



**Executive Summary**  
**State Board of Certified Real Estate Appraisers**  
**2601 North Third Street, Harrisburg**  
**March 12, 2009**

Present at the regular meeting of the Board were: Chairman Robert McRae, Vice Chairman Daniel Bradley, Paul Kauffman, Valentino Pasquarella, Robert Fischer, Martha Brown (Secretary of the Commonwealth's Designee), John Abel (Attorney General's Designee) and Paul Wentzel (Department of Banking Designee). Also present were Board Counsel Christopher McNally and Board Administrator Heidy Weirich.

The following key discussions/actions were taken:

1. Chairman McRae announced that this was the last meeting of public member Robert Fischer. The Board presented Robert with a proclamation in gratitude for his service to the Commonwealth. Commissioner Merenda also extended thanks on behalf of himself and the Governor.

Commissioner Merenda announced that Vice-chairman Bradley has been reconfirmed.

2. The February minutes were approved as submitted.
3. Report of Prosecution
  - Natalie Rose Hurlburt (File No. 06-70-06053). Numerous complaints were received regarding appraisals completed by the respondent. Eight separate reports, completed in the Erie area from 2003-2006, were found to be non-compliant with USPAP. Due to the considerable threat that the client poses to the public, the Commonwealth recommends accepting the respondent's voluntary surrender of her certification. The consent agreement presented by the prosecution was deliberated by the Board in executive session and was approved.
  - Kristopher M. Porter (File No. 06-70-07245). Following several complaints, three appraisal reports completed by the respondent were found to be non-compliant with USPAP. During the time of the appraisal reports in question, the respondent worked for Ms. Hurlburt, who the Board is also investigating. The respondent was never taught the proper manner of completing reports. The Commonwealth believes that rehabilitation is possible and recommends \$3,000 in civil penalties, 105 hours continuing education, and thirty months suspension with a minimum of four months active suspension. If the respondent completes the education requirements and pays the fine during the four months active suspension, then the remainder of the thirty months can be completed on probation. During the probation period, the respondent may not work for a company that Ms. Hurlburt has direct or indirect interest. The consent agreement presented by the prosecution was deliberated by the Board in executive session and was approved.

#### 4. Regulations

- The Board reviewed a draft of Act 48 Schedule of Civil Penalties. The Board deliberated the pros and cons of assigning low fines to violations versus high fines. Some of the Board members believe that the fine should be a “traffic ticket” that makes the violator stop and think, but does not pose a large penalty. Others believe that a larger fine will make those who believe that fines are a “cost of doing business” will take the violations more seriously. The maximum allowed is \$1,000. The Board will deliberate this matter at the May meeting.
- The Regulations package was approved by the Regulatory Counsel and is currently being reviewed by the Deputy Chief Counsel.

#### 5. Report of Board Counsel

- HB416 will amend Title 18 of the PA Crime Code by creating penalties for individuals impersonating a professional license holder. The BPOA was asked to comment on the bill. The Board deliberated whether or not this bill will impede the Board’s ability to investigate and prosecute individuals performing an appraisal without a license. Board counsel will relay this concern to the BPOA.

#### 6. Administrator’s Report

- Heidy reported that the first electronic newsletter went out this month. All current license holders received a post card notifying them of this change in format.
- A public meeting notice will be sent to 440 licensed individuals around the Erie area regarding next month’s meeting.

#### 7. Applications

- Application for Certification as Real Estate Appraiser of Duane E. Wible. The respondent’s application was flagged due to his conviction in 2006 of driving under the influence. The Board deliberated this case and decided that the criminal record of Mr. Wible should not serve as a barrier for application.
- Reactivation Application as a Broker Appraiser of Arthur Hartzell, Jr. The respondent contacted the Board to learn of the process for reactivating his license. Staff gave an overview of the application process, applicable fees and continuing education requirements. The respondent took several courses in order to meet the education requirements, one of which was a 30-hour qualifying education course. This course is not applicable because it is not a continuing education class. The respondent is requesting that the Board make an exception and allow the course to count towards reactivation of his certificate. The request was deliberated in executive session and was denied.

#### 8. Matters for Discussion

- The Board received a letter from AI-ASA-ASFNRA-NAIFA requesting that state Boards take an active role in informing the public about the illegality of BPOs. The Board has informed the public via an article in the Board’s newsletter, the Real Estate Commission’s newsletter and via the Pennsylvania Association of REALTORS® publication and public forum.

9. Next Meeting – April 7, 2009

The foregoing represents the author's best interpretation of the significant actions and discussions of the Board. Aside from the meeting agenda, the author receives no supporting documentation or materials in advance or during the meeting, nor is the author present during any executive sessions of the Board. Therefore, this summary may not accurately reflect official actions or positions taken. Official minutes of the proceedings may be secured by contacting the Bureau of Professional & Occupational Affairs.

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For further information, contact Sylvia Lacerda, Government Affairs Specialist