

VIRGINIA REAL ESTATE APPRAISER BOARD

INFORMAL FACT-FINDING CONFERENCES

September 10, 2003 (9:00 AM)

The Virginia Real Estate Appraiser Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Robert Whaley, Board Member, Presided. No other Board members were present.

Douglas W. Schroder appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD and the Summaries or Consent Orders are attached unless no decision was made.

Lic=Licensing Application

A=Applicant

Participants

1. Eric Kristan Proffitt
File Number 2004-00414 (Lic)

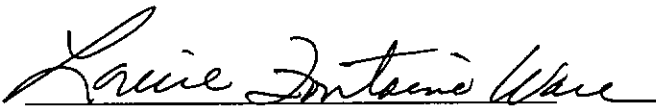
Proffitt – A

The meeting adjourned at 9:30 a.m.

Virginia Real Estate Appraiser Board



David N. Castle, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION
REAL ESTATE APPRAISER BOARD**

**IN RE: ERIC KRISTAN PROFFITT
APPLICATION**

FILE NUMBER: 2004-00414

Summary of the Informal Fact-Finding Conference

An Informal Fact-Finding Conference (IFF) was convened on September 10, 2003, at the Department of Professional and Occupational Regulation, pursuant to a Notice of Informal Fact-Finding Conference sent by certified mail to Eric Kristan Proffitt on August 25, 2003. The following individuals participated at the conference: Eric Kristan Proffitt, Applicant; Douglas W. Schroder, Staff Member; and Robert A. Whaley, presiding Board Member.

Summation of Facts

1. Eric Kristan Proffitt (Proffitt) applied for a residential real estate appraiser license on or about May 16, 2003, and disclosed criminal conviction(s).
2. On or about July 18, 2003, the Board's licensing staff provided the Regulatory Programs Division Application Review Informal Fact Finding Conference Referral Memorandum, which states the reasons the license was not issued.
3. During the IFF, Proffitt stated that he was also convicted of possession of marijuana in 1995, for giving a friend some marijuana while his friend was working as an informant for the local police and he was convicted of DUI in 2000. Proffitt stated that the time he served in jail for the larceny conviction was an eye opening experience that he does not want to ever repeat. He stated he is currently married with a two year old son and would not do anything to jeopardize his family situation.

Prior Criminal Convictions

§ 54.1-204 of the Code of Virginia. Prior convictions not to abridge rights.

B. In determining whether a criminal conviction directly relates to an occupation or profession, the regulatory board shall consider the following criteria:

1. The nature and seriousness of the crime;

Proffitt was convicted of larceny, a misdemeanor.

2. The relationship of the crime to the purpose for requiring a license to engage in the occupation;

The purpose of licensure is to protect the health, safety, and welfare of the public. I believe that this conviction would not affect Proffitt's performance in the real estate appraisal business. I do not feel that Proffitt would be a danger to the public.

3. The extent to which the occupation or profession might offer an opportunity to engage in further criminal activity of the same type as that in which the person had been involved;

It does not appear that granting Proffitt a license would encourage any further criminal activity.

4. The relationship of the crime to the ability, capacity or fitness required to perform the duties and discharge the responsibilities of the occupation or profession;

I do not see any significant relationship of the crime to Proffitt's fitness to engage in licensed activity.

5. The extent and nature of the person's past criminal activity;

Proffitt was convicted of larceny.

6. The age of the person at the time of the commission of the crime;

Proffitt was approximately 21 years of age at the time of the crime.

7. The amount of time that has elapsed since the person's last involvement in the commission of a crime;

The offense occurred on or about April 12, 1996.

8. The conduct and work activity of the person prior to and following the criminal activity; and

During the IFF, Proffiitt stated he worked in the food service and retail business for a couple of years prior to his conviction and he has worked in the title preparation business and in the real estate appraisal business since February 2001, for Sinnen-Green & Associates.

9. Evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release.

Proffitt was sentenced to 12 months in jail, with 6 months suspended, to be served on weekends and "rehabilitation" was not required.

Conclusion and Recommendation

Based upon the record, including the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in § 54.1-204.B, I recommend Proffitt's application be approved.

By: _____

Robert A. Whaley
Presiding IFF Board Member
Real Estate Appraiser Board

Date: September 10, 2003

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Robert A. Whaley
2. Title: Member
3. Agency: Real Estate Appraiser Board
4. Transaction: Informal Fact-Finding Conferences on September 10, 2003
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Signature

Date

9/10/03