

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

May 22, 2008

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:

Diane Quigley, Chair
Harry Lewis, Jr., Vice-Chair
Richard Pruitt
Pat Turner, Jr.
Gina Burgin
Sandra Johnson

Board member not present:

Douglas Mullins, Jr.
John C. Harry, III
Janet W. Fuller

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

Jay W. DeBoer, Director
Saba Shami, Chief Deputy
Nick Christner, Deputy Director of Compliance
and Investigation
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint
Analysis & Resolution
Kevin Hoelt, Regulatory Board Administrator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Elizabeth Peay from the Attorney General's office was present.

Chair Diane Quigley called the meeting to order at 10:07 AM.

Call to Order

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

Approval of Agenda

A motion was made by Mr. Lewis and seconded by Mr. Pruitt to approve the following minutes: February 7, 2008 Informal Fact-Finding Conference, February 26, 2008 Board Meeting, March 13, 2008 Informal Fact-Finding Conference, and April 3, 2008 Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, Quigley and Turner.

Approval of Minutes

Jayne Allen addressed the Board during the Public Comment Period concerning unlimited testing for the Appraisal exam.

Public Comment

No action was taken by the Board.

In the matter of **File Number 2008-02737, Andrew Gropp**, 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 Mr. Pruitt to accept the recommendation and approve Mr. Gropp's application for a Licensed Residential Real Estate Appraiser license with the following conditions: 1. Gropp will report quarterly to the Board that he is compliant with all terms of his probation; 2. Upon successful completion of his probation, Gropp submits a letter from his probation officer stating he has been released; 3. Gropp will continue to make payments toward the outstanding court costs/fines in the amount of \$460; and 4. Gropp will submit proof of payments of the court costs/fines to the Board on a quarterly basis until paid in full. The motion passed by majority vote. Members voting "Yes" were Burgin, Johnson, Pruitt, Quigley and Turner. Member voting "No" was Lewis.

**File Number 2008-02737,
Andrew Gropp**

In the matter of **File Number 2008-02999, George Friday**, 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. Quigley to accept the recommendation and approve Mr. Friday's application for a Real Estate Appraiser Trainee license. The motion passed by majority vote. Members voting "Yes" were Pruitt, Quigley, and Johnson. Members voting "No" were Lewis and Burgin.

**File Number 2008-02999,
George Friday**

Due to a possible conflict of interest, Mr. Turner did not participate

in the discussion or vote related to this matter.

In the matter of **File Number 2008-02998, Mary Jackson**, 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. Ms. Jackson was present and addressed the Board. A motion was made by Mr. Lewis and seconded by Mr. Pruitt to accept the recommendation and approve Ms. Jackson's application for a Licensed Residential Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, Quigley and Turner.

File Number 2008-02998,
Mary Jackson

In the matter of **File Number 2007-02553, Michael Scott Moore**, 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. Jeffrey Shapiro, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. Lewis to accept the recommendation to close the file with a finding of no violation of Board Regulation 18 VAC 130-20-180.E. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, Quigley and Turner.

File Number 2007-02553,
Michael Scott Moore

In the matter of **File Number 2007-04522, Glen Wayne Kirby**, 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. A motion was made by Mr. Turner and seconded by Ms. Quigley 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 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, Quigley and Turner.

File Number 2007-04522,
Glen Wayne Kirby

A motion was made by Mr. Turner and seconded by Ms. Quigley to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180 E (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, Quigley and Turner.

A motion was made by Mr. Turner and seconded by Mr. Lewis to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference, and instead reduce the monetary penalty to \$500.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, Quigley and Turner.

A motion was made by Mr. Turner and seconded by Mr. Lewis to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference, and instead reduce the monetary penalty to \$500.00 for the violation contained in Count 2. In addition, the Board imposes the following sanctions: Probation for a period of one (1) year, in lieu of license suspension. During this Probation period, Kirby will be required to submit ten (10) appraisal reports for the Board's review every quarter. In addition, Kirby is required to take an upper level Residential Appraisal Course offered by a member provider of the Appraisal Foundation. Such course shall be a minimum of 32 classroom hours (no on-line courses). Upon successful completion of the course, Kirby shall provide the Board with proof of passing the exam. Kirby must provide proof of the course completion within 180 days of the execution of the order. Satisfactory completion of the above-referenced will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, Quigley and Turner.

