

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD

Heber M. Wells Building

Room 210

9:00 a.m.

January 10, 2018

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
Elizabeth Harris, Assistant Attorney General
Che Arguello, Assistant Attorney General
Tom Melton, Assistant Attorney General
Amber Nielsen, Board Secretary
Kendelle Christiansen, Education Coordinator
Jim Bolton, Investigator
Craig Livingston, Investigator

BOARD MEMBERS PRESENT:

Jeffrey T. Morley, Vice Chair
Jim Bringhurst, Board Member
Richard Sloan, Board Member
Keven Ewell, Board Member

Bruce Dibb, Administrative Law Judge

PUBLIC MEMBERS PRESENT:

Mark Schiffman	George Burbidge
William Lifferth	Rick Lifferth
Theron Case	Craig Morley
David Jones	

The January 10, 2018 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Vice Chair Morley conducting. Chair Ulibarri was excused from today's meeting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – A motion was made and seconded to approve the December 27, 2017 minutes as written. Vote: Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

Public Comment Period – No public comment was given.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported on the Bill draft. He mentioned a big portion of the Bill deals with AMC minimum standards. He reported the updated legislative draft has been sent to the Office of Legislative Research. They are currently working on the draft bill. The Division will receive a draft back from them. Once the Division receives the draft back, the Division will show the draft to the Board.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported in November the Division received 2 complaints; opened 3 new cases; closed 3 cases; leaving 33 appraisal cases open with the Division. There are a total of 6 cases now with the AG's office, 4 of which are AMC cases.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren presented lists of individuals who were approved for licensing by the Division since the last meeting. Additionally, he presented an application for and AMC Control Person who had a criminal history.

BOARD AND INDUSTRY ISSUES

Mr. Fagergren discussed preparations for a training for reviewers. There was a lengthy discussion on the requirements for the training. There was also discussion on the the training course outline for reviewers. The Division would present 20 to 25 percent of the course and the Board would oversee the rest. The outline is almost ready to be presented.

Mr. Barney briefly discussed the AMC Rule Update. Mark Schiffman from REVAA appeared on the phone to discuss the rules. At the last meeting the rules were discussed, and after that meeting the Division met with Mr. Schiffman to discuss some of his concerns. The Board discussed the language in the rules at length. A motion was made and seconded to move forward with the rule amendment and to publish the proposed amendment to public comment. Vote: Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes with concurrence from Director Stewart. A motion was made and seconded to amend the previous motion to include the 120 minute requirement following an offer.

Vote: Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes with concurrence from Director Stewart.

Mr. Barney reported the rule amendment which was approved last month is now effective.

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: Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held from approximately 9:52 a.m. to 10:12 a.m.

OPEN TO PUBLIC

The meeting resumed at 10:12 a.m. for the Formal Adjudicative Proceeding of William Lifferth with Administrative Law Judge Bruce Dibb presiding. Vice Chair Morley was present for a portion of the hearing; however, Vice Chair Morley recused himself and did not participate in the hearing or in the deliberations on the matter.

FORMAL HEARING

10:12 William Lifferth – Respondent
George Burbidge, Counsel for Respondent
Theron Case, Witness for the Division
Craig Morley, Witness for the Division

A brief recess was held at 1:03 p.m. The hearing resumed at 2:03 p.m.

A brief recess was held at 3:59 p.m. The hearing resumed at 4:09 p.m.

A brief recess was held at 5:12 p.m. The hearing resumed at 5:12 p.m.

A brief recess was held at 5:24 p.m. The hearing resumed at 5:30 p.m.

The hearing for Mr. Lifferth concluded at 5:59 p.m.

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: Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held from approximately 6:00 p.m. to 7:22 p.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Mr. Lifferth will be notified by mail of the results of his hearing.

A motion was made and seconded to adjourn the meeting. Vote: Board Member Bringhurst, yes; Board Member Sloan, yes; Board Member Ewell, yes. The motion passes. The meeting adjourned at approximately 7:23 p.m.