



STATE OF MAINE  
DEPARTMENT OF PROFESSIONAL  
AND FINANCIAL REGULATION  
BOARD OF REAL ESTATE APPRAISERS  
35 STATE HOUSE STATION  
AUGUSTA, MAINE  
04333-0035

Janet T. Mills  
Governor

Anne L. Head  
Commissioner

**Public Board Meeting  
Tuesday, October 3, 2023  
AGENDA**

**Location:** Deering Building  
90 Blossom Lane  
Augusta, ME 04330

**Room:** 101

**Time:** 9:00 a.m.

**Contact:** Jen Maddox – (207) 624-8522  
[jen.maddox@maine.gov](mailto:jen.maddox@maine.gov)

**Option for Virtual Attendance by the Public:**

In addition, though not required by law, this meeting is being made virtually available using the Zoom platform to members of the public who do not attend in-person. A link for the public to access the Board of Real Estate Appraisers meeting virtually will be posted on the Real Estate Appraisers Board website at:

<https://www.maine.gov/pfr/professionallicensing/professions/board-real-estate-appraisers/home/board-meeting-information>

The Board of Real Estate Appraisers expects that members of the public who attend the meeting virtually will be able to provide public comment to the same extent as members of the public who attend in-person.

**I. CALL TO ORDER**

**II. AGENDA MODIFICATIONS**

**III. MINUTES REVIEW AND APPROVAL**

Review and approval of August 1, 2023, Minutes

**IV. COMPLAINT PRESENTATIONS**

2023-REA-18737

2023-REA-19093

**V. RULEMAKING**

Chapter 230: Supervising Appraiser Duties

Chapter 240: Standards of Professional Practice

**VI. ADMINISTRATOR'S REPORT**

Application Memo

AI State Regulatory Advisory Group Virtual Meeting Highlights

## **VII. PUBLIC COMMENT**

*Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board, except for any open application or complaint. While the Board cannot take action on any issues presented, the Board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board Chair, a time limit on comments may be set.*

## **VIII. MEETING SCHEDULE**

Next meeting scheduled for November 7, 2023

## **IX. ADJOURNMENT**

DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION  
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION  
221 State Street, Augusta, Maine

MAINE BOARD OF REAL ESTATE APPRAISERS  
*VIRTUAL BOARD MEETING*  
August 1, 2023  
MINUTES

<u>MEMBERS PRESENT</u>	<u>STAFF PRESENT</u>
Wendy Boston, Chair	Cathy Pendergast, Administrator
Nathan Shipley, Vice-Chair	John Belisle, Assistant Attorney General
Alan Johnson, Complaint Officer	Shara Chesley, Office Specialist I
Russell Barrows	Jen Maddox, Office Specialist I
Jacques Weinstein	
<u>MEMBERS ABSENT</u>	<u>OTHERS PRESENT</u>
<u>None</u>	<u>None</u>

Location: 221 State Street, Augusta, ME      Start: 9:00 a.m.      Adjourn: 11:07 a.m.

**I. CALL TO ORDER**

The meeting was called to order by the Chair at 9:00 a.m.

**II. AGENDA MODIFICATIONS**

None.

**III. MINUTES REVIEW AND APPROVAL**

A motion was made by Weinstein and seconded by Barrows to approve the June 6, 2023 minutes as presented. Unanimous.

**IV. COMPLAINT PRESENTATIONS**

2023-REA-18884 - A motion was made by Shipley and seconded by Barrows to dismiss. Boston, Shipley, Barrows and Weinstein in favor. Johnson abstained. Motion carried.

2023-REA-18945 - A motion was made by Barrows and seconded by Weinstein to dismiss with a Letter of Guidance regarding USPAP Standard 2. Boston, Shipley, Barrows and Weinstein in favor. Johnson abstained. Motion carried.

2023-REA-19116 - A motion was made by Barrows and seconded by Weinstein to dismiss. Boston, Shipley, Barrows and Weinstein in favor. Johnson abstained. Motion carried.

