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COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

F I N A L M I N U T E S

MEETING OF:

**STATE BOARD OF CERTIFIED
REAL ESTATE APPRAISERS**

TIME: 9:09 A.M.

BOARD ROOM B
One Penn Center
2601 North Third Street
Harrisburg, Pennsylvania 17110

Thursday, February 13, 2020

State Board of Certified
Real Estate Appraisers
February 13, 2020

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BOARD MEMBERS:

- Joseph D. Pasquarella, Chairman, Professional Member - Absent
- Jeffrey L. Walters, Vice Chairman, Professional Member
- Eric M. Lehmayr, Secretary, Professional Member
- John Ausherman, Professional Member
- Martha H. Brown, Esquire, Secretary of the Commonwealth designee
- Merna T. Hoffman, Esquire, Deputy Attorney General, Office of Attorney General Designee - Absent
- Mark Smeltzer, Professional Member - Absent
- Paul H. Wentzel Jr., Senior Legislative Director, Department of Banking and Securities designee

BUREAU PERSONNEL:

- Ronald K. Rouse, Esquire, Board Counsel
- Ray Michalowski, Esquire, Board Prosecution Liaison
- Heidy M. Weirich, Board Administrator
- Marc Farrell, Deputy Policy Director, Department of State

ALSO PRESENT:

- Steve Howe, CPE, Assessors' Association of Pennsylvania
- R. Scott Hartman, SRA, Vice President, Valuation & Consulting Services/Appraisal Institute

1 ***

2 State Board of Certified
3 Real Estate Appraisers
4 February 13, 2020

5 ***

6 The regularly scheduled meeting of the State
7 Board of Certified Real Estate Appraisers was held on
8 Thursday, February 13, 2020. Jeffrey L. Walters, Vice
9 Chairman, Professional Member, officially called the
10 meeting to order at 9:09 a.m. A roll call was taken.

11 ***

12 Evacuation Announcement
13 [Heidy M. Weirich, Board Administrator, reviewed the
14 emergency evacuation procedures for One Penn Center.]

15 ***

16 Approval of minutes of the December 19, 2019 meeting
17 VICE CHAIRMAN WALTERS:

18 There appears to be a bit of a
19 discrepancy for the minutes from
20 December 19, 2020.

21 MR. ROUSE:

22 At this point, we will table the minutes
23 and come back to the minutes at the next
24 regularly scheduled Board meeting to
25 approve the minutes.

1 Report of Prosecutorial Division

2 [Ray Michalowski, Esquire, Board Prosecution Liaison,
3 informed the Board that there were less consent
4 agreements, and the remedial program was going well.
5

6 Mr. Michalowski requested Board approval to send
7 Jessica Zukoski to the Level I Investigator Training
8 course and the 15-hour Uniform Standards of
9 Professional Appraisal Practice (USPAP) course paid by
10 The Appraisal Foundation.

11 Mr. Michalowski addressed trends regarding
12 appraisals, including reporting-type issues. He also
13 noted seeing a consistent problem with probably
14 greater than 50% of the appraisers relating to the
15 request of Appraisal Management Companies (AMCs). He
16 noted failure of appraisers to keep copies of every
17 version of their appraisal in their work file, which
18 would cause problems when a complaint was filed and
19 there was only one version.

20 Mr. Michalowski explained that it was not every
21 time a change was made in an office but any time any
22 version had gone outside of their office. He
23 suggested professional members in the audience pass
24 the information along to their professional
25 associations as well. He noted it to be a

1 recordkeeping violation not worthy of prosecution at
2 this point but may be a violation in the future. He
3 suggested providing the information in an article in a
4 newsletter.

5 Ms. Weirich offered to email the article to
6 individuals and for the website.

7 Mr. Michalowski will ask Dan Bradley or Brian to
8 work with him to construct an article on the more de
9 minimis issues.]

10 ***

11 MS. BROWN:

12 I make a motion that the Board approve
13 to send a law clerk from the prosecution
14 division for training with The Appraisal
15 Foundation and for the 15-hour USPAP
16 course.

17 MR. AUSERMAN:

18 Second.

19 VICE CHAIRMAN WALTERS:

20 Call the vote. All in favor? Those
21 opposed?

22 [The motion carried unanimously.]

