

APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

August 24, 2011

MINUTES

STAFF MEMEBERS PRESENT:

Jonathan Stewart, Division Director
Kent Nelson, Chief Investigator
Dee Johnson, Assistant Chief Investigator
Mark Fagergren, Education and Licensing Manager
Xanna Hardman, Assistant Attorney General
Jennie Jonsson, Hearing Officer
Renda Christensen, Board Secretary
Carla Westbroek, Appraiser Licensing
Ken Wamsley, Investigator
Jim Bolton, Investigator

BOARD MEMBERS PRESENT:

Craig Morley, Chair
Paul W. Throndsen, Vice Chair
Debra Sjoblom, Board Member
Jeanette Payne, Board Member

GUESTS:

Carol C. Howell
Bill Lifferth
Neil Jensen
Kris Coleman

The August 24, 2011 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Morley conducting.

Board Member Brammer has been excused for this meeting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes -. A motion was made to approve the minutes from the July 21, 2011 meeting as written. Chair Morley was absent last month and has recused himself for this vote. Vote: Vice Chair Throndsen, yes; Board Member Payne, yes; Board Member Sjoblom, yes. Motion carries.

DIVISION REPORT

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart said the Division of Real Estate will have a new work schedule that will begin on September 6, 2011. The Division hours will be 8:00 a.m. to 5:00 p.m., Monday through Friday.

Director Stewart said Ms. Jonsson and Deputy Director Levar met to discuss potential legislation for the upcoming legislative session. He will be meeting with Mr. Levar within the next few weeks, and we will be vetting the issues to the Board next month. Ms. Jonsson said some of the topics reviewed were reporting bankruptcies within 10 days, and updating the AMC statute in light of the Dodd-Frank Act.

INVESTIGATIONS REPORT – Kent Nelson

Mr. Nelson reported in July the Division received 10 complaints; screened 3 complaints; opened 7 cases; closed 10 cases; leaving the total number of open appraisal cases at 65.

There are two stipulations for the Board's review today:

Gene C. Jorgensen

Felicia Ewing

Both individuals were given the opportunity to appear today and have chosen not to.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren said the big month for appraiser renewals is June. July's numbers are reflecting a decrease: 12 licensed appraisers; 21 certified residential appraisers; 15 certified general appraisers. A possibility for the drop in numbers could be that this is the first month where appraisers can't add their own continuing education hours. There might be some late renewals that will be coming in, if that is the case.

The National Registry Fee will be increasing on January 1, 2012, from \$50.00 to \$80.00. This money goes back to the Appraisal Subcommittee.

The Instructor Development Workshop will be held on October 24 and 25, 2011. These dates fall on a Monday and Tuesday. The workshop will be held in Park City, Utah. The Division is bringing in an excellent trainer to refresh and aid our instructors in their skills. Board Members are invited to attend as our guests.

Mr. Fagergren said in the marketing of classes there is a distinct difference between the marketing of real estate classes and the marketing of appraisal classes to appraisers. Generally, you won't find out-of-state schools or providers advertising to Utah real estate agents. There is a rule in real estate that states if the provider advertises or markets to Utah licensees, they must have the course approved before they can do this.

Appraisers receive mailers from providers indicating courses happening across the country. There is a difference between the marketing strategies for appraisers compared to real estate licensees. The rule that states that a course must be approved before hand is not feasible for appraiser education. The rules have been clarified to

state that if a provider teaches a CE course in Utah, it has to be approved before being taught. If a course is being taught outside of Utah, you can attend the course and on an individual basis, fill out the form on our website a request for non-certified CE.

