

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: 9:03 A.M.

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

Wednesday, December 20, 2017

State Board of Certified
Real Estate Appraisers
December 20, 2017

BOARD MEMBERS:

- D. Thomas Smith, Chairman, Professional Member
- Jeffrey L. Walters, Vice Chairman, Professional Member
- William Rothman, Secretary, Professional Member - Absent
- John M. Abel, Office of Attorney General Designee
- Kurt Brink, Public Member
- Martha H. Brown, Esquire, Secretary of the Commonwealth Designee
- Eric Lehmayr, Professional Member - Absent
- Joseph Pasquarella, Professional Member
- Donna Baver Rovito, Public Member
- Paul H. Wentzel Jr., Senior Legislative and Policy Director, Department of Banking and Securities

BUREAU PERSONNEL:

- Jacqueline A. Wolfgang, Esquire, Board Counsel
- Ray Michalowski, Esquire, Board Prosecutor Liaison
- Timothy Fritsch, Esquire, Board Prosecutor
- Adam Morris, Esquire, Board Prosecutor
- Heidy M. Weirich, Board Administrator

ALSO PRESENT:

- Zachery Everidge, Office of Attorney General Designee
- Adam Hough, PA Office of Attorney General
- Steve Howe, Assessors' Association of PA
- Kristin Montgomery, Assessors' Association of PA
- Tony Alu, Assessors' Association of PA

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
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50

1 ***

2 State Board of Certified
3 Real Estate Appraisers
4 December 20, 2017

5 ***

6 The regularly scheduled meeting of the State
7 Board of Certified Real Estate Appraisers was held on
8 Thursday, December 20, 2017. D. Thomas Smith,
9 Chairman, Professional Member, officially called the
10 meeting to order at 9:03 a.m. A roll call was taken.

11 ***

12 [John M. Abel, Office of Attorney General Designee,
13 introduced Zachery Everidge, Office of Attorney
14 General Designee, who will be assuming Mr. Abel's role
15 effective the Board's next meeting.]

16 ***

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

19 ***

20 Election of Officers

21 CHAIRMAN SMITH:

22 Any motions for Chairman for next year.

23 MR. PASQUARELLA:

24 I propose to continue with Tom.

25 VICE CHAIRMAN WALTERS:

1 Second

2 CHAIRMAN SMITH:

3 All in favor? Opposed? Thank you.

4 [The motion carried unanimously.]

5 ***

6 CHAIRMAN SMITH:

7 Vice Chairman?

8 MR. WENTZEL:

9 Motion, Jeff.

10 CHAIRMAN SMITH:

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

12 MS. ROVITO:

13 Second.

14 CHAIRMAN SMITH:

15 All in favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 CHAIRMAN SMITH:

19 Secretary? I'll make a motion to have

20 Joe be Secretary.

21 MR. BRINK:

22 I second.

23 CHAIRMAN SMITH:

24 All in favor? Opposed?

25 [The motion carried unanimously.]

1 ***

2 Approval of Minutes of the September 7, 2017 meeting.

3 CHAIRMAN SMITH:

4 Could I have a motion for the approval
5 of September 7, 2017 Minutes?

6 MS. ROVITO:

7 I move to accept the Minutes.

8 MS. BROWN:

9 Second.

10 CHAIRMAN SMITH:

11 Any additions or corrections? All in
12 favor? Opposed.

13 [The motion carried unanimously. Mr. Brink abstained
14 from voting on the motion.]

15 ***

16 Report of Prosecutorial Division

17 [Timothy Fritsch, Esquire, Board Prosecutor, presented
18 Consent Agreements for File No. 15-70-04076 and File
19 Nos. 15-70-09989 and 15-70-10685.]

20 ***

21 [Ray Michalowski, Esquire, Board Prosecution Liaison,
22 introduced Adam Morris, Esquire, Board Prosecutor, as
23 a new prosecutor.

24 Mr. Michalowski discussed his attendance at the
25 Investigator Training Level III Course offered by The

1 Appraisal Foundation.

2 Mr. Michalowski suggested sending Timothy
3 Fritsch, Esquire, to Level II and Adam Morris,
4 Esquire, to Level I in 2018, which would be paid for
5 by the Foundation.]

6 CHAIRMAN SMITH:

7 I'll make a motion to approve that, both
8 Tim and Adam.

9 MR. PASQUARELLA:

10 I'll second that.

11 CHAIRMAN SMITH:

12 All in favor? Opposed?

13 [The motion carried unanimously.]

