



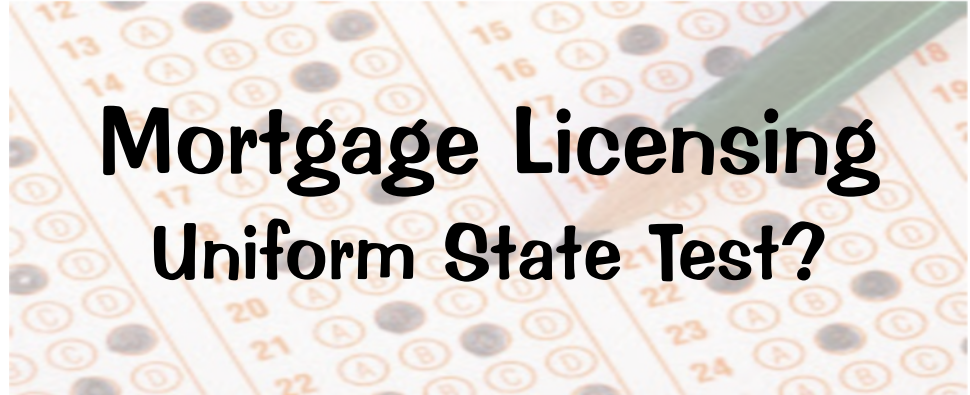
# Division of Real Estate

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ble business practices through education, licensure, and regulation of real estate, mortgage, and appraisal professionals.” In order for us to fulfill our mission, we need regulation that works. If our statutes and administrative rules don’t work, that does not help you as professionals, and it does not help the Division accomplish its mission.

In the last year we have had more success in identifying things that may not be working the way they used to because these industries are always changing. We currently have two committees working diligently on administrative rule amendments that are the result of industry members contacting the Division with concerns or suggestions. These two committees have members of the commission/board, employees of the Division, and industry members all working together to draft rule amendments that will continue to protect the public, while providing industry with regulations that are easy to understand and follow. These committees are currently working to revise the advertising rules for real estate, as well as rules dealing with Appraisal Management Companies.

I want to commend industry members for contacting the Division and working with us to ensure that the statutes and rules work in a way that promotes responsible business practices while continuing to protect the public.



In early 2013 the NMLS prepared a “stand alone” Uniform State Test (UST). The UST tests candidates on their knowledge of information contained in the SAFE Act and the Model State Law (MSL). The NMLS recommends to state agencies that they adopt the UST. However, as of the present, the Utah state legislature has not done so. The UST does not cover content from multiple state tests, and none of the UST questions include state specific questions.

The “stand alone” UST was rolled into the NMLS National Exam in April of 2013. Since that time, the NMLS National Exam has included content from the Uniform State Test (UST).

Since inclusion of the UST in the National NMLS exam, the vast majority of states have accepted the NMLS National exam (which includes the UST), and have discontinued requiring state specific licensing examinations.

For the past several months, the Utah Mortgage Commission has discussed the merits of continuing to require the NMLS Utah State Exam, or to follow the lead of the majority of states and only require the NMLS National Exam for mortgage loan originators. At the September Commission meeting, the Utah Mortgage Commission voted to continue to require the NMLS Utah State Exam along with the NMLS National Exam for candidates seeking a mortgage loan originator license.

There are continuing and ongoing discussions of the pros and cons of no longer mandating the NMLS Utah State Exam. Your input and recommendations on this timely subject are requested at [www.realestate.utah.gov](http://www.realestate.utah.gov).

# Division of Real Estate

## Staff Spotlight Chris Martindale

### Utah! Division of Real Estate NEWS

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I grew up in the beautiful mountains of Park City, Utah, where I spent all 12 of my early school years. I began my post high school days in the film industry as an entry level producer/director at local TV station where I had the experience of hosting a news based TV show and being an on camera weather man. I returned to school and worked in the Real Estate industry as a Realtor for a home builder where I gained a foundation of real estate knowledge. While I was working in the Real Estate industry, I sort of slipped into being a Private Investigator doing various types of casework. My curious and "snoopy" nature proved that I had an ability to put the pieces of the puzzle together, and make a career of investigations for nearly a decade. I have worked several types of investigations from domestic matters, to complex insurance fraud. I specialized in surveillance and tracking using whatever technology was available. I was featured on the front page of [City Weekly](#) in 2011.

I came to the Division of Real Estate in June of 2016 with combined experience in real estate and investigations, making for a background that fit the profile of a Real Estate Investigator. I am extremely humbled and grateful to have the opportunity to work with, and be part of such an awesome department. I was very nervous coming back to a "desk job", but everyone is so friendly and supportive with their many years of knowledge. Everyone is always willing to contribute that knowledge as a team effort, giving the department a very close "family" feel to it. That type of atmosphere in itself deserves much respect. It has been a challenge to learn, grow, and become a productive cog in the wheel of the Division. This opportunity has literally changed my life in ways that most will never know.

