beaufort
Timothy N. Tallent, Vice-Chair	Concord
Claire M. Aufrance	Greensboro
Sarah J. Burnham	Hickory
Lynn Carmichael	Arden
Darius R. Chase	Waxhaw
Jack C. (Cal) Morgan, III	Wilmington
Viviree Scotton	Chapel Hill
H. Clay Taylor, III	Raleigh

NCAB OPEN FORUM POLICY

The Appraisal Board will have a Public Forum scheduled for each Board meeting. To appear at the meeting, a speaker must:

1. Name the speaker;
2. Identify if the speaker is appearing on behalf of a group or entity;
3. Identify the topic of the speaker’s comments;
4. Limit the comments to five minutes; and
5. Make the request to speak no later than 5:00 pm on the Thursday prior to the Board meeting.

The speaker may not address any pending disciplinary matter or application.

If you are requesting that the Board take action on any issue or item, please provide a summary of the requested action in writing when requesting to speak or at the time of the presentation.

Board and staff members will not respond to the speaker during the comments, but may ask for clarification.

The Public Forum will be scheduled at the end of the meeting; however, it may be moved to another time at the direction of the Chairman.

Speakers must maintain a professional demeanor and proper decorum during their comments. Failure to do so may result in the Chairman terminating the speaker’s time for comment.

AARO

The Association of Appraiser Regulatory Officials (AARO) Spring 2023 conference will be held 09-11 May 2023 in Savannah GA. AARO’s Fall Conference is planned for 6-9 Oct 2023 in Salt Lake City UT. We plan to have NCPAC members in attendance for each Conference. Why is this important?

Independent Appraisers from around the country are trying to ensure that our voices are heard and that the AMC and Lenders are not the only viewpoint being offered.

2024 NCPAC Conference: The 2024 NCPAC Conference location is to be determined and more information will be available after the 2023 annual conference.

3. Tips & Tricks – Preparing to take your Exam?

There are a number of study guides, practice questions and practice exam software available. The two that most often seem to be successfully used are:

- A. Practice Examination Questions for Real Estate Appraisers – Online (Provided by the Appraisal Institute). Click on the following link - [AI Education Detail \(appraisalinstitute.org\)](https://www.appraisalinstitute.org/education)
- B. Appraisal Exam Prep from CompuCram – They offer an exam prep program for both Licensed and Certified Exam takers. Their appraisal exam prep comes complete with practice tests and flash cards! Click on the following link - [Appraisal Exam Prep | CompuCram Practice Exams & Tests](https://www.compuexam.com/practice-exams)

4. Apps & Tools – Laser Measuring Devices

If you have not tried using a Laser Measuring device and have been thinking about it here are the 2 brands most appraisers tend to be using. Leica Disto or Bosch. I have used both. I bought my 1st Bosch just to try out a laser measurer. I liked it but sometimes had a hard time seeing it outside in bright light. I then moved to the higher end brand Leica and bought a Disto D2. It didn’t have a lot of features but I really like it, my favorite features are the Add/Subtract function and it remembers the last 3 measurements. It has a brighter laser and I can see it more easily but still on bright sunny days I find it hard to see. They do make a set of glasses which are supposed to make it easier to see. Some of their other models offer a viewscreen which ensures you can see the laser spot.



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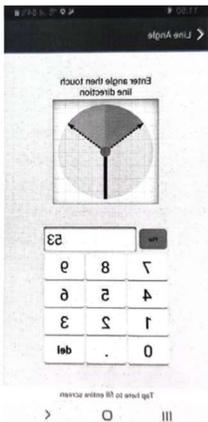
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If you are thinking about buying a Leica Disto check out the AppraiserLaser website (they offer a significant discount) [Disto Laser Measure | Laser Distance Meter | AppraisersLaser.com](#)

5. **Mobile Appraising** - Drawing Custom Angles in Total for Mobile. We are often faced with angles that are not simply 45 or 90 degrees. Did you know you can enter a Custom Angle on your mobile device? Follow the following steps.
 - A. Custom angles with long walls require that you measure the length and angle of the wall (using an angle measurement tool) while your onsite. Then use this information to enter the line in your sketch.
 - B. Make sure you are in drawing mode. Enter the distance but do not tap any direction. Click on Angle which will bring up the Angle Tool. (see below).



- C. Enter the direction of deflection (the # of degrees of the angle).(the Flip button will give you the converse degree of your measurement).
 - D. Tap the arrow that corresponds to the direction you want the angle to be and anchor the line in place.

