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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
VIA VIDEOCONFERENCE**

TIME: 10:32 A.M.

Friday, December 18, 2020

State Board of Certified
Real Estate Appraisers
December 18, 2020

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ALSO PRESENT:

- Robert Walker, Realtor
- J.J. Livingston, Executive Director for Senate Consumer Protection Professional Licensure Committee
- Larry Schubert, Past President, Citizens Association of Pennsylvania
- Michelle Bradley, Certified USPAP Instructor
- Steve Howe, CPE, Assessors' Association of Pennsylvania
- Shannon Snell, Research Analyst, House Democratic Professional Licensure Committee

1 ***

2 State Board of Certified
3 Real Estate Appraisers
4 December 18, 2020

5 ***

6 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
7 9:00 a.m. the Board entered into executive session
8 with Ronald K. Rouse, Esquire, Board Counsel, to have
9 attorney-client consultations and for the purpose of
10 conducting quasi-judicial deliberations. The Board
11 returned to open session at 10:32 a.m.]

12 ***

13 [Ronald K. Rouse, Esquire, Board Counsel, announced
14 that the meeting of the State Board of Certified Real
15 Estate Appraisers was being held by teleconference
16 pursuant to Governor Wolf's March 16, 2020 waiver of
17 the physical presence requirement in Section 4(i) of
18 the Real Estate Appraisers Certification Act. He
19 noted the teleconference was being recorded, and those
20 continuing to participate in the meeting were giving
21 their consent to being record.]

22 ***

23 The regularly scheduled meeting of the State
24 Board of Certified Real Estate Appraisers was held on
25 Friday, December 18, 2020. Joseph D. Pasquarella,

1 Chairman, Professional Member, officially called the
2 meeting to order at 10:32 a.m.

3 ***

4 [Roll Call/Introduction of Public Members]

5 [Joseph D. Pasquarella, Chairman, Professional Member,
6 requested a roll call.

7 William Stoerrle was welcomed as the Board's
8 newest member.]

9 ***

10 [Chairman Pasquarella requested the introduction of
11 public members.]

12 ***

13 Approval of minutes of the November 6, 2020 meeting

14 CHAIRMAN PASQUARELLA:

15 May I have a motion to approve the
16 minutes of the meeting of November 6,
17 2020?

18 MR. WENTZEL:

19 So moved.

20 CHAIRMAN PASQUARELLA:

21 Thank you, Paul. Do I have a second?

22 MR. MATTHEWS:

23 Second.

24 CHAIRMAN PASQUARELLA:

25 Thank you, David. Is there any

1 discussion or any edits to the minutes?

2 [The Board discussed corrections to the minutes.]

3 CHAIRMAN PASQUARELLA:

4 All in favor of approving the minutes?

5 Any objections, disapprovals? Any

6 opposed?

7 [The motion carried. Mr. Stoerrle abstained from

8 voting on the motion.]

9 ***

10 Report of Prosecutorial Division

11 [Caroline A. Bailey, Esquire, Board Prosecutor,

12 presented Consent Agreement for File No. 20-70-001832,

13 File Nos. 20-70-001837, and File Nos. 20-70-001838.]

14 ***

15 MR. ROUSE:

16 Hearing no questions, I have to ask the

17 Board members, are there any matters for

18 which the Board members need to go back

19 into Executive Session for Ms. Bailey's

20 Consent Agreements?

21 Hearing none, then I'd ask, regarding

22 the Consent Agreement at Item No. 2 on

23 the agenda, Case No. 20-70-001832, would

24 the Board entertain a motion to adopt the

25 Consent Agreement? Is there such a

1 motion?

2 MR. WENTZEL:

3 So moved.

4 MR. ROUSE:

5 Is there a second?

6 MR. HOFFMAN:

7 Second.

8 MR. ROUSE:

9 Any discussion? All those in favor say
10 aye? All those opposed say nay?

11 [The motion passed unanimously. The Respondent's name
12 is Tara M. Irvin.]

13 ***

14 MR. ROUSE:

15 Regarding the Consent Agreement at Item
16 No. 3 on the agenda, Case No. 20-70-
17 001837, would the Board entertain a
18 motion to adopt the Amended Consent
19 Agreement and affirm that 3(c) is stating
20 this is a general residential real estate
21 appraiser. Is there such a motion?

