

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

DATE: August 30, 2022

TIME: 10:32 a.m.

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

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

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: Danielle Anderson, Web Content and Outreach Coordinator, DOL
Scott DiBiaso, Appraisal Institute

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 a.m.

Approval of Minutes

Prior to approval of the minutes of the business meeting held on June 14, 2022, the Commission discussed an amendment to correct typographical errors. It was recommended that on page 3, under "Old Business," the sentence reading "Executive Director, Todd Blackistone, addressed the Commission regarding the proposal *od* legislation" be corrected to read "Executive Director, Todd Blackistone, addressed the Commission regarding the proposal *of* legislation". Further, on page 4, in the section titled "Reinstatement of a Real Estate Appraiser License #2," in the sentence reading "The individual *resented* multiple letters from Maryland appraisers" should be corrected to read, "The individual *presented* multiple letters from Maryland appraisers".

Lastly, it was agreed that the minutes should be clarified to reflect that, upon a vote for each motion under the sections "Reinstatement of Real Estate Appraiser License # 1" on page 4 "Reinstatement of a Real Estate Appraiser License # 2" on page 4 and "Reinstatement of Real Estate Appraiser License # 3" had been unanimously approved by the Commission.

By Motion made by Commissioner Huggins, seconded by Commissioner Feyerick, and carried by a unanimous vote, the minutes of the June 14, 2022 business meeting are approved with the amendments. Ms. Harman was not present and did not vote on this matter.

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 6 items of new business. The disposition of which was as follows:

Complaints	-	22- REA - 75	Dismissed
		22- REA - 87	Dismissed
		22- REA - 93	Dismissed
		22- REA - 97	Settlement Negotiations/Precharge
		22- AMC - 98	Tabled
		22- REA - 99	Settlement Negotiations/Precharge

A Motion was made by Commissioner Huggins, and seconded by Commissioner Hergenroeder, that the Commission accept the report and recommendations of the Appraiser Complaint Committee. This motion passed by a majority vote. Ms. Harman was not present and did not vote on this matter.

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 new business. The disposition of which was as follows:

Complaints	-	22- INSP - 31	Investigation
		22- INSP - 62	Settlement Negotiations/Precharge

22- INSP - 96 Dismissed
23- INSP - 01 Dismissed

A Motion was made by Commissioner Huggins, seconded by Commissioner Hergenroeder, and carried with all present voting in favor except for Commissioner Feyerick who abstained, that the Commission accept the recommendations of the Home Inspector Complaint Committee. Ms. Harman was not present and did not vote on this matter.

Education Committee Report

Commission Chair Polillo reported that the Appraiser and Home Inspection Education Committees met on this date and approved 23 courses. The Appraiser Education Committee reviewed 8 courses, and, of those, all courses were approved; the Home Inspection Education Committee reviewed 20 courses, and, of those, 15 courses were approved.

A Motion was made by Commissioner Hergenroeder, seconded by Commissioner Huggins, and by a majority vote carried with all members present voting in favor, except for Commissioner Feyerick who abstained, that the Commission accept the recommendations of the Education Committees. Ms. Harman was not present and did not vote on this matter.

Old Business

Executive Director, Todd Blackistone, addressed the Commission about its discussion during the June 2022 meeting of reports of potential implicit bias and racial discrimination in the real estate appraiser profession. Counsel Kinstler reminded the Commission that, at the last meeting, the Commission asked Mr. Blackistone to pursue legislation to require appraisers to complete related continuing education as a condition of credential renewal. Counsel Kinstler advised the Commission that this could be achieved by a regulation and referred the Commission members to language drafted and supplied to them regarding COMAR 09.19.02.04 for possible proposed action, which had been approved by the DOL Secretary.

There was extensive discussion and debate pertaining to the language in the proposed related to relevant education covering implicit bias and racial discrimination, the availability of and the course hours to complete such education. Mr. DiBiaso contributed to the discussion offering information about providers that currently offered related education and those currently developing course content on related subject matter. After a lengthy discussion, a motion was offered by Commissioner Huggins, and seconded by Commission Courtney-Morrison, to approve the regulation as written except to delay its effective date to January 1, 2023. After continued discussion from Commission members about relevant subject matter, the availability of qualifying education, and the ability of renewal candidates to comply prior to license expiration, the Mr. Huggins withdrew his motion.

The Commission agreed to require that each appraiser applicant for license or certificate renewal shall successfully complete during the preceding 3-year license cycle a minimum of 3 hours of appraisal education related to racial discrimination *and* implicit bias or appraiser bias. Mr. Huggins again offered a Motion, seconded by Commission Skillern to require that that each

appraiser applicant for license or certificate renewal shall successfully complete during the preceding 3-year license cycle a minimum of 3 hours of appraisal education related to racial discrimination *and* implicit bias or appraiser bias

A Motion was made by Commissioner Huggins, seconded by Commissioner Troxell, unanimously carried that, the Commission proposed action to amend COMAR 09.19.02.04 to reflect that beginning January 1, 2023, a real estate appraiser must have completed a minimum of 3 hours of continuing education related to racial discrimination and implicit bias or appraiser bias, approved by the Commission to qualify for license renewal.

