

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 10, 2009

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:

Diane Quigley, Chair
Harry Lewis, Jr., Vice-Chair
Richard Pruitt
John C. Harry
H. Glenn James
Ryan A. Myers
Betsy Critzer

Board member not present: Douglas Mullins
Sandra Johnson

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

Jay DeBoer, Director
Mark Courtney, Deputy Director
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Bonnie Rhea Adams, Director of Complaint
Analysis, & Resolution
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Chair Diane Quigley called the meeting to order at 10:06 AM.

Call to Order

A motion was made by Mr. Lewis and seconded by Mr. Pruitt to approve the agenda. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, James, Pruitt, Harry and Quigley.

Approval of Agenda

A motion was made by Mr. Pruitt and seconded by Ms. Critzer to approve the following minutes: July 16, 2009, Informal Fact-Finding Conference; August 18, 2009, Board Meeting; August 19, 2009, Informal Fact-Finding Conference; September 1, 2009, Broker Price

Approval of Minutes

Opinion Working Group Meeting; September 24, 2009, Informal Fact-Finding Conference; September 30, 2009, Informal Fact-Finding Conference; October 9, 2009, Informal Fact-Finding Conference and October 9, 2009, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Critzer, Lewis, James, Pruitt, Harry and Quigley.

Pat Turner addressed the Board concerning sending representation from the Board to National Appraiser meetings. No action was taken by the Board.

Jayne Allen addressed the Board concerning the compliance process. No action was taken by the Board.

Ryan Myers arrived at 10:15 A.M.

In the matter of **File Number 2010-00082, Stephen McCanna**, 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 officer. Mr. McCanna was present and addressed the Board. A motion was made by Mr. Pruitt and seconded by Mr. Myers to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve the trainee license with an amendment to require an agreement for licensure with Mr. McCanna reporting to the Board semi-annually for a period of two years. The motion failed. Members voting "Yes" were Pruitt, Myers and Quigley. Members voting "No" were Lewis, Harry and Critzer. Mr. James abstained from voting.

A motion was made by Ms. Critzer and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve the trainee license with an amendment to require an agreement for licensure with Mr. McCanna reporting to the Board semi-annually for a period of two years and the agreement from Mr. McCanna that he will not apply for a licensed residential appraiser license for a period of two years. The motion passed by majority vote. Members voting "Yes" were Pruitt, Myers, Quigley, Critzer and James. Members voting "No" were Lewis and Harry.

In the matter of **File Number 2010-01311, James Nolan**, the Board

Public Comment

Arrival of Board Member

**File Number 2010-00082,
Stephen McCanna**

File Number 2010-01311,

reviewed the record, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Nolan, applicant, was present and addressed the Board. A motion was made by Mr. Harry and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Nolan's application for a Certified Residential Appraiser license. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, James, Pruitt, Quigley and Harry.

James Nolan

As the presiding Board member, Ms. Critzer did not participate in the discussion or vote on this matter.

In the matter of File Number 2010-00658, James Nolan, the Board reviewed the investigative 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. Mr. Nolan, respondent, was present and addressed the Board. A motion was made by Mr. Harry and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find of a violation of 18 VAC 130-20-180.K.4 (Count 1) of the Board's 2008 Regulations, and find a violation of 18 VAC 130-20-180.K.5 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, James, Pruitt, Quigley and Harry.

File Number 2010-00658,
James Nolan

A motion was made by Mr. Pruitt and seconded by Mr. Harry to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose no monetary penalty for the violations. The motion passed by unanimously. Members voting "Yes" were Lewis, Myers, James, Pruitt, Quigley and Harry.

As the presiding Board member, Ms. Critzer did not participate in the discussion or vote on this matter.

In the matter of File Number 2008-01409, James E. Patton, Jr., the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Patton, respondent, and Frank Cowan, attorney for the respondent, were present and addressed the Board. A motion was made by Mr.

File Number 2008-01409,
James E. Patton, Jr.

Lewis and seconded by Ms. Critzer 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 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, James, Critzer, Quigley and Harry. Mr. Pruitt abstained from voting in this matter.

A motion was made by Ms. Critzer and seconded by Mr. Lewis 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 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, Critzer, Quigley, James and Harry. Mr. Pruitt abstained from voting in this matter.

A motion was made by Mr. James and seconded by Mr. Harry to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 for the violation of Count 1 and instead impose no monetary sanction. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, Critzer, Quigley, James and Harry. Mr. Pruitt abstained from voting in this matter.

A motion was made by Mr. James and seconded by Mr. Harry to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$500.00 and probation of license until successful completion and passing of a 15 hour USPAP classroom course for the violation of Count 2 and instead impose no sanctions. The motion passed by majority vote. Members voting "Yes" were Lewis, Myers, James and Harry. Members voting "No" were Quigley and Critzer. Mr. Pruitt abstained from voting in this matter.