14 ***

15 [Ray Michalowski, Esquire, Board Prosecution Liaison,
16 discussed the trend of Boards to not require mandatory
17 certification for appraisals as required in
18 Pennsylvania. Mr. Michalowski stated Illinois has a
19 Bill currently pending that will move Illinois
20 appraisers into the category of 13 other states,
21 whereby an appraiser is only required to be an
22 appraiser for federally related transactions.

23 Mr. Michalowski discussed hybrid appraisals as an
24 upcoming issue for Boards.

25 Mr. Michalowski addressed conditional dismissal

1 programs, noting that a complaint filed against an
2 appraiser is public in many states. He explained that
3 every complaint must be dismissed by the Board or
4 acted upon by the Board in a public manner.

5 Mr. Michalowski stated Alabama provided
6 enlightenment with respect to moving toward more
7 remedial education. Mr. Michalowski will provide a
8 presentation of additional information in February.]

9

10 Report of Board Counsel

11 [Jacqueline A. Wolfgang, Esquire, Board Counsel, noted
12 matters for discussion in Executive Session.

13 Ms. Wolfgang referred to the Regulatory Status
14 Report for the Board's review.

15 Ms. Wolfgang discussed presenting the Appraisal
16 Management Company (AMC) Regulations at the
17 Independent Regulatory Review Commission (IRRC) Public
18 Meeting with the approval of the final regulations.

19 Ms. Wolfgang thanked Mr. Wentzel for also
20 attending the meeting.

21 Ms. Wolfgang stated the ASC published the final
22 rule to implement collection and transmission of the
23 annual Appraisal Management Company (AMC) registry
24 fees. She stated the states have until June 4, 2020,
25 to begin collecting registry fees and registering AMCs

1 on the national registry.

2 Ms. Wolfgang stated the ASC will now allow states
3 to collect the registry fee on a biennial basis.
4 Therefore, due to ASC's approval, Pennsylvania may
5 collect fees during its 2019 renewal cycle.]

6 MS. WOLFGANG:

7 I would ask the Baord for a motion to
8 implement the ASC registry fee effective
9 June 2019.

10 VICE CHAIRMAN WALTERS:

11 I'll make that motion.

12 MR. PASQUARELLA:

13 I'll second it.

14 CHAIRMAN SMITH:

15 All in favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 [Ms. Wolfgang explained the difference between federal
19 and state AMCs. She stated that only federal AMCs are
20 permitted to register on the registry. The
21 application fee is \$25 per appraiser.

22 Ms. Wolfgang referred to the fourth exposure
23 draft of proposed changes to the real property
24 appraiser qualification criteria to the Appraiser
25 Qualifications Board (AQB). Ms. Wolfgang discussed

1 certified residential credentials, practical
2 applications, and experience requirement changes.

3 Ms. Wolfgang noted the October 2017 Appraisal
4 Subcommittees (ASC) follow-up review concerning the
5 progress in the three areas of noncompliance
6 identified in May 2016.

7 Ms. Wolfgang referred to the letter from Real
8 Estate Valuation Advocacy Association (REVAA)
9 regarding the AMC regulations for the Board's
10 information.

11 Ms. Wolfgang addressed the redline comparison of
12 existing versus proposed policy statements and
13 discussed major changes with the AMC and AMC registry.

14 Ms. Wolfgang referred to the attached June 2017
15 Q&A trainee-supervisor requirements relating to the
16 restriction of supervisory appraisers to a maximum of
17 three trainee appraisers at one time.]

18 ***

19 Report of Board Chairman

20 [Chairman Smith reviewed questions and answers from
21 the Uniform Standards of Professional Appraiser
22 Practice (USPAP).]

23 ***

24 Report of Board Administrator

25 [Heidy M. Weirich, Board Administrator, updated the

1 Board members regarding the Pennsylvania Licensing
2 System (PALS), noting that all applications should be
3 available by March. Ms. Weirich stated applications
4 will be completed online. The system should be in
5 place by the June 2019 renewal period.]

6

7 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
8 9:45 a.m. the Board entered into Executive Session
9 with Jacqueline A. Wolfgang, Esquire, for the purpose
10 of having attorney-client consultations and conducting
11 quasi-judicial deliberations. The Board returned to
12 open session at 10:08 a.m.]

13

14 MOTIONS

15 MS. WOLFGANG:

16 Regarding BPOA vs. Robert P. Strell;
17 File No. 15-70-03660, Docket No. 1500-
18 70-15. I believe the Board would
19 entertain a motion at this time on this
20 matter.

