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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: 9:07 A.M.

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

Thursday, October 17, 2019



1 \*\*\*

2 State Board of Certified

3 Real Estate Appraisers

4 October 17, 2019

5 \*\*\*

6 The regularly scheduled meeting of the State  
7 Board of Certified Real Estate Appraisers was held on  
8 Thursday, October 17, 2019. Joseph D. Pasquarella,  
9 Chairman, Professional Member, officially called the  
10 meeting to order at 9:07 a.m. A roll call was taken.

11 \*\*\*

12 [Chairman Pasquarella introduced Ronald Rouse,  
13 Esquire, who will be replacing Jacqueline Wolfgang,  
14 Esquire, as legal counsel to the Board.]

15 \*\*\*

16 Introduction of Audience Members

17 [Chairman Pasquarella requested the introduction of  
18 audience members.]

19 \*\*\*

20 [Ronald K. Rouse, Esquire, Board Counsel, provided a  
21 brief summary of his professional background.]

22 \*\*\*

23 Evacuation Announcement

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

1 \*\*\*

2 Approval of minutes of the September 11, 2019 meeting

3 CHAIRMAN PASQUARELLA:

4 Shall we have approval for the minutes?

5 Are there any questions, comments?

6 MR. WENTZEL:

7 So moved.

8 \*\*\*

9 [Mr. Wentzel discussed provisions for anybody other  
10 than appraisers in Pennsylvania who are conducting  
11 evaluations. He noted a law that governs state-  
12 chartered banks in Pennsylvania, where an appraisal  
13 must be conducted by a certified appraiser for loans.  
14 He noted that it does not address any other activities  
15 of individuals conducting evaluations.

16 Chairman Pasquarella noted an issue from a prior  
17 meeting regarding Uniform Standards of Professional  
18 Appraiser Practice (USPAP) requirements and licensing,  
19 where three states surrounding Pennsylvania's  
20 Northeast area have USPAP continuing education  
21 requirements and only one required 7 hours of USPAP  
22 every 2 years.

23 Ms. Wolfgang will confirm the information and  
24 relay the same to Ms. Weirich.]

25 \*\*\*

1 [The Board discussed corrections to the minutes.]

2 \*\*\*

3 CHAIRMAN PASQUARELLA:

4 Could we amend the motion?

5 MR. WENTZEL:

6 I'll amend my motion to reflect the  
7 changes discussed.

8 MR. WALTERS:

9 Second.

10 CHAIRMAN PASQUARELLA:

11 All in favor? Any opposed?

12 [The motion carried. Mr. Lehmayr abstained from  
13 voting on the motion.]

14 \*\*\*

15 Report of Prosecutorial Division

16 [Caroline A. Bailey, Esquire, Board Prosecutor,  
17 presented the Consent Agreement for File No. 18-70-  
18 005869.]

19 \*\*\*

20 Report of Board Counsel

21 [Jacqueline A. Wolfgang, Esquire, Board Counsel,  
22 addressed Act 41, which provides an additional pathway  
23 to licensure by endorsement under the Bureau of  
24 Professional and Occupational Affairs. She noted the  
25 need to determine whether the requirements for

1 licensure in another state, country, or territory of  
2 the applicant is substantially equivalent to the  
3 Board's requirement.

4 Ms. Wolfgang noted prior discussion with respect  
5 to assessors and the fact that the exam had very  
6 specific Pennsylvania assessment practice questions  
7 and law-related issues. She also noted prior  
8 discussion regarding education and the decision to  
9 research the issue.

10 Randy L. Waggoner, CPE, Assessors' Association of  
11 Pennsylvania, provided a brief summary of his  
12 professional background. He noted being certified  
13 with the Assessors' Association of Pennsylvania to  
14 teach two of the four basic courses in order to  
15 qualify a candidate to sit for their state exam to  
16 become a Certified Pennsylvania Evaluator (CPE).

17 Mr. Waggoner referred to Act 28, where the  
18 minimum of 90 hours was expanded to around 124-128  
19 hours of basic education in appraisal assessment. He  
20 noted the introduction to assessing and appraising,  
21 site/market analysis, cost approach to value, and  
22 income approach to value, which are classes approved  
23 by the state Board.

24 Mr. Waggoner provides a review of  
25 Pennsylvania-specific requirements as they pertain to

1 certified Pennsylvania evaluators, ethics, USPAP, and  
2 what needs to be accomplished in order to sit and be  
3 considered for a CPE. He also discussed the  
4 Pennsylvania-specific part of the assessor's  
5 profession and differences between Pennsylvania and  
6 other states.

7 Mr. Waggoner addressed Proposition 13 in  
8 California that allows a property to be reassessed  
9 when it sells and "welcome stranger" in Pennsylvania.  
10 He mentioned that Maryland provides a reassessment  
11 every three years.