In the matter of **File Number 2009-04360, Anthony A. Tate**, the Board reviewed the Consent Order as seen and agreed to by Mr. Tate. A motion was made by Mr. Lewis and seconded by Mr. Harry to accept the proposed Consent Order wherein Mr. Tate admits to a violation of 18 VAC 130-20-180.K.4 (Count 1) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.K.5 (Count 2) of the Board's 2008 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, and \$350.00 for the violation contained Count 2, as well as \$150.00 in Board costs for a total of

File Number 2009-04360,
Anthony A. Tate

\$500.00. In addition, Tate agrees to provide the Board with the proof of completion of the education courses required by the Consent Order entered by the Tennessee Real Estate Appraiser Commission. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, Critzer, James, Quigley and Harry.

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

In the matter of **File Number 2009-04041, William P. Alexander**, the Board reviewed the Consent Order as seen and agreed to by Mr. Alexander. A motion was made by Mr. Myers and seconded by Mr. Harry to accept the proposed Consent Order wherein Mr. Alexander admits to a violation of 18 VAC 130-20-180.K.4 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.K.5 (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.B.1.a (Count 3) of the Board's 2008 Regulations and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$350.00 for the violation contained in Count 2, and \$150.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 1, Alexander agrees to complete the fifteen (15) classroom hour USPAP course. The USPAP course shall not be completed on-line. Alexander agrees to provide the Board with proof of attendance and successful completion within six (6) months of the effective date of this order. Further, if Alexander provides proof to the Board, within six months of the effective date of this order, that he has successfully completed the fifteen (15) hour USPAP course in accordance with the Maryland order, the above-referenced USPAP course requirement will be waived. It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or license upgrade. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, Critzer, James, Quigley and Harry.

File Number 2009-04041,
William P. Alexander

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

In the matter of **File Number 2009-03856, Jeffrey Cummings**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cummings. A motion was made by Ms. Critzer and seconded by Mr.

File Number 2009-03856,
Jeffrey Cummings

Myers to reject the Consent Order and remand the matter to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, Critzer, James, Quigley and Harry.

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

In the matter of **File Number 2009-03378, Ian Callison**, the Board reviewed the Consent Order as seen and agreed to by Mr. Callison. A motion was made by Ms. Quigley and seconded by Ms. Critzer to reject the proposed Consent Order and extend a counter-offer to Mr. Callison wherein Mr. Callison admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for the violation of Count 1, Callison agrees to suspension of license for a minimum of (60) days. Further, for violation of Count 1, during the minimum 60 day suspension period, Callison agrees to complete a fifteen (15) classroom hour USPAP course within 60 days of the effective date of the Order. If Callison fails to complete the USPAP course within 60 days, the license suspension will continue until he provides evidence of completion of the course. The USPAP course shall not be completed on-line. Callison agrees to provide the Board with proof of attendance and successful completion of the USPAP course. It is acknowledged that satisfactory completion of the above-referenced courses will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement or license upgrade. If Mr. Callison does not accept the counter-offer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, Critzer, James, Quigley and Harry.

File Number 2009-03378,
Ian Callison

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

The Board recessed from 11:53 A.M. to 12:09 P.M.

Break

In the matter of **File Number 2009-02227, Suresh Kashinath Hatte**, the Board reviewed the investigative file, the transcript, and exhibits from the Informal Fact-Finding Conference, and the Summary of the

File Number 2009-02227,
Suresh Kashinath Hatte

Informal Fact-Finding Conference of the presiding officer. Mr. Hatte, respondent, and Elliott Park, attorney for the respondent, were present and addressed the Board. A motion was made by Ms. Critzer and seconded by Mr. Harry 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, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Lewis, Myers, James, Critzer, Quigley and Harry.

A motion was made by Mr. James and seconded by Mr. Harry to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose license revocation for Counts 1-4. The motion was withdrawn.

A motion was made by Ms. Critzer and seconded by Mr. Harry to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference for the violations contained in Counts 1 through 4 and instead impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, and \$500.00 for the violation contained in Count 4 for a total of \$2,000.00. The Board also imposes the following sanctions: Suspension of license for a period of twelve (12) months for violation of Counts 1 through 4. In addition, Hatte is placed on probation until Hatte has presented evidence acceptable to the Board that he has successfully completed 150 classroom hours of the pre-license education required for the licensed residential classification. Such courses shall be offered by a member of the Appraisal Foundation or from one approved by the Board. Such courses shall not be distance education courses. It is acknowledged that satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license, reinstatement, or to upgrade a license. Failure to comply with all terms of the Order within the specified time will result in the automatic suspension of Hatte's license until such time as there is compliance with all terms of the Order. The Board voted to increase the suspension and the education due to the seriousness and severity of the violations. The motion passed unanimously. Members voting

“Yes” were Lewis, Myers, James, Critzer, Quigley and Harry.

