

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 26, 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:

**John C. Harry, III, Chairman
Gina Burgin
Harry Lewis, Jr.
Richard Pruitt
Janet W. Fuller
Pat Turner, Jr.
Diane Quigley
Sandra Johnson**

Board member not present: Douglas Mullins, Jr.

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

**Jay W. DeBoer, Director
Saba Shami, Chief Deputy
Mark Courtney, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Bonnie Rhea Adams, Director of Complaint
Analysis & Resolution
Kevin Hoeft, Regulatory Board Administrator
Earlyne Perkins, Legal Analyst
Emily Trent, Administrative Assistant**

Steven Jack from the Attorney General's office was present.

Chairman Harry called the meeting to order at 10:10 AM.

Call to Order

A motion was made by Ms. Quigley and seconded by Mr. Turner to approve the agenda. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller, Quigley and Turner.

Approval of Agenda

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

Approval of Minutes

approve the following minutes: November 26, 2007 Informal Fact-Finding Conference, November 27, 2007 Board Meeting, January 9, 2008 Informal Fact-Finding Conference, and January 29, 2008 Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller, Quigley and Turner.

George Dodd addressed the Board during the Public Comment Period and presented the Board with a petition regarding the use of electronic portals by real estate appraisers.

Public Comment

Jayne Allen addressed the Board during the Public Comment Period concerning BPOs (broker price opinions) and valuation of real property.

No action was taken by the Board.

In the matter of File Number 2007-02433, Roberto G. Lovick, Sr., 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. Pruitt and seconded by Mr. Turner to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find violations of 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 1), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 2), 18 VAC 130-20-180 E (2 violations) of the Board's 2003 Regulations (Count 3), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 4), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 5), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations (Count 6), 18 VAC 130-20-180 D (2 violations) of the Board's 2003 Regulations and no violation of 18 VAC 130-20-180 E (Count 8) and impose \$300.00 for each violation contained in Counts 1-7 for a total of \$4,200.00. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller, Quigley and Turner.

**File Number 2007-02433,
Roberto G. Lovick, Sr.**

A motion was made by Mr. Turner and seconded by Mr. Pruitt to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose probation of Lovick's license for a period of two (2) years; license suspension for

a period of 180 days. In addition, Lovick 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, Lovick shall provide the Board with proof of passing the exam within 180 days of the execution of the Order. Such education hours shall not count towards license renewal and; Lovick is required to provide to the Board three (3) appraisal reports every three (3) months until the probationary period has concluded. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller, Quigley and Turner.

In the matter of File Number 2007-03991, Vicky Anh Trang, the Board reviewed the Consent Order as seen and agreed to by Ms. Trang. A motion was made by Mr. Lewis and seconded by Ms. Johnson to accept the proposed Consent Order offer wherein Ms. Trang 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 violation of Count 1, Trang 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 32 classroom hours and shall not be completed on-line. Upon successful completion of the course, Trang 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 by majority vote. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, and Fuller. Member voting "No" was Quigley.

File Number 2007-03991,
Vicky Anh Trang

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 2007-01697, Wendy Faith Coates, the Board reviewed the investigative file, the transcript, and exhibits

File Number 2007-01697,
Wendy Faith Coates

from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference. A motion was made by Mr. Pruitt and seconded by Ms. Fuller 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 Burgin, Johnson, Lewis, Harry, Pruitt, Fuller and Turner.

A motion was made by Mr. Lewis and seconded by Mr. Pruitt to accept the recommendation of the monetary penalty of \$150.00 for the violation contained in Count 1 for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller and Turner.

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

In the matter of File Number 2007-00817, Lennox Samuel Westney, the Board reviewed the investigative file, the transcript, and the Summary of the Informal Fact-Finding Conference. Mr. Westney was present and addressed the Board. A motion was made by Mr. Lewis and seconded by Ms. Fuller to remand the case back to staff for an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller and Turner.

**File Number 2007-00817,
Lennox Samuel Westney**

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 2007-01319, Lennox Samuel Westney, the Board reviewed the investigative file, the transcript, and the Summary of the Informal Fact-Finding Conference. Mr. Westney was present and addressed the Board. A motion was made by Mr. Lewis and seconded by Ms. Fuller to remand the case back to staff for an Informal Fact-Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt, Fuller and Turner.

**File Number 2007-01319,
Lennox Samuel Westney**

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 2008-02219, Douglas Wayne Persinger**, 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 Board member. Mr. Persinger was present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. Lewis to accept the recommendation with a noted correction to the Informal Fact-Finding Conference Referral Memo of the regulation requirement to be 18 VAC 130-20-30.10 and approve Mr. Persinger's application for a Certified Residential Real Estate Appraiser license. The motion passed by unanimous vote. Members voting "Yes" were Burgin, Lewis, Turner, Johnson, Mullins and Pruitt.

File Number 2008-02219,
Douglas Wayne Persinger

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

Ms. Fuller recused herself from voting in this matter due to a potential conflict of interest.

In the matter of **File Number 2008-02220, Douglas Wayne Persinger**, 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 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 5 (Count 1) of the Board's 2003 Regulations. The motion passed by unanimous vote. Members voting "Yes" were Burgin, Johnson, Lewis, Harry, Pruitt and Turner.

File Number 2008-02220,
Douglas Wayne Persinger

Ms. Fuller recused herself from voting in this matter due to a potential conflict of interest.