12 Mr. Waggoner provided an opinion regarding  
13 reciprocity, stating the sales comparison approach,  
14 the cost approach, and the income approach do not  
15 change. He suggested candidates be required to take  
16 the introduction to assessing and appraising course to  
17 get the Pennsylvania-specific statutes and rules and  
18 regulations as they apply to assessment offices in the  
19 Commonwealth.

20 Mr. Waggoner commented that the Assessments'  
21 Association of Pennsylvania could create a two-day  
22 class on Pennsylvania-specific assessment policy,  
23 procedure, and law, if that would be something the  
24 Board desired.

25 Chairman Pasquarella questioned whether an

1 individual has to be the property owner or an attorney  
2 to appeal taxes in Pennsylvania. Mr. Waggoner  
3 commented that a family member with the power of  
4 attorney and those who have a taxable interest in the  
5 property or a pecuniary interest in the property would  
6 be able to appeal taxes. He mentioned that each  
7 county's Board of Assessment Appeals in the  
8 Commonwealth may adopt their own rules and  
9 regulations.

10 Chairman Pasquarella questioned whether an  
11 assessor in Pennsylvania who has a reciprocal license  
12 would be permitted to assessment in Pennsylvania and  
13 work for the various counties.

14 Mr. Waggoner mentioned Pennsylvania-specific  
15 programs that include Local Economic Revitalization  
16 Tax Abatement (LERTA), Clean and Green,  
17 Homestead/Farmstead Exclusion, and continuing  
18 education seminars through the Assessors' Association  
19 of Pennsylvania for those working in a revaluation  
20 company to know how to value these properties.

21 Ms. Wolfgang noted the need to write regulations  
22 to implement Act 41 over the next 17 months. She  
23 mentioned that the Board may have to backtrack a  
24 little if they cannot find a substantial equivalency,  
25 because the profession is so specific in Pennsylvania,



1 noting a good solution to be breaking up the courses  
2 where someone could just fill that gap.

3 Chairman Pasquarella commented on the importance  
4 to understand the rules of the road for assessment for  
5 an evaluator or assessor, noting the need to be able  
6 to understand differences that exist in Pennsylvania  
7 as opposed to other states. He mentioned that  
8 appraisers are required to understand the regulations,  
9 and licensed evaluators should act similarly on the  
10 assessment side.

11 Ms. Wolfgang recommended proceeding with the  
12 regulation and the Board looking at everything on a  
13 case-by-case basis.

14 Ms. Wolfgang noted one application for certified  
15 residential appraiser and two applications for  
16 certified general appraisers for discussion during  
17 executive session.

18 Ms. Wolfgang addressed the Clean Slate Act that  
19 went into effect on June 28, 2019, regarding a  
20 provision for automatic record sealing for anyone with  
21 low-level criminal records. She stated the  
22 legislation allows individuals to petition the courts  
23 for their records to be sealed if they have been free  
24 from conviction for 10 years for an offense that  
25 resulted in a year or more in prison and have paid all

1 court-ordered financial debts, automatic sealing of  
2 records for second- or third-degree misdemeanor  
3 offenses that included a less than two-year prison  
4 sentence if they have been free from convictions for  
5 10 years, and the sealing of criminal history records  
6 related to charges that resulted in non-conviction.

7 Ms. Wolfgang noted that the Act does not allow  
8 for the sealing of records in more serious crimes that  
9 include firearm charges, sexual offenses, murder,  
10 kidnapping, child endangerment, endangering the  
11 welfare of children, and other more serious offenses.

12 Ms. Wolfgang provided an overview of disclosure  
13 of sealed records.

14 Ms. Wolfgang stated, in terms of background  
15 checks for the Board, the only background check that  
16 will have the sealed records listed are licensees  
17 and/or applicants who have requested FBI background  
18 checks, and any records listed on an FBI background  
19 that are considered sealed on other types of criminal  
20 history requests should not impact decisions related  
21 to licensing, renewal, or investigation.

22 Ms. Wolfgang stated the only time Board staff  
23 would consider this is upon receipt of the FBI  
24 background summary reports. She also mentioned the  
25 possibility of obtaining a copy of the seal to prove

1 the record was sealed for processing the application  
2 if the person answers that they have no criminal  
3 history.

4 Ms. Brown questioned how an applicant would prove  
5 something was automatically sealed. Ms. Wolfgang  
6 stated the Administrative Office of Pennsylvania  
7 Courts (AOPC) started doing that automatically in  
8 June, but she is not sure of the answer and suggested  
9 Ms. Weirich provide information on the implementation.

