

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

March 23, 2016

Telephone Meeting

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Jeffery Nielsen, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Amber Nielsen, Board Secretary
Kendelle Christiansen, Appraisal Licensing and Education
Craig Livingston, Appraiser Investigator

BOARD MEMBERS PRESENT:

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

The March 23, 2016 meeting of the Appraiser Licensing and Certification Board began at 9:10 a.m. with Chair Ulibarri conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – Chair Ulibarri noted two instances needing correction. A motion was made and seconded to approve the minutes from the February 24, 2016 meeting with the corrections. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Throndsen, yes; Board Member Bringhurst, yes. The motion carries.

Public Comment Period – There was no public comment.

DIVISION REPORTS

DIRECTOR’S REPORT – Jonathan Stewart

Director Stewart reported the Division bill, HB 402, passed on the second to last day of the session at 8:00 p.m. The rule making authority that was previously discussed will be

made effective May 10, 2016. Director Stewart thanked Representative Froer and Senator Bramble for sponsoring the Bill; and thanked Chris Kyler and Mike Ostermiller for their help getting the Bill prioritized. Board Member Throndsen asked about Senate Bill 30. Director Stewart stated SB 30 is the bill which dealt with the rule making authority of boards and commissions. This bill is in response to the North Carolina Dental Board case. The bill ensures that any time there is rule making authority it requires the concurrence of both the Division and the commission or board.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in February the Division received 4 complaints; opened 1 new cases; closed 0 cases; leaving 28 appraisal cases open with the Division. There are a total of 19 cases are now with the AG's office.

Mr. Nielsen announced the Appraiser Investigator position has proven difficult to fill. In light of that and that the amount of appraisal complaints and cases are significantly lower than they have been in the past, the Division will be converting the Appraiser Investigator position to a Real Estate Investigator position. Going forward there will still be the two full-time Appraiser Investigators with the Division; and on a limited basis the Division will have a panel of individuals to work on cases by contracted assignment as needed. Mr. Nielsen asked the Board to come back later with recommendations of individuals who could be on that panel. Chair Ulibarri feels it is a good idea; he asked what the pay structure would be for those individuals. Mr. Nielsen stated the Division was unclear at this time but wanted to strike a balance that would be fair for someone to accept assignments from the Division. Mr. Nielsen stated if the Board has suggestions for the pay structure the Division would be receptive. Kentucky has no staff investigators; all their investigators work on assignment. Mr. Nielsen mentioned we may want to consider exempting those working on assignment for the Division from USPAP compliance.

There are no enforcement stipulations for review today.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren discussed the recent shortage of the Appraiser Experience Review Committee. Mr. Fagergren cited there was one applicant who turned in an application in December and has still been unable to have his work reviewed. Mr. Fagergren asked if the Board would be willing to have a phone meeting to approve the referral prior to next month's meeting.

Certified Appraisers Recommended for Approval to be added to the Utah Appraiser Experience Review Committee:

Preston Taylor, CR	Martin Worwood, CR
Jake Parkinson, CR	Theron Case, CR
David Mortimer, CR	Steve Davidson, SRA, CR
David Wright, CG	Justin Decker, CG

Ron Smith, CG
Jeremy Manning, CG

Burt Garfield, CG

Mr. Fagergren discussed the Division's upcoming Caravan course. Announced at the Vernal class on April 19 there have been 40 of 60 seats reserved; at the Park City class on April 21 all 200 seats have been reserved; at the Logan class on April 26 at 1:00 pm there are only 73 of 175 seats available; at the Layton class on May 3 all 240 seats have been reserved; at the Provo class on May 5 there are only 2 of 300 seats available; at the Moab class on May 10 there are only 28 of 60 seats available; at the Richfield class on May 11 there are only 28 of 50 seats available; at the Cedar City class on May 12 there are only 20 of 65 seats available; and at the St. George class on May 13 there are only 86 of 230 seats available. Appraiser receive 3 hours of continuing education for attending.

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

Kerry A. Pederson, LA Candidate

Disciplinary List

Michael Nyman, Appraiser Trainee Applicant
iMortgage Services, LLC, AMC License Renewal

HEARING OFFICER REPORT – Justin Barney

Mr. Barney stated there were no licensing stipulations for review.

BOARD AND INDUSTRY ISSUES

Director Stewart presented that with the passing of the Bill, the Division and Board now have rule making authority specifically regarding panels and how assignments are given to appraisers. Director Stewart thought the best way to begin this process would be to come up with a list of the problems that are affecting credible assignments that out there. Vice Chair Coleman-Nicholl asked that Director Stewart send a list to the Board outlining the specific items Director Stewart wants to discuss. Mr. Barney reiterated the rule making authority is specifically granted in the Bill.

Board Member Brammer marked the passing of William "Budge" Christensen who was a long time appraiser and instructor in the industry.

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 Throndsen, yes; Board Member Bringham, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held from approximately 9:39 a.m. to 10:00 a.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Certified Appraisers Recommended for Approval to be added to the Utah Appraiser Experience Review Committee:

Preston Taylor, CR – Approved	Martin Worwood, CR – Approved
Jake Parkinson, CR – Approved	Theron Case, CR – Approved
David Mortimer, CR – Approved	Steve Davidson, SRA, CR – Approved
David Wright, CG – Approved	Justin Decker, CG – Approved
Ron Smith, CG – Approved	Burt Garfield, CG – Approved
Jeremy Manning, CG – Approved	Matt Frentheway, CR – Approved

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

Kerry A. Pederson, LA Candidate – Approved

Disciplinary List

Michael Nyman, Appraiser Trainee Applicant – Approved

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 approximately 10:03 a.m.