



POLICY STATEMENT
APPOINTMENTS TO THE STATE REAL ESTATE COMMISSION AND
STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

Background

The Commonwealth's Department of State seeks to promote the health, safety and welfare of the public and safeguard it from fraudulent and unethical practitioners. There are 27 licensing boards and commissions in Pennsylvania, each with a statute and regulations to govern their respective professions.

The Pennsylvania Association of REALTORS® (PAR) monitors the activity of the State Real Estate Commission ("Commission") and the State Board of Certified Real Estate Appraisers ("Board") on a monthly basis for actions that will impact the real estate industry and its licensees. The Commission and Board are comprised of industry and public members, all of whom are appointed by the Governor and confirmed by the Senate.

The Commission and Board review the education and experience of candidates for licensure; certify providers of education; prosecute, adjudicate, fine and sanction violators; administer licensure programs; revise standards for licensure to keep pace with changes in the professions and advise the legislature on proposed statutory changes.

When a vacancy occurs on either the Commission or Board to be filled by an industry member, PAR will collect resumes from interested members ("applicants") for consideration of PAR support. The procedure and policy that PAR will apply in assessing whether to support an applicant are as follows.

General

PAR favors supporting applicants that promote geographic balance although such geographic consideration is subordinate to supporting superior candidates.

Those seeking appointment to the Commission and Board must be recommended by their state Senator to the Governor. Although not necessary, it is advantageous for the sponsoring Senator and the Governor to be of the same political affiliation. It is to the applicant's advantage to have a history of political involvement.

It is generally recognized that continuing volunteerism at PAR may pose a conflict of interest for those serving on the Commission and Board. Therefore, members of the Commission and Board who are also members of PAR, generally resign from all PAR duties.

Members of the Commission are appointed for terms of five (5) years and may serve on the Commission for an indefinite time period; members of the Board are appointed for terms of four (4) years and may serve no more than two (2) consecutive terms. See Appendix A and B for additional information.

Expected Vacancy

In general, PAR shall monitor the terms of appointment on the Commission and Board. PAR shall consider applicants and make a decision as to support at the Business Meeting closest in proximity to the date the vacancy shall occur:

January Meetings – vacancy March through June

May Meetings – vacancy July through October

September Meetings – vacancy November through February

Two (2) months prior to the Business Meeting where the recommendations shall be considered, PAR will inform the membership of the prospective vacancy or vacancies by communication to association executives, publish notice on the PAR Web site, and by other reasonable means.

Interested parties shall have thirty (30) days from the time of the announcement from PAR to submit a letter of interest, resume, and any further information the applicant finds pertinent. PAR shall clearly indicate in its communications the date when this information is due. Any information received by PAR past the thirty-day time limit shall not be considered.

After the expiration of the thirty-day period, all submitted information shall be provided to the Legislative Planning Group for consideration. The Group shall assess the accuracy and strength of each applicant's educational and experience history together with all other pertinent information.

The Group shall submit one (1) name for each vacancy to the Legislative Committee for consideration of PAR support. In cases where the strengths of the candidates are closely matched, the Group shall use its discretion and submit up to three (3) names to the Committee.

The Committee shall deliberate and vote to send a name or names to the Governor with an indication of PAR's support of each. The Executive Committee and Board of Directors shall each ratify the decision of the Legislative Committee.

When the procedure for recommendation of support has been concluded, PAR staff will send a letter to the Governor with the name or names of the individual(s) supported by PAR, and shall include a resume and supporting documentation. Once a name or names is sent to the Governor, no further submission will be made for that particular vacancy.

Should the Governor forward a PAR supported candidate to the Commission or Board, PAR staff and volunteer leadership shall, as necessary, use appropriate resources to support the appointee to the extent those activities do not interfere with Legislative Priority issues.

Unexpected Vacancy

In the case of a resignation or unexpected vacancy, PAR shall inform the membership of the vacancy as soon as practicable. When a vacancy of this nature occurs, to the extent possible, the procedures outlined above shall be followed. If a vacancy occurs between regularly scheduled PAR

Business Meetings, however, and timeliness of PAR support is required, the Legislative Planning Group shall exercise their judgment to recommend support for an individual or individuals. This recommendation shall be final and shall not require ratification from another PAR committee or body.

Re-Appointments

In cases where a current member of the Commission or Board seeks PAR support for re-appointment, this policy shall not apply.

*Approved by the PAR Board of Directors
September 2006*

APPENDIX A

Requirements of the State Real Estate Commission

§ 455.202. (a) The State Real Estate Commission is hereby created and shall consist of the Commissioner of Professional and Occupational Affairs; the Director of the Bureau of Consumer Protection, or his designee; three members who shall be persons representing the public at large; five other persons, each of whom shall at the time of his appointment be a licensed and qualified real estate broker under the existing law of this Commonwealth, and shall have been engaged in the real estate business in this Commonwealth for a period of not less than ten years immediately prior to his appointment; and one other person who shall have been licensed as a real estate broker, or cemetery broker, for a period of at least five years and shall have been engaged in selling cemetery lots for at least ten years immediately prior to his appointment. Each of said members of the commission shall be appointed by the Governor.

