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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: 10:30 A.M.

Held at

**PENNSYLVANIA DEPARTMENT OF STATE**

2601 North Third Street

One Penn Center, Board Room C

Harrisburg, Pennsylvania 17110

as well as

**VIA MICROSOFT TEAMS**

Thursday, November 30, 2023



1 \*\*\*

2 State Board of Certified  
3 Real Estate Appraisers  
4 November 30, 2023

5 \*\*\*

6 [Pursuant to Section 708(a)(5) of the Sunshine Act,  
7 at 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 10:30 a.m.]

12 \*\*\*

13 [Ronald K. Rouse, Esquire, Board Counsel, informed  
14 everyone that the meeting of the State Board of  
15 Certified Real Estate Appraisers was being held in a  
16 hybrid format, both in person and by livestreaming  
17 teleconference, pursuant to Act 100 of 2021, which  
18 requires boards to use a virtual platform to conduct  
19 business when a public meeting is held.

20 Mr. Rouse also noted that the Board entered into  
21 Executive Session with Board Counsel to have  
22 attorney-client consultations and for the purpose of  
23 conducting quasi-judicial deliberations.]

24 \*\*\*

25 The regularly scheduled meeting of the State

1 Board of Certified Real Estate Appraisers was held on  
2 Thursday, November 30, 2023. Mark V. Smeltzer Sr.,  
3 Chairman, Professional Member, officially called the  
4 meeting to order at 10:30 a.m.

5 \*\*\*

6 Roll Call

7 [Mark V. Smeltzer Sr., Chairman, Professional Member,  
8 requested a roll call of Board members. There was a  
9 quorum.]

10 \*\*\*

11 Introduction of Attendees

12 [Mark V. Smeltzer Sr., Chairman, Professional Member,  
13 also requested an introduction of attendees.]

14 \*\*\*

15 Approval of minutes of the October 19, 2023 meeting

16 CHAIRMAN SMELTZER:

17 The next Board business is the minutes  
18 from the October 19 meeting. Has  
19 everyone had a chance to look over  
20 those? Is there any discussion?

21 [The Board discussed corrections to the minutes.]

22 CHAIRMAN SMELTZER:

23 There is a proposal to amend the  
24 minutes. Any discussion?

25 Could I get a motion to accept the

1 minutes as amended?

2 MR. STOERRLE:

3 I make a motion.

4 MR. MCFARLANE:

5 Second.

6 CHAIRMAN SMELTZER:

7 Roll call vote.

8

9 Mark Smeltzer, aye; William Stoerrle,  
10 aye; Michael McFarlane, aye; John  
11 Ausherman, abstain; Martha Brown, aye;  
12 Paul Edger, aye; Paul Wentzel, aye.

13 [The motion carried. John Ausherman abstained from  
14 voting on the motion.]

15

\*\*\*

16 Report of Prosecutorial Division

17 [Timothy A. Fritsch, Esquire, Board Prosecutor,  
18 presented the Consent Agreement and Order for Case  
19 No. 23-70-011715.]

20 MR. ROUSE:

21 Regarding the Consent Agreement at item  
22 2 on the agenda at Case No. 23-70-  
23 011715, after discussion in Executive  
24 Session, I believe the Chair would  
25 entertain a motion to adopt the Consent

1 Agreement.

2 MS. BROWN:

3 I make a motion.

4 MR. EDGER:

5 Second.

6 MS. HENNESSY HEMLER:

7 Mark Smeltzer, aye; William Stoerrle,  
8 aye; Michael McFarlane, aye; John  
9 Ausherman, aye; Martha Brown, aye; Paul  
10 Edger, aye; Paul Wentzel, aye.

11 [The motion carried unanimously. This is the Matter  
12 of BPOA v. Garrett James Divins, Case No. 23-70-  
13 011715.]

14 \*\*\*

15 Report of Prosecutorial Division

16 [Ray J. Michalowski, Esquire, Senior Board Prosecutor  
17 and Prosecution Liaison, offered to answer any  
18 general questions from Board members.

19 Mr. Michalowski reported the multiple listing  
20 service (MLS) membership for the state has not gone  
21 well. He explained that it is not a problem in the  
22 eastern half of the state where they have one very  
23 large MLS but more of a problem in the western half  
24 because of smaller multiple listing services. He  
25 mentioned that he would be discussing the issue again

1 with contract counsel to review the responses  
2 received through emails.

