

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

DATE: August 8, 2023

TIME: 10:39 a.m.

PLACE: 1100 N. Eutaw Street (hybrid – both in person and virtual)
Baltimore, Maryland 21201

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

MEMBERS ABSENT: None

DEPT. OF LABOR STAFF PRESENT: John Dove, Commissioner, Division of Occupational and
Professional Licensing.
Todd Blackistone, Executive Director
Sloane Fried Kinstler, Assistant Attorney General
Michael Szlachetka, Administrative Specialist

OTHERS PRESENT: Harold Huggins, former Commission member

Call to Order

Commission Chairman, Sean Troxell, called the business meeting of the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors to order at 10:39 a.m.

Approval of Minutes

The minutes of the business meeting held on June 13, 2023, were reviewed, and considered.

By a motion made by Commissioner Warren, seconded by Commissioner Hergenroeder and, by a unanimous vote of the members then present, the minutes of the June 13, 2023 business meeting were approved without amendment. Commissioners Coleen Courtney-Morrison, Harman, Pickholtz, and

Nweke were not yet present and did not vote on the matter.

Real Estate Appraiser Complaint Committee Report

Executive Director, Todd Blackstone, reported to the Commission that the Real Estate Appraiser Complaint Committee met prior to the public meeting and reviewed 8 items of new business. The disposition of which was as follows:

Complaints:	23- REA - 59	Remedial Education
	23- REA - 60	Precharge
	23- REA - 64	Precharge
	23- REA - 65	Precharge
	23- REA - 66	Precharge
	23- REA - 67	Precharge
	23- REA - 68	Precharge
	24- REA - 01	Precharge

A motion was made by Commissioner Warren, and seconded by Commissioner Hergenroeder and, by a unanimous vote of members then present, the Commission accepted the report and recommendations of the Appraiser Complaint Committee. Commissioners Pickholtz and Nweke were not yet present and did not vote on the matter.

Home Inspector Complaint Committee Report

Commissioner Troxell reported that the Home Inspector Complaint Committee met prior to the public meeting and reviewed 3 items of new business. The disposition of which was as follows:

Complaints:	23- INSP - 56	Informal Hearing
	23- INSP - 62	Informal Hearing
	23- INSP - 63	Informal Hearing

A motion was made by Commissioner Warren, seconded by Commissioner Hergenroeder and, by a unanimous vote of the members then present, the Commission accepted the report and recommendations of the Home Inspector Complaint Committee. Commissioners Pickholtz and Nweke were not yet present and did not vote on the matter.

Education Committee Report

Commissioner Polillo reported that the Real Estate Appraiser and Home Inspection Education Committees met on this date and approved 11 courses. The Appraiser Education Committee reviewed 4 courses, and, of those, all courses were approved; the Home Inspection Education Committee reviewed 8 courses, and, of those, 7 courses were approved.

A motion was made by Commissioner Warren, seconded by Commissioner Hergenroeder and, by a unanimous vote of the members then present, the Commission accepted the report and recommendations of the Education Committee. Commissioner Nweke was not yet present and did not vote on the matter.

Old Business

Mandatory Onsite Home Inspections

Assistant Attorney General, Sloane Kinstler, addressed the Commission regarding the proposed action for mandatory onsite home inspections. The amendment to COMAR 09.36.07.02 will make it definitively clear that mandatory onsite visual inspection by a licensed home inspector is required. Counsel will report back to the Commission if the proposed action is published in the register and enters the 30-day comment period while awaiting final action.

Mandatory Education Requirements for Home Inspectors

Commissioner Pickholtz continued the discussion about home inspector errors in report writing. To address this issue, Commissioner Pickholtz suggested that the Commission consider addressing report writing in the Home Inspector Standards of Practice, in COMAR 09.36.07. In addition, or in the alternative, Commissioner Pickholtz suggested that the Commission require completion of a report writing course as part of the 30 hours of continuing professional competency education a home inspector must complete as a condition of license renewal. The Commission discussed the availability of approved courses for report writing and the standards of practice.

A Motion was made by Commissioner Polillo, seconded by Commissioner Harman and, by a unanimous vote of the members present, the Commission voted to take proposed action, pending approval by the Secretary, to amend COMAR 09.36.08.02 to require that a licensed home inspector to complete 2 hours of Report Writing and 2 hours Maryland Standards of Practice or Code of Ethics as part of the 30 hours of continuing professional competency education upon license renewal.

