

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

August 19, 2014

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:

H. Glenn James, Chair
Michael Miller, Vice-Chair
Laura Sanchez del Solar
René Fonseca
Fay B. Silverman
Jean Gannon
Mack Strickland
Robert Rochester

Board members absent from the meeting: Chris Call
Scott Mayausky

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

Nick Christner, Deputy Director
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Doug Schroeder, Director of Adjudication
Emily Trent, Administrative Assistant

Jim Flaherty from the Office of the Attorney General was present.

Mr. James called the meeting to order at 10:05 AM.

Call to Order

A motion was made by Mr. Miller and seconded by Ms. Gannon to approve the agenda. The motion passed unanimously. Members voting “Yes” were Fonseca, James, Gannon, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

Approval of Agenda

A motion was made by Ms. Silverman and seconded by Mr. Strickland to approve the following minutes: May 6, 2014, Board Meeting. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Gannon, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

Approval of Minutes

Charles Don Clark addressed the Board concerning proposed changes to 2016-2017 USPAP. No action was taken by the Board.

Public Comment

In the matter of **File Number 2014-02664, Dexter V. Davis**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Strickland and seconded by Mr. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Davis' application for a certified general real estate appraiser license. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Gannon, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

File Number 2014-02664, Dexter V. Davis

In the matter of **File Number 2014-02711, James L. Levy**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Rochester and seconded by Ms. Sanchez del Solar to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Levy's application for a certified general real estate appraiser license. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Gannon, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

File Number 2014-02711, James L. Levy

In the matter of **File Number 2014-02712, Ronald Leon Shumate**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ronald Leon Shumate, applicant, was present and addressed the Board. A

File Number 2014-02712, Ronald Leon Shumate

motion was made by Mr. Strickland and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Shumate's application for a licensed residential real estate appraiser license. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Gannon, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

In the matter of **File Number 2014-02853, William C. Stafford**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Rochester and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Stafford's application for a certified general real estate appraiser license. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Gannon, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

File Number 2014-02853, William C. Stafford

In the matter of **File Number 2014-02862, Wendy Faith Coates**, the Board reviewed the application file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Mr. Miller and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Coates' application for a certified general real estate appraiser license. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Gannon, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

File Number 2014-02862, Wendy Faith Coates

In the matter of **File Number 2014-01506, Tracy Leigh Davis**, the Board reviewed the Consent Order as seen and agreed to by Ms. Davis. A motion was made by Mr. Strickland and seconded by Mr. Rochester to accept the proposed Consent Order offer wherein Ms. Davis admits to a three violations of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, three violations of 18 VAC 130-

File Number 2014-01506, Tracy Leigh Davis

20-180.D (Count 2) of the Board's 2008 Regulations and a violation of 18 VAC 130-20-180.E (Count 3) of the Board's 2008 Regulations and agrees to a monetary penalty of \$500.00 for each violation contained in Count 1, \$500.00 for each violation contained in Count 2, \$500.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$3,650.00. In addition, for violation of Count 1, Davis is required to complete an Upper Level Residential Appraisal Course approved by The Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course shall be a minimum of 30 hours and shall include an exam. Upon successful course completion, Davis shall provide the Board with proof of passing the exam. 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 Fonseca, James, Gannon, Rochester, Sanchez del Solar, Silverman and Strickland.

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

In the matter of **File Number 2014-00717, Richard Gordon Van Amburg, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Van Amburg. A motion was made by Ms. Silverman and seconded by Ms. Sanchez del Solar to accept the proposed Consent Order offer wherein Mr. Van Amburg admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2008 Regulations and a violation of §54.1-2011.F of the *Code of Virginia* and agrees to a monetary penalty of \$150.00 for the violation contained in Count 1, \$150.00 for the violation contained in Count 2, \$150.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$600.00. In addition, for violation of Count 1, Van Amburg is required to complete a 15-hour USPAP course on report writing approved by The Appraisal Foundation or the Board within six (6) months of the

