

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 23, 2011

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
Richard Pruitt
John C. Harry
H. Glenn James
Ryan A. Myers
Betsy Critzer
Michael Miller
Sandra Johnson
Laura Sanchez del Solar

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

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

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

Chair Diane Quigley called the meeting to order at 10:20 AM.

Call to Order

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

Approval of Agenda

A motion was made by Mr. Pruitt and seconded by Mr. Miller to approve the following minutes: November 9, 2010, Board Meeting;

Approval of Minutes

November 9, 2010, Informal Fact-Finding Conference; December 15, 2010, Informal Fact-Finding Conference; and January 12, 2011, Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

Jayne Allen addressed the Board concerning USPAP compliance with the new FNC & FMC requirements. No action was taken by the Board.

Public Comment

David W. Witt addressed the Board concerning the Appraiser examination. No action was taken by the Board.

Mark White addressed the Board concerning the 2008 AQB examination. No action was taken by the Board.

Pat Turner addressed the Board concerning unlicensed AMC's. No action was taken by the Board.

In the matter of **File Number 2011-02720, Diarra K. Hall**, 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. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Mr. Hall's application for a Certified Residential Real Estate Appraiser license. After reviewing the facts, the Board is of the opinion that Hall does not have the full knowledge or understanding of real estate appraising for the level of license he is seeking. The Board determined that due to Hall having limited appraisal experience since the three recent disciplinary cases occurred, and that Hall does not demonstrate a thorough understanding of complex appraisal concepts, and denies the application for an upgrade of license at this time. The motion passed unanimously. Members voting "Yes" were Harry, James, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

**File Number 2011-02720,
Diarra K. Hall**

As the presiding Board member, Ms. Critzer did not vote or participate in this matter.

In the matter of **File Number 2010-05545, Joseph Wayne Winborne**, the Board reviewed the Consent Order as seen and agreed to

**File Number 2010-05545,
Joseph Wayne Winborne**

by Mr. Winborne. A motion was made by Mr. Miller and seconded by Mr. Harry to accept the proposed Consent Order wherein Mr. Winborne admits 2 *violations* 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, and agrees to a monetary penalty of \$1,250.00 for the violations contained in Count 1, \$500.00 for the violation contained in Count 2, \$1,200.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$3,100.00. In addition, Winborne is required to complete a classroom 15-hour USPAP course approved by The Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course shall not be a distance education course ("distance education" means an educational process based on the geographical separation of provider and student, i.e., CD-ROM, on-line learning, correspondence courses, etc.). Upon successful course completion, Winborne shall provide the Board with proof of passing the exam. In addition, Winborne is required to complete a classroom Upper Level Residential Appraisal Course approved by the Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such courses shall be a minimum of 30 classroom hours and shall not be a distance education course ("distance education" means an educational process based on the geographical separation of provider and student, i.e., CD-ROM, on-line learning, correspondence courses, etc.). Upon successful course completion of the above-referenced course, Winborne 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 Harry, James, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

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

In the matter of **File Number 2010-05179, Debra Flounders**, the Board reviewed the Consent Order as seen and agreed to by Ms. Flounders. A motion was made by Mr. Harry and seconded by Mr. James to accept the proposed Consent Order wherein Ms. Flounders 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.E (Count 2) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$300.00

File Number 2010-05179,
Debra Flounders

for the violation contained in Count 1, \$300.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$750.00. In addition, Flounders is required to complete a classroom Upper Level Residential Appraisal course approved by the Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course shall be a minimum of thirty (30) classroom hours and shall not be a distance education course ("distance education" means an educational process based on the geographical separation of provider and student, i.e., CD-ROM, on-line learning, correspondence courses, etc.). Upon successful course completion, Flounders 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 requirement needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting "Yes" were Harry, James, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

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

In the matter of **File Number 2010-05694, Hudson Britt Lipscomb, 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 of the presiding Board member. A motion was made by Mr. Pruitt and seconded by Mr. Harry 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 2003 Regulations, and a violation of 18 VAC 130-20-180.E (Count 2), of the Board's 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

File Number 2010-05694,
Hudson Britt Lipscomb, IV

A motion was made by Mr. Harry and seconded by Ms. Critzer to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$150.00 for the violation contained in Count 1, \$150.00 for the violation contained in Count 2, for a total of \$300.00. The Board also imposes the following sanctions: In addition, for Count 1 and Count 2, Lipscomb's license will be placed on probation. During the probation period, Lipscomb is required to complete one (1) upper level Residential Appraisal Course approved by the Appraisal Foundation or by the Board. Such course shall be a minimum of thirty (30) classroom hours

and shall not be a distance education course. Upon successful course completion, Lipscomb shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license, reinstatement, or to upgrade a license. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

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

In the matter of **File Number 2010-04351, Hudson Britt Lipscomb, 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 of the presiding Board member. A motion was made by Ms. Critzer and seconded by Mr. Myers 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 2009 Regulations, and a violation of 18 VAC 130-20-180.D (Count 2), of the Board's 2009 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

File Number 2010-04351,
Hudson Britt Lipsomb, IV

A motion was made by Mr. Harry and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose a monetary penalty of \$100.00 for the violation contained in Count 1, \$150.00 for the violation contained in Count 2, for a total of \$250.00. The Board also imposes the following sanctions: In addition, for Count 1 and Count 2, Lipscomb's license will be placed on probation. During the probation period, Lipscomb is required to complete one (1) classroom 15-hour USPAP course approved by the Appraisal Foundation or by the Board within six (6) months of the execution of the Order. Such course shall not be a distance education course. Upon successful course completion, Lipscomb shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing education requirements for renewal of license, reinstatement, or to upgrade a license. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

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

Ms. Quigley turned the position of Chair over to Mr. Harry and recused herself from the meeting.

Transfer of Chair

In the matter of **File Number 2010-04624, Harry M. Pough, Jr.**, 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 officer. A motion was made by Mr. Pruitt and seconded by Mr. Myers to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.B.1.a (Count 1), of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Johnson, Miller, Myers, Pruitt and Sanchez del Solar.

**File Number 2010-04624,
Harry M. Pough, Jr.**

A motion was made by Mr. Miller and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to impose revocation of license for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Johnson, Miller, Myers, Pruitt and Sanchez del Solar.

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

Ms. Quigley returned and assumed the position of Chair.

Transfer of Chair

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Real Estate Appraiser Board. John C. Harry nominated J. Glenn James for the position of Vice-Chair. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, Johnson, Miller, Myers, Pruitt, Quigley, and Sanchez del Solar.

Administrative Issues

Mr. James abstained from voting in the matter.

The Board recessed from 11:21 A.M. to 11:38 A.M.

Break

Board member training was conducted by Deputy Director, Mark Courtney.

Administrative Issues

There being no further business, the meeting adjourned at 12:43 P.M.

Adjourn

Diane Quigley, Chair

Gordon Dixon, Secretary

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