

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 17, 2015

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
Mack Strickland
Robert Rochester
Jean Gannon
Scott Mayausky
René Fonseca
Chris Call

Board members absent from the meeting: Fay B. Silverman
Laura Sanchez del Solar

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

Jay DeBoer, Director
Christine Martine, Executive Director
Mark Courtney, Senior Director
Kevin Hoeft, Board Administrator
Joseph Haughwout, Asst. Director of Adjudication
Emily Trent, Administrative Assistant

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

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

Call to Order

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

Approval of Agenda

A motion was made by Mr. Strickland and seconded by Ms. Gannon to approve the following minutes: August 18, 2015, Real Estate Appraiser Board Meeting and October 5, 2015,

Approval of Minutes

Real Estate Appraiser Board Meeting. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, Gannon, James, Mayausky, Miller, Rochester, and Strickland.

Pat Turner addressed the Board concerning customary and reasonable fees and the use of VA fee schedules. Mr. Turner also spoke about the use of competent appraisers by Appraisal Management Companies. No action was taken by the Board.

Public Comment

Charles Don Clark addressed the Board concerning William Jucksch. Mr. Jucksch, appraiser, is ninety years old and retiring this year. Mr. Clark wished to recognize Mr. Jucksch’s contribution to the Appraisal industry and his years of military service.

In the matter of **File Number 2016-00569, Value Trend Solutions, LLC**, 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 Mr. Call to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Value Trend Solutions, LLC’s application for an Appraisal Management Company license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, Gannon, James, Mayausky, Miller and Strickland.

File Number 2016-00569, Value Trend Solutions, LLC

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 2016-00708, Lorena Lunsford**, 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 Ms. Gannon and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Lunsford’s application for a Certified Residential Real

File Number 2016-00708, Lorena Lunsford

Estate Appraiser license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, Gannon, James, Mayausky, Miller and Strickland.

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 2016-00681, Lawrence T. Foley**, 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. Call and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Foley’s application for a Certified General Real Estate Appraiser license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, Gannon, James, Mayausky, Miller and Strickland.

File Number 2016-00681, Lawrence T. Foley

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 2016-00863, Dwellworks Residential Services, LLC**, 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 Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Dwellworks Residential Services, LLC’s application for an Appraisal Management Company license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, Gannon, James, Mayausky, Miller and Strickland.

File Number 2016-00863, Dwellworks Residential Services, LLC

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 2016-00526, George Garbutt, IV**, 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 officer. 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 after consideration of the criteria contained in §54.1-204 of the *Code of Virginia* to approve Mr. Garbutt's application for a Real Estate Appraiser Trainee license. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller, Rochester and Strickland.

File Number 2016-00526, George Garbutt, IV

Mr. James turned the position of Chair over to Mr. Miller and recused himself from the meeting.

Transfer of Chair

In the matter of **File Number 2016-00124, Glenn D. Wilson**, 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 Ms. Gannon and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Wilson's application for a Certified Residential Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, Mayausky, Miller, Rochester and Strickland.

File Number 2016-00124, Glenn D. Wilson

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

In the matter of **File Number 2016-00262, Ryan M. Hlubb**, 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 Mr. Call to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Hlubb's application for a Certified General Real Estate Appraiser

File Number 2016-00262, Ryan M. Hlubb

license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, Gannon, Mayausky, Miller, Rochester and Strickland.

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

In the matter of **File Number 2016-00475, Novo Appraisal Management Corp.**, 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. Allison Thompson, attorney for the applicant, was present and addressed the Board. 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 approve Novo Appraisal Management Corp.’s application for an Appraisal Management Company license. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, Gannon, Mayausky, Miller, Rochester and Strickland.

File Number 2016-00475, Novo Appraisal Management Corp.

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

In the matter of **File Number 2014-03335, Molly Thiel Taylor**, 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. Strickland and seconded by Mr. Call 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. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, Gannon, Mayausky, Miller, Rochester and Strickland.

File Number 2014-03335, Molly Thiel Taylor

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

Mr. James returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2015-02360, William Luther Pully, Sr.**, 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 officer. A motion was made by Mr. Rochester and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find a violation of 18 VAC 130-20-180.K.2 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller, Rochester and Strickland.

File Number 2015-02360, William Luther Pully, Sr.

A motion was made by Mr. Strickland and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no monetary penalty for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller, Rochester and Strickland.

In the matter of **File Number 2015-02249, David Tyler Bland**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bland. A motion was made by Ms. Gannon and seconded by Mr. Call to accept the proposed Consent Order offer wherein Mr. Bland admits to 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.J (Count 2) of the Board's 2008 Regulations, three violations of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.B.5 (Count 4) of the Board's 2008 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, \$500.00 for each violation contained in Count 3, and \$500.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$4,150.00. In addition, for violation of Counts 1, 2, 3 and 4, Bland agrees to a one (1) year probation of his license as of the effective date of

File Number 2015-02249, David Tyler Bland

the Order. During the one (1) year probation, Bland agrees to comply with the regulations of the Board. If Bland violates any terms of the probation, his license may be revoked, pending review by the Board. Further, Bland shall provide to the Board on a quarterly basis, due December 31, 2015, March 31, 2016, June 30, 2016 and September 30, 2016, three (3) appraisal reports completed during each quarter, for a period of one (1) year from the effective date of the Order. If Bland prepares less than three (3) reports during a quarter, Bland shall submit copies of those reports prepared to the Board. If Bland prepares no reports during a quarter, Bland shall submit a statement to the Board that no reports were prepared during the quarter. Failure to provide USPAP compliant appraisal reports will result in the automatic suspension of Bland's license until such time as there is complete satisfactory compliance. Also, for violation of Counts 1, 2, 3 and 4, Bland is required to complete an Upper Level Residential Appraisal Course approved by The Appraisal Foundation or the Board within six (6) months of the execution of this Order. Such course shall be a minimum of 32 hours and shall include an exam. Upon successful course completion, Bland 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 Call, Fonseca, Gannon, James, Mayausky, Miller and Rochester.

