

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

DATE: February 9, 2021

TIME: 10:32 a.m.

PLACE: 500 N. Calvert Street (virtual meeting)
2nd Floor Conference Room
Baltimore, Maryland 21202

PRESENT: Commissioner Anatol Polillo, Chairman
• Commissioner Harold Huggins, Vice-Chair
• Commissioner Jeremiah Hosford
• Commissioner Coleen Courtney-Morrison
• Commissioner Sean Troxell
• Commissioner Gwen Skillern
• Commissioner Michelle Marzullo
• Commissioner Stacy Harman
• Commissioner James Smith
• Commissioner Steve Feyerick

ABSENT: • Commissioner Bob Hergenroeder
• Commissioner Nathan Cavey
• Commissioner Thomas Owen
• Commissioner Joseph Berk

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

OTHERS PRESENT: None identified

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 10:32 am.

Approval of Minutes

The minutes of the business meeting held on October 13, 2020 were reviewed and considered. By Motion made by Commissioner Huggins, seconded by Commissioner Marzullo, and carried

by a unanimous vote, the minutes of the October 13, 2020 business meeting were approved.

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 13 items of business placed before the Committee. The disposition of which was as follows:

Complaints	-	20- REA - 59	Technical Review
		21- REA - 09	Dismissed
		21- REA - 10	Dismissed
		21- AMC - 11	Withdrawn
		21- REA - 14	Dismissed
		21- REA - 16	Settlement Discussions
		21- REA - 17	Civil Penalty/Reprimanded
		21- REA - 21	Technical Review
		21- REA - 22	Dismissed
		21- REA - 23	Technical Review
		21- REA - 26	Investigation
		21- REA - 29	Dismissed
		21- AMC- 30	Dismissed

A Motion was made by Commissioner Hosford and seconded by Commissioner Huggins, 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 Troxell reported that the Home Inspector Complaint Committee met prior to the public meeting and reviewed 12 items of business placed before the Committee. The disposition of which was as follows:

Complaints	-	20- INSP - 51	Dismissed
		21- INSP - 03	Tabled
		21- INSP - 18	Precharge
		21- INSP - 20	Precharge
		21- INSP - 24	Dismissed
		21- INSP - 25	New Report
		21- INSP - 27	New Report
		21- INSP - 28	New Report
		21- INSP - 31	New Report
		21- INSP - 38	Precharge
		21- INSP - 39	Dismissed
		21- INSP - 40	Dismissed

A Motion was made by Commissioner Skillern, seconded by Commissioner Smith, 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 14 courses. The Appraiser Education Committee reviewed 9 courses and approved those courses and the Home Inspection Education Committee reviewed 5 courses and approved those courses. A Motion was made by Commissioner Skillern, seconded by Commissioner Huggins, and unanimously carried that the Commission accept the recommendations of the Education Committees.

Old Business

No report offered.

Chairman's Report

No report offered.

Assistant Attorney General's Report

No report offered.

New Business

Introduction of New Commission Member

Commission Chairman, Anatol Polillo, addressed the Commission to welcome AMC member Commissioner Feyerick to the Commission. Mr. Feyerick's professional achievements are expected to be a great asset to the Maryland Commission.

Election Commission Chairman

Executive Director, Todd Blackistone, discussed with the Commission that the Commission must annually elect a Chairman from among its members in compliance with Maryland law. Md. Ann. Code, Bus. Occ. & Prof. §16-203(a). Mr. Blackistone explained that the Commission could elect a new Chairman or retain current Chairman, Anatol Polillo, in the position. Mr. Blackistone reminded the Commission of the duties of a Commission Chairman and encouraged discussion on the topic and nominations.

A Motion was made by Commissioner Huggins, seconded by Commissioner Marzullo, and unanimously carried to re-elect Mr. Anatol Polillo as Commission Chairman.

Counsel explained that, upon Mr. Polillo's election as Chair, the Commission's Vice Chair must be elected from the appraiser members on the Commission in compliance with §16-203(a)(ii).

Mr. Blackistone suggested that the Commission also hold an election for Vice Chairman. Mr. Blackistone reminded the Commission that they could elect a new Vice Chairman or retain Mr. Huggins in that position. Mr. Blackistone reminded the Commission of the duties of a Commission Vice Chairman and encouraged discussion on the topic and nominations.

A Motion was made by Commissioner Marzullo, seconded by Commissioner Courtney-Morrison, and unanimously carried to re-elect Mr. Harold Huggins as Commission Vice Chairman.

Reinstatement of a Real Estate Appraiser Trainee License

Executive Director, Todd Blackistone, addressed the Commission about a former real estate appraiser trainee who contacted the Commission to upgrade their license. All appraisal logs and appraisals have been provided; however, the trainee's supervising appraiser is currently incapacitated and hospitalized and, accordingly, unable to sign the appraisal logs. Since it is standard practice to provide signed appraisal logs to qualify to take an appraisal license examination, the Commission carefully evaluated the situation. The Commission members discussed the fairness to a trainee of a situation outside of his or her control, such as the unexpected illness or death of a supervising appraiser.

A Motion was made by Commissioner Huggins, seconded by Commissioner Courtney-Morrison, and unanimously carried to accept the current reports without the supervising appraiser's signatures in this specific situation, provided all continuing education is current.

