

**UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**

Heber M. Wells Building

Room 210

9:00 a.m.

June 26, 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

Carla Westbroek, Appraiser Education Coordinator

Jim Bolton, Investigator

Craig Livingston, Investigator

Theron Case, Investigator

BOARD MEMBERS

Daniel Brammer, Chair

Paul Throndsen, Vice Chair

Jeanette Payne, Board Member

James Bringham, Board Member

GUESTS

Neil Jensen

Joel Frost

Vern Meyer

Kris Coleman

Jake Parkinson

Mike Christensen

Darrel Clark

Cory Larsen

Board Member Ulibarri is excused from the meeting today.

The meeting on June 26, 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 May 15, 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 when the Appraisal Subcommittee (“ASC”) was here in February they talked about revised Policy Statements, and on May 28, 2013 the ASC did come out with their final Policy Statements. Utah submitted public comments on the statement regarding timely enforcement, but there was no change to this policy. The ASC’s view of timely enforcement is that all investigations have to be completed within one-year from when the Division receives the complaint unless there are special documented circumstances. These special circumstances cover appeals to a higher court; medical condition of the respondent; ancillary civil litigation; and, complex fraud cases that involve multiple individuals and reports.

Special documented circumstances also include a base period when state rules require a referral of a complaint to another state entity for review, and the state agency is precluded from further processing of the complaint until it is returned. Director Stewart sees this as similar to when the Division turns a case over to the Attorney General’s office for review of possible administrative action.

The following are changes the ASC outlined in a recent letter of the Policy Statements:

- Policy Statement 3 is the National Registry. As of July 1, 2013 all states will be required to report disciplinary action via the Extra Net application as soon as practicable.
  
- States must notify the ASC as soon as practicable of voluntary surrenders, suspensions, revocations, or any other action that interrupts a credential holder’s ability to practice.
  
- Policy Statement 4 says states must take appropriate action to suspend an appraiser’s eligibility to perform appraisals in federally-related transactions when determined by the appraisers continuing education does not meet AQB criteria

until such time as the requisite continuing education has been completed. The state must notify the ASC as soon as practicable after taking such action in order for the appraiser's record on the National Registry to be updated appropriately.

- Persons analyzing work product for USPAP compliance must have sufficient knowledge to make that determination. Director Stewart said that all of our appraiser investigators have taken and passed the USPAP test, and all have taken the Investigator 2 training put on by the Appraisal Foundation. Mr. Case will be attending the Investigator 1 training with Director Stewart in Denver tomorrow.

- Policy Statement 5 changes reciprocity effective July 1, 2013 in order for states appraiser to be eligible to perform for federally-related transactions the state must have a reciprocity policy in place for issuing a reciprocal credential to an appraiser from another state under the conditions specified in Title 11. States may not impose additional impediments to issuance of reciprocal credentials.

- Policy Statement 7 says states must track complaints of misconduct or wrong-doing of appraisers by using a complaint log.

- Policy Statement 8 is a new policy statement addressing the sanctions by the Dodd-Frank Act and sets forth due process in the event that such authority is exercised. Pursuant to the Dodd-Frank Act, the ASC has the authority to impose interim actions and suspensions as an alternative to or in advance of a non-recognition proceeding against the state agency that fails to have an effective program.

### **INVESTIGATIONS REPORT – Jeffery Nielsen**

Mr. Nielsen reported that Ms. Stutsman, Secretary for Enforcement, has returned to work from her medical leave. She is working on the numbers and we should have some for the report by next month.

There are no stipulations to review this month.

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren said the statistics for last month are consistent, and there has not been a drop the numbers.

The Division Caravan for 2013 is over, and the Division received good support from the mass appraisers. We need to work with the fee appraisers to get them out and attend the next meeting.

A committee has been selected for the Supervisor/Trainee course review. Those who will serve are: Dan Brammer; Mark Fagergren; Joel Frost; Kristen Coleman; Blake Ingram; Dennis Yarrington; Craig Morley; and, Ron Smith. Mr. Fagergren is hoping that the committee can come back to the Board next month with an outline so the committee can get some feedback about the course. The deadline for having this course in place is January 1, 2015. Mr. Fagergren said the sooner we get everything in place, the better.

The Appraisal Subcommittee has a new program for reporting any actions or sanctions taken on appraisers. The name is Extra Net and it is linked to all the states, so when a different state takes an action against an appraiser, Ms. Westbroek would be able to see it on this new program. She will also be posting any actions taken in Utah on this website. The Order will not be posted on this website, just the actions taken.

Reciprocity applications will be issued to any appraiser who is qualified and is in good standing. A state must meet the regulations put in place by the ASC, and the Division will need to update the wording in our statute to reflect these new changes. We are in compliance at this time, but we will need to present the update to the Legislature when they next meet.

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

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

Ramon Scott Foster

Discipline List for Board's Consideration

Antone G. Frandsen, CR Renewal

Clint Urry, CR Renewal

Kelly Blake, CR Renewal

There are no stipulations for review this month.

## **COMMISSION AND INDUSTRY ISSUES**

### **Rule Updates – Jonathan Stewart**

Director Stewart said that Ben Jensen is no longer with the Division. He has been hired by the Attorney General's office to work at the Division of Natural Resources. Director Stewart will be giving the report today.

There are two proposed rules to review today. The first one has been published and is out for public comment. The Board has already voted on the AMC rules which were published on June 14, 2013 and the public comment period will end on July 15, 2013. The second rule on Appraiser education has been voted on by the Board, and is currently scheduled for public comment on July 15 through August 15, 2013.

The Board reviewed the proposed changes to R162-2g-102 and made a motion to accept the changes and publish them for comment. Vote: Chair Brammer, yes; Vice Chair Thronsdon, yes; Board Member Payne, yes; Board Member Bringhurst, yes. The motion passes.

Mr. Mueller was scheduled to speak on the differences in the costs of an appraiser license versus those of the real estate and mortgage licenses. He did not appear, and no notice was sent to reschedule this segment.

Mike Christensen shared a couple of thoughts on AMC rules. He spoke to the Board and Division for a few minutes, and Ms. DeGooyer instructed him to put his concerns in writing so they will be reviewed during the public comment period.

### **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 Thronsdon, yes; Board Member Payne, yes; Board Member Bringhurst, yes. The motion carries. An Executive Session was held from 9:20 a.m. to 10:29 a.m.

### **OPEN TO PUBLIC**

#### **Results of Lists**

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

Ramon Scott Foster - Denied

Discipline List for Board's Consideration

Antone G. Frandsen, CR Renewal - Approved

Clint Urry, CR Renewal – Must submit a copy of the letter from HUD

Kelly Blake, CR Renewal - Approved

A motion was made to adjourn the meeting. Vote: Chair Brammer, yes; Vice Chair Thronsen, yes; Board Member Payne, yes; Board Member Bringhurst, yes. The motion carries. The meeting was adjourned at 10:30 a.m.