My family and 6 children are my greatest joy. When time allows, I enjoy playing my guitar and recording music in my studio. I love to cook for my loved ones and helping my children with various hobbies and activities that they enjoy. I like the nerdier things in life such as a good Sci-Fi movie, or singing some karaoke (did I really just admit that?) My greatest motivation is my loved ones who hold me up and keep me strong. You know who you are. Life is good!



## THIRD QUARTER LICENSING and DISCIPLINARY ACTIONS

Please note that Utah law allows 30 days for appeal of an order. Some of the actions below might be subject to this appeal right or currently under appeal.

### **APPRAISAL**

**GUYMON, DEVON**, statecertified residential appraiser, Orem, Utah. In a stipulated order dated July 27, 2016, Mr. Guymon admitted to having made several errors in an appraisal in violation of US-PAP and agreed to pay a civil penalty of \$1,000 and to take 30 hours of continuing education. Case number AP-14-71310

**HVCC APPRAISAL ORDERING, Inc.**, appraisal management company, Lake Forest, California. In a stipulated order dated August 24, 2016, HVCC admitted to 1) having failed to renew its registration prior to the registration expiration date; 2) having continued to operate as an AMC in Utah despite no longer having an active registration; and 3) failing to respond to Division requests for information. HVCC eventually responded to the Division and renewed its registration. HVCC agreed to pay a civil penalty of \$25,000. Case number AP-15-75216

### **MORTGAGE**

**Alpine Mortgage, LLC**, mortgage entity, Boise, Idaho. In a stipulated order dated July 6, 2016, Alpine Mortgage admitted to having mailed advertisements in violation of Utah law which prohibits

false or misleading advertising. At the time the advertisements were mailed, Alpine Mortgage did not believe that they were false or misleading and immediately stopped using the advertisements upon being notified by the Division. Alpine Mortgage agreed to pay a civil penalty of \$2,000 and to update its MU4 disclosure on the nationwide mortgage licensing system. Case number MG-13-67356

**BRENNER, KATELYN NICOLE**, mortgage loan originator, Draper, Utah. In a July 14, 2016 order, Ms. Brenner's license was granted and placed on probation for the initial licensing period for criminal history. Case number MG-16-84716

**CHRISTENSEN, JON D.**, lending manager, Spanish Fork, Utah. In a July 14, 2016 order, Mr. Christensen's license was granted and placed on probation until August 31, 2017, for criminal history. Case number MG-16-84738

**HUA, ALLEN T.**, mortgage loan originator, Sandy, Utah. In a stipulated order dated June 1, 2016, Mr. Hua admitted to having violated Utah law prohibiting misrepresentation when Mr. Hua provided a mortgage approval letter which stated that the applicant was approved for a mortgage loan when questions remained as to the appli-

cant's qualifying status. Mr. Hua agreed to pay a civil penalty of \$1,000 and to update his MU4 disclosure on the nationwide mortgage licensing system. Case number MG-14-72489

**KIM, PAUL ILWOONG**, mortgage loan originator, Brea, California. In a March 9, 2016 order, Mr. Kim's license was granted and placed on probation for the initial licensing period for criminal history. Case number MG-16-81317

**MCCALLUM, JESSICA**, unlicensed activity, Salt Lake City, Utah. In a stipulated order dated June 1, 2016, Ms. McCallum admitted to: 1) having engaged in the business of residential mortgage loans without obtaining a license; and 2) having made false statements while transacting the business of residential mortgage loans. Ms. McCallum agreed: 1) to cease and desist from transacting the business of residential mortgage loans without a license; 2) to not apply for licensure for five years, and, if she eventually does apply for licensure, that she will appear before the Mortgage Commission to determine her qualification for licensure; and 3) to update her answers on her MU4 disclosure on the nationwide mortgage licensing system. Case number MG-14-69348

*continued from page 4*

## **REAL ESTATE**

ADAMS, JASON, sales agent, Toquerville, Utah. In a July 14, 2016 order, Mr. Adams's license was renewed and placed on probation for the renewal period due to criminal history and due to unpaid child support. Case number RE-16-84708

ANDREW, DIANA, sales agent, Woods Cross, Utah. In a July 29, 2016 order, Ms. Andrew's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85016

BEARD, ROSALIND, sales agent, Salt Lake City, Utah. In a June 17, 2016 order, Ms. Beard's license was renewed and placed on probation for the renewal period due to a pending criminal matter. Case number RE-16-84199

