

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 22, 2012

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, Vice-Chair  
Richard Pruitt  
John C. Harry  
Sandra Johnson  
Betsy Critzer  
Laura Sanchez del Solar  
Ryan A. Myers (arrived at 10:23 a.m.)  
Michael Miller

Board members absent from the meeting: Diane Quigley

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

Gordon Dixon, Director  
Nick Christner, Deputy Director  
Christine Martine, Executive Director  
Kevin Hoeft, Board Administrator  
Bonnie Rhea Adams, Director of Complaint  
Analysis & Resolution  
Jeff Waite, Budget Director  
Earlyne Perkins, Legal Analyst  
Emily Trent, Administrative Assistant

Vice-Chair H. Glenn James called the meeting to order at 10:05 AM.

**Call to Order**

A motion was made by Mr. Miller and seconded by Ms. Sanchez del Solar to approve the agenda. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

**Approval of Agenda**

A motion was made by Ms. Critzer and seconded by Mr. Harry to

**Approval of Minutes**

approve the following minutes: November 10, 2011, Board Meeting; December 1, 2011, Informal Fact-Finding Conference; and January 9, 2012, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Johnson, Miller, Pruitt and Sanchez del Solar.

There was no public comment.

In the matter of **File Number 2012-01926, Richard Payne**, 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. Pruitt to reject the recommendation contained within the Summary of the Informal Fact-Finding Conference, with no second the motion failed. A motion was made by Mr. Harry and seconded by Ms. Critzer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Payne's application for a Certified Residential Real Estate Appraiser license subject to an agreement for licensure with the following conditions: (1) Payne will be placed on probation for a period of one (1) year in which he must provide at minimum three (3) appraisal reports which comply with USPAP to the Board on a quarterly basis; (2) If Payne is unable to comply with the above provision, he must notify the Board in writing within fourteen (14) calendar days of the deadline for quarterly submission; (3) Payne's failure to submit his quarterly appraisal reports or failure to notify the Board as required above will result in the suspension of Payne's license until he has complied. The motion passed by majority vote. Members voting "Yes" were Critzer, Harry, James, Johnson and Sanchez del Solar. Member voting "No" was Pruitt.

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

Board Member Ryan Myers arrived at 10:23 a.m.

In the matter of **File Number 2011-01030, Joel Dietz**, 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, and letter addressing the Board from Mr. Dietz. A motion was made by Ms. Critzer and seconded by Mr. Harry to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference

### Public Comment

File Number 2012-01926,  
Richard Payne

### Arrival of Board Member

File Number 2011-01030,  
Joel Dietz

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, and 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 Critzer, Harry, James, Johnson, Myers, Pruitt, and Sanchez del Solar.

A motion was made by Ms. Critzer and seconded by Mr. Harry to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$200.00 for the violation contained in Count 1, \$200.00 for the violation contained in Count 2, \$200.00 for the violation contained in Count 3, for a total of \$600.00. The Board also imposes the following sanctions: As to Count 1, Count 2 and Count 3, the Board imposes probation. During the probation period, Dietz is required to take an upper level Residential Appraisal Course. Such course shall be offered by a member provider of the appraisal Foundation or from one approved by the Board. Such course shall be a minimum of thirty (30) classroom hours and shall not be completed on-line. Such course shall not be a distance education course. Upon successful completion of the course, Dietz shall provide evidence acceptable to the Board with proof of passing the exam within six (6) months of the execution of the order. Failure to comply with this provision shall result in the suspension of Dietz's appraisal license until compliance is obtained. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements needed for license renewal, reinstatement, or to upgrade a license. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Johnson, Myers, Pruitt and Sanchez del Solar.

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

In the matter of **File Number 2011-04387, James Chadwell**, the Board reviewed the Consent Order as seen and agreed to by Mr. Chadwell. A motion was made by Mr. Harry and seconded by Mr. Myers to accept the proposed Consent Order wherein Mr. Chadwell admits a violation of 18 VAC 130-20-180.F (Count 1) of the Board's 2008 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, Chadwell is required to complete a classroom 15-hour USPAP course approved by The Appraisal

**File Number 2011-04387,**  
**James Chadwell**

Foundation or the Board within six (6) months of the execution of the Order. Such course shall not be a distance education course (“*distance education*” means an educational process based on the geographical separation of provider and student, i.e., CD-ROM, on-line learning, correspondence courses, etc.). Upon successful course completion, Chadwell 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 education requirements needed for license renewal, reinstatement, or to upgrade a license. The motion passed unanimously. Members voting “Yes” were Critzer, Harry, James, Johnson, Myers, Pruitt and Sanchez del Solar.

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

In the matter of **File Number 2011-02090, Stephen B. Mitchell**, 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. Stephen B. Mitchell, respondent, was present and addressed the Board. A motion was made by Mr. Myers and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find no violations in Counts 1 and 2, with a correction to the Summary noting in Count 1, 18 VAC 130-20-180.D, instead of 18 VAC 30-20-180.D. The motion passed unanimously. Members voting “Yes” were Critzer, Harry, James, Johnson, Myers, Pruitt and Sanchez del Solar. A motion was made by Mr. Myers and seconded by Mr. Pruitt to reject the recommendation of contained in the Summary of the Informal Fact-Finding Conference and instead find no violation in Count 3. The motion passed unanimously. Members voting “Yes” were Critzer, Harry, James, Johnson, Miller, Myers, Pruitt and Sanchez del Solar.

**File Number 2011-02090,  
Stephen B. Mitchell**

A motion was made by Mr. Harry and seconded by Mr. Myers to retain the Board’s Public Participation Guidelines, Real Estate Appraiser Regulations as is. The motion passed unanimously. Members voting “Yes” were Critzer, Harry, James, Johnson, Miller, Myers, Pruitt and Sanchez del Solar.

**Administrative Issues**

Kevin Hoeft, Board Administrator, updated the Board on the regulatory review status. No action was taken by the Board

A motion was made by Mr. Harry and seconded by Mr. Pruitt to approve issuing a Notice of Intended Regulatory Action (NOIRA) for the Real Estate Appraiser regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Johnson, Miller, Myers, Pruitt and Sanchez del Solar.

Jeff Waite, Budget Director, addressed the Board concerning a proposed fee adjustment. A motion was made by Mr. Miller and seconded by Mr. Pruitt to approve a Notice of Intended Regulatory Action (NOIRA) proposing a fee increase. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Johnson, Miller, Myers, Pruitt and Sanchez del Solar.

Gordon Dixon, Director, updated the Board on agency and legislative matters. No action was taken by the Board.

**Director's Report**

There being no further business, the meeting adjourned at 11:55 A.M.

**Adjourn**

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Diane Quigley, Chair

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Gordon Dixon, Secretary