

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

TIME: 10:04 A.M.

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

Thursday, September 7, 2017

1                                    State Board of Certified  
2                                    Real Estate Appraisers  
3                                    September 7, 2017  
4

5 BOARD MEMBERS:  
6

7 D. Thomas Smith, Chairman, Professional Member  
8 Jeffrey L. Walters, Vice Chairman, Professional Member  
9 William Rothman, Secretary, Professional  
10 Member - Absent  
11 Heather Troutman, on behalf of John M. Abel, Office of  
12 Attorney General Designee  
13 Kurt Brink, Public Member - Absent  
14 Martha H. Brown, Esquire, Secretary of the  
15 Commonwealth Designee  
16 Eric Lehmayr, Professional Member - Absent  
17 Joseph Pasquarella, Professional Member - Absent  
18 Donna Bayer Rovito, Public Member  
19 Brian LaForme, Executive Deputy Secretary, Department  
20 of Banking and Securities  
21  
22

23 BUREAU PERSONNEL:  
24

25 Jacqueline A. Wolfgang, Esquire  
26 Ray, Michalowski, Esquire, Board Prosecutor Liaison  
27 Heidy M. Weirich, Board Administrator  
28  
29

30 ALSO PRESENT:  
31

32 Jennifer Shockley, Pennsylvania Association of  
33 Realtors  
34 Steve Howe, Assessors' Association of PA  
35 Tony Alu, Assessors' Association of PA  
36 Scott DiBiasio, Appraisal Institute  
37 Nancy Moore  
38 John Sylvester  
39 Janelle Hawthorne, PA Department of State,  
40 Law Student  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

1 \*\*\*

2 State Board of Certified  
3 Real Estate Appraisers  
4 September 7, 2017  
5

6 [The continuation of a formal hearing was held from  
7 9:00 to 9:46 in the matter of the Commonwealth of  
8 Pennsylvania, Bureau of Professional and Occupational  
9 Affairs vs. John Bonaventure Sylvester, File No.  
10 13-70-00325, Docket No. 1031-70-16, prior to the  
11 commencement of the meeting.]

12 \*\*\*

13 The regularly scheduled meeting of the State  
14 Board of Certified Real Estate Appraisers was held on  
15 Thursday, September 7, 2017. D. Thomas Smith,  
16 Chairman, Professional Member, officially called the  
17 meeting to order at 10:04 a.m. A roll call was taken.

18 Brian LaForme, Executive Deputy Secretary,  
19 Department of Banking and Securities, and Jeffrey  
20 Walters, Vice Chairman, Professional Member, were not  
21 present at that commencement of the meeting.

22 \*\*\*

23 [Heidy M. Weirich, Board Administrator, reviewed the  
24 emergency evacuation procedures for One Penn Center.]

25 \*\*\*

1 Report of Prosecutorial Division

2 [Ray Michalowski, Esquire, Board Prosecution Liaison,  
3 on behalf of Julia Feld-Caralle, Esquire, Board  
4 Prosecutor, presented a Consent Agreement for File No.  
5 14-70-12068.]

6 \*\*\*

7 [Ray Michalowski, Esquire, Board Prosecution Liaison,  
8 presented Consent Agreements for File No. 14-70-02329  
9 and File No. 17-70-08220.]

10 \*\*\*

11 [Brian LaForme, Executive Deputy Secretary, Department  
12 of Banking and Securities, entered the meeting at  
13 10:18 a.m.]

14 \*\*\*

15 [Ray Michalowski, Esquire, Board Prosecution Liaison,  
16 on behalf of Timothy Fritsch, Board Prosecutor,  
17 presented Consent Agreements for File Nos. 16-70-06790  
18 and 16-70-11001; File No. 13-70-11705; and File No.  
19 15-70-00653.]

20 \*\*\*

21 [Mr. Michalowski answered questions from Board members  
22 regarding consent agreements and the backlog of  
23 cases.]

24 \*\*\*

25 Report of Board Counsel

1 [Jacqueline A. Wolfgang, Esquire, Board Counsel,  
2 informed Board members the final rulemaking package  
3 for the Appraisal Management Company (AMC) regulations  
4 was delivered to the Independent Regulatory Review  
5 Commission (IRRC).

6 Ms. Wolfgang referred Board members to a list of  
7 pending matters for the Board's review.

8 Ms. Wolfgang discussed the Appraiser  
9 Qualifications Board (AQB) Q&A. She reviewed the AQB  
10 restriction that limits supervisor appraisers to a  
11 maximum of three trainees at one time. She noted the  
12 AQB criteria does allow for more than three if the  
13 state has a program in place. Pennsylvania does not  
14 have such a program.]