3 Mr. Michalowski referred to a question Chair  
4 Smeltzer previously asked about whether they could  
5 have more folks reviewing appraisals. He stated one  
6 of the issues that comes up a lot with appraisal  
7 complaints is whether or not a residential appraiser  
8 should be doing the appraisal or should they have at  
9 least reached out to a general appraiser. He noted  
10 trying to contract with appraisal firms that have  
11 more than one appraiser on their rolls approved so  
12 they could work with them.

13 Ms. Hennessy Hemler informed Board members that  
14 Carlton Smith would be presenting the annual  
15 prosecutorial report at the January Board meeting.]

16 \*\*\*

17 Regulations/Statute - Regulation 16A-7031  
18 [Ronald K. Rouse, Esquire, Board Counsel, addressed  
19 Regulation 16A-7031 regarding federally mandated  
20 revisions and provided a copy of the final rulemaking  
21 packet. He stated the annex provides revisions to  
22 the Board's regulations for § 36.41 regarding  
23 continuing education requirements. He noted it would  
24 be continuing education for Valuation Bias and Fair  
25 Housing Laws and Regulations as a condition of

1 renewal of certification or licensure for appraisers  
2 and licensed appraiser trainees.

3 Mr. Rouse also referred to § 36.51, which  
4 revises the name of the 7-Hour National Uniform  
5 Standards of Professional Appraiser Practice (USPAP)  
6 Update Course to the 7-Hour National USPAP Continuing  
7 Education Course. He noted § 36.412(b) of the  
8 Appraisal Management Company (AMC) regulations would  
9 be amended to comply with federal regulations.

10 Mr. Rouse stated the Board's current AMC  
11 regulations provide that an individual may not be an  
12 owner or key person of an AMC if the individual had a  
13 license or certificate refused, denied, canceled,  
14 suspended, or revoked or if they voluntarily  
15 surrender the license or certificate unless the  
16 license or certificate was subsequently granted or  
17 reinstated to the individual.

18 Mr. Rouse explained that it is inconsistent with  
19 federal requirements, so their regulations would be  
20 revised to be consistent with 12 CFR 34.215(b)(2),  
21 where an individual is not disqualified from becoming  
22 an owner or key person of an AMC if the Board  
23 determines that the individual's license or  
24 certificate was not revoked, suspended, refused, or  
25 surrendered for substantive cause and the

1 individual's license or certificate was granted or  
2 reinstated by the state in which the individual was  
3 licensed or certified.

4 Mr. McFarlane requested an update on whether  
5 certified Pennsylvania evaluators would also be  
6 subject to the requirement of mandatory fair housing  
7 and valuation bias coursework.

8 Mr. Rouse explained that it is a separate  
9 package under Regulation 16A-7032 because  
10 Pennsylvania certified evaluators are not federally  
11 required to comply with valuation bias training and,  
12 therefore, it could not come under the 16A-7031  
13 package.]

14 MR. ROUSE:

15 Regarding Regulation 16A-7031, would  
16 the Chair entertain a motion to adopt  
17 the Final Rulemaking for Regulation  
18 16A-7031?

19 MR. AUSERMAN:

20 I so move.

21 MR. STOERRLE:

22 Second.

23 MS. HENNESSY HEMLER:

24 Mark Smeltzer, aye; William Stoerrle,  
25 aye; Michael McFarlane, aye; John

1                   Ausherman, aye; Martha Brown, aye; Paul  
2                   Edger, aye; Paul Wentzel, aye.

3 [The motion carried unanimously.]

4

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5 Regulations/Statute - Regulatory Report

6 [Ronald K. Rouse, Esquire, Board Counsel, provided a  
7 Regulatory Report for the Board's review. He  
8 mentioned that there has not been much change to the  
9 Regulatory Report but noted Regulation 16A-7025,  
10 Schedule of Fees, is on hold per the Policy Office  
11 and Bureau of Finance and Operations.]

12

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13 Matters for Discussion - 2024 Association of

14       Appraiser Regulatory Officials (AARO) Conference -  
15       May 3-5, 2024 - Nashville, TN

16 CHAIRMAN SMELTZER:

17                   I believe that we have a proposal to  
18                   send people, at this time, to the  
19                   conference.