21 VICE CHAIRMAN WALTERS:

22 I move that the Board adopt and issue,
23 as its final determination, the proposed
24 Adjudication and Order issued by the
25 Hearing Examiner and that the Board

1 Counsel draft and issue an order to the
2 effect in the following matter:
3 Commonwealth of Pennsylvania, Bureau of
4 Professional and Occupational Affairs
5 vs. Robert P. Strell; File No. 15-70-
6 03660.

7 MR. PASQUARELLA:

8 I'll second it.

9 CHAIRMAN SMITH:

10 All in favor? Opposed?

11 [The motion carried. Chairman Smith recused himself
12 from deliberations and voting on that matter.]

13 ***

14 [Vice Chairman Walters exited the meeting at
15 10:10 a.m.]

16 ***

17 [Pursuant to Section 708(a)(5) of the Sunshine Act, at
18 10:10 a.m. the Board entered into Executive Session
19 with Jacqueline A. Wolfgang, Esquire, for the purpose
20 of having attorney-client consultations and conducting
21 quasi-judicial deliberations. The Board returned to
22 open session at 10:33 a.m.]

23 ***

24 [Martha Brown, Esquire, Secretary of the Commonwealth
25 Designee, exited the meeting at 10:33 a.m.]

1 ***

2 MOTIONS

3 MS. WOLFGANG:

4 Regarding BPOA vs. Michael R. Hamilton,
5 the Application of Brian Richard Barber,
6 and the Consent Agreements listed in
7 Items No. 2 and 3 of the agenda. I
8 believe the Board would entertain
9 motions at this time.

10 MR. PASQUARELLA:

11 I move to adopt the Consent Agreement
12 and Order negotiated by the
13 Commonwealth's Prosecuting Attorney and
14 settlement of the following matter:
15 Commonwealth of Pennsylvania, Bureau of
16 Professional and Occupational Affairs
17 vs. Harvey Louis Perelman, File No. 15-
18 70-04076.

19 MR. WENTZEL:

20 I'll second it.

21 CHAIRMAN SMITH:

22 All in favor? Opposed?

23 [The motion carried unanimously.]

24 ***

25 MS. ROVITO:

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 matter:
5 Commonwealth of Pennsylvania Bureau of
6 Professional and Occupational Affairs
7 vs. Rena Denise Fox, File No. 15-70-
8 10685.

9 CHAIRMAN SMITH:

10 We have a motion. Do we have a second?

11 MR. PASQUARELLA:

12 I'll second it.

13 CHAIRMAN SMITH:

14 All in favor? Opposed?

15 [The motion carried unanimously.]

16 ***

17 MR. ABEL:

18 I move that we instruct Board Counsel to
19 draft the Final Adjudication and Order
20 as proposed in the Michael R. Hamilton
21 matter with File No. 15-70-07835 as
22 discussed in Executive Session.

23 CHAIRMAN SMITH:

24 Do I have a second?

25 MR. WENTZEL:

1 Second.

2 CHAIRMAN SMITH:

3 All in favor? Opposed?

4 [The motion carried unanimously.]

5 ***

6 MR. WENTZEL:

7 I move that the Board grant licensure of
8 Brian Richard Barber for a Certified
9 Evaluator.

10 CHAIRMAN SMITH:

11 Do I have a second?

12 MS. ROVITO:

13 Second.

14 CHAIRMAN SMITH:

15 All in favor? Opposed?

16 [The motion carried unanimously.]

17 ***

18 Adjournment

19 CHAIRMAN SMITH:

20 Move for adjournment.

21 MR. PASQUARELLA:

22 So moved.

23 MR. WENTZEL:

24 Second.

25 CHAIRMAN SMITH:

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

Moved, okay. Thank you.

[The motion carried unanimously.]

[There being no further business, the State Board of Certified Real Estate Appraisers meeting adjourned at 10:39 a.m.]

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.

Corey Elizabeth Fake

Corey Elizabeth Fake,
Minute Clerk
Sargent's Court Reporting
Service, Inc.

STATE BOARD OF CERTIFIED
REAL ESTATE APPRAISERS
REFERENCE INDEX

December 20, 2017

TIME	AGENDA
9:03	Official Call to Order/Roll Call
9:10	Report of Prosecutorial Division
9:10	Approval of Minutes
9:21	Report of Board Counsel
9:41	Report of Board Chairman
9:43	Report of Board Administrator
9:45	Executive Session
10:08	Return to Open Session
10:10	Executive Session
10:33	Return to Open Session
10:34	Motions
10:39	Adjournment