23 ***

24 Report of Board Counsel

25 [Ronald Rouse, Esquire, Board Counsel, noted the

1 application for a certified general appraiser to be
2 discussed during Executive Session.

3 Mr. Rouse addressed Act 41 regarding licensure by
4 endorsement that provides a way for Boards and
5 Commissions of the Bureau of Professional and
6 Occupational Affairs to grant a Commonwealth-issued
7 license to applicants currently licensed or certified
8 in other jurisdictions.

9 Mr. Rouse stated Act 41 would reduce unnecessary
10 barriers to licensure for new residents, military
11 spouses, and other individuals who wished to work in
12 the Commonwealth of Pennsylvania. He noted the need
13 to consider whether the education and training
14 qualifications for applicants of the jurisdiction
15 where someone currently holds an active license were
16 substantially equivalent to the education and training
17 qualifications required of applicants in this
18 Commonwealth and whether the person was competent to
19 perform their job without discipline.

20 Mr. Rouse noted the State Board of Real Estate
21 Appraisers had discussed amendments to its regulations
22 to support licensure by endorsement of assessors who
23 are licensed or certified in other jurisdictions.

24 Mr. Rouse stated an assessor is a person who is
25 responsible for the valuation of real property for ad

1 valorem tax purposes and addressed sections § 458.5
2 and § 458.6 of the Assessors Certification Act.

3 Mr. Rouse noted, currently under the Assessors
4 Certification Act and corresponding regulations, there
5 is no mechanism by which the Board may grant a license
6 to an individual from a reciprocal state who desires
7 to become an assessor in the Commonwealth.

8 Mr. Rouse stated the Commonwealth's training and
9 examination of assessors was geared toward
10 Pennsylvania standards and Pennsylvania law, and the
11 Board proposed to evaluate whether the standards and
12 qualifications of other jurisdictions were
13 substantially equivalent to those of the Commonwealth
14 on a case-by-case basis.

15 Mr. Rouse stated the Board can access information
16 from the International Association of Assessing
17 Officers, which provides a listing of each states'
18 requirements for the licensing or certification of
19 assessors.

20 Mr. Rouse referred to the drafted amendment to
21 regulations for Certified Pennsylvania Evaluators,
22 which would allow the Board to issue a license by
23 endorsement under Act 41 if an applicant holds a
24 current certificate or license as an assessor from a
25 jurisdiction with requirements that are substantially

1 equivalent to the Commonwealth and if an applicant can
2 demonstrate competency as an assessor.

3 Mr. Rouse noted an applicant for licensure by
4 endorsement must demonstrate competency by either
5 successful completion of 28 hours of continuing
6 education courses related to assessment and appraisal
7 practices and successful completion of a comprehensive
8 examination covering all phases of the appraisal
9 process and assessment function established by the
10 assessment standards of the Commonwealth of
11 Pennsylvania.

12 Mr. Rouse mentioned a person could also
13 demonstrate competency by having experience in the
14 profession or occupation for at least 2 of the last 5
15 years in another state and having successfully
16 completed a comprehensive examination covering all
17 phases of the appraisal process and the assessment and
18 function established by the assessment statutes of the
19 Commonwealth of Pennsylvania.

20 Mr. Rouse referred to the proposed § 36.225,
21 licensure by endorsement under Act 41. He referred to
22 § 36.225 (a) (1), that a person has a current license,
23 certification, registration, or permit in good
24 standing to practice in another jurisdiction whose
25 standards are substantially equivalent to those

1 established by the Board of Certified Real Estate
2 Appraisers under § 458.5 relating to qualifications
3 and § 458.6 relating to certification under the act.
4 He noted an applicant must submit a copy of the
5 current applicable law, regulation or other rule
6 governing licensure, certification, registration, or
7 permit requirements and scope of practice in the
8 jurisdiction that issued the license, certificate, or
9 permit. He stated the documentation must include
10 enactment date of law, regulation, or other rule.

11 Mr. Rouse asked for the Board's opinion regarding
12 language, noting it was written to allow the Board to
13 analyze each state on a case-by-case basis.

14 Mr. Lehmayr questioned whether individuals have
15 to take the Pennsylvania exam if they met the other
16 qualifications.

