

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

August 19, 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.
Douglas Mullins, Jr.
Sandra Johnson
H. Glenn James

Board members not present:

Ryan A. Myers
Betsy Critzer

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

Mark Courtney, Deputy Director
Christine Martine, Executive Director
Nick Christner, Deputy Director of Compliance
and Investigation
Mary Broz-Vaughn, Director of Communications
Kevin Hoeft, Regulatory Board Administrator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant

Tom Nesbitt from the Attorney General's office was present.

Chair Diane Quigley called the meeting to order at 10:05 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 Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

Approval of Agenda

A motion was made by Mr. Turner and seconded by Mr. Pruitt to approve the following minutes: May 22, 2008, Board Meeting, May

Approval of Minutes

29, 2008, Informal Fact-Finding Conference, June 4, 2008 “Electronic Portal” Committee Meeting, June 5, 2008 Informal Fact-Finding Conference, and July 23, 2008 “Electronic Portal” Committee Meeting. The motion passed unanimously. Members voting “Yes” were Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

George Dodd addressed the Board during the Public Comment Period regarding the Mortgage Fraud Task Force committee. No action was taken by the Board.

Public Comment

Jayne Allen addressed the Board about federal loan concerns. No action was taken by the Board.

Mark Wyatt addressed the Board concerning BPO’s. No action was taken by the Board.

Woody Finchum addressed the Board during the Public Comment Period regarding the advantages of forming a work group to train supervisors that will train apprentices. A motion was made by Mr. Turner and seconded by Mr. Lewis to create a committee to study educational requirements for individuals that will train/mentor new Real Estate Appraiser trainees. The motion passed unanimously. Members voting “Yes” were Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

Mr. James and Ms. Quigley volunteered to serve on the new committee.

John Saunders requested that the Board consider amending regulation 18 VAC 130-20-180.D. No action was taken by the Board.

Harry Hoffman, Jr. addressed the Board concerning BPO’s and AVM’s. No action was taken by the Board.

In the matter of **File Number 2008-00524, Fred Smith**, 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. Fred Smith, respondent, was present and addressed the Board. A motion was made by Mr. Turner and seconded by Ms. Johnson to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a

File Number 2008-00524,
Fred Smith

violation of 18 VAC 130-20-180 K 4 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, 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 impose a monetary penalty of \$1,000.00 for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

In the matter of **File Number 2008-04076, Jason Harris**, 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. Jason Harris, applicant, was present and addressed the Board. A motion was made by Mr. Pruitt and seconded by Mr. Mullins to accept the recommendation and approve Mr. Harris' application for a Real Estate Appraiser Trainee license. The motion passed by majority vote. Members voting "Yes" were Pruitt, Quigley, Johnson and Mullins. Member voting "No" were Turner, James and Lewis.

File Number 2008-04076,
Jason Harris

In the matter of **File Number 2008-02236, Tracy Ann Farrell**, the Board reviewed the Consent Order as seen and agreed to by Ms. Farrell. A motion was made to accept the proposed Consent Order wherein Ms. Farrell admits to a violation of 18 VAC 130-20-180.K.2 (Count 1) of the Board's 2003 Regulations and a violation of 18 VAC 130-20-180.K.3 of the Board's 2003 Regulations and agrees to no monetary penalty for the violations contained in Counts 1 and 2, as well as \$150.00 in Board costs for a total of \$150.00. In addition, for the violation of Counts 1 and 2, Farrell agrees to revocation of her license. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

File Number 2008-02236,
Tracy Ann Farrell

In the matter of **File Number 2008-00445, Ian D. Callison**, the Board reviewed the Consent Order as seen and agreed to by Mr. Callison. A motion was made by Mr. Lewis and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Mr. Callison 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

File Number 2008-00445,
Ian D. Callison

(Count 2) of the Board's 2003 Regulations and a violation of 18 VAC 130-20-180.E (Count 3) of the Board's 2003 Regulations. Callison agrees to a monetary penalty of \$125.00 for the violation contained in Count 1, \$125.00 for the violation contained in Count 2, \$250.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$650.00. In addition, Callison 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. Upon successful completion of the course, Callison shall provide the Board with proof of passing the exam within six (6) months of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt and Quigley.