6. Article - Dealing with a Subpoena by Isaac Peck, Editor of Working Real Estate Magazine

As an appraiser, you don't have to be sued or be facing a lawsuit to find yourself on the receiving end of a subpoena—staring down a lawyer who is peppering you with questions.

Appraisers are often subpoenaed in legal disputes involving third parties, usually being tied to the dispute for no other reason than having appraised a property involved in the dispute. If the appraiser is not a party to the lawsuit, then typically they are being subpoenaed for documents and/or being called as an expert witness, sometimes without pay, to testify regarding a past appraisal.

As a leading provider of E&O insurance for appraisers, [OREP](#) frequently hears from appraisers who are facing a subpoena and wondering what their options are and how they should respond. Here's what you should know about subpoenas.

Confidence and Confidentiality

First, subpoenas are court orders and you must not ignore the subpoena or you will find yourself in contempt of court. Tim Andersen, MAI, MSc, USPAP instructor and CEO of [TheAppraisersAdvocate.com](#), says that if an appraiser doesn't want to comply with a subpoena they can try to fight it, but that requires hiring a lawyer, which can be costly and has its own challenges. "One approach is to protest the subpoena to the judge indicating that your records are private, and requesting that your records be treated as confidential and not be made part of the public record. The judge, however, will do whatever s/he chooses to do," reports Andersen.

One question that appraisers frequently have is whether USPAP confidentiality prohibits them from sharing the appraisal or speaking about its contents. The USPAP confidentiality rule is not a privilege protecting against disclosure in court discovery. "With a subpoena, the issue of confidentiality pretty much goes out the window because a court is ordering you to provide the records and/ or discuss the matter," says Andersen.

This has been proven in federal court as well. In 2010, the United States District Court of North Carolina wrote, "The law does not afford an evidentiary privilege to professional appraisers. Moreover, the USPAP rules themselves explicitly contemplate the production of such documents to 'third parties as may be authorized by due process of law.'" (See United States of America v. 2,091. 712 Acres of Land, et al., Defendants. No. 4:09-CV-88-BO.)

In other words, you would need an overriding confidentiality issue or reason that is beyond USPAP's confidentiality rule to



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convincingly argue to the judge that your appraisal, workfile, etc. is “protected” and should not be procured by the subpoena.

There are, of course, other ways an appraiser might try to fight a subpoena, but the main point here is that (1) you cannot ignore a valid, court-ordered subpoena, and (2) a subpoena trumps USPAP confidentiality as it pertains to the information being requested in the subpoena.

It’s important to understand, however, that USPAP confidentiality is over-ruled by the subpoena ONLY for the information that is the subject of the subpoena, according to David Brauner, Senior Broker at OREP.org. “As the appraiser, you still may be responsible for confidentiality under USPAP for other appraisals and other information that is NOT the specific subject of the subpoena. So be careful not to discuss or reveal confidential information that is outside the specific scope of the subpoena,” advises Brauner.

Getting Paid

Depending on the nature of the subpoena and if witness testimony is requested, the appraiser may seek to get paid for their time. Some appraisers rightly point out that their limiting conditions in the appraisal include a statement that their service “does not include testimony.” They therefore insist that the attorney pay them their hourly fee. But because the appraiser is being ordered by the court, they typically are entitled to no more than the daily witness fee. Here in California, that is \$35 for the day and \$0.20 per mile for mileage.

Serving an appraiser with a subpoena is an approach that some attorneys use to try to get “expert witness” testimony for free. Consequently, an appraiser who is called to testify may want to present an expert witness contract to the attorney who was involved in issuing the subpoena. It is often helpful to speak to the attorney first, as this will allow you to understand why they are involving you in the case in the first place. And it might also present an opportunity for you to sell your services, if you so desire.

In situations where the lawyer attempts to play hardball, retired home inspector Jerry Peck, now a construction and litigation consultant, advises appraisers to acknowledge that they wrote the report but avoid offering any opinion unless under contract as an expert witness. “Whether or not you are a party to the case, as soon as they ask ‘What do you think?’ or ‘Is that what you think?’ or any other question that leads to your offering an

opinion, you are acting in the role of ‘expert’, not a ‘witness,’” says Peck.

Peck explains the difference: “If an appraiser is asked, ‘Did you do this appraisal inspection on this day, at this address?’ That is not an expert witness question. That is a question for him/her as the Records Custodian.”

