

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

August 9, 2016

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:

Michael Miller, Chair
Chris Call, Vice-Chair
H. Glenn James (arrived at 10:05 A.M.)
Mack Strickland
Robert Rochester
Fay B. Silverman
Edythe Kelleher
Scott Mayausky

Board members absent from the meeting: René Fonseca
Jean Gannon

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

Jay DeBoer, Director
Christine Martine, Executive Director
Nick Christner, Deputy Director
Joseph Haughwout, Assistant Director of
Adjudication
Emily Trent, Administrative Assistant

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

Mr. Miller called the meeting to order at 10:03 A.M.

Call to Order

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

Approval of Agenda

H. Glenn James arrived at 10:05 A.M.

**Arrival of Board
Member**

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

Approval of Minutes

Silverman to approve the following minutes: April 26, 2016, Real Estate Appraiser Board Meeting. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Mayausky, Miller, Rochester, Silverman and Strickland.

There was no public comment.

In the matter of **File Number 2016-02893, Kourtney Marie Colley**, 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. Kourtney Marie Colley, applicant, and Richard Stuchell, witness, were present and addressed the Board. A motion was made by Mr. Strickland and seconded by Mr. Mayausky to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Colley's application for a real estate appraiser trainee license. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Mayausky, Miller, Rochester, Silverman and Strickland.

Public Comment

File Number 2016-02893, Kourtney Marie Colley

In the matter of **File Number 2016-03095, AMR Appraisals, Inc.**, 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. Strickland and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve AMR Appraisals, Inc.'s application for an Appraisal Management Company license. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Mayausky, Miller, Silverman and Strickland.

File Number 2016-03095, AMR Appraisals, Inc.

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

In the matter of **File Number 2016-01730, Jon A. Deluzio**, the Board reviewed the record which consisted of the investigative file, and exhibits from the

File Number 2016-01730, Jon A. Deluzio

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 and find a violation of 18 VAC 130-20-170.2 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Mayausky, Miller, Rochester, Silverman and Strickland.

A motion was made by Ms. Kelleher and seconded by Mr. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose the following sanctions: a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. The Board also imposes revocation of license. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Mayausky, Miller, Rochester, Silverman and Strickland.

In the matter of **File Number 2016-01718, Jeffrey Scot Phillips**, 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. Call 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 130-20-180.D (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Miller, Rochester, Silverman and Strickland. 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 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, James, Kelleher, Miller, Rochester, Silverman and Strickland.

File Number 2016-01718, Jeffrey Scot Phillips

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

Strickland to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,500.00 for the violation contained in Count 1, \$1,500.00 for the violation contained in Count 2, for a total of \$3,000.00. In addition, the Board imposes the following sanctions: For violations of Counts 1 and 2, Phillips' license is suspended for 90 days. Further, Phillips is placed on probation and shall be required to complete a 15-hour course on Basic Appraisal Techniques approved by the Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Upon successful completion of the courses, Phillips shall provide the Board with proof of passing the examination(s). 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 Board agreed to increase the suspension time due to the seriousness of the violations. The motion passed by majority vote. Members voting "Yes" were Call, James, Kelleher, Miller, Rochester, Silverman and Strickland.

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

In the matter of **File Number 2016-00669, Candace Katherine Watts**, 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. James and seconded by Mr. Rochester 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.D (Count 1) of the Board's 2008 Regulations. The motion passed by majority vote. Members voting "Yes" were James, Kelleher, Rochester and Miller. Member voting "No" was Strickland. Ms. Silverman and Mr. Mayausky abstained from voting in this matter. 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 130-20-180.D (Count 2) of the Board's 2008 Regulations. The motion

File Number 2016-00669, Candace Katherine Watts

passed unanimously. Members voting “Yes” were James, Kelleher, Miller, Rochester, Silverman and Strickland. Mr. Mayausky abstained from voting in this matter. A motion was made by Mr. Strickland and seconded by Ms. Kelleher 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 3) of the Board’s 2008 Regulations. The motion passed unanimously. Members voting “Yes” were James, Kelleher, Miller, Rochester, Silverman and Strickland. Mr. Mayausky abstained from voting in this matter.

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 impose a monetary penalty of \$150.00 for the violation contained in Count 1, \$150.00 for the violation contained in Count 2, for a total of \$300.00. In addition, the Board imposes the following sanctions: For violations of Counts 2 and 3, Watts’ is placed on probation and shall be required to complete a 15-hour course on Residential Report Writing approved by the Appraisal Foundation or the Board within six (6) months of the effective date of the Order. Upon successful completion of the courses, Watts shall provide the Board with proof of passing the examination(s). Satisfactory completion of the above-referenced courses 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 James, Kelleher, Miller, Rochester, Silverman and Strickland. Mr. Mayausky abstained from voting in this matter.

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

In the matter of **File Number 2016-01511, Fred F. Hauser, Jr.**, the Board reviewed the record which consisted of the investigative file, 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

File Number 2016-01511, Fred F. Hauser, Jr.

and seconded by Mr. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close the file 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 James, Kelleher, Mayausky, Miller, Rochester and Silverman. A motion was made by Mr. James and seconded by Mr. Mayausky 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 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were James, Kelleher, Mayausky, Miller, Rochester and Silverman.

As the presiding Board member, Mr. Call did not participate in the discussion or vote pertaining to this matter. As the Board member who reviewed the file, Mr. Strickland did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2016-01860, Uchenna Christian Eboh**, 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. Rochester 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.M.4 (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Kelleher, Mayausky, Miller, Rochester, Silverman and Strickland. Mr. James abstained from voting in the matter. A motion was made by Mr. Rochester and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find no violation of 18 VAC 130-20-180.M.5 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Kelleher, Mayausky, Miller, Rochester, Silverman and Strickland. Mr. James abstained from voting in this matter. A motion was made by Mr. Strickland and seconded by Ms. Kelleher to impose no monetary penalty for

File Number 2016-01860, Uchenna Christian Eboh

the violation of Count 1. The motion passed unanimously. Members voting “Yes” were Kelleher, Mayausky, Miller, Rochester, Silverman and Strickland. Mr. James abstained from voting in this matter.

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

A motion was made by Mr. James and seconded by Mr. Strickland to approve the amended language for 18 VAC 130-20-30.5 and to file an exempt regulatory action to amend the regulation to comply with AQB criteria. The motion passed unanimously. Members voting “Yes” were Call, James, Kelleher, Mayausky, Miller, Rochester, Silverman and Strickland.

Administrative Issues

There being no further business, the meeting adjourned at 11:15 A.M.

Adjourn

Michael Miller, Chair

Jay W. DeBoer, Secretary