

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 7, 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:

Diane Quigley, Chair
H. Glenn James, Vice-Chair
John C. Harry
Richard Pruitt
Sandra Johnson
Laura Sanchez del Solar
Michael Miller
Chris Call
Scott Mayausky

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

Gordon Dixon, Director
Mark Courtney, Senior Director
Christine Martine, Executive Director
Kevin Hoeft, Board Administrator
Bonnie Rhea Adams, Director of Complaint
Analysis & Resolution
Kristin Clay, Legal Analyst
Emily Trent, Administrative Assistant

Ms. Quigley called the meeting to order at 10:09 AM.

Call to Order

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

Approval of Agenda

A motion was made by Mr. Pruitt and seconded by Mr. James to approve the following minutes: August 14, 2012, Board Meeting; August 21, 2012, Informal Fact-Finding Conference;

Approval of Minutes

September 6, 2012, Informal Fact-Finding Conference and October 10, 2012, AMC Committee Meeting. The motion passed unanimously. Members voting "Yes" were Call, Harry, James, Johnson, Mayausky, Miller, Pruitt, Quigley and Sanchez del Solar.

Jayne Allen addressed the Board concerning Appraisal Management Companies requiring information in appraisal reports. No action was taken by the Board.

Public Comment

In the matter of **File Number 2013-00036, Jonathan D. Nichols**, 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. James and seconded by Mr. Harry to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Nichols's application for a real estate appraiser trainee license. The motion passed unanimously. Members voting "Yes" were Call, Harry, James, Johnson, Mayausky, Miller, Pruitt, Quigley and Sanchez del Solar.

File Number 2013-00036, Jonathan D. Nichols

In the matter of **File Number 2012-02099, Jamie Marie Melella**, 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. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find two violations of 18 VAC 130-20-180.D (Count 1), of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Call, Harry, James, Johnson, Mayausky, Pruitt, Quigley and Sanchez del Solar.

File Number 2012-02099, Jamie Marie Melella

A motion was made by Ms. Quigley and seconded by Mr. James to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$250.00 for each violation contained in Count 1, for a total of \$500.00. In addition, for the violation of Count 1, the Board imposes

probation. During the probation period, Melella is required to complete an upper level Residential Appraisal Course approved by the Appraisal Foundation or the Board. Such course shall be a minimum of thirty (30) classroom hours. Upon successful completion of the course, Melella shall provide evidence acceptable to 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 Call, Harry, James, Johnson, Mayausky, Pruitt, Quigley and Sanchez del Solar.

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 2012-01437, Karen Vanston Layden**, 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. Call 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, 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 Call, Harry, James, Johnson, Mayausky, Pruitt, Quigley and Sanchez del Solar.

File Number 2012-01437, Karen Vanston Layden

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose 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, for a total of \$1,500.00. In addition, for the violation of Count 1, the Board imposes probation and amends the continuing education requirement. During the probation period, Layden

is required to complete 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. 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 Call, Harry, James, Johnson, Mayausky, Pruitt, Quigley and Sanchez del Solar.

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 2012-01059, Moses Oyewole**, 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. Call and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close Count 1 and Count 2 with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Call, Harry, James, Johnson, Mayausky, Pruitt, Quigley and Sanchez del Solar.

File Number 2012-01059, Moses Oyewole

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 2012-01686, Joseph Wayne Winborne**, the Board reviewed the Consent Order as seen and agreed to by Mr. Winborne. A motion was made by Ms. Quigley and seconded by Mr. Miller to accept the proposed Consent Order wherein Mr. Winborne admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2008 Regulations, two violations of 18 VAC 130-20-180.E (Count 3) of the Board's 2008 Regulations, and five violations of 18 VAC 130-20-180.D (Count 4) of the Board's 2008 Regulations and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, \$350.00 for

File Number 2012-01686, Joseph Wayne Winborne

the violation contained in Count 2, \$250.00 for each violation contained in Count 3, and \$100.00 for each violation contained in Count 4, as well as \$150.00 in Board costs, for a total of \$1,900.00. In addition, for violation of Counts 1 and 2, Winborne agrees to a three (3) month suspension of license. Further, for violation of Counts 1 and 2, Winborne agrees to retake and successfully complete all Board-approved coursework necessary to initially qualify as a certified residential appraiser in Virginia. The motion passed unanimously. Members voting "Yes" were Call, Harry, James, Johnson, Mayausky, Miller, Pruitt, Quigley and Sanchez del Solar.

In the matter of **File Number 2012-01855, Ikego Garfield Bullock, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bullock. A motion was made by Ms. Quigley and seconded by Ms. Sanchez del Solar to accept the proposed Consent Order wherein Mr. Bullock admits to a violation of 18 VAC 130-20-180.K.1 (Count 1) of the Board's 2008 Regulations, two violations of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations, two violations of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 4) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 5) of the Board's 2008 Regulations and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, \$200.00 for each violation contained in Count 2, \$200.00 for each violation contained in Count 3, \$350.00 for the violation contained in Count 4, and \$250.00 for the violation of Count 5, as well as \$150.00 in Board costs, for a total of \$1,650.00. In addition, for violation of Counts 1 through 5, Bullock agrees to suspension of his license until such time as he has successfully retaken all Board-approved coursework necessary to initially qualify as a licensed certified residential appraiser in Virginia and provided the proof with satisfactory proof thereof. The motion passed unanimously. Members voting "Yes" were Call, Harry, James, Johnson, Mayausky, Miller, Pruitt, Quigley and Sanchez del Solar.

File Number 2012-01855, Ikego Garfield Bullock, Jr.

Ms. Martine updated the Board on the proposed Appraisal Management Companies Regulations. No action was taken by the Board.

Administrative Issues

Mr. Hoeft gave the Board an update on three pending regulatory review actions. No action was taken by the Board.

Ms. Martine gave an update on the Governor's Regulatory Review initiative. No action was taken by the Board.

Mr. Miller updated the Board on the October 13, 2012, AARO Conference. No action was taken by the Board.

Mr. Hoeft reviewed the HB433/SB507 Final Report with the Board. No action was taken by the Board. **Old Business**

Mr. James discussed the Virginia Eminent Domain Constitutional Amendment. No action was taken by the Board. **New Business**

There being no further business, the meeting adjourned at 11:48 A.M. **Adjourn**

Diane Quigley, Chair

Gordon Dixon, Secretary