After continued discussion of a licensee's ability to comply with such a requirement, the availability of qualifying education, and an agreement to offer the licensed and certified appraiser population time within which to learn of the new educational requirements prior to expiration, and so as allow appraisers sufficient notice within which to plan their continuing education and comply with the requirements without causing too much inconvenience, Mr. Higgins agreed to revise his motion, to make it applicable to appraisers seeking license or certificate renewal on or after May 1, 2023. Accordingly, Commissioner Huggins revised his motion, seconded by Commissioner Courtney-Morrison, unanimously carried that the effective date would be May 1, 2023.

After Ms. Trendler raised a concern about the relevant subject matter of the required continuing education, Mr. Huggins withdrew his earlier and subsequently revised motion. Instead, and in accordance with the Commission's discussion, Commissioner Huggins moved, and Mr. Troxell seconded the motion, which was unanimously carried by the Commission that, the Commission propose action to amend COAMR 09.19.02.04 to require that a licensed or certified appraiser seeking renewal on or after May 1, 2023, must have completed a minimum of 3 hours of continuing education related to racial discrimination and implicit bias or appraiser bias, approved by the Commission to qualify for renewal.

New Business

The Commission instructed Mr. Blackistone to issue notification to all appraiser licensees of the new continuing education requirements under COMAR 09.19.02.04 once effective.

Potential Home Inspector Applicant

Mr. Blackistone advised the Commission of that an individual had inquired about home inspector license eligibility and whether past criminal history would be a bar to home inspector licensure before completing required pre-license education and examination. He asked Counsel to summarize the individual's criminal history. Assistant Attorney General, Sloane Fried Kinstler, explained to the Commission that the individual had been convicted in Georgia in 2012 for an incident in 2010 of computer pornography and child exploitation (Count I) and obscene internet contact with a child (Count II), in which the individual sent an obscene image and made lewd suggestions to a person they believed to be an underage girl, who was a law enforcement officer. The individual was sentenced to incarceration for 20 years on count I and 10 years on count II to run concurrently to count I, with all but 6 years suspended, to be followed by 14 years of

probation, which was to include mental health treatment and abstinence from alcohol. Counsel explained that the Georgia court documents do not reference a sex offender registry obligation. Counsel stated that the individual wrote a letter to the Commission in which he described his actions taken after he had been drinking and maintains that he has been sober for 11 years. Counsel further advised that these constitute non-violent offenses. Mr. Blackistone indicated that the individual does have a sex offender registry obligation but is not sure of the tier or length of the obligation.

After a discussion in which the Commission agreed that it would not encourage the individual to continue with preparations to apply for home inspector licensure, a Motion was made by Commissioner Hergenroeder, seconded by Commissioner Warren, and unanimously carried that the Commission does not recommend this individual to complete license requirements and submit a home inspector application at this time.

Applicant for a Home Inspector License

Executive Director, Todd Blackistone, addressed the Commission about an applicant who contacted the Commission regarding eligibility for a home inspector license. The individual has a past criminal history that reflects a misdemeanor conviction in 2000 for assault in the second degree; a 2011 misdemeanor 4th-degree burglary conviction after having a disagreement with a family member and kicking open a front door, in which no belongings were removed from the home; and a 2018 conviction of misdemeanor marijuana possession.

A Motion was made by Commissioner Troxell, seconded by Commissioner Hergenroeder, and by a majority vote carried that the applicant's criminal history shall not be a bar to licensure. Commissioners Hosford, Courtney-Morrison, Troxell, Feyerick, Owen, Harman, Pickholtz, Alston, and Skillern voted in favor of the motion; Commissioners Warren, Hosford, and Trendler voted in opposition to the motion; Commissioners Huggins and Commissioner Feyerick abstained.

Mr. Blackistone notified the Commission that a complaint against an appraiser had been opened based on information regarding litigation in Maryland in local and national media sources for allegations of racial bias in an appraisal.

Commissioner Owen inquired whether the Commission would consider an individual who took and passed the home inspector examination and qualified for a home inspector license 10 years ago, but who had never applied to the license, qualified for the license at this time. The Commission suggested that Mr. Owen encourage the individual apply for home inspector licensure, as his employment background and other activities may allow the Commission to grant a license application in such circumstances.

Mr. Blackistone confirmed that the next meeting of the Commission is scheduled for October 11, 2022.

Chairman's Report

No report offered.

Assistant Attorney General's Report

No report offered.

Adjournment

There being no further business to discuss, a Motion was made by Commissioner Hergenroeder, seconded by Commissioner Huggins, and unanimously carried that the meeting adjourn. The meeting adjourned at 12:54 p.m.

Approved without corrections

Approved with corrections

Signature on File

Commissioner Anatol Polillo, Chair

Date