

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

April 27, 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
Paul W. Throndsen, Board Member
Jim Bringhurst, Board Member

PUBLIC MEMBERS:

Ron Smith
Mike Christensen

The April 27, 2016 meeting of the Appraiser Licensing and Certification Board began at 9:05 a.m. with Chair Ulibarri conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes from the March 23, 2016 meeting as written. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Throndsen, yes; Board Member Bringhurst, yes. The motion carries.

A motion was made and seconded to approve the minutes from the April 20, 2016 meeting as written. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Throndsen, yes; Board Member Bringhurst, yes. The motion carries.

Public Comment Period – Ron Smith appreciated the notice of William Christensen’s passing in a prior meeting. Mr. Smith noted the passing of two more appraiser that same month: John Hafen and Don Gurney. Mr. Smith recommends including all appraisers who have passed in the minutes. Vice Chair Coleman-Nicholl marked the passing of Michael Junkins. Jon Cook also passed away.

Mr. Smith thanked the Board for holding the extra meeting last week to expedite the process for those few appraisers.

Mr. Smith also recognized Director Stewart for his good work playing the cello as part of the orchestra at Temple Square.

DIVISION REPORTS

DIRECTOR’S REPORT – Jonathan Stewart

Director Stewart reminded the Board the statutory changes which passed will go into effect on May 10, 2016.

Director Stewart presented a new first exposure draft from the Appraisal Standards Board with a draft of the proposed changes for the 2018-2019 Edition of USPAP. Public comment is due by June 10, 2016. Some of the proposed topics they are discussing are: the definition of a report; the definition of an assignment; extraordinary assumption; Standard 3; Standard 6, which they are proposing dividing into Standard 5 Mass Appraisal Development and Standard 6 Mass Appraiser Reporting; Standard Rule 7-2(c), SR 7-5, SR 8-2(v), SR 8-3; and advisory seven computer assisted valuation models. Director Stewart will email a copy of the exposure draft to the Board.

ENFORCEMENT REPORT – Jeffery Nielsen

Mr. Nielsen reported in March the Division received 2 complaints; opened 4 new cases; closed 0 cases; leaving 32 appraisal cases open with the Division. There are a total of 19 cases are now with the AG's office.

There are no enforcement stipulations for review today.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported the Division has held three of the nine Caravan courses so far; the Caravan has been successful. Mr. Fagergren received a question at the Caravan: “What does it mean when a Realtor lists a sale on the MLS with the comment ‘entered for comps only?’” Board Member Bringhurst stated oftentimes homes will be sold before the property is put on the MLS and is then put on the MLS in order to share good comps with industry. Mr. Fagergren noted there could be some concerns and wondered if there should be remarks in the MLS. Board Member Bringhurst stated that prior to being added to the MLS in this manner, the MLS requires a copy of the contract and HUD.

Vice Chair Coleman-Nicholl recommends calling and verifying information because typically those listings don't have relevant information such as square footage or style. Mr. Nielsen questions when/if the MLS has been requiring HUDs to verify these comps. Mr. Nielsen stated it is important that appraiser verify the data used is quality and valid data. The Board agrees this topic would be a good topic for the newsletter.

Disciplinary List

Kyle Hansen, Certified Residential Renewal Applicant

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

Cody Hymas, GG

James Ivie, CG

HEARING OFFICER REPORT – Justin Barney

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

BOARD AND INDUSTRY ISSUES

Mr. Barney reported that the administrative rule has reached its five year period for rule renewal.

Director Stewart reported last month he asked the Board and public members to come up with a list of problems or concerns to address with the rule making authority specifically in relation to how assignments are offered to appraisers and how appraisers are removed from panels. Vice Chair Coleman-Nicholl noted the broadcast emails were a problem because the nature of that offering doesn't allow for any research before accepting an assignment. Chair Ulibarri said this was discussed at the AARO Conference and that many states do not allow broadcasting for that very reason; and that AMCs prefer to not broadcast but rather to rank appraisers and go down the list based on their qualifications. Mike Christensen stated his AMC does not broadcast assignments; however, Mr. Christensen is concerned that there will be rules drafted to solve problems that are not actually problems. Mr. Christensen feels that appraisers have the responsibility to not accept assignments for which they are not qualified. Mr. Christensen is concerned about drafting policy that impedes business practice where there may not be a compelling threat to public interest. A brief discussion of customary and reasonable fees was opened. Director Stewart asked the Board for guidance on how they want to proceed. The Board recommended forming a committee to discuss the rules before making any decision in creating new rules.

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

CLOSED TO PUBLIC

An Executive Session was held from approximately 9:49 a.m. to 9:56 a.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Disciplinary List

Kyle Hansen, Certified Residential Renewal Applicant – Approved

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

Cody Hymas, GG – Approved

James Ivie, CG – Approved

A motion was made to adjourn the meeting. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Throndsen, yes; Board Member Bringhurst, yes. The motion passes. The meeting adjourned at approximately 9:57 a.m.