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

In the matter of **File Number 2008-04325, Subrata Samaddar**, the Board reviewed the Consent Order as seen and agreed to by Mr. Samaddar. A motion was made by Mr. Mullins and seconded by Mr. Pruitt to accept the proposed Consent Order wherein Mr. Samaddar 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 a violation of 18 VAC 130-20-180.E (Count 3) of the Board's 2003 Regulations. Samaddar agrees to a monetary penalty of \$125.00 for the violation contained in Count 1, \$125.00 for the violation contained in Count 2, \$250.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$650.00. In addition, Samaddar 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. Upon successful completion of the course, Samaddar shall provide the Board with proof of passing the exam within six (6) months of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. The motion

File Number 2008-04325,
Subrata Samaddar

passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt and Quigley.

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

In the matter of **File Number 2008-01603, Brenda J. Shaw**, the Board reviewed the Consent Order as seen and agreed to by Ms. Shaw. A motion was made by Mr. Pruitt and seconded by Mr. James to reject the proposed Consent Order offer and extend a counter offer to Ms. Shaw wherein Ms. Shaw 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, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2003 Regulations, a violation 18 VAC-130-20-180.D (Count 4) of the Board's 2003 Regulations and a violation of 18 VAC 130-20-180.D (Count 5) 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, \$500.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4, and \$500.00 for the violation contained in Count 5, as well as \$150.00 in Board costs for a total of \$2,650.00. In addition, Shaw agrees 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 30 classroom hours and shall not be completed on-line. Upon successful completion of the course, Shaw 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 course will not count towards any continuing education requirements for renewal of license. If Ms. Shaw does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt and Quigley.

File Number 2008-01603,
Brenda J. Shaw

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

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 2008-00381, Kim Kube Crowe**, the Board reviewed the Consent Order as seen and agreed to by Ms. Crowe. A motion was made by Mr. Mullins and seconded by Mr. Pruitt to reject the proposed Consent Order offer and extend a counter offer to Ms. Crowe wherein Ms. Crowe 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 \$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, Crowe agrees to take an upper level Residential Appraisal Course offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of 15 classroom hours (no on-line courses). Upon successful completion of the course, Crowe 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. Crowe does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt and Turner.

File Number 2008-00381,
Kim Kube Crowe

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 2008-00220, Ivan C. Thomas**, the Board reviewed the Consent Order as seen and agreed to by Mr. Thomas. A motion was made by Mr. Turner and seconded by Mr. Pruitt to reject the proposed Consent Order offer and extend a counter offer to Mr. Thomas wherein Mr. Thomas admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, and agrees to no monetary penalty for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$150.00. Thomas 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 15 classroom hours and shall not be completed on-line. Upon successful completion of the course, Thomas 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 Mr. Thomas does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting

File Number 2008-00220,
Ivan C. Thomas

“Yes” were Johnson, Lewis, James, Mullins, 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

In the matter of **File Number 2008-01470, Charlotte Ann Frick**, the Board reviewed the Consent Order as seen and agreed to by Ms. Frick. A motion was made by Mr. Turner and seconded by Mr. James to accept the proposed Consent Order wherein Ms. Frick admits to a violation of 18 VAC 130-20-180.K.1 (Count 1) of the Board’s 2003 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. The motion passed unanimously. Members voting “Yes” were Johnson, Lewis, James, Mullins, Pruitt and Turner.

File Number 2008-01470,
Charlotte Ann Frick

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 2008-01818, Charlotte Frick**, the Board reviewed the Consent Order as seen and agreed to by Ms. Frick. A motion was made by Mr. Turner and seconded by Mr. James to reject the proposed Consent Order offer and extend a counter offer to Ms. Frick wherein Ms. Frick admits to a violation of 18 VAC 130-20-180.K.1 (5 violations) of the Board’s 2003 Regulations (Count 1), and agrees to a monetary penalty of \$1,500.00 for the 5 violations contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,650.00. In addition, Frick agrees to take a 15 hour USPAP course. Such course shall not be completed on-line. Upon successful completion of the course, Frick shall provide proof of the course completion within six (6) months of the effective date of the Order. Satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. If Ms. Frick does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Johnson, Lewis, James, Mullins, Pruitt and Turner.