22 MS. BROWN:

23 I make that motion.

24 MR. ROUSE:

25 Is there a second?

1 MR. STOERRLE:

2 I make that motion to second.

3 MR. ROUSE:

4 Any discussion? All those in favor say
5 aye? All those opposed say nay?

6 [The motion carried unanimously. The Respondent's
7 name is Jeffrey Hearn Hellen.]

8 ***

9 MR. ROUSE:

10 Regarding the Consent Agreement at Item
11 No. 4 on the agenda, Case No. 20-70-
12 001838, would the Board entertain a
13 motion to adopt the Consent Agreement? Is
14 there such a motion?

15 MR. WENTZEL:

16 So moved.

17 MR. ROUSE:

18 Is there a second?

19 MS. BROWN:

20 Second.

21 MR. ROUSE:

22 Any discussion? All those in favor say
23 aye? All those opposed say nay?

24 [The motion carried unanimously. The Respondent's
25 name is Tara Anessa Kohler.]

1 ***

2 [Tiffany A. Raker, Esquire, Board Prosecutor,
3 presented Consent Agreements for File No. 19-70-
4 016252, File No. 19-70-015809, and File No. 19-70-
5 017113. Board members had questions.]

6 ***

7 MR. ROUSE:

8 Board members, were there any issues for
9 which the Board members believe we need
10 to go into Executive Session regarding
11 these matters?

12 If not, regarding the Consent
13 Agreement at Item No. 5 on the agenda
14 which is Case No. 19-70-016252, I believe
15 the Board would entertain a motion to
16 adopt the Consent Agreement. Is there
17 such a motion?

18 MR. MATHEWS:

19 So moved.

20 MR. ROUSE:

21 Is there a second?

22 MR. STOERRLE:

23 Second.

24 MR. ROUSE:

25 Thank you. Is there any discussion? All

1 No. 7 on the agenda, Case No. 19-70-
2 017113, I believe the Board would
3 entertain a motion to adopt the Consent
4 Agreement. Is there such a motion?

5 MS. BROWN:

6 So moved.

7 MR. ROUSE:

8 Is there a second?

9 MR. WENTZEL:

10 Second.

11 MR. ROUSE:

12 Any discussion? All those in favor say
13 aye? All those opposed say nay?

14 [The motion carried unanimously. The Respondent's
15 name is Travis Neal Cox.]

16 ***

17 Report of Board Counsel

18 Adjudication and Order for Approval

19 MR. ROUSE:

20 The first matter is Item No. 8 on the
21 agenda, which is a Final Adjudication and
22 Order for approval. This was a matter
23 that was discussed in Executive Session
24 this morning. And regarding this
25 Petition for Reinstatement for Certified

1 Residential Real Estate Appraiser of
2 Jason Jacob Sheraw, Case No. 20-70-
3 008217, I believe the Board would
4 entertain a motion to adopt the
5 adjudication and order as identified by
6 Board Counsel and to direct Board Counsel
7 to prepare the Board's Final Order. Is
8 there such a motion?

9 MS. BROWN:

10 So moved.

11 CHAIRMAN PASQUARELLA:

12 Second.

13 MR. ROUSE:

14 Any discussion? All those in favor say
15 aye? All those opposed say nay?

16 [The motion carried unanimously.]

17 ***

18 Veto of House Bill 21

19 [Ronald K. Rouse, Esquire, Board Counsel, updated
20 members with regard to House Bill 21 of 2019, which
21 would have amended the Real Estate Appraiser
22 Certification Act to include licensure of home
23 inspectors and registration of home inspector trainees
24 under the purview of the State Board of Certified Real
25 Estate Appraisers. The bill was passed as amended by

1 the Senate on November 19, 2020, and passed by the
2 State House as amended on November 20, 2020.

3 Mr. Rouse noted, on November the 30th, 2020,
4 Governor Wolf vetoed House Bill 21. In a letter
5 addressed to the House of Representatives, the
6 Governor recommended that legislators strengthen the
7 existing Act 114 of 2020 for home inspectors rather
8 than to create a licensure class that may provide new
9 barriers for home inspectors.]

10 ***

11 Appointment - Budget Presentation

12 [Kimberly Adams, Chief of Fiscal Management, Bureau of
13 Finance and Operations, Pennsylvania Department of
14 State, presented before the Board for discussion of
15 the State Board of Certified Real Estate Appraisers
16 Budget. She referred members to licensee population
17 information starting in 2016, revenue sources by
18 definition, cost category definitions, current and
19 projected revenue and expenses, which may change and
20 is a matter to watch.

