

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 250
9:00 a.m.
April 27, 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
Laurel North, Investigator
Sandy Margullies, Assistant Attorney General
Judith Jensen, Assistant Attorney General
Matt Hastings, Division Analyst
Madison Paulsen, Investigator
Regan Nelsen, Investigator

BOARD MEMBERS PRESENT:

Jeffrey T. Morley, Chair
Keven Ewell, Vice Chair
Rich Sloan, Board Member
Ron Jensen, Board Member
Ben Brown, 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 March 23, 2022 minutes. Chair Morley, Yes; Vice Chair Ewell, yes; Board member Sloan, yes; Board Member Brown, yes; Board Member Jensen, yes. The motion passes.

Public Comment Period

Vern Myer made a public comment. He had the opportunity to attend the Division's Caravan meeting in Provo earlier this month. He found the meeting to be both informative and pertinent. A part of the enforcement presentation brought out questions by appraisers. Ms. Wright's insightful presentation discussed an appraiser that was disciplined for a non-credible appraisal report that was primarily due to faulty provided by a 3rd party that is not licensed in accordance with Utah Statute 61-2g (Appraiser Licensing and Certification Act). The appraiser recognized that the 'factual data about the home was suspect and tried to withdraw from the assignment'. But, in short, the AMC staff member convinced him to stay with the assignment. Against the appraiser's better judgment, he did complete the assignment and it resulted in disciplinary action against the appraiser. MR. Myer asked, was any disciplinary action taken against the 3rd party inspector or AMC which engaged the inspector?

The second portion of his question is what is the status of the DRE's declaration of its policy regarding third-party inspectors that are not licensed in accordance with Utah Statute. Ms. Wright responded and stated that the Division does not regulate 3rd party inspectors and as far as AMC's she is unable to speak on any possible open investigations.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported on the Data Collection Committee. Vice Chair Ewell has prepared some language and it has been sent to Mr. Barney and Director Stewart. Mr. Barney will be working on a draft that will first, be presented to the Committee, then it will be determined if the Division has rule making authority, if so, then it will be presented to the Board for their consideration to move forward with a rule. If it is determined that the Division does not have rule making authority, it will still be presented to the Board for their consideration and would require that it be passed legislatively in the next session.

Director Stewart reported that the legislature sent out a list of interim study items. On that list for the interim Business and Labor Committee there was an item called Real Estate Appraisals and it states "With the assistance of the Division of Real Estate study the real estate appraiser process, underwriting standards, and review statutes related to the Real Estate Appraiser Licensing and Certification Board and the Title and Escrow Commission which support real estate transactions." Director Stewart stated that its unclear whether this study item is related to the data collection. If and when the Business and Labor Committee meet it would be helpful if a few Board members could participate in the meeting to answer questions regarding appraisals, more information will be provided before this becomes an agenda item.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in March the Division received three complaints, closed one case, leaving 43 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 during his CARAVAN presentation there is a discussion on how AMC's are required to renew every year. There is currently an uptick in HUD investigations regarding discrimination, they have had to disclose that members of their appraisal panel have open pending investigations with HUD and how a specific AMC attempted to say that this is outside of their control as they are members of the panel. There are over 300 agencies currently imposing tighter restrictions regarding the Biden Administration Executive Orders.

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

- Jennifer L. Preisler; Approved to sit for the Licensed Appraiser exam.
- Shelby McDonald; Approved to sit for the Licensed Appraiser exam.
- Lisa Birkeland; Approved to sit for the Licensed Appraiser exam.
- Kyler Huson; Approved to sit for the Certified General Appraiser exam.
- Darcy Wayman; Approved to sit for the Licensed Appraiser exam.

Mr. Fagergren reported there were no candidates denied by the experience review committees to sit for the corresponding exam.

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

- Toraye Izatt
- Pamela Johnson
- Marcus Hale
- Winthrop Dunn Perkins

Mr. Fagergren continued the discussion regarding a supervisor having the ability to train more than three trainees at a time. Prior to the meeting, Mr. Fagergren sent out the current rules or policies for Michigan, Texas and Washington, they have been authorized by their states sub-committee or Boards certain allowances for training more than three trainees at a time. Michigan requires written authorization by the department be granted, five years of experience as an appraiser, no more than 6 trainees, progress reports readily available and a mentoring plan for each trainee. Washington had Texas also had very similar requirements. It was further discussed by Board members and they are willing to explore some options to become more flexible as long as its responsible and safe guards are put in place. This topic will be left on next month's agenda and Mark will gather further information on other states.

BOARD AND INDUSTRY REPORT- Justin Barney

Mr. Barney reported on the proposed rule amendment, it is working through the process and hoping to receive it back this week. Then it will move on to the Division of Administrative Rules, then to the Governor's Office. The proposed rule is not open for public comment at this time.

Experience Review

Brycen Williams

Licensing Hearing

D. Randall Henderson

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 Sloan, yes; Board Member Brown, yes; Board Member Jensen, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held.

OPEN TO PUBLIC

A motion was made and seconded to approve Scott Byington to sit for the appraiser exam. Vote: Chair Morley, Yes; Vice Chair Ewell, yes; Board member Sloan, yes; Board Member Brown, yes; Board Member Jensen, yes. The motion passes.

A motion was made and seconded to approve Brycen Williams to sit for the appraiser exam. Vote: Chair Morley, Yes; Vice Chair Ewell, yes; Board member Sloan, yes; Board Member Brown, yes; Board Member Jensen, yes. The motion passes.

A motion was made and seconded to approve the renewal of D. Randall Henderson's license and that he be placed on probation for the remainder of his court case probation. Vote: Chair Morley, Yes; Vice Chair Ewell, yes; Board member Sloan, yes; Board Member Brown, yes; Board Member Jensen, yes. The motion passes.

A motion was made and seconded to adjourn the meeting. Vote. Chair Morley, Yes; Vice Chair Ewell, yes; Board member Sloan, yes; Board Member Brown, yes; Board Member Jensen, yes. The motion passes. The meeting adjourned at approximately 11:46 a.m.