File Number 2008-01818,
Charlotte Frick

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 2007-03893, Otway E. Hatcher**, the Board reviewed the investigative file, the transcript, and exhibits from

File Number 2007-03893,
Otway E. Hatcher

the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. Otway E. Hatcher, respondent, and Bryan Streeter, Attorney for the respondent, were present and addressed the Board. A motion was made by Mr. Mullins and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find no violation of 18 VAC 130-20-180.K.1 (Count 1) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt and Turner.

A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.K.1 (Count 2) of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt and Turner.

A motion was made by Mr. Turner and seconded by Mr. Mullins to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference, and instead increase the monetary penalty to \$1,500.00 for the violation contained in Count 2. In addition, the Board imposes the following sanctions: Probation until such time Hatcher completes a seven (7) hour USPAP course. The USPAP course shall not be completed on-line. Hatcher must provide evidence of satisfactory 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. The Board voted to increase the monetary penalty, and include education, due to the serious nature of the violation based upon the facts of the case in the record. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt and Turner.

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

The Board recessed from 12:00PM to 12:15PM

Break

Ms. Quigley returned and assumed the position of Chair.

Transfer of Chair

In the matter of **File Number 2008-01562, John D. Murphy, IV**, the

File Number 2008-01562,

Board reviewed the Consent Order as seen and agreed to by Mr. Murphy. A motion was made by Mr. Turner and seconded by Mr. Mullins to reject the proposed Consent Order offer and extend a counter offer to Mr. Murphy wherein Mr. Murphy admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$2,650.00. Murphy agrees to take an upper level Residential Appraisal Course offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of 15 classroom hours and shall not be completed on-line. Upon successful completion of the course, Murphy shall provide proof of the course completion within six (6) months 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. In addition, Murphy's license will be suspended for 30 days due to the serious nature of the violation. If Mr. Murphy does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Quigley and Turner.

John D. Murphy, IV

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 2007-03461, Sherry S. Kelly Ivey**, the Board reviewed the Consent Order as seen and agreed to by Ms. Ivey. A motion was made by Mr. Turner and seconded by Ms. Johnson to reject the proposed Consent Order offer and extend a counter offer to Ms. Ivey wherein Ms. Ivey 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, 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.D (Count 4) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 5) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 6) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 7) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 8) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 9) 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

File Number 2007-03461,
Sherry S. Kelly Ivey

the violation contained in Count 2, \$350.00 for the violation contained in Count 3, \$350.00 for the violation contained in Count 4, \$350.00 for the violation contained in Count 5, \$350.00 for the violation contained in Count 6, \$350.00 for the violation contained in Count 7, \$350.00 for the violation contained in Count 8, \$350.00 for the violation contained in Count 9, as well as \$150.00 in Board costs for a total of \$3,300.00. Ivey agrees to take an entry level Residential Appraisal Course offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of 30 classroom hours and shall not be completed on-line. Upon successful completion of the course, Ivey 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. Ivey does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Quigley and Turner.

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 2007-04542, Sherry S. Kelly Ivey**, the Board reviewed the Consent Order as seen and agreed to by Ms. Ivey. A motion was made by Mr. Turner and seconded by Mr. James to reject the proposed Consent Order offer and extend a counter offer to Ms. Ivey wherein Ms. Ivey 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, 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.D (Count 4) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 5) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 6) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 7) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 8) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 9) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (Count 10) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$175.00 for the violation contained in Count 1, \$175.00 for the violation contained in Count 2, \$175.00 for the violation contained in Count 3, \$175.00 for the violation contained in

File Number 2007-04542,
Sherry S. Kelly Ivey

Count 4, \$175.00 for the violation contained in Count 5, \$175.00 for the violation contained in Count 6, \$175.00 for the violation contained in Count 7, \$175.00 for the violation contained in Count 8, \$175.00 for the violation contained in Count 9, \$175.00 for the violation contained in Count 10, as well as \$150.00 in Board costs for a total of \$1,900.00. Ivey agrees to take an entry level Residential Appraisal Course offered by a member provider of the Appraisal Foundation or from one approved by the Board. Such course shall be a minimum of 30 classroom hours and shall not be completed on-line. Upon successful completion of the course, Ivey 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. In addition, Ivey agrees to suspension of her license for 60 days, and probation of her license for a period of 1 year during which time Ivey agrees to provide 4 appraisal reports quarterly. If Ms. Ivey does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Quigley and Turner.

