

UTAH APPRAISER LICENSING AND CERTIFICATION BOARD
HEBER M WELLS BUILDING
Room 250
9:00 a.m.
July 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
Judi Jensen, Assistant Attorney General
Matt Hastings, Division Analyst
Melissa McGill, Licensing Specialist

BOARD MEMBERS PRESENT:

Jeff Morley-Chair
Keven Ewell, Vice Chair
Ben Brown, Board Member
Ron Jensen, Board Member
Kris Poulsen-Board Member
Kelle Smart-Board Member

The July 27, 2022 meeting of the Appraiser Licensing and Certification Board began at 9:02 a.m. with Chair Jeff Morley conducting.

PLANNING AND ADMINISTRATIVE MATTERS

Approval of Minutes –

Vice-Chair Ewell commented regarding the Board acting on appraisers being the only individual's allowed to collect data in the state of Utah. Vice-Chair Ewell stated that that information was incorrect and that appraisers are only allowed to appraise properties in the state of Utah. The rule does not state who can and who cannot collect data.

A motion was made and seconded to approve the June 22, 2022 minutes. Chair Morley, yes; Vice Chair Ewell, yes; Board member Smart, yes; Board Member Jensen, yes; Board Member Brown, yes, Board Member Poulsen, yes. The motion passes.

Public Comment Period

Vern Meyer addressed the Board continuing the discussion on data collection and property inspections. Mr. Myer elaborated that appraisers are the only individuals allowed to complete an inspection. Vice-chair Ewell stated that Mr. Myer is correct that an appraiser is the only individual allowed to complete an appraisal inspection and that any individual can collect the data used in both an appraisal inspection and appraisal.

DIVISION REPORTS

DIRECTOR'S REPORT – Jonathan Stewart

Director Stewart reported that the Standards Board released the third exposure draft with updates to USPAP. The public comment period ends September 24th, the Board and the Division have not submitted any public comments to previous USPAP exposure drafts. Director Stewart urged Board Members and staff to submit any public comments they may have to the ASB by the end date.

The ASB is proposing to add a new section within the ethics rule, titled Nondiscrimination. The Nondiscrimination section clarifies that any violation of applicable antidiscrimination laws is also a violation of USPAP. The new section highlights the most prominent federal antidiscrimination laws so that appraisers can better understand their legal and ethical requirements, risks, and responsibilities. The ASB also proposes deleting all the discussion of supported and unsupported conclusions in the conduct section.

The new section also alerts appraisers that other federal, state, and local antidiscrimination laws may be relevant and that it is an appraiser's duty to be knowledgeable about and comply with any such laws. The ASB determined that the existing statement in the conduct section of the ethics rule that an appraiser "must not perform an assignment with bias" was insufficient to communicate the breadth of USPAP's prohibition against discrimination and in particular the legal basis for that prohibition.

A Nondiscrimination section belongs in USPAP itself, rather than an advisory opinion because of the centrality of the concepts. It is imperative to provide clear guidance on the legal risks relevant to appraisal practice for appraisers and the public in general. Public trust in the appraisal profession requires clear reference to risks posed by antidiscrimination laws is included in USPAP. This new section is designed to demonstrate the ASB's steadfast commitment to the highest professional standards.

Director Stewart reported that the Department and the Division are trying to expand their outreach efforts, both to licensees and to the public. Michael Genco has been tasked with being in charge of the outreach efforts for the appraisal industry. Director Stewart addressed the Board to come up with quick, simple topics for the benefit of either licensees or for the benefit of the public. These topics will be posted on the

Division's various social media sites. A few topics were discussed and other Board members will email Michael with their suggested topics.

ENFORCEMENT REPORT – Kadee Wright

Ms. Wright reported that in June the Division received one complaint, and closed one case, leaving 38 appraisal cases open with the Division. There are two cases pending with the AG's office.

EDUCATION AND LICENSING REPORT – Mark Fagergren

Mr. Fagergren reported on statistics. The Division saw a decrease in trainees and an additional 2 certified residential appraisers and certified general appraiser from last month.

Mr. Fagergren addressed the letters that were sent out the Board and staff prior to the meeting. The letters are from The Appraisal Subcommittee and The Appraisal Foundation. The ASC had a review intended on focusing on whether USPAP met the criteria of certain topics. The ASC contacted a group called the Counsel on Licensure Enforcement and Regulation (CLEAR) to conduct a review of USPAP.

The findings and recommendations on the review were published in January and the findings indicated that the current 7-hour USPAP course reflects welcome efforts, but fails to provide accurate and effective guidance to appraisers. The module provides an inaccurate summary of fair housing law, while failing to include any content from the applicable statutes themselves (namely, the federal fair housing act) or its implementing regulations. It also fails to provide specific guidance and examples of what is prohibited by law. This outcome is consistent with views expressed in interviews conducted with members of the national appraisal organizations. They observed that the Appraisal Foundation has not produced accurate and effectiveness guidance with respect to fair housing issues (and other topics of a legal nature, such as privacy laws). There has been a request for the foundation to address these concerns.

Mr. Fagergren stated that the Division will still require that the 7-hour USPAP course be completed when it's required for licensees.

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

- Kyle Stonkosky; Approved to sit for the Certified Residential Appraiser exam.
- Benjamin Buckwalter; Approved to sit for the Licensed Appraiser exam.

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

- Braydon Platt; 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

- Chris Lantz
- Tara Klaas
- Christopher Tate
- Jenny Benson
- Angelina Morales
- Connor Dyreng
- Lance Chapin

BOARD AND INDUSTRY REPORT- Justin Barney

Mr. Barney reported on the proposed rule amendment that the Board recently approved. It has been filed and is currently in the public comment period and that ends on August 1st, if no public comments are received the amendment could become effective on August 8th. Mr. Barney stated that he currently working on an amendment that would allow a supervisor, who has been in good standing for at least three years in another state, the ability to supervise/train individuals in Utah.

A motion was made and seconded to make the proposed rule amendment effective on August 8th in the event that there is no public comment received. Vote: Chair Morley, yes; Vice Chair Ewell, yes; Board member Smart, yes; Board Member Jensen, yes; Board Member Brown, yes, Board Member Poulsen, yes. The motion passes.

Experience Review

Gerald Broad

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 Smart, yes; Board Member Jensen, yes; Board Member Brown, yes, Board Member Poulsen, yes. The motion passes.

CLOSED TO PUBLIC

An Executive Session was held.

OPEN TO PUBLIC

A motion was made and seconded to approve Gerald Broad to sit for the appraiser exam. Vote: Chair Morley, yes; Vice Chair Ewell, yes; Board member Smart, yes; Board Member Jensen, yes; Board Member Brown, yes, Board Member Poulsen, yes. The motion passes.

A motion was made and seconded to adjourn the meeting. . Chair Morley. yes; Vice Chair Ewell, yes; Board member Smart, yes; Board Member Jensen, yes; Board Member Brown, yes, Board Member Poulsen, yes. The motion passes.
The meeting adjourned at approximately 11:37 a.m.