

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 18, 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.
H. Glenn James
Ryan A. Myers
Betsy Critzer

Board members not present:

Douglas Mullins, Jr.
Sandra Johnson

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

Jay DeBoer, Director
Christine Martine, Executive Director
Nick Christner, Deputy Director of Compliance
and Investigations
Kevin Hoeft, 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 10:06 AM.

Call to Order

A motion was made by Mr. Turner and seconded by Mr. Pruitt to approve the agenda with an amendment to move the Electronic Portal Committee Report after the Public Comment Period. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

Approval of Agenda

A motion was made by Mr. Turner and seconded by Mr. Pruitt to

Approval of Minutes

approve the following minutes: August 19, 2008, Board Meeting, September 12, 2008, Informal Fact-Finding Conference, October 6, 2008, Informal Fact-Finding Conference, and October 15, 2008 Informal Fact-Finding Conference. The motion passed unanimously. Members voting “Yes” were Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

George Dodd, Jayne Allen, Max Strickland, Alex Uminski, and John Cyncion addressed the Board during the Public Comment Period. No action was taken by the Board.

Public Comment

Mr. Turner gave the Board a report on the information obtained during the Electronic Portal Committee meetings. George Dodd, Charles Clark, Woody Finchum, Charles Rex, Dawn Fuller, Alex Uminski, Max Strickland, and Carl Schneider addressed the Board during the Public Comment Period concerning the Electronic Portal Committee. No action was taken by the Board.

**Electronic Portal
Committee Report**

The Board recessed from 11:25 A.M. to 11:43 A.M.

Break

A motion was made by Mr. Turner and seconded by Mr. Lewis that, after review by legal counsel, the Board will send a letter to all licensees, and appropriate government entities consisting of the following language: “The Virginia Real Estate Appraiser Board (the Board) asserts that Board regulations require licensees to perform and deliver appraisal assignments in a secure manner to the client. To that end, there are multiple vehicles by which secure reports may/should be delivered. There are several suggested steps each licensee should take to insure compliance with Board regulations – 1) Adobe; 2) Biowrap; 3) PKI; and, 4) or other similar secure digital signature software packages. It is further suggested that each licensee create a ‘Chain of Custody’ agreement.” The motion passed unanimously. Members voting “Yes” were Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

**Electronic Portal
Committee Report**

In the matter of **File Number 2008-04030, Daniel W. Doss**, the Board reviewed the Consent Order as seen and agreed to by Mr. Doss. A motion was made by Mr. Turner and seconded by Ms. Critzer to reject the proposed Consent Order offer and extend a counteroffer to Mr. Doss wherein Mr. Doss 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,

**File Number 2008-04030,
Daniel W. Doss**

as well as \$150.00 in Board costs, for a total of \$2,650.00. In addition, Doss' license will be suspended for sixty (60) days, Doss will not be allowed to supervise appraiser trainees for a period of two (2) years, and 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 15 classroom hours and shall not be completed on-line. Upon successful completion of the course, Doss 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 Mr. Doss does not accept the counteroffer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Quigley and Turner.

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

In the matter of **File Number 2008-02810, Daniel Lee Bowers**, the Board reviewed the Consent Order as seen and agreed to by Mr. Bowers. A motion was made by Ms. Critzer and seconded by Mr. Lewis to accept the proposed Consent Order wherein Mr. Bowers admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E (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 of Count 2, as well as \$150.00 in Board costs, for a total of \$1,150.00. In addition, Bowers 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 fifteen (15) classroom hours and shall not be completed on-line. Upon successful completion of the course, Bowers shall provide the Board with proof of passing the exam within 180 days 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 Myers, Critzer, Lewis, James and Quigley.

File Number 2008-02810,
Daniel Lee Bowers

As Board members who reviewed the file, Mr. Turner and Mr. Pruitt

did not participate in the discussion or vote on this matter.

In the matter of **File Number 2008-01744, Robert A. Garrett**, 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. Robert A. Garrett, respondent, was present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find (2 *violations*) of 18 VAC 130-20-180.E (Count 1) of the Board's 2003 Regulations, and find (2 *violations*) of 18 VAC 130-20-180.E (Count 2) of the Board's 2003 Regulations. The motion passed by majority vote. Members voting "Yes" were Myers, Critzer, James, Quigley and Turner. Member voting "No" was Lewis.

