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STATE OF NEW YORK
DEPARTMENT OF STATE
DIVISION OF LICENSE SERVICES
BOARD OF REAL ESTATE APPRAISAL

Wednesday, August 21, 2024
1:12 p.m. until 1:49 p.m.
Board Meeting
Webex

- BOARD MEMBERS:
STEPHEN ROEFARO, Chair
LILLIAN LEVY
ELIEZER RODRIGUEZ
SHANNELLE WASHINGTON
SUSAN D. BALDWIN

1 CHAIR ROEFARO: Okay. I would like to
2 call to order the New York State Board of Real
3 Estate Appraisers, Wednesday, August 21st, 2024,
4 at 1 p.m. I am going to ask for the introduction
5 of the roll call to show that we have a quorum.
6 I will ask the acting members to go first. I am
7 Steve Roefaro, board chair.

8 MS. BALDWIN: Susan Baldwin.

9 MS. LEVY: Lillian Levy.

10 MR. RODRIGUEZ: New York City,
11 Rodriguez, board member.

12 MS. WASHINGTON: Shanelle Washington,
13 board member.

14 CHAIR ROEFARO: Okay. We have a
15 quorum. Thank you everyone for making your way.
16 I know it's been a busy time of the year. So the
17 first order of business is to approve the
18 following meeting notes of August 3rd, 2023;
19 November 16th, 2023; February 13th, 2024; and May
20 1st, 2024. Those are all in your packets. If
21 you had an opportunity to review those.

22 MS. DELOLLO: Steven --

23 CHAIR ROEFARO: Do I have any questions
24 on --

25 MS. DELOLLO: Do you have the May 12th,

1 2022, as well?

2 CHAIR ROEFARO: Yeah, but I --

3 MS. DELOLLO: Yes.

4 CHAIR ROEFARO: -- thought there was --
5 the last time we had a quorum, and we had an
6 approval on that.

7 MS. DELOLLO: That would
8 (indiscernible).

9 CHAIR ROEFARO: Okay. I can include
10 that if we didn't have a -- if we didn't have a
11 quorum on that.

12 MS. DELOLLO: Okay.

13 CHAIR ROEFARO: It's May 12th, 2022,
14 the meeting summaries.

15 MS. DELOLLO: Correct.

16 CHAIR ROEFARO: I'm showing we had more
17 than five board members. That's why I didn't
18 call it.

19 MS. DELOLLO: Okay. It must -- it must
20 have just been something with my --

21 CHAIR ROEFARO: No. I -- the reason
22 I --

23 MS. DELOLLO: My --

24 CHAIR ROEFARO: -- think it was -- the
25 reason I think this was included is that --

1 MS. DELOLLO: Because there is one
2 in --

3 CHAIR ROEFARO: -- it's
4 informational --

5 MS. DELOLLO: Yeah.

6 CHAIR ROEFARO: It's an
7 informational -- hold on. It's an informational
8 piece of information on PAREA, was the reason I
9 think this was included.

10 MS. DELOLLO: Okay. All right.

11 CHAIR ROEFARO: Okay?

12 MS. DELOLLO: Thank you.

13 CHAIR ROEFARO: You're welcome. Thank
14 you. Because it stands as official, and we had a
15 quorum, so I'm assuming it was passed.

16 MS. DELOLLO: Okay. It must have just
17 been something with my -- my previous notes.

18 CHAIR ROEFARO: No. That was okay.
19 Because again, I think --

20 MS. DELOLLO: I was there for it.

21 CHAIR ROEFARO: I think that we --
22 utilizing this information, if anybody has any
23 questions on PAREA, there's information on this.

24 MR. MOSSBERG: Wait, wait, wait.
25 Sorry. Sorry. Just to clarify though, if there

1 was a quorum at that meeting of -- the May
2 meeting of 2022, you would still need a quorum
3 for the following meeting to approve those prior
4 minutes.

5 CHAIR ROEFARO: Oh, okay. All right.
6 Well, then --

7 MR. MOSSBERG: So it's, like --

8 CHAIR ROEFARO: -- let me, like --

9 MR. MOSSBERG: -- like, so it --
10 whether or not there was a quorum at that
11 specific May 2022 meeting wouldn't provide any
12 basis for that to have already been sort of
13 finalized, which is probably --

14 UNIDENTIFIED SPEAKER: Okay. But the
15 issue is don't we have to have the same board
16 members to say yes to those minutes?

17 UNIDENTIFIED SPEAKER: What we need is
18 active board members so we can approve.

19 CHAIR ROEFARO: Okay. So let me go
20 back and rectify my original statement. Approval
21 of meeting summaries of May 12th, 2022; August
22 3rd, 2023; November 16th, 2023; February 13th,
23 2024; and May 1st, 2024. Those are all included
24 in both of the emails that were sent to us as
25 attachments, and they are also in your packets.