10 Ms. Wolfgang referred to the attached Petition  
11 for Review in the BPOA vs. John Bonaventure Sylvester  
12 case. She stated the Board issued a final  
13 adjudication 18 months ago, and Mr. Sylvester filed an  
14 appeal with the Commonwealth Court. She noted that  
15 Mr. Rouse will handle the appeal and keep the Board  
16 apprised as to the status.

17 Ms. Wolfgang addressed the General Revisions  
18 regulation (16A-7022) regarding federally-mandated  
19 revisions, noting that the Independent Regulatory  
20 Review Commission (IRRC) approved the regulation. The  
21 regulatory package was delivered to the Office of  
22 Attorney General. She met with Ms. Weirich and Mr.  
23 Rouse to discuss the Board's staff implementation of  
24 all of the changes, including comprehensive and  
25 significant changes regarding the adoption of all

1 Appraiser Qualifications Board standards in most  
2 provisions. Ms. Wolfgang referred to the comment  
3 letter regarding the Practical Applications of Real  
4 Estate Appraisal (PAREA) exposure draft for the  
5 Board's approval.

6 Chairman Pasquarella suggested changing the word  
7 "house" to "building." He also suggested language  
8 change from "should not be responsible" for measuring  
9 to "should not be deemed to be competent" for  
10 measuring.

11 Ms. Wolfgang added it is within the context of  
12 PAREA training, and the Board would be going on the  
13 assumption that this new appraiser had only been  
14 trained virtually. She suggested language to read, "A  
15 new appraiser who has only been trained through  
16 PAREA," should that person be responsible for  
17 measuring a house even though that person has never  
18 actually done it.

19 Ms. Wolfgang referred to the last Board meeting,  
20 where she attached the first exposure draft from the  
21 Appraisal Foundation. She mentioned that the  
22 Appraisal Foundation is in conjunction with McKissock,  
23 noting a packet that will outline the proposal. She  
24 stated the comment letter responded to the proposal  
25 that someone could become an appraiser through 100

1 percent of virtual experience.

2 Mr. Lehmayr noted his concern with this virtual  
3 reality program, where it would be difficult to find  
4 somebody to train that person and if they will ever be  
5 responsible for measuring a building. He noted they  
6 should be responsible from day one of being certified.

7 Chairman Pasquarella noted the importance of  
8 being competent and his concern with individuals who  
9 do not have exposure to being on a site and actually  
10 physically measuring a building, as well as being able  
11 to the select the correct comparables when relying on  
12 a course as opposed to real-life situations.

13 Ms. Wolfgang commented that all providers and  
14 courses are reviewed, and Boards might have the  
15 opportunity to observe the system, according to Mr.  
16 Bradley.

17 Mr. Ausherman noted his concern regarding  
18 regional differences.

19 Mr. Michalowski stated that USPAP requires  
20 individuals to gain geographic confidence. He  
21 mentioned that USPAP does not change, and individuals  
22 still have to comply. Whether there is compliance  
23 will be identified when those individuals start  
24 hitting the market in Pennsylvania.

25 Mr. Walters commented that this is more of a kick

1 start and not necessarily giving somebody their full  
2 complement of skillsets.

3 Ms. Wolfgang noted that the Board just adopted  
4 most of the AQB standards by reference. The Board  
5 kept the more stringent standard in Pennsylvania that  
6 requires actual preparation of appraisal reports. She  
7 stated the Board could certainly keep the current  
8 numbers at 50 percent for general appraisers and 75  
9 percent for residential appraisers.

10 Ms. Wolfgang mentioned that the PAREA program  
11 being developed was all or nothing. The Board wanted  
12 to voice its concern of the approach of 100 percent.  
13 She stated that AQB does not require it, but it is  
14 allowing it and are developing their model and program  
15 to allow for only the 100 percent.

16 Ms. Wolfgang stated the Board commented about a  
17 year ago to not go to the 100 percent mark, which is  
18 what they did. The Board is currently trying to  
19 communicate to them again that the 100 percent is not  
20 the appropriate standard.]

21 \*\*\*

22 CHAIRMAN PASQUARELLA:

23 We need to make a motion to approve the  
24 letter subject to the changes.

25 Can I have a motion?

1 MR. AUSHERMAN:

2 I so move.

3 MR. WALTERS:

4 Second.

5 CHAIRMAN PASQUARELLA:

6 Any further discussion? All in favor?

7 Any opposed?

8 [The motion carried unanimously.]

9 \*\*\*

10 [Merna T. Hoffman, Deputy Attorney General, Office of  
11 Attorney General Designee, exited the meeting at  
12 10:04 a.m.]

13 \*\*\*

14 Report of Board Chairman

15 [Joseph D. Pasquarella, Chairman, Professional Member,  
16 noted the proposed change to Real Property Appraiser  
17 Qualification Criteria.