**V. ADMINISTRATOR'S REPORT**

1. Board members were provided with a link to the ASC Annual Report for their information.
2. Board members were provided with proposed changes to the Real Property Appraiser Qualification which includes requirements for appraisers to complete a course on Valuation Bias and Fair Lending Laws for qualifying and continuing education. Additionally, they were provided with a summarized overview of recent changes to the Uniform Standards of Professional Appraisal Practice (USPAP).
3. The Board discussed two communications regarding Scope of License and directed staff to reply.
4. The Board discussed a communication regarding hybrid appraisals and directed staff to reply.
5. Application Issue. A motion was made by Barrows and seconded by Johnson to allow the license applicant who did not meet the experience requirement to withdraw the application. Unanimous.
6. Licensing Process Memo – the Board discussed comments regarding the appraiser license process and directed staff to reply.

**PUBLIC COMMENT**

Robert Strong commented on the license process and Krista Simonis commented on the definition of complex appraisals.

## **MEETING SCHEDULE**

The next meeting is currently scheduled for Tuesday, September 5, 2023.

### **IV. ADJOURN**

A motion was made by Barrows and seconded by Johnson to adjourn the meeting. Unanimous.  
Being no further board business, the meeting was adjourned at 11:07 a.m.

DRAFT

Maine Board of Real Estate Appraisers  
35 State House Station  
Augusta, ME 04333  
Phone: (207) 624-8518  
Email: catherine.pendergast@maine.gov

## **Department of Professional & Financial Regulation**

To: Board Members  
From: Catherine E. Pendergast  
Date: September 19, 2023  
Subject: Proposed Rulemaking

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Rulemaking is required for the Board to adopt the new edition of USPAP. Board staff recommends revising Chapter 230: Supervising Appraiser Duties at the same time.

Changes to Chapter 230 would revise terminology to align with the statute and clarify the responsibilities of a supervisory appraiser.

Following please find:

Draft Chapter 230: Supervisory Appraiser Duties  
Draft Chapter 240: Standards of Professional Practice  
Real Property Appraiser Criteria (Supervisory Appraiser Requirements)

Does the Board wish to vote to initiate APA rulemaking and put the proposed rules out for public comment and a public hearing?

Chapter 230: ~~SUPERVISING SUPERVISORY~~ APPRAISER DUTIES

**SUMMARY:** This rule establishes the ~~supervisory~~ responsibilities for a certified residential or certified general real property appraiser who supervises a trainee real property appraiser.

**1. Commencement and Termination of Supervisory Relationship**

A certified residential or certified general real property appraiser shall notify the board in writing of the commencement or termination of a supervisory relationship with a trainee real property appraiser no later than ten (10) days after the commencement or termination of the supervisory relationship.

**2. Duties**

A. A ~~supervising supervisory~~ appraiser is responsible for the training, guidance and direct supervision of the trainee real property appraiser, including:

1. Accepting responsibility for any appraisal reports drafted by the trainee real property appraiser, by signing and certifying that any such report is in compliance with the Uniform Standards of Professional Appraisal Practice”~~Accepting responsibility for the appraisal report by signing and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice;~~
2. Reviewing with the trainee real property appraisal report(s) and supporting workfile documents, when necessary; and
3. Personally inspecting each appraised property with the trainee real property appraiser until the ~~supervising supervisory~~ appraiser determines the trainee is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice for the property type. The ~~supervising supervisory~~ appraiser shall make this determination of competency in writing on a form provided by the board and shall submit the determination to the board no later than ten days thereafter.

B. Records and Reporting

1. —The ~~supervising supervisory~~ appraiser shall maintain accurate, up-to-date records of all the ~~trainee real property appraiser~~ trainee’s activities, including and a schedule of hours of work completed, and either access, control or possession of any workfile documents related to appraisal reports. For any appraisal listed on a trainee appraiser’s experience log, a supervisory appraiser must provide a copy

of, or access to, any appraisal report and associated workfile documents in their custody and control to the board upon request.

1. \_\_\_\_\_

2. \_\_\_\_\_

1. \_\_\_\_\_ 2. \_\_\_\_\_ No later than the fifteenth day of each month, a ~~supervising~~ supervisory appraiser shall ~~complete,~~ sign and submit an ~~report~~ appraisal experience log to the board with respect to each trainee under their ~~ir -appraiser's~~ supervision. The monthly ~~report~~ log shall be made on a form prescribed by the Board and must contain all information required by Section 2(B)(6) of this Chapter. The board retains discretion to reject an experience log for lack of timely submission or if the experience log is deemed incomplete.