1 So I'll entertain any questions from any of the
2 board members concerning those meeting summaries.

3 MR. RODRIGUEZ: Motion to approve.

4 CHAIR ROEFARO: Do I have a second?

5 UNIDENTIFIED SPEAKER: Second.

6 CHAIR ROEFARO: Okay. All in favor?

7 IN UNISON: Aye.

8 CHAIR ROEFARO: All opposed?

9 So those meeting notices have now been
10 officially approved by the board.

11 Okay. Moving on in our agenda to the
12 department reports, under Section 2(a) (ph.),
13 Ernest Delaney would give the enforcement report
14 from New York.

15 MR. DELANEY: Yes. Thank you. Good
16 afternoon, everyone.

17 UNIDENTIFIED SPEAKER: Good afternoon.

18 CHAIR ROEFARO: Good afternoon.

19 MR. DELANEY: The enforcement report
20 will cover -- covers the period from May 2024 up
21 to today. Over that period, the Department of
22 State received a total of 23 new appraiser
23 complaints. Over that same period, the
24 enforcement unit of the Department of State
25 completed their investigations on 29 complaints.

1 The disposition of the completed
2 investigations include 14 complaints which were
3 closed due to no violation, 1 which was closed as
4 a duplicate, 2 cases which was closed with
5 warnings issued to the appraiser, and 15 cases
6 which were referred to our counsel's office with
7 the recommendation of disciplinary action. Our
8 current appraiser complaint case load is 32
9 cases.

10 The Board had also asked that I report
11 on the appraiser complaints that the Department
12 of State received, referred to us from Fanny Mae.
13 So I took a look at Department of State records,
14 and from 2024 -- we're looking at this year --
15 over 50 percent of the appraiser complaints that
16 the enforcement unit docketed are cases of
17 disputed appraisals referred to us from Fanny
18 Mae. Now, the Fanny Mae complaint will come with
19 a copy of the disputed appraisal report. They
20 make mention of a -- of a review, which Fanny Mae
21 had itself conducted, in which they had found
22 substantial errors with the appraisal report.
23 And some of the errors would include items such
24 as inadequate comparable adjustments,
25 inappropriate comp selection, and a use of

1 physical dissimilar comp sales.

2 As with all our appraisal complaints,
3 our process is to have these disputed appraisal
4 reviewed by one of our independent appraisers,
5 our RA's -- appraiser -- appraisal regional
6 advisors. And in 2023 we had added to the number
7 of RA's, and these new RA's had helped us in
8 reviewing and evaluating these Fanny Mae
9 complaints. And so we were able to determine,
10 you know, the complaints which we needed further
11 actions on.

12 Say we -- I can say -- and today,
13 speaking of today, we have referred -- this
14 doesn't include cumulatively, but at least I can
15 say I just took a look at the cases that are --
16 were -- by our counsel's office which are Fanny
17 Mae complaints. And they have a total of 12
18 cases which today stands with counsel's office
19 which are Fanny Mae complaints that we -- we
20 referred over.

21 CHAIR ROEFARO: Okay. So 12 -- so in
22 calendar year from January 1st, 2024, currently,
23 we've had 12 cases that were referred to counsel
24 that were originated from Fanny Mae?

25 MR. DELANEY: They -- they may -- they

1 may not all be 2024 cases.

2 CHAIR ROEFARO: Okay.

3 MR. DELANEY: It's just that I took a
4 look at the -- a snapshot of what cases are with
5 counsel today that are Fanny Mae, and there are a
6 total of 12.

7 CHAIR ROEFARO: Okay. All right. That
8 gives us some idea of what we're seeing. Just
9 for the individuals that weren't at the last
10 meeting, which was May 1st of 2024, I've been
11 getting phone calls and emails from individual
12 fee appraisers who are saying that they're
13 being -- a lot of their individual violations are
14 coming out of Fanny Mae, could I bring it up in
15 discussion at the last meeting, and I did. And
16 that's why I asked Ernest if he can just get some
17 numbers for us to see where things are coming
18 from. I'm going to have more further
19 discussions, I think, in the following meeting
20 about this. I'm going to -- the numbers he gave
21 me -- or us are very helpful, thank you.

22 MR. DELANEY: Thank you.

23 CHAIR ROEFARO: I appreciate that.

24 MR. DELANEY: Thank you.

25 CHAIR ROEFARO: Okay. Are there any

1 questions of Ernest in his report? Okay.

2 Moving on, the processing report, which
3 is Jamie -- is it Toth?

4 MS. TOTH: Yep.

5 CHAIR ROEFARO: Am I saying that
6 correctly, Jamie?

7 UNIDENTIFIED SPEAKER: Yes.

8 MS. TOTH: Yep.

9 CHAIR ROEFARO: Thank you. I --

10 MS. TOTH: So I include --

11 CHAIR ROEFARO: -- I apologize if I
12 didn't. Go ahead.

13 MS. TOTH: Nope. You're good.

14 Included with the meeting materials are the
15 licensing statistics for July of 2023 and July of
16 2024. The reports are broken down by county and
17 by class code. The reports show a change of
18 about five percent less from the same time last
19 year. That's a larger decrease than we've
20 previously seen. We previously see a year-to-
21 year decrease of about three percent.

