



**INDEPENDENT REGULATORY REVIEW COMMISSION
COMMONWEALTH OF PENNSYLVANIA
333 MARKET STREET
14TH FLOOR
HARRISBURG, PA 17101**

**(717) 783-5417
Fax (717) 783-2664**

July 2, 1998

**David J. King, Chairman
State Board of Certified Real Estate Appraisers
116 Pine Street
Harrisburg, PA 17105**

**Re: IRRC Regulation #16A-707 (#1943)
State Board of Certified Real Estate Appraisers
Broker/Appraiser Fees**

Dear Chairman King:

Enclosed are our comments on your proposed regulation #16A-707. These comments outline areas of concern raised by the Commission. The comments also offer suggestions for your consideration when you prepare the final version of this regulation. These comments should not, however, be viewed as a formal approval or disapproval of the proposed version of this regulation.

If you or your staff have any questions on these comments or desire to meet to discuss them in greater detail, please contact John Nanorta at 787-8491. He has been assigned to review this regulation.

Sincerely,

A handwritten signature in black ink that reads "Robert E. Nyce".

**Robert E. Nyce
Executive Director**

REN:kcg

Enclosure

**cc: Steven Wennberg
Cheryl Lyne
Kim Pizzingrilli
Dorothy Childress
Office of General Counsel
Office of Attorney General
Pete Tartline**

COMMENTS OF THE INDEPENDENT REGULATORY REVIEW COMMISSION

ON

STATE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

REGULATION NO. 16A-707

BROKER/APPRAISER FEES

JULY 2, 1998

We have reviewed this proposed regulation from the State Board of Certified Real Estate Appraisers (Board) and submit for your consideration the following comments and recommendations. Subsections 5.1(h) and 5.1(i) of the Regulatory Review Act specify the criteria the Commission must employ in determining whether a regulation is in the public interest. In applying these criteria, our Comments address issues that relate to clarity. We recommend that these Comments be carefully considered as you prepare the final-form regulation.

Section 36.6. Fees – Clarity

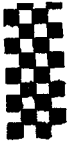
The narrative preamble accompanying this rulemaking explains the background relating to the proposed application and initial certification fees. However, it is not clear from a reading of the text of the regulation that all three fees apply only for a limited period of time.

The underlying statutory authorization of Section 457.6(a)(3) of Act 71 of 1996 (Section 457.6(a)(3)), which amended the Real Estate Appraisers Certification Act (63 P.S. § 457.6(a)(3)), is in effect for only a two-year period from its effective date (i.e., from September 3, 1996, to September 3, 1998). To reduce ambiguity and improve clarity, the following amendments should be incorporated in the final-form regulation.

First, the “application fee” provision should include a parenthetical reference specifying the two-year period available for a licensed real estate broker to submit an application for certification as a certified broker/appraiser (e.g., “effective from September 3, 1996, to September 3, 1998”). Doing so would establish parallelism with existing parenthetical references following the “initial certification” fees. It would also make clear the effective dates of the application fee.

Second, the parenthetical reference in the second “initial certification” provision should be amended to clarify the operative periods when the \$45 certification fee would apply. Specifically, the language “...or on or after July 1, 1998” leaves it unclear when that period ends, if at all.

As we understand it from speaking with the Board’s Counsel, no final end date was included following the reference to “July 1, 1998” because it is impossible to identify the date the Board will certify the final applications. However, it appears more clarity can be provided without limiting the Board’s ability to act on certifications by adding the following after “...on or after July 1, 1998”: “..., provided the application is received by September 3, 1998.” This new language will also reaffirm the final cutoff date for a real estate broker to submit an application for broker/appraiser certification without adversely impacting the Board’s ability to act on applications after the September 3, 1998 cutoff date.



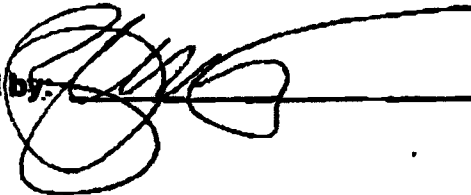
INDEPENDENT REGULATORY REVIEW COMMISSION

To: Joyca McKeever
Agency: Department of State
Licensing Boards and Commissions
Phone: 3-1088
Fax: 7-0251

From: Kristine M. Shomper
Deputy Director for Administration
Company: Independent Regulatory Review
Commission
Phone: (717) 783-5419 or (717) 783-5417
Fax: (717) 783-2664

Date: July 2, 1998
of Pages: 3

Comments: We are submitting the Independent Regulatory Review Commission's comments on the State Board of Certified Real Estate Appraiser's regulation #16A-707 (#1943). Upon receipt, please sign below and return to me immediately at our fax number 783-2664. We have sent the original through interdepartmental mail. You should expect delivery in a few days. Thank you.

Accepted by:  Date: 7-2-98