

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

April 24, 2013

Telephonic Meeting

MINUTES

DIVISION STAFF

Jonathan Stewart, Division Director

Jeffery Nielsen, Chief Investigator

Ben Jensen, Hearing Officer

Judith Jensen, Assistant Attorney General

Renda Christensen, Board Secretary

Carla Westbroek, Appraiser Education Coordinator

Amber Nielsen, Division Staff

BOARD MEMBERS

Daniel Brammer, Chair

Paul Throndsen, Vice Chair

Jeanette Payne, Board Member

John Ulibarri, Board Member

James Bringhurst, Board Member

GUESTS

Neil Jensen

Terry Coon

Vern Meyer

Kris Coleman

Jack R. Draxler

Darrel Clark

Jake Parkinson

Mr. Fagergren is excused from the meeting today. Ms. Westbroek will be giving his report.

The meeting on April 24, 2013 of the Utah Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Brammer conducting.

PLANNING AND ADMINISTRATIVE MATTERS

A motion was made to approve the minutes from the March 27, 2013 meeting. Two corrections need to be made, and with these changes, the Board made a second motion to approve the minutes. Vote: Chair Brammer, yes; Vice Chair Thronsen, yes; Board Member Payne, yes; Board Member Ulibarri, yes; Board Member Bringhurst, yes. The motion carries.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart said that he had received a request from Neil Jensen, Rels Valuation, to have a few minutes on the agenda for next month. Mr. Jensen attached a letter seeking clarification of the language within the Administrative Rules and Statutes for AMCs. Ms. Christensen will forward this letter to the Board.

INVESTIGATIONS REPORT – Jeffery Nielsen

Mr. Nielsen reported in March the Division received 6 complaints; opened 1 case; closed 4 cases; leaving the total number of cases at 71. There are no cases with the Attorney General's office.

Review of Stipulation

Jack R. Draxler – Mr. Draxler was present for any questions from the Board. Mr. Livingston was the investigator on this case.

EDUCATION AND LICENSING REPORT – Carla Westbroek

Mr. Fagergren is out of town attending meetings with Pearson Vue, and Ms. Westbroek will be addressing the Board on his behalf.

There are no lists for review this month, and no stipulations.

The statistics show a small increase in numbers, but the numbers are holding steady.

COMMISSION AND INDUSTRY ISSUES

Rule Updates – Ben Jensen

Mr. Jensen said there are no rule updates this month; however, there will be some next month.

Mr. Jensen gave the Board an update on the topic of AMC rules that was tabled last month. The question was on the disclosure that was proposed last month in the rules on whether an AMC could use an employee in one of its own appraisals. This issue was first discussed in the July 25, 2012 meeting, and Mr. Jensen listened to the hearing and any discussion. The Division's statutes define an AMC as a third-party intermediary.

The issue is if we have an AMC that is using an employee of the AMC to prepare an appraisal, the action would be prohibited by the Division's statute. If they are preparing an appraisal with one of their in-house employees, the AMC must act as an appraisal firm or appraisal company. That will be the proposal in the rule, that the Division would require disclosure in that instance.

Chair Brammer asked Mr. Jensen if he found any information in the Dodd-Frank Act as to stipulating one way or the other on the AMC issue. Mr. Jensen said that the Division is still waiting for the Attorney General's office to finish its research and render an opinion.

Chair Brammer said the UAA is looking into the AMC issue, and may share some of their information with Mr. Jensen.

Board Member Payne brought up the issue of taking live instead of on-line classes for re-certification. This would also include USPAP courses. After a discussion, the informal vote was those in favor: Chair Brammer; Vice Chair Throndsen; Board Member Payne; Board Member Ulibarri. This item will be added to the agenda for discussion next month.

Mr. Jensen informed the Board that on May 15, 2013 there will be some changes made to the information posted on the Public Notice Website. On that day, it will be required to post draft minutes, approved minutes, and an audio copy of the hearing. Also, any documents that were handed out for discussion will need to be posted for the public. Mr. Jensen will be sending a PDF file and letter to the Board covering these changes.

Board Member Payne would like a copy of the information regarding Dodd-Frank that was sent to the Attorney General's office for review. Director Stewart said he would e-mail the information to the Board.

Director Stewart wanted to remind the Board that the Division's Caravan begins on April 30, 2013. There is a schedule of the times and places on the Division's website. Appraisers can still get CE credit for attendance, but they can no longer get CE credit for attending the Instructor Development Workshop.

CLOSED TO PUBLIC

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 Brammer, yes; Vice Chair Thronsen, yes; Board Member Payne, yes; Board Member Ulibarri, yes; Board Member Bringhurst, yes. The motion carries. An Executive Session was held from 9:44 a.m. to 10:07 a.m.

OPEN TO PUBLIC

Result of Stipulation

Jack R. Draxler – Approved

A motion was made to adjourn the meeting. Vote: Chair Brammer, yes; Vice Chair Thronsen, yes; Board Member Payne, yes; Board Member Ulibarri, yes; Board Member Bringhurst, yes. The motion carries. The meeting was adjourned at 10:07 a.m.