

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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  
VIA TELECONFERENCE**

TIME: 10:31 A.M.

Thursday, August 6, 2020



1 State Board of Certified

2 Real Estate Appraisers

3 August 6, 2020

4 \*\*\*

5 [Ronald K. Rouse, Esquire, Board Counsel, stated the  
6 meeting of the State Board of Certified Real Estate  
7 Appraisers was being held by teleconference pursuant  
8 to Governor Wolf's March 16, 2020 waiver of the  
9 physical presence requirement in Section 4(i) of the  
10 Real Estate Appraisers Certification Act. He noted  
11 the conference was being recorded, and those  
12 continuing to participate in the meeting are giving  
13 their consent to being recorded.]

14 \*\*\*

15 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
16 9:00 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 10:30 a.m.]

21 \*\*\*

22 The regularly scheduled meeting of the State  
23 Board of Certified Real Estate Appraisers was held on  
24 Thursday, August 6, 2020. Joseph D. Pasquarella,  
25 Chairman, Professional Member, officially called the

1 meeting to order at 10:31 a.m.

2 \*\*\*

3 [Roll Call/Introduction of Public Members]

4 [Joseph D. Pasquarella, Chairman, Professional Member,  
5 requested a roll call and introduction of public  
6 members.]

7 \*\*\*

8 Approval of minutes of the June 25, 2020 meeting

9 CHAIRMAN PASQUARELLA:

10 Let's call for approval of the minutes.  
11 Anyone want to make a motion to approve  
12 the minutes of June 25, 2020?

13 MR. WENTZEL:

14 So moved.

15 CHAIRMAN PASQUARELLA:

16 Second?

17 MR. AUSERMAN:

18 Second.

19 CHAIRMAN PASQUARELLA:

20 John Auserman. Thank you, John. Any  
21 discussion of the minutes? Motion to  
22 approve the minutes of June 25, 2020.

23 MR. AUSERMAN:

24 So moved.

25 MR. SMELTZER:

1 I'll second it.

2 CHAIRMAN PASQUARELLA:

3 We did not need to have a discussion.

4 If no discussion, all in favor of the

5 motion? Anyone opposed the motion?

6 [The motion carried. Mr. Matthews abstained from

7 voting on the motion.]

8 \*\*\*

9 Approval of minutes of the February 13, 2020 meeting

10 CHAIRMAN PASQUARELLA:

11 Let's do the same for February 13, 2020;

12 however, I think we discussed that the

13 motion will not be made in this case.

14 MR. ROUSE:

15 That's correct. We have to defer that

16 motion because there are not enough

17 members who were in attendance at that

18 meeting for the motion to pass on the

19 February 13, 2020 meeting.

20 CHAIRMAN PASQUARELLA:

21 We will push that off until the next

22 meeting.

23 \*\*\*

24 Approval of minutes of the December 19, 2019 meeting

25 CHAIRMAN PASQUARELLA:



1 been postponed until sometime next year.]

2

\*\*\*

3 Report of Board Counsel

4 [Ronald K. Rouse, Esquire, Board Counsel, noted one  
5 final adjudication and order was discussed during  
6 executive session.

7 Mr. Rouse addressed Act 53 of 2020, which was  
8 enacted on July 1, 2020, to codify Act 48 and Title 63  
9 of the Pennsylvania Consolidated Statutes under § 3102  
10 through § 3111. He referred to § 3112 through § 3118  
11 of how boards and commissions must consider criminal  
12 convictions and apply that to official acts after July  
13 1, 2020. He stated § 3112 to § 3115 are not effective  
14 for 180 days after July 1, 2020.

15 Mr. Rouse noted the Board has until December 27,  
16 2020, to start implementing those aspects of Act 53 of  
17 2020. He provided the definition of "directly  
18 relates."

19 Mr. Rouse referred to § 3112.1, stating that a  
20 restricted license can only be offered if the  
21 Department of Corrections or county correctional  
22 facility offers training in that profession.

