REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 11, 2020

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:

Robert Rochester, Chair Rickey Stuchell, Vice-Chair Rex McCarty Janel Hofler Edythe Kelleher H. Glenn James Mark Chapin Kelvin Bratton

Board members absent from the meeting:

Chris King

Fay B. Silverman

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

Mary Broz-Vaughan, Director Christine Martine, Executive Director Jim Chapman, Board Administrator Emily Trent, Administrative Assistant

Elizabeth Peay from the Office of the Attorney General was present.

Mr. Rochester called the meeting to order at 10:08 A.M.

Call to Order

A motion was made by Mr. Chapin and seconded by Mr. McCarty to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, James, Kelleher, McCarty, Rochester and Stuchell.

Approval of Agenda

A motion was made by Mr. McCarty and seconded by Mr. Chapin to approve the October 8, 2019, Real Estate Appraiser Board minutes; and January 7, 2020, Regulatory Review Committee minutes. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, James,

Approval of Minutes

Kelleher, McCarty, Rochester and Stuchell.

Jayne Allen addressed the Board concerning an AMC paying the average price for the area instead of following the Guidance Document. No action was taken by the Board.

Pat Turner addressed the Board regarding AAPP standards, hybrid appraisals and third party inspections. No action was taken by the Board.

In the matter of File Number 2020-00472, Azhar Iqbal Badr, the Board reviewed the Consent Order as seen and agreed to by Mr. Badr. A motion was made by Mr. McCarty and seconded by Mr. James to accept the proposed Consent Order offer wherein Mr. Badr admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 130-20-180.K (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, and \$250.00 for the violation contained in Count 2, and \$150.00 in Board costs, for a total of \$650.00. In addition, for violation of Count 1, Badr agrees to complete a 15-hour USPAP course approved by The Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Upon successful completion. Badr shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the abovereferenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. Further, Badr agrees that his current trainees must find another supervisor and Badr must be in good standing with the Board for a period of three years, from the effective date of the Order, before Badr will be permitted to supervise new trainees. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, James, Kelleher, McCarty and Rochester.

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

In the matter of File Number 2019-02655, William Chesley Bryant, III, the Board reviewed the Consent Order as seen

Public Comment

File Number 2020-00472, Azhar Iqbal Badr

File Number 2019-02655, William

and agreed to by Mr. Bryant. A motion was made by Mr. McCarty and seconded by Mr. Chapin to accept the proposed Consent Order offer wherein Mr. Bryant admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.E (Count 3) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.E (Count 5) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.E (Count 6) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.D (Count 7) of the Board's 2015 Regulations, and a violation of 18 VAC 130-20-180.D (Count 8) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, \$100.00 for the violation contained in Count 2, \$100.00 for the violation contained in Count 3, \$100.00 for the violation contained in Count 4, \$100.00 for the violation contained in Count 5, \$100.00 for the violation contained in Count 6, \$100.00 for the violation contained in Count 7, \$100.00 for the violation contained in Count 8, and \$150.00 in Board costs, for a total of \$950.00. In addition, for violation of Counts 1-8, Bryant agrees to complete a Residential Appraisal Course pertaining to report writing, such as "Residential Report Writing and Case Studies," approved by The Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Such course shall be a minimum of 10 hours and shall include an examination. Upon successful course completion, Bryant 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 Bratton, Chapin, Hofler, James, Kelleher, McCarty and Rochester.

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

In the matter of File Number 2019-01159, Cecil Simmons,

Chesley Bryant, III

File Number 2019-

the Board reviewed the record which consisted of the investigative file, 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. Chapin and seconded by Mr. Bratton to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2015 Regulations, three violations of 18 VAC 130-20-180.D (Count 4) of the Board's 2015 Regulations, and three violations of 18 VAC 130-20-180.E (Count 5) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, James, Kelleher, McCarty and Rochester.

