

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 210
9:00 a.m.
March 25, 2020
ZOOM Online Meeting

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Justin Barney, Hearing Officer
Kadee Wright, Chief Investigator
Stephen Gillies, Assistant Attorney General
Maelynn Valentine, Board Secretary
Kendell Christiansen, Licensing Specialist
Mark Fagergren, Licensing/Education Director
Desha Pages, Licensing Specialist

BOARD MEMBERS PRESENT:

Jeffrey T. Morley, Chair
Richard Sloan, Board Member
Keven Ewell, Vice Chair
Jim Bringhurst, Board Member
John Ulibarri, Board Member

The March 25, 2020, meeting of the Appraiser Licensing and Certification Board began at 9:01 a.m. with Chair Jeff Morley conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –

A motion was made and seconded to approve the February 26, 2020 minutes. Vote: Chair Morley, yes; Vice Chair Ewell, yes; Board Member Bringhurst, yes; Board member Sloan, yes. The motion passes.

Public Comment Period

No public Comment

DIVISION REPORTS

DIRECTOR’S REPORT – Jonathan Stewart

Director Stewart reported that the Division's House Bill has passed the House and Senate and is awaiting Governor Herbert's signature. Director Stewart reported that on March 14th Pearson Vue stopped doing fingerprints at their locations due to the Covid-19 pandemic. On March 16th Pearson Vue closed their locations and is no longer testing individuals until April 16th. The Division of Real Estate also made the decision to stop fingerprinting on March 16. There are currently two locations that are doing fingerprinting; they are the Bureau of Criminal Identification and Your Unique Fingerprints (which is doing fingerprints by appointments only). It is unreasonable for the Division to require licensees to wait to renew their license.

As of March 24, 2020 Chris Parker, the Interim Executive Director issued an Order to close the Department of Commerce to the public. All the services that the Department of Commerce provides can be done via telephone, email, instant chat and online renewal systems. The re-open date is undetermined and until then email or telephone is the best way to get in touch with any members of the Division. Chris Parker also informed the Division that all scheduled or planned meetings need to be performed either by telephone or video conferencing. If a respondent prefers an in person or live hearing, they will be granted a continuance until the Division is able to schedule live hearings.

Director Stewart informs the Commission that because fingerprinting and testing has been stopped, it does affect licensees the ability to renew their license. The Division is working on solutions for licensees to temporarily renew their license if they have not been fingerprinted. As far as the testing, unfortunately we are unable to offer any solutions at this time. The licensing staff has been working with licensees to extend renewal deadlines to avoid their license expiring. The Division is also working with Utah Interactive; they are the Divisions third-party provider that handles our online renewal system. They are in the process of programming the system to allow licensees to renew without meeting the RAP Back fingerprinting requirement. All fingerprinting would need to be completed at a later time.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in February the Division received four complaints; closed zero cases; leaving 27 appraisal cases open with the Division. There are two cases pending with the AG's office.

EDUCATION AND LICENSING REPORT – Mark Fagergren

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

There were two candidates that were denied by the Education Review Committee and/or Recommended to be denied by the Experience Review Committee.

- Gary McBride; denied to sit for the licensed appraiser exam.
- Oscar Hoggan; denied to sit for the licensed appraiser exam.

'Yes' answers approved by Division Representatives.

- Keith Gunther/U.S. Real Estate Services –Licenses in all states are in good standing.
- Stephen Parent
- Deborah Collna
- Daniel Brunow

Mr. Fagergren reports on the licensing challenges that the Division is currently experiencing. If an applicant has met all of the requirements, short of the fingerprints, the Division will approve their license with the condition that they be fingerprinted by September 30, 2020. There are currently 20 March renewals that licensors are working on to extend in the regards that they have completed their continuing education. The Division will re-asses extensions for April's licensees if that is needed. Another issue Mr. Fagergren discussed with the Commission is regarding education. Distance learning providers are required to have approval from the Appraisal Qualifications Board and IDEC. Providers who have been offering live courses have asked about offering a few virtual classes to their students via Zoom or Go To Meeting. Instructors would monitor the join time of each student. For appraisal students, they would not be able to miss any portion of the class time. The Appraisal Subcommittee will make the final determination if virtual classes will be approved.

Certified Appraisers Recommended for Approval to be added to the Utah Appraiser Experience Review Committee - John Blanck

BOARD AND INDUSTRY REPORT- Justin Barney

Mr. Barney reported on the proposed rule amendment. In the last meeting this amendment was not discussed and needs further review before submission.

R162-2g-502a. Standards of Conduct and Practice.

(4) Unless there is a client assignment condition prohibiting an appraiser trainee from signing an appraisal report, when an appraiser trainee performs significant appraisal assistance on an appraisal, the trainee may sign the appraisal report if the appraisal report is also signed by the trainee's supervisory appraiser. The appraiser trainee shall state, immediately following the trainee's signature in the report, "Appraiser Trainee" and include the registration number assigned to the appraiser trainee by the division

Board member Ewell explains that In ACI software, it will allow an appraiser to input the registration number; it can go in the licensing field. In the appraisal trainee field ACI is not expecting a license number. Appraiser trainees are able to put in what tasks they have performed in an addendum for credit on what the trainee has performed and the certified appraiser signs the actual report. Chair Morley clarifies that the last line on the certification on the URAR form is being filled in with a state certification or license

number. In the "other" field if appraiser trainee is input, it won't allow a license number to put in, but if they put in a state trainee number, it will be accepted. For now, appraiser trainees will put in "appraiser trainee" and their certification number in the "other" field of the appraisal report.

A motion was made and seconded to approve the proposed rule amendment as written. Chair Morley, yes; Board Member Sloan, yes; Vice Chair Ewell, yes; Board Member Bringhurst, yes; Board member Ulibarri, yes. The motion passes.

Experience Review for Dennis Long

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: Chair Morley, yes; Board Member Sloan, yes; Vice Chair Ewell, yes; Board Member Bringhurst, yes; Board member Ulibarri, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held.

OPEN TO PUBLIC

Mr. Barney stated the Appraisal Board met in executive session to consider the applications for Gary McBride and Oscar Hoggan to sit for the exam. The recommendation to approve John Blanck for experience review has been approved. A decision was made on the Dennis Long experience review hearing. A decision has been made on all individuals and they will be informed by mail.

A motion was made and seconded to adjourn the meeting. Vote: Chair Morley, yes; Board Member Sloan, yes; Vice Chair Ewell, yes; Board Member Bringhurst, yes; Board member Ulibarri, yes. The motion passes. The meeting adjourned at approximately 11:06 a.m.