BEUHRING, JENNIFER, sales agent, Eagle Mountain, Utah. In a 2011 stipulated agreement, Ms. Beuhring represented that she had ceased from conducting unlicensed activity. On September 20, 2013, Ms. Beuhring was granted a license to practice as a real estate sales agent. In a stipulation dated July 20, 2016, Ms. Beuhring admitted that 1) contrary to her representation in the 2011 stipulation, she had continued to conduct unlicensed activity from 2011 through September 20, 2013; 2) she had disregarded the 2011 order of the Real Estate Commission; and 3) she had mis-

represented to the Division that she had ceased all unlicensed activity. Ms. Beuhring's actions are violations of Utah law. Ms. Beuhring agreed to have her license revoked and to pay a civil penalty of \$5,000. Case number RE-13-67501

BRANNIGAN, JESSICA L., sales agent, Park City, Utah. In an August 11, 2016 order, Ms. Brannigan's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85249

BROWN, HERNAN A., sales agent, Kearns, Utah. In an August 11, 2016 order, Mr. Brown's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85251

BUTLER, ZACHARY JAMES, sales agent, Smithfield, Utah. In a July 29, 2016 order, Mr. Butler's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85021

CROVO, WALTER, sales agent, Hurricane, Utah. In a June 2, 2016 order, Mr. Crovo's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-83735

DANIELS, PHILLIP ROSS, JR., sales agent, Bountiful, Utah. In a June 7, 2016 order, Mr. Daniels's

license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-16-83823

HARRIS, THOMAS B., sales agent, Logan, Utah. In an August 5, 2016 order, Mr. Harris's license was renewed and placed on probation for the renewal period due to a pending criminal matter. Case number RE-16-85131

JACKSON, THOMAS A., sales agent, Bluffdale, Utah. In a stipulated order dated August 17, 2016, Mr. Jackson admitted to having continued to practice as a real estate agent despite his license being placed on inactive status and prior to formally affiliating with another real estate broker, in violation of Utah law. Mr. Jackson agreed to pay a civil penalty of \$1,000 and to complete a one hour course in addition to the continuing education required for his next license renewal. Case number RE-12-58667

JANKE, SHAWN, principal broker, Ogden, Utah. In a stipulated order dated August 17, 2016, Mr. Janke admitted to having failed to exercise active supervision over the conduct of a sales agent affiliated with him after the Division notified Mr. Janke of two roadside signs which were in violation of state advertising rules. Although Mr. Janke spoke with the sales agent multiple times about the improper signs, the signs remained in place for several months. Mr. Janke agreed to pay

# Division of Real Estate

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a civil penalty of \$3,500. Case number RE-16-76899

JEPPSON, NIKKI, sales agent, Riverton, Utah. In a July 14, 2016 order, Ms. Jeppson's license was granted and placed on probation for the initial licensing period due to criminal history and the prior sanction of her real estate license. Case number RE-16-84744

JOHNSON, JAMES CHASE, sales agent, South Jordan, Utah. In a July 29, 2016 order, Mr. Johnson's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85023

KAY, ALISHA RAE, sales agent, Riverton, Utah. In an August 11, 2016 order, Ms. Kay's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-16-85248

LINDHARDT, STACIE, sales agent, St. George, Utah. In an August 24, 2016 order, Ms. Lindhardt's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85560

LIRA, PEDRO, sales agent, Cottonwood Heights, Utah. In a July 28, 2016 order, Mr. Lira's license was renewed and placed on probation for the renewal period due to the prior sanction of his mortgage

lending manager license. Case number RE-16-85007

LUCAS, ANDREW J., sales agent, Salt Lake City, Utah. In an August 24, 2016 order, Mr. Lucas's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-16-85564

MACLACHLAN, KIM, sales agent, Logan, Utah. In a June 21 2016 order, Ms. MacLachlan's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-16-84275

MICHIE, JOHN DAVID, sales agent, St. George, Utah. In an August 29, 2016 order, Mr. Michie's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85254

MILES, ALLISON L., sales agent, Moab, Utah. In a stipulated order dated July 20, 2016, Ms. Miles admitted to having continued to practice as a real estate sales agent for a period of time after her license had expired and until she later reinstated her license. Ms. Miles admits that her unlicensed activity during the time that her license was expired was in violation of Utah law. She agreed to pay a civil penalty of \$1,000. Case number RE-16-76269

MINCHEY, BRIAN J., sales agent, Park City, Utah. In an order dated

June 10, 2016, Mr. Minchey's license was granted and immediately suspended while charges are pending in a criminal matter. Case number RE-16-83917

MORGAN, MICHAEL J., sales agent, Cottonwood Heights, Utah. In a June 30, 2016 order, Mr. Morgan's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-84513