15 \*\*\*

16 [Jeffrey Walters, Vice Chairman, Professional Member,  
17 entered the meeting at 10:38 a.m.]

18 \*\*\*

19 [Ms. Wolfgang addressed the question of whether the  
20 Board will recognize licensed appraiser trainee  
21 experience under a lead appraiser rather than a  
22 supervisor.

23 She updated the Board on the Appraiser  
24 Qualifications Board proposed changes. She stated the  
25 2015 criteria will be in effect until future notice.

1 Ms. Wolfgang noted the proposed federal rule that  
2 would increase the federal threshold level.  
3 Appraisals will not be required for federal commercial  
4 real estate transactions from \$250,000 to \$400,000.  
5 She will add that proposed rule to the next agenda for  
6 the Board's review. Ms. Wolfgang indicated that  
7 inquiries have been received regarding whether or not  
8 appraisals have to follow the Uniform Standards of  
9 Professional Appraisal Practice (USPAP) in threshold  
10 type of cases.

11 She referred Board members to information  
12 regarding the Federal Trade Commission (FTC) challenge  
13 of the Louisiana Real Estate Appraiser Board's  
14 customary and reasonable fees for appraisal services.

15 Ms. Wolfgang referred Board members to the 2017  
16 Association of Appraiser Regulatory Officials (AARO)  
17 Newsletter, 2016 Appraisal Subcommittee (ASC) Annual  
18 Report, listing of stakeholders, and Senate Bill 832  
19 for further review. She noted House Bill 1361, which  
20 is pending legislation proposing to add two additional  
21 Board members to this Board who would be certified  
22 evaluators.

23 Ms. Wolfgang itemized matters for deliberation  
24 during Executive Session.]

25

\*\*\*

1 Report of Board Chairman - No Report

2 \*\*\*

3 Report of Board Administrator

4 [Heidy M. Weirich, Board Administrator, updated the  
5 Board members on the 2018 meeting dates.]

6 \*\*\*

7 Approval of Minutes of the April 27, 2017 meeting.

8 CHAIRMAN SMITH:

9 If we could have a motion to approve  
10 the April 27, 2017 Minutes?

11 VICE CHAIRMAN WALTERS:

12 I'll make the motion.

13 CHAIRMAN SMITH:

14 Okay. Is there a second?

15 MS. ROVITO:

16 I'll second.

17 CHAIRMAN SMITH:

18 Any changes or additions? Okay. All  
19 in favor? Opposed?

20 [The motion carried unanimously.]

21 \*\*\*

22 CHAIRMAN SMITH:

23 Also, if we could get a motion to  
24 approve 2018 meeting dates?

25 MS. BROWN:

1 Motion to approve the 2018 meeting  
2 dates.

3 CHAIRMAN SMITH:

4 Do we have a second?

5 VICE CHAIRMAN WALTERS:

6 Second.

7 CHAIRMAN SMITH:

8 All in favor? Opposed?

9 [The motion carried unanimously.]

10 \*\*\*

11 Public Comment/Discussion

12 [Scott DiBiasio from Appraisal Institute commented on  
13 the performance of evaluations by appraisers. Mr.  
14 DiBiasio noted several states have changed their laws  
15 and regulations to allow state licensed and state  
16 certified appraisers to perform evaluation services.]

17 \*\*\*

18 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
19 10:55 a.m. the Board entered into Executive Session  
20 with Jacqueline A. Wolfgang, Esquire, for the purpose  
21 of conducting quasi-judicial deliberations and to  
22 receive advice of Counsel. The Board returned to open  
23 session at 12:20 p.m.]

24 MS. WOLFGANG:

25 BPOA vs. Michael Hamilton, Docket No.



1 1858-70-16.

2 I would note for the record that the  
3 Board will not be voting on BPOA vs.  
4 John D. McDermott, Docket No.  
5 0377-70-17. This matter has previously  
6 been delegated to a Hearing Examiner,  
7 and a professional member will be in  
8 attendance in that hearing.

9 The Board also deliberated on BPOA  
10 vs. Eugene Kenworthy, Docket No.  
11 0960-70-17.

12 Regarding the Registry for Supervisor  
13 of Licensed Appraiser Trainee, Jeffrey  
14 Hellen, the Board has provided the  
15 Board Administrator with instructions  
16 on how to proceed in this matter, and  
17 therefore, a vote will not be occurring  
18 today.

