

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 10, 2005

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:

John C. Harry, III, Chairman  
Gina Burgin  
Harry O. Lewis, Jr.  
Richard Pruitt  
Fay Silverman  
Pat Turner, Jr.

The following Board members were not present: Janet Fuller, Douglas Mullins, Jr., and Diane Quigley.

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

Louise Fontaine Ware, Director  
Brian Hannigan, Chief Deputy Director  
Nick Christner, Deputy Director  
Karen W. O'Neal, Deputy Director  
Christine Martine, Executive Director  
Tammie Hall, Regulatory Board Administrator  
Earlyne Perkins, Legal Assistant  
Chris Olson, Administrative Assistant

Eric Gregory from the Attorney General's office was present.

Chairman Harry called the meeting to order at 10:08 AM.

**Call to Order**

A motion was made by Ms. Silverman and seconded by Mr. Lewis to approve the agenda. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, Silverman and Turner.

**Approval of Agenda**

A motion was made by Ms. Silverman and seconded by Mr. Lewis to approve the following minutes: August 23, 2005 Board Meeting as amended, September 1, 2005 Informal Fact Finding Conferences (Disciplinary), September 1, 2005 Informal Fact Finding

**Approval of Minutes**

Conferences (Licensing), September 14, 2005 Informal Fact Finding Conferences, and October 6, 2005 Informal Fact Finding Conferences. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, Silverman and Turner.

Michael McCall addressed the Board during the Public Comment Period.

In the matter of **File Number 2005-01576 George W. Dodd**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Derrick Rosser, Attorney for respondent, and Mr. Dodd, respondent, were present and addressed the Board. A motion was made by Ms. Silverman and seconded by Ms. Burgin to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation of § 54.1-2009 of the Code of Virginia (Count 1). The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Pruitt, Silverman, and Turner.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Lewis was not present during the discussion or vote.

In the matter of **File Number 2005-03241 Scott Bloom**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Bloom, the respondent, was present and addressed the Board. A motion was made by Ms. Silverman and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation of § 54.1-2009 of the Code of Virginia (Count 1). The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Pruitt, Silverman, and Turner.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Lewis was not present during the discussion or vote.

**Public Comment**

**File Number 2005-01576  
George W. Dodd**

**File Number 2005-03241  
Scott Bloom**

In the matter of **File Number 2005-01786 Shawnee Marsh**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Ms. Marsh, the respondent, was present and addressed the Board. A motion was made by Mr. Pruitt and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation of § 54.1-2009 of the Code of Virginia (Count 1). The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Pruitt, Silverman, and Turner.

**File Number 2005-01786**  
**Shawnee Marsh**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Lewis was not present during the discussion or vote.

In the matter of **File Number 2005-04115 Robert Garrett**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Garrett, the respondent, was present and addressed the Board. A motion was made by Ms. Silverman and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation of § 54.1-2009 of the Code of Virginia (Count 1). The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Pruitt, Silverman, and Turner.

**File Number 2005-04115**  
**Robert Garrett**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Lewis was not present during the discussion or vote.

In the matter of **File Number 2006-00206 Thane A. Wahl**, 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. Wahl was present and addressed the Board. A motion was made by Mr. Pruitt and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Wahl's application for a Licensed Residential Real Estate

**File Number 2006-00206**  
**Thane A. Wahl**

Appraiser license. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, Silverman and Turner.

In the matter of **File Number 2005-03373 Raymond Tolleson**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Mr. Tolleson, the respondent, was present and addressed the Board. A motion was made by Ms. Silverman and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation of § 54.1-2009 of the Code of Virginia (Count 1). The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Pruitt, Silverman, and Turner.

**File Number 2005-03373**  
**Raymond Tolleson**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Lewis was not present during the discussion or vote.

In the matter of **File Number 2005-02361 Alexandria S. Ward**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Silverman and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation of § 54.1-2009 of the Code of Virginia (Count 1). The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Pruitt, Silverman, and Turner.

**File Number 2005-02361**  
**Alexandria S. Ward**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Lewis was not present during the discussion or vote.

In the matter of **File Numbers 2004-03637, 2004-04869, 2005-00935, 2005-01293, & 2005-01525 John A. Ruff**, the Board reviewed the record which consisted of the disciplinary files, transcripts and exhibits, and the Summary of the Informal Fact-Finding Conferences of the presiding Board member. Billy Morris, complainant, and Mr. Ruff, the respondent, were present and addressed the Board. Mr. Ruff requested that the Board return these

**File Numbers 2004-03637,**  
**2004-04869, 2005-00935,**  
**2005-01293, & 2005-**  
**01525 John A. Ruff**

matters for another Informal Fact Finding Conference.