NIELSON, GARY C., principal broker, Bountiful, Utah. In an April 13, 2016 order, Mr. Nielson's license was renewed and placed on probation during the pendency of criminal proceedings. On June 6, 2016, Mr. Nielson pleaded guilty to a 3rd degree felony charge. As a result of his guilty plea and pursuant to the April 13, 2016 order, Mr. Nielson's license was revoked. Case number RE-16-82100

PEARSON, KANDRA DEE, sales agent, Draper, Utah. In a June 16, 2016 order, Ms. Pearson's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-84141

PHAM, STEPHANIE, sales agent, Centerville, Utah. In a May 19, 2016 order, Ms. Pham's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-83413

*continued from page 6*

QUINTANA, DELEONE A., associate broker, Salt Lake City, Utah. In a July 28, 2016 order, Mr. Quintana's license was renewed and placed on probation for the renewal period due to a pending criminal matter. Case number RE-16-85002

RAMIREZ, DIANA M., sales agent, Hideout, Utah. In a July 6, 2016 order, Ms. Ramirez's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-84556

ROBERSON, THORNE, sales agent, West Jordan, Utah. In a June 2, 2016 order, Mr. Roberson's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-83776

ROSS, WILLIAM J., sales agent, Morgan, Utah. In a stipulated order dated July 20, 2016, Mr. Ross is alleged to have represented both sides of a transaction without obtaining the informed consent of both parties in a contract involving a lease agreement and option to purchase property. Without admitting or denying the allegations, Mr. Ross agreed to pay a civil penalty of \$3,000 and to complete one hour of continuing education in addition to the hours required for the renewal of his license. Case number RE-13-65902

RUESGA, BRANDIE LOUISE,

sales agent, Layton, Utah. In an August 24, 2016 order, Ms. Ruesga's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85558

SAGERS, JENNIFER L., sales agent, Orem, Utah. In a June 20, 2016 order, Ms. Sagers's application for licensure was denied due to facts and circumstances relative to the 2008 revocation of her certified residential appraiser license. Case number RE-16-83412

SLIMAK, EMILY N., sales agent, Herriman, Utah. In a July 21, 2016 order, Ms. Slimak's license was granted and placed on probation for the initial licensing period due to her violation of testing center policy. Case number RE-16-84871

SMITH, KRYSTLE SHANNON, sales agent, Salt Lake City, Utah. In a July 6, 2016 order, Ms. Smith's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-84553

SMITH, MADISON SIERRA, sales agent, St. George, Utah. In a July 29, 2016 order, Ms. Smith's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85019

STAM, CHASE HAROLD, sales agent, Sandy, Utah. In an August 24, 2016 order, Mr. Stam's license

was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85563

STEVENS, CRISTAL, sales agent, Taylorsville, Utah. In a July 29, 2016 order, Ms. Stevens's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-16-85014

TAMS, JASON ROY, sales agent, Ogden, Utah. In a n August 5, 2016 order, Mr. Tams's license was reinstated and placed on probation for the renewal period due to criminal history. Case number RE-16-85132

TRAVER, JUSTIN R., principal broker, Midway, Utah. In a stipulated order dated July 20, 2016, Mr. Traver admitted to having 1) failed to deposit an earnest money check as represented to the sellers in a transaction; 2) filed an unlawful notice of interest against a property in Wasatch County, Utah; and 3) continued to practice as a principal broker after his licensed expired. Mr. Traver admitted that his actions were in violation of Utah law. He agreed to pay a civil penalty of \$5,000 and that he may not apply for a real estate license, credential, or certification for 10 years. Case numbers RE-13-68491 and RE-14-73799

VIERIG, CRAIG R., principal broker, Salt Lake City, Utah. In a July

# Division of Real Estate

*continued from page 7*

29, 2016 order, Mr. Vierig's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-16-85013

VOORHEES, ZACHARY P., sales agent, Payson, Utah. In a June 21, 2016 order, Mr. Voorhees's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-84279

WILLIAMS, DAVID W., sales agent, Lindon, Utah. In an August 5, 2016 order, Mr. Williams's license was granted and placed on probation for the initial licensing period due to criminal history. Case number RE-16-85134

WOLFLEY, SHAWN RICHARD, sales agent, Providence, Utah. In a July 22, 2016 order, Mr. Wolfley's license was renewed and placed on probation for the renewal period due to criminal history. Case number RE-16-84882

## **TIMESHARE**

JOHNSON, CRAIG DANIEL, salesperson, Washington, Utah. In an August 23, 2016 order, Mr. Johnson's application for licensure was denied due to criminal history. Case number TS-16-85456

PACKER NEIL L., salesperson, Park City, Utah. In an August 10, 2016 order, Mr. Packer's application for licensure was denied due to criminal history. Case number TS-16-85212

## Questions or Comments??

Contact us!