18 Ms. Wolfgang explained that AQB is considering  
19 changes to the criteria with respect to supervisors,  
20 where the supervisor shall not have had an appraiser  
21 certification canceled, surrendered in lieu of  
22 discipline, or revoked in any state for a substantive  
23 cause related to appraisal practice within the last  
24 three years. She stated the Board would have to  
25 decide substantive cause.

1 Ms. Wolfgang noted the requirement for a  
2 regulatory change should the Board go in that  
3 direction. She stated the Board could keep its  
4 standard because there can be a higher standard than  
5 what the minimum requirements are in AQB.

6 Mr. Michalowski commented that the only issue to  
7 worry about in Pennsylvania is the administrative  
8 suspensions that result from people being in arrears  
9 in child support, where they come through the Court of  
10 Common Pleas.]

11 \*\*\*

12 [Merna T. Hoffman, Deputy Attorney General, Office of  
13 Attorney General Designee, reentered the meeting at  
14 10:08 a.m.]

15 \*\*\*

16 [Ms. Wolfgang explained that the Board could comment  
17 on the proposal or keep the current standards, noting  
18 that it is not adopted by AQB at this point. The  
19 Board decided not to comment.

20 Chairman Pasquarella announced that he and  
21 Mr. Walters will be attending the Appraisal Standards  
22 Board public meeting regarding evaluations on October  
23 18, 2019, in Washington, D.C.

24 Mr. Wentzel addressed his discussions with  
25 bankers associations concerning the practices of banks



1 with regard to evaluations, where they have in-house  
2 people or may contract others, who are often not  
3 licensed appraisers, to do evaluations that are not  
4 loan.

5 Mr. Wentzel stated a representative of the  
6 American Bankers Association (ABA) is testifying, and  
7 the local bankers association, Pennsylvania Bankers  
8 Association, and the Pennsylvania Association of  
9 Community Bankers are very interested in this issue.

10 Ms. Wolfgang noted the importance of looking at  
11 Pennsylvania law. She commented that the issue is  
12 being considered nationally because there are states  
13 that allow non-appraisers to perform what is  
14 considered an appraisal in Pennsylvania and is the  
15 mandatory and non-mandatory state distinction.

16 Mr. Walters explained that bankers associations  
17 are trying to get evaluations performed by appraisers  
18 and non-appraisers and want to have USPAP confirm it  
19 as being a credible methodology to cut out the expense  
20 of an appraisal.]

21

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22 Report of Board Administrator

23 [Heidy M. Weirich, Board Administrator, referred to  
24 the special notice regarding changes and proposed  
25 regulations for real estate appraisers and licensed

1 appraiser trainee qualifications for public and Board  
2 information.]

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4 [Pursuant to Section 708(a)(5) of the Sunshine Act, at  
5 10:21 a.m. the Board entered into Executive Session  
6 with Jacqueline A. Wolfgang, Esquire, Board Counsel,  
7 and Ronald K. Rouse, Esquire, Board Counsel, for the  
8 purpose of conducting quasi-judicial deliberations.  
9 The Board returned to open session at 11:36 a.m.]

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11 MOTIONS

12 MS. WOLFGANG:

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Pursuant to Section 708(a)(5) of the  
Sunshine Act, the Board entered into  
executive session with Board Counsel for  
the purpose of having attorney-client  
consultations and conducting  
quasi-judicial deliberations in the  
following matters:

Consent Agreement File No. 18-70-  
005869, and the applications of Richard  
C. Redmond, Jane Grace Utzman, and Alec  
Victor Werner.

I note for the record the Board  
will not be voting on the Alec Victor





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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

October 17, 2019

|    | TIME  | AGENDA  |
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| 10 | 9:07  | Official Call to Order  |
| 11 |       |   |
| 12 | 9:08  | Roll Call   |
| 13 |       |   |
| 14 | 9:14  | Approval of Minutes   |
| 15 |       |   |
| 16 | 9:15  | Report of Prosecutorial Division  |
| 17 |       |   |
| 18 | 9:18  | Report of Board Counsel   |
| 19 |       |   |
| 20 | 9:30  | Appointment - Randy L. Waggoner, CPE,<br>Assessors' Association of Pennsylvania |
| 21 |       |   |
| 22 |       |   |
| 23 | 9:44  | Report of Regulatory Counsel  |
| 24 |       |   |
| 25 | 10:04 | Report of Board Chairman  |
| 26 |       |   |
| 27 | 10:20 | Report of Board Administrator   |
| 28 |       |   |
| 29 | 10:21 | Matters for Discussion  |
| 30 |       |   |
| 31 | 10:21 | Executive Session   |
| 32 | 11:36 | Return to Open Session  |
| 33 |       |   |
| 34 | 11:36 | Motions   |
| 35 |       |   |
| 36 | 11:39 | Adjournment   |
| 37 |       |   |
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