

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

January 25, 2017

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Elizabeth Harris, Assistant Attorney General
Judith Jensen, Assistant Attorney General
Eric Stott, Real Estate Analyst
Amber Nielsen, Board Secretary
Kendelle Christiansen, Education Coordinator
Jim Bolton, Investigator
Craig Livingston, Investigator
Faruk Halilovic, Division Staff

BOARD MEMBERS PRESENT:

Kristin Coleman-Nicholl, Chair
John E. Ulibarri, II, Vice Chair *
Daniel Brammer, Board Member
Jim Bringhurst, Board Member
Jeffrey T. Morley, Board Member

*Mr. Ulibarri arrived at 9:48 a.m.

PUBLIC MEMBERS PRESENT:

Elizabeth Stowe	Michael H. Christensen
Theddi W. Chappell	Mark Schiffman
Dave Copeland	Laura Raposo
Tim Zack	Keven Ewell
Matt Frentheway	Tyler Charlesworth

The January 25, 2017 meeting of the Appraiser Licensing and Certification Board began at 9:10 a.m. with Chair Coleman-Nicholl conducting. Vice Chair Ulibarri was absent from the start of today's meeting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the minutes from December 28, 2016 meeting as written. Vote: Board Member Brammer, yes; Board Member Bringhurst, yes; Board Member Morley, yes. The motion carries.

Public Comment Period – No public comment was made at this time. Later in the meeting there will be a public hearing for the proposed rule amendment Appraisal Management Company Administrative Rules.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported the Division has approved the latest draft of the Division bill and communicated that with the Office of Legislative Research. The bill has not been numbered yet.

Director Stewart reported the Division made a proposal to lower the appraiser licensing fees by one hundred dollars every two years. There was a fee hearing yesterday. Fees are not ratified until the end of the session. Director Stewart stated the fee hearing went well and he does not expect anyone will oppose that proposal.

Director Stewart reported Board Member Brammer will be ending his service with the Board early. The Division has submitted a name to the Governor's Office for his replacement. Director Stewart thanked Board Member Brammer for his service of nearly two whole terms on the Board and for his service to the industry.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in December the Division received 3 complaints; opened 0 new cases; closed 2 cases; leaving 38 appraisal cases open with the Division. There are a total of 18 cases are now with the AG's office.

Stipulations for Review:

Robert Vincent

Chair Coleman-Nicholl asked if a complainant is notified of the status of a complaint. Ms. Wright stated the typical practice is to notify the complainant through a phone call once a case has been opened and when the case is closed. The complainant may also call into the Division to check on the status of their complaint.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren presented the lists for review.

Disciplinary List

Cary A. Lannin, Temporary Practice Application
Mark A. Fagergren, Certified General Renewal Application
Deborah C. LeClercq, Reciprocal Certified Residential Application
Thomas D. Heath, Temporary Certified General Application
Dax Gurr, Certified Residential Renewal Application
Grant Jones, Appraiser Trainee Application
Jared Preisler, Appraiser CE Instructor Application
Glen Randall Bell, Temporary Certified General Application

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

Joseph Vandenberghe, CG Candidate

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

James A. Morris, LA Candidate

HEARING OFFICER REPORT – Justin Barney

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

BOARD AND INDUSTRY ISSUES

Mr. Barney presented for consideration a proposal that the Board delegate to the Division some authority to review applications for certification, licensure, or registration which have previously all come before the Board as part of the Disciplinary List. Mr. Barney stated the Real Estate and Mortgage Commissions both have this statutory authority and have delegated their authority. Mr. Barney cited anecdotal cases where a temporary applicant may have to wait nearly a month before being approved by the Board. Mr. Barney stated at the meeting last month the Board had mentioned delegating authority for review and approval of an application, but not authority to deny an application. Mr. Barney presented some language which would outline the delegation. Mr. Barney stated if the Board would prefer they may also require multiple levels of review and approval. Chair Coleman-Nicholl asked for clarification. Board Member Morley asked for an outline of the process an application would undergo. Mr. Barney outline the current process and a possible process for review and approval. Mr. Morley asked for clarification if this would apply to the applications to sit for examinations. Mr. Barney stated if the Board wanted to grant that authority they could; however, the Division is not seeking that authority. Vice Chair Ulibarri arrived to the meeting. At Chair Coleman-Nicholl's request, Mr. Barney restated the above information for Vice Chair Ulibarri. The Board discussed this issue. Board Member Morley suggested the Board might receive a list of applications which were reviewed and approved by the Division. A motion was made to approve the delegated authority as written. There was a friendly motion to amend the motion to approve the delegated authority with the inclusion of a monthly review of the application the Division has

