REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

May 6, 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
Chris Call
Scott Mayausky (arrived at 10:13 A.M.)
Fay B. Silverman (arrived at 10:15 A.M.)
Jean Gannon
Mack Strickland
Robert Rochester

Board members absent from the meeting: Laura Sanchez del Solar
René Fonseca

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

Mark Courtney, Senior Director
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Samantha Vrscak, Legal Analyst
Emily Trent, Administrative Assistant

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

Call to Order

Mr. James called the meeting to order at 10:07 AM.

Approval of Agenda

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

Approval of Minutes

A motion was made by Mr. Strickland and seconded by Mr.

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Rochester to approve the following minutes: February 25, 2014, Board Meeting. The motion passed unanimously. Members voting "Yes" were Call, James, Gannon, Miller, Rochester and Strickland.

Public Comment

Frank O'Neill addressed the Board in support of the AMC regulations. No action was taken by the Board.

Charles Don Clark addressed the Board concerning AMCs and broadcast orders. No action was taken by the Board.

Arrival of Board Members

Fay B. Silverman arrived at 10:13 A.M.

Scott Mayausky arrived at 10:15 A.M.

Public Comment

Pat Turner addressed the Board concerning customary and reasonable fees regarding the proposed AMC regulations. No action was taken by the Board.

Jayne Allen addressed the Board concerning the proposed AMC regulations. No action was taken by the Board.

File Number 2014-02060, James Cassidy, III

In the matter of **File Number 2014-02060, James Cassidy, III,** 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. Mayausky to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Cassidy's application for a certified general real estate appraiser license. The motion passed unanimously. Members voting "Yes" were James, Gannon, Mayausky, Miller, Rochester, Silverman and Strickland.

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

File Number 2014-02064, Angela Johnson

In the matter of **File Number 2014-02064, Angela Johnson,** 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

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

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

File Number 2014-02062, Diane Hirsch

In the matter of **File Number 2014-02062, Diane Hirsch,** 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. Call and seconded by Ms. Gannon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Hirsch's application for a certified general real estate appraiser license. The Board reviewed the facts, and after careful consideration of the evidence and the Amended Summary and Recommendation, is of the opinion that Hirsch does not have the necessary qualifying experience required to perform the duties of a certified general appraiser in such a manner as to safeguard the health, safety, and welfare of the public. Therefore, the Board denies the license upgrade at this time. The motion passed unanimously. Members voting "Yes" were Call, James, Gannon, Mayausky, Miller, Silverman and Strickland.

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

File Number 2014-02665, Margie K. Jewell

In the matter of **File Number 2014-02665, Margie K. Jewell,** 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. Strickland to accept the recommendation contained in the Summary of the Informal

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Fact-Finding Conference to deny Ms. Jewell's application for a licensed residential general real estate appraiser license. The Board reviewed the facts, and considering the Summary and Recommendation, determined that due to the lack of evidence of the minimum of 2,500 hours of appraisal experience obtained during no fewer than 24 months, the Board could not approve the application for upgrade at this time. The motion passed unanimously. Members voting "Yes" were Call, James, Gannon, Mayausky, Rochester, Silverman and Strickland.

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

File Number 2014-00172, Gerald F. Watson

In the matter of **File Number 2014-00172, Gerald F. Watson,** the Board reviewed the Consent Order as seen and agreed to by Mr. Watson. A motion was made by Mr. Strickland and seconded by Ms. Gannon to accept the proposed Consent Order offer wherein Mr. Watson 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 and a violation of 18 VAC 130-20-180.J (Count 3) of the Board's 2008 Regulations and agrees to a monetary penalty of $300.00 for the violation contained in Count 1, $300.00 for the violation contained in Count 2, $300.00 for the violation contained in Count 3, as well as $150.00 in Board costs for a total of $1,050.00. In addition, for violation of Count 3, Watson 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, Watson 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. Further, for violation of Count 3, Watson shall submit to the Board for review, on a monthly basis, three (3) appraisal reports completed during each month, for a period of six (6) months following the effective date of this Order. If Watson prepares less than

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three (3) reports during a month, Watson shall submit copies of the reports he prepared to the Board. If Watson prepares no reports during a month, Watson shall submit a statement to the Board that no reports were prepared during that month. Failure to submit USPAP compliant appraisal reports may result in the suspension of Watson's license, pending review by the Board. The motion passed unanimously. Members voting "Yes" were Call, Gannon, James, Mayausky, Rochester, 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.

Transfer of Chair

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

File Number 2013-02210, Melody Ann Rhinehart

In the matter of **File Number 2013-02210, Melody Ann Rhinehart,** 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 officer. 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.D (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, Gannon, Mayausky, Miller, Rochester, Silverman and Strickland.

A motion was made by Mr. Strickland and seconded by Mr. Mayausky to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose the following sanctions: Rhinehart shall be placed on probation and required to take a Qualifying Education ("QE") Residential Appraisal Course(s) approved by the Appraisal Foundation or the Board within six (6) months of the execution of the order. The course(s) shall total a minimum of 30 hours, and each course shall include an examination. Upon successful course completion, Rhinehart shall provide the Board with proof of passing the

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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 Call, Gannon, Mayausky, Miller, Rochester, Silverman and Strickland.

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

File Number 2014-02282, William Robert Moon, Jr.

In the matter of **File Number 2014-02282, William Robert Moon, Jr.,** 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. Call to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Moon's application for a certified general real estate appraiser license. The motion passed unanimously. Members voting "Yes" were Call, Gannon, Mayausky, Miller, Rochester, Silverman and Strickland.

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

Transfer of Chair

Mr. James returned and assumed the position of Chair.

File Number 2013-02309, David Wayland Day

In the matter of **File Number 2013-02309, David Wayland Day,** the Board reviewed the Consent Order as seen and agreed to by Mr. Day. A motion was made by Ms. Gannon and seconded by Mr. Miller to accept the proposed Consent Order wherein Mr. Day admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of $250.00 for the violation contained in Count 1, as well as $150.00 in Board costs for a total of $400.00. In addition, for violation of Count 1, Day is required to complete a 15-hour USPAP course approved by The Appraisal Foundation or the Board within six (6) months of the execution of the order. Upon successful course completion, Day shall provide the Board with proof of passing the exam. It is

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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, Gannon, James, Miller, Rochester, Silverman and Strickland.

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

Administrative Issues

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

Christine Martine gave the Board an update on the AMC regulations. A motion was made by Mr. Miller and seconded by Mr. Strickland to adopt the amended agency responses to the public comments for the proposed AMC regulation as discussed by the Board. The motion passed unanimously. Members voting "Yes" were Gannon, James, Miller, Rochester, Silverman and Strickland. Mr. Call abstained from voting in this matter.

A motion was made by Mr. Strickland and seconded by Mr. Rochester to adopt the final AMC regulations as amended. The motion passed unanimously. Members voting "Yes" were Gannon, James, Miller, Rochester, Silverman and Strickland. Mr. Call abstained from voting in this matter.

Adjourn

There being no further business, the meeting adjourned at 11:34 A.M.

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H. Glenn James, Chair

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Jay DeBoer, Secretary

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