22 CHAIR ROEFARO: Okay. Are there any
23 questions for Jamie about her processing report?

24 UNIDENTIFIED SPEAKER: Jamie?

25 MS. BALDWIN: Yeah. So is this for --

1 I guess I don't understand this, for this report.
2 Is it for new appraisers or appraisers that are
3 already licensed?

4 MS. TOTH: Both. So the --

5 MS. BALDWIN: The total and original
6 application. Are these just applications?

7 MS. TOTH: Those are the total
8 registrations issued that were originals -- that
9 resulted from original applications, and then the
10 total renewal applications.

11 MS. BALDWIN: It might still --

12 MS. TOTH: There's a report that shows
13 them by county, breaks it down by how many were
14 in each county.

15 MS. BALDWIN: Okay. So the total of
16 application-certified license -- so is this --
17 when you -- when we look at it, like, how many
18 general certified appraisers are in the -- are in
19 New York State now? And are we losing or gaining
20 general certified appraisers? Is this anywhere
21 on this sheet that I can --

22 MR. RODRIGUEZ: It's decreasing --

23 MS. BALDWIN: I'm just curious.

24 MR. RODRIGUEZ: -- last year.

25 MS. LEVY: So from last -- like, last

1 year for certified general --

2 MR. RODRIGUEZ: (Indiscernible).

3 MS. LEVY: -- we -- at the same time
4 last year, we had 1,694 certified general
5 appraisers. The same time this year, these
6 reports are cumulative up until the date, you
7 know -- up until July of each available year,
8 so --

9 MS. BALDWIN: Okay.

10 MS. LEVY: July -- as of today, we have
11 1,728 appraisers, so -- of certified general
12 appraisers. So this basically -- if you really
13 want to know the new number, just look at your
14 2024, but I think the point of showing --

15 CHAIR ROEFARO: On that same time.

16 MS. LEVY: -- the same stats from last
17 year, a snapshot is to show at this time last
18 year, we had five percent more appraisers
19 overall, in all categories. Does that make
20 sense?

21 CHAIR ROEFARO: So 61 -- that's at 28.

22 MS. LEVY: Excuse me?

23 MS. TOTH: Are you asking how many
24 appraisers are in the State of New York
25 currently?

1 CHAIR ROEFARO: There's -- there's
2 3,880 currently versus 4,096 we had last year at
3 the same time. Am I reading that right?

4 MS. TOTH: That to that. But yeah.
5 Yep. Right.

6 MS. BALDWIN: So last year was 4,096.

7 CHAIR ROEFARO: Correct. And this
8 shows --

9 MS. BALDWIN: And 1,631 of those were
10 generalist certified. And currently we have
11 1,601 and 3,511? Is that what we're saying?

12 MR. RODRIGUEZ: 1,596 and 16 --

13 UNIDENTIFIED SPEAKER: There's no
14 verbal.

15 UNIDENTIFIED SPEAKER: There are 4,000
16 of these --

17 MS. BALDWIN: Oh, these are
18 (indiscernible). Okay. Never mind. Got it.

19 MR. RODRIGUEZ: 42 and 48.

20 MS. BALDWIN: We're past -- this is
21 '24. That's '23.

22 CHAIR ROEFARO: Correct.

23 MS. BALDWIN: All right.

24 MR. RODRIGUEZ: A decrease.

25 MS. BALDWIN: We had a significant

1 decrease.

2 MS. TOTH: Yes.

3 CHAIR ROEFARO: About 126.

4 UNIDENTIFIED SPEAKER: Right.

5 UNIDENTIFIED SPEAKER: Never seen them.

6 MS. BALDWIN: Okay. All right. Great.
7 That's really something important. Thank you so
8 much.

9 CHAIR ROEFARO: Are there any
10 question -- any other questions of Jamie's
11 processing report?

12 MS. WASHINGTON: Can I say one thing
13 that --

14 CHAIR ROEFARO: Sure.

15 MS. WASHINGTON: Is it possible that
16 some licensed -- I know my assistant license, as
17 you guys know -- after the five years, they tell
18 us we have to do it over. So if we're in the
19 process of getting it but I did pay the fee, and
20 that's when they told me. So they have the fee
21 for the renewal, because I thought I could renew
22 my old one. But I have to take those continuing
23 eds. So it may be -- some licenses may be in
24 limbo, possibly.

25 MS. TOTH: Absolutely.

1 MS. WASHINGTON: Yeah.

2 MR. RODRIGUEZ: That's quite a question
3 for Jamie to --

4 UNIDENTIFIED SPEAKER: (Indiscernible)
5 a minimum for the (indiscernible).

6 CHAIR ROEFARO: That's a good question.
7 Jamie, so -- I'm sorry, go ahead, Shanelle.

8 MS. TOTH: Yes. Yes.

9 MS. WASHINGTON: So I was saying that
10 the number, as you guys can see, that's a
11 significant number. But maybe some of those may
12 be, you know, in transition, or in that type of
13 holdup.

