

VIRGINIA REAL ESTATE APPRAISER BOARD

**INFORMAL FACT-FINDING CONFERENCES
FEBRUARY 25, 2004 (10:30 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.

David N. Castle, Board Member, Presided. No other board members were present.

Douglas 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.

Disc=Disciplinary Case
Lic=Licensing Application

R=Respondent/Regulant
C=Complainant/Claimant
A=Applicant
Inv=Investigator
W=Witness

Participants

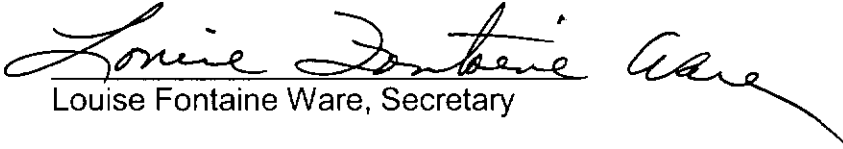
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|----|--|--|
| 1. | Sean B. McCoy
File Number 2003-01908 (Disc) | McCoy – R
John Porter – C
Tricia Branch - W
Nathan Matthews – Inv |
| 2. | Charles L. Siler
File Number 2003-01213 (Disc) | Siler – R
Linda Boswell - Inv |
| 3. | George Calder Walker, III
File Number 2004-03304 (Lic)
No Decision Made | Walker – A |
| 4. | Sally J. Morf
File Number 2004-03303 (Lic)
No Decision Made | Sally Morf – A |

The meeting adjourned at 4:15 p.m.

Virginia Real Estate Appraiser Board



David N. Castle, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**IN THE
COMMONWEALTH OF VIRGINIA
REAL ESTATE APPRAISER BOARD**

In Re:

Sean B. McCoy
Charlottesville, VA 22901-2925

File Number 2003-01908
License Number 4001000035

CONSENT ORDER

Respondent Sean B. McCoy ("McCoy") was at all times material to this matter a licensed Certified Residential Appraiser in Virginia (No. 4001000035).

As a result of this status, McCoy recognizes and acknowledges being subject to and bound by the Regulations of the Real Estate Appraiser Board ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on February 25, 2004 in an Informal Fact Finding Conference ("IFF") pursuant to the *Administrative Process Act* §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by Sean S. McCoy, John Porter and Tricia Branch. Board Member David N. Castle presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

1. The review appraisal, dated December 30, 2003, prepared by Tricia Branch, revealed that the appraiser (Delene Darcel, as Appraiser, and Sean B. McCoy, as Supervisory Appraiser i.e. McCoy) used comparables located outside the subject property's subdivision, which were not reflective of the value range and marketability of the subject property, instead of comparables available in the subject's subdivision which were more reflective in value range, and similar in design, appeal, age and location appeal.
2. McCoy did not use the best comparables available during the development of the appraisal to reflect the value range and marketability of the subject property.
3. The appraisal was signed by Delene Darcel, as Appraiser, and Sean B. McCoy, as Supervisory Appraiser. On October 29, 2003, the licensing records of the Real Estate Appraiser Board revealed that Delene Darcel is not licensed as an appraiser.
4. McCoy certified that the appraisal report was prepared by the appraiser under McCoy's direct supervision, and that McCoy accepts responsibility for the contents of the report.
5. The use of the term "appraiser" in the appraisal report, to identify an unlicensed person preparing the report, is a misrepresentation.

The Board and McCoy, as evidenced by the signatures affixed below, enter into this Consent Order. McCoy knowingly and voluntarily waives any further proceedings in this matter under *Administrative Process Act* §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, McCoy acknowledges an understanding of the charges. McCoy hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

On Count 1, a monetary penalty of \$600.00 and a thirty (30) day suspension of McCoy's license, the suspension to be effective on the date of acceptance of the Consent Order by the Board, for violation of the Board's 1998 Regulation 18 VAC 130-20-180(D) to wit: 2002 Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 1-1(a) is hereby imposed.

On Count 2, a monetary penalty of \$300.00 for violation of the Board's 1998 Regulation 18 VAC 130-20-170(3) is hereby imposed.

Additionally, McCoy agrees to complete a fifteen (15) hour USPAP course within 90 days of the effective date of this order.

McCoy acknowledges that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of license.

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. McCoy acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, McCoy will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

McCoy acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of McCoy's license until such time as there is compliance with all terms of this Order. McCoy understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

Sean B. McCoy

Date

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

SO ORDERED:

Entered this _____ day of _____, 2004.

Real Estate Appraiser Board

BY: _____
Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

IN THE
COMMONWEALTH OF VIRGINIA
REAL ESTATE APPRAISER BOARD

In Re:

Charles L. Siler
Burke, VA 22015

File Number 2003-01213
License Number 4001001798

CONSENT ORDER

Respondent Charles L. Siler ("Siler") was at all times material to this matter a licensed Certified Residential Appraiser in Virginia (No. 4001001798).

As a result of this status, Siler recognizes and acknowledges being subject to and bound by the Regulations of the Real Estate Appraiser Board ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on February 25, 2004 in an Informal Fact Finding Conference ("IFF") pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by Charles L. Siler. Board Member David N. Castle presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

1. On October 28, 2002, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Vanessa Y. Pierce (Pierce) regarding an appraisal report prepared for her by appraiser, Charles L. Siler (Siler).
2. On or about October 5, 2002, Siler inspected, at Pierce's request, property located at 7116 Hadlow Court, Springfield, Virginia, for the purpose of seeing if re-financing was an option for her. No lending institution was involved at this time. On October 5, 2002, Pierce paid Siler in full, via a check in the amount of \$350.00.
3. On or about October 16, 2002, Siler received an appraisal request from The Lending Connection, Inc., regarding a loan for Pierce.
4. On or about October 26, 2002, Siler completed a Uniform Residential Appraisal Report of the subject property, listing The Lending Connection, Inc., as the client and stated the intended use as a Refinance.

5. Upon completion of the Uniform Residential Appraisal Report, Siler identified The Lending Connection, Inc., and not Pierce as the client.

6. In developing the Uniform Appraisal Report, Siler failed to identify Pierce as the client and to identify other intended users.

7. In reporting information on the Uniform Residential Appraisal Report, Siler failed to state the correct identity of the client.

The Board and Siler, as evidenced by the signatures affixed below, enter into this Consent Order. Siler knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, Siler acknowledges an understanding of the charges. Siler hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

On Count 1, a monetary penalty of \$150.00 for violation of the Board's 1998 Regulation 18 VAC 130-20-180(D) to wit: 2002 Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 1-2(a) is hereby imposed.

On Count 2, a monetary penalty of \$150.00 for violation of the Board's 1998 Regulation 18 VAC 130-20-180(E) to wit: 2002 Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 2-2(a)(i) is hereby imposed.

Additionally, Siler agrees to complete a fifteen (15) hour USPAP course within 90 days of the effective date of this order.

Siler acknowledges that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of license.

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. Siler acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Siler will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Siler acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Siler's license until such time as there is compliance with all terms of this Order. Siler understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

Charles L. Siler

Date

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this ____ day of _____, 2004.

Notary Public

My Commission Expires: _____

SO ORDERED:

Entered this ____ day of _____, 2004.

Real Estate Appraiser Board

BY: _____

Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of the Records

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: David N. Castle
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
4. Transaction: Informal Fact-Finding Conferences on February 25, 2004
5. Nature of Personal Interest Affected by Transaction: _____

RE ITC

FEB 26 2004

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



2/25/04