(b) The term of office of each of said members shall be five years from his appointment, or until his successor has been appointed and qualified but not longer than six months beyond the five-year period. In the event that any of said members shall die or resign during his term of office, his successor shall be appointed in the same way and with the same qualifications as above set forth and shall hold office for the unexpired term.

(c) A majority of the members currently serving on the commission shall constitute a quorum. The commission shall elect a chairman, vice-chairman and secretary from among its members. A commission member who fails to attend three consecutive meetings shall forfeit his seat unless the Commissioner of Professional and Occupational Affairs, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

(d) Each member of the commission other than the Commissioner of Professional and Occupational Affairs shall receive reimbursement for reasonable expenses in accordance with Commonwealth regulations and per diem compensation at the rate of \$ 60 per day for the time actually devoted to the business of the commission.

(e) In addition to regularly scheduled meetings of the commission, there shall be at least one public meeting each year in Pittsburgh, one public meeting each year in Philadelphia and one public meeting each year in Harrisburg. At least 15 days prior to the holding of any public meeting pursuant to this subsection, the commission shall give public notice of the meeting in a newspaper of general circulation in each of the areas where the public meeting is to be held. The purpose of these special meetings shall be to solicit from members of the public, suggestions, comments and objections about real estate practice in this Commonwealth.

APPENDIX B

Requirements of the State Board of Certified Real Estate Appraisers

§ 457.4 (A) CREATION.-- There is hereby created the State Board of Certified Real Estate Appraisers as a departmental administrative board in the Department of State. The board shall consist of the following members:

- (1) The Secretary of the Commonwealth or a designee.
- (2) The Attorney General or a designee.
- (3) The Secretary of Banking or a designee.
- (4) Eight members who are citizens of the United States and who have been residents of this Commonwealth for a two-year period immediately prior to appointment, two of whom shall be public members and six of whom shall be persons who are State-certified real estate appraisers.

(B) TERM OF OFFICE.-- The professional and public members shall serve four-year terms, except as provided in subsection (c), and shall be appointed by the Governor by and with the advice and consent of a majority of the members elected to the Senate.

(C) INITIAL APPOINTMENTS.-- Within 90 days of the effective date of this act, the Governor shall nominate one professional member to serve a four-year term; one public member and one professional member to serve three-year terms; one public member and one professional member to serve two-year terms; and one professional member to serve a one-year term.

(D) CONTINUATION IN OFFICE.-- Each professional and public member shall continue in office until a successor is duly appointed and qualified but no longer than six months after the expiration of the term. In the event that a board member shall die, resign or otherwise become disqualified during the term of office, a successor shall be appointed in the same way and with the same qualifications as set forth in this section and shall hold office for the unexpired portion of the unexpired term.

(E) LIMIT ON TERMS.-- No board member shall be eligible for appointment to serve more than two consecutive four-year terms.

(F) FORFEITURE OF MEMBERSHIP.-- A board member who fails to attend three consecutive meetings shall forfeit his or her seat unless the secretary, upon written request from the member, finds that the member should be excused from a meeting because of illness or the death of a family member.

(G) COMPENSATION.-- Each member of the board, except the secretary, the Attorney General and the Secretary of Banking, shall receive per diem compensation at the rate of \$ 60 per diem when actually attending to the work of the board. Members shall also receive reasonable traveling, hotel and other necessary expenses incurred in the performance of their duties in accordance with Commonwealth regulations.

(H) FORFEITURE FOR NONATTENDANCE.-- A public member who fails to attend two consecutive statutorily mandated training seminars in accordance with section 813(e) of the act of April 9, 1929 (P.L. 177, No. 175), known as The Administrative Code of 1929, shall forfeit his or her seat unless the secretary, upon written request from the public member, finds that the public member should be excused from a meeting because of illness or the death of a family member.

(I) QUORUM.-- A majority of the members of the board serving in accordance with law shall constitute a quorum for purposes of conducting the business of the board. A member may not be counted as part of a quorum or vote on any issue unless he or she is physically in attendance at the meeting.

(J) MEETINGS.-- The board shall meet at least four times a year in Harrisburg.

(K) NOTICE.-- Reasonable notice of all meetings shall be given in conformity with the act of July 3, 1986 (P.L. 388, No. 84), known as the Sunshine Act.

(L) OPERATING PROCEDURES.-- The board shall meet within 30 days after the appointment of its initial members and set up operating procedures and an application form for certifying appraisers. It shall be the responsibility of the board to circulate these forms and educate the public to the requirements of certification. No other board and no commission within the Bureau of Professional and Occupational Affairs shall be responsible, in any manner, for the policies, procedures or other substantive matters which are within the powers and duties of the board as set forth in this act.

(M) ELECTION OF OFFICERS.-- The board shall elect annually from its membership a chairman, a vice chairman and a secretary.