

**APPRAISER LICENSING AND CERTIFICATION BOARD  
HEBER M. WELLS BUILDING  
ROOM 2B  
October 27, 2010  
9:00 A.M.  
TELEPHONIC MEETING**

**MINUTES**

**STAFF MEMBERS PRESENT**

Mark Fagergren, Education/Licensing Director  
Jennie Jonsson, Hearing Officer  
Renda Christensen, Board Secretary  
Jim Bolton, Investigator  
Ken Wamsley, Investigator  
Carla Westbroek, Appraisal Education/Licensing Specialist  
Jill Childs, Assistant Board Secretary

**BOARD MEMBERS PRESENT**

Craig Morley, Chair  
Paul Throndsen, Vice Chair  
Debra Sjoblom, Board Member  
Jeanette Payne, Board Member  
Daniel Brammer, Board Member

**GUESTS**

Ryan Sedgwick  
Dana Welch  
Bill Lifferth  
Niel Jensen

The October 27, 2010 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Morley conducting.

**PLANNING AND ADMINISTRATIVE MATTERS**

A motion was made to accept the Minutes from the September 22, 2010 meeting as written. Vote: Chair Morley, yes; Vice Chair Throndsen, yes; Board Member Sjoblom, yes; Board Member Payne, yes. Motion carries.

The Board reviewed the calendar for 2011, and Ms. Christensen said the date normally scheduled in December might be conflicting with the holidays. She said that by moving it up to December 14, 2011 it would correct this issue. The Board has approved this change and the rest of the scheduled dates.

**DIVISION REPORTS**

**DIRECTOR'S REPORT** – Deanna Sabey

Director Sabey was absent for the meeting today. Mr. Fagergren said Director Sabey mentioned she had given her report at the IDW. Chair Morley and Board Member Payne both attended the IDW, and they had no additional comments.

ENFORCEMENT REPORT – Jim Bolton

Mr. Johnson is out of town and his report will be given by Mr. Bolton.

Mr. Bolton reported in September the Division received 11 complaints; screened zero complaints; opened 6 cases; closed 4 cases; leaving the total number of appraisal cases at 83.

There are no stipulations to review today.

Board Member Payne wanted to commend the investigators for closing a large number of cases in the past few months.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren said the Division was pleased to see Chair Morely and Board Member Payne attend the Instructor Development Workshop last week. There were many presentations about fraud by Joe Wrona and David Johnson. The second day the Division reported on issues regarding the three industries we regulate. The FBI and representatives from HUD were also there to answer any questions.

The Division's website has been reorganized to be more user-friendly. It is still under construction and will have a few more changes. On the Home page there is now a calendar to show any meetings or workshops that are scheduled.

Mr. Fagergren gave the Board an update on the renewals of trainees and their upcoming deadline. The Division sent out a postcard in September to approximately 500 trainees who have to renew by the end of the year. In October we sent out a mailing to each of those trainees indicating the same information, along with the renewal instructions and forms. There have been 80 postcards returned with bad addresses with no forwarding information. Ms. Westbrook said that there have been no trainees who have started the renewal process yet.

The deadline for segmented applications is December 31, 2010 for meeting the experience requirement, passing the exam, and becoming licensed. We have a list of ten people today for recommendation who want approval to sit for the exam. If the requirements are not met by the end of the year, they will have to pass the higher educational requirement. The testing centers are filling up because we also have 3,000 mortgage licensees who are trying to test before the end of the year. The problem is that appraiser exams take 3-4 hours, compared to 1 or 2 hours for a mortgage exam. Mr. Fagergren will continue to work with the testing centers, but he can't guarantee any additional openings.