17 Mr. Rouse noted the Board wanted individuals to
18 take the Pennsylvania exam because the assessor's exam
19 here is Pennsylvania-specific, as other states' exams
20 are often state-specific. He mentioned the Board
21 wanted to make sure the person understands how to
22 operate in Pennsylvania as an assessor and understands
23 Pennsylvania laws.

24 Ms. Brown commented, once an individual meets the
25 basic criteria of equivalency, they have a choice of

1 either experience and exam or education and exam.

2 Mr. Rouse addressed provisional licensure, which
3 would allow a person who has not complied with all of
4 the aspects of Act 41 to have up to a year to comply
5 with those aspects.

6 Steve Howe, CPE, Assessors' Association of
7 Pennsylvania, agrees with reviewing individuals on a
8 case-by-case basis to see their competency level,
9 because each state or Commonwealth that has
10 regulations that govern assessors are quite different.

11 Mr. Howe expressed a concern as to who would
12 review the experience of a particular individual and
13 whether or not they have a competency to perform
14 assessment work in the Commonwealth. He stated
15 Certified Pennsylvania Evaluators (CPEs) do not have
16 representation on the Board, and he was not sure if
17 anyone on the Board understands what needs to be done
18 to make a determination regarding qualifications.

19 Mr. Rouse explained the Board would consider
20 people who actually have been assessors in another
21 jurisdiction and practicing in that other jurisdiction
22 without discipline and whether the qualifications of
23 another jurisdiction are substantially equivalent to
24 Pennsylvania. He mentioned that competency would be
25 the fact that they have worked in another jurisdiction

1 for at least 2 of the 5 years before they applied.

2 Ms. Brown commented that the examination really
3 establishes the competence. She noted the importance
4 of considering whether individuals were licensed and
5 have the experience or completed the 28 hours of
6 continuing education as well as being licensed, noting
7 that both of those categories of individuals would
8 need to pass that minimum competency exam that tests
9 Pennsylvania law and Pennsylvania practice.

10 Mr. Howe noted there would not be many of these
11 applications, and it would not be difficult or a
12 hardship for anyone to make an investigation of their
13 prior employer.

14 Mr. Lehmayr questioned who would review the
15 application after it was submitted. Ms. Weirich
16 explained that Board staff would review the
17 application to see if an individual meets
18 qualifications and then would go to counsel for final
19 approval.

20 Mr. Rouse also noted that any problems would be
21 brought before the Board to make a determination.

22 Mr. Rouse mentioned the Board would have to vote
23 on the annex as written or without amendments and
24 whether this could go out as an exposure draft, in
25 which case there would be comments from the public.]

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3 MR. ROUSE:

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We need a motion approving the annex and directing counsel to release this as an exposure draft.

7 VICE CHAIRMAN WALTERS:

8

Do we have a motion?

9 MR. WENTZEL:

10

I'll make that motion.

11 MS. BROWN:

12

I'll second the motion.

13 VICE CHAIRMAN WALTERS:

14

15

We have a motion and a second. What is the motion again?

16 MR. ROUSE:

17

18

19

20

It's to approve the annex for the certified Pennsylvania evaluator licensure by endorsement and to release this as an exposure draft.

21 VICE CHAIRMAN WALTERS:

22

Those that approve? Those against?

23 [The motion carried unanimously.]

24

25

[Mr. Rouse stated National Real Estate Appraiser

1 Appreciation Day was on January 7, 2020. He mentioned
2 David Bunton, President of The Appraisal Foundation,
3 commemorated this occasion by writing a letter to the
4 United States House of Representatives and the United
5 States Senate encouraging them to support the
6 appraisal profession by strengthening the
7 congressional content of the Financial Institutions
8 Reform, Recovery, and Enforcement Act (FIRREA) and
9 giving appraisers the backing and tools needed to
10 protect the safety and soundness of real estate
11 transactions.

12 Mr. Rouse noted that Mr. Bunton expressed a
13 concern over the number of real estate transactions
14 that currently do not require an appraisal by a
15 certified appraiser, noting that only 10-15% of all
16 mortgage transactions backed by the federal government
17 are currently subject to the protections enacted by
18 congress. Mr. Bunton also noted that the de minimis
19 threshold under which the Federal Government does not
20 require appraisals had increased from \$50,000 in 1990
21 to \$400,000 today, where in many of these instances,
22 evaluations are permitted instead of appraisals.