19 The Board also deliberated the  
20 Consent Agreements listed at items Nos.  
21 2 through 7 of the agenda. I believe  
22 the Board would entertain motions  
23 regarding these matters at this time.

24 VICE CHAIRMAN WALTERS:

25 I move to adopt the Consent Agreement

1 and Order negotiated by the  
2 Commonwealth's prosecuting attorney in  
3 settlement of the following matter:  
4 Commonwealth of Pennsylvania, Bureau of  
5 Professional and Occupational Affairs,  
6 File No. 14-70-12068.

7 CHAIRMAN SMITH:

8 I have a motion. Do I have a second?

9 MS. ROVITO:

10 Second.

11 CHAIRMAN SMITH:

12 All in favor? Opposed?

13 [The motion carried unanimously. The Respondent's  
14 name is Joseph Catroppa.]

15 \*\*\*

16 VICE CHAIRMAN WALTERS:

17 I move to adopt the Consent Agreement  
18 and Order negotiated by the  
19 Commonwealth's prosecuting attorney in  
20 settlement of the following matter:  
21 Commonwealth of Pennsylvania, Bureau of  
22 Professional and Occupational Affairs,  
23 File No. 14-70-02329.

24 CHAIRMAN SMITH:

25 I have a motion. Do I have a second?

1 MS. ROVITO:

2                               Second.

3 CHAIRMAN SMITH:

4                               Any discussion? All in favor?

5                               Opposed?

6 [The motion carried unanimously. The Respondent's  
7 name is Edna Friedberg.]

8   \*\*\*

9 MS. BROWN:

10                               I move to adopt the Consent Agreement  
11                               and Order negotiated by the  
12                               Commonwealth's prosecuting attorney in  
13                               settlement of the following matter:  
14                               File No. 17-70-08220.

15 CHAIRMAN SMITH:

16                               I have a motion. Do I have a second?

17 VICE CHAIRMAN WALTERS:

18                               Second.

19 CHAIRMAN SMITH:

20                               Any discussion? All in favor?

21                               Opposed?

22 [The motion carried unanimously. The Respondent's  
23 name is Larry M. McDaniel.]

24   \*\*\*

25 MS. BROWN:

1 I move to adopt the Consent Agreement  
2 and Order negotiated by the  
3 Commonwealth's prosecuting attorney in  
4 settlement of the following File  
5 Numbers: 16-70-06790 and 16-70-11001.

6 CHAIRMAN SMITH:

7 I have a motion. Do I have a second?

8 VICE CHAIRMAN WALTERS:

9 Second.

10 CHAIRMAN SMITH:

11 Any discussion? All in favor?

12 Opposed?

13 [The motion carried unanimously. The Respondent's  
14 name is Independent Settlement Services, LLC.]

15 \*\*\*

16 MS. ROVITO:

17 I move to adopt the Consent Agreement  
18 and Order negotiated by the  
19 Commonwealth's prosecuting attorney in  
20 settlement of the following matter:  
21 Commonwealth of Pennsylvania, Bureau of  
22 Professional and Occupational Affairs,  
23 File No. 13-70-11705.

24 CHAIRMAN SMITH:

25 I have a motion. Do I have a second?

1 MS. BROWN:

2                               Second.

3 CHAIRMAN SMITH:

4                               Any discussion? All in favor?

5                               Opposed?

6 [The motion carried unanimously. The Respondent's  
7 name is Harry Dougherty.]

8   \*\*\*

9 VICE CHAIRMAN WALTERS:

10                               I move to adopt the Consent Agreement  
11                               and Order negotiated by the  
12                               Commonwealth's prosecuting attorney in  
13                               settlement of the following matter:  
14                               Commonwealth of Pennsylvania, Bureau of  
15                               Professional and Occupational Affairs,  
16                               File No. 15-70-00653.

17 CHAIRMAN SMITH:

18                               I have a motion. Do I have a second?

19 MS. ROVITO:

20                               Second.

21 CHAIRMAN SMITH:

22                               Any discussion? All in favor?

23                               Opposed?

24 [The motion carried unanimously. The Respondent's  
25 name is Anthony Cerundolo.]

