

**APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M. WELLS BUILDING
ROOM 210
September 24, 2008
9:00 a.m.**

MINUTES

STAFF MEMBERS PRESENT

Mark B. Steinagel, Division Director
Dee Johnson, Enforcement Director
Mark Fagergren, Education/Licensing Director
Traci Gundersen, Assistant Attorney General
Renda Christensen, Board Secretary
Carla Westbroek, Appraiser Licensing
Craig Livingston, Investigator

BOARD MEMBERS PRESENT

Ron Smith, Chair
Craig Morley, Vice Chair
Ambria Spencer, Board Member
Debra Sjoblom, Board Member
Paul Throndsen, Board Member

GUESTS

Gary Free

The September 24, 2008 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Smith conducting.

There was a Motion to approve the Minutes for the August 27, 2008 meeting. The Motion was approved unanimously to approve the Minutes as written.

DIVISION REPORTS

DIRECTOR'S REPORT – Mark B. Steinagel

Director Steinagel brought up the calendar dates for the next two meetings. The November meeting is scheduled on the day before Thanksgiving, and in December the meeting date is scheduled for Christmas Eve. He asked the Board if they would be open to changing the dates to the second Wednesday of those two months; November 12, and December 10. The Board has approved the changed dates.

The training for Board members by the Attorney General's office is scheduled for October 22nd. There will also be an Experience Review Luncheon from Noon until 2:00 p.m. The training will be done that afternoon from 2:00 until 6:00 p.m.

There will be a training course on October 27, 2008, presented by a national training group. The training covers USPAP, and all things appraisal such as boards, education, cases and their presentation, etc. The course will be a three-day course with the first day being the most

important for the Board members because it is centered around USPAP. The remaining two days will be more centered around investigations.

Director Steinagel brought up trainee supervisors and trainees that have been listed on the agenda for today. He made sure that everyone had the pamphlets created by the Division, and also two e-mails sent in by Chair Smith and Vice-Chair Morley. These e-mails cover material that might be considered during this discussion period. Chair Smith covered creating authority to require renewals of trainees and continuing education at the time they renew. Vice Chair Morley covered the topic of establishing a watch list for trainees who have been trained under trainers that have had disciplinary actions taken against them.

Mr. Fagergren said he would like to briefly cover what is currently in place. Since September 2004, an individual had to register as a trainee to have their experience count. After that date, if they hadn't registered they couldn't count their experience points on their log. This was a critical point. On the registration it required the trainee to list who the supervisor was, and there is nothing in place at this time to have that supervisor information updated. They could have changed the next day and the Division wouldn't have a record of that change. Some states actually have a license category for trainees. Mr. Fagergren stated that it has now been four years and these trainees have not been required to take any continuing education. Currently, there is no limitation on how long someone can be a trainee.

Mr. Johnson said the Division has surrendered the license of three appraisers and we have found out that information from the trainees of these individuals. One trainee had caught two of these individuals. Enforcement needs to be able to track these individuals as well as the supervisors knowing where the trainees are as well. Until recently, the Division couldn't take action against a trainee, but the legislation has been changed to correct that issue.

Director Steinagel reminded the Board they have given the Division approval to start background checks on trainees. He is meeting with Gage Froerer today on the Division bill and that topic will be included.

Chair Smith said the discussion will now cover the brochure covering different states having different requirements guiding the appropriate supervision of trainees. The discussion will cover each point listed.

1. Maximum number of trainees. Utah is a maximum of three, and the Board agreed to keep that same number.
2. Maximum number of supervisors. Decision was that no limits will be set.
3. Notification of engagement/termination. Decision was to use the change card system currently in place with the real estate and mortgage industries, if this is possible.
4. Supervisor reports. Not necessary.
5. Trainee appraisals. Not necessary.
6. Progress deadlines. Not necessary.

Chair Smith asked the Board if continuing education should be required from trainees. The Board Members responded as follows:

Board Member Spencer: Yes

Board Member Throndsen: Yes

Board Member Sjoblom: Yes

Vice Chair Morley: Yes, USPAP plus CE = 28 hours

Chair Smith: Yes, 15 hours plus USPAP = 22 hours

Mr. Fagergren responded on behalf of the Division = USPAP plus CE = 28 hours.

This change can be done in rule.

Chair Smith was concerned about the fee charged to renew licenses. Mr. Fagergren said that the registration fee is \$100 and the renewal for an appraiser is \$403. The Board and Division agreed that the cost for renewal of a trainee would be \$100 for the two year renewal.

7. Physical presence. Decision was to keep the requirements currently in place.

8. Certifying competency. Not necessary.

9. Complying with geographic limits. Not necessary.

10. Practicum experience. Use current rule in place, no changes.

11. Detailed definition of direct supervision. Use current rule in place, no changes.

ENFORCEMENT REPORT – Dee Johnson

Mr. Johnson reported in the month of August the Division received 25 complaints; screened 4 complaints; opened 23 cases; closed 11 cases; and, the balance of appraisal cases is now 104.

