

**FINAL MINUTES OF THE
RULES COMMITTEE MEETING
September 11th, 2013 2:00 P.M.**

Call to order and roll call

The meeting was called to order by Frank Ugenti at 2:01 p.m.

Those Committee members present at roll call:

Frank Ugenti, Chairman of the Committee

Jeff Nolan

Joe Stroud

All members appeared telephonically

Staff Attendance:

Debra Rudd, Executive Director

Jeanne Galvin, Assistant Attorney General

Jeanne Hann, Rule Writer (appeared telephonically)

Frank Ugenti read the first item on the agenda to approve the minutes of the August 15th, 2013 meeting. He tabled this item until the committee members could review the draft.

Mr. Ugenti then read the next item on the agenda, which was to discuss and consider the separation of R4-46-106 and Article 2 from the rest of the draft of proposed revisions to the rules. He asked what would be the purpose of separating this section, and what benefits or consequences would result from this. Ms. Hann explained that by separating this section it would allow an abbreviated time frame to comply with SB1316. She also stated that there are two ways to proceed with this abbreviated method. SB1316 allows for rules to be exempted, which means any revisions to the rules could take effect within a few weeks. By opening the regular rule making process it would take a minimum of six months to allow for public input at an oral proceeding and for comments to be allowed in writing. The committee discussed the time savings versus allowing input from the public. The general consensus by the committee members was to allow public comment. Joe Stroud asked if they could limit the comment period if they did this by exemption, to only oral comments or to a very limited time for written comments. Jeanne Hann answered that yes they could, because of the exemption in SB1316 they could offer it for public comment for whatever period of time they wanted. Both Frank Ugenti and Joe Stroud stated that they wanted this broadcast on the website, through e-mails and/or regular mail, with a sufficient amount of time for public comments, but to expedite this section to accommodate those trying to enter the business, without rushing it. Jeff Nolan stated he too was in favor of trying to advance this process and to allow a Call to the Public for the next two months meetings to allow comments from stakeholders.

Discussion then involved publishing in the Secretary of State's register. Jeanne Hann explained the process for publishing and the length of time it requires. Joe Stroud stated

that by publishing in the register it appeared to extend the process by maybe one month thus making it a total of three months instead of two months.

Frank Ugenti stated he would like this to be sent out by every method available. Discussion about the cost of mailing through the US Postal Service resulted in alternative methods of notifying the stakeholders. After additional discussion, Jeff Nolan made a motion to separate Article 2 and R4-46-106 from the rest of the draft to expedite the rule making by exemption. Joe Stroud seconded the motion. The motion passed unanimously.

Discussion then ensued regarding giving direction to Jeanne Hann about publishing in the Secretary of State's register, and if so, whether they want to go the regular process asking for comments in what time frame or if the committee wants to allow the oral proceeding she would need to know the date and place for the oral proceeding. Jeanne Hann encouraged that they use the website more than the register as she believed more stakeholders would see it there than on the Secretary of State's site. The committee wanted both to be done. The committee members noted that they would need to wait until the next regular board meeting on September 20th to give their recommendations to the full board and have all of this voted upon then.

Additional items for discussion included what type of an oral proceeding was necessary, including but not limited to a special meeting to allow comments that the Board did not need to attend. Jeanne Galvin pointed out that staff could hold this meeting and record whatever comments were made about the rules. This is not a give and take session, it is just taking comments. She then restated the first motion that had been made, and that the second motion would be to give Jeanne Hann direction.

The committee then reviewed the proposed revisions to the subject Article 2 and R4-46-106 one final time before they were to make their recommendations at the next regular Board meeting. The committee questioned the item under R4-46-201.01 (B)(2) which involves the supervisory appraiser being disciplined in a manner that affects the applicant's eligibility to engage in appraisal practice. Jeanne Hann pointed out that this was in the blue book and Jeanne Galvin stated that this could be further defined by Substantive Policy Statement later instead of trying to place all of the possible disciplinary matters that could preclude someone in rules. The committee was in agreement with this suggestion.

Question about the policy surrounding giving credit to attendance at a Board meeting was discussed again. The open meeting law was explained by Jeanne Galvin to answer some of the questions about requiring pre-registration to meetings.

Jeff Nolan then left the meeting but a quorum remained.

Frank Ugenti then asked if the members of the public that were in attendance had any comments. Joanna Conde asked if the attendance in a Board meeting for two hours might be confusing instead of three hours minimum. Frank Ugenti explained this follows the

AQB interpretation about this topic that allowed two to seven hours for attendance at a Board meeting.

Elaine Arena for the Appraisal Institute told the committee that they appreciated the Outreach last Friday, and that they would be happy to assist getting this rule revision out to the stakeholders.

Jeanne Galvin left the meeting.

Frank Ugenti then called for a motion to accept the cleaned up draft of the revision to Article 2 and R4-46-106. Joe Stroud made that motion; Frank Ugenti seconded the motion, thus the motion carried.

Joe Stroud made a motion to accept the draft of the minutes with two minor changes to punctuation on page 1 and a missing verb on page 2. Frank Ugenti seconded the motion, thus the motion carried.

Confirmation of Meeting Dates, Times and Locations

A discussion of the next meeting for Rules Committee was deferred until Debra Rudd could give the committee members a few dates in the last week of October or the first week of November. Frank Ugenti said that they would start with Article 3 at the next meeting and asked Debra Rudd to continue to reach out to the AMC's for comment on the rules for future consideration. There being no further business, the meeting then adjourned.

The Rules Committee meeting then adjourned at 3:15 p.m.