

**APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M. WELLS BUILDING
ROOM 210
March 26, 2008
9:00 a.m.**

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
Carla Westbroek, Appraiser Licensing

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	Brendon Dayton
Matt Smith	Paul Talbot
Steve Anderson	

The March 26, 2008 meeting of the Appraiser Licensing and Certification Board began at 9:06 a.m. with Chair Christensen conducting.

The minutes for the February 27, 2008 telephonic meeting were approved as written.

DIVISION REPORTS

DIRECTOR'S REPORT – Mark B. Steinagel

Director Steinagel gave a brief legislative update. The Division bill, HB346, passed. This allows the Division to take enforcement actions against trainees, and increases criminal penalties for licensing violations. The Real Estate code says that for a first violation of the Division licensing chapters it was a Class A misdemeanor, second or subsequent violations would be a 3rd Degree felony, and the Division now has that same language for Appraisal and Mortgage. This, along with the Mortgage Fraud bill, will give the criminal side more tools to go after the “bad actors” in the industry.

Often when fraud charges are brought against an appraiser it has to be brought under communications fraud or wire fraud. The Mortgage Fraud Act, recently passed by the Legislature, defines mortgage fraud, sets penalties, and funds a prosecutor that will be

dedicated to mortgage fraud. Anyone convicted of mortgage fraud will have an automatic revocation of their license.

The Division also got funding for a Real Estate Fraud Investigator. This investigator will be focused on mortgage fraud by preparing administrative actions for criminal action.

There were a number of fee increases and decreases approved in the Division bill which overall gave the Department of Commerce a reduction of over \$600,000. On the appraiser side there are only two fees that were changed.

Director Steinagel said the Division needs to put something in rule to require more oversight of trainees. In enforcement actions we have seen trainees change their trainers several times and never notify the Division. Mr. Fagergren notified Director Steinagel of Federal guidelines that require continuing education for trainees which isn't being done at this time. The Division will look at how much can be done by statute and rule and let the Board know the outcome.

The Mortgage and Real Estate statutes have a prohibition of people being licensed if they have had a felony within the last five years or a misdemeanor in the last three years prior to their initial application. Director Steinagel is recommending the Appraiser Board adopt this same statute. The Board has approved this recommendation and the Division will bring back wording for a new statute.

Director Steinagel was reviewing the Electronic Meetings statute and found that we are required to have a rule in place permitting the Division and Board to hold phone meetings. He will draft a rule ready for the next meeting for the Board to review.

ENFORCEMENT REPORT – Dee Johnson

Mr. Johnson said Mr. Bolton and Mr. Livingston are present today to answer any questions the Board may have on the three Stipulations for review.

The statistics for February show the Division received 9 complaints, screened 3 complaints, opened 6 cases, closed 12 cases, leaving 90 total appraisal cases.

Mr. Johnson remarked on the proposed rule for trainees that Director Steinagel mentioned. Some of the problems are an education issue where the trainee just doesn't know any better. The trainer needs to be protected from a bad trainee. Chair Christensen suggested an article in the newsletter advising trainers to check the background before they hire a trainee. Board Member Christensen asked if it were possible for trainees to fill out change cards to keep track of where they are at all times.

Director Steinagel said the new investigator could help coordinate with the Mortgage Fraud Task Force. As investigations/complaints are being screened the investigator can help coordinate with the prosecutor.

Mr. Johnson said the Division has three Stipulations presented today. Each respondent has been told they have the right to appear and each has chosen not to appear.

Review of Stipulations:

Carolyn S. Whetton
Joseph Marshall
Aaron B. Rosqvist

EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren said the names on the agenda today show the end of the 2008 deadline and appeals on decisions.

Administrative Rule 103.7.4.1 states that credit may be granted on a case by case basis for teaching, program development, authorship of textbooks, or similar activities which are determined by the Board to be equivalent in obtaining continuing education. The AQB has commented on this and they say that up to one-half of an individual's CE may be granted for participation other than as a student in the Appraisal education processes and programs. Examples of activities that may be granted CE credit are teaching, program development, and authorship of textbooks. An individual has requested 18 hours of CE which would exceed the federally authorized CE limit. A motion was made to follow the rules currently in place and follow the standards by the AQB to allow only up to 14 hours. The motion was approved unanimously.