A motion was made by Mr. Pruitt and seconded by Mr. Lewis to accept the recommendation of the monetary penalty of \$350.00 for the violation contained in Count 1 for a total of \$350.00. The motion passed by unanimous vote. Members voting "Yes" were Burgin, Johnson, Lewis, Harry and Pruitt.

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

Ms. Fuller recused herself from voting in this matter due to a potential conflict of interest and Mr. Turner abstained from voting in this matter.

The Board recessed from 11:10AM to 11:25AM

Break

Ms. Martine gave the Board an update on the status of the Regulations. No action was taken by the Board.

Regulation Update

Director Jay DeBoer took the opportunity to introduce the Board members to Saba Shami, Chief Deputy and Mark Courtney, Deputy Director.

Introductions

Jack Harry opened the floor for nominations for the position of Chair of the Real Estate Appraiser Board. Harry Lewis nominated Diane Quigley for the position and Pat Turner seconded the nomination. With no other nominations, Ms. Quigley succeeds to the position of Chair.

Election of Officers

Pat Turner nominated Harry Lewis for Vice Chair and Janet Fuller seconded the nomination. With no other nominations, Mr. Lewis remains Vice Chair by acclamation.

The Board discussed the petition received during public comment regarding the alteration of appraisal reports transmitted through electronic portals. The Board decided to treat the petition received as a petition for rulemaking pursuant to §2.2-4007 of the Code of Virginia.

Administrative Issues

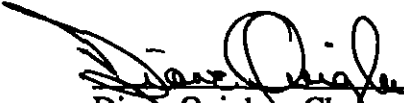
No action was taken by the Board.

Mr. DeBoer updated the Board on new Legislation being considered during the 2008 General Assembly. Mr. DeBoer also invited everyone to attend the upcoming Foreclosure Prevention Task Force meeting.

New Business

There being no further business, the meeting adjourned at 12:10 P.M.

Adjourn



Diane Quigley, Chair



Jay W. DeBoer, Secretary

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1 Name: Perry Turner, Jr.
(Name of Board Member)
- 2 Title: Board Member
- 3 Agency: Real Estate Appraiser Board
(Name of Board)
- 4 Meeting/IFF Date: February 26, 2008
(Date)

5 I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest
or
 I did not participate in the transaction

6. I do not have a personal interest in any transactions taken at this meeting.



Signature

2/26/08

Date

STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Janet Fuller
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: February 26, 2008
(Date)

5. I have a personal interest in the following transaction:

2008 - 02219 , 2008 - 02220
(Agenda Item)

Nature of Personal Interest Affected by Transaction: Know Supervision
Appraiser

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Janet Fuller
Signature

02-26-08
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Harry O Lewis, Jr.
(Name of Board Member)
2. Title. Board Member
3. Agency Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: February 26, 2008
(Date)

5. I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.

I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Harry O Lewis, Jr.
Signature

2/26/08
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Gina M. Burgin
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: February 26, 2008
(Date)

5. I have a personal interest in the following transaction:

None
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

None

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.

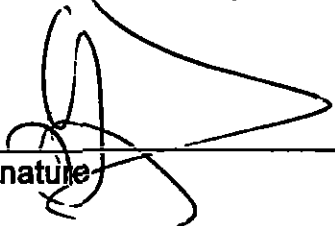
None

I am able to participate in this transaction fairly, objectively, and in the public interest

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

2-26-08
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Diane Quigley
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: February 26, 2008
(Date)

5. I have a personal interest in the following transaction:

NA
(Agenda Item)

Nature of Personal Interest Affected by Transaction. _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

I am able to participate in this transaction fairly, objectively, and in the public interest

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.

Diane V. Quigley
Signature

2/26/08
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

- 1 Name: Richard Pruitt
(Name of Board Member)
- 2 Title: Board Member
- 3 Agency: Real Estate Appraiser Board
(Name of Board)
- 4 Meeting/IFF Date: February 26, 2008
(Date)

5 I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____


I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

 I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6. I do not have a personal interest in any transactions taken at this meeting.


Signature

2/26/08
Date

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: John C. Harry, III
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: February 26, 2008
(Date)

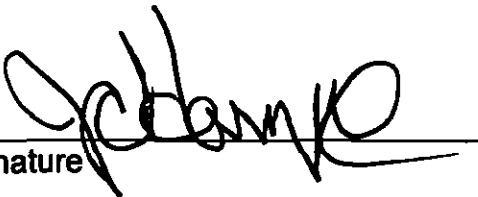
5 I have a personal interest in the following transaction:

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

- I am able to participate in this transaction fairly, objectively, and in the public interest.
- or
- I did not participate in the transaction.
6. I do not have a personal interest in any transactions taken at this meeting.

Signature 

Date 2-26-08

**STATE AND LOCAL GOVERNMENT
CONFLICT OF INTERESTS ACT**

**TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government**

1. Name: Sandra Johnson
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: February 26, 2008
(Date)

5. I have a personal interest in the following transaction:

None
(Agenda Item)

Nature of Personal Interest Affected by Transaction. _____

I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction.

I am able to participate in this transaction fairly, objectively, and in the public interest

or

I did not participate in the transaction

6. I do not have a personal interest in any transactions taken at this meeting.

Sandra Johnson
Signature

2/26/08
Date