23 Mr. Rouse referred to § 3113 regarding  
24 consideration of criminal convictions, which provides  
25 a procedure for determining whether an individual with

1 a criminal conviction qualifies for licensure. He  
2 mentioned that the Board shall not consider good moral  
3 character, crimes of moral turpitude, unethical or  
4 dishonest practices under the Criminal History Records  
5 Information Act (CHRIA), or any other statutory  
6 provision that disqualifies an individual from a  
7 holding a license.

8 Mr. Rouse provided a two-stage analysis when  
9 considering criminal convictions. He stated Board  
10 Counsel will be working on this piece to determine  
11 whether criminal convictions directly relate to the  
12 occupation, trade, or profession for which individuals  
13 seek licensure and recommend placement of those  
14 convictions on the applicable schedule of offenses.

15 Mr. Rouse stated there was a rebuttable  
16 presumption that licensure of an individual convicted  
17 of a crime on the list of offenses would pose a  
18 substantial risk to the health and safety of the  
19 individual's clients or a substantial risk of further  
20 criminal convictions. He mentioned an individualized  
21 analysis would occur to determine whether a license  
22 should be granted anyway.

23 Mr. Rouse referred to § 3114 which states that  
24 the Board cannot consider an applicant's juvenile  
25 adjudications.



1 Mr. Rouse referred to § 3116, where the  
2 Department of State shall, within 180 days in  
3 collaboration with the Board, set up a best practices  
4 guide for applicants who have a criminal history.

5 Mr. Rouse referred to § 3117, where a schedule of  
6 criminal offenses must be created within 180 days in  
7 consultation with the Boards.

8 Mr. Rouse addressed distance education for  
9 certified Pennsylvania evaluators.

10 Randy L. Waggoner, CPE, Assessors' Association of  
11 Pennsylvania, stated their spring and fall conferences  
12 have been canceled due to the pandemic. Mr.  
13 Waggoner commented that the Assessors' Association of  
14 Pennsylvania was attempting to offer a weeklong  
15 educational series based on the excellent information  
16 provided at the last state Board meeting, where they  
17 will be offering two 3-hour seminars over four days.

18 Mr. Waggoner addressed issues with counties that  
19 do not have enough computers with cameras and  
20 questioned whether the Assessors' Association of  
21 Pennsylvania would be able to set up a computer with a  
22 camera and then attach it to a projector, noting the  
23 Assessors' Association of Pennsylvania would create  
24 the monitoring guidelines after submitting those to  
25 the State Board of Certified Real Estate Appraisers

1 for approval to have a group continuing education  
2 course through distance education.

3 Mr. Smeltzer discussed the possibility of having  
4 a group of four within range of the camera. He noted  
5 Zoom copies the entire program, making it easier to  
6 document attendance throughout the entire day. He  
7 addressed the use of iPhones to document attendance  
8 the entire day. He mentioned requirements, including  
9 identification (ID) and asking questions throughout  
10 the day.

11 Mr. Waggoner commented that the Assessors'  
12 Association of Pennsylvania will work within the rules  
13 of the state Board but noted some counties are very  
14 financially strapped and are not going to be able to  
15 take part under a normal type Zoom or webinar  
16 atmosphere. He mentioned that the Assessors'  
17 Association of Pennsylvania was trying to find  
18 solutions to provide education to all members.

19 Mr. Smeltzer mentioned the Appraiser  
20 Qualifications Board (AQB) has four requirements that  
21 the Appraisal Subcommittee listed.

22 Mr. Waggoner stated the Assessors' Association of  
23 Pennsylvania will write guidelines to follow based on  
24 the AQB guidelines and submit those for Board approval  
25 to assist counties that cannot provide Zoom.

1 Ms. Weirich emailed the requirements during the  
2 meeting to Chairman Pasquarella, Mr. Waggoner, and Mr.  
3 Smeltzer.

4 Mr. Rouse addressed 16A-7024, the proposed annex  
5 for assessors regarding licensure by endorsement. He  
6 noted that an exposure draft of the proposed licensure  
7 by endorsement has been sent out to stakeholders who  
8 have until August 30, 2020, to comment.]