In the matter of **File Number 2008-00744, Kenneth W. Martin**, the Board reviewed the Consent Order as seen and agreed to by Mr. Martin. A motion was made to reject the proposed Consent Order offer and extend a counter offer to Mr. Martin wherein Mr. Martin admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180. E (Count 2) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E of the Board's 2003 Regulations and agrees to a monetary penalty of \$350.00 for the violation contained in Count 1, \$350.00 for the violation contained in Count 2, and \$350.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$1,200.00. In addition, Martin is required to take an upper level Residential Appraisal Course offered by a member provider of the Appraisal Foundation. Such course shall be a minimum of 32 classroom hours (no on-line courses). Upon successful completion of the course, Martin shall provide the Board with proof of passing

File Number 2008-00744,
Kenneth W. Martin

the exam. Martin must provide proof of the course completion within 180 days of the execution of the order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. If Mr. Martin does not accept the counter offer, in ten days the case will go to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, Quigley and Turner.

Ms. Quigley turned the position of Chair over to Mr. Lewis and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2007-00817, Lennox Samuel Westney, II**, the Board reviewed the Consent Order as seen and agreed to by Mr. Westney. A motion was made by Mr. Turner and seconded by Ms. Burgin to accept the proposed Consent Order wherein Mr. Westney admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.K.1 (Count 5) of the Board's 2003 Regulations. Westney agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, \$500.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4 and no monetary penalty for the violation contained in Count 5, as well as \$500.00 in Board costs for a total of \$2,500.00. In addition, for the violation contained in Count 5, Westney agrees to voluntary revocation of his license. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, and Turner.

**File Number 2007-00817,
Lennox Samuel Westney,
II**

As the board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote related to this matter

In the matter of **File Number 2007-01319, Lennox Samuel Westney, II**, the Board reviewed the Consent Order as seen and agreed to by Mr. Westney. A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Mr. Westney admits to a violation of 18 VAC 130-20-180.K.4 (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.K.5 (Count 2) of the Board's 2003 Regulations, and a violation of

**File Number 2007-01319,
Lennox Samuel Westney,
II**

18 VAC 130-20-180.K.1 (Count 3) of the Board's 2003 Regulations. Westney agrees to no monetary penalty for the violation contained in Count 1, no monetary penalty for the violation contained in Count 2, and no monetary penalty for the violation contained in Count 3, as well as \$500.00 in Board costs for a total of \$500.00. In addition, for violations of Counts 1, 2, and 3, Westney agrees to voluntary revocation of his license. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Pruitt, and Turner.

As the board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote related to this matter

Ms. Quigley returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2007-04114, Anthony Forte**, the Board reviewed the Consent Order as seen and agreed to by Mr. Forte. A motion was made to reject the proposed Consent Order offer and extend a counter offer to Mr. Forte wherein Mr. Forte admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, Forte agrees to complete a fifteen (15) hour USPAP course. The USPAP course shall not be completed on-line. Forte agrees to provide proof of attendance and successful completion within 180 days of the effective date of the 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. In addition, Forte is required to take an upper level Residential Appraisal Course offered by a member provider of the Appraisal Foundation. Such course shall be a minimum of thirty-two (32) hours (no on-line courses). Upon successful completion of the course, Forte shall provide the Board with proof of passing the exam. Forte must provide proof of the course completion within 180 days of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced upper level Residential course will not count towards any continuing education requirements for renewal of license. If Mr. Forte does not accept the counter offer within 10 days, the case will go to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Fuller, Quigley and Turner.

**File Number 2007-04114,
Anthony Forte**

As the board member who reviewed the file, Mr. Pruitt did not participate in the discussion or vote related to this matter

In the matter of **File Number 2008-00382, Sue S. Bowers**, the Board reviewed the Consent Order as seen and agreed to by Ms. Bowers. A motion was made to reject the proposed Consent Order offer and extend a counter offer to Ms. Bowers wherein Ms. Bowers admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,150.00. Bowers agrees to take an upper level Residential Appraisal Course offered by a member provider of the Appraisal Foundation. Such course shall be a minimum of 32 classroom hours (no on-line courses). Upon successful completion of the course, Bowers shall provide proof of the course completion within 180 days of the execution of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. If Ms. Bowers does not accept the counter offer the case will go to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Pruitt, Quigley and Turner.

File Number 2008-00382,
Sue S. Bowers

As the board member who reviewed the file, Mr. Lewis did not participate in the discussion or vote related to this matter

The Board recessed from 11:00AM to 11:10AM

Break

Neil Olson of FNC, Inc., George Dodd, Mark White, Alex Uminski, Woody Fincham, Tony Studs, Max Strickland, and Mark Chapin addressed the Board concerning the Petition for Rulemaking regarding the alteration of appraisal reports transmitted through electronic portals.

Public Comment on
Petition for Rulemaking

No action was taken by the Board.

The Board will create a committee to explore the questions and concerns of appraisers regarding the electronic portal issue. The committee members are Pat Turner, Richard Pruitt and Harry Lewis. Mr. Turner will serve as Chair of the Committee.

New Business

There being no further business, the meeting adjourned at 12:20 P.M. **Adjourn**

Diane Quigley, Chair

Jay W. DeBoer, Secretary

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