File Number 2014-00717, Richard Gordon Van Amburg, III

execution of the Order. Upon successful course completion, Van Amburg shall provide the Board with proof of passing the exam. 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 Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

As the Board member who reviewed the file, Ms. Gannon did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2014-00335, Jesse E. Crews, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Crews. A motion was made by Mr. Miller and seconded by Mr. Strickland to accept the proposed Consent Order offer wherein Mr. Crews admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations agrees to a monetary penalty of \$125.00 for the violation contained in Count 1, \$125.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$400.00. In addition, for violation of Counts 1 and 2, Crews is required to complete a Residential Appraisal Course pertaining to the "Sales Comparison Approach and Income Approach" approved by The Appraisal Foundation or the Board within three (3) months of the execution of the Order. Upon successful course completion, Crews shall provide the Board with proof of passing the exam. 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 Fonseca, Gannon, James, Miller, Sanchez del Solar, Silverman and Strickland.

File Number 2014-00335, Jesse E. Crews, III

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

Mr. James turned the position of Chair over to Mr. Miller and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2013-02840, Anthan Tuan Thanh Tran**, the Board reviewed the record which consisted of the investigative file, transcripts, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Anthan Tuan Thanh Tran, respondent, was present and addressed the Board. A motion was made by Mr. Rochester and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2008 Regulations and a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Fonseca, Gannon, James, Miller, Sanchez del Solar, Silverman and Strickland.

File Number 2013-02840, Anthan Tuan Thanh Tran

A motion was made by Mr. Rochester and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose the following sanctions: In addition, for violation of Counts 1 and 2, Tran shall be placed on probation and required to take two Qualifying Education ("QE") Appraisal Courses approved by the Appraisal Foundation or the Board within six (6) months of the execution of the order. One course shall be the 2014-2015 15-hour National USPAP course. The other course shall be a 15-hour Residential Appraiser Course. Each course shall include an examination. Upon successful course completion, Tran shall provide the Board with proof of passing the examination. Satisfactory completion of the above-referenced course(s) will not count towards any continuing or pre-license education requirements needed for license renewal, or upgrade. The motion passed unanimously. Members voting "Yes" were Fonseca, Gannon, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

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

Mr. James returned and assumed the position of Chair.

Transfer of Chair

A motion was made by Mr. Strickland and seconded by Mr. Miller to approve the Mandatory 2015 AQB Changes Exempt Regulatory Action. If Virginia Registrar does not certify this exempt regulatory action, then the regulations shall proceed either as a Fast Track action or through the standard process. The motion passed unanimously. Members voting "Yes" were Fonseca, Gannon, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

Administrative Issues

Kevin Hoeft gave the Board a regulatory review update. No action was taken by the Board.

A motion was made by Ms. Gannon and seconded by Mr. Miller to adopt the following resolution to honor the years of dedicated Board service by former Board Member Sandra Johnson:

Resolution – Sandra Johnson

RESOLUTION IN HONOR OF

Sandra Johnson

WHEREAS, Sandra Johnson, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2006; and

WHEREAS, Sandra Johnson, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, Sandra Johnson, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Appraiser Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Appraiser Board this nineteenth day of August, 2014 that **Sandra Johnson** be given all honors and respect due her for her outstanding service to the Commonwealth, citizens and the Real Estate Appraiser Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

The motion passed unanimously. Members voting “Yes” were Fonseca, Gannon, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

Mr. James discussed whether to accept “demonstration appraisal reports” as valid appraisal reports for appraiser license applicants. The Board discussed and decided to address the matter at the November 5, 2014, Real Estate Appraiser Board meeting.

Old Business

The Board recognized Mr. Miller for receiving an Outstanding Service Award from the Appraiser Institute.

New Business

There being no further business, the meeting adjourned at 11:10 A.M.

Adjourn

H. Glenn James, Chair

Jay DeBoer, Secretary