A motion was made by Mr. McCarty and seconded by Ms. Kelleher to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$300.00 for the violation contained in Count 1, \$300.00 for the violation contained in Count 2, \$250.00 for the violation contained in Count 3, \$300.00 for each violation contained in Count 4, and \$100.00 for each violation contained in Count 5, for a total of \$2,050.00. In addition, for the violations of Counts 1, 2, 3, 4, and 5, Simmons' shall be placed on probation and required to take Qualifying Education ("QE") Commercial Appraisal Course(s) approved by the Appraisal Foundation or the Board within six (6) months of the effective date of the Order. The course(s) shall include instruction on Highest and Best Use analysis and/or Income Capitalization approach. Simmons must complete a minimum of 40 total hours, and each course shall include an examination. Upon successful course completion, Simmons shall provide the Board with proof of passing the examination. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, James, Kelleher, McCarty and Rochester

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

01159, Cecil Simmons

In the matter of File Number 2019-02815, James M. Snyder, the Board reviewed the record which consisted of the investigative file, and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. James M. Snyder, respondent, was present and addressed the Board. A motion was made by Mr. Chapin and seconded by Mr. Bratton to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, Kelleher, McCarty, Rochester and Stuchell.

A motion was made by Mr. Stuchell and seconded by Mr. McCarty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, Kelleher, McCarty, Rochester and Stuchell.

A motion was made by Mr. Chapin and seconded by Mr. McCarty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 130-20-180.E (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, Kelleher, McCarty, Rochester and Stuchell. A motion was made by Mr. Stuchell and seconded by Mr. McCarty to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead find no violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, Kelleher, McCarty, Rochester and Stuchell.

A motion was made by Mr. Chapin and seconded by Mr. Bratton to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 130-20-180.H.1 (Count 5) of the

File Number 2019-02815, James M. Snyder

Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, Kelleher, McCarty, Rochester and Stuchell.

A motion was made by Mr. Stuchell and seconded by Mr. McCarty to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$250.00 for the violation contained in Count 2, for a total of \$250.00. In addition, for the violation of Count 2, Snyder shall be placed on probation and required to take Qualifying Education ("QE") Commercial Appraisal Course(s) approved by the Appraisal Foundation or the Board within six (6) months of the effective date of the Order. The course(s) shall include upper level instruction in residential report writing. Snyder must complete a minimum of 30 total hours, and each course shall include an examination(s). Upon successful course completion, Snyder shall provide the Board with proof of passing the examination. Satisfactory completion of the above-referenced course(s) will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. The Board imposed additional sanctions due to Snyder's prior disciplinary history. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, Kelleher, McCarty, Rochester and Stuchell.

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

In the matter of **File Number 2019-03066**, **James W. Thompson**, the Board reviewed the Consent Order as seen and agreed to by Mr. Thompson. A motion was made by Mr. McCarty and seconded by Mr. Chapin to accept the proposed Consent Order offer wherein Mr. Thompson admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, and \$300.00 for the violation contained in Count 2, and \$150.00 in Board costs, for a total of \$750.00. In addition, for violation of Counts 1-2, Thompson agrees to

File Number 2019-03066, James W. Thompson

complete a pre-licensure Advanced Level Residential Appraisal Course approved by The Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Such course shall be a minimum of 15 hours and shall include an exam. Upon successful course completion, Thompson 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 Chapin, Hofler, James, Kelleher, McCarty, Rochester and Stuchell.

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

Mr. Rochester turned the position of Chair over to Mr. Stuchell and recused himself from the meeting.

In the matter of File Number 2020-00039, William D. Coalson, the Board reviewed the record which consisted of the investigative file, 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. Chapin and seconded by Mr. McCarty to close the file and find no violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations, and no violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Chapin, Hofler, James, Kelleher, McCarty and Stuchell.

As the Board member who reviewed the file and presiding Board member, Mr. Bratton and Mr. Rochester did not vote or participate in the discussion of this matter.

The Board recessed from 11:35 A.M. to 11:44 A.M.