**Call Us!**  
**801-530-6747**



**Email Us!**  
**[dnewsletter@utah.gov](mailto:dnewsletter@utah.gov)**



**Chat With Us!**  
**Click [here](#)**



## 2017 MORTGAGE LICENSE RENEWAL Be Prepared!

All Mortgage licenses are renewable on an annual basis. Renewal requests can be made on your NMLS filing between November 1 and December 31. You can prepare now so that your renewal will go smoothly by following the checklists, one for **entities** (companies, branches, dbas) and one for **individuals** (loan originators and lending managers).

### Individual Renewal Checklist (Loan Originators and Lending Managers)

#### **Prior to November 1, 2016**

1. Review your filing in the NMLS to make sure your information is current and correct. This includes mailing address, email, phone numbers, name, and employment history.
2. Review your filing to make sure there are no license items placed on your filing. License items can be deficiencies or requirements that are pending on your license and must be cleared prior to requesting renewal. Some common deficiencies include Employment History Updates, ACH Payments that may have been returned unpaid, requests for information about Disclosure Questions or Credit Reports. Satisfy all pending license items prior to renewal. You may
3. If your driver's license number has changed, be sure to indicate this update on your filing, as well as your US citizenship status. This is found under the Identifying Information section on your MU4 form. If this information is incorrect or incomplete, we may place a deficiency on your license requiring you to provide the Division with a copy of the Certificate of Legal Presence. [http://realestate.utah.gov/form/s/cert\\_legal\\_pres\\_fillable.pdf](http://realestate.utah.gov/form/s/cert_legal_pres_fillable.pdf) If your information is recorded accurately on your filing, you *will not* need to submit this form (Certificate of Legal Presence) to us as you may have done in prior years.
4. NMLS-approved continuing education (8 hours) must be com-

call the licensing department at 801-530-6747, if you do not understand your deficiency or need help in getting it cleared. When a license item is placed on your filing, you receive an email through the NMLS notifying you of the deficiency or requirement.

**\*\*REFER TO YOUR  
INDIVIDUAL NMLS  
DASHBOARD TO REVIEW  
ANY OUTSTANDING  
REQUIREMENTS AND/OR  
DEFICIENCIES\*\***

pleted prior to requesting renewal. It is recommended that to insure an on time renewal, these hours must be completed no later than December 15, 2016. The NMLS will prevent you from requesting renewal if these hours are not banked.

5. Utah specific continuing education on Utah Law (2 hours) must be completed prior to renewal approval. Note: The NMLS system will not prevent you from requesting renewal, but if we later find you have not completed the 2 hours of Utah law, a deficiency will be placed on your filing and your renewal will not be approved until the hours are completed. To find providers for this course, you must go to the Utah Division of Real Estate website to find a list of approved providers:

[http://realestate.utah.gov/forms/MO\\_CE\\_Providers1.pdf](http://realestate.utah.gov/forms/MO_CE_Providers1.pdf).

To verify that you have completed the 2 hour Utah Law class, please refer to the following Division website for the current list of licensees that have completed the required Utah Law class:

[http://realestate.utah.gov/mortgage/utah\\_ce.html](http://realestate.utah.gov/mortgage/utah_ce.html)

# Division of Real Estate

continued from page 9

- Note: To insure an on time renewal, these hours must be completed no later than December 15, 2016. It is also important to note that these hours will not be banked in your NMLS account. These hours will only be tracked in the Utah DRE database.**
- If your license is on probation and there are requirements that must be completed at renewal, either to have the probation removed or as terms of the probation, make sure these items are reported to the Division before you request renewal. This will aid in getting your renewal processed in a timely manner.

**A credit report and background check are NOT REQUIRED this year.**

### ***On or After November 1, 2016:***

- You can request renewal. The renewal fee is \$78.00 which includes the NMLS processing fee of \$30, Renewal fee of \$30.00 and Recovery Fund fee of \$18.00. You will be required at that time to **ATTEST AND SUBMIT** to the accuracy of your filing so make sure, once again, that all is correct.
- If there is a change in your answers to the Disclosure Questions, please provide a narrative on your MU4 filing describing the nature of the event(s) or occurrence(s) which led to the "yes" answer

and provide any related documentation.

- If you request renewal prior to January 1, 2017, your license will remain in the status that it was prior to renewal. If your status was active, you can continue to work as usual. Your renewal approval is contingent on all requirements being met, in which case the Division will process the renewal as quickly as possible and email your new license to you.