File Number 2008-01744,
Robert A. Garrett

A motion was made by Mr. Turner and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$700.00 for each violation contained in Count 1, \$700.00 for each violation contained in Count 2, for a total monetary penalty of \$2,800.00. In addition, for violation of Count 1 and Count 2, the Board imposes the following sanctions: Probation for a period of two (2) years, and during the probation period Garrett will not be allowed to supervise any appraiser trainees. Also, Garrett will be required to complete an upper level Residential Appraisal course approved by The Appraisal Foundation or by the Board. Such course shall be a minimum of 30 classroom hours (no on-line courses). Garrett 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. Due to previous disciplinary actions, and the serious nature of the violations the Board determined the above sanctions were warranted. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Quigley and Turner.

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

In the matter of **File Number 2008-01447, Muhammad Armghan Khan**, the Board reviewed the Consent Order as seen and agreed to by

File Number 2008-01447,
Muhammad Armghan

Mr. Khan. A motion was made by Mr. Myers and seconded by Ms. Critzer to accept the proposed Consent Order wherein Mr. Khan admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$1,600.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, as well as \$150.00 in Board costs, for a total of \$2,000.00. In addition, Khan 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 30 classroom hours and shall not be completed on-line. Upon successful completion of the course, Khan shall provide the Board with proof of passing the exam within 180 days 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 Myers, Critzer, Lewis, James, Quigley and Pruitt.

Khan

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

In the matter of **File Number 2008-00386, Tracie W. Jennings**, the Board reviewed the Consent Order as seen and agreed to by Ms. Jennings. A motion was made by Mr. James and seconded by Mr. Lewis to accept the proposed Consent Order wherein Ms. Jennings 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, and agrees to a monetary penalty of \$250.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, \$250.00 for the violation contained in Count 3, \$250.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, Jennings 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, Jennings shall provide the Board with proof of passing the exam within 180 days of the execution of the Order. It

File Number 2008-00386,
Tracie W. Jennings

is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license. Mr. Lewis withdrew the second to the motion. A motion was made by Mr. Pruitt and seconded by Mr. Lewis to reject the terms of the Consent Order, and close the file with a finding of no violation. The motion passed by majority vote. Members voting "Yes" were Pruitt, Lewis, Quigley, and Critzer. Member voting "No" was James. Mr. Myers abstained from voting in the matter.

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

In the matter of **File Number 2007-04038, Vicki N. Minor**, 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. Vicki N. Minor, respondent, was present and addressed the Board. A motion was made by Ms. Quigley and seconded by Mr. Lewis to reconvene an Informal Fact-Finding Conference, and defer the matter to the next scheduled Board meeting. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Turner, Quigley and Pruitt.

File Number 2007-04038,
Vicki N. Minor

In the matter of **File Number 2007-04875, Vicki N. Minor**, 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. Vicki N. Minor, respondent, was present and addressed the Board. A motion was made by Ms. Quigley and seconded by Mr. Lewis to reconvene an Informal Fact-Finding Conference, and defer the matter to the next scheduled Board meeting. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Turner, Quigley and Pruitt.

File Number 2007-04875,
Vicki N. Minor

In the matter of **File Number 2008-00407, April A. Taylor**, the Board reviewed the Consent Order as seen and agreed to by Ms. Taylor. April A. Taylor, respondent, was present and addressed the Board. A motion was made by Mr. Lewis and seconded by Mr. James to reject the proposed Consent Order wherein Ms. Taylor admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2003 Regulations, and instead close the file with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Quigley and Pruitt.

File Number 2008-00407,
April A. Taylor

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

In the matter of **File Number 2009-01033, Charles Rex, IV**, 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. Charles Rex, IV, applicant, was present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the recommendation to approve Mr. Rex's experience, and allow Mr. Rex to take the Certified General Appraiser examination. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Turner, Quigley and Pruitt.

**File Number 2009-01033,
Charles Rex, IV**

Ms. Quigley turned the position of Chair over to Mr. Lewis.

Transfer of Chair

In the matter of **File Number 2008-02333, William Pope, III**, the Board reviewed the Consent Order as seen and agreed to by Mr. Pope. A motion was made by Mr. Pruitt and seconded by Ms. Critzer to accept the proposed Consent Order wherein Mr. Pope 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, and a violation of 18 VAC 130-20-180.E (Count 4) 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, as well as \$150.00 in Board costs, for a total of \$2,150.00. In addition, Pope agrees 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, Pope shall provide the Board proof of passing the exam within 180 days 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 Myers, Critzer, Lewis, James and Pruitt.

**File Number 2008-02333,
William Pope, III**

As the Board members who reviewed the file, Ms. Quigley and Mr. Turner did not participate in the discussion or vote on this matter.

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 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. Critzer 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 1), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Quigley, and Turner.