14 CHAIR ROEFARO: So it might not be --

15 MS. TOTH: Right.

16 CHAIR ROEFARO: -- the -- we might be a
17 little less than five percent based on what
18 Shanelle's --

19 MS. WASHINGTON: Right.

20 MS. TOTH: Right. Which is why the
21 snapshot is July of last year compared to July of
22 this year.

23 CHAIR ROEFARO: Right.

24 MS. TOTH: It's the same time frame.
25 But yeah, that doesn't account for those who

1 didn't renew yet that plan on renewing. You
2 don't get a full picture until the end of the
3 year, but this shows you kind of where, you know,
4 where it's headed.

5 CHAIR ROEFARO: Okay. Well, thank you
6 Shanelle. That was very helpful.

7 Okay, are there -- if there are no
8 other questions of Jamie, I'll move on to section
9 C, continuing education. Alison Lacy.

10 MS. LACY: Good afternoon.

11 CHAIR ROEFARO: Hello.

12 MS. LACY: The Bureau -- the Bureau of
13 Educational Standards is conducting continuing
14 education audits, a randomly selected percentage
15 of monthly renewals and all late renewals for
16 this audit. For the months of January 2024
17 through July of 2024, we've conducted a total of
18 58 audits. 42 people have complied, and 4 are
19 still within the time frame to respond. Are
20 there any questions?

21 CHAIR ROEFARO: No. None at all. Yes,
22 this is enough for me. Questions?

23 UNIDENTIFIED SPEAKER: Got a minute?

24 No?

25 UNIDENTIFIED SPEAKER: I'm fine.

1 CHAIR ROEFARO: All right. Thank you,
2 Alison. That was quick. Thank you.

3 All right, so under new business, we
4 have a quorum --

5 MS. WASHINGTON: Yay.

6 CHAIR ROEFARO: -- so we can adopt
7 PAREA in New York State. Now if you recall, back
8 in May, we had both Jerry Yurek from the AQB and
9 Scott DiBiasio from the Appraisal Institute, who
10 supplied a plethora of information and questions
11 that we had. At that point, the individuals that
12 were there, and the individuals that were not
13 there, received some more documentation from DOS
14 if there were more questions that could have been
15 built into it.

16 At this point, I have not received
17 anything. So assuming that the staff at DOS did
18 not receive any more questions, in consideration
19 to PAREA, if I'm pronouncing it right, because
20 that's another thing I never really used.

21 MS. LEVY: No. I think you got it
22 right.

23 CHAIR ROEFARO: I think I got it right.
24 It's only been three years. It's taken me three
25 years to get it. So at this point, I would like

1 to entertain -- first any -- well do I do the
2 motion then questions, or questions then motion?

3 MR. MOSSBERG: Motion then questions.

4 CHAIR ROEFARO: Okay. I would like to
5 entertain a motion from someone that we vote on
6 this.

7 MS. LEVY: So moved.

8 CHAIR ROEFARO: Second?

9 MR. RODRIGUEZ: Second.

10 MS. BALDWIN: Second.

11 CHAIR ROEFARO: Second. Okay. So we
12 have a motion on the floor. Are there any
13 questions or comments at this point concerning
14 the adopting of PAREA for New York State?

15 MR. MOSSBERG: So --

16 CHAIR ROEFARO: Ms. Holding (ph.) is
17 going to find people.

18 MR. MOSSBERG: So --

19 CHAIR ROEFARO: Okay --

20 MR. MOSSBERG: Sorry. I just wanted to
21 clarify sort of, like, the process that the
22 department would have to follow to move forward
23 with whatever form of the adoption that the Board
24 is going to be making. So I don't know if you
25 want me to go into that now, or wait until you

1 have that vote.

2 CHAIR ROEFARO: Well, I guess -- why
3 don't you go through it slightly, only because I
4 don't know if it's going to change the vote or
5 not.

6 MR. MOSSBERG: Right. Okay. So
7 basically what will -- depending on the exact
8 nature of the vote, and obviously I think we can
9 make recommendations from, you know, the counsel
10 side and the program side, at the next Board
11 meeting, hopefully, we would present to the Board
12 actual rule text or regulatory text. So whatever
13 is accomplished today still has to go through the
14 regular rule-making process, which would mean,
15 you know, we would present rule text, SAPA
16 documents. The Board would then have to vote on
17 the rule text to make that that conforms to
18 whatever vote you're planning on taking today.

19 And then once that vote happens, the
20 rule-making would then be published in the state
21 register. There's a 90-day comment period, where
22 after the 90-day comment, depending on any
23 comments we received, the department could then
24 go ahead and file paperwork to make that proposal
25 final by following the notice of adoption.

1 So because of the recommendation that
2 we'll be making, which is to account for the
3 rule-making schedule, the public comment period,
4 the lag that's required on both ends, from when
5 the board says to adopt or makes their vote to
6 when it actually can get published, a
7 recommendation I think that we would have is that
8 whatever the form of the PAREA experience that's
9 going to be adopted have an effective date of,
10 like, January 1, 2026. Just because you have to
11 account for the rule-making, and then also so
12 that the appraisers that are maybe thinking about
13 going through the process know what form of
14 education they're going to be taking to try to
15 qualify for the particular license that they're
16 looking for.

