

**UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**

Heber M. Wells Building

Room 210

9:00 a.m.

May 25, 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  
Jim Bolton, Appraiser Investigator  
Craig Livingston, Appraiser Investigator

**BOARD MEMBERS PRESENT:**

John E. Ulibarri, II, Chair  
Kristin Coleman-Nicholl, Vice Chair (appeared by telephone)  
Paul W. Thronsen, Board Member  
Daniel V. Brammer, Board Member

**PUBLIC MEMBERS:**

Ron Smith  
Theron Case  
Brandon Bess

Board Member Jim Bringhurst has been excused from this month's meeting.

The May 25, 2016 meeting of the Appraiser Licensing and Certification Board began at 9:02 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 April 27, 2016 meeting as written. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Thronsen, yes; Board Member Brammer, yes. The motion carries.

Public Comment Period – Ron Smith presented more information on the tragic passing of Micheal Junkins last month. Mr. Junkins was 41 and passed away quite unexpectedly. Mr. Junkins was a supporter of the Utah State Aggies and had played on their football team.

## **DIVISION REPORTS**

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

Director Stewart reported we are nearing the end of Board Member Throndsen’s second term on the Board. A name for his replacement has been submitted. The Division asks that Board Member Throndsen will continue to act as a member of the Board until his replacement has been approved. Board Member Throndsen agreed. On May 18, 2016 the Division received word that Chair Ulibarri was reappointed and confirmed by the Senate to serve a second term.

### **ENFORCEMENT REPORT – Jeffery Nielsen**

Mr. Nielsen reported in April the Division received 3 complaints; opened 8 new cases; closed 3 cases; leaving 41 appraisal cases open with the Division. There are a total of 19 cases are now with the AG's office.

#### Stipulation for Review:

Hilary R. Richards

Mr. Nielsen reported the Division has been receiving some notifications there is a gridded form which doesn’t allow for adjustments being used which is essentially an appraiser’s version of a BPO. Mr. Nielsen is concerned this form is being used for tax appeal purposes and some lending based purposes and this form doesn’t allow for the scope of work doesn’t seem to be included in what the form is asking and does not allow for additional comments or explanation. Mr. Nielsen is concerned this could violate USPAP. Mr. Nielsen is also concerned it is being called the “BPO for appraisers” as an appraiser is sought out to act as an appraiser. Mr. Nielsen feels Advisory Opinion 24 addresses this pretty plainly. Mr. Nielsen is asking for the Board’s input on this. Vice Chair Coleman-Nicholl gets requests to do these for one particular AMC often. She says it is not USPAP compliant and was used for lending purposes. This issue was discussed. The Board agrees this topic would be a good topic for the newsletter.

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

Mr. Fagergren reported in the last month there was a loss of 10 appraisers. In the last eleven months there was a loss of 47 appraisers. In the past eleven months the Real Estate Industry is growing at about a rate of 1500 people and the Mortgage Industry is growing at a rate of about four percent. Mr. Fagergren stated he discussed this at Caravan. Board Member Throndsen asked what feedback Mr. Fagergren received at Caravan. Mr. Fagergren reported individuals who have an interest in appraising were receptive; but sometimes the real estate individuals only wanted to hear about real

estate topics. Overall, the Caravan was well received. Many individuals wanted to know how to fix this decline in appraisers. Mr. Fagergren reported that there is not a quick and easy solution and that any drastic solutions would have to come through intervention at a high level. Mr. Fagergren discussed the strict requirements to become an appraiser.

#### Disciplinary List

SettlementOne Valuation Corporation, AMC Renewal  
Axis Appraisal Management Solutions, AMC Renewal  
Christopher Alfaro, Reciprocal Applicant for CG  
Jeffrey Lyle Hansen, Temporary CG Applicant

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

Brandon Barnett, LA Candidate  
Amanda Pearson, LA Candidate  
Sivithee Srisukhumbowornchai, LA Candidate  
Jake Stoker, LA Candidate

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

Stephen Spencer Burgoyne, CG Candidate

#### **HEARING OFFICER REPORT – Justin Barney**

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

#### **BOARD AND INDUSTRY ISSUES**

Mr. Barney reported the Committee which the Board requested be formed to discuss possible rule amendments was formed and had met. There was some consensus that there should be some transparency when removing an appraiser from a panel. The offering of assignments was discussed; the appraisers were concerned about the broadcasting of assignments. There was a concern about how much should be regulated by the State. There was a discussion there be a minimum acceptance time. There was also a discussion on customary and reasonable fees. There will be another meeting on June 8, 2016.

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 Bringham, yes. The motion passes.

**CLOSED TO PUBLIC**

An Executive Session was held from approximately 9:43 a.m. to 10:05 a.m.

**OPEN TO PUBLIC**

**RESULTS OF EXECUTIVE SESSION**

Stipulation for Review:

Hilary R. Richards

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

Stephen Spencer Burgoyne, CG Candidate

**INFORMAL HEARING:**

The Brandon Bess Experience Review began at 10:07 a.m.

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 10:41 a.m. to 10:46 a.m.

## **OPEN TO PUBLIC**

Mr. Bess will be notified by mail as to the outcome of his experience review.

A motion was made to adjourn the meeting. Vote: Chair Ulibarri, yes; Vice Chair Coleman-Nicholl, yes; Board Member Thronsen, yes; Board Member Bringhurst, yes. The motion passes. The meeting adjourned at approximately 10:47 a.m.