9 \*\*\*

10 Matters for Discussion

11 [Ronald K. Rouse, Esquire, Board Counsel, noted the  
12 application for licensed appraiser trainee was  
13 discussed this morning during executive session.]

14 \*\*\*

15 [A Formal Hearing was held from 11:09 a.m. until  
16 1:26 p.m. in the matter of the Application for  
17 Certified Residential Real Estate Appraiser of  
18 Yaroslav Kovaliv, File No. 19-70-018582.]

19 \*\*\*

20 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
21 1:26 p.m. the Board entered into Executive Session  
22 with Ronald K. Rouse, Esquire, Board Counsel, to have  
23 attorney-client consultations and for the purpose of  
24 conducting quasi-judicial deliberations. The Board  
25 returned to open session at 1:46 p.m.]

\*\*\*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25MOTIONS

MR. ROUSE:

Pursuant to Section 708(a)(5) of the Sunshine Act, the Board entered into executive session with Board counsel to have attorney-client consultations and for the purpose of conducting quasi-judicial deliberations.

I believe at this point there is a motion regarding Item No. 4 on the agenda.

CHAIRMAN PASQUARELLA:

In the matter of File No. 19-70-017967, the Consent Agreement and Order, do we have a motion to move forward with that matter?

MR. ROUSE:

I believe that would be a motion to adopt the Consent Agreement.

MR. SMELTZER:

I make a motion that we adopt the Consent Agreement.

MR. AUSHERMAN:

I'll second that motion.

1 CHAIRMAN PASQUARELLA:

2 Any discussion? All in favor of the  
3 motion? Any not in favor?

4 [The motion carried unanimously. The Respondent's  
5 name is Amy L. Daugherty, File No. 19-70-017967.]

6 \*\*\*

7 CHAIRMAN PASQUARELLA:

8 The next item is Item No. 5 on the  
9 agenda, BPOA v. Stephen J. Artz d/b/a  
10 Assessment Appeal Co., Assessment  
11 Appeal, and Lancaster Assessment Appeal.

12 Do we have a motion in favor of  
13 proceeding with that matter?

14 MR. ROUSE:

15 I believe the Board would entertain a  
16 motion to adopt the Adjudication and  
17 Order as presented by Board counsel and  
18 direct Board counsel to prepare the  
19 Board's final order on the matter of  
20 BPOA v. Stephen J. Artz.

21 Is there such a motion?

22 MS. BROWN:

23 So moved.

24 CHAIRMAN PASQUARELLA:

25 Do we have a second?

1 MR. LEHMAYER:

2 I second.

3 CHAIRMAN PASQUARELLA:

4 Thank you Eric. All in favor of this  
5 motion? Any not in favor of it?

6 Any opposed? Any discussion?

7 [The motion carried unanimously.]

8 \*\*\*

9 MR. ROUSE:

10 Next is Item No. 9 on the agenda, the  
11 State Board of Certified Real Estate  
12 Appraisers 2021 Board meeting dates.

13 Has everyone been able to look at  
14 the meeting dates? Is there a motion to  
15 adopt the 2021 Board meeting dates?

16 CHAIRMAN PASQUARELLA:

17 Would someone make that motion?

18 MR. WENTZEL:

19 So moved.

20 MR. AUSHERMAN:

21 Second.

22 CHAIRMAN PASQUARELLA:

23 All in favor of this motion? Any  
24 opposed? Any discussion?

25 [The motion carried unanimously.]

1 \*\*\*

2 MR. ROUSE:

3 Next is Item No. 10 on the agenda  
4 regarding the Application for Licensed  
5 Appraiser Trainee of Theresa Lynn  
6 Forrest.

7 I believe there is a motion to  
8 accept the application. Is there such a  
9 motion?

10 MR. AUSERMAN:

11 I make the motion to accept.

12 CHAIRMAN PASQUARELLA:

13 Second?

14 MR. MATTHEWS:

15 Second.

16 CHAIRMAN PASQUARELLA:

17 Thank you David. All in favor of this  
18 motion? Any opposed? Any discussion?

19 [The motion carried unanimously.]

