

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

July 23, 2014

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Renda Christensen, Board Secretary
Carla Westbroek, Appraisal Licensing Coordinator

BOARD MEMBERS PRESENT:

John E. Ulibarri, Chair
Kristin Coleman-Nicholl, Vice Chair
Daniel Brammer, Board Member
Paul W. Thronsen, Board Member
Jim Bringhurst, Board Member

GUESTS:

Ron Smith
Jake Parkinson
Vern Meyer
Jerry Coon

The July 23, 2014 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Ulibarri conducting.

Mr. Fagergren is excused from the meeting this month and Ms. Westbroek will be giving his report.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes - A motion was made and seconded to approve the minutes from June 26, 2014 meeting. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Thronsen, yes; Board Member Bringhurst, yes. The motion passes.

DIVISION REPORT

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported on the survey that is being conducted by Barrett Slade regarding customary and reasonable fees. Mr. Slade has completed his study, and sent Director Stewart a draft for review.

Director Stewart shared a few items from the survey. There were 567 individual appraisers or 40% of the appraisers that responded to the survey. Out of the 40% who responded, 94% of the respondents said they had held a license to conduct residential real estate appraisals in the State of Utah in 2013. 57% of the respondents were independent certified residential appraisers, and 19% were certified general appraisers.

There were 671 individual mortgage licensees or 15.5% of the lenders responded to the survey. Approximately 67% were mortgage loan officers or originators while 12% were mortgage loan department managers, and the remaining 21% were either staff, administrators, or other.

Mr. Slade should be releasing his survey within the next month, so by the Board's next meeting, the information should be public.

INVESTIGATIONS REPORT – Jeffery Nielsen

Mr. Nielsen reported in June the Division received 4 complaints; opened 1 case; submitted no new cases to the Attorney General's office; closed 3 cases; leaving a total of 32 open cases.

Mr. Nielsen said he is seeing a current trend in the number of appraisal complaints received by the Division going down, and the investigators are continuing to close up the number of open cases.

There are no stipulations for review this month.

EDUCATION AND LICENSING REPORT – Carla Westbroek

Ms. Westbroek submitted the following lists to the Board for their review:

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

Joshua Kelley Green, CG Candidate

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

Cathy Davis, CR Candidate

There are no stipulations for review this month.

Mr. Fagergren asked Ms. Westbroek to talk about a rule that he is concerned about, and she would like to present to the Board regarding R162-2g-502b, Prohibited Conduct. The Division is seeing a problem where continuing education providers are advertising their courses before the courses are approved. There is currently a rule in place for schools for the pre-licensing education providers, but there is not a rule for continuing education providers.

Mr. Barney said the original plan of adding the new wording into the school restrictions, but as the rule was reviewed some of the restrictions don't really apply to continuing education providers. A new subsection 6 has been added to the rule, and Mr. Barney discussed the changes with the Board and those in attendance. Mr. Barney said that the amendments to R162-g that have been discussed over the past several months could be presented at the same time as this new subsection. Director Stewart agreed that it would be best to submit the entire package in case there were any changes that needed to be reviewed.

COMMISSION AND INDUSTRY ISSUES

Rule Updates – Justin Barney

Mr. Barney discussed the amendments to R162-g. The Board said their review of the amendments all looked correct. Mr. Smith from the Utah State Tax Commission suggested a few changes to the draft amendments. The rule amendments will take place on January 1, 2015. A motion was made and seconded to have Mr. Barney write up these changes and submit them for the Board's review next month. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Thronsen, yes; Board Member Bringhurst, yes. The motion passes.

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 Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Thronsen, yes; Board Member Bringhurst, yes. The motion passes. Executive Session was held from 10:00 a.m. to 10:04 a.m.

OPEN TO PUBLIC

RESULTS OF DELIBERATIONS

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

Joshua Kelley Green, CG Candidate - Approved

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

Cathy Davis, CR Candidate - Denied

A motion was made to adjourn the meeting. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Thronsen, yes; Board Member Bringhurst, yes. The motion passes. The meeting adjourned at 10:05 a.m.