3. \_\_\_\_\_

a. \_\_\_\_\_ Trainee real property appraisers will not receive experience credit for ~~Appraisals reports that are not signed by the supervising supervisory appraiser~~ are not eligible for experience credit;

4. \_\_\_\_\_

Trainee real property appraisers must be ~~mentioned~~ identified in the appraisal certification and scope of work for reports the trainee did not sign to be eligible for experience credit;

5. \_\_\_\_\_

~~Separate appraisal logs shall be maintained by each the supervisorying appraiser for each trainee real property appraiser under their supervision, if applicable; and~~

6. \_\_\_\_\_

~~Appraisal e~~ Experience logs shall, at a minimum, include the following information for the preceding calendar month:

- 1) Type of property appraised;
- 2) Whether the ~~supervis~~ orying appraiser personally inspected the property with the trainee;
- 3) Client name and address;
- 4) Address of appraised property;
- 5) Description of work performed by the trainee real property appraiser and the scope of the review and supervision of the Supervising-Supervisory Appraiser; and
- 6) Number of work hours;
- 7) Date of appraisal report; and
- 8) The signature and board license number of the supervising supervisory appraiser. Separate appraisal logs shall be maintained by each Supervisory Appraiser, if applicable.

7. \_\_\_\_\_ If the trainee real property appraiser trainee performed no reportable work, the monthly ~~report~~experience log shall so indicate.

### 3. Grounds for Discipline.

In addition to the grounds enumerated in 10 M.R.S. § 8003(5-A)(A) and 32 M.R.S. § 14014-A, the Board may impose discipline on a supervisory appraiser for failure to execute their duties in accordance with this Chapter.

#### STATUTORY AUTHORITY:

32 M.R.S. §§ 14012, 14038~~14027~~, 14039

#### EFFECTIVE DATE:

September 18, 1999 – filing 99-374

#### REPEALED AND REPLACED:

January 1, 2008 – filing 2007-466

September 18, 2022 – filing 2022-179



Chapter 240: STANDARDS OF PROFESSIONAL PRACTICE

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**SUMMARY:** This chapter establishes the Uniform Standards of Professional Appraisal Practice as the standards of practice for licensees and requires licensees to display their signature and license number on certifications of appraisals performed.

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**Section-1. Uniform Standards of Professional Practice**

Except as set forth in 32 M.R.S. § 14011(7), Licensees shall comply with generally accepted standards of professional practice as established by the Uniform Standards of Professional Appraisal Practice (“USPAP”), 2024 Edition. ~~For purposes of this section, licensees must comply with the 2020-2021/2024 edition of USPAP effective January 1, 2020/4.~~ The Board hereby incorporates this edition of the Uniform Standards of Professional Appraisal Practice (“USPAP”), 2024 Edition, Copyright © 2024, The Appraisal Foundation, Effective January 1, 2024, USPAP into this chapter by reference. Copies of the ~~2020-2021/2024~~ edition may be obtained, at cost, from The Appraisal Foundation, Distribution/Publication Fulfillment Center, P.O. Box 381, Annapolis Junction, MD 20701-0381. The web site is <http://www.appraisalfoundation.org/>.

**Section-2. Use of License Number**

Any person licensed by the Board must display that person’s signature and license number on the certification of any appraisal performed in this State. The license number shall include the two (2) letter prefix identifying the type of license held.

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STATUTORY AUTHORITY:

32 M.R.S. Chapter 124, §14012(3)

EFFECTIVE DATE:

September 18, 1999

AMENDED:

May 29, 2000  
April 10, 2001  
January 1, 2002  
February 8, 2003 - filing 2003-40  
December 23, 2003 - filing 2003-473

NON-SUBSTANTIVE CORRECTIONS:

February 20, 2004 - restored web site address in Section 1

AMENDED:

December 21, 2004 – filing 2004-584  
June 18, 2006 – filing 2006-259  
December 22, 2007 – filing 2007-527  
January 1, 2010 – filing 2009-704  
January 1, 2012 – filing 2011-406  
January 1, 2014 – filing 2013-297  
January 1, 2016 – filing 2015-245  
August 29, 2018 – filing 2018-170