### **Entity License Renewal (company, dbas, branches):**

#### ***Prior to November 1, 2016***

- Review MU1 filing and/or MU3 filing to confirm that all the information, company location, mailing address, contact information, etc., is correct.
- If there is a change in your answers to the Disclosure Questions, you must **provide a detailed explanation and upload documentation to support your explanation.**
- Review the entity filing to make sure there are no license items placed on the filing. These items could include things like a returned ACH Payment, update qualifying individual, company ownership, etc.

#### ***On or After November 1, 2016:***

- Request and pay renewal fees through NMLS between No-

ember 1 and December 31, 2015.

If you request renewal prior to January 1, 2017, the license will remain in the status that it was prior to renewal. If the status was active, work can continue as usual. Your renewal approval is contingent on all requirements being met, in which case, the Division will process your renewal as quickly as possible and email your new license to the email address listed.



# Division of Real Estate

## RULE DEVELOPMENTS Since July 1, 2016

To view and comment on any proposed or amended rules, please visit the Utah State Bulletin at <http://www.rules.utah.gov/publicat/bulletin.htm>

### **Appraisal Management**

A rules committee has been formed to review certain administrative rules relating to appraisal management companies. The committee has not yet made a recommendation to the Utah Real estate Appraiser Licensing and Certification Board.

### **Appraisal**

There are no proposed rule amendments under consideration for the appraisal rules.

### **Mortgage**

There are no proposed rule amendments under consideration for the residential mortgage rules.

### **Real Estate**

A rule amendment has been proposed which would: 1) make the topic of Fair Housing a core topic for real estate continuing education; and 2) make changes to the broker experience requirements.

A rules committee has been formed to consider the advertising rules that apply to real estate

licensees. The committee has been meeting to consider this issue but has not yet made a recommendation to the Real Estate Commission.

### **Timeshare and Camp Resort**

There are no proposed rule amendments under consideration for the timeshare and camp resort rules.



Click [here](#) to view the Division calendar and information regarding Commission Meetings!



### **Please Note:**

**The Division will be closed Monday October 10<sup>th</sup> in observation of Columbus Day**

## WHEN THE DIVISION Requests Records

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On occasion, a licensee may receive a request for records from the Division. This often occurs in conjunction with the Division receiving a complaint involving the licensee. According to Utah law and administrative rules, a licensee has 10 business days to provide a response to the Division after receiving a request for records. If a licensee fails to respond to the Division within 10 business days, the Division has two options on how it may resolve the issue. Each option impacts the licensee differently.

One option is that the Division may issue a citation. On May 10, 2016, the Division received statutory authority to issue a citation for specific violations, including failure by a licensee to respond to a request of the Division. According to statute, fines for citations can be up to, but not higher than, the following amounts:

- A) \$1,000 - for a first offense,
- B) \$2,000 - for a second offense,
- C) \$2,000 for each day of continued offense - for each offense subsequent to a second offense.

Another way the Division can resolve a failure to respond to a re-

quest for records is to schedule a hearing before the respective Commission or Board. If a Commission or Board were to find a violation, it may order a sanction of up to \$5,000 per violation, and, in addition, may place a restriction on the license.

Many complaints received and investigated by the Division can be quickly resolved once the Division receives the requested records from a licensee. Thus, it is imperative that licensees respond to the Division within the required 10 business days.

The Division has seen a recent increase in the number of licensees not responding in a timely manner to request notices. If a licensee receives a request notice, but cannot meet the required response time of 10 business days, it is very important to contact the assigned investigator as soon as possible. The investigator may allow an extension of time for the licensee to respond. Investigators are generally very willing to work with and accommodate licensees who cooperate and timely contact the investigator.

As in all aspects of life, good communication is essential.

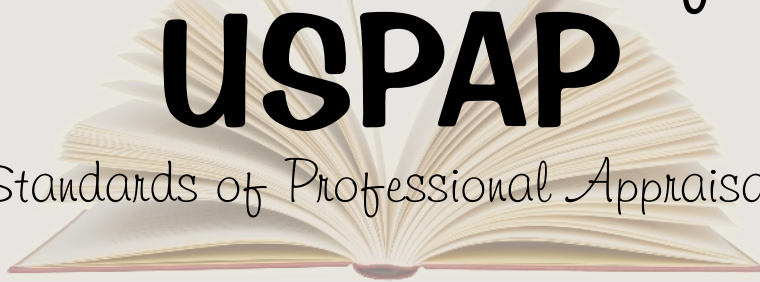


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# Division of Real Estate

## 2018-19 Edition of **USPAP**

Uniform Standards of Professional Appraisal Practice



On August 16, 2016 the Appraisal Standards Board released a Second Exposure Draft of Proposed Changes for the 2018-19 Edition of the *Uniform Standards of Professional Appraisal Practice*. The complete exposure draft can be found here:

<https://appraisalfoundation.sharefile.com/share?#/view/sf71676a732044f98>

If interested in submitting public comments, they are due by October 14, 2016.

