

**UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**

Heber M. Wells Building

Room 210

9:00 a.m.

September 24, 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  
Craig Livingston, Division Staff  
James Bolton, Division Staff  
Theron Case, Division Staff  
Benjamin Mills, Assistant Attorney General Trainee

**BOARD MEMBERS PRESENT:**

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

**GUESTS:**

Jake Parkinson

The September 24, 2014 meeting of the Appraiser Licensing and Certification Board began at 9:02 a.m. with Chair Ulibarri conducting.

Mr. Fagergren is out of town and will be excused from this meeting.

**PLANNING AND ADMINISTRATIVE MATTERS**

Chair Ulibarri received a call from James Hazlett, Vice Chair of the Arizona Real Estate Commission. The Arizona Commission is looking into revamping their peer review processes both in licensing and disciplinary action. Mr. Hazlett said that they really like what Utah has set up. Chair Ulibarri congratulated the previous Division employees who set up the system we now use.

Approval of Minutes - A motion was made and seconded to approve the minutes from August 27, 2014 meeting as written. Vote: Chair Ulibarri, yes; Vice Chair Coleman-

Nicholl, yes; Board Member Brammer, yes; Board Member Bringhurst, yes; Board Member Thronsen, yes. The motion passes.

## **DIVISION REPORT**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart said the Division is getting close to finalizing the proposed legislative changes. Currently, there is nothing on the Division's list for just appraisers, but there are two items that affect the Appraisal Management Companies. Director Stewart will send out the list before next month's Board meeting and the items can be discussed then.

The second item for discussion is the email that Director Stewart and the Board received from Craig Morley for the consideration of an Administrative Rule change. The change would require AMCs to pay appraisers in a specific timeframe when they received the money from the lender. The second part of the change would be regardless if they have received money from their lenders, they should still pay the appraiser within that certain timeframe. If the AMC doesn't pay the appraiser in the specific timeframe, the Division will have the authority to discipline the AMC.

When the AMCs brought the bond issue forward, there were two items mentioned. One was for the AMC that has gone out of business, but the second thing that was brought up by appraisers in a Board meeting was that if we required a bond, and appraisers tried to collect on that bond, the AMC would pay so that they wouldn't lose the bond or have their bond premiums go up. This was the specific reason the appraisers brought to the Division and the Board for instituting the bonding requirement. This was a two-part rule: one for AMCs going out of business; and two, to help appraisers get paid.

Mr. Morley requested that, at the very least, the wording should be the same as it is in the mortgage rule. If the lender has received the money from the third-party, then they are required to forward it on to the appraiser. Director Stewart asked if wording should be added that the AMC be required to pay if they haven't received the money, or should it remain that if the money has been received, they are required to send it along to the appraiser?

The question would be how to enforce the rule. The Division doesn't want to be a collection agency. The suggestion of disciplinary action taken under Professional Conduct was brought up if the AMC has received the money and has failed to pay within a certain timeframe. It was suggested that payment must be received within 45 days.

Director Stewart asked Ms. Harris to review the statute and see if the Division does or does not have the authority. If the Division does have the authority, then the Division will prepare a draft for review at the next meeting. If the Division does not have the authority, then the issue will be placed on the proposed legislative list for review.

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

Mr. Nielsen reported in August the Division received 5 complaints; opened no new cases; closed 2 cases from the Attorney General's list; closed 8 cases; leaving 33 total appraiser cases.

Stipulation for Review

David G. Miller

**EDUCATION AND LICENSING REPORT – Jonathan Stewart**

Director Stewart gave the report this month for Mr. Fagergren. He said the numbers for the month of August appear to remain stable and consistent.

Director Stewart submitted the following lists to the Board for their review:

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

David Cook, CG candidate

Sulila Merrell, LA candidate

Thomas Eatchel, CR candidate

Discipline List:

Robert J. Holmes

Chadwick L. Murray

Melissa Renee Sasser

There are no stipulations for review this month.

**COMMISSION AND INDUSTRY ISSUES**

**Rule Updates – Justin Barney**

Mr. Barney said a lot of work has been done on R162-2g for proposed rules to update the language to the AQB requirements that need to be in place by January 1, 2015, as well as other changes to the rule. The rule is now 43 pages in length. Discussion was held to review the proposed changes.

A motion was made and seconded to approve the rule as written. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Brammer, yes; Board Member Thronsen, yes; Board Member Bringhurst, yes. The motion passes.

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.

**CLOSED TO PUBLIC**

An Executive Session was held from 9:50 a.m. to 10:12 a.m.

**OPEN TO PUBLIC**

## **RESULTS OF DELIBERATIONS**

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

David Cook, CG candidate - Approved

Sulila Merrell, LA candidate - Approved

Thomas Eatchel, CR candidate - Approved

### **Discipline List:**

Robert J. Holmes - Approved

Chadwick L. Murray - Approved

Melissa Renee Sasser - Approved

### **Stipulation for Review**

David G. Miller – Approved with concurrence by the Director

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 10:15 a.m.