17 CHAIR ROEFARO: Right. Well, in the
18 previous meetings and in previous illustrations
19 in meetings, questions and answers with two or
20 three individuals, at this point I think any
21 questions about language, process, education kind
22 of been gone over.

23 MR. MOSSBERG: Uh-huh.

24 CHAIR ROEFARO: And we seem comfortable
25 with it as it is.

1 MR. MOSSBERG: Okay.

2 CHAIR ROEFARO: Are there any Board
3 members that have any questions about process,
4 language, education at this point? Because we're
5 still -- we still haven't voted to adopt it. So
6 we're still under the -- we're still under the
7 question portion of it. Are there any questions
8 at this point?

9 MR. RODRIGUEZ: Does the --

10 MS. WASHINGTON: The questions of
11 process -- it is what it is.

12 MR. RODRIGUEZ: But does the motion
13 have to include an effective date?

14 CHAIR ROEFARO: No. So understand, my
15 question on process is not the legislative
16 process. It's the process of the educational
17 portion of PAREA. I mean, the legislative
18 process is going to be the legislative process as
19 David's just gone over and explained. That's
20 common, David, correct? That's common in a
21 process like this. Not about the --

22 MR. MOSSBERG: Yes.

23 CHAIR ROEFARO: -- not about the -- not
24 about the bill, but about the process, that's
25 fairly common, right?

1 MR. MOSSBERG: Yes. So --

2 MR. RODRIGUEZ: David, can you --
3 David, can you explain again what you meant by
4 the effective date of January 2026?

5 CHAIR ROEFARO: That's only when it
6 would roll out.

7 MR. MOSSBERG: So that would be when it
8 would -- so hypothetically speaking, right, let's
9 say the Board votes today and the Board says yes,
10 we as the Board vote to accept as experience
11 qualification, you know, those applicants that go
12 through an AQB-approved PAREA course, right?
13 Something to that effect. Whenever we meet at
14 our next Board meeting, the department will have
15 to present to you an actual basic, like,
16 regulatory text, like, what that actually looks
17 like in the law. And then just accounting for
18 just the time frame that follows after that, to
19 allow enough notice for applicants for, you know,
20 the -- I think there -- right now, I think
21 there's only, like, one official AQB provider
22 that's authorized to do it.

23 So to allow notice, you don't want to
24 just say this goes into effect immediately. So
25 the effective date would be built into the

1 paperwork, but it's not necessarily going to be
2 part of the actual law itself. It doesn't need
3 to be.

4 MR. RODRIGUEZ: Thank you.

5 CHAIR ROEFARO: All right. Great.
6 Thank you, David. That clarifies. So are there
7 any other questions on the topic at hand of
8 PAREA, of accepting it and then moving it into a
9 legislative process which, as David explained,
10 when we come back for our next meeting, you're
11 going to see that actual -- in the legislative
12 platform. And then from there, we have a period
13 of time in which it goes out for -- it goes out
14 to public for comment, and then from there it's
15 into its final process. David's estimation, it's
16 going to take us a year and four months from
17 today until it becomes law. Then we'll begin
18 questions about, you know -- we're going to get
19 questions from the public, from people going
20 through the process. We know -- it's something
21 we know we're going to go through.

22 So my question is, is there any
23 questions on passing the itemized as it's -- in
24 its present condition?

25 MS. WASHINGTON: No.

1 CHAIR ROEFARO: Okay. At that point,
2 I'll ask for a vote of those in favor. Jodi, do
3 we do this by just yea and nay, or do we do it in
4 the -- with an individual vote?

5 MS. DELOLLO: Dave?

6 MR. MOSSBERG: You could do yea or nay.
7 So --

8 CHAIR ROEFARO: Okay. All in favor?

9 IN UNISON: Aye.

10 CHAIR ROEFARO: All opposed?

11 The ayes have it, and we have now
12 passed, through the Board, PAREA, and it will now
13 go into David's hands, and the process will
14 begin.

15 MR. MOSSBERG: Yes.

16 CHAIR ROEFARO: All right. Thank you
17 all. It's been a long process. I have gotten
18 some -- how the business -- the process is done,
19 and I'm glad Sue brought up the fact that the
20 numbers are decreasing. And I think that's
21 more -- I spoken to my counterpart in
22 Pennsylvania and my counterpart in Massachusetts.
23 They're experiencing the same thing, that it's a
24 little bit of a lengthy, difficult process, and
25 we're making it easier. So I've seen maybe our

1 numbers will go back to where they were or
2 possibly even increase.

3 Okay. So the --

4 MS. LEVY: Steve, can I add --

5 CHAIR ROEFARO: -- final portion of
6 this -- I'm sorry. Somebody -- something --

7 MS. LEVY: Steve, just -- can I add
8 something just to --

9 CHAIR ROEFARO: Sure.

10 MS. LEVY: -- clarify -- and Dave, just
11 to point this out. So we'll need a -- we'll need
12 a quorum at the next meeting or at the meeting
13 where the rule text is going to be presented to
14 the Board, or will this vote cover the rule text?