Peck insists that no lawyer should get more than a “Records Custodian” answer unless they are willing to sign the appraiser’s expert witness contract, which includes a retainer fee and advance payment. “A Records Custodian can only attest to things such as: ‘Yes, this is the report which was produced for the appraisal which was performed on (date) at (address) for (client’s name).’ Think of it as *name, rank, and serial number* only, until they retain you for further information,” Peck says.

An appraiser can stop answering and get his contract out when a lawyer begins asking questions like, “Why was that your opinion?” or “Why did you think that needed to be corrected?” because the appraiser is now being treated as an expert. “Turn to the judge and bring up the fact that they are treating you as an expert witness but have refused to sign your contract. I have not heard of a judge yet who will not tell the attorney to sign the contract and get their checkbook out,” says Peck.

Coverage

In terms of what appraisers can do to protect themselves when subpoenaed, Brauner advises appraisers to (1) be careful not to disclose confidential information OUTSIDE the specific scope of the subpoena, and (2) report the incident to your E&O insurance agent/company.

Depending on your insurance policy, you might enjoy coverage for subpoena expenses. [OREP’s](http://OREP.org) flagship insurance program contains \$25,000 in subpoena expense coverage which covers “expenses incurred while assisting the Insured in responding to a subpoena which the Insured first receives and reports in writing” to the insurance company. Ask your OREP agent whether your policy includes this coverage if you have any questions.

“While no one likes to receive a subpoena, it’s smart for appraisers to have coverage for subpoena expenses—if it comes to that. That’s one of the added perks to [OREP’s](http://OREP.org) appraiser policy,” says Brauner.

Ultimately, if you have any concerns about potential liability or risk arising from a subpoena, Brauner advises appraisers to



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reach out to their E&O insurance agent/company or engage your own legal counsel if your policy doesn't cover it. "If you're concerned about liability or you think there's a risk of an error or mistake coming to light due to the subpoena, then you shouldn't go it alone. It's important to seek professional legal advice if you need it. Like the old saying goes, better safe than sorry," advises Brauner.

Stay safe out there!

About the Author

Isaac Peck is the Editor of *Working RE magazine* and the Vice President of Marketing and Operations at OREP.org, a leading provider of E&O insurance for appraisers, inspectors and other real estate professionals in 50 states. He received his master's degree in accounting at San Diego State University. He can be contacted at isaac@orep.org or (888) 347-5273.

7. Appraisal Classes:

Virtual Courses/Online Trainee Courses - The North Carolina Appraisal Board (NCAB) met on March 17, 2021 and voted to adopt emergency rule 21 NCAC 57B .615. This allows sponsors to offer all continuing and qualifying education courses approved for in class offerings virtually and also allows online asynchronous courses to become a trainee.

All registered, licensed and certified appraisers are required to have 28 hours of CE, including the 2022-2023 7-Hour National USPAP Update course completed by May 31, 2023, in order to renew on time. The current CE cycle is June 1, 2021 – May 31, 2023. Online renewals for the 2023-2024 licensing year will be permitted in early May for those that have met the CE requirements.

Only licensees **originally** registered, licensed, or certified after January 1, 2023, will be exempt from continuing education this cycle, but not from renewal. Licensees that upgraded will still be required to meet the continuing education requirement.

McKissock - 800-328-2008 www.mckissock.com

Triangle Appraisal School - 252-291-1200
www.triangleappraisalschool.com

Hignite Training Service – 252-764-0107 -
www.hignitetrainingservice.com

Appraisal Institute North Carolina Chapter - 336-297-9511 -
www.ncappraisalinstitute.org

Appraiser Elearning – 615-965-5705 –
www.AppraiserElearning.com

8. NCPAC Chapter Information:

If you have any interest in establishing an NCPAC Chapter in your area please contact NCPAC.
President ncpacpresident@gmail.com.

Southern Appalachian Chapter - Covers Macon, Jackson & Swain Counties in NC. Officers – President - Dana Murray, Vice-President – Sandra Gibby, Secretary – Jen Pressley.

9. Job Postings

NCPAC members can now post to the job board on the NCPAC Website if they are a trainee or appraiser looking for a firm to affiliate with or are a firm looking for a new candidate to add to their organization. Do you have a position to fill? Are you looking for a new challenge? Do you want to put your position on the site and have it included in "The Scope"? Go to the NCPAC contact us page - www.ncpac.us/contact-us.html

[Click on the following link to see all of the available jobs!](#)

[NCPAC Member Job Postings](#)