

**APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M. WELLS BUILDING
ROOM 2B
February 27, 2008
9:00 a.m.
TELEPHONIC MEETING**

MINUTES

STAFF MEMBERS PRESENT

Mark B. Steinagel, Division Director
Dee Johnson, Enforcement Director
Mark Fagergren, Education/Licensing Director
Laurie Noda, Assistant Attorney General
Renda Christensen, Board Secretary
Craig Livingston, Investigator
Jim Bolton, Investigator
Ken Wamsley, Investigator

BOARD MEMBERS PRESENT

Lynn Christensen, Chair
Holly Christensen, Vice Chair
Craig Morley, Board Member
Ambria Spencer, Board Member
Ron Smith, Board Member

GUESTS

Darrin Liddell

The February 27, 2008 meeting of the Appraiser Licensing and Certification Board began at 9:03 a.m. with Chair Christensen conducting.

Approval of Minutes

The minutes for the January 16, 2008 meeting were approved as written.
The minutes for the January 23, 2008 meeting were approved as written.

DIVISION REPORTS

DIRECTOR'S REPORT – Mark B. Steinagel

Director Steinagel gave the Board a Legislative update. The Division bill, HB346, is on the Senate's Second Reading calendar. The changes suggested in the last board meeting were incorporated into the draft. The Mortgage Fraud bill, SB134, has passed both Houses and was sent to the House Rules Committee for prioritization.

The Division has requested fee decreases in some areas, mainly on the Mortgage and Real Estate sides. The Division believes that it is only right that the licensees to only pay for the cost of the service the Division provides and not be sponsoring other programs in the General Fund.

Director Steinagel mentioned two other bills that don't effect the Division but might affect the industry. HB354, Appraisals for State Land Purchases, requires certain state agencies to make rules to establish procedures for determining that the value of a property is concurrent with the proposed price and other terms of the purchase sale or exchange, and it allows those eight entities to establish rules to require an appraisal and that the appraisal be completed by a State Certified General Appraiser.

SB222 and SB81, Senator Hickman's bill, is the comprehensive immigration reform bill. It has been changing quite a bit, but the one thing it does is require all state agencies to verify the legal status of their employees and licensees. The Division has put a fiscal note on the bill and we are still trying to figure out the complete impact, but at last check it would require the Division to run all of our licensees through E-Verify or some other status verification program to make sure they have legal presence in the United States. This would have an impact on our licensing process. The bill would become effective in July 2009.

Director Steinagel will be drafting the Division's rules from now on because Ms. Noda has quite a heavy workload for the Division, and this will help free up her time. In addition, Ms. Noda will be leaving the Division to move on to a new position. Director Steinagel has been in interviews with the five finalists for the Division's Assistant AG position. The job should be offered within the next two weeks to one of the final candidates.

Director Steinagel said while he was meeting with Mr. Johnson and Mr. Fagergren yesterday it came up that the Division still needs to get the Board's approval of the 2008 version of USPAP. Since it was not on the agenda for today's meeting, we would like to hold a quick phone meeting as soon as possible. The Board agreed and said a phone meeting on Friday, February 29th, at 9:00 a.m. would work best for them. Board Member Smith will not be available because he will be teaching a class. Ms. Christensen will notify the Board as to the details.

Director Steinagel wanted to thank Carla Westbroek and Mr. Fagergren for their excellent work done on segmented licensing. The Division is still working through some issues, but he would like to commend them for all their efforts. On the Enforcement side, Mr. Johnson and Ms. Noda have been putting emphasis on the appraisal area. They should both be commended on their efforts as well. The investigators have been stepping up their efforts and all have been working hard because some of the special challenges on the appraisal investigations and education.

There have been some questions from all the Commissions as well as the Board on issuing CE credits for Commissioners. It is the Division's position that the Commissions and Board do more than enough to get CE. We will have a proposal by the next meeting that will discuss with staff on the best way to handle the situation. Chair Christensen said this topic came up a few years ago and it would be a problem with eliminating the umbrella of immunity for the members. Mr. Fagergren said the other Commissions felt that the risk was nominal. He said that is isn't just the Division but also that we pass scrutiny with the Appraisal Sub Committee. From past conversations, this was deemed as compensation and that the State would not defend them were there to be litigations. Mr. Johnson said that former Director Miller went to the AG's Office of Loss Mitigation and they said the Division could offer CE without canceling someone's ability to have the right of governmental immunity. The Division of

Real Estate is not the only entity that provides CE. There are other governmental agencies that do the same thing, so Loss Mitigation's answer was that it should not be a problem. Chair Christensen said the other thought was to extend it to our Review Panel and our Experience Review Committee. The Division will check into this and be prepared to answer the question at our next meeting.