At 10:40 AM Mr. Pruitt made a motion which was seconded by Ms. Burgin, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Karen O'Neal, Nick Christner, Christine Martine, Eric Gregory, and Brian Hannigan.

Closed Meeting

This motion is made with respect to the matter(s) identified as agenda item(s):

3. File Number 2004-03637 – John Ruff
4. File Number 2004-04869 – John Ruff
5. File Number 2005-00935 – John Ruff
6. File Number 2005-01293 – John Ruff
7. File Number 2005-01525 – John Ruff

At 11:15 AM, a motion was made by Mr. Turner and seconded by Ms. Silverman that the Board reconvene in open session.

WHEREAS, the Real Estate Appraiser Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Appraiser Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Appraiser Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Appraiser Board.

VOTE: 6-0

AYES: Burgin, Harry, Lewis, Pruitt, Silverman, and Turner

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Fuller, Mullins, Quigley

The Board recessed from 11:19 AM to 11:30 AM.

A motion was made by Mr. Turner and seconded by Mr. Pruitt to deny Mr. Ruff's request for a continuance. After discussion the Board returned to closed session.

Break

File Numbers 2004-03637, 2004-04869, 2005-00935, 2005-01293, & 2005-01525 John A. Ruff

At 11:45 AM Mr. Pruitt made a motion which was seconded by Ms. Burgin, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel and briefings by staff members pertaining to actual or probable litigation as permitted by § 2.2-3711.A.7 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Karen O'Neal, Nick Christner, Christine Martine, Eric Gregory, and Brian Hannigan.

Closed Session

This motion is made with respect to the matter(s) identified as agenda item(s):

3. File Number 2004-03637 – John Ruff
4. File Number 2004-04869 – John Ruff
5. File Number 2005-00935 – John Ruff
6. File Number 2005-01293 – John Ruff
7. File Number 2005-01525 – John Ruff

At 12:30 PM, a motion was made by Mr. Harry and seconded by Mr. Pruitt that the Board reconvene in open session.

WHEREAS, the Real Estate Appraiser Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Appraiser Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Appraiser Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Appraiser Board.

VOTE: 6-0

AYES: Burgin, Harry, Lewis, Pruitt, Silverman, and Turner

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Fuller, Mullins, Quigley

After discussion, a motion was made by Mr. Turner and seconded by Mr. Pruitt to withdraw the previous motion to deny Mr. Ruff's request for a continuance. The motion passed by unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, Silverman, and Turner.

**File Numbers 2004-03637,  
2004-04869, 2005-00935,  
2005-01293, & 2005-  
01525 John A. Ruff**

A motion was made by Mr. Turner and seconded by Mr. Lewis to grant Mr. Ruff a continuance and reconvene the Informal Fact Finding Conference at the earliest possible date. The motion passed by unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, Silverman, and Turner.

A motion was made by Mr. Turner and seconded by Mr. Pruitt to have the Compliance and Investigations Division open a new investigation to look into Mr. Ruff's supervision of trainees and his jurisdictional expertise. The motion passed by unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, Silverman, and Turner.

In the matter of **File Number 2005-01874 Bobbie Lynn Duvall**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms. Duvall. Ms. Duvall was not present. A motion was made by Ms. Silverman and seconded by Mr. Turner to accept the Consent Order wherein Ms. Duvall admits to a violation of 18 VAC 130-20-180.E to wit: USPAP 2004 Standard Rule 2-1(a) of the Board's 2003 Regulations and agrees to a monetary penalty of \$500. In addition, for violation of Count 1, Duvall agrees to complete a seven (7) hour USPAP course and provide proof of attendance and successful completion within 180 days of the effective date of this order. 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 by majority vote. Members voting "Yes" were Burgin, Harry, Lewis, Silverman, and Turner. Member voting "No" was Pruitt.

**File Number 2005-01874**  
**Bobbie Lynn Duvall**

In the matter of **File Number 2004-02366 Christopher So**, the Board reviewed the record, which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. A motion was made by Ms. Silverman and seconded by Ms. Burgin to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.K.1 of the Board's 2003 regulations. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Pruitt, Silverman, and Turner.

**File Number 2004-02366**  
**Christopher So**

A motion was made by Mr. Turner and seconded by Mr. Pruitt to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead revoke Mr. So's license due to the egregiousness of the violation and his exhibiting the propensity to abuse his fiduciary duty by engaging in fraudulent activities by misrepresentation of identities. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Pruitt, Silverman, and Turner.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Lewis was not present during the discussion or vote.



