

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 25, 2014

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:

H. Glenn James, Chair
Michael Miller, Vice-Chair
Chris Call
René Fonseca
Scott Mayausky
Mack Strickland
Robert Rochester

Board members absent from the meeting: Jean Gannon
Laura Sanchez del Solar
Sandra Johnson

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

Nick Christner, Acting Director
Mark Courtney, Senior Director
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Samantha Vrscak, Legal Analyst
Emily Trent, Administrative Assistant

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

Mr. James called the meeting to order at 10:02 AM.

Call to Order

A motion was made by Mr. Miller and seconded by Mr. Strickland to approve the agenda. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, James, Mayausky, Miller, Rochester, and Strickland.

Approval of Agenda

A motion was made by Mr. Strickland and seconded by Mr. Rochester to approve the following minutes: November 7, 2013, Board Meeting. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Miller, Rochester and Strickland.

Approval of Minutes

There was no public comment.

Public Comment

In the matter of **File Number 2014-00746, Joseph Calvanico**, the Board reviewed the application file, the transcript, 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. Rochester and seconded by Mr. Call to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Calvanico's application for a certified general real estate appraiser license. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Rochester and Strickland.

File Number 2014-00746, Joseph Calvanico

As the presiding Board member, Mr. Miller did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2013-02850, Larry J. Kao**, the Board reviewed the investigative file, the transcript, 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. James and seconded by Mr. Strickland 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 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.J (Count 4) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Rochester, and Strickland.

File Number 2013-02850, Larry J. Kao

A motion was made by Mr. Strickland and seconded by Mr.

Rochester to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$250.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, \$250.00 for the violation contained in Count 3, and \$250.00 for the violation contained in Count 4, for a total of \$1,000.00. The Board also imposes the following sanctions: for violation of Count 1, Kao's license is placed on probation and he is required to take a 30 hour Qualifying Education ("QE") Residential Appraisal Course approved by the Appraisal Foundation or the Board within six (6) months of the execution of the Order. Upon successful course completion, Kao shall provide the Board with proof of passing the exam. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Rochester and Strickland.

As the presiding Board member, Mr. Miller did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2013-02365, Kenneth S. Gusler**, the Board reviewed the investigative file, the transcript, 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. Strickland and seconded by Mr. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-170.3 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Rochester and Strickland.

File Number 2013-02365, Kenneth S. Gusler

A motion was made by Mr. Strickland and seconded by Mr. Rochester to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, due to the serious and aggravated nature of the violation, for a total of \$2,500.00.

The Board also imposes the following sanctions: revocation of license for violation of Count 1. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Rochester and Strickland.

As the presiding Board member, Mr. Miller did not participate in the discussion or vote pertaining to this matter.

Kevin Hoeft updated the Board on the proposed Real Estate Appraiser General Review 2012 regulations. A motion was made by Mr. Strickland and seconded by Mr. Miller to adopt the proposed agency responses to public comment. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Miller, Rochester and Strickland.

Administrative Issues

A motion was made by Mr. Strickland and seconded by Mr. Rochester to adopt the final regulations as presented. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Miller, Rochester and Strickland.

Kevin Hoeft updated the Board on the proposed fee adjustment regulations. A motion was made by Mr. Strickland and seconded by Mr. Rochester to adopt the proposed agency responses to public comment. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Miller, Rochester and Strickland.

A motion was made by Mr. Miller and seconded by Mr. Strickland to adopt the proposed regulations as final. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Miller, Rochester and Strickland.

Mr. Mayausky presented the Board with a summary of the work of the Ad Valorem Experience Chart Committee. A motion was made by Mr. James and seconded by Mr. Mayausky to approve the proposed Ad Valorem Appraisal Experience Chart. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Mayausky, Miller, Rochester and Strickland.

Old Business

There being no further business, the meeting adjourned at **Adjourn**
11:21 A.M.

H. Glenn James, Chair

Nick Christner, Acting Secretary

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