

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 250
9:00 a.m.
July 22, 2020
Google Meet

MINUTES

DIVISION STAFF PRESENT:

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

BOARD MEMBERS PRESENT:

Jeffrey T. Morley, Chair
Keven Ewell, Vice Chair
Richard Sloan, Board Member
Benjamin Brown, Board Member
Kris Poulsen, Board Member

The July 22, 2020, meeting of the Appraiser Licensing and Certification Board began at 9:01 a.m. with Chair Jeff Morley conducting.

Determination Regarding Holding Meeting Without Anchor Location

Public Body: Utah Appraiser License and Certification Board

Chair Name: Jeff Morley

The public meeting(s) scheduled for July 22, 2020 will be conducted electronically and without an anchor location. I have determined meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location.

Facts upon which my determination is based:

The Heber Wells Building is closed to the public due to Covid-19 and the state and local municipality's response to the pandemic. The prior virtual meetings have provided an adequate means of holding this meeting and facilitates all relevant parties, including the general public, division staff and board members.

Signed this 20 day of July, 2020

Jeff Morley-Chair

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –

A motion was made and seconded to approve the June 24, 2020 minutes. Chair Morley, Yes; Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen, yes; Board Member Sloan, yes. The motion passes.

Public Comment Period

No public Comment

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart began the meeting by introducing and swearing in new Board Members, Kris Poulsen and Benjamin Brown. Elections were held to nominate Chair and Vice-Chair. Board Member Sloan nominated Board Member Morley as Chair and Board Member Sloan nominated Board Member Ewell as Vice-Chair.

A motion was made and seconded to approve Board Member Morley as Chair and Board Member Ewell as Vice-Chair Vote: Chair Morley, yes; Board Member Sloan, yes; Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen, yes. The motion passed unanimously.

Director Stewart reported on the status of the Division. The Division office remains closed to the public. The Division has decided that fingerprinting will be waived through the end of August for renewal applicants. Decisions for fingerprinting will be discussed on a month-by-month basis.

Director Stewart informed the Board about two proposals for their consideration. Since the last Board meeting, Director Stewart has thought about the rule filing that was approved last month. The minimum requirements were met as far as public notice. Personally, he does not want the Board to only fulfill the minimum. He believes the Division and Board can do a better job involving industry members that may be affected by the decisions that are being made. The Appraiser Board has the authority to draft administrative rules for appraisal management companies, but outside of public comment, AMCs have no input unless the Division asks for it. Director Stewart believes the rule filing should have been delayed by one month so the Board could meet with REVAA to discuss their comments. Director Stewart discussed this with Mr. Barney, and both agree they could have done a better job informing the Board about their options concerning the rule filing. The new rules are already in effect, so they cannot be changed.

Director Stewart's first proposal would be to form a committee. The Committee would consist of two members from the Board, a representative from REVAA, a representative from an AMC, and two members of the Division, Director Stewart and Justin Barney. Chair Morley comments that in the past the Board has involved industry representatives or groups, when creating rules and regulations to make sure there were not unintended consequences. His feeling is that it makes sense to form the committee to make sure everyone's input is being considered. Vice-Chair Ewell agreed. Director Stewart asked if

there any members of the Board that would like to volunteer to be a part of the committee. Chair Morley and Vice-Chair Ewell volunteer for the committee.

Director Stewart's second proposal would be to propose to the legislature to increase the Board to seven members instead of five. The additional Board members would include one AMC representative and one lending institution representative. Chair Morley agreed that a seven member Board to include an AMC and lending institution member would be a positive change. Vice Chair Ewell suggests that it be a local AMC member rather than a national AMC member.

Director Stewart stated that they would require the AMC representative be registered in the state of Utah. Director Stewart informs the Board of the Role and Responsibilities of Board members and said that it would apply to any AMC members regardless of whether they were a national AMC or a Utah AMC. It states:

ROLE AND RESPONSIBILITIES OF A BOARD MEMBER

All members of state boards and commissions are expected to:

- Understand that executive boards are a part of the executive branch of Government and are accountable to the governor through the executive director of the department or government entity.
- Remember that boards are responsible for policy direction or advice regarding policies. They should not be concerned with the day-to-day administration of the department.
- Agree to make your board a priority and devote an appropriate amount of time and energy to the assignment.
- Prepare for, attend and actively participate in all board meetings.
- Learn about your board and the specific role you play as a member. Be sure you know if you are appointed to represent a particular constituent group.
- Represent your constituency by communicating with them and listening to them.
- Know about the authority your board has in shaping public policy. Respect that authority and work within the framework established in statute.
- Maintain a good working relationship with fellow board members, board staff, department administration and the Governor's Office.
- Research issues and form reasonable opinions based on facts.
- Maintaining a state-wide perspective. Your decisions affect all citizens in Utah and you are responsible to keep the best interest of the public in mind.

Director Stewart believes the last bullet point applies the most to everyone. The main goal of the Board is to keep in mind what's best for the public, not the industry that they are affiliated with.

The Board is supportive of the proposals. As to who would fill those positions, that has not been determined and how the law is drafted could impact who could be selected. Ultimately, it would be up to the Governor's office as to who would be appointed.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in June the Division received one complaint; closed ten case; leaving 18 appraisal cases open with the Division. There are two cases pending with the AG's office.

Ms. Wright reported that appraisal investigator Craig Livingston retired on July 15, 2020. There are going to be contract appraisers that will be doing the appraisal review of complaints that are received for the Division.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on statistics. There has been a decrease of two appraiser trainees for the month of June. There has been a net increase of seven licensed appraisers, two certified residential appraisers and the number of certified general appraisers remained the same.

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

- Gerald Broad; approved to sit for the licensed appraiser exam.
- Nathan Kelly; approved to sit for the licensed appraiser exam.
- Justin Brad Meyer; approved to sit for the certified residential appraiser exam.
- Rhett Lance Peterson; approved to sit for the certified general appraiser exam.

There were no candidates that were recommended to be denied by the Experience Review Committee.

'Yes' answers approved by Division Representatives.

- International Valuation Consultants an AMC

Mr. Fagergren reported on the certified appraiser recommended for the approval to be added to the Utah Appraiser Experience Review Committee.

- John Uliabri

Mr. Fagergren reported that the Appraisal Qualification Board and the Appraisal Sub Committee has approved live virtual education through the end of this calendar year. Mr. Fagergren does note that providers would need to indicate which courses they plan to teach to the appraiser licensing office and their intension to teach any live virtual CE course. Mr. Fagergren would like to convey that the supervisory trainee course has been authorized; currently it is a qualifying education course and has been approved to be taught in the live virtual format as well. The qualifying education courses other than that have not been authorized for live virtual training.

BOARD AND INDUSTRY REPORT- Jonathan Stewart

Director Stewart reported that the rule filing that was discussed last month, has been made affective.

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 Brown, yes; Board Member Poulsen, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held.

OPEN TO PUBLIC

Director Stewart stated the Appraisal Board met in executive session to consider that John Ulibarri be added to the Appraisal Review Committee and he was approved.

A motion was made and seconded to adjourn the meeting. Vote: Chair Morley, yes; Board Member Sloan, yes; Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen, yes. The motion passes. The meeting adjourned at approximately 9:38 a.m.