Proposed changes include:

- Section 1 – Definition of Report and Edits to the ETHICS RULE and the RECORD KEEPING RULE;
- Section 2 – Definitions of Assignment, Intended Use, and Intended User, and related edits to the COMPETENCY RULE;
- Section 3 – Definitions of Assumption and Extraordinary Assumption;
- Section 4 – STANDARD 3 – Dividing into STANDARD 3, *Appraisal Review, Development* and STANDARD 4, *Appraisal Review, Reporting*;
- Section 5 – STANDARD 6 – Dividing into STANDARD 5, *Mass Appraisal, Development* and STANDARD 6, *Mass Appraisal, Reporting*;
- Section 6 – Removing the term Market Value from STANDARDS 7 and 8;
- Section 7 – Edits to the Personal Property Certification in Standards Rule 8-3;
- Section 8 – Advisory Opinion 37, *Computer Assisted Valuation Tools*;
- Section 9 – Illustration in Advisory Opinion 21, *USPAP Compliance*;
- Section 10 – Edits to Advisory Opinion 31, *Assignments Involving More than One Appraiser*; and,
- Section 11 – Edits to Advisory Opinion 1, *Sales History*.

# Division of Real Estate



Jill Kelsch

For nearly three years Jill Kelsch has worked for the Division as a Real Estate Licensing Specialist. Jill is a talented and hard working licensing professional. She has answered literally thousands of phone calls and live chat inquiries from real estate licensees and the public. Jill has assisted numerous real estate applicants and renewing licensees with renewal information and procedures. Licensees have appreciated her pleasant and helpful demeanor, and her ability to clearly and simply explain licensing processes and procedures.

The Division will miss Jill as she transitions now into retirement. More golfing outings and family visits are now on the agenda for Jill. We will miss her presence, but wish her a fond farewell and good bye!

Our Chief Investigator, Jeff Nielsen, has moved on to experience a new job opportunity. Jeff has been with the Division for over four years. Jeff has been a dedicated, hardworking, loyal member of the Division. Although Jeff had no prior work experience in real estate, mortgage, and appraisal industries, he became a student of these industries. Jeff loved his job and the people he was able to associate with. The Division is losing an asset, but we are happy for the time Jeff spent with us and wish him well in the future.



Jeff Nielsen

Goodbye and  
Good Luck!

# Division of Real Estate

Thank  
you!

John T. Gonzales has served on the Regulatory Mortgage Commission for the past four years. His considerable experience of over 20 years in the mortgage industry has allowed him to make a significant contribution to the Commission and the mortgage industry. We have appreciated his expertise and professional input on the myriad of industry-related questions and issues that have been brought before the Commission. Thank you John for all of the time and effort you have given to the mortgage industry in Utah, We wish you well in all your future endeavors.



John T. Gonzales  
Mortgage Commission



Paul W. Thronsen, MAI  
Appraiser Board

Paul has nearly forty years of experience in the appraisal profession and holds the MAI designation awarded by the Appraisal Institute. He is the President of Appraisal Group, Inc., a commercial real estate appraisal firm based in Salt Lake.

Previous service as President and board member of the Utah Association of Appraisers gives him many years of experience with appraiser regulation and industry issues. Paul graduated with a Finance degree and MBA from the University of Utah. A life-time resident of Salt Lake, he currently resides in Cottonwood Heights where he and his wife Jeanette raised their six children.

"I'm grateful to have had the experience of serving on the Board. It certainly increased my appreciation for the Division staff and all the good things they do to help the appraisers in the state. Several years ago Utah lead the country in regulating AMC's. I think the appraisers and the real estate industry in the state are better off for the leadership and vision which was a part of completing appropriate legislation and regulation for that new aspect of the marketplace. It was so typical of the Board and Division to tackle difficult problems and find correct solutions without overacting. I'm grateful for all the other Board members I served with over the years, as well as Director Stewart and his wonderful staff."

Our sincere appreciation to Paul for his significant contributions to the appraisal industry and for his dedicated service on the Appraiser Licensing and Certification Board.

# Division of Real Estate



## Real Estate Commissioners Reappointed



Jeffrey T. Morley

Jeff Morley is a Certified General Appraiser in Utah and Nevada, holding the MAI and SRA designations from the Appraisal Institute since July 2014. He has extensive commercial and residential appraisal experience. Jeff has been appraising full time for Morley and McConkie LC since 2002. He specializes in the appraisal of recreational properties in Brian Head, Duck Creek, Panguitch Lake and the surrounding areas. Jeff has experience in appraising properties in Washington, Iron, Kane, Garfield and Beaver counties in Utah and in Clark County, Nevada.

