

**UTAH APPRAISER LICENSING AND CERTIFICATION BOARD  
HEBER M WELLS BUILDING**

Room 210  
9:00 a.m.  
May 22, 2019

**MINUTES**

**DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Mark Fagergren, Education and Licensing Director  
Kadee Wright, Chief Investigator  
Justin Barney, Hearing Officer  
Chad Tengler, Real Estate Analyst  
Elizabeth Harris, Assistant Attorney General  
Stephen Gillies, Assistant Attorney General  
Mary Martinez, Board Secretary  
Kendelle Christiansen, Licensing Specialist  
Craig Livingston, Investigator

**BOARD MEMBERS PRESENT:**

John Ulibari, Chair  
Jeffrey T. Morley, Vice Chair - Telephone  
Jim Bringham, Board Member  
Keven Ewell, Board Member

**PUBLIC MEMBERS PRESENT:**

Scott S. Dibiasio - Telephone  
Tamara Melling  
Deanna Sabey – Representing Appraisal Institute

The May 22, 2019, meeting of the Appraiser Licensing and Certification Board began at 9:01 a.m. with Chair John Ulibari conducting.

**PLANNING AND ADMINISTRATIVE MATTERS**

**Approval of Minutes** –

A motion was made and seconded to approve the April 24, 2019 minutes. Vote: Chair Ulibari, yes; Vice Chair Morley, yes; Board Member Bringham, yes; Board Member Ewell, yes. The motion passes.

**Public Comment Period** –

No public Comment

Due to IDW, October's meeting will be held on October 30, 2019 at 9:00 am.

## **DIVISION REPORTS**

### **DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart reported that Caravan is now complete. Director Stewart discussed with Mark Fagergren the change in model allowing for evaluations. Several appraisers approached the Director concerning this. In the Appraisers opinion it was a good change and filled a niche for some issues and/or problems.

Director Stewart brought to the Boards attention the public comments on the PAREA courses, Practical Application of Real Estate Appraisal, are due on June 1, 2019. Mr. Fagergren spoke of these courses during Caravan.

Director Stewart advised that Appraisers approached him after Caravan stating they do not like the proposed PAREA courses. Their opinion was; there is no replacement for real experience with the practical courses. The Director felt there would be many public comments on these courses country wide. If any of the Board members or other appraisers in Utah has comments about the proposal, those comments are due within the next two weeks.

Board member Ewell has attended two meetings of the virtual demonstration of how these classes are presented. Board member Ewell felt the course will be beneficial. Many of the appraisers are voicing their opinion before attending a demonstration.

### **ENFORCEMENT REPORT – Kadee Wright**

Ms. Wright reported in April the Division received 1 complaint; closed 1 case; leaving 32 Appraisal cases open with the Division. There are a total of 2 cases pending with the AG's office.

Ms. Wright had no stipulations to present for the Board's consideration.

### **EDUCATION AND LICENSING REPORT – Mark Fagergren**

Mr. Fagergren announced Caravan has completed. Though there were good discussions, Mr. Fagergren felt Appraisers were not allotted as much time as the other industries. Every year it is suggested to break the discussions out into industries. However due to time restraints this is not feasible.

Mr. Fagergren discussed PAREA courses.

- In theory, with these courses appraisers would only need to complete an additional 250 hours of experience.
- Mr. Fagergren viewed a portion of the demonstration and thought it was helpful. Board member Ewell was impressed.
- The proof will be if it is as good as advertised, this course will be a good alternative to the mentorship program.
- There is an interest in these courses. Especially for those individuals unable to find an available supervisor/mentor.

Mr. Fagergren reported there were four candidates approved by both the education and experience review committees for exams.

- Brandon Hofheins, approved to sit for the licensed appraiser exam.
- Kyler Hudson, approved to sit for the licensed appraiser exam.
- Devin Hales, approved to sit for the licensed appraiser exam.
- Russell Damon; Certified Residential candidate, recommended to sit for exam.
- William Gibson; Certified Residential candidate, recommended to sit for exam.

'Yes' answers approved by Division Representative.

- John E. Mackel – Temporary permit. False statement on California renewal application and DUI 3/25/2014. Was on probation for 3 years and he paid a \$2000 fine. He has since been licensed with California and other states. His application has been approved.

### Stipulation for Review

#### Appraisal Institute

Mr. Fagergren presented two 16-hour courses to review;

- Course Application 900 Principles of RE Engineering.
  - Mr. Fagergren questioned how applicable the information would be for Appraisers.
- Course Application 502 Non-residential relocation Assistance.

Mr. Fagergren requested the Board Members review the two outlines to determine if both of them should be approved as CE courses.

Mr. Fagergren stated it has been five years since the Board members have approved the Appraiser Supervisor and Trainee course that is specific to Utah. There have been changes and updates are needed to make the course viable. Mr. Fagergren recommends a Committee of himself, Ms. Christiansen, and Ms. Pages along with industry providers and board members to assist in making the necessary changes. Board Chair Ulibari and Board member Ewell volunteered to assist on the committee.

Desha Pages is now working with Kendelle Christiansen as a Licensing Specialist.

### **BOARD AND INDUSTRY ISSUES—Justin Barney**

Mr. Barney reminded the Board the recent Bill amendment included the ability for the Division and the Board to review evaluations. The Division and Board could exempt portions of USPAP from evaluations.

Mr. Barney went over some of the changes that had previously been discussed.

- There would be no experience credit.
- Individuals will be required to comply with USPAP when performing an evaluation. Except where exemptions one through three apply.
- Clarified the language for CE providers.

- Removed the language: *'as to each student who provides the school or with an accurate name or license number, bank course completion information.'*
- The new language proposed: *'bank course completion information as to each student who provides the school or continuing education provider with the student's name according to division records and the student's license number.'*

Mr. Barney provided an email sent to him from Scott DiBiasio, regarding the proposed rule. Mr. DiBiasio expressed the following:

- Wanted to thank the Board for writing the rules. They adhere and are consistent with the statutes enacted by the legislature.
- One concern is: When an appraiser performs an evaluation/report and he signs the report, will this individual indicate he/she complied only with the non-numbered rules of USPAP? Or will it be assumed but not put in writing that the appraiser is complying with those non-numbered rules.
- If the appraiser performing the evaluation indicates that they complied with ethics, competency, etc. then it would make the evaluation a USPAP compliant product. It significantly diminishes its utility and usability by financial institutions.
- Financial Institutions do not want a full appraisal they want an evaluation.
- Mr. DiBiasio has no issue with the appraiser being compliant to USPAP. The issue is with stating that fact in the body of the evaluation report. Then it becomes USPAP compliance product. At that point it becomes an appraisal and is no longer satisfactory for the requirements of an evaluation.

Director Stewart commented any time an appraiser does a valuation service whether it is an evaluation or an appraisal they are required to follow USPAP. Whether it is written or implied it is something to be taken into consideration. It is standard rule 2-3 that incorporates the final recommendation for certification for an appraisal.

Ms. Wright remarked regarding complying with the advisory opinions. The rule does not say comply with them, it states to observe them.

The discussion on the language of the Bill amendment will continue at next month's hearing.

**CLOSED TO PUBLIC**

An Executive Session was held.

**OPEN TO PUBLIC**

The Board met in Executive Session to consider the Appraisal Institute Stipulation and Order. The Stipulation was approved and the Appraisal Institute will be notified by mail.

A motion was made and seconded to adjourn the meeting. Vote: Chair Ulibari, yes; Vice Chair Morley, yes; Board Member Ewell, yes. The motion passes. The meeting adjourned at approximately 9:54 am.