approved. The motion was seconded. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Brammer, yes; Board Member Morley, yes. The motion passes.

Mr. Barney reported the proposed rule amendment on AMC Administrative Rules which began in April of last year was filed and received a number of comments from the public during the public comment period. The law requires that the Board consider those public comments before adopting the rule as approved. In addition, there was a request for a public hearing on the matter. By law the public hearing is required since the requestor represents several appraisal companies in Utah.

10:00 PUBLIC HEARING

PUBLIC HEARING FOR PROPOSED RULE AMENDMENT APPRAISAL MANAGEMENT COMPANY ADMINISTRATIVE RULES (R162-2E-102, R162-2E-304, AND R162-2E-306)

The Division received multiple written comments on the proposed rules R162-2e-102, R162-2e-304, and R162-2e-306 which warrants a public comment period session be held. In addition, there was a request for a public hearing on the matter. Chair Coleman-Nicholl conducted this portion of the meeting.

Those making comments today are:

Mark Schiffman	Chair Coleman-Nicholl
Laura Raposo	Vice Chair Ulibarri
Mark Fagergren	Tim Zack
Michael H. Christensen	Justin Barney
Board Member Morley	Theddi W. Chappell
Matt Frentheway	Board Member Brammer

In advance of today's meeting, the Board was given copies of the 31 written comments received during the public comment period for consideration.

Chair Coleman-Nicholl outlined the possible actions the Board may decide to take at this meeting. The Board discussed the proposed rule and the public comments presented at the hearing. A motion was made and seconded to postpone this proposal until the next regularly scheduled meeting where the Board and Division will review and present some amended language for discussion at the next meeting. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Brammer, yes; Board Member Bringhurst, yes; Board Member Morley, yes. The motion passes.

Mr. Fagergren stated the recordings of the meetings are posted on the public notice website typically the same afternoon as the meeting. Mr. Schiffman stated having the ability to participate in the meeting on the phone during the meeting rather than after the fact would be helpful. Director Stewart stated in the past the concern for conferencing

into the meeting when it is a phone call is in keeping the executive session confidential. However, if the Board is attending in person, there should be the ability to participate by phone.

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence or physical or mental health of an individual. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Brammer, yes; Board Member Bringham, yes; Board Member Morley, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held from approximately 10:57 a.m. to 11:47 a.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Stipulations for Review:

Robert Vincent – Denied

Disciplinary List

Cary A. Lannin, Temporary Practice Application – Approved with Director Concurrence
Mark A. Fagergren, CG Renewal Application – Approved with Director Concurrence
Deborah C. LeClercq, Reciprocal CR Application – Approved with Director Concurrence
Thomas D. Heath, Temporary CG Application – Approved with Director Concurrence
Dax Gurr, CR Renewal Application – Approved with Director Concurrence
Grant Jones, Appraiser Trainee Application – Approved with Director Concurrence
Jared Preisler, Appraiser CE Instructor Application – Additional documentation will be requested.
Glen Randall Bell, Temporary CG Application – Approved with Director Concurrence

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

Joseph Vandenberghe, CG Candidate – Approved with Director Concurrence

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

James A. Morris, LA Candidate – Denied

A motion was made and seconded to adjourn the meeting. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Brammer, yes; Board Member Bringham, yes; Board Member Morley, yes. The motion passes. The meeting adjourned at approximately 11:49 a.m.