In addition to the appraisal of general commercial properties, Jeff has experience in the appraisal of lodging facilities, restaurants, RV parks, subdivisions, apartment housing and large tracts of land. He also has experience in eminent domain appraisal work of fee and partial interest acquisitions for Right-of-Way and utility line easements. Jeff is on the UDOT list of approved appraisers for complex properties.

## Real Estate Commissioners Reappointed

Real Estate Commissioners Russell K. Booth and Lerron E. Little have been reappointed by Governor Gary R. Herbert and confirmed by the Utah State Senate to serve an additional term on the Utah Real Estate Commission. Mr. Booth has been serving as the Chair of the Commission, and Mr. Little has been serving as Vice Chair. Our new Chair is Lerron Little and Lori Chapman will now serve as Vice Chair.

The Division appreciates the time and commitment these talented and dedicated individuals have provided over the past four years as they have served the real estate industry in these important assignments. Our sincere thanks goes out to all members serving on Real Estate Division Commissions and Board!

## New Board Member Appraiser Board



Russell K. Booth



Lerron E. Little



# SAVE THE DATE!

Utah Division of Real Estate

2016

Instructor Development Workshop

# IDW

**OCTOBER 25 & 26TH  
PARK CITY MARRIOTT**

Hear from the Division representatives as they present current industry information and changes during the morning session On October 25th.

**- Jonathan Stewart  
Division Director**

**Division Investigators**

**- Mark Fagergren  
Licensing & Education**

*Featuring*



**Eric Storey**

Eric B. Storey is currently Senior Vice President and Manager of Corporate Properties for Zions Bank in Salt Lake City, Utah, overseeing property management, construction/project management, and purchase/leasing of bank properties. He is a licensed Real Estate Broker, Certified General Appraiser, and Continuing Education Instructor in the state of Utah.

Mr. Storey holds the CPM designation from the Institute of Real Estate Management, the CCIM designation from the CCIM Institute, the SRA designation from the Appraisal Institute, and the DREI designation from the Real Estate Educators Association. Eric graduated from Weber State College with a Bachelor's Degree in urban planning, communications, and family studies. Eric is a past co-leader of the IREM faculty. As a member of the IREM faculty, he teaches the FIN 402, ASM 603,604,605, and the MPSAXM Prep. Eric is also a MPSAXM Grader.

Mr. Storey is also the founder and CEO of the Equity Capital Institute (ECI). ECI publishes articles and creates financial spreadsheets used to analyze equity positions used in real estate investments. Eric recently co-authored "Profitable Real Estate Analysis, The Capital Puzzle".

Eric is married to April and they have five children. His hobbies include raising Angus beef, playing in a band, and cooking.

Utah is the second driest state in the union. Eric Storey personally advanced the cause to include Water law as a core topic course for real estate continuing education. Included in this year's IDW, Eric and Tage Flint The General Manager of Weber Basin Water will teach an insightful three hour course entitled "The Flow of H<sub>2</sub>O – Utah Water Issues (CORE).

NOTE: Attendance at the two-day IDW is REQUIRED once every two years for all real estate, mortgage and appraiser pre-licensing instructors. Mortgage and appraisal instructors are invited to this course although no CE credit can be given. Only Real Estate instructors (pre-license and continuing education) as well as attending real estate licensees, will receive 13 hours of core continuing education credit for attendance at this outstanding training event. Please keep in mind that CE credits are only awarded in full-day segments

2016

# Utah Division of Real Estate Instructor Development Workshop

Name: \_\_\_\_\_

License #: \_\_\_\_\_ Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Check  Visa  MasterCard  American Express

Card #: \_\_\_\_\_

Exp.: \_\_\_\_\_ CCV#: \_\_\_\_\_

Signature: \_\_\_\_\_

MAKE CHECKS PAYABLE TO: UTAH DIVISION OF REAL ESTATE

### REGISTRATION FEE INCLUDES:

- LIGHT BREAKFAST AND LUNCH
- SIGN IN 8AM - 8:45AM
- WORKSHOP 9AM - 5PM

REGISTRATIONS RECEIVED AFTER OCTOBER 14TH WILL BE CHARGED A \$20 LATE FEE

Park City Marriott • 1895 Sidewinder Drive • Park City, UT 84060



Eric Storey

PLEASE INDICATE THE DATES YOU WILL BE ATTENDING:

TUESDAY AND WEDNESDAY

- OCTOBER 25<sup>TH</sup> & 26<sup>TH</sup> \$75
- OCTOBER 25<sup>TH</sup> \$50
- OCTOBER 26<sup>TH</sup> \$50

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