

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 250
9:00 a.m.
December 27, 2020
Google Meet

MINUTES

DIVISION STAFF PRESENT:

Justin Barney, Hearing Officer
Mark Fagergren, Licensing Director
Maelynn Valentine, Board Secretary
Desha Pages, Licensing Specialist
Stephen Gillies, Assistant Attorney General
Amy Goodlett, Licensing Specialist
Kadie Wright, Chief Investigator

BOARD MEMBERS PRESENT:

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

The December 23, 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 December 23 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 22nd day of December, 2020

Jeff Morley-Chair

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –

A motion was made and seconded to approve the November 25, 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

None

DIVISION REPORTS

DIRECTOR’S REPORT – Justin Barney

Mr. Barney reported that Director Stewart is out of the office and will be covering his report.

Mr. Barney reported that the Heber Wells Building remains closed to the public. Chair Morley asked is there is an anticipated reopen date for the building. Mr. Barney stated that there is no projected reopen date at this time.

ENFORCEMENT REPORT – Justin Barney

Mr. Barney reported that in November the Division received zero complaints, closed one case, leaving 12 appraisal cases open with the Division. There is one case pending with the AG's office.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported there were three candidates approved by both the education and experience review committees to sit for the corresponding exam.

- Caleb Bowen; approved to sit for the Certified Residential exam.
- Luke McCleve; approved to sit for the Licensed appraiser exam.
- Mark Raddatz; approved to sit for the Certified General exam.

Mr. Fagergren reported that there were two candidates that were recommended to be denied to sit for the exam.

- Russell Sullivan
- Jeremy Hardman

“Yes” answers approved by Division Representatives.

- Rachel Denton
- Curtis Perrin
- Brandon Hawks
- Mark Adams

Mr. Fagergren reported that currently in Utah two kinds of education are allowed for appraisers. Traditional classroom, (which is in person learning with a live instructor) and Distance education, which is internet based interactive instruction. Distance learning allows for individuals to take courses at any time of day or night. This year the temporary approval of a third option for education has been authorized by the Appraisal

Qualifications Board, which is Virtual-Live education. Before the meeting Mr. Fagergren sent out a form “requesting for temporary approval of virtual classes”. In April the Appraisers Standards Board allowed for continuing education to be taught via Live-Virtual. The form indicates that there are certain criteria to qualify for this form of instruction. The course has to already be approved for Traditional Classroom education or synchronous interactive instruction. There has to be instructor student interaction, so a camera and microphone are required by participants for the class. The ASB also required a photo ID of each student and the instructor has to monitor attendance. Unlike real estate, appraisal is federally regulated and has only granted temporary approval of Virtual-Live training. It is assumed that once the pandemic subsides that the ASB will withdraw the Virtual-Live option for students. Recently the ASB has said that they will continue Virtual-Live for continuing education courses it will go through 2021. If states approve, Virtual-Live can also be allowed for qualifying education.

Mr. Fagergren stated that there are already courses approved for qualifying education that are approved for Distance education. There is currently only one provider for the Supervisor Trainee Course for Distance education and two others that are approved for Traditional education. Approval for Virtual-Live on that course would be justifiable. Mr. Fagergren recommended to not approve Virtual-Live education for qualifying education and only allow it for continuing education.

Vice-Chair Ewell asked that on the form it says “courses are suspended until December 31, 2020” should that be December 31, 2021? Mr. Fagergren answered that the form was being used in 2020 and that is why he is asking the Board to change the date until 2021 and keeping it the same for continuing education only, or if the Board would like to allow for qualifying education as well. Vice-chair Ewell stated that the challenge with qualifying education only being offered through distance education is that it only opens it up too few providers, and eliminates the courses through local educators. Mr. Fagergren reiterates that the discussion is open for the Board to decide. Chair Morley asked if the Division is receiving any feedback from applicants that would benefit from expanding the Virtual-Live education option. Mr. Fagergren stated that Division has not received any feedback from applicants requesting Live-Virtual instruction for qualifying education.

Board member Poulsen stated that the last training he attended was via Zoom which would be considered a Virtual-Live training. Vice-chair Ewell stated that some of the instructors he has spoken to do not like instructing over Zoom and that it is easier to teach in person. But at the same time he would hate to limit the ability to local instructors that wanted to offer Virtual-Live courses. Vice-chair Ewell explains the cost prohibitive reason for local instructors not being able to participate. Chair Morley asked vice-chair Ewell how many local instructors would be impacted. Vice-chair Ewell stated that the local market has pretty much been pushed out. Board member Poulsen stated that he does not see a problem in the one-year extension allowing for virtual-live classes for qualifying education and tying back to the current or existing standard once it expires.

Chair Morley stated that one possibility of helping to properly set the expectation upfront may be to highlight in every way possible that this is approved only until the end of the upcoming year 2021, even if expansion for qualify education is approved. Chair Morley stated that there does not seem to be a significant amount of concern or risk of the quality of education or that there would be any adverse impact on those applicants looking to get the education. Mr. Fagergren stated that in real estate there has been tremendous support to continuing Virtual-Live courses to be offered indefinitely and therefore expresses some concern that allowing Virtual-Live education for appraiser qualifying education might pose a challenge when Virtual-Live education for qualifying education is no longer allowed by the AQB and ASB. Board member Sloan stated that he is in favor of allowing Virtual-Live permanently. Chair Morley stated that he is in favor of following the Appraisal Sub Committee's direction. Board member Poulsen agrees and stated that he would like it tied to the standards committee and their decision and when it changes at a national level. All Board members agree. Mr. Fagergren will have the form amended to allow Virtual-Live education for both appraiser continuing education and qualifying education through 12/31/2021, and will present it at next month's meeting.

BOARD AND INDUSTRY REPORT- Justin Barney

Mr. Barney reported that the proposed rule amendment is moving forward and will have more information regarding that in next month's meeting.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that the Board should be seeing a case or two in the next month or so. There will be a delay with some of the cases as the Division did not replace the investigator that retired this year. The Division was also waiting on the grant money to hire contract appraisers to review cases.

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; Board Member Sloan, 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 Russell Sullivan and Jeremy Hardman to sit for the exam. Vote: Chair Morley, yes; Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen, yes; Board Member Sloan, yes. The motion passes.

Board Member Poulsen made a motion that they uphold the recommendation of the Division to approve the renewal application for Mark Adams. Vote: Chair Morley, yes; Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen, yes; Board Member Sloan, 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; Board Member Sloan, yes. The motion passes. The meeting adjourned at approximately 10:02 a.m.