ENFORCEMENT REPORT – Dee Johnson

Mr. Johnson said Jim Bolton, Craig Livingston, and Ken Wamsley are attending the meeting today. There are two stipulations being presented today and they are here in case the Board has any questions. He said that these three have really been putting in additional time in and are exploring new methods in trying to handle our investigations. Ms. Noda is currently helping the Division with a couple of cases that we are trying to bring to a hearing status.

The monthly report shows the Division has received 15 complaints, 9 complaints were screened, 13 cases were opened, 6 cases were closed, leaving a total of 96 cases. When we receive a complaint quite often on the appraisal side we may open 3 or 4 cases. It isn't unusual for us to have 10 complaints come in that result in up to 15 to 20 additional cases. The Division is trying to get the numbers down to where no one investigator has more than 30 cases at any given time.

The respondents on the two stipulations today were given the opportunity to be here. Neither is in attendance. If the Board has any questions, I and the investigator staff are here to answer them. Both of these cases were done by Mr. Livingston under the supervision of Mr. Bolton.

Review of Stipulations:

Dean Dalton Gifford

Jonathan L. Johnson

EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren said the minutes from January 23rd show that Braydon Platt was scheduled for a hearing and was a "no show." He claims that he got the hearing notice 2 days after the hearing date, and would like to have another hearing. Chair Christensen said the Board has no obligation to do this but they will take it under consideration in their Executive Meeting. Board Member Morley asked how many hearings were scheduled for next months meeting. Mr. Fagergren said there were five currently, not counting Mr. Platt.

Board Member Smith notified Mr. Fagergren that one of the members of the Education Committee has served in excess of 10 years, Duane Price, is retiring and going into some church service. Board Member Smith thought it would be nice to have a letter sent to Mr. Price acknowledging his lengthily service. The Division will draft a letter from the Division and the Board.

Mr. Fagergren wanted to remind the Board that Certified General applicants are required by ASC federal standards now to be reviewing at minimum of two residential appraisal reports. His question is in the past we have asked for a total of four reports. Will the Board be satisfied looking at only two general type reports, or do you feel that we continue to look at four general reports and two residential reports for General applicants? After discussion, the Board said two residential samples and three commercial samples should be submitted.

Mr. Fagergren said the Appraisal Institute meeting on April 12th was to have Director Steinagel speak at the meeting. He has a conflict and has been requested to attend the national appraisal meeting, which happens to be at the same time. Can the time be redistributed by having Board Member Morley, Chair Christensen, Mr. Johnson and Mr. Fagergren cover the four hours? Mr. Liddell said the schedule was for one hour each. After discussion, it was decided that having two hours from the Board and the other two hours from the Division will be sufficient with a session for questions at the end.

Review of Lists

Certified and Licensed Appraiser Applicants Approved by both Education and Experience

Review Committees:

Lindie Hogan, CR Candidate

Anna Earhard, LA Candidate

Darrell Moss, LA Candidate

John E. Poulsen, CR Candidate

Adam Rodgers, CR Candidate

Erik A. Turpin, CR Candidate

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

Donna Kay Leighton, CR Candidate

Certified and Licensed Appraiser Applicants for Ratification Segmented Application

Approved for Education:

Benjamin J. Tatton, LA Candidate

Nathan Treft, LA Candidate

James Veliotis, LA Candidate

Corey Cook, CG Candidate

Discipline Lists for Board's Consideration:

Jonathan Berry

David Lysne

Scotts Wills

CLOSED TO PUBLIC

A motion was made to go into Executive Session from 9:58 a.m. to 10:15 a.m.

OPEN TO PUBLIC

During Executive Session the Board has approved a motion to have Director Steinagel sign the Stipulations on behalf of the Board.

Results of Stipulations:

Gifford - Approved

Johnson - Approved

Resultsof Lists:

The Board has agreed with the list for Certified and Licensed Appraiser Applicants Approved by both Education and Experience Review Committees:

Lindie Hogan, CR Candidate

Anna Earhard, LA Candidate

Darrell Moss, LA Candidate

John E. Poulsen, CR Candidate

Adam Rodgers, CR Candidate

Erik A. Turpin, CR Candidate

The Board has agreed with the list for Certified and Licensed Appraiser Applicants Denied by Education and Experience Review Committee:

Donna Kay Leighton, CR Candidate

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Benjamin J. Tatton, LA Candidate

Nathan Trefth, LA Candidate

James Veliotis, LA Candidate

Corey Cook, CG Candidate

Discipline Lists for Board's Consideration:

Jonathan Berry - Approved

David Lysne - Approved

Scotts Wills - Approved

A motion was made to adjourn at 10:17 a.m.