

**APPRAISER LICENSING AND CERTIFICATION BOARD  
HEBER M. WELLS BUILDING  
ROOM 2B  
September 23, 2009  
9:00 a.m.  
TELEPHONIC MEETING**

**MINUTES**

**STAFF MEMBERS PRESENT**

Deanna D. Sabey, Division Director  
Dee Johnson, Enforcement Director  
Mark Fagergren, Education/Licensing Director  
Traci Gundersen, Assistant Attorney General  
Jennie Jonsson, Hearing Officer  
Renda Christensen, Board Secretary  
Carla Westbroek, Appraiser Licensing and Education  
Ken Wamsley, Investigator  
Craig Livingston, Investigator  
Jim Bolton, Investigator

**BOARD MEMBERS PRESENT**

Ronald Smith, Chair  
Craig Morley, Vice Chair  
Paul Throndsen, Board Member  
Debra Sjoblom, Board Member  
Jeanette Payne, Board Member

**GUESTS**

Austin Christensen  
Kevin Prowell  
Darrin Liddell  
Gordon Strickland

The September 23, 2009 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Smith conducting.

**PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes – The minutes from the August 26, 2009 meeting were approved as written.

**DIVISION REPORTS**

**Director's Report – Deanna Sabey**

Director Sabey reported the Division is looking into ways to help consumers and licensees with regards to mortgage and other types of rescue schemes. We will put the information on our website to help people understand and file a complaint with the FTC on matters that the Division doesn't handle. The FTC has some good information to help consumers and anyone else who is looking at the issues. We will be putting some links on the website.

Director Sabey asked the Appraiser Board and those in attendance today what types of appraisal-related issues exist regarding foreclosure rescue, and loan modifications that have not gone very well. Chair Smith asked if the Department of Commerce was working in tandem with federal agencies, and Director Sabey said that we are not involved specifically with the federal agencies, but on the mortgage side we are working with the Mortgage Fraud Task Force that encompasses state and federal agencies.

**Enforcement Report – Dee Johnson**

Mr. Johnson introduced the three appraisal investigators in attendance today: Jim Bolton, Craig Livingston, and Ken Wamsley.

Mr. Johnson reported in August the Division received 6 complaints; screened 7 complaints; opened 1 case; closed 4 cases; leaving 80 total appraisal cases. Mr. Johnson believes that the number of open cases will be climbing again from public input/complaints and how fast the Division is capable of handling cases.

There is one stipulation being presented today for the Board to review. The individual was offered a chance to appear today, but has chosen not to appear.

**Review of Stipulation**

Phillip A. Snell

**Education/Licensing Report – Mark Fagergren**

Mr. Fagergren commented that the Division had just learned that one of our Experience Reviewers, Dale Cameron of Vernal, had passed away. The Board and Division will write a letter of condolence to the family.

Mr. Fagergren reminded the Board of the upcoming Instructor Development Workshop that will be held on October 19 and 20, 2009. It is for pre-license and CE instructors, but the Board is encouraged to attend and interact with those in attendance. Ms. Wall will send a follow-up message as a reminder. Chair Smith commented that he has attended approximately ten of these meetings and has found them very useful.

In May of this year, the legislature authorized the Division to require the renewal of registrations of trainees. The Division has been registering trainees since October, 2004, and now they will have to renew their registrations every two years. The renewal fee will be \$100.00. Trainees will now be required to complete continuing education every two years. AQB approved pre-license education taken during the past two years will also count as CE for these trainees.

Chair Smith had asked the Division for the number of licensees that had turned in segmented applications by the end of 2007. There have been 392 people out of 591 trainees/licensed appraisers. Of that 392, 138 have now completed the final portion of their segmented of the applications and have become licensed or certified. There are 254 individuals who still have not completed the licensing process. The Board has set a three-year deadline to complete the application process. The deadline for completion of segmented applications is January 1, 2011.

Mr. Fagergren presented the following lists for the Board's review:

Certified and Licensed Appraiser Applicants Approved by Both Education and Experience Review Committees

Roger Barth, CG Candidate

Jessica Byington, LA Candidate

Kevon Inouye, CR Candidate

Corey Larsen, LA Candidate

Kristen Lowe, CR Candidate

Ronald Merrill, LA Candidate

Jeffrey P. Mitchell, CR Candidate

Gordon Strickland, LA Candidate

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

Matthew S. Smith, CR Candidate

Discipline List for Board's Consideration

John Vissotzky, GC

**Updates on Rules – Jennie Jonsson**

Ms. Jonsson said there are proposed changes to rules regarding trainee registration and renewal. Rule 162-110, Trainee Registration, is a new rule that specifically handles the registration, background check, and renewal of trainees.

There were two main substantive changes suggested by Chair Smith to the proposed rules that need to come before the Board. The first was a recommendation to extend until 2012 the period in which trainees can complete their experience to complete their segmented appraisal application.

The Board will vote in the October meeting to approve a draft to submit for public comment so we can get it published by November 12, 2009. The public comment period is 30 days. Ms. Jonsson is asking for input and/or comments from the Board within the next week so they can be incorporated in the proposed draft for the October meeting.