15 MR. MOSSBERG: No. So whenever the
16 Board meets next, and assuming that we're able to
17 have draft the necessary paperwork by then, we
18 would have to present it to the Board. The Board
19 would have to review the law, consider it, vote
20 to -- and usually the vote in previous similar
21 rule-makings, like for the USPAP, has always
22 been, the Board hereby authorizes the Secretary
23 of State to file the notice of proposed, and also
24 specifically to take any and all appropriate
25 measures to file a notice of adoption if

1 appropriate. So assuming the Board follows past
2 practices, in theory, we would only have to meet
3 one more time for the Board to formally approve
4 the actual rule text.

5 CHAIR ROEFARO: Right. So it's a dual
6 process. We vote to pass the process as it
7 exists, then we pass the legislative law portion
8 of it --

9 MR. MOSSBERG: Right.

10 CHAIR ROEFARO: Am I correct in that?

11 MR. MOSSBERG: Right. Like, the actual
12 language of what the law says.

13 CHAIR ROEFARO: Correct. So is there
14 advanced --

15 MS. WASHINGTON: Is it possible --

16 CHAIR ROEFARO: Go ahead, Shanelle.
17 I'm sorry.

18 MS. WASHINGTON: Is it possible we can
19 get that text prior to meeting? Just --

20 UNIDENTIFIED SPEAKER: We're going to
21 have to.

22 MS. WASHINGTON: -- a little, to give
23 us some time to view it?

24 MR. MOSSBERG: Yeah.

25 CHAIR ROEFARO: Sounds --

1 MR. MOSSBERG: That would normally be
2 part of, like, the Board package that would be
3 presented before the meeting.

4 MS. WASHINGTON: Okay.

5 MR. MOSSBERG: And so obviously also
6 any changes, you know, assuming that they are,
7 like, sort of minor, they could just be made sort
8 of on the record at the next meeting. And then
9 that would be --

10 MS. WASHINGTON: Right.

11 MR. MOSSBERG: -- incorporated into,
12 like, what's filed. The only issue is if, during
13 the public comment period, for example, there are
14 public comments that, because of the nature of
15 them, requires us to go to back to the Board, we
16 would have to go back to everyone, explain the
17 comment, and see whether or not a textual change
18 to the rule is required. If there are no public
19 comments, based on the next Board vote to publish
20 the notice of proposed, and take all appropriate
21 measures to adopt, we wouldn't have to go back.

22 CHAIR ROEFARO: Okay. So Jodi, I guess
23 your question is -- and this is probably a timing
24 question at this point, how long would it take
25 David to produce the textual legislation to bring

1 it back to the Board? Because that's obviously
2 going to be a timeline with our next meeting.

3 MS. DELOLLO: Yeah.

4 MR. MOSSBERG: So you're going to have
5 to produce it -- we're going to -- you're going
6 to have to produce it -- they're going to have to
7 send it to us, and we're going to have ample time
8 to review it, and then we'll have the meeting.
9 So if we wanted to set a meeting date today,
10 we'll be looking at a timeline.

11 MS. TOTH: So we can consult with Dave,
12 you know, unless Dave, you have a time frame
13 expectation now, we can consult with Dave before
14 sending -- setting the next meeting date.

15 CHAIR ROEFARO: Okay.

16 MS. TOTH: Unless Dave, you already
17 have a -- an estimate of when the rule text -- I
18 mean, I suppose you would have to -- legal staff
19 would have to dig deeper into the requirements
20 and the reg changes, so I'll defer to you on
21 that, the time frame.

22 MR. MOSSBERG: So I see on the
23 calendar, on the agenda there's a tentative
24 meeting scheduled for November 6th.

25 UNIDENTIFIED SPEAKER: I won't be --

1 (indiscernible).

2 MR. MOSSBERG: You know, part of the
3 rule-making process also requires us to consult
4 with the governor's office, and so it's very
5 difficult for us to predict when --

6 CHAIR ROEFARO: Okay.

7 MR. MOSSBERG: -- we're able to come
8 back with that draft after it's been approved.
9 So I wouldn't -- I would say that the Board
10 should go about its regular business, and that
11 we'll do everything in our power to try to be
12 able to present something before that.

13 CHAIR ROEFARO: Okay. So one Board
14 member says they're not going to be able to make
15 the November 6 meeting, and just since we only
16 have four -- five members, we're not going to
17 have a quorum. So why don't we do this?

18 Jodi, if you're agreeable to this, why
19 don't use guys communicate with David and see --
20 I mean, even if it has -- listen, even if has to
21 go out to wherever it has to go out to, Dave,
22 when we ask that you send it off to the governor,
23 they send it back to you, and you estimate it's
24 going to take another four, five, whatever the
25 weeks may be. And then if we coordinate with

1 Jodi, and Jodi, if we get something out to the
2 Board and say look, these are the possible
3 dates --

4 MS. TOTH: Like normal.

5 CHAIR ROEFARO: Like normal.

6 MS. TOTH: Look to the end of January.

7 CHAIR ROEFARO: Because honestly, the
8 only reason at this point I can see for us to
9 have another meeting is to vote on the text of
10 the legislation.