In the matter of **File Number 2006-00964 Lloyd Staggs**, 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. A motion was made by Mr. Pruitt and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Stagg's application for a Real Estate Appraiser Trainee license. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, and Silverman. Mr. Turner abstained from voting in the matter.

**File Number 2006-00964**  
**Lloyd Staggs**

In the matter of **File Number 2006-00495 Heather Goodwin**, 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. A motion was made by Mr. Turner and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Goodwin's application for a Licensed Residential Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, Silverman, and Turner.

**File Number 2006-00495**  
**Heather Goodwin**

The Board recessed from 1:13 PM. to 1:30 PM.

**Break**

Board Member Fay Silverman left the meeting at 1:13 PM

**Departure of Board**  
**Member**

The Board discussed the regulatory review process and the requirement to implement the Appraiser Qualification Board's (AQB) new criteria by January 1, 2008. A motion was made by Mr. Turner and seconded by Mr. Lewis to adopt the segmented approach as offered by the AQB. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, and Turner.

**Regulatory Review**

The Board discussed the AQB Implementation Workshop scheduled for February of 2006. A motion was made by Mr. Turner and seconded by Mr. Lewis to send two Board Members to the

**New Business**

workshop. Mr. Turner and Mr. Harry volunteered to attend using only \$1,000 provided by the Appraisal Foundation. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, and Turner.

The Board discussed using reviewers for disciplinary cases who are in the area where the appraisal in question took place. No action was taken by the Board.

The Board agreed without dissent to create a committee to form a guidance document that addresses unlicensed individuals signing on the left side of the Uniform Residential Appraisal Report. The committee will include Pat Turner and Harry Lewis. Board staff will close all current cases involving signature issues until such guidance document is created.

The Board discussed the proposed reciprocity agreement with Louisiana. A motion was made by Mr. Pruitt and seconded by Mr. Turner to reject the recommendation as presented. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Pruitt, and Turner.

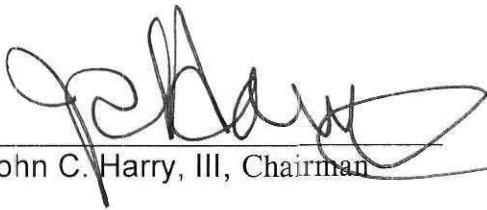
**Louisiana Reciprocity Agreement**

The Board discussed new language on the Uniform Residential Appraisal Report form in section number 23. No action was taken by the Board.

**Other Business**

There being no further business, the meeting adjourned at 2:37 PM.

**Adjourn**



John C. Harry, III, Chairman



Louise Fontaine Ware, Secretary

**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:

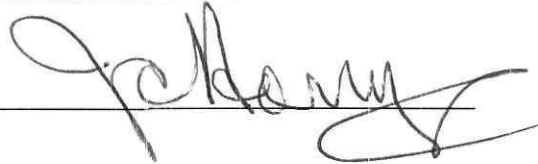
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

\_\_\_\_\_

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

Dated: November 10, 2005

Signature: \_\_\_\_\_



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Fay B. Silverman
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:

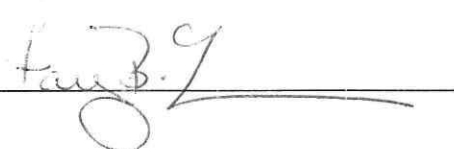
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

\_\_\_\_\_

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

Dated: November 10, 2005

Signature: \_\_\_\_\_



**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

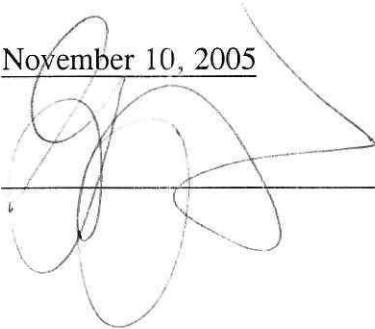
6. I declare that:

(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 10, 2005

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: \_\_\_\_\_  
\_\_\_\_\_

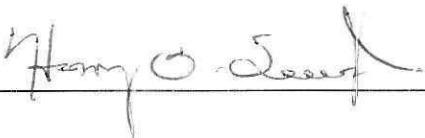
6. I declare that:

(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 10, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Richard Pruitt
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 10, 2005

Signature: \_\_\_\_\_



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Perry Turner, 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 10, 2005

Signature: \_\_\_\_\_

