

**APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M. WELLS BUILDING
ROOM 2B
November 12, 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, by phone
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

Darrin Liddell
Allen Larsen
Matt Frentheway

The November 12, 2009 meeting of the Appraiser Licensing and Certification Board began at 9:04 a.m. with Chair Smith conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes – The Minutes from the October 28, 2009 meeting were found to need corrections. Page 2 needs to correct the reference to PMI which had been written as MPI; page 4 needs to change the word “points” to “hours;” and, the following paragraph should have a fourth category added, “members of the Board of Equalization.” With these corrections, the Minutes were approved as written.

DIVISION REPORTS

Director’s Report – Deanna Sabey

Director Sabey reported an update on HVCC. There was an article, “Home Valuation Code Myths and Realities,” found on the Appraisal Institute’s website, www.appraisalinstitute.org. Director Sabey found this document particularly helpful because there are many rumors

circulating about this particular issue. She also gave an update as to where this issue is in Congress. The potential sunset of HVCC offered by Rep. Gary Miller, CA, has come out of the House Financial Services Committee. The sunset amendment to the HVCC bill was attached to the Consumer Financial Protection Agency bill, HR-3126.

A different track on doing something with the HVCC is the moratorium concept. A bill has been proposed for an 18-month moratorium on HVCC. Director Sabey brought up the issue of a letter the Attorney General's office received from Greg Abbott, Attorney General of Texas. The letter was dated November 9, 2009 and is addressed to All Attorneys General and All Chief Deputies regarding Home Valuation Code of Conduct Moratorium. Ms. Gundersen is attending a conference out of the office today and is joining this meeting by phone. She is presenting this letter for the Board's review and consideration. After discussion, the Board Members have unanimously supported the letter.

Enforcement Report – Dee Johnson

Mr. Johnson reported in October the Division received 22 complaints; screened 3 complaints; opened 13 cases; closed 2 cases; leaving the total appraisal cases at 91.

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

Daniel Brent Tarr

Mr. Johnson asked the Board for a motion to adopt the 2010-2011 version of USPAP, effective as of January 1, 2010. A motion was made and unanimously passed.

Education/Licensing Report – Mark Fagergren

Mr. Fagergren was in a conference call for the first part of this meeting, and Ms. Westbrook will be starting his report. She presented the following lists for review by the Board:

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

Neil Blake, CR Candidate

Joseph Quackenbush, LA Candidate

Ashley Christensen Wolthuis, LA Candidate

Discipline List for Board's Consideration

Janice Buchele, AMC Control Person for Real Estate Valuation Services

John McIntyre, AMC Control Person for Real Estate Valuation Services

Vice Chair Morley asked Ms. Westbrook if there was an updated list of how many AMC's have been registered by the Division. Ms. Westbrook said there are 34 companies registered, and there are five applications pending. Ms. Westbrook will prepare a list of those registered and e-mail it to the Board for their review. The members of the public in attendance have also requested this same information. This information will be available on the Division's website shortly.

Updates on Rules – Jennie Jonsson

Chair Smith prepared a Memo for the Appraiser Board and Division Staff regarding R162-150, Appraisal Management Companies. There were 24 comments received from the public, and these will be discussed today.

Chair Smith said the rule amends R162-150, and has four items for change: 1) it requires the AMC employees who work with appraisals directly to take and pass the 15-hr. USPAP class; 2) every two years AMC employees will need to complete the 7-hr. USPAP class; 3) it is unprofessional conduct if an AMC has any portion of the appraiser's fee or the AMC's fee contingent on the outcome; and, 4) it is unprofessional conduct if an AMC requests, for the purpose of facilitating the mortgage loan transaction, a Broker Price Opinion or any other value estimation that does not qualify as an appraisal.

Out of the 24 comments received, 13 comments are pertaining to items currently being amended in the rule. The remainders have excellent comments, but they are comments about the existing rule, not comments about the changes. The Board agreed to limit the discussion to comments about the proposed amendments, and take the remaining comments under review during a live meeting.

There was discussion regarding changing the wording from "facilitating" to "originating." In order to change the wording, it would require another 30-day public comment period. The motion made by the Board was to accept the changes as submitted for now with the four above changes. The vote of the Board was as follows: Chair Smith, yes; Vice Chair Morley, yes; Board Member Thronsdon, yes; Board Member Sjoblom, no; and, Board Member Payne, yes. The motion has passed. Ms. Jonsson will make the rule effective today.

Ms. Jonsson said the rules approved last month have not been published. After the Board approves the rules, they then go to the Department Director for her comment, and then back to the Division to be submitted. The rules should be published by November 15, 2009 and the public comment period should end December 31, 2009. The public hearing will happen during the public comment period, and Ms. Jonsson will check into setting a specific date for that hearing. Director Sabey mentioned the Division has concurrence with the rules being passed.

Commission and Industry Issues

Vice Chair Morley gave an update on the Broker Price Opinion (BPO) committee. He said there is some confusion with the real estate community, and the committee is trying to clarify some of the issues. Any issues can be handled through changes in Administrative Rules rather than having to deal with any changes on a legislative level.

Director Sabey mentioned the next Division newsletter will be going out only via e-mail at the end of December. It will also be available on the Division's website.

An Executive Session was held from 10:47 a.m. to 11:32 a.m.

CLOSED TO PUBLIC

Deliberation on Stipulation
Deliberation on Review of Lists

OPEN TO PUBLIC

Results of Stipulation

Daniel Brent Tarr - Approved

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

Results of Lists for Review

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

*Neil Blake, CR Candidate - Approved

*Joseph Quackenbush, LA Candidate - Approved

*Ashley Christensen Wolthuis, LA Candidate - Approved

*Board Member Sjoblom has recused herself.

Discipline List for Board's Consideration

Janice Buchele, AMC Control Person for Real Estate Valuation Services - Approved

John McIntyre, AMC Control Person for Real Estate Valuation Services - Approved

A motion to adjourn was made and passed at 11:35 a.m.