New Business

No new business to discuss.

Chairman's Report

Commissioner Sean Troxell, Chairman, addressed the Commission regarding Massachusetts Consumer Rights House Bill 245 and Senate Bill 197, known as An Act Protecting Consumer Rights in Purchasing Safe and Habitable Homes, would make home inspections a right in Massachusetts. These bills address the pressure to waive a home inspection when making an offer to purchase a home. Commissioner Troxell suggested that similar protections may benefit the Maryland public. Assistant Attorney General, Sloane Kinstler, reminded the Commission that the Maryland Office of the Attorney General provides consumer protection for Maryland residents. The Commission continued discussion regarding the benefits of a similar action in Maryland and will continue to discuss the topic in the future.

Assistant Attorney General's Report

Assistant Attorney General, Sloane Kinstler, addressed the Commission to welcome new members of the Commission. AAG Kinstler addressed the Commission regarding the differences between the Business Occupations and Professions Article of the Annotated Code of Maryland, Code of Maryland Regulations (COMAR), and the procedures applicable to these laws. AAG Kinstler described in detail the pathway to approving suggested Commission actions and the approximate timeline for each step in the process. AAG Kinstler also addressed the Commission on when it is appropriate to convene a closed session and the matters that can be considered.

Executive Director's Report

Executive Director, Todd Blackistone, thanked Commissioner Huggins for his time with the Commission and wished him good luck with his future endeavors. Commissioner Huggins has been with the Maryland Commission for six (6) years and served as vice chairman in the recent past.

Closed Session

Counsel advised that the Commission consider a home inspector license application in a closed session to protect the privacy of the applicant and to seek Counsel's advice in the matter in which the applicant had previously applied for a home inspector license, which had been denied after a hearing. Since then, the individual again applied for a home inspector license.

A Motion was made by Commissioner Warren, seconded by Commissioner Hergenroeder, and, by a unanimous vote of the members then present, carried that the Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors meet in a closed session at 12:05 p.m. in the 5th floor conference room, 1100 N Eutaw Street, Baltimore, MD 21201, pursuant to General Provisions Article, Maryland Annotated Code, §3-305(b)(2), (7) and (8) to seek the advice of counsel regarding the contested administrative case and to consider the credentials of the applicant for home inspector licensure.

Executive Director Blackistone reported to the Commission that in 2017 the applicant had been convicted of a felony, for which he was sentenced to incarceration for five (5) years, with all time suspended except nine (9) months, followed by probation for five (5) years, mandatory registration as a Tier II Sex Offender, and completion of court-ordered counseling and treatment.

The applicant was released from incarceration on parole in 2018 and remained under court-ordered supervision until April 2023. During this time, the applicant was prohibited from any contact with minors. The applicant is currently registered as a Tier II Sex Offender and will remain so until 2048. The Commission considered the applicant's letter regarding their activities since release from incarceration including representations about the counseling and treatment sought by the applicant as well as the Commission's prior decision in a license application proceeding.

Counsel Kinstler advised the Commission that a special condition of the applicant's probation had been a prohibition from contact with children. As the applicant had completed all court-ordered supervision, such restrictions no longer apply. The applicant's only obligation is to register as a sex offender and reregister if they move to another residence.

A motion was made by Commissioner Hosford, seconded by Commissioner Hergenroeder and, by a majority vote, carried that the Maryland Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors deny the home inspector license application based on the applicant's criminal history. Commissioner Alston abstained from the vote.

A motion was made by Commissioner Hosford, seconded by Commissioner Hergenroeder and, by a majority vote, carried that the Maryland Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors deny the application for a home inspector license based on the applicant's criminal history. Commissioner Alston abstained from the vote.

By a motion made by Commissioner Warren, seconded by Commissioner Hergenroeder, the Commission unanimously voted to reconvene the Business Meeting at 12:28 p.m.

By a Motion made by Commissioner Warren, seconded by Commissioner Hergenroeder, and, by a unanimous vote of the members then present, carried the Commission approved the decisions rendered during the closed session.

Adjournment

There being no further business to discuss, a motion was made by Commissioner Warren, seconded by Commissioner Hergenroeder, and unanimously carried that the closed session adjourn and Commission return to the business meeting at 12:29 p.m.

Approved without corrections

Approved with corrections

Signature on file

Commissioner Sean Troxell, Chair

Date