January 20, 2020 – filing 2020-010

# SUPERVISORY APPRAISER REQUIREMENTS

## APPLICABLE TO SUPERVISION OF **TRAINEE APPRAISERS** ONLY

Supervisory Appraisers provide a critical role in the mentoring, training, and development of future valuation professionals. It is inherently important to strike a proper balance between enhancing public trust by ensuring Supervisory Appraisers are competent and qualified to supervise Trainee Appraisers without making the criteria too stringent and restrictive as to discourage or prevent qualified Supervisory Appraisers from actually participating in the training and supervision of Trainee Appraisers.

### I. **General**

- A. Supervisory Appraisers shall be responsible for the training, guidance, and direct supervision of the Trainee Appraiser by:
  1. Accepting responsibility for the appraisal by signing and certifying the appraisal complies with USPAP;
  2. Reviewing and signing the Trainee Appraiser appraisal report(s); and
  3. Personally inspecting each appraised property with the Trainee Appraiser until the Supervisory Appraiser determines the Trainee Appraiser is competent to inspect the property, in accordance with the **COMPETENCY RULE** of USPAP for the property type.
- B. Supervisory Appraisers shall be state-certified and in “good standing” for a period of at least three (3) years prior to being eligible to become a Supervisory Appraiser. Supervisory Appraisers do not need to be state certified and in good standing **in the jurisdiction** in which the Trainee Appraiser practices **for any specific minimum period of time**. Supervisory Appraisers shall not have been subject to any disciplinary action—within any jurisdiction—within the last three (3) years that affected the Supervisory Appraiser’s legal eligibility to engage in appraisal practice. A Supervisory Appraiser subject to a disciplinary action would be considered to be in “good standing” three (3) years *after* the successful completion/termination of the sanction imposed against the appraiser.

#### ***Supervisory Appraiser Requirements Interpretation***

With respect to disciplinary sanctions that affect an individual’s legal eligibility to practice as referenced in Section 1.B. above, sanctions imposed as a result of administrative actions not related to an individual’s obligations of ethical and competent appraisal practice do not apply. Examples may involve isolated administrative responsibilities including late payment of fees, failure to timely renew a credential, or failure to notify a regulatory office of a change in contact information. The intent of the language stated in Section 1.B. above, was to prevent Supervisory Appraisers from training due to egregious appraisal practice issues that involved ethics and competency. Administrative infractions do not preclude an individual from acting as a Supervisory Appraiser for three years after the sanction.

- C. Supervisory Appraisers must comply with the **COMPETENCY RULE** of USPAP for the property type and geographic location where the Trainee Appraiser is being supervised.
- D. Whereas a Trainee Appraiser is permitted to have more than one Supervisory Appraiser, Supervisory Appraisers may not supervise more than three (3) Trainee Appraisers at one time, unless a state program in the credentialing jurisdiction provides for progress monitoring, supervisory certified appraiser qualifications, and supervision and oversight requirements for Supervisory Appraisers.



- E. An appraisal experience log shall be maintained jointly by the Supervisory Appraiser and the Trainee Appraiser. It is the responsibility of both the Supervisory Appraiser and Trainee Appraiser to ensure the experience log is accurate, current, and complies with the requirements of the Trainee Appraiser's credentialing jurisdiction. At a minimum, the appraisal log requirements shall include:
1. Type of property;
  2. Date of report;
  3. Address of appraised property;
  4. Description of work performed by the Trainee Appraiser and the scope of the review and supervision of the Supervisory Appraiser;
  5. Number of actual work hours by the Trainee Appraiser on the assignment; and
  6. The signature and state certification number of the Supervisory Appraiser. Separate appraisal logs shall be maintained for each Supervisory Appraiser, if applicable.
- F. Supervisory Appraisers shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB, which is specifically oriented to the requirements and responsibilities of Supervisory Appraisers and Trainee Appraisers. The course is to be completed by the Supervisory Appraiser prior to supervising a Trainee Appraiser. Please refer to the Supervisory Appraiser / Trainee Appraiser Course Objectives and Outline in this booklet for more information.