

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 7, 2013

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
René Fonseca
Sandra Johnson
Scott Mayausky (arrived at 10:18 A.M.)
Jean Gannon
Mack Strickland
Robert Rochester

Board members absent from the meeting: Laura Sanchez del Solar

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

Gordon Dixon, Director
Nick Christner, Deputy Director
Mark Courtney, Senior Director
Christine Martine, Executive Director
Kevin Hoelt, Board Administrator
Kristin Clay, Legal Analyst
Samantha Vrscak, Legal Analyst
Emily Trent, Administrative Assistant

Joshua Laws 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. Strickland and seconded by Ms. Gannon to approve the agenda. The motion passed unanimously. Members voting “Yes” were Call, Fonseca,

Approval of Agenda

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

A motion was made by Ms. Gannon and seconded by Mr. Strickland to approve the following minutes: August 20, 2013, Board Meeting. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, James, Johnson, Gannon, Miller, Rochester and Strickland.

Approval of Minutes

Jayne Allen addressed the Board concerning Fannie Mae and compliance with AMC regulations. No action was taken by the Board. Pat Turner addressed the Board concerning OCC addressing AMC regulations. No action was taken by the Board.

Public Comment

Scott Mayausky arrived at 10:18 A.M.

Arrival of Board Member

In the matter of **File Number 2013-03156, Martin H. Aaron**, 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 Mr. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Aaron’s application for a certified residential real estate appraiser license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, James, Johnson, Gannon, Mayausky, Miller, Rochester and Strickland.

File Number 2013-03156, Martin H. Aaron

In the matter of **File Number 2013-03157, Surendra Patel**, 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. Surendra Patel, applicant, was present and addressed the Board. A motion was made by Mr. Call and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Patel’s application for a certified general real estate appraiser license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, James, Johnson, Gannon, Mayausky, Miller,

File Number 2013-03157, Surendra Patel

Rochester and Strickland.

In the matter of **File Number 2013-02840, Anthan Tuan Thanh Tran**, a motion was made to reject the proposed Consent Order offer and extend a counter offer to Mr. Tran wherein Mr. Tran admits to 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, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, and as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, suspension of Tran's license for a period of three months due to the egregiousness of the violations. If Mr. Tran does not accept the counter offer, in ten days the case will go to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Johnson, Gannon, Mayausky, Miller, Rochester and Strickland.

File Number 2013-02840, Anthan Tuan Thanh Tran

In the matter of **File Number 2013-01977, Nikki Li Upton**, a motion was made to reject the proposed Consent Order offer and extend a counter offer to Ms. Upton wherein Ms. Upton admits to 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.H.1 (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, \$150.00 for the violation contained in Count 2, and as well as \$150.00 in Board costs for a total of \$600.00. In addition, for violation of Count 1, Upton 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 this Order. Upon successful course completion, Upton 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, suspension of Upton's license for a period of six months due to the egregiousness of the violations. If Ms. Upton does not accept the counter offer, in ten days the case will go to an

File Number 2013-01977, Nikki Li Upton

Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, James, Johnson, Gannon, Mayausky, Miller, Rochester and Strickland.

In the matter of **File Number 2013-01634, Jennifer Dean Compton**, the Board reviewed the Consent Order as seen and agreed to by Ms. Compton. A motion was made by Mr. Strickland and seconded by Ms. Johnson to accept the proposed Consent Order wherein Ms. Compton 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.D (Count 2) of the Board’s 2008 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$950.00. In addition, for violation of Counts 1 and 2, Compton agrees to a one (1) year probation of her license as of the effective date of the Order. During the one (1) year probation, Compton agrees to comply with the regulations of the Real Estate Appraiser Board. If Compton violates any terms of the probation, her license may be revoked, pending review by the Board or any of its agents. Further, the Board shall waive imposition of the \$400.00 monetary penalty for Count 1 and the Board shall waive imposition of the \$400.00 monetary penalty for Count 2 provided Compton completes a fifteen (15) hour USPAP course and provides proof of attendance and successful completion within six (6) months of the effective date of this Order. If Compton fails to comply with these conditions, then the full monetary penalties will be automatically imposed. It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, James, Johnson, Gannon, Miller, Rochester and Strickland.

File Number 2013-01634, Jennifer Dean Compton

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

In the matter of **File Number 2013-01499, Kim Kube Crowe**, the Board reviewed the Consent Order as seen and agreed to by Ms. Crowe. A motion was made by Mr. Miller and seconded by Mr. Strickland to accept the proposed Consent Order wherein Ms. Crowe 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, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.E (Count 4) of the Board's Regulations, and a violation of 18 VAC 130-20-180.K.1 (Count 5) of the Board's 2008 Regulation and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, \$800.00 for the violation contained in Count 2, \$300.00 for the violation contained in Count 3, \$300.00 for the violation contained in Count 4, \$1,000.00 for the violation of Count 5, as well as \$150.00 in Board costs, for a total of \$2,950.00. In addition, for violation of Counts 1 through 6, Crowe agrees to a two (2) month suspension of her license. Further, for violation of Counts 1 through 6, Crowe agrees to a six (6) month probation of her license, to commence immediately subsequent to the aforementioned two (2) month suspension of her license. During this six (6) month probation, Crowe agrees to: (1) Meet with licensed certified general real estate appraiser David Graham ("Graham"), License No. 4001000846, twice a month for four (4) months, during which time Crowe and Graham shall provide documentation wherein they attest to the meetings being held and the topics covered during such meetings. At the conclusion of the four (4) month period, Crowe shall provide to the Board a report prepared by Graham summarizing the progress made and any concerns observed during the eight (8) meetings, in addition to detailing Crowe's aptitude for complying with the Board's Regulations and the Uniform Standards of Professional Appraisal Practice; and (2) Not be in violation of any regulations of the Real Estate Appraiser Board for transactions occurring after the effective date of the Order. If Crowe violates any terms of this probation, her license shall be automatically revoked. Crowe understands the right to have this revocation considered in an informal fact-finding conference and/or formal hearing under Sections 2.2-4019, 2.2-4020, and 2-2.4021 of the Code of Virginia,

File Number 2013-01499, Kim Kube Crowe

and knowingly and voluntarily waives any rights to these proceedings. Lastly, for violation of Counts 1 through 6, Crowe 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, Crowe 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, Johnson, Gannon, Mayausky, Miller, Rochester and Strickland.

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

In the matter of **File Number 2013-01285, Marcus Anthony Dockery**, the Board reviewed the Consent Order as seen and agreed to by Mr. Dockery. A motion was made by Ms. Johnson and seconded by Ms. Gannon to accept the proposed Consent Order wherein Mr. Dockery admits to 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.D (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs, for a total of \$450.00. In addition, for violation of Count 1, Dockery 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, Dockery 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, Johnson, Gannon, Mayausky, Miller, Rochester and Strickland.

File Number 2013-01285, Marcus Anthony Dockery

As the Board member who reviewed the file, Mr. Call did

not participate in the discussion or vote pertaining to this matter.

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

Administrative Issues

Mr. Miller gave the Board an update on the Fall AARO Conference. No action was taken by the Board.

New Business

Mr. Mayausky addressed the Board concerning experience performing mass appraisals vs. residential appraisals. A committee was formed to review experience hours performed on mass appraisals. Mr. Mayausky, Mr. James and Mr. Fonseca will serve on the committee.

There being no further business, the meeting adjourned at 11:36 A.M.

Adjourn

H. Glenn James, Chair

Gordon Dixon, Secretary