

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 250
9:00 a.m.
October 26, 2023
Zoom

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Mark Fagergren, Licensing Director
Kadee Wright, Chief Investigator
Michael Genco, Appraisal Licensing
Maelynn Valentine, Board Secretary
Melissa McGill, Licensing Specialist
Laurel North, Lead Investigator
Bryn Kaelin, Investigator
Matt Hastings, Division Analyst

BOARD MEMBERS PRESENT:

Jeff Morley-Chair
Keven Ewell-Vice Chair
Ben Brown-Board Member
Rich Sloan- Board Member
Ron Jensen-Board Member

The October 26, 2023, meeting of the Appraiser Licensing and Certification Board began at 9:02 a.m. with Chair Jeff Morley conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –

A motion was made and seconded to approve the September 27, 2023, minutes. Chair Morley, yes; Vice Chair Ewell, yes; Board Member Jensen, yes; Board member Sloan, yes. The motion passes.

Public Comment Period

None

DIVISION REPORTS

DIRECTORS REPORT – Jonathan Stewart

Director Stewart addressed the Board regarding an email that was sent to Board members from Executive Director Busse. The Department of Commerce is holding a

Board and Commission training. The training will be held on November 30th, via Zoom, from 5:00 pm to 6:30 pm. The meeting will be recorded for any Board or Commission members who cannot attend.

Director Stewart reported about the AARO Conference. There is pending Federal Legislation about an appraisal and AMC portal, similar to the mortgage industries' NMLS, it is currently with the House for their consideration. If this legislation passes, it will require the Appraisal Subcommittee to create an appraisal and appraisal management company portal that would link to state licensing systems. There will also be an advisory committee consisting of appraisers and state regulators that will advise the Subcommittee on the establishment of the Portal. This would allow the Appraisal Subcommittee the ability to charge a revenue-neutral fee for the development and maintenance of the portal. This would result in an increased licensing fee. Director Stewart stated that if Board members have any strong feelings regarding this Legislation to contact their local Representatives or Senators. Chair Morley raised concerns regarding what impact a portal would have on the division. Director Stewart stated that this could affect RAPBACK because the legislation gives authority to the Subcommittee to process background checks and background checks completed by the Subcommittee would satisfy any third-party oversight requirements. Director Stewart will talk more about the AARO Conference at next month's meeting.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in September the Division received three complaints, and closed three cases, leaving 52 appraisal cases open with the Division. There are five cases pending with the AG's office.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on statistics. The Division saw a decrease of eight trainees, two licensed appraisers and 4 certified residential appraisers and an increase of three certified general appraisers from last month. Mr. Fagergren stated that the Division is still seeing an increased number of applications for out-of-state certified general candidates.

“Yes” answers of appraisers and Appraisal Management Companies that were approved by Division Representatives since our last Appraisal Board Meeting

- Brian Spillers

Mr. Fagergren reported there was one candidate approved by both the education and experience review committees to sit for their corresponding exams.

- Kelby Wegwitz; Approved to sit for the Certified Residential Appraiser exam.

Mr. Fagergren reported there were two candidates denied by the experience review committees to sit for the corresponding exam.

- Michael Beeton
- Dalton Shepherd

Mr. Fagergren reported on the Division's successful Instructor Development Workshop. Betsy Coyne gave an incredible technological presentation on ways to enhance virtual meetings.

BOARD AND INDUSTRY ISSUES – Jonathan Stewart

Director Stewart reported on the current Proposed Rule Amendment regarding AMC rules. During the 30-day public comment period that ended on July 31st REVVA submitted a written public comment stating a few concerns and since then have received verbal and written public comments since the public comment period closed. Director Stewart stated that he received an email from the Division's Policy Manager from the Appraisal Sub Committee stating that they have received a letter of concern regarding Utah's intent to add a definition for appraisal review to its rules and that it's a different definition from that found in USPAP, the concern is that the removal of regulatory and client requirements because they are critical to the scope of work. Director Stewart informed the Policy Manager that the rule has not been voted on and will be discussed again in today's meeting and will share with the Board their options.

Director Stewart informed the Board that the topic of most discussion is the property data collector issue and the adoption of the new version of USPAP and the reduction of USPAP hours required for employees or someone who assigns an appraisal assignment to an appraiser who works for an AMC from 15 hours to 4. Director Stewart stated that he did receive another email asking if the Board is able to approve USPAP and reduction of USPAP hours and Director Stewart stated that the only possible way that could happen is if the board felt strongly that those two things should move forward and the only option would be to approve the rule as written in its entirety and then quickly amend any of the other sections that they fell are problematic. If the Board votes to make any change to the current rule, then it would need to refile for another 30-day public comment period. Director Stewart recommended going through all the public comments and having public discussion on each of the items. If the Board decides to make changes to the property data collection section the Board could vote to send two separate rule filings forward.

After a lengthy discussion it was decided to: 1-remove the definition of appraisal review, 2- changing the definition of third-party property data collection to data collector and keeping the definition as is. 3- deleting the definition of bifurcated assignment and updating R162-2e-304 to read when an assignment is offered disclose to the appraiser for an appraisal assignment requires the appraiser to review a third-party property data collection report adequate information to enable to appraiser to determine whether credible assignment results can be produced including the data collection and the identity of the collector. A new draft will be presented to the Board for their consideration at next month's meeting.

Experience Review

Dalton Shepherd

A motion was made and seconded to close the meeting for the sole purpose of discussing the character, professional competence, or physical or mental health of an individual: Vote, Chair Morley, yes; Vice Chair Ewell, yes; Board Member Poulsen, yes; Board Member Jensen, yes; Board member Sloan, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held.

OPEN TO PUBLIC

A motion was made and seconded to approve Dalton Shepherd to sit for the appraiser exam Vice Chair Ewell, yes; Board Member Poulsen, yes; Board Member Jensen, yes; Board member Sloan, yes. The motion passes. Chair Morley recused himself from the review and the vote.

A motion was made and seconded to adjourn the meeting. Vote, Chair Morley, yes; Vice Chair Ewell, yes; Board Member Poulsen, yes; Board Member Jensen, yes; Board member Sloan, yes. The motion passes.

The meeting adjourned at approximately 11:30 a.m.