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 2015-01302, Carey A. Brill**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, the Report of Findings, exhibits and recommendation. A motion was made by Mr. Miller and seconded by Mr. Call to accept the recommendation to find two violations of 18 VAC 130-20-180.K.4 (Count 1) of the Board's 2008 Regulations, two violations of 18 VAC 130-20-180.K.5 (Count 2) of the

File Number 2015-01302, Carey A. Brill

Board's 2008 Regulations, a violation of 18 VAC 130-20-180.K.7 (Count 3) of the Board's 2008 Regulations and a violation of 18 VAC 130-20-180.B.1.a (Count 4) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller and Rochester.

A motion was made by Mr. Call and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,350.00 for the two violations contained in Count 1, \$1,000.00 for the two violations contained in Count 2, \$300.00 for the violation of Count 4, for a total of \$2,650.00. The Board also imposes the following sanctions: revocation of license for the violation of Count 3. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller and Rochester.

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 2015-02407, Ki Song Yi**, the Board reviewed the Consent Order as seen and agreed to by Mr. Yi. A motion was made by Mr. Rochester and seconded by Mr. Miller to accept the proposed Consent Order offer wherein Mr. Yi admits to a violation of 18 VAC 130-20-180.K.1 (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$650.00. In addition, for the violation of Count 1, Mr. Yi agrees to license revocation. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller, Rochester and Strickland.

File Number 2015-02407, Ki Song Yi

In the matter of **File Number 2015-02446, Jeffrey Scott Phillips**, the Board reviewed the Consent Order as seen and agreed to by Mr. Phillips. A motion was made by Mr. Call and seconded by Mr. Mayausky to accept the proposed Consent Order offer wherein Mr. Phillips

File Number 2015-02446, Jeffrey Scott Phillips

admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$450.00. In addition, for violation of Count 1, Phillips is required to complete a 15-hour USPAP course approved by the Appraisal Foundation or the Board within six (6) months of the execution of the order. Upon successful course completion, Phillips 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 Call, Fonseca, James, Mayausky, Miller, Rochester and Strickland.

As the Board member who reviewed the file, Ms. Gannon did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2015-02116, Douglas Keith Murray**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, the Report of Findings, exhibits and recommendation. A motion was made by Mr. Miller and seconded by Ms. Gannon to accept the recommendation to find a violation of 18 VAC 130-20-180.K.1 (Count 1) of the Board's 2008 Regulations. The Board imposes no monetary penalty. The Board also imposes the following sanctions: license revocation for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller and Rochester.

File Number 2015-02116, Douglas Keith Murray

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 2015-02756, Douglas Keith Murray**, the Board reviewed the record which consisted of the Notice of Prima Facie Case, the Report of Findings, exhibits and recommendation. A motion

File Number 2015-02756, Douglas Keith Murray

was made by Mr. Miller and seconded by Ms. Gannon to accept the recommendation to find a violation of 18 VAC 130-20-180.K.1 (Count 1) of the Board's 2008 Regulations. The Board imposes no monetary penalty. The Board also imposes the following sanctions: license revocation for the violation of Count 1. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller and Rochester.

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 2016-01059, Electronic Appraisal Solutions, 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. David Warrington, attorney for the applicant, was present and addressed the Board. A motion was made by Mr. Miller and seconded by Ms. Gannon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Electronic Appraisal Solution, Inc.'s application for an Appraisal Management Company license. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller and Strickland.

File Number 2016-01059, Electronic Appraisal Solutions, Inc.

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

Ms. Martine gave the Board a regulatory review update. A motion was made by Mr. Strickland and seconded by Ms. Gannon to retain as is the Real Estate Appraiser Board regulations and the Public Participant Guidelines regulations pursuant to the Periodic Review of Regulations. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller, Rochester and Strickland.

Administrative Issues

Ms. Martine updated the Board on areas of concern and non-compliance regarding the ASC Compliance Review. No

action was taken by the Board.

Mr. Rochester requested the Board consider the use of evaluations by appraisers. No action was taken by the Board. **New Business**

Mr. Mayausky addressed the Board regarding elected officials who do not have a supervisor to attest to their experience. No action was taken by the Board.

Kevin Hoeft updated the Board on his research concerning customary and reasonable fees.

A motion was made by Mr. Strickland and seconded by Mr. Call to adopt the VA fee schedule as customary and reasonable fees for licensed appraisers. The motion was withdrawn.

A motion was made by Mr. Miller and seconded by Mr. Rochester to appoint a committee to study customary and reasonable fees. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Gannon, James, Mayausky, Miller, Rochester and Strickland.

Mr. Strickland, Mr. Call, Mr. Rochester, Mr. Fonseca and Ms. Gannon volunteered to participate on the committee to study customary and reasonable fees. Mr. Strickland will Chair the committee.

There being no further business, the meeting adjourned at 12:17 P.M. **Adjourn**

H. Glenn James, Chair

Jay DeBoer, Secretary