21 Chairman Pasquarella expressed a concern that the
22 number of licensees may spike downward over the next
23 two to five years, and generally the number of older
24 licensees retiring over the next five years was quite
25 high. He suggested some thought should be given to

1 increasing the cost and reevaluating the fees since
2 they had not been changed since 2003. There was
3 further discussion regarding the matter. Ms. Adams
4 suggested future discussion regarding a fee increase
5 once she obtains the actual figures.

6 Mr. Rouse suggested a graduating fee increase and
7 explained he would have to draft regulations amending
8 the fee schedule. Marc Farrell commended the Board
9 for being proactive in reviewing a fee increase at
10 this time as it will take another year or two to get
11 the fees in place. It was suggested that maybe the
12 expenses should be reviewed and evaluated.

13 Mr. Michalowski noted that prosecution costs have
14 been reduced over the last few years mostly relating
15 this year to the COVID crisis. He suggested the
16 licensee numbers and fees be reviewed and the
17 Appraisal Management Company be considered as a
18 separate category.

19 Ms. Adams continued to review expense definitions
20 and Board member expenses, which she indicated had
21 dropped from previous years. Ms. Adams reiterated her
22 suggestion to return for discussion of a fee increase
23 package. Ms. Weirich suggested that further
24 discussion be held at the Board's June 24, 2021
25 meeting.]

1 ***

2 Report of Board Counsel (Continued)

3 [Mr. Rouse referred members to Acts 87 and 88 of 2020
4 for further discussion. He explained that Act 87
5 amends the Real Estate Appraiser Certification Act to
6 increase the number of members of the Board to include
7 two certified Pennsylvania evaluators as part of the
8 Board. He stated this Act would take effect 60 days
9 from October 29, 2020, and the appointment of the
10 certified Pennsylvania evaluators would be within 90
11 days of the effective date that the Governor will
12 nominate one evaluator to serve a two-year term and
13 one to serve a four-year term on the Board.

14 Act 88 of 2020 provides a number of amendments to
15 the Assessors Certification Act, which will be
16 discussed at the next Board meeting.

17 Mr. Rouse discussed Act 116 of 2020, which gives
18 each Board the authority to permit carryover of any
19 continuing education credits in excess of the number
20 required for biennial renewal. Chairman Pasquarella
21 suggested that continuing education credits not be
22 carried over as it would be an administrative burden
23 to the Board to keep track of that information.]

24 MR. ROUSE:

25 Is there a motion to not have a provision

1 for which an appraiser can utilize
2 credits from a prior period to the period
3 for which they're applying for the
4 renewal license or certification? Cannot
5 carry over credits from one biennial
6 period to the next?

7 CHAIRMAN PASQUARELLA:

8 I make that motion.

9 MR. WENTZEL:

10 I'll second that motion.

11 MR. ROUSE:

12 Any discussion? All those in favor say
13 aye? All those opposed say nay?

14 [The motion carried unanimously.]

15 ***

16 Appraisal Subcommittee

17 Appraisal Management Companies; Federally Mandated
18 Revisions

19 [Mr. Rouse discussed the Board's regulation, which was
20 amended to define appraiser panel as a network, list
21 or roster of licensed appraisers approved by an AMC to
22 perform appraisals as independent contractors for the
23 AMC. He indicated the definition of owner was amended
24 to be a person who owns in whole or in part directly
25 or indirectly an appraisal management company.]

1 Mr. Rouse noted that Mark Schiffman, Executive
2 Director of Real Estate Valuation Advocacy Association
3 (REVAA), had a question regarding whether all owners
4 would have to submit a criminal check. He explained
5 that currently under Regulation 36.404 (a)(60, a
6 criminal history information report is required for
7 each state that the owner has resided in for the ten-
8 year period immediately preceding the date of
9 application.

10 Mr. Rouse further explained that because the
11 definition of ownership had changed, would it be
12 requiring criminal reports for all owners, whether in
13 whole or in part, and the question would then become
14 how administratively the Board would address that
15 issue. He stated one suggestion would be for the
16 administrative office to continue to require owners of
17 ten percent or more to provide a criminal history
18 record report, but for owners with less than a ten
19 percent interest, there just to be a verification that
20 there was no criminal record that would offend the
21 Real Estate Appraisers Certification Act. Board
22 members had further discussion regarding the matter.]

