

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 250
9:00 a.m.
August 25, 2021
Zoom

MINUTES

DIVISION STAFF PRESENT:

Jonathan Stewart, Division Director
Justin Barney, Hearing Officer
Joy Natale, Division Analyst
Mark Fagergren, Licensing & Education Director
Kadee Wright, Chief Investigator
Maelynn Valentine, Board Secretary
Laurel North, Investigator
Michael Genco, Licensing Specialist
Sydney Joy, Licensing Specialist
Judith Jensen, Assistant Attorney General
Stephen Gillies, Assistant Attorney General

BOARD MEMBERS PRESENT:

Jeffrey T. Morley, Chair
Keven Ewell, Vice Chair
Kris Poulsen, Board Member
Ben Brown, Board Member
Rich Sloan, Board Member

The August 25, 2021 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 July 28, 2021 minutes. Chair Morley, Yes; Vice Chair Ewell, yes; Board Member Poulsen, yes; Board Member Brown, yes. The motion passes.

Public Comment Period

Lucas Hendrickson with the Property Tax Division addressed the Board regarding last month's discussion on licensing issues with centrally assessed properties and requested that any comments be reserved if the issue is brought up in today's meeting. Chair Morley informed Mr. Hendrickson that the topic is on the agenda and will be discussed during Mr. Fagergren's portion.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported that Keven Ewell has been reappointed by the Governor for his second term. Senate confirmation of his reappointment will be scheduled in the coming weeks. Governor Cox has appointed Ron Jensen as one of the two new Board members, he will be filling the Appraisal Management Company seat and should be receiving confirmation soon. There is currently no record on the second seat being filled as of yet.

Director Stewart reported that the Division's Bill for the 2022 Legislative Session has been drafted and was returned by the Office of Legislative Research. There is only one change that would affect the Appraisal industry and that is the removal of a section that states that the Division will charge a licensee or registrant the cost incurred by the Division to perform an investigation, if fees are not paid then their registration is suspended. The Division has never charged those fees, so the Division has proposed to remove that section.

Director Stewart updated the Board on the data collection committee. The committee has met many times and is determining whether a statutory change is needed, based on the committee recommendation to the Board. The Bill draft will be completed soon and sent to the Board for their consideration.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in July the Division received five complaints, closed four cases, leaving 24 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 that the Division has received questions regarding the current rules and other appraisal related issues and have asked for clarification. One individual is currently a licensed appraiser and is wanting to become a certified general appraiser. His question is, does he need to submit his supervisors name prior to starting or just noted on the log when the application is submitted. Board members agree that it would just need to be noted on the log and submitted with the application. The other question is, does the supervisor need to take the supervisor trainee course. Board agrees that, although it is not required, it is a good idea. The last question is, when submitting sample reports should I sign them along with my supervisor as the intended user, or does only the supervisor sign. Mr. Fagergren suggested to use a general purpose appraisal form for sample reports and both should sign the sample reports, Board members agree.

Mr. Fagergren reported on the recent changes implemented by the AQB regarding continuing education guidelines. As of January 1, 2022 the AQB will recognize synchronous courses equivalent to in person courses. As far as hybrid courses they must meet the requirements for each specific course delivery method. The AQB also adopted the interpretation to the criteria that says that education and experience

verification must be completed before an applicant can sit for a national exam. Mr. Fagergren suggested the requirement of a monitor and microphone for students showing active engagement in class. Board members agree on the suggestion and will send Mr. Barney some language on drafting the rule. This topic will be added to next month's agenda for further discussion.

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

- Kevin Donnelly Spang; Approved to sit for the Certified Residential Appraiser Exam.
- J. Michael Watts; Approved to sit for the Certified Residential Appraiser Exam.
- Alec Jochim Nieman; Approved to sit for the Licensed Appraiser exam.
- Kyle Stankosky; Approved to sit for the Licensed Appraiser exam.
- Marta Dopita; Approved to sit for the Licensed Appraiser exam.
- Chad Dale Frehner; Approved to sit for the Licensed Appraiser exam.
- Jacob Hammer; Approved to sit for the Certified Residential Appraiser Exam.

Mr. Fagergren reported there was one candidate denied by the experience review committees to sit for the corresponding exam.

- Jayce Williams; denied to sit for the Licensed Appraiser exam.

"Yes" answers of appraisers and an Appraisal Management Company that were approved by Division Representatives since our last Appraisal Board Meeting

- Kade Clark
- Jessica Ashhurst

Mr. Fagergren continued the discussion on centrally assessed properties. There were a few possible suggestions to address the issue and one was to add experience reviewers, employing the Western States Organization to review and the possibility of adding fee appraisers to review. Chair Morley suggested that any reviewer that is willing to serve submit resumes to the Division for consideration. Mr. Fagergren suggested that when crafting the rule that it pertain to the certified general applicant and maintain the licensed residential portion. Lucas Hendrickson provided additional comments on the concern regarding certified general requirements and equally concerned with the residential aspect of it. It was suggested to revert back to the process that was in place prior to where a USPAP compliant full narrative report for the licensing requirement and the certified general requirement be submitted. It was stated that the current rule would allow them to do that but are also open to potential rules changes if needed.

Board members offered their comments, concerns and suggestions regarding this issue. Ultimately, it was suggested by the Board to add or duplicate appendix 2 and 3 and for the Tax Commission to submit suggestions to appendix 2 to and send to Mr. Barney to draft the rule.

BOARD AND INDUSTRY REPORT- Justin Barney

Mr. Barney reported on the proposed rule amendment regarding PAREA. The proposed rule amendment has been drafted and sent to Director Stewart and Mr. Fagergren for feedback. The draft will be ready to review for the Boards consideration at next months meeting. This amendment will be combined with the other proposed rule amendments that have currently been approved by the Board.

Experience Review

Jayce Williams

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

CLOSED TO PUBLIC

An Executive Session was held.

OPEN TO PUBLIC

A motion was made and seconded to keep Jayce Williams application open for 90 days and submit a log of the 90 day period where the Division will select two appraisal to review for reconsideration. Vote: Chair Morley, yes; Vice Chair Ewell, yes; Board Member Brown; 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 Poulsen, yes; Board Member Brown; yes; Board Member Sloan, yes. The motion passes. The meeting adjourned at approximately 12:12 p.m.