UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 210
9:00 a.m.
July 31, 2019
TELEPHONE

MINUTES

DIVISION STAFF PRESENT:
Jonathan Stewart, Division Director
Mark Fagergren, Education and Licensing Director
Kadee Wright, Chief Investigator
Chad Tengler, Real Estate Analyst
Elizabeth Harris, Assistant Attorney General
Stephen Gillies, Assistant Attorney General
Mary Martinez, Board Secretary
Kendelle Christiansen, Licensing Specialist
Desha Pages, Licensing Specialist
Laurel North

BOARD MEMBERS PRESENT:
John Ulibari, Chair
Jeffrey T. Morley, Vice Chair
Jim Bringhurst, Board Member
Keven Ewell, Board Member
Rich Sloan, Board Member

PUBLIC MEMBERS PRESENT:
No Public

The July 31, 2019, meeting of the Appraiser Licensing and Certification Board began at 9:04 a.m. with Chair John Ulibari conducting.

PLANNING AND ADMINISTRATIVE MATTERS
Approval of Minutes –
A motion was made and seconded to approve the June 26, 2019 minutes. Vote: Chair Ulibari, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Ewell, yes; Board Member Sloan, yes. The motion passes.

Public Comment Period
No public Comment

DIVISION REPORTS
DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart discussed House Bill 387 on Boards and Commissions Amendments.

- This bill requires each board or commission to submit an annual report to the Governor's office by July 31st.. Director Stewart submitted the Division report for this year with feedback from Chair Ulibari.
    - The reports should include what the board or commission recommends regarding any changes in rules and statutes.
    - An explanation why the board or commission should continue to exist.
    - The board or commission should make notes throughout the year in order to contribute to the yearly report.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in June the Division received 2 complaints; closed 4 cases; leaving 31 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 discussed his concern with the loss of 21 certified appraisers in the month of June. When the initial Appraiser licenses were issued back in the early 1990s, it was approximately this same time of year. The Division usually sees the largest number of appraisal renewals this time of year.

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

- Karl A. Beckstead, approved to sit for the licensed appraiser exam.
- Aaron B. Rosqvist, approved to sit for the licensed appraiser exam.
- Wesley Duke; Certified Residential candidate, recommended to sit for exam.

'Yes' answers approved by Division Representatives.

- Robert Loughrey – CR Reciprocal; answered 'yes' on three occurrences in Maine: 1. $2000 Fine/7 hours CE. 2. $2000 Fine/Prohibited from supervising trainees. 3. $1500 Fine/One year probation. Currently in good standing in Maine.
- Weston Groll – CR Renewal: UT FHA Requires Mr. Groll to take 7 hours CE on preparation of FHA reports by 8/11/19.
- Stephen D. Stuart – CG Renewal.

Discipline List for Boards Consideration.

- Bryan Darling – CR Renewal Application: Yes answer on #8
- James W. Meyers – Temporary practice permit; Failed to take a course. Took CE course and paid fine.

BOARD AND INDUSTRY ISSUES – Justin Barney

Mr. Barney reported the proposed rule amendment which allows appraisers to prepare evaluations exempt from portions of USPAP is being prepared for filing.

Follow up discussion on the definition or what constitutes *Professional Assistance*. Chair Ulibari feels this subject needs to be addressed by the board.

- Unlicensed Home Inspector should be limited to collecting:
    - Quantitative data
    - Factual reporting
    - Counting rooms
    - Taking measurements
    - Observing cracks in basement or walls, peeling paint
    - Should not involve making a judgement call.

The board issues relative to an unlicensed individual having access to homes. Some of their concerns are:

- Homeowners are expecting professional home inspectors that are allowed to make judgments on the property. An unlicensed home inspector has access to homes with no prior background check of the inspector.
- Is an unlicensed Inspector qualified to discern the differences in quality and condition and understand why this would affect the market value of the property?
- To provide a professional judgment of property quality requires the measurable training received by an appraiser.

The board discussed what, if any, regulations could be enforced.

- Utah does not require home inspector to have a license.
    - The rule states a property inspector has to be trained and competent
- The Division has no authority over non-licensed home inspectors.
- There is a need to protect and promote public trust.
- Chair Ulibari would like to enforce concerns through a rule that has been adopted through the public rule making process and not with “the board discussed in a meeting.”
- Mr. Barney advised they would need to have a statute or rule to enforce a Commission policy.
- An unlicensed assistant should be limited to gathering facts. Director Stewart advised that requiring home inspectors to be licensed would require a statutory amendment.
    - If home inspectors are required to have a license the Division could look at requiring that only licensed home inspectors could do appraisal property inspections.
    - The legislature is hesitant to create a new license or registration.
    - Senator Mayne has been looking at licensing home inspectors. The subject will most likely be up for discussion this coming legislative session.
- There would many issues to cover.
    - Who would be required to do finger prints and back ground checks?

    - Someone, probably the Division, would have to determine what background issues should preclude a person from being licensed as a home inspector. Would someone with a DUI or other criminal activities, be allowed to enter a home for an inspection?
- The only rule making authority the Division has is to define significant professional assistance. The statute states:
    - An individual such as a researcher or a secretary who does not render significant professional assistance as defined by the board in arriving at a real estate appraisal analysis, opinion or conclusion.
- One suggestion was to have the inspections done by an Appraiser Trainee.
- Does the Industry want to require their assistants to be licensed?

Chair Ulibari requested more research. It was determined a committee with Chair Ulibari, Justin Barney, possibly other staff from the Division, and least one other board member would discuss the rule. Board member Ewell volunteered to sit on the committee. After the committee meets, Mr. Barney will research and draft a proposed rule.

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 Ulibari, yes; Vice Chair Morley, yes; Board Member Bringhurst, yes; Board Member Ewell, yes; Board Member Sloan, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held.

OPEN TO PUBLIC

Mr. Barney advised the Board met in Executive Session to consider Bryan Darling and James W. Meyers. Both are approved and 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 Bringhurst, yes; Board Member Ewell, yes; Board Member Sloan, yes. The motion passes. The meeting adjourned at approximately 10:53 a.m.