

**UTAH APPRAISER LICENSING AND CERTIFICATION BOARD**  
HEBER M WELLS BUILDING  
Room 250  
9:00 a.m.  
August 26, 2020  
Google Meet

**MINUTES**

**DIVISION STAFF PRESENT:**

Jonathan Stewart, Division Director  
Justin Barney, Hearing Officer  
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  
Benjamin Brown, Board Member  
Kris Poulsen, Board Member

The August 26, 2020, meeting of the Appraiser Licensing and Certification Board began at 9:03 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 August 26, 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 24th day of August, 2020

Jeff Morley-Chair

**PLANNING AND ADMINISTRATIVE MATTERS**

Approval of Minutes –

A motion was made and seconded to approve the July 22, 2020 minutes. Chair Morley, Yes; Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen, yes. The motion passes.

**Public Comment Period**

No public Comment

**DIVISION REPORTS**

**DIRECTOR'S REPORT – Jonathan Stewart**

Director Stewart reported on the status of the Division. The Division office remains closed to the public. Most of the Division staff is working remotely. All services that the Division provides can be done online or over the phone. A reopen date of the building is undetermined at this time.

Director Stewart reported that the Appraisal Subcommittee has notified state appraisal agencies with the availability of grant money. The Division sent a proposal to the Appraisal Subcommittee in regards to the available grant money and we have not heard back from them, other than that they have received our application. In the proposal the Division listed items that would be used for the grant money and they are:

- Hire an Office Specialist to coordinate appraisal investigations with contract appraisers
- Travel money to attend the AAROWS midyear conference
- Equipment for licensing staff
- Training for staff

The determination for grant money is being made prior to October. We are hopeful to be approved for most or all of our requests. Director Stewart will keep the Board updated with the decision.

**ENFORCEMENT REPORT – Kadee Wright**

Ms. Wright reported that in July the Division received one complaint; closed seven cases; leaving 12 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 on statistics. There has been an increase in appraiser trainees over the last 11 months to a total of 23. There has been a net increase of 21 licensed appraisers in the last 11 months. There has been 11 certified residential appraisers and 15 certified general appraisers. That is an increase of 69 appraisers in the past 11 months

Mr. Fagergren reported that for a six week period of time there was no testing being performed due to Covid-19, from March 15<sup>th</sup> to April 30<sup>th</sup>. There was also a four month period of time where fingerprinting was not being performed. The Division has issued

conditional licenses for those appraiser trainees who have passed their exam and given them a deadline of September 30<sup>th</sup>, 2020 to be fingerprinted. Licensees have been notified that if they do not get their fingerprints done by the deadline, their license will be denied.

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

- Shantell Brown; approved to sit for the certified general appraiser exam.

There was one candidate that was recommended to be denied by the Experience Review Committee.

- Joe Perschon-denied to sit for the licensed appraiser exam.

'Yes' answers approved by Division Representatives.

- Christopher Kelly Tate
- Bruce Nell
- Cameron Wright
- Allison Hunt

### **BOARD AND INDUSTRY REPORT- Justin Barney**

Mr. Barney reported the recent approved rule amendment has since been in discussion for possible modification. Vice-chair Ewell explains that the concern with the rule amendment is the limitation prohibiting others to do the data collection for bifurcated appraisals. The concerns were raised that REVVA, an appraisal management company industry representative. One concern that REVAA expressed was that the amended rule might prevent broker price options and data collection. There is other language rule that allows realtors to do these types of things. There was discussion of adding some language to clarify and make sure that the collection of data by a real estate agent licensee is not prohibited by the new rule.

Mr. Barney explains that the discussion also included allowing trainees to sign an appraisal report. Chair Morley explains that a vast majority of data collection is currently being done by registered or licensed appraisers. Director Stewart added that we need to make sure that the intent of the Board and any proposed changes need to be very clear. One, so that Mr. Barney can draft something that is appropriate for a proposed rule amendment and two, so that industry members have guidance from the Board, that they know the intent of the rule, and stated and what to expect. Director Stewart also wanted to address enforcement of the rule, and stated that their intent is not to restrict or prevent a real estate agent or broker from performing data collection. The Division has no intent to take action against a real estate agent or broker who collects data for an appraisal during the clarification of the rule.

Chair Morley explains that he and Vice-chair Ewell were a part of the committee that considered these issues and asks if any Board members have any questions or comments regarding the topic.

Board Member Poulsen explains that he needs to understand the issue. He knows that mass appraisers sometimes use data collectors in some jurisdictions in Utah. He also knows that there is a government exception in code. He is wondering if that exception would apply to this specific issue.

Mr. Barney added that the discussion has been helpful and he will work on a proposed rule amendment and will reach out to Chair Morley, Vice-chair Ewell or Director Stewart if he has any questions. Director Stewart added that members of the public along with appraisers and appraisal management companies may have interest in the issue. John Brennon addresses the Board and stated that it is important for clarity and guidance regarding the real estate agents and broker performing data collection. He believes it is important to add language in the proposed rule amendment to clarify whether or not there is intent to enforce any action against an appraiser if a property data collector does provide something more than physical characteristics.

Vern Myers states that there is a training program for appraisers to be able to do inspections. They have to take classes and they have to do 35 supervised inspections before they're allowed to do an inspection on their own. He believes that data collectors should be held to the same standard and need to go on 35 supervised inspections before being able to collect data.

Chair Morley added that the Boards job is to protect the public without being overly burdensome. Chair Morley's prospective on some of the discussions they have had is that if only a person licensed or registered by the Division is allowed to collect data on a property for an appraisal, whether licensed or registered as an appraiser or a real estate licensee, that at least gives the Division the ability to enforce Utah law if the data collection is done competently and credibly.

Mark Shifman with REVVA thanked the Board and the Division for the discussion and looks forward to further discussions in the future. Chair Morley expressed his gratitude for the members that were on the committee and gave perspective as they move forward on the proposed rule amendment.

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; 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**

Vice-chair Ewell made a motion that they uphold the recommendation of the Experience Review Committee to deny Joe Perschon to sit for the exam. Vote: Chair Morley, yes;

Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen, yes. The motion passes.

A motion was made and seconded to adjourn the meeting. Vote: Chair Morley, yes; Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen, yes. The motion passes. The meeting adjourned at approximately 9:46 a.m.