20 \*\*\*

21 MR. ROUSE:

22 Regarding the Application for Certified  
23 Residential Real Estate Appraiser of  
24 Yaroslav Kovaliv, File No. 19-70-018582  
25 at Item No. 11 on the agenda.

1 I believe the Board would entertain  
2 a motion to direct Board counsel to  
3 prepare an Adjudication and Order  
4 consistent with the discussion in  
5 executive session?

6 Is there such a motion?

7 MS. BROWN:

8 So moved.

9 CHAIRMAN PASQUARELLA:

10 Second?

11 MR. AUSERMAN:

12 I'll second.

13 CHAIRMAN PASQUARELLA:

14 All in favor of this motion? Anyone  
15 opposing? Any discussion?

16 [The motion carried unanimously.]

17 \*\*\*

18 Adjournment

19 MR. ROUSE:

20 Does the Board have any other business  
21 at this time, any old business or new  
22 business?

23 CHAIRMAN PASQUARELLA:

24 With that being said, I think we can  
25 make a motion to adjourn this meeting?



1 MR. WENTZEL:

2 So moved.

3 MR. AUSERMAN:

4 Second.

5 CHAIRMAN PASQUARELLA:

6 All in favor? Opposed?

7 [The motion carried unanimously.]

8 \*\*\*

9 Public Comment/Discussion

10 [Randy L. Waggoner, CPE, Assessors' Association of  
11 Pennsylvania, questioned whether counsel had composed  
12 an opinion based on a letter he submitted concerning  
13 commonwealth entities that extended the  
14 recertification deadline for licensure. He stated the  
15 CPE and assessors recertification cycle ends June 30,  
16 2021, and questioned whether any consideration has  
17 been given to an extension.

18 Mr. Rouse commented that Boards have received  
19 waivers for license renewals expiring during the  
20 COVID-19 pandemic in 2020 and believe there would be a  
21 resolution to the assessors' continuing education  
22 issue prior to the 2021 licensure renewal period. It  
23 was too far out in the future to request an extension  
24 of the assessors' recertification date.

25 Mr. Smeltzer mentioned that he contacted the

1 Appraisal Subcommittee (ASC) regarding this issue,  
2 noting that ASC also believed the date was too far out  
3 and requests would not be well-received.]

4 \*\*\*

5 Adjournment

6 CHAIRMAN PASQUARELLA:

7 Do we have a motion to adjourn?

8 MR. AUSHERMAN:

9 I so move.

10 CHAIRMAN PASQUARELLA:

11 All in favor of this motion to adjourn?

12 Any opposing?

13 [The motion carried unanimously.]

14 \*\*\*

15 [There being no further business, the State Board of  
16 Certified Real Estate Appraisers Meeting adjourned at  
17 1:55 p.m.]

18 \*\*\*

19

20

21

22

23

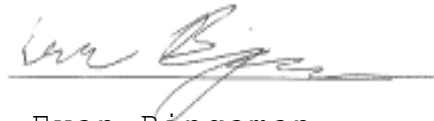
24

25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

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.



Evan Bingaman,  
Minute Clerk  
Sargent's Court Reporting  
Service, Inc.

STATE BOARD OF CERTIFIED  
REAL ESTATE APPRAISERS  
REFERENCE INDEX

August 6, 2020

	TIME	AGENDA
1		
2		
3		
4		
5		
6		
7		
8		
9		
10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:31	Official Call to Order
14		
15	10:32	Roll Call/Introduction of Public Members
16		
17	10:36	Approval of Minutes
18		
19	10:39	Report of Prosecutorial Division
20		
21	10:43	Report of Board Counsel
22		
23	11:08	Matters for Discussion
24		
25	11:09	Formal Hearing - Yaroslav Kovaliv
26	1:26	
27		
28	1:26	Executive Session
29	1:46	Return to Open Session
30		
31	1:46	Motions
32		
33	1:51	Adjournment
34		
35	1:52	Public Comment
36		
37	1:55	Adjournment
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		