

**MARYLAND COMMISSION OF REAL ESTATE APPRAISERS,
APPRAISAL MANAGEMENT COMPANIES, AND HOME INSPECTORS
BUSINESS MEETING MINUTES**

DATE: June 9, 2020

TIME: 10:40 a.m.

PLACE: Virtual meeting due to Covid19 State of Emergency

PRESENT: Commissioner Anatol Polillo, Chairman
Commissioner Harold Huggins, Vice-Chair
Commissioner George Fair
Commissioner Michelle Marzullo
Commissioner Helen Won
Commissioner Jeremiah Hosford
Commissioner Coleen Courtney-Morrison
Commissioner James Smith
Commissioner Sean Troxell
Commissioner Bob Hergenroeder
Commissioner Gwen Skillern

ABSENT: Commissioner Joseph Berk

DEPT. OF LABOR STAFF PRESENT: Todd Blackistone, Executive Director
Sloane Fried Kinstler, Assistant Attorney General
Michael Szlachetka, Administrative Specialist

OTHERS PRESENT: Sabrina Rubis, Law Clerk, Office of the Attorney General

Call to Order

Commission Chairman, Anatol Polillo, called the business meeting of the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors to order at 10:40 a.m. Due to the COVID19 state of emergency, this meeting was conducted virtually.

Approval of Minutes

The Commission reviewed and considered the minutes of the business meeting held on February 11, 2020. (Please note: the Commission business meeting scheduled for April 14, 2020 was cancelled due to the COVID19 state of emergency.) By Motion made by Commissioner Fair seconded by Commissioner Smith, and carried by a majority vote, the Commission approved the minutes of the February 11, 2020 business meeting. Commissioner Gwen Skillern abstained and did not vote for or against this motion.

Real Estate Appraiser Complaint Committee Report

Commission Chair Polillo reported to the Commission that the Appraiser Complaint Committee met prior to the public meeting and reviewed 15 items of business placed before the Committee. The disposition of which was as follows:

Complaints	-	18-REA-110	Precharge
		18-REA-116	Precharge
		20-REA-07	Dismissed
		20-REA-15	Precharge
		20-REA-18	Precharge
		20-REA-33	Precharge
		20-REA-35	Reschedule informal hearing
		20-REA-39	Dismissed
		20-REA-43	Dismissed
		20-REA-44	Dismissed
		20-REA-45	Dismissed
		20-REA-47	Dismissed
		20-REA-50	Dismissed
		20-REA-52	Dismissed
		20-REA-55	Dismissed

A Motion was made by Commissioner Fair and seconded by Commissioner Hosford that the Commission accept the report and recommendations of the Appraiser Complaint Committee. This motion passed by a unanimous vote.

Home Inspector Complaint Committee Report

Commissioner Fair reported that the Home Inspector Complaint Committee met prior to the public meeting and reviewed seven (7) items of business placed before the Committee. The disposition of which was as follows:

Complaints	-	20- INSP-10	Dismissed
		20- INSP -25	Dismissed
		20- INSP -29	Withdrawn/Closed
		20- INSP -34	Dismissed
		20- INSP -41	Tabled
		20- INSP -42	Dismissed
		20- INSP -46	Dismissed

A Motion was made by Commissioner Troxell, seconded by Commissioner Marzullo, and unanimously carried that the Commission accept the recommendations of the Home Inspector Complaint Committee.

Education Committee Report

Commission Chair Polillo reported that the Appraiser and Home Inspection Education Committees met on this date and approved 39 courses. The Appraiser Education Committee reviewed 32 courses and, of those, approved 31 courses and the Home Inspection Education Committee reviewed 16 courses and, of those approved 8 courses. A Motion was made by Commissioner Fair, seconded by Commissioner Huggins, and unanimously carried that the Commission accept the recommendations of the Education Committees.

Old Business

No Old Business to consider.

New Business

Reduction of the National Home Inspection Examination Score

Executive Director, Todd Blackistone, addressed the Commission in regards to an email he received from a potential applicant on June 5, 2020, suggesting a reduction of the passing score for the required National Home Inspection Examination for home inspector licensure during the COVID 19 state of emergency. The Commission considered the proposal and determined that the request was not justified at this time.

A Motion was made by Commissioner Hergenroeder, seconded by Commissioner Huggins, and unanimously carried that the Commission not reduce the passing examination score for home inspector licensure.

Education Review for Consideration

Executive Director, Todd Blackistone, reported to the Commission that he had received an application from an applicant seeking home inspector licensure. The applicant represented that he was unable to produce a copy of a high school diploma as he had graduated over 50 years ago. The Commission reviewed the applicant's work history and determined that, upon review of the applicant's extensive and relevant work experience, his inability to produce a high school diploma or its equivalent should not bar the individual from licensure.

A Motion was made by Commissioner Fair, seconded by Commissioner Hergenroeder, and unanimously carried that the Commission would not bar the applicant from licensure after evaluating the applicant's extensive work history.