23 MR. ROUSE:

24 The motion is for, as part of the Board
25 office practice, to require criminal

1 history record reports for owners of over
2 ten percent ownership but requiring a
3 verification form for owners of less than
4 ten percent of an AMC and that the form
5 be notarized.

6 [There was further discussion regarding the matter.
7 Ms. Brown suggested that an Unsworn Declaration, a way
8 for an individual to be subject to the penalties of
9 perjury the same as if notarized, be made part of the
10 verification which would omit notarization. The
11 motion was amended to incorporate Ms. Brown's
12 suggestion.]

13 MR. ROUSE:

14 The motion is for, as part of the Board
15 office practice, to require criminal
16 history record reports for owners of over
17 ten percent ownership but require a
18 verification that has language of an
19 Unsworn Testimony subject to liability
20 for falsification of testimony for owners
21 of less than ten percent.

22 MR. STOERRLE:

23 I would make that motion.

24 CHAIRMAN PASQUARELLA:

25 I'll second it.

1 was suggested that after that time, that an instructor
2 could attempt to get approved by AQB or have an AQB
3 instructor participate in the instructions.

4 Steve Howe commented that when these classes are
5 presented to the assessment CPE, it was stated and
6 everyone was quite aware that this class is geared
7 specifically for CPEs and their process of property
8 evaluation for tax purposes. It was very clear that
9 appraisers certified as general or residential will
10 not receive credit for that particular class.

11 It was noted that at least in one instance
12 brought before the Board today, a certified real
13 estate appraiser committed continuing education
14 violations thinking that she was taking the correct
15 courses, but she was not, which had always been a
16 concern about having some courses that comply with AQB
17 and some that do not. There was further discussion
18 regarding the matter.

19 Chairman Pasquarella inquired if there was any
20 objection of getting AQB-approved instructors after
21 June 30, 2021, and what would be the reason for not
22 having an AQB-approved instructor. Mr. Howe commented
23 that in the past it had been much more expensive for
24 an AQB-approved instructor, but he had no knowledge of
25 what AQB-approved instructors charge per individual.

1 Michelle Bradley, certified USPAP instructor,
2 commented that every instructor charges something
3 different, but that there was no reason why a CPE
4 could not be an AQB-certified USPAP instructor.]

5 ***

6 MR. ROUSE:

7 Would the Board entertain a motion that
8 after June 30, 2021, the assessors USPAP
9 class must be taught by an AQB-certified
10 USPAP instructor?

11 MR. WALTERS:

12 So moved.

13 MR. MATHEWS:

14 Second.

15 MR. ROUSE:

16 Any discussion? All those in favor say
17 aye? All those opposed say nay?

18 [The motion carried unanimously.]

19 ***

20 Correspondence

21 [Mr. Rouse referred Board members to correspondence
22 from Amy Alcorn for review.]

23 ***

24 Public Comment

25 [Michelle Bradley informed the Board that its exposure

1 draft for the 2022-23 edition of USPAP had recently
2 been released and was available on the appraisal
3 foundation's website. The comment period would end
4 February 17, 2021.]

5 ***

6 Continuing Education Committee Report - None

7 ***

8 Miscellaneous - None

9 ***

10 2021 Board Meeting Dates

11 [Board members were asked to review the 2021 dates and
12 note them on their calendars.]

13 ***

14 MR. WENTZEL:

15 Motion to adjourn the meeting.

16 MR. WALTERS:

17 Second.

18 [The motion carried unanimously.]

19 ***

20 [There being no further business, the State Board of
21 Certified Real Estate Appraisers Meeting adjourned at
22 12:08 p.m.]

23 ***

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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.



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

STATE BOARD OF CERTIFIED
REAL ESTATE APPRAISERS
REFERENCE INDEX

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TIME	AGENDA
9:00	Executive Session
10:30	Return to Open Session
10:32	Official Call to Order
10:33	Roll Call/Introduction of Public Members
10:37	Approval of Minutes
10:41	Report of Prosecutorial Division
10:58	Report of Board Counsel
11:00	Appointment - Budget Presentation
11:30	Report of Board Counsel (cont.)
11:48	Report of Board Chairman
12:04	Matters for Discussion
12:08	Adjournment