20 MS. BROWN:

21                   I make a motion that Mark Smeltzer,  
22                   Bill Stoerrle, and Michael McFarlane  
23                   attend the 2024 Spring AARO Conference  
24                   May 3-5, 2024, in Nashville, Tennessee.

25 MR. EDGER:

1 I'll second.

2 MS. HENNESSY HEMLER:

3 Mark Smeltzer, aye; William Stoerrle,  
4 aye; Michael McFarlane, aye; John  
5 Ausherman, aye; Martha Brown, aye; Paul  
6 Edger, aye; Paul Wentzel, aye.

7 [The motion carried unanimously.]

8 \*\*\*

9 Report of Board Chairman - No Report

10 \*\*\*

11 Report of Board Administrator

12 [Kristel Hennessy Hemler, Board Administrator,  
13 announced the boardroom at 2525 North 7th Street in  
14 Harrisburg is complete and the next meeting on  
15 January 18, 2024, would be held at that location.

16 Ms. Hennessy Hemler instructed Board members to  
17 park on the opposite side of the building and walk  
18 across the street. She noted that others attending  
19 in person could pull up to the building but to notify  
20 the security guard that they are attending the  
21 Certified Real Estate Appraisers Board Meeting.]

22 \*\*\*

23 Conference Report - No Report

24 \*\*\*

25 Exploratory Committee - Committee Discussion - ASC

1 Grants

2 [Michael McFarlane, Professional Member, had nothing  
3 new to report regarding the Appraisal Subcommittee  
4 (ASC) grants. He noted ASC has not updated the grant  
5 funding on their website but informed Board members  
6 that he would continue to monitor the status. He  
7 mentioned the package is prepared and ready for  
8 submission and initial review.]

9

\*\*\*

10 Applications for Review

11 MR. ROUSE:

12 Regarding the Application for a  
13 Certified Residential Real Estate  
14 Appraiser of Jonathan Green at item 7  
15 on the agenda, I believe the Chair  
16 would entertain a motion to  
17 provisionally deny the Application.

18 MS. BROWN:

19 So moved.

20 MR. MCFARLANE:

21 I second.

22 MS. HENNESSY HEMLER:

23 Mark Smeltzer, aye; William Stoerrle,  
24 aye; Michael McFarlane, aye; John  
25 Ausherman, aye; Martha Brown, aye; Paul

1 Edger, aye; Paul Wentzel, aye.

2 [The motion carried unanimously.]

3 \*\*\*

4 MR. ROUSE:

5 Item 8 on the agenda. Regarding the  
6 Application for a Certified Residential  
7 Real Estate Appraiser of Brendan Grube,  
8 I believe the Chair would entertain a  
9 motion to grant the Application.

10 MR. AUSERMAN:

11 I so move.

12 MR. STOERRLE:

13 Second.

14 MS. HENNESSY HEMLER:

15 Mark Smeltzer, aye; William Stoerrle,  
16 aye; Michael McFarlane, aye; John  
17 Auserman, aye; Martha Brown, aye; Paul  
18 Edger, aye; Paul Wentzel, aye.

19 [The motion carried unanimously.]

20 \*\*\*

21 Adjournment

22 CHAIRMAN SMELTZER:

23 Motion for adjournment?

24 MR. EDGER:

25 So moved.

1 MR. AUSHERMAN:

2 Second.

3 \*\*\*

4 [There being no further business, the State Board of  
5 Certified Real Estate Appraisers Meeting adjourned at  
6 10:56 a.m.]

7 \*\*\*

8

9 CERTIFICATE

10

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

17

18

19



20

Derek Richmond,

21

Minute Clerk

22

Sargent's Court Reporting

23

Service, Inc.

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26

STATE BOARD OF CERTIFIED  
REAL ESTATE APPRAISERS  
REFERENCE INDEX

November 30, 2023

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10	9:00	Executive Session
11	10:30	Return to Open Session
12		
13	10:30	Official Call to Order
14		
15	10:30	Roll Call
16		
17	10:31	Introduction of Attendees
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19	10:34	Approval of Minutes
20		
21	10:34	Report of Prosecutorial Division
22		
23	10:42	Report of Board Counsel
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25	10:48	Regulations/Statute
26		
27	10:49	Matters for Discussion
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29	10:52	Report of Board Administrator
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31	10:52	Exploratory Committee
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33	10:53	Applications for Review
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35	10:56	Adjournment
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