Home Inspector License Applicant #1

Executive Director, Todd Blackistone, addressed the Commission about an applicant for a home inspector license who had, as instructed, submitted a true test copy of court documents to the Commission for consideration. Mr. Blackistone identified to the Commission the convictions entered and sentence imposed for each conviction and read a letter submitted outlining the

criminal history. The individual was convicted of one felony and four misdemeanors most occurring over 15 years ago- the most recent was in 2009. The applicant is married with two children and an active member of a church organization. The Commission determined that the applicant had since demonstrated rehabilitation and had become a contributing member of society. The Commission considered Maryland law applicable to occupational and professional licensure after a criminal conviction. The members discussed the the nature of the applicant's convictions, the relationship of the crimes to the provision of home inspection services, the length of time since the conviction, and the applicant's activities since the convictions, the Commission determined that the applicant's criminal history. After discussion, the Commission determined that the applicant's criminal history should not constitute a bar to home inspector licensure.

A Motion was made by Commissioner Hergenroeder, seconded by Commissioner Huggins, and was unanimously carried that the applicant's criminal record should not constitute a bar to home inspector licensure.

Home Inspector Licensee Applicant #2

Executive Director, Todd Blackistone, addressed the Commission about an applicant for a home inspector license who reported a criminal history reflecting a 2016 felony conviction for theft and a misdemeanor conviction for possession of a stolen regulated firearm. The applicant was sentenced to incarceration for a period of two (2) years for the felony conviction and two (2) years, suspended, to run consecutively, for the misdemeanor conviction. The sentence was subsequently modified to incarceration for five (5) years, with all time suspended but one (1) year, followed by probation for three (3) years for the felony conviction and incarceration for two (2) years, suspended, followed by probation for three (3) years for the misdemeanor conviction. The Commission noted that the convictions were recent. Further, the applicant had not produced documentation of compliance with or completion of the terms and conditions of court-ordered supervision. After consideration of the nature of the convictions, the relationship of the crimes to the provision of home inspection services, the length of time since the convictions, and any explanation of the applicant's activities since the convictions, the Commission determined the applicant was not eligible for licensure at this time.

A Motion was made by Commissioner Fair, seconded by Commissioner Marzullo and unanimously carried to deny the applicant licensure at this time.

Real Estate Appraiser Reciprocal Applicant

Executive Director, Todd Blackistone, addressed the Commission received a reciprocal application from a certified general real estate appraiser. The Commission reviewed the applicant's self-reported disciplinary history revealing actions and resulting sanctions against the applicant by other states. In 2019, Arkansas and California took disciplinary action against the applicant. Both cases involved appraisal reporting errors, including but not limited to, violations of USPAP, inaccurately identified or described properties, the use of inappropriate comparable properties, and incorrect or improperly applied approaches to value, resulting in appraisals that had been deemed misleading and incompetent appraisals by the reviewing regulatory bodies.

A Motion was made by Commissioner Hergenroeder, seconded by Commissioner Huggins, and unanimously carried to deny the application for reciprocal licensure due to the errors and omissions and USPAP violations in the applicant's appraisal practice history, for which disciplinary action and sanctions had been imposed against the applicant by multiple states.

2020-2021 Uniform Standards of Professional Appraisal Practice

Assistant Attorney General Kinstler reported that the Secretary had granted approval for proposed action on a regulation previously recommended by the Commission. Counsel reminded the Commission of its request to pursue proposed an action to adopt the 2020-2021 edition of the Uniform Standards of Professional Appraisal Practice (USPAP). This action will update the 2018-2019 edition USPAP adopted by the Commission under COMAR 09.19.05.01.

A Motion was made by Commissioner Huggins, seconded by Commissioner Courtney-Morrison, and unanimously carried to adopt proposed action to update the USPAP edition under COMAR 09.19.025.01.

Report of the Chair

Commission Chairman, Anatol Polillo, discussed with the Commission his concerns for the quality of an instructor's presentation of material in training Mr. Polillo had attended and about which a concern had been raised by another attendee. Mr. Polillo described the instructor's presentation, which he believed had been unprofessional. The Commission discussed contacting the course sponsor to pursue rescission of approval for the course taught by the instructor. After a discussion, the Commission determined the actions reported were a potential concern for future attendees of the training, but more information was required before making a determination.

A Motion was made by Commissioner Fair, seconded by Commissioner Smith, and unanimously carried for designated industry member Commissioners to look into the matter and report back to the Commission.

Assistant Attorney General's Report

No report offered.

Executive Director's Report

None offered.

Closed Session

No closed session required.

Adjournment

There being no further business to discuss, a Motion was made by Commissioner Fair, seconded by Commissioner Hosford, and unanimously carried that the meeting adjourn. The meeting adjourned at 12:04 p.m.

✓ Approved without corrections

 Approved with corrections

Anatol L. Polillo

Commissioner Anatol Polillo, Chair

8/11/20

Date