

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building
Room 210
9:00 a.m.
August 23, 2017
TELEPHONE MEETING

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Justin Barney, Hearing Officer
Allen McNeil, 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 *
Jim Bringhurst, Board Member
Jeffrey T. Morley, Board Member
Richard Sloan, Board Member

*Joined at 9:01 a.m

The August 23, 2017 meeting of the Appraiser Licensing and Certification Board began at 9:01 a.m. with Chair Coleman-Nicholl conducting. Vice Chair Ulibarri was absent from the start of the hearing.

PLANNING AND ADMINISTRATIVE MATTERS

There were no minutes presented to approval.

Public Comment Period – No public comment was made at this time.

DIVISION REPORTS

DIRECTOR’S REPORT – Jonathan Stewart

Director Stewart reported Eric Stott left the Division. Director Stewart and Mr. Barney reviewed over 60 applications to fill that position and hired Allen McNeil. Mr. McNeil

introduced himself. He has been an attorney for eleven years. He has practiced in real estate law and was also general counsel for a title company.

Director Stewart reported the Division did received the preliminary report from the ASC. He stated there were a few concerns with enforcement, which the Division believes they will be able to address before their response is due on October 3. The Division will present that final report once it is received.

Director Stewart announced that the AARO Conference registration just recently opened up. The Conference will be October 13-16. Director Stewart and Ms. Wright will be attending that conference in light of the appraisal changes in the industry including the exposure drafts.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on the individuals who Chair Coleman-Nicholl requested Mr. Fagergren contact regarding letting their licenses expire last month. He briefly discussed all the various reasons why those individuals let their licenses lapse.

Mr. Fagergren presented lists of individuals who were approved for licensing by the Division since the last meeting.

Disciplinary List for Board's Consideration

Rob Hunt

Mr. Fagergren is happy and pleased to announce the Instructor Development Workshop on Wednesday and Thursday, October 11th and 12th at the Park City Marriott. Theresa Barnabei, who is a co-founder of a company called Course Creators, will be speaking. She teaches courses on training, making presentations, instructional design, how to develop and make courses. There is a requirement for attendance by pre-licensing instructors to the IDW at least once every two years. CE Instructors or any other interested parties are welcome to attend but are not required to. Board Member Sloan asked if that course is approved for appraiser CE. Mr. Fagergren stated that the course has not been approved by the AQB for Appraiser CE credit.

HEARING OFFICER REPORT – Justin Barney

Mr. Barney presented an appeal on the order from Jessica Baughman requesting an extension of time to pay her fine. The Board will consider this in executive session.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in July the Division received 6 complaints; opened 0 new cases; closed 2 cases; leaving 32 appraisal cases open with the Division. There are a total of 7 cases now with the AG's office.

Stipulations for Review:

David Bruce Bunker

Jeffrey Lingmann

Bryan Darling

Amy Beckstead

BOARD AND INDUSTRY ISSUES

Mr. Barney reported the AMC Rules Committee has been meeting to review the proposed rule amendment which affects AMCs. He noted that the proposed rule amendment started over a year and a half ago. The proposal which was filed will expire later this month. However, once the committee makes a decision, a new filing can be made. Chair Coleman-Nicholl noted that REVAA has been involved in the last two meetings.

Director Stewart stated that during the course of the ASC review this issue was brought to their attention. The Division has been working on a draft for the AMC minimum standards. The minimum standards are only set up to regulate residential assignments, not commercial assignments. The Division wanted to ask the Board if there are commercial AMCs in Utah, if they are registered with the Division, etc. If there are commercial AMCs, the Division will need to decide if they will be regulated. The Division needs the Board's input on if commercial AMCs exist and if they do, do they need to be regulated by the Division. Vice Chair Ulibarri posited that the Division has not had any issues with any commercial AMCs. Director Stewart stated that Vice Chair Ulibarri is correct. Vice Chair Ulibarri and Board Member Sloan both do not know of any commercial AMCs. Board Member Morley does know of a few; he assumes some of them would be registered with the state. He stated the volume would be relatively small; and some of those companies do both commercial and residential. There was some continued discussion. Generally, the Board stated that if there is no need for regulation, then there should not be regulation. However, more information would be helpful. Board Member Morley will look into this more and will report back at the next meeting.

Mr. Barney presented draft language for a rule change that would allow a Licensed Appraiser to become a Certified Residential Appraiser by paying a transfer fee rather than an application fee if they apply for the CR within 6 months after renewing their LA. This change was discussed at the last meeting. If approved this rule would be added to the pending filing. There was some discussion on the fee.

A motion was made and seconded to approve the rule amendment for public comment with the changes which were outlined. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes; Board Member Sloan, yes. Director Stewart concurred. The motion passes.

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 Bringhurst, yes; Board Member Morley, yes; Board Member Sloan, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held from approximately 9:59 a.m. to 10:39 a.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Stipulations for Review:

David Bruce Bunker – Denied

Jeffrey Lingmann – Approved with Division Concurrence

Bryan Darling – Approved with Division Concurrence

Amy Beckstead – Approved with Division Concurrence

Ms. Baughman's request for extension is approved with provisions.

Disciplinary List for Board's Consideration

Rob Hunt – Approved with Division Concurrence

A motion was made and seconded to adjourn the meeting. Vote: Chair Coleman-Nicholl, yes; Vice Chair Ulibarri, yes; Board Member Bringhurst, yes; Board Member Morley, yes; Board Member Sloan, yes. The motion passes. The meeting adjourned at approximately 10:40 a.m.