23 Mr. Rouse stated Mr. Bunton also noted that over
24 the years, federal agencies have determined that 13
25 types of transactions are no longer considered

1 federally related, and the introduction of alternative
2 valuation products, including automated valuation
3 models, had reduced the use of certified appraisals.

4 Mr. Rouse commented that Congress had requested
5 the Government Accountability Office to conduct a
6 study pertaining to the 1989 law that set up appraisal
7 regulations, Title XI of the Financial Institutions
8 Reform, Recovery, and Enforcement Act of 1989.

9 Mr. Rouse mentioned a study requested by
10 Congresswoman Maxine Waters and Congressman Lacy Clay
11 Jr., will focus on federal practices that exempt many
12 real estate transactions from appraisals to help
13 protect tax payers and homebuyers. They also asked
14 the Government Accountability Office to look into
15 federal agencies' implementation of Title XI of
16 FIRREA.

17 Mr. Rouse referred to the Appraiser
18 Qualifications Board's (AQB) first exposure draft of
19 Licensed Residential Scope of Practice, noting it to
20 be an item for a public meeting that already took
21 place on February 7, 2020.]

22

23 Report of Board Chairman

24 [Jeffrey L. Walters, Vice Chairman, Professional

25 Member, referred to correspondence from the Coalition

1 of Pennsylvania Real Estate Appraisers (CPREA).

2 R. Scott Hartman, SRA, Vice President, Valuation
3 & Consulting Services/Appraisal Institute, stated the
4 Appraisal Institute's Board of Directors to the CPREA
5 Board reacted very strongly based on the Board's
6 strong reaction in December to House Bill 21. He
7 commented that they have not penned their letter yet
8 to support either Senate Bill 491 or House Bill 1032
9 for companion legislation, which is the bill package
10 that grants assessors two seats on this Board, but it
11 does not relate to home inspectors. He mentioned that
12 to be the Appraisal Institute's original intention
13 until House Bill 21 was modified with the home
14 inspectors.

15 Mr. Hartman stated Senate Bill 491 and House Bill
16 1032 were developed by the Local Government
17 Commission. He mentioned the Local Government
18 Commission had been pressing the legislature to put
19 one or two assessors onto this board for six years.
20 He commented that the drafters of House Bill 21 tried
21 to use the need to put assessors on this board as a
22 vehicle to also piggyback putting the home inspectors
23 underneath the purview of this board. He noted the
24 Board was adamant in not agreeing with that in
25 December, and the Appraisal Institute withdrew

1 support.

2 Mr. Hartman mentioned miscommunication between
3 Justin Reis and himself during a transition, where he
4 thought House Bill 21 had been vetted by the Board.

5 Mr. Ausherman requested clarification on whether
6 House Bill 21 passed the House and is in the Senate.

7 Mr. Hartman noted that to be correct but did not
8 think House Bill 21 would go anywhere in the Senate
9 right now. He stated Representative James and
10 Representative Moul are on the Local Government
11 Commission and the prime sponsors of House Bill 1032,
12 and Senator Ward and Senator Hutchinson are on the
13 Local Government Commission from the Senate side for
14 Senate Bill 491, who are trying to solve the problem
15 by saying there is a republican and a democrat on both
16 sides who are proposing identical pieces of
17 legislation to do one thing and one thing only, which
18 is to put two folks onto this Board.

19 Mr. Wentzel questioned whether there was anyone
20 who is pushing the home inspector bill other than the
21 staff of the House Committee. Mr. Hartman explained
22 that one can surmise that the realtors are still
23 strongly in favor of the bill because all of the
24 members of the Pennsylvania Association of Realtors,
25 who are in the House, are cosponsors. The prime

1 sponsor is Senator Helm with Derenda Updegrave, who
2 was formally the lobbyist for the realtors and now
3 Chief of Staff for Senator Helm. He noted their
4 request for a meeting, stating the Appraisal
5 Institute's position is very clear in writing to have
6 withdrawn support and will lobby against them if
7 necessary.

