

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

DATE: February 8, 2022

TIME: 10:32 am

PLACE: 1100 N. Eutaw Street (virtual)
Baltimore, Maryland 21201

PRESENT: Commissioner Anatol Polillo, Chairman
Commissioner Harold Huggins, Vice-Chair
Commissioner Jeremiah Hosford
Commissioner Coleen Courtney-Morrison
Commissioner Sean Troxell
Commissioner Gwen Skillern
Commissioner Steve Feyerick
Commissioner Thomas Owen
Commissioner Stacy Harman
Commissioner Bob Hergenroeder
Commissioner Jerry Pickholtz
Commissioner Karen Trendler

ABSENT: Commissioner Nathan Cavey

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

OTHERS PRESENT: Robert Sisson

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

It was discussed that the minutes of the business meeting held on December 14, 2021, would be amended on page 5 to correct the section titled "Applicant for a Real Estate Appraiser Trainee License #2". In the first paragraph the last sentence the words "determined that there was not a

sufficient to bar” should be “determined that there was not a sufficient *basis* to bar”.

By Motion made by Commissioner Huggins, seconded by Commissioner Troxell and carried by a unanimous vote, the minutes of the December 14, 2021 business meeting are approved with the correction.

Real Estate Appraiser Complaint Committee Report

Executive Director, Todd Blackistone, 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	-	22- REA - 19	Dismissed
		22- REA - 20	Dismissed
		22- REA - 22	Remedial Education
		22- REA - 24	Remedial Education
		22- REA - 26	Remedial Education
		22- REA - 34	Remedial Education
		22- REA - 35	Precharge
		22- REA - 36	Precharge
		22- REA - 37	Technical review or precharge
		22- REA - 38	Dismissed
		22- REA - 40	Remedial Education
		22- REA - 41	Dismissed
		22- REA - 43	Dismissed

A Motion was made by Commissioner Huggins, and seconded by Commissioner Harman, 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 4 items of business placed before the Committee. The disposition of which was as follows:

Complaints	-	22- INSP - 31	Informal hearing/New report
		22- INSP - 39	Precharge
		22- INSP - 44	Precharge
		22- INSP - 45	Informal hearing/New report

A Motion was made by Commissioner Skillern, seconded by Commissioner Hergenroeder, 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 27 courses. The Appraiser Education Committee reviewed 13 courses and approved all 13 of the courses and the Home Inspection Education Committee reviewed 16 courses and, of those, approved 14 courses.

A Motion was made by Commissioner Harman, seconded by Commissioner Huggins, and unanimously carried that the Commission accept the recommendations of the Education Committees.

Old Business

None to consider.

New Business

Applicant for a Home Inspector License # 1

Executive Director, Todd Blackistone, addressed the Commission about an applicant who contacted the Commission about eligibility to qualify for a home inspector license. The individual has a past criminal history that reflects a felony conviction in 2001 for armed robbery. The applicant was sentenced to incarceration for 10 years, with 4 years suspended; paroled in 2004; and completed court-ordered supervision on or about 2011. The applicant has not had any convictions since that time. The court ordered supervision was fulfilled over a decade ago. At this time the individual has been married for 15 years and has 2 teenage children. The applicant has completed the required 72-hour course and passed the required license examination.

A Motion was made by Commissioner Huggins, seconded by Commissioner Hosford, and unanimously carried that the Commission will not bar the applicant from licensure based on this criminal conviction.

Reinstatement of a Real Estate Appraiser License # 1

Executive Director, Todd Blackistone, addressed the Commission about a former real estate appraiser who contacted the Commission seeking license reinstatement. The individual's license expired approx. 8 years ago in December 2013; the individual began working at trade show events due to the declines in housing market. During their time in the real estate appraisal industry, the Commission noted that there were no violations or disciplinary actions against the individual. Due to the time outside of the industry the MD Commission was concerned about the ability of the former appraiser to mentor an appraiser trainee, which was indicated in the request.

A Motion was made by Commissioner Hosford, seconded by Commissioner Courtney-Morrison, that the Commission approve the request to reinstate the license, contingent upon the individual's completion all required continuing education. In addition, the individual will not be eligible to supervise an appraiser trainee for 3 years. All members voted in favor of this motion except for Commissioner Hergenroeder who voted against the motion.

