

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 2B

9:00 a.m.

July 23, 2013

Telephonic Meeting

MINUTES

DIVISION STAFF

Jonathan Stewart, Division Director

Jeffery Nielsen, Chief Investigator

Mark Fagergren, Director Licensing/Education

Xanna DeGooyer, Assistant Attorney General

Renda Christensen, Board Secretary

Craig Livingston, Investigator

Theron Case, Investigator

BOARD MEMBERS

Daniel Brammer, Chair

Paul Throndsen, Vice Chair

Jeanette Payne, Board Member

James Bringhurst, Board Member

GUESTS

Neil Jensen

Joel Frost

Vern Meyer

Kris Coleman

Board Member Ulibarri is excused from the meeting today.

The meeting on July 23, 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 June 26, 2013 meeting. Vote: Chair Brammer, yes; Board Member Payne, yes; Board Member Bringhurst, yes. The motion carries.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart said that Ben Jensen has been hired by the Attorney General's office, and his position has been temporarily filled by Ms. Jonsson. The Division has hired a replacement for the Hearing Officer position, Justin Barney. Mr. Barney has been an attorney since 1985, and has held a real estate license for ten years. He is in the process of moving from Georgia, and will begin on August 1, 2013. Director Stewart thanked Ms. Jonsson for her covering this position.

There has been a name submitted to the Governor's office to replace Board Member Payne, who has reached the end of her four-year term. We are waiting to hear what the decision is on this new submission. Director Stewart thanked Board Member Payne for her service on the Appraiser Board, and to the appraisal industry.

Director Stewart received an e-mail this morning from David Cherner, Rels Valuation. Mr. Cherner is asking for time on the August 28th agenda to speak about the proposed rules regarding AMC issues. He specifically requested time to discuss appraisal reviews and employee training. Director Stewart asked the Board if this would be acceptable to them, and the Board agreed to give Mr. Cherner time next month to discuss the two topics mentioned as long as they are unrelated to the proposed AMC rules.

INVESTIGATIONS REPORT – Jeffery Nielsen

Mr. Nielsen reported that Ms. Stutsman has caught up on the numbers for the two months she was on leave. Here are the statistics for those months:

In April the Division received 7 complaints; opened 11 cases; referred no cases to the AG's office for review; closed 9 cases; leaving the number of cases at 73.

In May the Division received 8 complaints; opened no cases; referred no cases to the AG's office for review; closed 3 cases; leaving the number of cases at 70.

In June the Division received 3 complaints; opened no cases; referred 7 cases to the AG's office for review; closed 3 cases; leaving the number of cases at 67.

Ms. DeGooyer said there will be one hearing next month that will take approximately 2 to 3 hours. With the public comments and discussion on the AMC rules next month, she asked the Board what time the hearing should start. The Board is allowing an extra hour for discussion and the hearing will begin at 11:00 a.m.

There are no stipulations to review this month.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren said the statistics for last month show there was a drop of 52 active licensees which would be a 3.5% decrease.

Mr. Fagergren spoke to a licensee who asked the question, if he retires from the industry and is asked to make a correction on an appraisal that he had done, would the licensee be able to make the correction? After some discussion, the Board said the licensee would be able to make a correction as long as it did not require his signature.

The Division has hired a new person, Mykah Travis, to fill the position of Real Estate Education Coordinator that was previously held by Tiffeni Wall. Ms. Travis had previously worked for the Salt Lake Board of Realtors.

The Instructor Development Workshop will be held on October 28 and 29, 2013. These dates are the last Monday and Tuesday in October. The speaker this year will be Lynn Elder, who has previously spoken and received great reviews. Mr. Fagergren reminded everyone that it is required for all pre-license instructors to attend an IDW once every two years. The Division will have reports from Director Stewart, Mr. Fagergren, and Mr. Nielsen on the first morning, and there will also be a panel to answer questions until about noon, and then Mr. Elder will begin his presentation.

Board Member Ulibarri had a question for Mr. Fagergren to share with the Board. He is asking if an instructor needs to hold a Certified General license to teach a Certified General course. The answer would be “Yes” for a pre-license instructor, but not for a continuing education instructor. After discussion, Ms. Jonsson will write a draft rule on this topic to be reviewed at the meeting next month.

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

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

Brandon Grable, CR candidate

Dayna Jardine, LA candidate

Tyler Hutchings, LA candidate

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

Jeff K. Sedgwick, LA candidate

Discipline List for Board's Consideration

Michael W. Porter, CG renewal

There are no stipulations for review this month.

COMMISSION AND INDUSTRY ISSUES

Rule Updates – Jennie Jonsson

Ms. Jonsson reported there are two proposed rules to discuss. The first rule is regarding school certification requirements. It was published on July 15, 2013 and will run until August 14, 2013. So far, there have been no comments from the public. A motion was made to approve the rule to be made effective on August 21, 2013, unless the Division receives any public comments. Vote: Chair Brammer, yes; Vice Chair Thronsen, yes; Board Member Payne, yes; Board Member Bringhurst, yes. The motion carries.

The second rule is the AMC rule that clarifies the AMC as a third party. The Division has received several comments from the public before the cut-off date of July 15, 2013. The Board has an option as to whether it wants to review any comments received after that date. These public comments will be discussed on the next Appraiser Board meeting on August 28, 2013.

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 Bringhurst, yes. The motion carries. An Executive Session was held from 9:48 a.m. to 10:13 a.m.

OPEN TO PUBLIC

Results of Lists

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

Brandon Grable, CR candidate - Approved

Dayna Jardine, LA candidate - Approved

Tyler Hutchings, LA candidate - Approved

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

Jeff K. Sedgwick, LA candidate - Denied

Discipline List for Board's Consideration

Michael W. Porter, CG renewal – Approved with the condition that he must report within 10 days any conviction on this case.

A motion was made to adjourn the meeting. Vote: Chair Brammer, yes; Vice Chair Throndsen, yes; Board Member Payne, yes; Board Member Bringhurst, yes. The motion carries. The meeting was adjourned at 10:13 a.m.