8 Mr. Hartman does not believe Senator Tomlinson
9 will move that bill out of the Senate Consumer
10 Protection and Professional Licensure Committee based
11 on his past history, because he tends to not move
12 bills when the industry is not in agreement.

13 Mr. Ausherman questioned why there was bipartisan
14 support in the House. Mr. Hartman explained that
15 nobody objected to the bill, noting it became a trade
16 bill or trade legislation.

17 Vice Chairman Walters questioned what could be
18 done as individual appraisers to essentially mount an
19 opposition to House Bill 21. He commented that it
20 would distract from their primary mission to provide a
21 regulation of appraisers and property valuers. He
22 noted giving assessors two seats makes perfect sense,
23 but home inspectors have no place on the Board.

24 Mr. Hartman commented that the solution would be
25 to take home inspectors out of the bill and put them

1 under engineers.

2 Mr. Rouse cautioned the Board against weighing in
3 on this matter as this has to do with the Board. He
4 noted the need to discuss the issue further in
5 Executive Session.

6 Marc Farrell, Deputy Policy Director, Department
7 of State, stated the department and the Governor's
8 Office opposed House Bill 21.

9 Ms. Weirich will provide Mr. Farrell a copy of
10 the letter Vice Chairman Walters wrote.

11 Vice Chairman Walters referred to the Real Estate
12 Degree Review Program.

13 Mr. Rouse mentioned prior discussion regarding
14 the real estate degree review program. He commented
15 that Chairman Pasquarella noted it to be a service
16 that the Appraiser Qualifications Board (AQB) provides
17 to colleges and universities for real estate degree
18 programs. He noted AQB looks at a college's real
19 estate degree program and makes a determination of
20 whether any of those credits coincide with course
21 hours.

22 Mr. Rouse stated AQB will inform the schools
23 whether a particular degree was certified, had the
24 credits, and what was missing in terms of educational
25 requirements. He noted the Board would need to decide

1 whether or not to accept the credits of graduates of
2 AQB-approved schools to go toward satisfying the
3 Commonwealth's education requirements for a certified
4 real estate appraiser applicant, residential, general,
5 or trainee.]

6 MR. ROUSE:

7 We need a vote on whether the Board is
8 going to accept credit hours for
9 graduates of AQB-approved real estate
10 degree programs toward satisfying the
11 Commonwealth's education requirements
12 for certified general real estate
13 appraiser, certified residential real
14 estate appraiser, and licensed appraiser
15 trainee.

16 MR. LEYMAYER:

17 I'll make that motion.

18 VICE CHAIRMAN WALTERS:

19 Second?

20 MR. WENTZEL:

21 I'll second it.

22 VICE CHAIRMAN WALTERS:

23 Any further discussion? Motion to
24 approve, say aye? Those opposed?

25 [The motion carried unanimously.]

1 ***

2 Report of Board Administrator - No Report

3 ***

4 Matters for Discussion

5 [Heidy M. Weirich, Board Administrator, noted
6 applications for review during Executive Session. She
7 mentioned to cross off Item No. 12, because it was
8 under Item No. 2 on the agenda.

9 Ms. Weirich mentioned submitting approval to
10 attend the 2020 Association of Appraiser Regulatory
11 Officials (AARO) Conference April 3-5, 2020, in San
12 Antonio, TX, for Chairman Pasquarella, Mr. Walters,
13 Mr. Ausherman, Mr. Rouse, and herself.]

14 ***

15 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
16 10:18 a.m. the Board entered into Executive Session
17 with Ronald K. Rouse, Esquire, Board Counsel, to have
18 attorney-client consultations and for the purpose of
19 conducting quasi-judicial deliberations. The Board
20 returned to open session at 12:04 p.m.]

21 ***

22 MOTIONS

23 MR. ROUSE:

24 Pursuant to Section 708(a)(5) of the
25 Sunshine Act, the Board entered into

1 Executive Session with Board counsel to
2 have attorney-client consultations and
3 for the purpose of conducting
4 quasi-judicial deliberations.

5 Item No. 2 and Item No. 12 on the
6 agenda, the Application for Certified
7 General Appraiser of Jane Grace Utzman.
8 I believe there is a motion to direct
9 Board counsel to draft a letter
10 consistent with the discussions in
11 executive session. Is there such a
12 motion?