In the matter of File Number 2019-02831, Michael W. Trull, the Board reviewed the Consent Order as seen and agreed to by Mr. Trull. A motion was made by Mr. McCarty and seconded by Mr. Bratton to amend the proposed Consent

Transfer of Chair

File Number 2020-00039, William D. Coalson

Break

File Number 2019-02831, Michael W. Trull

Order offer wherein Mr. Trull admits to two violations of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$500.00 for each violation contained in Count 1, and \$150.00 in Board costs, for a total of \$1,150.00. In addition, for violation of Count 1, Trull agrees to complete a Residential Appraisal Course pertaining to the Sales Comparison Approach approved by The Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Such course shall be a minimum of 15 hours and shall include an examination. Upon successful completion, Trull shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the abovereferenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. If Mr. Trull does not accept the amended terms within 15 days, the file will be forwarded to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, James, Kelleher, McCarty and Stuchell.

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

In the matter of File Number 2019-02874, Barry L. Pugh, the Board reviewed the Consent Order as seen and agreed to by Mr. Pugh. A motion was made by Mr. McCarty and seconded by Mr. Bratton to accept the proposed Consent Order offer wherein Mr. Pugh admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2015 Regulations, and a violation of 18 VAC 130-20-180.E (Count 5) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, \$1,000.00 for the violation contained in Count 4, \$1,000.00 for the violation contained in Count 5, and \$150.00 in Board costs,

File Number 2019-02874, Barry L. Pugh

for a total of \$5,150.00. Further, for violation of Counts 1, 2, 3, 4 and 5, Pugh agrees to complete a one (1) year probation of his license as of the effective date of the Order. During the one (1) year probation, Pugh shall provide to the Board on a quarterly basis, due April 1, 2020, July 1, 2020, October 1, 2020 and January 1, 2021, three (3) appraisal reports completed during each quarter, for a period of one year from the effective date of the Order. If Pugh prepares less than three (3) reports during a quarter, Pugh shall submit copies of those reports prepared to the Board. If Pugh prepares no reports during a quarter, Pugh shall submit a statement to the Board that no reports were prepared during the quarter. Failure to provide USPAP and Board regulation complaint appraisal reports shall result in automatic revocation of The motion passed by majority vote. Pugh's license. Members voting "Yes" were Bratton, Chapin, James, Kelleher and McCarty. Members voting "No" were Hofler and Stuchell.

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

In the matter of File Number 2019-02854, Susan Darlene Pugh, the Board reviewed the Consent Order as seen and agreed to by Ms. Pugh. A motion was made by Mr. Bratton and seconded by Mr. James to accept the proposed Consent Order offer wherein Ms. Pugh admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2015 Regulations, and a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$1,000.00 for the violation contained in Count 2, \$1,000.00 for the violation contained in Count 3, and \$150.00 in Board costs, for a total of \$3,150.00. Further, for violation of Counts 1, 2, and 3, Pugh agrees to complete a one (1) year probation of her license as of the effective date of the Order. During the one (1) year probation, Pugh shall provide to the Board on a quarterly basis, due April 1, 2020, July 1, 2020, October 1, 2020 and January 1, 2021, three (3) appraisal reports completed during each quarter, for a period of one year from the effective date

File Number 2019-02854, Susan Darlene Pugh

of the Order. If Pugh prepares less than three (3) reports during a quarter, Pugh shall submit copies of those reports prepared to the Board. If Pugh prepares no reports during a quarter, Pugh shall submit a statement to the Board that no reports were prepared during the quarter. Failure to provide USPAP and Board regulation complaint appraisal reports shall result in automatic revocation of Pugh's license. The motion passed by majority vote. Members voting "Yes" were Bratton, Chapin, James, Kelleher, Hofler and McCarty. Member voting "No" was Stuchell.

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

Mr. Rochester returned and assumed the position of Chair.

Transfer of Chair

The Board reviewed the Board financial statement as <u>Administrative Issues</u> presented. No action was taken by the Board.

A motion was made by Mr. Stuchell and seconded by Mr. James to file one exempt regulatory action to amend 18 VAC 130-20-20, and 18 VAC 130-20-180, Real Estate Appraiser Board regulations, as proposed to conform to statutory changes and another exempt regulatory action to ament 18 VAC 130-20-10 to change the definition of USPAP to reflect the current version of USPAP. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Hofler, James, Kelleher, McCarty, Rochester and Stuchell.

