

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 250
9:00 a.m.
March 23, 2022
Zoom

MINUTES

DIVISION STAFF PRESENT:

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

BOARD MEMBERS PRESENT:

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

The March 23, 2022 meeting of the Appraiser Licensing and Certification Board began at 9:00 a.m. with Chair Jeff Morley conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –

A motion was made and seconded to approve the February 23, 2022 minutes. Chair Morley, Yes; Vice Chair Ewell, yes; Board Member Poulsen, yes; Board member Sloan, yes; Board Member Brown, yes; Board Member Jensen, yes; Board Member Smart, yes. The motion passes.

Public Comment Period

Scott Dibasio with the Appraisal Institute addressed the Board. Scott Dibasio thanked the Division Staff and Board for drafting the rules to implement the PAREA program. Mr. Dibasio believes that the program will offer new entrance to the appraisal profession.

Mr. Dibasio explained one of the recommendations from the PAVE Task Force Report. The recommendation would be to require that all appraiser's complete anti-bias, fair housing and fair lending training, particularly as part of the recertification process. Mr. Dibasio stated that the AQB may require the courses as a part of continuing education and also qualifying education. Currently it is not mandatory for the AQB, but Mr. Dibasio encouraged the Board to consider making those topics mandatory for recertification. The Appraisal Institute is in the process of creating a course on these specific topics. Mr. Fagergren stated that these courses could be added to Item F under Valuation Bias, Fair Housing and or Equal Opportunity. Board member Sloan stated that he doesn't mind with the class being offered, but would not recommend making it mandatory. Director Stewart stated that the online renewal system would require multiple steps in order to update the system as to what is already required in order to fully implement. Chair Morley suggested to continue to monitor and access this topic if there are requirements that are put forward by the AQB.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported that the issue of data collection was not addressed during the legislative session. The data collection committee will reconvene next Tuesday and additional information regarding the committee will be available at next month's meeting.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in February the Division received six complaints, closed five cases, leaving 41 appraisal cases open with the Division. There are no cases pending with the AG's office. Ms. Wright reported that herself and Laurel North presented at the St. George Symposium

EDUCATION AND LICENSING REPORT – Mark Fagergren

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

- Michael R Nuttall; Approved to sit for the Certified Residential exam.
- Nephi Nicholas Sachs; Approved to sit for the Certified Residential exam.

Mr. Fagergren reported there were two candidates denied by the experience review committees to sit for the corresponding exam.

- Brycen Williams; denied to sit for the Certified Residential Exam.

- Julie Nilsson; denied to sit for the Licensed Appraiser Exam.

“Yes” answers of appraisers and Appraisal Management Companies that were approved by Division Representatives since our last Appraisal Board Meeting

- ACT Appraisal, Inc.
- Niels Griffith
- Jerrie Duke
- Superstition Management Inc. DBA Appraisal Tek

Mr. Fagergren, prior to the meeting, sent out a current four page USPAP checklist for review. This checklist is currently being used by all experience review panelists. Vern Myer along with the help of Ms. Wright have developed a more comprehensive checklist for the current use of enforcement complaints. Mr. Fagergren would like the Board to consider the newly developed checklist to be used for experience reviews. Vern Myer discusses the form in depth. The Board express their thoughts on the newly created form and after further discussion have agreed to use the form for future use. Chair Morley suggested the elimination of questions three and four under certification requirements for experience reviews specifically. Vice Chair Ewell agreed with Chair Morley and stated that it may not be warranted for experience reviews and may only be needed for a complaint. Mr. Fagergren asked for clarification on what questions they would like eliminated and Vice Chair Ewell stated to eliminate questions three, four and five. Ms. Wright reiterates that those questions are helpful for enforcement and would like them left in. It was discussed that for experience reviews those questions will be removed and for enforcement complaints the questions will be left in. Mr. Myer will send the Division the new form and The Division can make any changes to the form as they see fit.

Mr. Fagergren reported on the potential rule change for AMC employees being required to take the 15-hour USPAP course. Mr. Fagergren went over the current rule and requirements. Chair Morley suggested taking either 4-hour USPAP courses available on the foundation website. Vice Chair Ewell stated to amend R162-2e-305 (1) (b) to read “has taken and passed a minimum of a 4-hour USPAP instructed course” then below line (b) reads “has taken the 7-hour national USPAP update course”. Mr. Barney will work on the rule changes as discussed in this meeting.

Mr. Fagergren sent out the qualifications for Bruce Christensen to become an experience reviewer. The Board will discuss in executive session.

BOARD AND INDUSTRY REPORT- Justin Barney

Mr. Barney reported on the proposed rule amendment, it is moving forward and will be filed in the near future

Mr. Barney reported on an appraiser that the Division received a hit on in RAPBACK. In result the individual has resigned and will surrender their license.

Stipulation presented by Justin Barney

Kim Jenkins

Vice Chair Ewell further discussed the issue regarding supervisors the ability to train more than three trainees. Vice Chair Ewell stated that he would be willing to set up some progress monitoring guidelines to submit to allow certain supervisors the ability to train more than three trainees. Director Stewart suggested to ask the Sub Committee if there are other states that already have a program set up and if so, ask for their language. Mr. Fagergren will reach out the Sub Committee and bring his findings back to the Board at a later meeting.

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: Vote. Chair Morley, Yes; Vice Chair Ewell, yes; Board Member Poulsen, yes; Board Member Brown, yes; Board Member Jensen, yes; Board Member Smart, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held.

OPEN TO PUBLIC

A motion was made and seconded to approve Bruce Christensen as a member of the review committee. Vote: Chair Morley, Yes; Vice Chair Ewell, yes; Board Member Poulsen, yes; Board Member Brown, yes; Board Member Jensen, yes; Board Member Smart, yes. The motion passes.

A motion was made and seconded to approve the stipulation for Kim Jenkins. Vote: Chair Morley, Yes; Vice Chair Ewell, yes; Board Member Poulsen, yes; Board Member Brown, yes; Board Member Jensen, yes; Board Member Smart, 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 Jensen, yes; Board Member Smart, yes. The motion passes. The meeting adjourned at approximately 11:18 a.m.