13 MR. WENTZEL:

14 So moved.

15 MR. ROUSE:

16 Is there a second?

17 MR. AUSHERMAN:

18 Second.

19 VICE CHAIRMAN WALTERS:

20 Call the vote. Those in favor? Those
21 opposed?

22 [The motion carried unanimously.]

23 ***

24 MS. BROWN:

25 I make a motion that the Board

1 provisionally deny the Application for
2 Certified Residential Appraiser of
3 Ronald Birkmire III.

4 VICE CHAIRMAN WALTERS:

5 Is there a second?

6 MR. WENTZEL:

7 Second.

8 VICE CHAIRMAN WALTERS:

9 All those in favor? Those opposed?

10 [The motion carried unanimously.]

11 ***

12 MS. BROWN:

13 I move that the Board table the
14 Application for Certified Residential
15 Appraiser of J. Paul O'Connor.

16 MR. LEHMAYER:

17 So moved.

18 VICE CHAIRMAN WALTERS:

19 Those in favor? Those opposed?

20 [The motion carried unanimously.]

21 ***

22 MS. BROWN:

23 I make a motion that the Application for
24 Certified General Appraiser of Kendra
25 Dillon-Johns be granted.

1 MR. WENTZEL:

2 Second.

3 VICE CHAIRMAN WALTERS:

4 Call the vote. Those in favor? Those
5 opposed?

6 [The motion carried unanimously.]

7 ***

8 MS. BROWN:

9 I make a motion that the Application for
10 Certified General Appraiser of Alec
11 Victor Werner be granted.

12 MR. AUSERMAN:

13 Second.

14 VICE CHAIRMAN WALTERS:

15 Call the vote. Those in favor? Those
16 opposed?

17 [The motion carried. Mr. Walters recused himself from
18 deliberations and voting on the motion.]

19 ***

20 MS. BROWN:

21 I move that the Board form a committee
22 to review applications, and that
23 committee should consist of Jeff Walters
24 and John Auserman.

25 MR. WENTZEL:

1 I'll second.

2 MR. ROUSE:

3 If the Application Committee needs legal
4 advice, they could always call Board
5 counsel. In terms of the Application
6 Committee, I believe the motion is to
7 form this Application Committee. There
8 are two names brought before the Board
9 as potential members of that committee,
10 and both would serve at the same time on
11 that committee.

12 VICE CHAIRMAN WALTERS:

13 Call the vote. Those in favor? Those
14 opposed?

15 [The motion carried unanimously.]

16 ***

17 Public Comment/Discussion

18 [Eric M. Lehmyer, Secretary, suggested the requests
19 to review course applications be reassigned to another
20 person.

21 Ms. Weirich noted that requests to review course
22 applications alternate between professional members,
23 and Mr. Ausherman will probably be doing them now too.

24 ***

25 Continuing Education Committee - Tabled

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Adjournment

VICE CHAIRMAN WALTERS:

Is there a motion to adjourn?

MR. WENTZEL:

So moved.

MS. BROWN:

Second.

VICE CHAIRMAN WALTERS:

All those in favor?

[The motion carried unanimously.]

[There being no further business, the State Board of
Certified Real Estate Appraisers Meeting adjourned at
12:11 p.m.]

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CERTIFICATE

I hereby certify that the foregoing summary minutes of the State Board of Certified Real Estate Appraisers meeting, was reduced to writing by me or under my supervision, and that the minutes accurately summarize the substance of the State Board of Certified Real Estate Appraisers meeting.



Derek Richmond,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CERTIFIED
REAL ESTATE APPRAISERS
REFERENCE INDEX

February 13, 2020

	TIME	AGENDA
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10	9:09	Official Call to Order
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12	9:09	Roll Call
13		
14	9:10	Report of Prosecutorial Division
15		
16	9:18	Report of Board Counsel
17		
18	9:55	Report of Board Chairman
19		
20	10:17	Matters for Discussion
21		
22	10:18	Executive Session
23	12:04	Return to Open Session
24		
25	12:04	Motions
26		
27	12:09	Public Comment/Discussion
28		
29	12:11	Adjournment
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