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 2008-01582, John H. Major**, the Board reviewed the Consent Order as seen and agreed to by Mr. Major. A motion was made by Mr. Pruitt and seconded by Mr. Lewis to reject the Consent Order and instead close the case with a finding of no violation. The motion failed. Members voting "Yes" were Pruitt, Lewis and Johnson. Members voting "No" were James, Mullins, Quigley and Turner. A motion was made by Mr. Mullins and seconded by Mr. Turner to accept the proposed Consent Order wherein Mr. Major 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 \$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, Major agrees to complete a seven (7) hour USPAP course. The USPAP course shall not be completed on-line. Major agrees to provide proof of attendance and successful completion within six (6) months of the effective date of this order. It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing

File Number 2008-01582,
John H. Major

education requirements for renewal of license. The motion passed by majority vote. Members voting “Yes” were Johnson, Lewis, James, Mullins, Quigley and Turner. Member voting “No” was Pruitt.

In the matter of **File Number 2008-02165, Sam P. Settimo, Sr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Settimo. A motion was made by Mr. Turner and seconded by Mr. Mullins to reject the proposed Consent Order offer and extend a counter offer to Mr. Settimo wherein Mr. Settimo admits to a violation of 18 VAC 130-20-180.C.2 (Count 1) of the Board’s 2003 Regulations, and agrees to a monetary penalty of \$2,500.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$2,650.00. Settimo agrees to complete a seven (7) hour USPAP course. The USPAP course shall not be completed on-line. Settimo agrees to provide proof of attendance and successful completion within six (6) months of the effective date of this 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, Settimo agrees to a 60 day license suspension due to the serious nature of the violation. If Mr. Settimo does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

File Number 2008-02165,
Sam P. Settimo, Sr.

In the matter of **File Number 2008-01594, Richard A. Mormando**, the Board reviewed the Consent Order as seen and agreed to by Mr. Mormando. A motion was made by Ms. Quigley and seconded by Mr. Mullins to reject the proposed Consent Order offer and extend a counter offer to Mr. Mormando wherein Mr. Mormando admits to (2 *violations*) 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 a violation of 18 VAC 130-20-180.D (Count 3) of the Board’s 2003 Regulations, and agrees to a monetary penalty of \$600.00 for each violation contained in Count 1, \$600.00 for the violation contained in Count 2, \$600.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$2,550.00. In addition, for the violation of Counts 1-3, Mormando 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

File Number 2008-01594,
Richard A. Mormando

completed on-line. Upon successful completion of the course, Mormando shall provide the Board with proof of passing the exam within six (6) months of the execution of the Order. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. If Mr. Mormando does not accept the counter offer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

The Board recessed from 1:10PM to 1:20PM

Break

Neil Olson of FNC, Inc., George Dodd, Woody Fincham, Donna Fuller, Harry F. Hoffman, Jr., Michelle Best, Pamela Crawley and Al Torres addressed the Board concerning the Petition for Rulemaking regarding the use of electronic portals.

**Public Comment on
Petition for Rulemaking**

The Board agreed to have this committee continue to meet.

A motion was made by Mr. Turner and seconded by Mr. Mullins to deny the petition since the Board has been advised by legal counsel that the Board does not have the authority to require providers of electronic portals to cease doing business in Virginia until such time as they provide the Board with sufficient evidence and documentation that ensures the integrity and unadulterated transmission of appraisal reports from the appraiser to the client and/or end user of the appraisal report. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

A motion was made by Mr. Turner and seconded by Mr. Mullins to repeal the existing public participation guidelines and to adopt the model public participation guidelines via exempt action. The motion passed unanimously. Members voting "Yes" were Johnson, Lewis, James, Mullins, Pruitt, Quigley and Turner.

New Business

There being no further business, the meeting adjourned at 2:20 P.M.

Adjourn

Jay W. DeBoer, Secretary

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