

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 9, 2004

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following Board members were present:

David N. Castle, Chairman
Gina Burgin (arrived at 10:21 a.m.)
Christopher Call
Janet Fuller
John C. Harry, III
Harry O. Lewis, Jr.
Douglas Mullins, Jr.
Robert Whaley

The following Board member was not present:

Fay B. Silverman

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

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Karen W. O'Neal, Deputy Director
Christine Martine, Executive Director
Earlyne Perkins, Legal Assistant
Trisha L. Henshaw, Administrative Assistant

Eric Gregory, Assistant Attorney General from the Office of the Attorney General, was present for the meeting.

Chairman Castle called the meeting to order at 10:10 a.m.

Call to Order

A motion was made by Mr. Harry and seconded by Mr. Call to approve the **agenda**. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Harry, Lewis, Mullins, and Whaley.

Agenda

A motion was made by Mr. Lewis and seconded by Mr. Mullins to approve the **minutes of the August 17, 2004, Board Meeting**. The

Minutes

motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Harry, Lewis, Mullins, and Whaley.

A motion was made by Mr. Lewis and seconded by Mr. Mullins to approve the **minutes of the September 2, 2004**, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Harry, Lewis, Mullins, and Whaley.

A motion was made by Mr. Lewis and seconded by Mr. Mullins to approve the **minutes of the September 8, 2004**, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Harry, Lewis, Mullins, and Whaley.

A motion was made by Mr. Call and seconded by Mr. Lewis to approve the **minutes of the September 16, 2004**, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Harry, Lewis, Mullins, and Whaley.

A motion was made by Mr. Call and seconded by Mr. Mullins to approve the **minutes of the July 22, 2004**, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Harry, Lewis, Mullins, and Whaley.

No one addressed the Board during the **Public Comment Period**.

Ms. Martine notified the Board members that the following files were deferred as the respondents retained counsel: **File Number 2003-02843, W. Justin Drinkwater; File Number 2003-03140, W. Justin Drinkwater; and File Number 2003-03139, Richard M. Perry**. Chairman Castle then explained the process of file deferments to the newer Board members who were present.

Ms. Ware introduced Eric Gregory, Assistant Attorney General, as counsel to the Board.

Ms. Burgin arrived at the meeting at 10:21 a.m.

Public Comment

Deferment of Files: File Number 2003-02843, W. Justin Drinkwater; File Number 2003-03140, W. Justin Drinkwater; and File Number 2003-03139, Richard M. Perry.

Introduction of Counsel

Arrival of Ms. Burgin

In the matter of **File Number 2004-00425, Robert A. Garrett**, the Board reviewed the record which consisted of the Consent Order. Mr. Garrett was not present. A motion was made by Mr. Harry and seconded by Mr. Mullins to ratify the Consent Order finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(D) and imposing a monetary penalty of \$500 for this violation. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Burgin, Harry, Mullins, and Whaley. As the presiding Board member at the Informal Fact-Finding Conference, Mr. Lewis was not present during the discussion or vote.

File Number 2004-00425,
Robert A. Garrett

In the matter of **File Number 2005-00073, Thomas E. F. Saltz**, the Board reviewed the record, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Saltz was not present. A motion was made by Mr. Harry and seconded by Mr. Whaley to accept the recommendation of the hearing officer and approve Mr. Saltz's application for licensure as a real estate appraiser trainee. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Burgin, Harry, Lewis, Mullins, and Whaley.

File Number 2005-00073,
Thomas E. F. Saltz

In the matter of **File Number 2005-00280, Bobby G. Dalton**, the Board reviewed the record, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Dalton was not present. A motion was made by Mr. Harry and seconded by Ms. Burgin to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to deny Mr. Dalton's application for licensure as a real estate appraiser trainee for several reasons. Specifically, the criminal activity for which Mr. Dalton was convicted raises concerns due to the fiduciary relationships involved in the real estate appraisal profession, and the criminal act demonstrated a lack of trust and responsibility which is required in the profession. Additionally, Mr. Dalton has shown a lack of remorse or acceptance of responsibility for the crime, as he stated at the Informal Fact-Finding Conference that at the time of the activity, he was young and had no expectation of getting caught. Finally, the Board considered the criteria provided in § 54.1-204 of the Code of Virginia in looking at the totality of the circumstances. The motion passed unanimously. Members

File Number 2005-00280,
Bobby G. Dalton

voting "Yes" were Castle, Call, Fuller, Burgin, Harry, Lewis, Mullins, and Whaley.