An additional Motion was made by Commissioner Trendler, seconded by Commissioner Hosford, that the reinstatement be further contingent upon the individual documenting completion of all required continuing education within 6 months. All members voted in favor of this motion except for Commissioner Hergenroeder who voted against the motion.

Renewal of a Real Estate Appraiser License # 1

Executive Director, Todd Blackistone, addressed the Commission about a current real estate appraiser who contacted the Commission to renew their license that expired earlier this month, February 2022. Upon reengaging in the electronic renewal process, the appraiser disclosed disciplinary actions in another state. As a result of misconduct that occurred in 2016, the Kentucky appraisal authority suspended the individual's license May 2018; subsequently, in December 2018, the South Carolina appraisal authority imposed a remedial education requirement as a result of the Kentucky disciplinary action. This licensee has held a real estate appraiser license in Maryland since 2016.

A Motion was made by Commissioner Hergenroeder, seconded by Commissioner Harman, and unanimously carried to refer the matter to the Executive Director to approve the license renewal.

Building Entry Access Permits

Commissioner Troxell addressed the Commission about an issue and concerns over the restriction of home inspector access to new construction to conduct phase inspections. Some home inspectors are concerned about the inability to conduct a full home inspection. Counsel provided advice to the Commission about the agreements between builder and buyer as to phase inspections to which a home inspector is not a party and suggested that a home inspector disclose on a report of certain aspects if construction were not permitted to be inspected. Commissioner Pickholtz stated that a home inspector must disclose in a home inspection report when certain areas are not inspected and provide the reason why. The Commission concurred.

Long and Foster and Insight Inspections

The Commission discussed a press release from Long & Foster Real Estate Company introducing home inspection services through its company, Insight Inspections (owned by Long and Foster). The Commission expressed concerns of possible conflicts of interest. Advice Counsel Kinstler provided the Commission with advice setting forth potential conflicts in profit sharing, commissions for referrals, and LFI statements suggesting some discouragement from revealing defects that could be an obstacle to closing a transaction, constituting violations of the Home Inspector Code of Ethics, COMAR 09.36.06.01.-04. The Commission determined that a letter containing the MD Code of Ethics in regards to Home Inspectors be sent to Home Insights and another to Long and Foster for the purpose of explaining the potential conflict of interest. Also, the Commission requested to posting on our Commissions website explaining the conflict of interest that occurs when a real estate company/brokerage is affiliated with an home inspection company.

A Motion was made by Commissioner Huggins, seconded by Commissioner Pickholtz, and unanimously carried to contact Home Insights, Long and Foster, and the Maryland Real Estate Commission regarding the Commission's concerns of potential conflicts of interest and violations of the home inspector Code of Ethics.

Assistant Attorney General's Report

Counsel advised the Commission of HB 292 that would require a licensing agency to collect certain demographic information of license applicants.

Chairman's Report

No report offered.

Executive Director's Report

Potential Discrimination regarding Real Estate Appraiser Practices

Executive Director Blackistone reminded the Commission of correspondence from Gregory Glover regarding fair housing training offered for appraisers. Executive Director Blackistone proposed requiring appraisers to complete fair housing education as part of the application process. The Commission members were all in favor of this being a requirement and agreed that any form of discrimination is unacceptable in the appraisal industry. The Commission instructed Mr. Blackistone to post a statement on the Commission's website encouraging appraisers to complete education regarding fair housing and implicit bias. Counsel Kinstler explained to the Commission that it is not clear whether the ASC would allow such training to be credited toward the continuing education required for license renewal. She and Mr. Blackistone will investigate whether the Commission indicate that such training may be credited toward continuing education required for license renewal and so will indicate on the website.

Adjournment

There being no further business to discuss, a Motion was made by Commissioner Huggins, seconded by Commissioner Harman, and unanimously carried that the meeting adjourn. The meeting adjourned at 12:43 p.m.

Approved without corrections

Approved with corrections

Signature on file
Anatol Polillo, Chair