**File Number 2008-01562,
John D. Murphy, IV**

A motion was made by Ms. Quigley and seconded by Mr. Turner to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference, and instead impose the following sanctions: A monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. In addition, suspension of Murphy's license for a period of sixty (60) days. In addition, Murphy's license will be placed on probation for a period of two (2) years. During the probation period, Murphy will not be allowed to supervise any appraiser trainees. In addition, Murphy will be required to complete a fifteen (15) classroom hour USPAP course. The USPAP course shall not be completed on-line. Murphy must provide proof of course 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 determined that due to the serious nature of the violations the above sanctions were warranted. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Quigley and Turner.

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

Ms. Quigley turned the position of Chair over to Mr. Lewis.

Transfer of Chair

In the matter of **File Number 2008-00410, John D. Murphy, IV**, the

File Number 2008-00410,

Board reviewed the Consent Order as seen and agreed to by Mr. Murphy. A motion was made by Mr. Lewis and seconded by Ms. Critzer to accept the proposed Consent Order wherein Mr. Murphy 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 \$350.00 for the violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$500.00. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Pruitt and Turner.

John D. Murphy, IV

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

In the matter of **File Number 2008-02687, Adeyemi A. Odunlami**, the Board reviewed the Consent Order as seen and agreed to by Mr. Odunlami. 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 Mr. Odunlami wherein Mr. Odunlami admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, and 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. In addition, for the violation of Counts 1, Odunlami agrees to complete a fifteen (15) hour USPAP course. The USPAP course shall not be completed on-line. Odunlami agrees to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. In addition, Odunlami 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, Odunlami shall provide the Board with proof of passing the exam within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced education courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Pruitt and Turner.

File Number 2008-02687,
Adeyemi A. Odunlami

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

In the matter of **File Number 2008-02568, Mark Bryan Kessler**, the Board reviewed the Consent Order as seen and agreed to by Mr. Kessler. A motion was made by Mr. Turner and seconded by Ms. Critzer to reject the proposed Consent Order offer and extend a counter offer to Mr. Kessler wherein Count 1 and Count 2 are removed from the Consent Order. In addition, Mr. Kessler admits to a violation of 18 VAC 130-20-180.E (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.K.1 (Count 4) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$500.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, Kessler agrees to complete a fifteen (15) hour USPAP course. The USPAP course shall not be completed on-line. Kessler agrees to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. Further, Kessler 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, Kessler shall provide the Board with proof of passing the exam within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James and Turner.

As the Board members who reviewed the file, Ms. Quigley and Mr. Pruitt did not participate in the discussion or vote on this matter.

Ms. Quigley returned and assumed the position of Chair.

In the matter of **File Number 2008-03253, Sherry S. Kelly Ivey**, the Board reviewed the Consent Order as seen and agreed to by Ms. Kelly Ivey. A motion was made by Ms. Quigley and seconded by Mr. Lewis to accept the proposed Consent Order offer wherein Ms. Kelly 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, and a violation of 18 VAC 130-20-180.E (Count 3) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count

File Number 2008-02568,
Mark Bryan Kessler

Transfer of Chair

File Number 2008-03253,
Sherry S. Kelly Ivey

1, \$300.00 for the violation contained in Count 2, \$300.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$1,050.00. In addition, Kelly Ivey 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, Kelly Ivey shall provide proof of the course completion 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 Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

The Board recessed from 1:40 P.M. to 1:53 P.M.

Break

In the matter of **File Number 2008-03250, Kamel Mohamed Musah**, the Board reviewed the Consent Order as seen and agreed to by Mr. Musah. A motion was made by Mr. Turner and seconded by Mr. James to reject the proposed Consent Order offer and extend a counteroffer wherein Mr. Musah 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.E (Count 4) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E (Count 5) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$400.00 for the violation contained in Count 1, \$400.00 for the violation contained in Count 2, \$400.00 for the violation contained in Count 3, \$400.00 for the violation contained in Count 4, \$400.00 for the violation contained in Count 5, as well as \$150.00 in Board costs for a total of \$2,150.00. In addition, Musah agrees to revocation of license. If Mr. Musah does not accept the counteroffer within 10 days, the case will proceed to an Informal Fact-Finding Conference. The motion passed by majority vote. Members voting "Yes" were Critzer, Lewis, James, Quigley and Turner. Members voting "No" were Pruitt and Myers.

File Number 2008-03250,
Kamel Mohamed Musah

In the matter of **File Number 2007-05152, Brenda T. Nguyen**, the Board reviewed the Consent Order as seen and agreed to by Ms. Nguyen. A motion was made by Ms. Quigley and seconded by Mr.