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

Ms. Quigley turned the position of Chair over to Mr. Lewis.

In the matter of **File Number 2009-04361, Alden E. Hess**, the Board reviewed the investigative 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. Mr. Hess, respondent, was present and addressed the Board. A motion was made by Mr. Myers and seconded by Ms. Critzer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.K.4 (Count 1), of the Board’s 2008 Regulations, and a violation of 18 VAC 130-20-180-K.5 (Count 2), of the Board’s 2008 Regulations. The motion passed by majority vote. Members voting “Yes” were Critzer, Myers, Lewis, James and Harry. Member voting “No” was Pruitt.

A motion was made by Mr. Harry and seconded by Ms. Critzer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose no monetary penalty for the violation contained in Count 1, and \$500.00 for the violation contained in Count 2, for a total of \$500.00. The Board also imposes the following sanctions: Probation of license for a period of 12 months. While on probation, Hess shall submit three (3) reports per quarter to the Board for review. If Hess fails to comply with this provision, or submits reports that fail to comply with USPAP, the failure to comply with the terms will result in the automatic imposition of license suspension for a period of 12 months. Failure to comply with all terms of the Order within the specified time will result in the automatic suspension of Hess’ license until such time as there is compliance with all terms of the Order. The motion passed by majority vote. Members voting “Yes” were Critzer, Myers, Lewis, James and Harry. Member voting “No” was Pruitt.

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

Ms. Quigley returned and assumed the position Chair.

Transfer of Chair

File Number 2009-04361,
Alden E. Hess

Transfer of Chair

In the matter of **File Number 2007-03933, Sally Ann Regan**, the Board reviewed the Consent Order as seen and agreed to by Ms. Regan. A motion was made by Mr. Myers and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Ms. Regan admits to 2 *violations* of 18 VAC 130-20-180.K.1 (Count 1) of the Board's 2003 Regulations, admits to 2 *violations* of 18 VAC 130-20-180.E (Count 2) of the Board's 2003 Regulations, and 2 violations of 18 VAC 130-20-180.D (Count 3) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$375.00 for each violation contained in Count 1, \$375.00 for each violation contained in Count 2, and \$300.00 for each violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$2,250.00. In addition, Regan is required to take an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be minimum of thirty (30) classroom hours and shall not be completed on-line. Upon successful completion of the course, Regan shall provide the Board with proof of passing the exam within six (6) months of the execution of the Order. Further, Regan agrees to complete the fifteen (15) classroom hour USPAP course. The USPAP course shall not be completed on-line. Regan agrees to provide the Board with proof of attendance and successful completion within six (6) months of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced upper level Residential Appraisal course and USPAP course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or license upgrade. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, Pruitt, James, Quigley and Harry.


File Number 2007-03933,
Sally Ann Regan

The Board reviewed the BPO Guidance document. The Board completed CID training.

Administrative Issues

There being no further business, the meeting adjourned at 3:01 P.M.

Adjourn



Diane Quigley, Chair



Jay W. DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Harry O. Lewis, Jr.
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: November 10, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Harry O. Lewis, Jr.
Signature

11-10-09
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Diane Quigley
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: November 10, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

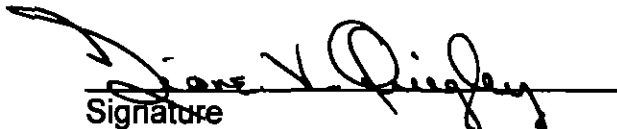
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the
public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

11/10/2009
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Richard Pruitt
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: November 10, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Richard Pruitt

Signature

Nov 10, 09

Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Betsy T. Critzer
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: November 10, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the
public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Betsy T. Critzer
Signature

11/10/09
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: John C. Harry, III
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: November 10, 2009
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

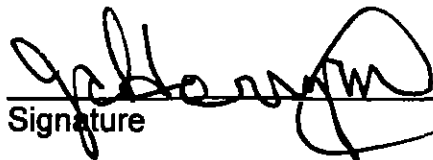
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the
public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

11-10-09
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: H. Glenn James
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: November 10, 2009
(Date)

5. I have a personal interest in the following transaction:

NONE
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

NONE

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

CERTIFIED GENERAL REAL ESTATE APPRAISAL

- I am able to participate in this transaction fairly, objectively, and in the public interest.
or
 I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

H. Glenn James
Signature

10 November 2009
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Ryan A. Myers
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: November 10, 2009
5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

11/10/09
Date