

MEETING SUMMARY
NEW YORK STATE BOARD OF REAL ESTATE APPRAISAL
October 26, 2020

The meeting was held by the Department of State, Division of Licensing Services, via WebEx conferencing. A virtual meeting was held to comply with COVID-19 social distancing directives. Due to the fact that the meeting of the NYS Real Estate Board was held remotely, the public hearing section was held in abeyance.

I. CALL TO ORDER, INTRODUCTIONS and OFFICIAL ATTENDANCE

The meeting was called to order at 10:38 a.m. S. Roefaro performed roll call and D. Mossberg announced there was a quorum. The official attendance was as follows:

BOARD MEMBERS

Stephen Roefaro, Chair
Carol DiSanto, Vice Chair
Anthony Girasole
James LeGrett
Lillian Levy
Eliezer Rodriguez

DEPARTMENT OF STATE STAFF

Whitney Clark
Amy Penzabene
Jodi DeLollo
David Mossberg
Ernest Delaney
Alison Lacy
Marcella Rose
Denise Tidings
Emily Lupe
Shannon Maguire

FAIR HOUSING SUBCOMMITTEE

Rebecca Jones, Upstate Appraisal

- A. Approval of Meeting Summaries** – S. Roefaro asked for a motion to approve the 1-28-19, 8-26-19, and 10-10-19 meeting summaries. C. DiSanto made a motion to approve all meeting summaries. L. Levy seconded the motion. All members were in favor. S. Roefaro announced that the meeting summary was approved.

II. DEPARTMENT REPORTS

- A. Enforcement/CE Audits** – E. Delaney reported the metrics for new appraiser complaints received since January 2020 to present. He stated that there were 26 new appraiser complaints and that 7 cases have been closed (6 were sent to Counsel's office with a recommendation of a hearing and one was closed due to no violation); the current caseload is 36 open cases. E. Delaney mentioned that most of the complainants were over an appraised value.

B. Processing Reports – E. Lupe reported on the provided October 2019 and October 2020 statistical reports. She explained that the total number of licensees are listed by county and that the 2020 figures only include active licensees and may not cover expired licenses covered by EO 202.11 which allows licensed individuals to extend their license term during the current State of Emergency.

C. Qualifying Education Update – M. Rose provided a qualifying course update. She reported that in March 2020 the Department began following the AQB/ASC guidelines as they pertain to live distance education without modification for continuing education courses already approved for a traditional classroom setting. M. Rose stated that in September 2020, the Department began including new and already approved qualifying and continuing education courses in accordance with the AQB/ASC guidelines as they pertain to live distance education without modification. Lastly, she reported that educational providers who wish to offer Live Distance Education for a new continuing education and/or qualifying course will need to submit an original application and a written request to offer live distance education with a description of the educational providers proposed delivery method for review and approval.

III. NEW BUSINESS

A. Executive Order Update – D. Mossberg reported that the Governor has ordered a series of Executive Orders relating the pandemic. He mentioned that there were two orders noteworthy to appraisers and real estate transactions:

- **EO 202.7**- Permits electronic notarization of documents; this EO will expire on November 3, 2020.
- **EO 202.11**- Permits individuals whose license expired (by the date on the license) to continue to operate as if the license had not expired. This EO went into effect on March 27, 2020, and is set to expire on November 3.

He stated that if a licensee has the ability to renew, it is recommended that they do so. D. Mossberg also mentioned that links to the Executive Orders are on the DOS website as well as guidelines on how to apply the orders.

B. Record Keeping Requirements – As a follow-up to a board member inquiry, D. Mossberg clarified record keeping requirements. He explained that while there is a provision under the Executive Law which provides for a three-year period for recordkeeping, New York State follows the USPAP recordkeeping rule which is a period of five years or at least two years after the final disposition of a judicial proceeding in which the appraiser provided testimony related to the assignment or whichever period expires last. He summarized his report by stating that New York, through the board and our regulations, follows the minimum federal regulations and adopted the USPAP rule which is the why the recordkeeping requirement is five years and not three years. W. Clark mentioned that a recordkeeping guidance is available on the Department's website.

C. Appraisal Trends Committee Report/Fair Lending – W. Clark reported that since the last meeting of the Board, there has been coverage in the national media regarding violations of the fair lending process. She mentioned that the NY Times discussed discriminatory violations based on the ethnicity of the homeowner. DOS/Licensing convened the Trends Committee for further discussion on this topic and have met two times so far. She identified the Committee members: S. Roefaro, C. DiSanto, J. LeGrett, R. Jones; and W. Clark and D. Mossberg representing DOS.

W. Clark reported that the main area that the Committee is looking at is the educational requirements; they are reviewing both the qualifying and the continuing education requirements to determine if additional hours of education on fair lending are needed. She mentioned that there is a fair housing educational requirement for real estate licensees, and they are looking to adopt a similar requirement for appraisers to ensure that appraiser licensees and prospective appraiser licensees are receiving the information they need on fair lending. W. Clark stated that a proposal was received from the Committee and a package will be readied for the Board's approval at their December meeting.

R. Jones stated that the Trends Committee also discussed the topic of 'unconscious bias' and she provided members with recommended resources. C. DiSanto added that recognizing and addressing this issue will help appraisers better to their jobs without bias.

IV. 2020 MEETINGS - D. Tidings reported that the final 2020 meeting date of the NYS Real Estate Appraisal Board would be held on Thursday, December 3, 2020, at 10:30 a.m. She mentioned that it would be a virtual meeting and requested that Board members let her know if they have any conflicts on this date. She stated that she would follow-up with an email.

V. ADJOURNMENT

The meeting was adjourned at 11:15 a.m.