

APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M. WELLS BUILDING
ROOM 2B
September 28, 2011
9:00 A.M.
TELEPHONIC MEETING

MINUTES

STAFF MEMBERS PRESENT

Jonathan Stewart, Division Director
Mark Fagergren, Education/Licensing Director
Kent Nelson, Chief Investigator
Xanna Hardman, Assistant Attorney General
Jennie Jonsson, Hearing Officer
Renda Christensen, Board Secretary
Carla Westbroek, Appraisal Education/Licensing Specialist
Craig Livingston, Investigator
Ken Wamsley, Investigator

BOARD MEMBERS PRESENT

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

GUESTS

Vern Meyer
Carol Owens
Mike Carter

The September 28, 2011 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Vice Chair Throndsen conducting.

PLANNING AND ADMINISTRATIVE MATTERS

A motion was made to accept the minutes from the August 24, 2011 meeting as written. Vote: Vice Chair Throndsen, yes; Board Member Sjoblom, yes; Board Member Payne, yes. Motion carries. Board Member Brammer abstained from voting because he was excused last month, and Chair Morley came on the line just after the approval of the minutes.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported the Division has completed the bill outline to be presented to the Legislature. A copy was sent out to all of the Board members for their review, and the proposed legislation will be vetted at the next meeting.

The Division is starting something new in the next month or so. We will be adding a new “chat function” on our website. Licensees who have questions will now have the option of chatting with a staff member. We believe that this added function will better serve our licensees as well as the public.

Director Stewart and Mr. Fagergren will be attending the AARO conference on October 14 through 18, 2011.

ENFORCEMENT REPORT – Kent Nelson

Mr. Nelson reported in August the Division received 19 complaints; screened 7 complaints; opened 20 cases; closed 17 cases; leaving the total number of appraiser cases at 68.

Some of our investigators will be in southern Utah this coming week to investigate a few complaints that the Division has received.

There are two stipulations to review today:

Allen E. Burris

Gene C. Jorgensen

Both individuals were advised of their right to attend today but have declined to do so.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren said the “live chat” feature should enhance our customer service. We are asking our staff to be available at any time to engage in e-mail conversation. In the mortgage and real estate areas we have multiple people to answer questions. For appraisers, we have one person, Ms. Westbroek. The number of appraisers is much lower than other licensing agencies, but she will still have to balance her work flow.

The Instructor Development Workshop (“IDW”) will be held in Park City on October 24 and 25, 2011. The Chairs for each Commission/Board will be participating in a session on the second day to answer questions from those in attendance. A national instructor from Missouri will be teaching instruction techniques. There is information on our website regarding the IDW. Board Members are invited to attend as guests of the Division. There are two pages in the newsletter with information on the IDW, and it should be sent out to everyone on Friday.

The Division received, and subsequently passed on to the Board, an e-mail from a former Board Member, Jennifer Szczypowski. The Division will need to receive an application before they can respond to her request.

Board Members Chair Morley and Member Sjoblom have co-authored an article that will be in the Division’s newsletter on Friday.

Mr. Fagergren presented the following list to the Board:

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

Jeffrey D. Jones, LA Candidate

Mark Wideman, CG Candidate

Randall Jones, LA Candidate

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

Nikki L. Howell

Discipline List:

Spencer P. Cook

Aaron J. Brown

Desiree Flanary

Ronald Frazier

Patrick Sullivan

Steven R. Williams

COMMISSION AND INDUSTRY ISSUES

Discussion: Update on Proposed Rules – Jennie Jonsson

Ms. Jonsson said we had a reorganization of the appraiser rules, Rule 162-2g. It was out for public comment through August and September. As a result of comments we received from the State Tax Commission, the Board last month voted to make a few changes in that proposed rule. Ms. Jonsson filed those changes on September 12, 2011, and they will be published in the Bulletin on October 1, 2011. We are not accepting comments on these proposed changes because they are just being published for informational purposes only. Both the changes and underlying rule can be made effective on November 1, 2011.

An amendment to one section that reorganization has been published, R162-2g-304(d), which requires that mass appraisers who are applying for certification show a variety of properties in the appraisals they submit in their experience review. That has come through the public comment period and no comments were received. It can be made effective, but not until the underlying rule has been made effective.

The Division received a letter from Phillip Snell, who entered into a stipulation with the Division in 2009. He has asked for a reduction in the fine amount. The Board has seen similar requests before, and this will need to be discussed in the Executive Session.

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 10:27 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:

Jeffrey D. Jones, LA Candidate - Approved

Mark Wideman, CG Candidate - Approved

Randall Jones, LA Candidate - Approved

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

Nikki L. Howell – Denied

Discipline List:

Spencer P. Cook - Approved

Aaron J. Brown - Approved

Desiree Flanary - Approved

Ronald Frazier - Approved

Patrick Sullivan - Approved

Steven R. Williams – Approved. Chair Morley has recused himself on this vote.

Results of Stipulations

Allen E. Burris - Approved

Gene C. Jorgensen – Approved. Vice Chair Throndsen has recused himself on this vote.

Mr. Phillip Snell's request was denied.

A motion was made to adjourn the meeting. Vote: Chair Morley, yes; Vice Chair Throndsen, yes; Board Member Sjoblom, yes; Board Member Payne, yes; Board Member Brammer, yes. The motion carries. The meeting adjourned at 10:43 a.m.