Mr. Stuchell updated the Board with information provided at the 2019 AARO Conference. No action was taken by the Board.

Old Business

There being no further business, the meeting adjourned at 12:54 P.M.

<u>Adjourn</u>

Robert Rochester, Chair

Mary Broz Vaughan Secr

1.	Name: Kelvin Bratton
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 11, 2020 (Date)
5.	I have a personal interest in the following transaction:
	(Agenda Item)
	Nature of Personal Interest Affected by Transaction:
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
	 □ I am able to participate in this transaction fairly, objectively, and in the public interest.
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	Date Tignature

1. Name: Richard "Rickey" D. Stuchell
(Name of Board Member) 2. Title: Board Member
3. Agency: Real Estate Appraiser Board (Name of Board)
4. Meeting/IFF Date: February 11, 2020
5. I have a personal interest in the following transaction:
(Agenda Item)
Nature of Personal Interest Affected by Transaction:
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
☐ I am able to participate in this transaction fairly, objectively, and in the public interest. or
☐ I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.
2/11/20 Date

1.	Name: Rex E. McCarty (Name of Board Member)
2.	Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 11, 2020 (Date)
5.	I have a personal interest in the following transaction:
	(Agenda Item)
	Nature of Personal Interest Affected by Transaction:
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
	I am able to participate in this transaction fairly, objectively, and in the public interest.
	☐ I did not participate in the transaction.
6.	□ I do not have a personal interest in any transactions taken at this meeting.
	Signature

1.	Name:Edythe Kelleher
2	(Name of Board Member) Title: Board Member
۷.	Title
3.	Agency: Real Estate Appraiser Board
	(Name of Board)
4.	Meeting/IFF Date: February 11, 2020
	(Date)
5.	I have a personal interest in the following transaction:
	(Agenda Item)
	Nations of David and Interest Affacted by Transactions
	Nature of Personal Interest Affected by Transaction:
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
	occupation of group, the members of which are affected by the transaction.
	☐ I am able to participate in this transaction fairly, objectively, and in the public interest.
	or
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
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	Komth Relet 2-11-2020
	Signature Date

1. Name: H. Glenn James
(Name of Board Member) 2. Title: Board Member
3. Agency: Real Estate Appraiser Board (Name of Board)
4. Meeting/IFF Date: February 11, 2020 (Date)
5. I have a personal interest in the following transaction:
NONE
(Agenda Item)
Nature of Personal Interest Affected by Transaction:
NA
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
Certified General Real Estate Appraisar
I am able to participate in this transaction fairly, objectively, and in the public interest.
☐ I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.
9/8/mgm 11 Feb 2020 Date

1.	Name: Janel E. Hofler (Name of Board Member)
2.	Title: Board Member Name of Board Member)
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 11, 2020 (Date)
5.	I have a personal interest in the following transaction:
	(Agenda Item)
	Nature of Personal Interest Affected by Transaction:
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
	☐ I am able to participate in this transaction fairly, objectively, and in the public interest. or
	☐ I did not participate in the transaction.
3.	I do not have a personal interest in any transactions taken at this meeting.
	2-11-2020 Signature Date

1.	Name: Robert Rochester
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 11, 2020 (Date)
5.	I have a personal interest in the following transaction:
	(Agenda Item)
	Nature of Personal Interest Affected by Transaction:
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
	☐ I am able to participate in this transaction fairly, objectively, and in the public interest. or
	☐ I did not participate in the transaction.
ô.	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: Mark Chapin
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 11, 2020 (Date)
5.	I have a personal interest in the following transaction:
	(Agenda ítem)
	Nature of Personal Interest Affected by Transaction:
	I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:
	☐ I am able to participate in this transaction fairly, objectively, and in the public interest. or
	☐ I did not participate in the transaction.
3.	I do not have a personal interest in any transactions taken at this meeting.
	Signature Date