The second issue is the re-registration of existing trainees, which is in Rule 110.8.3. The question is if the Board wants the existing trainees to undergo a background check. A motion was made to require the existing trainee and any trainees applying after this rule is in effect, to complete a background check. The vote was accepted by Vice Chair Morley, Board Member Throndsen, Board Member Sjoblom, and Board Member Payne. Chair Smith voted nay.

Ms. Jonsson said the amendments made to the Appraiser Management Company rule have been submitted for public comment and we should at the next meeting be through the public comment period. Board Member Payne asked if there was a link to the rule from the Division's website. Mr. Fagergren said it is generally not routine to publish every rule change on the Division website, but this information is available on the Division of Administrative Rules website. Ms. Jonsson said it would be possible to put a link on the Division's website to link with the Division of Administrative Rules so anyone can see what rules are open for public comment.

**Commission and Industry Issues**

Vice Chair Morley opened the meeting for discussion on standardizing disciplinary actions for investigators. He believes that having some guidelines in place for investigators when

they are working on stipulations might be helpful when considering what the Board sees as a serious problem. This would keep proposed actions taken consistent with the Board's recommendations.

Mr. Johnson said approximately 99% of the time, the Enforcement side has a good opinion and judgment as to what the Board has established as general guidelines. We know that if we catch people doing certain things that it generally addresses their license, or loss of their license. And then there are other things that we think are relatively serious, but they don't require the loss of license, or maybe the loss of certification in becoming licensed. Still others are reviewed that we believe are common USPAP violations and it wouldn't require any more than a fine. The other 10% of the time, these cases are taken before the Board for review. Mr. Johnson doesn't see a major problem on what is taken before the Board. He thinks that it would be good to have the Board and the Division spend an hour together, and talk in general about types of violations, how serious they are, and any mitigating circumstances involved.

Board Member Payne said that sometimes there isn't enough information on a stipulation to make a decision. Vice Chair Morley said it has become apparent there is a problem with some of the trainers understanding what their responsibilities are, and it seems like it would be worthwhile to make some kind of decisions on if there is a first-time offender, or multiple complaints on the same person, if that is a more serious problem. If the trainer is not completing the scope of work that they have agreed to, how serious a problem is that, and how do we want to resolve it.

Vice Chair Morley mentioned attending the AARO conference last year, on a national level, they found from state to state there are wide discrepancies on how individual states are dealing with disciplinary actions. He suggested it may be wise to meet with Enforcement to develop a standard that would give direction and guidelines to help uniformly apply to these situations. Mr. Johnson said it would be nice if there were general guidelines for trainers and trainees. There haven't been any courses developed that have been reviewed by the Division on this matter.

Chair Smith asked Ms. Gundersen if it would be possible to have the Board meet with the Division to discuss these matters. Ms. Gundersen said as long as the discussions were kept in generalities and not on any specific upcoming case, and that she be in attendance at the meeting, it would be appropriate. It was suggested to add this to the next agenda and hold this discussion in closed session because there would be discussion involving individual disciplinary actions.

Vice Chair Morley said there is no update to give on the Broker Price Opinion (BPO) Committee at this time. They will be meeting in the next few weeks and he should have some information for the next meeting.

The letter from Rels Valuation was reviewed regarding the Appraisal Management Company rules. After discussion, the letter was accepted as a comment to the rule and will be discussed at the same time as the other comments that have been received.

Chair Smith asked Mr. Christensen, Mr. Prowell, and Mr. Strickland (public attending the meeting) if they had any comments or questions. Mr. Christensen asked if an AMC is

registered, does anyone involved with engagement of the appraisal have to take a USPAP class? The Board confirmed that this was correct. Mr. Christensen then asked if the company has been engaged by e-mail, rather than an individual, is there an issue he needs to be aware of in this case? Chair Smith said it is not up to Mr. Christensen to verify every person that is talking with him from the AMC has taken USPAP. However, the person that did choose him as an appraiser has to be familiar with appraisals enough that they have taken a USPAP course. If Mr. Christensen received a request by e-mail, the person that put him on the list, so that he would receive that e-mail, the Board would assume is the person that took the USPAP course. Mr. Christensen does not have to prove that issue before he accepts the assignment.

An Executive Session was held from 10:30 a.m. to 10:50 a.m.

**CLOSED TO PUBLIC**

Deliberation on Stipulation  
Deliberation on Review of Lists

**OPEN TO PUBLIC**

Results of Stipulation

Phillip A. Snell – Approved  
Vice Chair Morley has recused himself.  
Board Member Thronsdon and Board Member Payne are abstaining.

The motion was made and passed to have Director Sabey sign the Stipulation on behalf of the Board was passed unanimously.

Results of Lists for Review

The Board has agreed with the recommendations on the lists presented for their review.  
Certified and Licensed Appraiser Applicants Approved by Both Education and Experience Review Committees

*Roger Barth, CG Candidate	Jessica Byington, LA Candidate
Kevon Inouye, CR Candidate	Corey Larsen, LA Candidate
Kristen Lowe, CR Candidate	Ronald Merrill, LA Candidate
Jeffrey P. Mitchell, CR Candidate	Gordon Strickland, LA Candidate

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

\*Matthew S. Smith, CR Candidate

\*Chair Smith has recused himself.

Discipline List for Board's Consideration

John Vissotzky, GC - Approved

A motion to adjourn was made and passed at 10:52 a.m.