

APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

February 25, 2009

MINUTES

STAFF MEMEBERS PRESENT:

Mark B. Steinagel, Division Director
Mark Fagergren, Education/Licensing Director
Dee Johnson, Enforcement Director
Traci Gundersen, Assistant Attorney General
Julie Price, Assistant Board Secretary
Carla Westbroek, Education/Licensing Coordinator
Ken Wamsley, Investigator
Craig Livingston, Investigator
Jim Bolton, Investigator

COMMISSION MEMBERS PRESENT:

Ronald M. Smith, Chair
Craig Morley, Vice Chair
Paul W. Thronsen, Board Member
Debra Sjoblom, Board Member

GUESTS:

J. Eugene Peterson
Tammy Lund
Richard R. Coles
Jenny Tidwell – Appraiser Sub-Committee, Policy Manager
Neal Fenochietti – Appraiser Sub-Committee, Policy Manager

Michelle Smoot
Darrin Liddell

The February 25, 2009 meeting of the Appraiser Licensing and Certification Board began at 9:10 a.m. with Chair Smith conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes

The Commission approved December 10, 2008 and January 28, 2009 minutes as written.

Chair Smith asked for an update on Ms. Christensen's health. Ms. Price informed the Board that Ms. Christensen is working part-time and adding more hours each week. Ms. Price is acting as Assistant Board Secretary until Ms. Christensen returns.

Chair Smith said the Board is missing Ambria Spencer, Board Member, who has moved to Nevada and has resigned from the Board. The Governor's Office and the Division are working on a Certified Residential Appraiser replacement for Ms. Spencer.

DIVISION REPORT

DIRECTOR'S REPORT - Mark B. Steinagel

- Appraisal Sub-Committee Visit – Director Steinagel welcomed the field reviewers from the Appraisal Sub-Committee, and thanked them for their professional approach.
- New Rule: The rule reflecting the new laws has been submitted and the earliest it could be approved would be April 21, 2009.
- Division Bill: The Bill has passed. Director Steinagel handed out a Summary handout and discussed the changes. The public got a summary of the bill and the commissioners and staff received a copy of the whole bill. Examples of changes stating that the Board shall adopt rules regarding trainee registration; a trainee must submit to a background check at initial registration; the Board shall determine the continuing education requirements appropriate for the renewal of a license certification or registration; the Board may adopt rules as to when USPAP applies in certain instances; and, after the six-month expiration of a license someone can become reinstated by taking additional continuing education, etc.
- Appraisal Management Company Bill: Director Steinagel gave an update on the bill. It hasn't passed yet, but it passed the House of Representatives last week. It was turned over to the Senate Sub-Committee yesterday.

INVESTIGATIONS REPORT – Dee Johnson

Mr. Johnson reported that there were two stipulations for the Board's consideration. Both of the respondents were told they had the opportunity to appear before the Board, and both declined to attend.

Review of Stipulations:

Monte D. Roberts

Kelly Neil Parker

Mr. Johnson said in the month of January the Division received 11 complaints; screened 2 cases; 3 cases were opened; no cases were closed; and, there are a total of 106 cases.

EDUCATION AND LICENSING REPORT – Mark Fagergren

- Mr. Fagergren said the number of those who had taken the examinations last month. There were five licensed appraisers who took the test for the first time and 80% of those people passed the test. Repeat test takers were two, and one passed and one failed. Certified Residential test takers had none pass the first time, five repeat test takers, and 60% of those passed.

- Online System: There is a rule that provides for the banking of continuing education hours. This is in preparation for on-line renewal for appraisers. Those who renew in March have received their license renewal instruction postcard in the mail instead of a packet of information. Mr. Fagergren asked the Board members to get specific details from any licensees they hear from who have had problems trying to renew on-line.
- Auditing: On-line renewals also require auditing of those who renew on-line. The audit percentage actually varies depending on the results the Division finds.
- Discussion on Primary and Secondary Providers will be discussed at a later date.
- Appraiser Sub-Committee Audit – Mr. Fagergren said it's been two years since the Division's last audit. A number of others had helped to get credit for ad valorem appraisers. There were countless hours spent researching by staff, Chair Smith, Art Partridge, the Utah Appraisal Association, and many others who diligently worked to resolve the challenge of establishing an experience points schedule for mass appraisers. Mr. Fagergren also wanted to thank Ms. Westbroek for her hard work.

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

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

Tyler Alderman, CG Candidate
 Kristen Lowe, LA Candidate
 Benjamin Thomas, CG Candidate

Stacy A. Lawlis, LA Candidate
 *J. Ryan Maddux, CR Candidate
 *Clint Urry, CR Candidate

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

Ryan Frandsen, LA Candidate
 Cameron Chris Wright, CR Candidate

Scott F. Paulsen, LA Candidate

COMMISSION AND INDUSTRY ISSUES – Chair Ron Smith

- Question from guest: Am I allowed to ask the bank or credit institution for a credit report for the subject property or comparables? Do we have the right to that information? There was a discussion on this topic.

A motion was made and accepted to close the meeting to the public for hearings.

CLOSED TO PUBLIC

INFORMAL HEARINGS

10:10 Michel Coles – Experience Review
 David Cole (husband) in attendance
 Jenny Tidwell (ASC) in attendance
 Neal Fenochietti (ASC) in attendance
 Exhibit 1: Response to Petition

Exhibit 2: Text Addendum

- 11:20 Robert Patterson- Experience Review
Glen Stevens (State Tax Commission) - Supervisor
Jenny Tidwell (ASC) in attendance
Neal Fenochietti (ASC) in attendance
Chair Ron Smith recused himself (he works with Glen Stevens)
Exhibit 1: Letter to Commissioner Sjoblom
- 1:07 Terriane Tovey Lang – Disciplinary Hearing
Jenny Tidwell (ASC) in attendance
Neal Fenochietti (ASC) in attendance
Ken Wamsley in attendance
Chuck Smalley in attendance
Carla Westbroek in attendance
Jim Bolton in attendance
Witness: Wendy Russell
Witness: Kenneth E. Bell
Witness: Susie Martindale (not there-phone)

Terriane Tovey Lang did not show for hearing. The Division received her certified packet back. Her attorney, James C. Lewis received his certified packet. There was some discussion about the service issue on this.

OPEN TO PUBLIC

A motion was made to and accepted open the public portion of meeting at 1:25 p.m.

Those in attendance for public session:

Jenny Tidwell (ASC)
Neal Fenochietti (ASC)
Carla Westbroek
Ken Wamsley
Mark Steinagel
Mark Fagergren
Julie Price
Traci Gundersen
Ron Smith
Craig Morley
Paul Throndsen
Debra Sjoblom

- Additional Commission and Industry issues: Letter from Chair Ron Smith, motion to add and accept Brent Eyre and D. Christopher Isom to the Review Committee. The motion was passed unanimously.

Appraisal Sub-Committee Report – Jenny Tidwell

Introductions - Jenny Tidwell, Policy Manager (ASC)

Neal Fenochietti, Policy Manager (ASC)

Kristi Klamet

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- Appraisal Sub-Committee History
- Review of things from last review:
 - application review
 - experience review
 - reciprocal review
 - reciprocal renewals
 - temporary practice
 - reciprocity
 - statutes and regulations
 - enforcement
 - mortgage loan fraud
- Sub-Committee Review Process-Post Audit (provided two publications)

A motion was made and accepted to adjourn the meeting at 2:43 p.m.