There is one Stipulation for the Board to review today. The respondent was given the opportunity to attend today and has chosen not to appear.

Review of Stipulations:

Terry V. Coon

EDUCATION/LICENSING REPORT – Mark Fagergren

Mr. Fagergren said one of the issues the ASC looked at last year when they audited the Division was previously the ASC allowed an affidavit for mass appraiser experience. There was no form available so the supervisor was allowed to write a letter to count for their work. The Division proposed a solution which the ASC adopted and implemented for other states.

The statistics for appraisers has held the same with no significant increases or losses in numbers. In the mortgage industry the numbers have dropped 12% through last month on a year to date basis, and in real estate the numbers are less, perhaps 6%.

Mr. Fagergren addressed the experience review luncheon scheduled for the October meeting. Along with the luncheon, Vice Chair Morley has prepared a new outline of what experience reviewers should be looking at, and if the Board has any suggested changes, please let him know. There are reviewers whose expertise is in mass appraisals, residential, and commercial

appraisers and this luncheon is a good time to keep everyone updated and how to look for unique features for each of these specialties. There will be a breakout session where Chair Smith will speak with the mass appraisers; Vice Chair Morley and Board Member Spencer will be speaking with the residential appraisers; and, Board Member Thronsen will be speaking with the commercial appraisers. There will be a certain amount of time set out for questions and answers from the group for direction on issues.

Mr. Fagergren said that he and Vice Chair Morley will have just returned from the AARO meeting and will be giving a review of what they have learned at that convention. Mr. Fagergren will be giving the update on the new federal regulatory issues that have been discussed. The luncheon will be for two hours and each attendee will receive two hours of continuing education.

Chair Smith suggested the Division prepare a certificate of appointment for each reviewer to thank them for their help.

Mr. Fagergren said the Instructor Development Workshop will be held on September 29 and 30 at the Yarrow Hotel in Park City. All Board Members and Commissioners are invited as guests of the Division. All teachers in the state from the three industries (real estate, mortgage, and appraisers) are required to attend.

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

Maureen D. Griffiths – CR Candidate
Richard R. Matheson – LA Candidate
Benjamin J. Tatton – LA Candidate
Nicholas Lyman – LA Candidate
Todd L. Sorenson – CR Candidate

Review of Discipline List for Boards Consideration

Patrick L. Callison
Bradley A. Eldridge

A motion was made and passed unanimously to close the meeting for hearings at 10:35 a.m.

CLOSED TO PUBLIC

INFORMAL HEARINGS:

10:00 Pamela Johnson – Application for Review of License
Ms. Johnson has asked for and received a rescheduled hearing for November

10:40 Tyler Aicher – Experience Review
Russell Wallace, Certified Residential, Supervisor

A motion was made and passed unanimously to go into an Executive Session at 11:52 a.m. to 11:57 a.m.

1:00 Danny W. Rager – Experience Review
LaVern Meyer, Certified Residential, Supervisor

2:11 Justin T. Petersen – Experience Review

A motion was made and passed unanimously to go into an Executive Session at 2:46 p.m. to 2:55 p.m.

3:00 Adelmarie B. Murphy – Experience Review

This was a telephone hearing.

Chair Smith said that he is familiar with Ms. Murphy as a student. He is not familiar with her work and Ms. Murphy does not have a problem with Chair Smith on the review.

3:20 Joshua D. Wadsworth – Experience Review

This was a telephone hearing.

Chair Smith said that he is familiar with Mr. Wadsworth as a student. He is not familiar with Mr. Wadsworth's work.

CLOSED TO PUBLIC

A motion was made and passed unanimously to go into an Executive Session from 3:35 p.m. to 4:00 p.m.

5:00 Terianne Lang – Disciplinary Hearing

James Lewis, Attorney

Chase Kimball, Attorney

Curtis Lang, Husband

Division Witnesses:

Dee Johnson, Enforcement Director

Craig Livingston, Investigator

CLOSED TO PUBLIC

A motion was made and passed unanimously to go into an Executive Session from 6:30 p.m. to 7:00 p.m.

OPEN TO PUBLIC

RESULTS OF EXECUTIVE SESSION

Results of Stipulation:

Terry V. Coon - Approved

The Board has approved with the recommendations on the following lists:

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

Maureen D. Griffiths – CR Candidate

Richard R. Matheson – LA Candidate

Benjamin J. Tatton – LA Candidate

Nicholas Lyman – LA Candidate

Todd L. Sorenson – CR Candidate

Review of Discipline List for Boards Consideration

Patrick L. Callison - Approved

Bradley A. Eldridge - Approved

A motion was made and passed unanimously to adjourn at 7:12 p.m.