In the matter of **File Number 2005-00463, Jeffrey C. Eisenbeiss**, the Board reviewed the record, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Eisenbeiss was not present. A motion was made by Mr. Whaley and seconded by Mr. Lewis to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to deny Mr. Eisenbeiss' application for licensure as a licensed residential real estate appraiser due to the recency of the conviction and the fact that he is still on probation. Further, the Board considered the criteria provided in § 54.1-204 of the Code of Virginia in looking at the totality of the circumstances. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Burgin, Harry, Lewis, Mullins, and Whaley.

File Number 2005-00463,
Jeffrey C. Eisenbeiss

The Board recessed for a break from 10:51 a.m. to 11:00 a.m.

Break

The Board members had no **administrative matters** for discussion.

Administrative Matters

The Board members had no **new business** for discussion.

New Business

Mr. Gregory, Board counsel, provided the Board members and various Department staff with training on the Conflict of Interests Act.

Training on the Conflict
of Interests Act

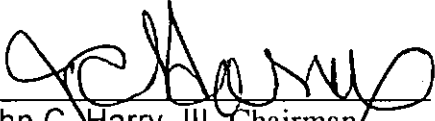
Mr. Mullins discussed inquiries that he has received regarding the internship program.

Other Business

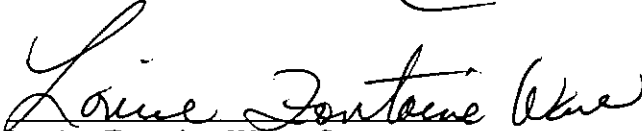
Mr. Castle discussed disciplinary actions involving certified instructors. Ms. Martine pointed out 18 VAC 130-20-150 regarding the Board's discretion to deny renewal or reinstatement. After discussion, the Board agreed by consensus to direct staff, during the investigatory process, to determine if a real estate appraiser holds a certification as an instructor.

A motion was made by Mr. Call and seconded by Ms. Fuller to **adjourn** the meeting at 12:12 p.m. The motion passed unanimously. Members voting "Yes" were Castle, Call, Fuller, Burgin, Harry, Lewis, Mullins, and Whaley.

Adjourn



John C. Harry, III, Chairman



Louise Fontaine Ware, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Gina M. Burgin
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: none

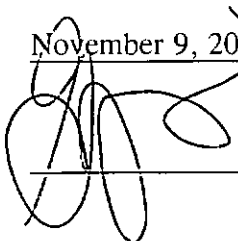
6. I declare that:

(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.

Dated: November 9, 2004

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Douglas Mullins, Jr.
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: November 9, 2004

Signature: _____

Douglas Mullins Jr.

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Christopher Call
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: November 9, 2004

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Janet W. Fuller
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: None Known

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: None Known

Va. Real Estate Appraisers

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

Dated: November 9, 2004

Signature: Janet W. Fuller

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

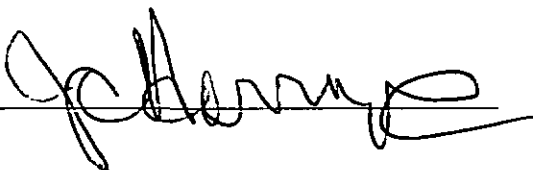
TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: John C. Harry, III
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: November 9, 2004

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Robert A. Whaley
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

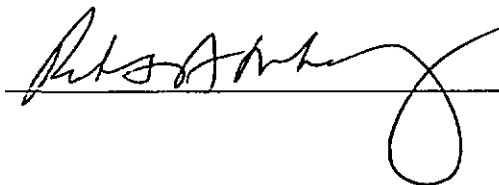
6. I declare that:

(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.

Dated: November 9, 2004

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Harry O. Lewis, Jr.
2. Title: Member – Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

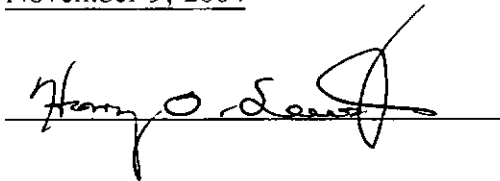
6. I declare that:

(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.

Dated: November 9, 2004

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: David N. Castle
2. Title: Chairman - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
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.

Dated: November 9, 2004

Signature: 