Approved as written

DATE: February 16, 2018

LOCATION: Legislative Office Building, Room 303, 33 North State Street, Concord

SUBCOMMITTEE MEMBERS in ATTENDANCE

Loren Martin, Robert Gagne, Steve Hamilton, Betsey Patten, Mary Pinkham-Langer, Todd Haywood

MEMBERS of the PUBLIC

No members of the public in attendance.

To begin the meeting, the committee reviewed where they were at in the process of updating the Asb rules to bring them in line with the Rev 600 rules. The body of the rules were reviewed and modified to include the addition of definitions, significant clarifications based on input received and re-numbering.

The DRA presented two proposed changes for review. The first was to clarify the “Commissioner’s review and determination” in Asb 301.05

Current Rule

Asb 301.05 “Commissioner’s review and determination” means the DRA’s process once the commissioner receives a written request to investigate a charge of misconduct against a DRA-certified person.

Proposed Change

Asb 301.[95]12 “Commissioner’s review and determination” means the DRA’s review of factors relevant to a charge of misconduct pursuant to Asb 308.013, and the disciplinary action taken by the DRA pursuant to Asb 308.014 and RSA 21-J:14-g, against any person, for failure to comply with the rules adopted by the assessing standards board pursuant to RSA 21-J:14-f, II.

The initial purposes for the discipline imposed was to protect the public and deter both the DRA –certified person charged and any other DRA certified person from engaging in such misconduct in the future. Due to hearing requirements (confidentiality) at the DRA, the result of a determination cannot be made public. In an effort to be transparent, a public disclosure including the amount (terms of) and type of discipline imposed is being proposed that will provide public visibility and help diminish the impact relative to settlement agreements. Currently settlement agreements are conditioned on the individual having to notify their clients and the ASB because there is no the process for the DRA to be able to put the information on their website. This may also help deter people who see what the consequences have been for charges.

Proposed Rule

Asb 308.15 Public Disclosure. Notwithstanding any other confidentiality requirement of rule or law, the amount and type of discipline imposed shall be made available to the public.
A discussion followed about correspondence, how recent correspondence was handled, how it should be handled when received by the Board or an individual Board member and whether a process should be included in the rules. The committee agreed it was not necessary to be in rule. It was determined that when correspondence, which has been considered a complaint, is received a response letter should be sent to the complainant acknowledging receipt, advising the Board is not the appropriate place to submit complaints and the proper procedure including where the find the PA-71, Request for Commissioner Review and Determination on the DRA’s website. This will create communication between the Board and complainant and guide them toward the appropriate process. It was confirmed any correspondence considered a complaint will not be read into the record.

A brief conversation about how the changes will be presented to the full Board. Corrections will be made to the numbering and chart of ethical cannons. All proposed changes will be bold and italicized, all highlighting removed and the newly proposed rules added.

A discussion took place about quantifying time and/or experience for the different levels in rule. It was determined it is the responsibility of the Supervisor to attest to the experience of the people they are supervising. A concern was expressed for individuals who may qualify for a level but a supervisor does not attest to their qualification. It was suggested the current proposed changes be brought forward to the full Board for approval and then the committee could meet to discuss other changes. The committee agreed.

Ms. Martin adjourned the meeting at 1:00 p.m.

Respectfully submitted,

Stephanie Derosier
Municipal and Property Division
NH Department of Revenue Administration

All meetings are recorded and are available upon request.

Documentation relative to the Assessing Standards Board may be submitted, requested or reviewed by:

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