Mr. Fagergren presented the following list to the Board:

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

Thomas Eatchel, LA Candidate  
Cory Larsen, CR Candidate

Julie Ethington, LA Candidate  
Shawna LeBaron, CR Candidate

Bessy Nielson, LA Candidate  
Mark Raddatz, LA Candidate  
Chelsie D. Young, LA Candidate

Dena Pelca, CR Candidate  
Benjamin J. Tatton, LA Candidate

Certified and Licensed Appraiser Applicants Approved by Education Review Committee and Denied by Experience Review Committee:

Justin Cash, LA Candidate

Mr. Fagergren addressed the issue of receiving continuing education for attending the Appraiser Board meetings. The Appraisal Subcommittee guidelines state we can do this with certain limitations. A board meeting has to be a minimum of two hours, and it can't be over a maximum of seven hours. A person can only get credit for one board meeting in any one renewal cycle. Ms. Westbroek will have a sign-in sheet for those attending meetings that will be longer than two hours. A person can only get credit in whole numbers of hours, and if the hearing lasts for three hours, that is what the credit would be for the individual.

COMMISSION AND INDUSTRY ISSUES

Discussion: Update on Proposed Rules – Jennie Jonsson

Ms. Jonsson announced that we have received no public comments on the amendments proposed to Rules 110 (trainee registration); 106-5 (professional conduct); 102 (application procedures for license certification); and 101-2 (definitions). Pursuant to the motion and vote in the September meeting, Ms. Jonsson has made these rules effective on October 9, 2010.

Out for public comment at the same time was a reorganization of our AMC rules, which included some substantive changes that we have worked on involving appraisers, professionals, and Board members. We have received some public comments on these. The public comment period ended on October 1, 2010, but the rules have not been made effective because of these comments. Ms. Jonsson sent out copies of the comments to all the Board members, and briefly discussed them at the meeting. The Board has suggested reviewing these comments at their next meeting.

Ms. Jonsson and Ms. Westbroek have received comments from AMCs who do not want to register with the Division of Corporations in order to conduct business in Utah. They are making legal arguments about how exemptions would apply to them. Currently, we do not have a provision in our statute or rules requiring registration with Corporations. We would like to add it in our rules to state that an AMC must register and be in good standing with the Division of Corporations before the Division of Real Estate may issue a registration. We have similar provisions in both Mortgage and Real Estate professions, in either rule or in statute. Ms. Jonsson will prepare language to present to the Board at the next meeting.

There has also been some discussion over the past several months about state licensed appraisers and their scope of authority in providing appraisals or valuation on vacant land. Ms. Jonsson has prepared some language and sent it to the Board for their review. The language would be an amendment to Rule 105.2. Vice Chair Thronsen proposed removing the term "federally related transactions" from the draft. Mr. Fagergren mentioned that perhaps the same change should be made regarding the state certified residential appraisers. Ms. Jonsson will make a few modifications to the first option on her draft, and will have the draft rule ready for the Board next month.

The topic of non-residents operating under a six-month permit and using trainees was brought up by Chair Morley. The problem is the person who inspects the property is a trainee and may not have received permission to work in the state. The person who has the temporary permit never actually inspects the property. It was decided to table this discussion for another meeting.

A motion was made to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Morley, yes; Vice Chair Thronsen, yes; Board Member Sjoblom, yes; Board Member Payne, yes; Board Member Brammer, yes. The motion carries. Executive Session was held from 10:25 a.m. to 10:37 a.m.

### **CLOSED TO PUBLIC**

Consideration and Review of Lists

### **OPEN TO PUBLIC**

The Board agreed with the Committee on their decisions:

Certified and Licensed Appraiser Applicants **Approved** by both Education and Experience

Review Committees:

Thomas Eatchel, LA Candidate

Julie Ethington, LA Candidate

Cory Larsen, CR Candidate

Shawna LeBaron, CR Candidate

Bessy Nielson, LA Candidate

Dena Pelca, CR Candidate

Mark Raddatz, LA Candidate

Benjamin J. Tatton, LA Candidate

Chelsie D. Young, LA Candidate

Certified and Licensed Appraiser Applicants Approved by Education Review Committee and **Denied** by Experience Review Committee:

Justin Cash, LA Candidate

A motion was made to adjourn the meeting. Vote: Chair Morley, yes; Vice Chair Thronsen, yes; Board Member Sjoblom, yes; Board Member Payne, yes; Board Member Brammer, yes. The motion carries. The meeting adjourned at 10:38 a.m.