File Number 2007-05152,
Brenda T. Nguyen

James to reject the proposed Consent Order offer and extend a counter-offer to Ms. Nguyen wherein Ms. Nguyen admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.K.1 (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. In addition, Nguyen's license will be suspended for a period of sixty (60) days. In addition, Nguyen will not supervise any appraiser trainees for a period of twenty-four (24) months. In addition, Nguyen 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, Nguyen shall provide the Board with proof of passing the exam within six (6) months of the execution of the Order. Further, Nguyen is required to complete a fifteen (15) hour USPAP course. The USPAP course shall not be complete on-line. Nguyen agrees to provide proof of attendance and successful completion within six (6) months of the effective date of the Order. It is acknowledged that satisfactory completion of the above-referenced courses will not count towards any continuing education requirements for renewal of license. If Ms. Nguyen does not accept the counteroffer within 10 days the case will proceed to an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

In the matter of **File Number 2008-00408, Stephen Mathew Smith**, the Board reviewed the Consent Order as seen and agreed to by Mr. Smith. A motion was made by Mr. Turner and seconded by Mr. Pruitt to reject the proposed Consent Order offer and extend a counteroffer to Mr. Smith wherein Mr. Smith admits to (2 violations) of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, (2 violations) of 18 VAC 130-20-180.E (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.E (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.K.1 (Count 5) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.B.1.a (Count 6) of the Board's 2003 Regulations, and agrees to a monetary penalty of \$250.00 for each violation contained in Count 1, \$250.00 for each violation contained

File Number 2008-00408,
Stephen Mathew Smith

in Count 2, \$250.00 for the violation contained in Count 3, \$250.00 for the violation contained in Count 4, \$500.00 for the violation contained in Count 5, and \$500.00 for the violation contained in Count 6, as well as \$150.00 in Board costs for a total of \$2,250.00. In addition, for violation of Counts 1-4, Smith agrees to complete a fifteen (15) hour USPAP course. The USPAP course shall not be completed on-line. Smith agrees to provide proof of attendance and successful completion within six (6) months 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 motion passed unanimously. Members voting "Yes" were Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

A motion was made by Ms. Quigley and seconded by Mr. Lewis to adopt the following resolution to honor the years of dedicated Board service by former Board Member John C. Harry, III

Resolution – John C. Harry, III

RESOLUTION IN HONOR OF

John C. Harry, III

WHEREAS, John C. Harry, III, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2000; and

WHEREAS, John C. Harry, III, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, John C. Harry, III, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Appraiser Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Appraiser Board this eighteenth day of November, 2008, that John C. Harry, III be given all honors and respect due him for his outstanding service to the Commonwealth, its citizens and the Real

Estate Appraiser Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

The motion passed unanimously. Members voting “Yes” were Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

A motion was made by Ms. Quigley and seconded by Mr. Lewis to adopt the following resolution to honor the years of dedicated Board service by former Board Member Janet W. Fuller:

Resolution – Janet W. Fuller

RESOLUTION IN HONOR OF

Janet W. Fuller

WHEREAS, Janet W. Fuller, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2004; and

WHEREAS, Janet W. Fuller, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, Janet W. Fuller, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Appraiser Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Appraiser Board this eighteenth day of November, 2008 that Janet W. Fuller be given all honors and respect due her for her outstanding service to the Commonwealth, citizens and the Real Estate Appraiser Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

The motion passed unanimously. Members voting “Yes” were Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

A motion was made by Ms. Quigley and seconded by Mr. Lewis to adopt the following resolution to honor the years of dedicated Board service by former Board Member Gina M. Burgin:

Resolution – Gina M. Burgin

RESOLUTION IN HONOR OF

Gina M. Burgin

WHEREAS, Gina M. Burgin, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2004; and

WHEREAS, Gina M. Burgin, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, Gina M. Burgin, has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Appraiser Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

NOW THEREFORE BE IT RESOLVED, by the Real Estate Appraiser Board this eighteenth day of November, 2008, that Gina M. Burgin be given all honors and respect due her for her outstanding service to the Commonwealth, its citizens and the Real Estate Appraiser Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to her and be made a part of the official minutes of the Board so that all may know of the high regard in which she is held.

The motion passed unanimously. Members voting “Yes” were Myers, Critzer, Lewis, James, Pruitt, Quigley and Turner.

There being no further business, the meeting adjourned at 3:25 P.M.

Adjourn

Diane Quigley, Chair

Jay W. DeBoer, Secretary

DRAFT