

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 3, 2016

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 9960 Mayland Drive, Richmond, Virginia. The following Board members were present:

Michael Miller, Chair
Chris Call, Vice-Chair
H. Glenn James
Robert Rochester
Fay B. Silverman
Edythe Kelleher

Board members absent from the meeting: René Fonseca
Jean Gannon
Mack Strickland
Scott Mayausky

DPOR Staff present for all or part of the meeting included:

Jay DeBoer, Director
Jeffrey Williams, Board Administrator
Nick Christner, Deputy Director
Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Mr. Miller called the meeting to order at 10:11 A.M.

Call to Order

A motion was made by Mr. Call and seconded by Mr. James to approve the agenda. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Miller, Rochester and Silverman.

Approval of Agenda

A motion was made by Mr. James and seconded by Ms. Kelleher to approve the following minutes: August 9, 2016, Real Estate Appraiser Board Meeting. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Miller, Rochester and Silverman.

Approval of Minutes

Pat Turner addressed the Board concerning licensed Appraiser Management Companies (AMCs) making late payments and/or payments with insufficient funds. Mr. Turner asked the Board to consider forming a committee to determine what complaints will be investigated regarding such payments. No action was taken by the Board.

Public Comment

In the matter of **File Number 2015-02182, John Michael Shaffer**, the Board reviewed the record which consisted of the investigative file, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Jayne Allen, complainant, was present and addressed the Board. A motion was made by Mr. James and seconded by Mr. Call to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead find a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Miller and Silverman. A motion was made by Mr. James and seconded by Mr. Call to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead find a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Miller and Silverman.

File Number 2015-02182, John Michael Shaffer

A motion was made by Mr. James and seconded by Mr. Call to impose the following sanctions: a monetary penalty of \$250.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, for a total of \$500.00. In addition, for the violation of Counts 1 and 2, Shaffer is placed on probation and shall be required to complete a 15-hour course in Report Writing approved by the Appraisal Foundation or the Board, within six (6) months of the effective date of the Order. Upon successful completion of the course, Shaffer shall provide the Board with proof of passing the examination. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education

requirements needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting “Yes” were Call, James, Kelleher, Miller and Silverman.

As the presiding Board member, Mr. Rochester did not vote or participate in the discussion in this matter.

In the matter of **File Number 2016-02705, Robert R. Riddell**, the Board reviewed the Consent Order as seen and agreed to by Mr. Riddell. A motion was made by Ms. Silverman and seconded by Mr. Rochester to accept the proposed Consent Order offer wherein Mr. Riddell admits to a violation of 18 VAC 130-20-180.M.4 (Count 1) of the Board’s 2015 Regulations, and a violation of 18 VAC 130-20-180.M.5 (Count 2) of the Board’s 2015 Regulations, and agrees to a monetary penalty of \$550.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$700.00. The motion passed unanimously. Members voting “Yes” were Kelleher, Miller, Rochester, and Silverman. Mr. Call abstained from voting in this matter.

File Number 2016-02705, Robert R. Riddell

As the Board member who reviewed the file, Mr. James did not vote or participate in the discussion in this matter.

In the matter of **File Number 2016-02866, Alisa Rhea Delice**, the Board reviewed the record which consisted of the Notice, the Report of Findings, including exhibits, and the Recommendation. A motion was made by Mr. James and seconded by Mr. Call to accept the recommendation to find a violation of 18 VAC 130-20-180.M.4 (Count 1) of the Board’s 2015 Regulations. The motion passed unanimously. Members voting “Yes” were Call, James, Kelleher, Miller, Rochester and Silverman. A motion was made by Mr. James and seconded by Ms. Kelleher to accept the recommendation to find a violation of 18 VAC 130-20-180.M.5 (Count 2) of the Board’s 2015 Regulations. The motion passed unanimously. Members voting “Yes” were Call, James, Kelleher, Miller, Rochester and Silverman.

File Number 2016-02866, Alisa Rhea Delice

A motion was made by Mr. James and seconded by Ms.

Silverman to impose revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting “Yes” were Call, James, Kelleher, Miller, Rochester and Silverman. A motion was made by Mr. James and seconded by Mr. Rochester to impose a monetary penalty of \$150.00 for the violation contained in Count 2, for a total of \$150.00. The motion passed unanimously. Members voting “Yes” were Call, James, Kelleher, Miller, Rochester and Silverman.

A motion was made by Ms. Kelleher and seconded by Ms. Silverman to approve the proposed language for 18 VAC 130-11-50 and file the regulatory action as fast track to amend the Public Participation Guidelines regulations. The motion passed unanimously. Members voting “Yes” were Call, James, Kelleher, Miller, Rochester and Silverman.

Administrative Issues

Mr. Miller addressed the Board with an overview of subjects which were discussed during his attendance the Association of Appraiser Regulatory Officials (AARO) Fall Conference held in Washington, D.C.

Mr. Christner and the Board discussed the matter of late payments from AMC’s and reviewed the Appraiser Management Company regulations and §54.1-2022.C of the *Code of Virginia*. The Board agreed that the current statute does not address late payments at this time. No action was taken by the Board.

New Business

There being no further business, the meeting adjourned at 11:52 A.M.

Adjourn

Michael Miller, Chair

Jay W. DeBoer, Secretary