The Appraisal Sub Committee sent the Division a letter stating they have changed their General Counsel and Executive Director. Both positions will be filled within a few months. In the meantime, the ASC has designated Vicki Ledbetter, who is the person in charge of last year's audit team, to serve as the acting Executive Director until the approval process for a new director is completed.

The Division staff is planning and looking forward to the April 12, 2008 Appraisal Institute Symposium in St. George. This will be followed up by way of our annual Division Caravan 2008. The Division staff will be going out to eight locations across the state.

Mr. Fagergren brought up the topic of appraisers renewing their licenses on-line. The Board gave the Division permission to proceed. Next month the Board can anticipate the Division having formal rules to present. He would like for the Board to solicit opinions from the appraisal industry for pros and cons. The "pros" would make it possible for appraisers to renew their licenses on-line, and to be able to check their CE balances. The "con" side would include the requirement to have Division approval of CE courses. Courses would need to be submitted to the Division 30 days before being taught.

The newsletter is currently at the printer and it should be distributed shortly.

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

Curtis Anderson, CR Candidate
Brent Applonie, CR Candidate
Meagan K. Hadfield, LA Candidate
Rebecca T. Jones, LA Candidate
Nate Stowers, LA Candidate

Steve T. Anderson, LA Candidate
Brandon Bartholomew, LA Candidate
Rachelle B. Hubsmith, LA Candidate
Ryan B. Judd, CR Candidate

Review of Certified and Licensed Appraiser Applicants Denied by Education Review Committee and Approved by Experience Review Committee
Aaron Bjorn Rosqvist, CR Candidate

Review of Discipline List for Boards Consideration
Randal T. Wagner

CLOSED TO PUBLIC

10:07 Richard Provolt – Experience Review

11:03 Eric A. VanBrakel – Experience and Education Review
Tom Lameroux, Certified General, previous Supervisor
Jay Marquiss, Certified Residential, previous Supervisor
Jim Bolton, Investigator, Division Witness
Ken Wamsley, Investigator
Craig Livingston, Investigator

Board Member Smith said he was on the Education Review Committee that denied Mr. VanBrakel’s application. Mr. Smith said he would recuse himself if Mr. VanBrakel wanted, but Mr. VanBrakel said it was fine for Mr. Smith to remain and participate on behalf of the Board.

A motion was made to go into an Executive Session from 12:05 p.m. to 1:00 p.m. This was a working lunch.

1:04 Robert A. Chatwin – Experience Review
Board Member Spencer has recused herself on this hearing. She knows the applicant personally.

2:06 Robert A. Johnstun – Experience Review

3:00 Steve Davidson – Experience Review
Brad Randall, Certified General, Supervisor

Board Member Smith has had Mr. Davidson as a student. Mr. Smith is not familiar with Mr. Davidson’s work, and Mr. Davidson has no problem with Mr. Smith to remain and participate on behalf of the Board.

4:00 Braydon D. Platt – Experience Review
Brent Platt, Certified Residential, Supervisor (Father)

A motion was made to go into an Executive Session from 4:52 p.m. to 6:15 p.m.

RESULTS OF EXECUTIVE SESSION

Results of Stipulations:

Carolyn S. Whetton - Approved
Joseph Marshall - Approved
Aaron B. Rosqvist – Approved

Results of Lists: The Board has agreed with the recommendations:

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

Curtis Anderson, CR Candidate

Brent Applonie, CR Candidate

Meagan K. Hadfield, LA Candidate

Rebecca T. Jones, LA Candidate

Nate Stowers, LA Candidate

Steve T. Anderson, LA Candidate

Brandon Bartholomew, LA Candidate

Rachelle B. Hubsmith, LA Candidate

Ryan B. Judd, CR Candidate

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

Aaron Bjorn Rosqvist, CR Candidate – Schedule Applicant for Hearing

Review of Discipline List for Boards Consideration

Randal T. Wagner - Approved

A motion was made to adjourn at 6:17 p.m.