11 MS. BALDWIN: Do you -- yeah, that
12 works.

13 CHAIR ROEFARO: Does that work for
14 everybody?

15 MS. BALDWIN: Works for us.

16 UNIDENTIFIED SPEAKER: We can take it.

17 CHAIR ROEFARO: So David, we don't put
18 under a gun for a date, and you can advise us
19 when you think the best date for you to have that
20 done, and then we can go from there. Because
21 honestly, until you get that text legislation to
22 the governor's office, the only reason we're
23 going to be meeting is to pass that. So this way
24 it gives everybody kind of a communication line
25 as to when David can say okay, go ahead, I think

1 we're good to go on this date. And then Jodi can
2 send out some dates and then we can look at
3 those. Because again, we're going to be backing
4 into those dates, because we only have five
5 active members.

6 MR. MOSSBERG: Right.

7 CHAIR ROEFARO: So it's not like we can
8 say, gee, we have one that's not going to be
9 there. And then we're having a meeting for no
10 reason.

11 MR. MOSSBERG: Uh-huh.

12 MS. LEVY: Like we had.

13 MR. MOSSBERG: Yeah. I mean, I can
14 certainly coordinate with (audio interference).
15 You know, I have a reasonable estimate.

16 CHAIR ROEFARO: Okay.

17 MR. MOSSBERG: Part of it has to do
18 with, obviously, factors that are not within our
19 control, in terms of the time.

20 CHAIR ROEFARO: Correct. Exactly.
21 That's why I think it might be just easier if we
22 give you the latitude to say look --

23 MR. MOSSBERG: Uh-huh.

24 CHAIR ROEFARO: -- this is how I --
25 along the way, okay. I can now go to Jodi and

1 say, I feel it's plausible we can put this
2 together. So --

3 MR. MOSSBERG: Yeah.

4 CHAIR ROEFARO: You're kind of like
5 (indiscernible).

6 MR. MOSSBERG: Yeah. I'll definitely
7 coordinate that with Jodi, and --

8 CHAIR ROEFARO: Okay. Cool.

9 MR. MOSSBERG: -- and the legislative
10 team.

11 CHAIR ROEFARO: I can throw the
12 captain's hat to you, and you can get up there
13 and steer that ship.

14 MR. MOSSBERG: Okay.

15 MS. TOTH: Steve, I want to mention
16 something else, if I can, Steve.

17 CHAIR ROEFARO: Sure. Go ahead.

18 MS. TOTH: So to coincide with our
19 target date for effective -- for PAREA to be
20 effective in New York, along with that are other
21 changes to real estate appraiser qualifications
22 that will be effective 2026. So they'll be --
23 they'll be rule-making required for that as well.
24 So I don't know if it makes sense, and maybe we
25 talk about this out loud offline, but I don't

1 know if it will make sense to do it together or
2 not.

3 Alison's been working on curriculum
4 development, and you know, with new application
5 changes and things that will impact, you know,
6 the process for getting a license. So I don't
7 know if makes sense to do it together. There may
8 be some items, education questions, that we may
9 need the board members to serve as subject matter
10 experts for us to reach out to and say, you know,
11 how does this look -- you know, these courses
12 look? So I don't know the best way to handle
13 that.

14 Dave, can we have maybe, like, a
15 subcommittee meeting before the official board
16 meeting, so that we can consult with the board on
17 certain things?

18 MR. MOSSBERG: Yeah. I mean, provided
19 it doesn't, you know, provided there's not five
20 members of the full board on the subcommittee,
21 because otherwise --

22 CHAIR ROEFARO: No. It's --

23 MR. MOSSBERG: -- it would trigger.

24 CHAIR ROEFARO: No. It doesn't fall
25 within the New York State meeting requirements,

1 because I don't think there's two members --
2 sitting members that are on the subcommittee. I
3 don't think that's anymore. Me and Carol --

4 UNIDENTIFIED SPEAKER: Carol.

5 UNIDENTIFIED SPEAKER: Yeah.

6 CHAIR ROEFARO: So I don't know who --
7 someone else is voluntary --

8 MS. WASHINGTON: Do we volunteer?

9 CHAIR ROEFARO: -- for a subcommittee
10 meeting. And we can only have two, obviously,
11 we're not --

12 MS. LEVY: And the board members can
13 jump right on that.

14 CHAIR ROEFARO: So that being said, but
15 the only reason I'm a good example is because
16 they -- I mean, once these changes start to come,
17 you and I have discussed what's housekeeping
18 mean, what's not housekeeping? Is that going to
19 change time frames? So why don't we put a
20 subcommittee meeting together, Jodi, if you
21 have -- if we're looking at stuff. And if
22 there's going to be changes that are going to
23 push this date out, at least we can come back to
24 the Board with whatever those recommendations
25 are.

1 MS. DELOLLO: Okay. We'll have --
2 We'll have Candy schedule something, and we'll
3 have to wait until Alison has --

4 CHAIR ROEFARO: Okay.

5 MS. DELOLLO: -- something concrete
6 to -- she's close, but want to get it all done,
7 you know, together if we can. That way, we're
8 not reaching out, trying to get more of your
9 time.

