

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 250
9:00 a.m.
January 27, 2021
Zoom

MINUTES

DIVISION STAFF PRESENT:

Jonathon Stewart, Division Director
Justin Barney, Hearing Officer
Joy Natale, Division Analyst
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

The January 27, 2021 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 January 27, 2021 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 26th day of January, 2021

Jeff Morley-Chair

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –

A motion was made and seconded to approve the December 23, 2020 minutes. Chair Morley, Yes; Vice Chair Ewell, yes; Board Member Poulsen, yes. The motion passes.

Public Comment Period

None

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathon Stewart

Director Stewart reported that the legislative session began last week. The Division has one bill for the session and that is House Bill 234, a copy of the bill was emailed to Board members prior to the meeting. The bill describes a few AMC changes, one for the ability to sanction an appraisal management company that fails to pay their national registry fee. Enforcement authority to take action against an appraisal management company for a violation that was committed while they were registered, even if they are no longer registered. Increasing the size of the appraiser board from five to seven members. The two additional board members will be an individual representing an appraisal management company and one individual representing a depository or non-depository lender. The sponsor of the bill informed Director Stewart that the bill could be heard in committee this week or early next week.

Chair Morley asked if there is time frame or at what point will the bill pass?. Director Stewart informed Chair Morley that it varies for each session and is dependent on how many bills there are. It is fairly early into the session and if there is no opposition towards the bill, it could be passed in a little as three weeks.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in December the Division received one complaint, closed one case, leaving 12 appraisal cases open with the Division. There is one case pending with the AG's office.

Stipulation presented by Joy Natale

ClearCapital.com

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on virtual training courses which allows an individual who cannot find a supervisor to train them personally the opportunity to be trained virtually. According to the Appraisal Foundation they're recommending to account for up to 100% of what a licensed appraiser would experience. The virtual training would substitute 1000 hours' worth of supervisory training. When this was originally proposed the Appraisal Foundation and the AQB were preparing it to be sold or licensed educators would be able to utilize the product. States are to evaluate and approve the content outline which has been approved by the foundation, but rather than the foundation doing the development they decided they will not. Mr. Fagergren will be attending a meeting to

receive clarification whether or not they want the Division to approve the virtual courses without AQB approval.

Mr. Brennen stated that the AQB does fully intend to review the PERIA programs. The next step is if a state would like to have their own rule process on top of that. It would be an additional state approval as well as the AQB approval. This would not be an education course and would simply be an alternative to gain experience towards gaining credentials. Mr. Fagergren feels comfortable that the AQB will be reviewing the courses and giving approval and his recommendation would be if the AQB approves it that the Division will also. Mr. Fagergren worries that some states will approve the virtual training course and some will not as this will pose a problem if a licensee requests a reciprocal license and their current state has a higher standard than other states. The bottom line is how much will this cost an individual to take the course. It would be a great opportunity for individuals to enter the appraisal industry and be trained virtually as long as it is not costly. They are requiring an individual called a mentor to evaluate that a trainee is understating and comprehending the material. They are also wanting to do what the state of Utah requires by having the individuals who take the virtual training to submit USPAP compliant appraisal reports to their mentor. Mr. Fagergren would like the Board to be thinking about accepting the courses in the near future.

Board member Poulsen asked if the mentor that would be replacing the trainer if they would need to be a local mentor. Mr. Brennen explained that the requirement for a mentor would be the same as a supervisory appraiser. You have to be a certified appraiser in good standing with no disciplinary actions. As far as the mentor needing to be local, that is not a specific in the PERIA program as they are trying to reach individuals geographically. In closing, Mr. Brennen stated that it is unfortunate that the Foundation was not able to build a demo, where if a demo had been built then other states would be able to get a better idea of what to expect.

Mr. Fagergren reported there was one candidate approved by both the education and experience review committees to sit for the corresponding exam.

- Mark Herrera; approved to sit for the Licensed Appraiser exam.

Mr. Fagergren reported that there was one candidate that was recommended to be denied to sit for the exam.

- Jared Sorensen

“Yes” answers approved by Division Representatives.

- Tony Lenamon
- Gerald Rasmussen
- Trent Bodell
- Melissa Sasser

Mr. Fagergren reported on the application form, a copy was sent to Board members prior to the meeting. A discussion was had at last month's meeting regarding the request for temporary approval to instruct live virtual pre license and CE courses per the Board's recommendation. Board member Poulsen stated that he read over the application form and liked that there is a termination date on the form. Chair Morley agreed and hopes this form will alleviate any of the concerns that were discussed.

BOARD AND INDUSTRY REPORT- Justin Barney

Mr. Barney reported that the proposed rule amendment has been submitted to the Executive Director of the Department of Commerce for comments. Once the Executive Director approves it will be sent to the Division of Administrative Rules. The proposed rule amendment includes deleting subsection 8 of the rule amendment from last year. Subsection 8 included the inspection of properties and who could complete them. An update on the proposed rule amendment will be given at next month's meeting.

Public Comment

Vern Myer asked if there will be a public comment period for the proposed rule amendment or if this is an internal change. Mr., Barney stated that there will be a public comment period once the proposed rule amendment is filed. Mr. Myer asked if House Bill 234 that was sent to Board members is now a public document and if it is available to view. Board member Poulsen stated that all bills will be on the legislative website. Director Stewart stated that the board does not make the decision whether or not a bill becomes public and House Bill 234 has been made public since January 20, 2021. Director Stewart stated that he sent a copy of all of the proposed changes via email to Mr. Myer. Mr. Myer asked about the 11 open appraisal complaints with the Division, are the complaints with AMC's or appraisers. Ms. Wright stated that two complaints are with AMC's and the other nine are appraiser complaints.

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 Jared Sorensen to sit for the exam. Vote: Chair Morley, yes; Vice Chair Ewell, yes; Board Member Brown, yes; Board Member Poulsen. The motion passes.

Vice-chair Ewell made a motion that they approve the stipulation for Clear Capital.com. 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 9:57 a.m.