

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

August 14, 2012

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, Vice-Chair
John C. Harry
Richard Pruitt
Sandra Johnson
Laura Sanchez del Solar
Michael Miller

Board members absent from the meeting: Diane Quigley

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

Nick Christner, Deputy Director
Mark Courtney, Senior Manager
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Bonnie Rhea Adams, Director of Complaint
Analysis & Resolution
Kristin Clay, Legal Analyst
Emily Trent, Administrative Assistant

Mr. James called the meeting to order at 10:15 AM.

Call to Order

A motion was made by Mr. Pruitt and seconded by Mr. Miller to approve the agenda. The motion passed unanimously. Members voting "Yes" were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

Approval of Agenda

A motion was made by Mr. Harry and seconded by Mr. Pruitt to approve the following minutes: May 2, 2012, Board Meeting; June 13, 2012, Informal Fact-Finding Conference and July 16, 2012, AMC Committee Meeting. The motion

Approval of Minutes

passed unanimously. Members voting “Yes” were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

Jayne Allen addressed the Board concerning Appraisers employed by AMCs being held to quotas by employers which may compromise public trust. Ms. Allen also suggested the AMC regulations require each AMC to come before the Board before approving the license application. No action was taken by the Board. Mack Strickland addressed the Board opposing HB433. No action was taken by the Board.

Public Comment

In the matter of **File Number 2012-01059, Moses Oyewole**, the Board reviewed the Consent Order as seen and agreed to by Mr. Oyewole. A motion was made by Mr. Miller and seconded by Mr. Harry to reject the proposed Consent Order and remand the case to an Informal Fact-Finding Conference to obtain additional information. The motion passed unanimously. Members voting “Yes” were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

File Number 2012-01059, Moses Oyewole

In the matter of **File Number 2012-02568, Francis Osamuode Omorodion**, the Board reviewed the Consent Order as seen and agreed to by Mr. Omorodion. A motion was made by Mr. Harry and seconded by Mr. Miller to accept the proposed Consent Order wherein Mr. Omorodion admits to 2 violations of 18 VAC 130-20-180.D (Count 1) of the Board’s 2008 Regulations, and agrees to a monetary penalty of \$150.00 for one violation and \$250.00 for one violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$550.00. In addition, for violation of Count 1, Omorodion is required to complete a classroom 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 classroom hours and shall not be a distance education course (“distance education” means an educational process based on the geographical separation of provider and student, i.e., CD-ROM, on-line learning, correspondence courses, etc.) Upon successful course completion, Omorodion shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course

File Number 2012-02568, Francis Osamuode Omorodion

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 Harry, James, Johnson, Miller and Sanchez del Solar.

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

In the matter of **File Number 2012-00665, April Jeanette Lefkowitz**, 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. April Lefkowitz, respondent, was present and addressed the Board. A motion was made by Mr. Harry and seconded by Ms. Sanchez del Solar 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, 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 Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

File Number 2012-00665, April Jeanette Lefkowitz

A motion was made by Mr. Harry and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500.00 for the violation contained in Count 1, no monetary penalty for the violation contained in Count 2, for a total of \$500.00. In addition, for the violation of Count 1, the Board imposes probation. During the probation period, Lefkowitz is required to complete 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 a minimum of thirty (30) classroom hours and shall not be completed on-line. Such course shall not be a distance education course. Upon successful completion of the course, Lefkowitz shall provide evidence acceptable to the Board with proof of passing the exam within six (6) months of the execution of the order. Failure to comply with this provision shall result in the suspension of Lefkowitz's appraisal license until compliance is

obtained. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements needed for license renewal, reinstatement, or to upgrade a license. The motion passed unanimously. Members voting “Yes” were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

The Board reviewed a request from John D. Willey, License Number 4001-003007, to grant approval of 14 continuing education hours pursuant to VAC 130-20-110.A.2. A motion was made by Mr. Pruitt and seconded by Mr. Miller to approve Mr. Willey’s request for 14 continuing education hours for classroom appraisal education instructed by Mr. Willey. The motion passed unanimously. Members voting “Yes” were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

Administrative Issues

Kevin Hoeft, Board Administrator, outlined three regulatory actions. A motion was made by Mr. Harry and seconded by Ms. Sanchez del Solar to adopt the General Review proposed regulations as amended. The motion passed unanimously. Members voting “Yes” were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

A motion was made by Mr. Pruitt and seconded by Ms. Sanchez del Solar to adopt the Fee Adjustment proposed regulations. The motion passed unanimously. Members voting “Yes” were James, Johnson, Miller, Pruitt and Sanchez del Solar.

A motion was made by Mr. Harry and seconded by Mr. Miller to authorize Board staff to initiate a NOIRA to promulgate Appraisal Management Companies regulations. The motion passed unanimously. Members voting “Yes” were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

Kevin Hoeft presented the Board with a draft report concerning the Board evaluation the development of a “green homes/green buildings” continuing education curriculum for its licensees as required by Chapter 49 and Chapter 388 of the 2012 Acts of the General Assembly (HB

Old Business

433/SB507). The motion passed unanimously. Members voting “Yes” were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

A motion was made by Mr. Harry and seconded by Ms. Johnson to grant James M. Chadwell an extension until December 30, 2012, to complete a 15-hour classroom USPAP course to comply with requirement of Consent Order 2011-04387. The motion passed unanimously. Members voting “Yes” were Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

New Business

The Board discussed its continuing education program and established an education committee. Miller will serve as committee chair. Pruitt and James will also serve on the committee.

There being no further business, the meeting adjourned at 11:43 A.M.

Adjourn

Diane Quigley, Chair

Gordon Dixon, Secretary