10 CHAIR ROEFARO: Right. I mean, and the
11 other thing is, is that -- I mean, it's a time
12 coordination between staff, because if -- once we
13 come back and we start to put a drop-dead date
14 together, we want to make sure everybody is
15 comfortable with the time frame where we'll -- we
16 might have to produce things. Okay.

17 UNIDENTIFIED SPEAKER: Won't we have to
18 review them and --

19 CHAIR ROEFARO: And we have to review
20 them and things. So why don't we shoot for --
21 let Alison get together whatever needs to be put
22 together. We can have a subcommittee meeting and
23 go through that, and then we can set that -- in
24 the meantime, I don't know if David wants to
25 start, and then, you know, and this way, we're

1 kind of working simultaneously.

2 MS. TOTH: Sounds good to me. And the
3 subcommittees can be Webex --

4 CHAIR ROEFARO: Yeah. At this point,
5 it's only me and anybody else that wants to be --
6 anybody else wants that to --

7 MS. WASHINGTON: I would like to -- I
8 would like to, Steve. I would like to --

9 MS. TOTH: Thank you, Shanelle.

10 CHAIR ROEFARO: Thank you, Shanelle. I
11 appreciate that. So I'm not the only one there.

12 MS. WASHINGTON: I mean, I do have some
13 questions. I notice that, in my work capacity,
14 there's a lot of licensed appraisers, but they're
15 also assessors. And I'm noticing that the
16 information, when I take it on the assessment
17 side, is duplicate. So I'm trying to figure out,
18 is there -- is there a way to get credit for that
19 information, as we know assessors are going to
20 value for ad valorem, and that's different. But
21 we know basically the difference between an
22 appraisal and an assessment is the effective tax
23 rate. So I just wanted to know if it's
24 possible -- if it's possible to explore, you
25 know, what are the possibilities in that realm?

1 MS. TOTH: So my understanding, and
2 correct me if I'm wrong, not for education, but
3 potentially for experience, there's -- yeah, you
4 can use -- yeah, there's categories for your
5 experience as an assessor.

6 MS. WASHINGTON: Uh-huh.

7 MS. TOTH: But there's no equivalency
8 credit for the course work.

9 MS. WASHINGTON: Got it.

10 UNIDENTIFIED SPEAKER: Correct.

11 CHAIR ROEFARO: Okay. So we can put
12 Shanelle in with the subcommittee, so and then --
13 so we'll just wait for Candice -- when -- once
14 Alice is ready, have Candice send out some
15 optional dates --

16 MS. TOTH: Yep.

17 CHAIR ROEFARO: -- for the
18 subcommittee. Does that work?

19 MS. TOTH: Yep. That works.

20 CHAIR ROEFARO: Okay. And I will --
21 and in the meantime, Jodi, you and David could
22 communicate. And David, whenever you want to
23 start, as long as there are not any stumbling
24 blocks, we'll see where we go.

25 MS. WASHINGTON: One last thing, Steve.

1 If Dave consults with the governor's office, is
2 it possible he can ask them about the vacancy we
3 have?

4 CHAIR ROEFARO: Yeah. Yeah, that's a
5 perfect segue. Thank you.

6 UNIDENTIFIED SPEAKER: There happens to
7 be two candidates --

8 MR. MOSSBERG: So it's the -- sort of a
9 different unit --

10 MS. WASHINGTON: Got it.

11 MR. MOSSBERG: -- but on the policy
12 side, mostly, not the counsel's office side that
13 reviews this. But I think we should certainly
14 relay the concerns regarding the vacancies
15 internally to the appropriate DOS staff that
16 would be able to follow up on those vacancies.

17 CHAIR ROEFARO: All right. Thank you.
18 Well-placed question, Shanelle.

19 All right. If there aren't any more
20 conversation, I will move on to our fourth agenda
21 item, which is the public comment period. Is
22 there anybody in New York City for public
23 comment?

24 UNIDENTIFIED SPEAKER: No.

25 CHAIR ROEFARO: Is there anybody in

1 Albany for public comment?

2 UNIDENTIFIED SPEAKER: No.

3 CHAIR ROEFARO: There is no public
4 comment here in our beautiful, close-to-
5 chairperson's office location in Utica, New York,
6 which I greatly appreciate that. After 37 years,
7 I got one. So all right. If there's no public
8 comment, I would then entertain a motion to
9 adjourn.

10 UNIDENTIFIED SPEAKER: Motion to
11 adjourn.

12 MS. WASHINGTON: Second.

13 CHAIR ROEFARO: Okay. All in favor?

14 IN UNISON: Aye.

15 CHAIR ROEFARO: All right. I want to
16 thank everybody. This has been a very productive
17 meeting.

18 UNIDENTIFIED SPEAKER: It was.

19 CHAIR ROEFARO: We have a quorum, we
20 get a lot of stuff done. If there's nothing else
21 at this point, I would call the meeting to
22 adjourn.

23 (Time Noted 1:49 p.m.)

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C E R T I F I C A T I O N

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