Mr. Fagergren submitted the following lists to the Board for their review:

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees

Spencer K. Abney, CR Candidate
William Gibson, LA Candidate
Steven J. Nichols, LA Candidate
Danette Brooks, CR Candidate
David Cook, LA Candidate
Mark Lundberg, LA Candidate
Perry Hansen, LA Candidate

Discipline List for Board's Consideration

Mark E. Bryant, CG Renewal
Mikol Hans Christensen, Appraiser Trainee
Justin Hebbel, Appraiser Trainee

COMMISSION AND INDUSTRY ISSUES

Rule Updates – Jennie Jonsson

Ms. Jonsson said that the Division has received comments on a rule, R162-2g, out for public comment. The comments received were from Mr. Conover, Executive Director of the Utah State Tax Commission, who has recommended several changes to the proposed rule. Ms. Jonsson has identified each of these proposed changes and has given the Division's response and the justification for it. Ms. Jonsson has made the changes approved by the Division to the rule, and submitted the updated draft rule for the Board's review. If the Board approves these changes, the rule can be made effective approximately 30 days from filing. It does not have to be sent out for public comments again. A motion was made to accept the modifications made to the proposed rule. Vote: Chair Morley, yes; Board Member Sjoblom, yes; Board Member Payne, yes. Director Stewart has concurred and the motion carries.

Chair Morley proposed some suggestions for articles in the next Division newsletter. These include scope of work, supervisors signing a report when they have not inspected the property, and communication between agents and appraisers.

OPEN TO PUBLIC

INFORMAL HEARINGS

10:08 Heather Fox – Disciplinary Hearing

CLOSED TO PUBLIC

Motion to hold an Executive Session. Vote: Chair Morley, yes; Vice Chair Throndsen, yes; Board Member Sjoblom, yes; Board Member Payne, yes. Chair Morley read into

the Minutes, "I hereby affirm that the sole reason for closing part of the meeting was to discuss the character, professional competence, or physical and mental health of an individual." An Executive Session was held from 10:34 a.m. to 11:00 a.m.

OPEN TO PUBLIC

11:09 Guideline Real Estate Services – Appeal of Order
Curtis Hansen, Owner and Control Person
This was a telephone hearing.

CLOSED TO PUBLIC

Motion to hold an Executive Session. Vote: Chair Morley, yes; Vice Chair Throndsen, yes; Board Member Sjoblom, yes; Board Member Payne, yes. Chair Morley read into the Minutes, "I hereby affirm that the sole reason for closing part of the meeting was to discuss the character, professional competence, or physical and mental health of an individual." An Executive Session was held from 11:37 a.m. to 11:50 a.m.

1:00 Gene Jorgensen – Appeal of Order
Lorraine Jorgensen, wife

Division witness: Renda Christensen

Board Member Throndsen has recused himself from this hearing.

CLOSED TO PUBLIC

Motion to hold an Executive Session. Vote: Chair Morley, yes; Board Member Sjoblom, yes; Board Member Payne, yes. Chair Morley read into the Minutes, "I hereby affirm that the sole reason for closing part of the meeting was to discuss the character, professional competence, or physical and mental health of an individual." An Executive Session was held from 1:45 p.m. to 2:04 p.m.

OPEN TO PUBLIC

RESULTS OF DELIBERATIONS

Results of Lists:

Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees

Spencer K. Abney, CR Candidate - Approved
William Gibson, LA Candidate - Approved
Steven J. Nichols, LA Candidate - Approved
Danette Brooks, CR Candidate - Approved
David Cook, LA Candidate - Approved
Mark Lundberg, LA Candidate - Approved
Perry Hansen, LA Candidate - Approved

Discipline List for Board's Consideration

Mark E. Bryant, CG Renewal – Approved
Mikol Hans Christensen, Appraiser Trainee - Approved

Justin Hebbel, Appraiser Trainee – Issue an order

Results of Stipulations:

Gene Jorgensen – Vice Chair Thronsen has recused himself on this stipulation.

Felicia Ewing - Approved

A motion was made to adjourn the meeting. Vote: Chair Morley, yes; Vice Chair Thronsen, yes; Board Member Sjoblom, yes; Board Member Payne, yes. The meeting as adjourned at 2:08 p.m.