1 \*\*\*

2 MS. ROVITO:

3 I move that an Order be issued  
4 directing that a Hearing Examiner of  
5 the Bureau preside over the hearing and  
6 that the Hearing Examiner prepare a  
7 proposed report for the Board's  
8 consideration in accordance with the  
9 General Rules of Administrative  
10 Practice and Procedure in the following  
11 matter: Commonwealth of Pennsylvania,  
12 Bureau of Professional and Occupational  
13 Affairs, File No. 14-70-01842.

14 MS. BROWN:

15 Second.

16 CHAIRMAN SMITH:

17 Second. Any discussion? All in favor?  
18 Opposed?

19 [The motion carried unanimously. The Respondent's  
20 name is Eugene Kenworthy.]

21 \*\*\*

22 MS. BROWN:

23 I move that Board Counsel prepare an  
24 Adjudication and Order consistent with  
25 the Board's discussion in Executive

1                           Session in the following matter:  
2                           Commonwealth of Pennsylvania, Bureau  
3                           of Professional and Occupational  
4                           Affairs vs. Michael R. Hamilton, File  
5                           No. 15-70-07835.

6 CHAIRMAN SMITH:

7                           I have a motion. Do I have a second?

8 VICE CHAIRMAN WALTERS:

9                           Second.

10 CHAIRMAN SMITH:

11                           Any discussion? All in favor?

12                           Opposed?

13 [The motion carried unanimously.]

14   \*\*\*

15 [Brian LaForme, Executive Deputy Secretary for the  
16 Pennsylvania Department of Banking and Securities and  
17 Designee for Secretary Robin Wiessmann, and Jeffrey  
18 Walters, Vice Chairman, Professional Member,  
19 introduced themselves for the record.]

20   \*\*\*

21 Adjournment

22 CHAIRMAN SMITH:

23                           Motion to adjourn?

24 VICE CHAIRMAN WALTERS:

25                           Second.

1 CHAIRMAN SMITH:

2 All in favor? Okay. Thank you.

3 [The motion carried unanimously.]

4 \*\*\*

5 [There being no further business, the State Board of  
6 Certified Real Estate Appraisers meeting adjourned at  
7 12:28 p.m.]

8 \*\*\*

9

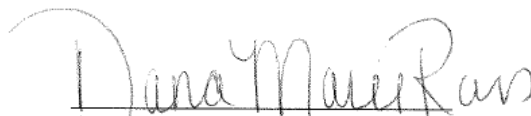
10 CERTIFICATE

11

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

18

19



20

Dana M. Ross,

21

22

Minute Clerk

23

Sargent's Court Reporting

24

Service, Inc.

25



STATE BOARD OF CERTIFIED  
REAL ESTATE APPRAISERS  
REFERENCE INDEX  
September 7, 2017

|    | TIME  | AGENDA                           |
|----|-------|----------------------------------|
| 1  |       |                                  |
| 2  |       |                                  |
| 3  |       |                                  |
| 4  |       |                                  |
| 5  |       |                                  |
| 6  |       |                                  |
| 7  |       |                                  |
| 8  | 10:04 | Official Call to Order/Roll Call |
| 9  |       |                                  |
| 10 | 10:06 | Report of Prosecutorial Division |
| 11 |       |                                  |
| 12 | 10:32 | Report of Board Counsel          |
| 13 |       |                                  |
| 14 | 10:49 | Report of Board Administrator    |
| 15 |       |                                  |
| 16 | 10:49 | Approval of Minutes              |
| 17 |       |                                  |
| 18 | 10:51 | Public Comment/Discussion        |
| 19 |       |                                  |
| 20 | 10:55 | Executive Session                |
| 21 | 12:20 | Return to Open Session           |
| 22 |       |                                  |
| 23 | 12:22 | Motions                          |
| 24 |       |                                  |
| 25 | 12:28 | Adjournment                      |
| 26 |       |                                  |
| 27 |       |                                  |
| 28 |       |                                  |
| 29 |       |                                  |
| 30 |       |                                  |
| 31 |       |                                  |
| 32 |       |                                  |
| 33 |       |                                  |
| 34 |       |                                  |
| 35 |       |                                  |
| 36 |       |                                  |
| 37 |       |                                  |
| 38 |       |                                  |
| 39 |       |                                  |
| 40 |       |                                  |
| 41 |       |                                  |
| 42 |       |                                  |
| 43 |       |                                  |
| 44 |       |                                  |
| 45 |       |                                  |
| 46 |       |                                  |
| 47 |       |                                  |
| 48 |       |                                  |
| 49 |       |                                  |
| 50 |       |                                  |