Reinstatement and Upgrade a Real Estate Appraiser License

Executive Director, Todd Blackistone, addressed the Commission about a formerly licensed real estate appraiser who contacted the Commission to reinstate a license that had expired 10 years ago. In addition, the former licensee requested that the Commission consider qualification in upgrading the license to a certified residential real estate appraiser license from the formerly held licensed appraiser classification. It was discussed that the former supervising appraiser, who mentored the former appraiser as a trainee, is now deceased. The former supervising appraiser retained all the trainee's appraisal reports and experience logs, which are not available to be provided to the Commission. The applicant claims they have no access to provide prior work experience and appraiser reports.

After a discussion, a Motion was made by Commissioner Huggins, seconded by Commissioner Marzullo, and unanimously carried to accept to reinstate the former license upon bringing his continuing education current, but deny approving the individual to test for a higher license classification this time.

Home Inspector Continuing Professional Competency Education

Commissioner Troxell addressed the Commission regarding home inspection continuing professional competency education during the State of Emergency. It has been understood that, during the State of Emergency, home inspectors may take continuing professional competency education in an online interactive format. Upon researching the topic, it has been discovered that

most providers are not offering courses in an interactive format, but rather in an online pre-recorded self-study format.

A Motion was made by Commissioner Troxell, seconded by Commissioner Huggins, and unanimously carried to accept home inspector continuing professional competency education in a pre-recorded self-study format during and up to 30 days after the State of Emergency is terminated.

Home Inspector Applicant # 1

Executive Director, Todd Blackistone, addressed the Commission regarding home inspector license applicant with a 2008 criminal conviction for possession of marijuana, a misdemeanor, and 4th degree distribution, a felony, in the State of New Jersey. Due to the amount of time since the offenses occurred, and the applicant's activities since then, the Commission determined that this would not disqualify the applicant from obtaining a home inspection license.

A Motion was made by Commissioner Troxell, seconded by Commissioner Skillern, and unanimously carried that the applicant's convictions will not bar them from licensure.

Home Inspector Applicant # 2

Executive Director, Todd Blackistone, addressed the Commission about a home inspector applicant who was convicted in 2004 of theft over \$500 and failure to return a rented vehicle, misdemeanors. Due to the amount of time since these offenses occurred, and the applicant's activities since, the Commission determined that the applicant's criminal history would not constitute a disqualification from home inspection licensure.

A Motion was made by Commissioner Marzullo, seconded by Commissioner Huggins, and unanimously carried that the applicant's convictions will not bar them from licensure.

Reinstatement of a Real Estate Appraiser License

Executive Director, Todd Blackistone, addressed the Commission about a former real estate appraiser who contacted the Commission to reinstate a license that had expired in 2016. The individual provided proof of completion of the statutorily required continuing education to the Commission for review.

A Motion was made by Commissioner Courtney-Morrison, seconded by Commissioner Huggins, and unanimously carried to reinstate the Real Estate Appraiser license.

Uniform Standards of Professional Appraisal Practice Update

Executive Director, Todd Blackistone, addressed the Commission about updating the Uniform Standards of Professional Appraisal Practice (USPAP) to current edition. The regulations currently reflect adoption of the 2018-2019 USPAP edition, which is updated every two years. To comply with federal regulations, the Commission must update the applicable version of

USPAP to the current edition.

Counsel explained to the Commission that, in the past, the Commission has amended the regulation to change the reference to the most recently published version of USPAP. However, Counsel suggested that the Commission adopt similar language as that of other boards and commissions that contains indicates application of a particular Code as is amended, updated, etc. from time-to-time. Counsel provided the Commission with sample regulatory language to similarly amend COMAR 09.19.05.01.

A Motion was made by Commissioner Huggins, seconded by Commissioner Harman, and unanimously carried to amend COMAR 09.19.05.01 to reflect application of the then-current Uniform Standards of Professional Appraisal Practice as may be amended or modified from time to time.

State of Maryland Home Inspection Exam Certification

Executive Director, Todd Blackistone, addressed the Commission about a home inspector license examination candidate who had questioned the efficacy of the 72-hour qualifying education for home inspection licensure in Maryland. The individual suggested that the training was inadequate because, despite having completed a course approved by the Commission, individual had failed the license examination. The individual sought a waiver of successful completion of the required license examination, arguing that the education that was provided by a Commission approved education provider was inadequate preparation for the National Home Inspection Exam (NHIE). The individual sought approval of a home inspector license application Commission reviewed the statutory requirements for home inspector licensure with Counsel and concluded that it had no authority to grant licensure to an individual who had failed the examination mandated by Md. Ann. Code, Bus. Occ. & Prof. §16-3A-03 to qualify for home inspector licensure.

A Motion was made by Commissioner Troxell, seconded by Commissioner Marzullo, and unanimously carried to deny the request to grant the individual a home inspector license without successful completion of the NHIE.

Home Inspector Course Approvals

Commissioner Troxell addressed the Commission regarding home inspector course approval applications and the language currently used to renew courses approval. On the current application, it is stated that the request must be submitted 30 days prior to the date of the scheduled course offering. Commissioner Troxell explained to the Commission that this language has resulted in some courses being denied in the past. Commissioner Troxell recommended that the application must be received at least 60 days prior to an anticipated course offering for Administrative review.

A Motion was made by Commissioner Huggins, seconded by Commissioner Marzullo, and unanimously carried to approve the modification for course approval applications to allow 60 days advance of the course to allow time for an administrative review.

Adjournment

There being no further business to discuss, a Motion was made by Commissioner Hosford, seconded by Commissioner Courtney-Morrison, and unanimously carried that the meeting adjourn. The meeting adjourned at 12:10 p.m.

Approved without corrections

Approved with corrections

Signature on file
Commissioner Anatol Polillo, Chair

Date