

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 5, 2002

The Real Estate Appraiser Board met on November 5, 2002 at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following Board members were present:

David N. Castle, Chairman
John C. Harry, III
Harry O. Lewis, Jr
Michael G. Miller
Fay B. Silverman
Donald G. Quinby
Robert A. Whaley

Board members Douglas Mullins, Jr. and Christopher Call were not present for the meeting.

Also present were:

Karen W. O'Neal, Deputy Director
Christine Martine, Assistant Director
Werner Versch, II, Board Administrator
Camille C. Palmer, Administrative Assistant

Present for a portion of the meeting were:

Louise Fontaine Ware, Director
Sandra Whitley Ryals, Chief Deputy Director
Bonnie Rhea Adams, Assistant Director, Post Adjudication
Susan Garbini, Legal Assistant

Chairman Castle called the meeting to order at 10:08 a.m.

Call to Order

Upon a properly seconded motion by Mr. Harry, the amended **agenda** was approved. Board member training was changed to Agenda item number eight (8). Voting for this action were Castle, Harry, Lewis, Miller, Quinby, Silverman and Whaley.

Agenda

Upon a properly seconded motion by Mr. Whaley, the **minutes of the August 6, 2002** meeting were approved. Voting for this action were Castle, Harry, Lewis, Miller, Quinby, Silverman and Whaley.

Minutes

Chairman Castle introduced and welcomed Sandra Whitley Ryals, Chief Deputy Director, to the Board meeting.

The Board considered the matter of **Omer H. Kolling, Jr., File Number 2001-03288**. Mr. Kolling, respondent, and Mr. Stelly, respondent's attorney, were present and addressed the Board.

Omer H. Kolling, Jr.
File Number 2001-03288

At 10:30 a.m., the Board **recessed** and reconvened at 10:38 a.m.

Recess

At 10:40 a.m., upon a properly seconded motion by Mr. Harry, the Board meeting was recessed and the Board immediately reconvened in **closed meeting** for the purpose of deliberation on disciplinary cases resulting from Informal or Formal Hearings in order to reach a decision as permitted by § 2.2-3711.A.28 of the Code of Virginia. The following non-members were in attendance to reasonably aid the consideration of the topic: Bonnie Rhea Adams.

Closed Meeting

This motion is made with respect to the matters(s) identified as agenda item(s): Tab 3, Omer H. Kolling, Jr., File Number 2001-03288; Tab 4, Omer H. Kolling, Jr., File Number 2002-00958; Tab 5, Omer H. Knolling, Jr., File Number 2002-00959.

At 11:08 a.m., the Board reconvened in **open session**.

Open Session

WHEREAS, the Real Estate Appraiser Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification of Closed Meeting

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Real Estate Appraiser Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOVED that the Real Estate Appraiser Board hereby certifies that, to the best of each member's knowledge, (i)

only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Appraiser Board.

VOTE

AYES: Castle, Harry, Lewis, Miller, Quinby, and Silverman

NAYS: None

ABSENT DURING VOTE: Whaley

ABSENT DURING MEETING: Mullins and Call

Upon a properly seconded motion by Ms. Silverman, the Board voted to adopt the recommendation contained in the Informal Fact Finding Conference Summary finding a violation of the Board's 1995 Regulation § 4.3(3) to wit: USPAP 1996 Standard Rule 1-1(a) for Count I; finding a violation of the Board's 1995 Regulation § 4.3(3) to wit: USPAP 1996 Standard Rule 1-1(b) for Count II; finding a violation of the Board's 1995 Regulation § 4.3(3) to wit: USPAP 1996 Standard Rule 1-1(c) for Count III; finding a violation of the Board's 1995 Regulation § 4.3(4) to wit: USPAP 1996 Standard Rule 2-1(a) for Count IV; finding a violation of the Board's 1995 Regulation § 4.3(4) to wit: USPAP 1996 Standard Rule 2-1(b) for Count V; finding a violation of the Board's 1995 Regulation § 4.2(3) for Count VI; finding a violation of the Board's 1995 Regulation § 4.3(4) to wit: USPAP 1996 Standard Rule 2-3 for Count VII; and imposing the penalty of revocation of Mr. Kolling's Real Estate Appraiser license.

Omer H. Kolling, Jr.
File Number 2001-03288

Voting for this action were Harry, Lewis, Miller, Silverman and Quinby. Chairman Castle abstained from the vote. Mr. Whaley, who conducted the Informal Fact Finding Proceeding, did not participate in the discussion or vote in this matter.

The Board considered the matter of **Omer H. Kolling, Jr., File**

Omer H. Kolling, Jr.

Number 2002-00958. Mr. Kolling, respondent, and Mr. Stelly, respondent's attorney, were present and addressed the Board. Upon a properly seconded motion by Mr. Quinby, the Board voted to accept the recommendation contained in the Informal Fact Finding Conference Summary finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(D) to wit: USPAP 1999 Standard Rule 1-1(a) for Count I; finding no violation for Count II; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(D) to wit: USPAP 1999 Standard Rule 1-1(c) for Count III; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(E) to wit: USPAP 1999 Standard Rule 2-1(a) for Count IV; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(E) to wit: USPAP 1999 Standard Rule 2-1(b) for Count V; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(K)(1) for Count VI ; and imposing the penalty of revocation of Mr. Kolling's Real Estate Appraiser license.

File Number 2002-00958

Voting for this action were Harry, Lewis, Miller, Silverman, and Quinby. Chairman Castle abstained from the vote. Mr. Whaley, who conducted the Informal Fact Finding Proceeding, did not participate in the discussion or vote in this matter.

The Board considered the matter of **Omer H. Kolling, Jr., File Number 2002-00959.** Mr. Kolling, respondent, and Mr. Stelly, respondent's attorney, were present and addressed the Board. Upon a properly seconded motion by Mr. Quinby, the Board voted to accept the recommendation contained in the Informal Fact Finding Conference Summary finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(D) to wit: USPAP 1999 Standard Rule 1-1(a) for Count I; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(D) to wit: USPAP 1999 Standard Rule 1-1(b) for Count II; finding a violation the Board's 1998 Regulation 18 VAC 130-20-180(D) to wit: USPAP 1999 Standard Rule 1-1(c) for Count III; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(E) to wit: USPAP 1999 Standard Rule 2-1(a) for Count IV; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(E) to wit: USPAP 1999 Standard Rule 2-1(b) for Count V; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(E) to wit: USPAP 1999 Standard Rule 2-1(c) for Count VI; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(K)(1) for Count VII; and

Omer H. Knolling, Jr.
File Number 2002-00959

imposing the penalty of revocation of Mr. Kolling's Real Estate Appraiser license.

Voting for this action were Harry, Lewis, Miller, Quinby, and Silverman. Chairman Castle abstained from the vote. Mr. Whaley, who conducted the Informal Fact Finding Proceeding, did not participate in the discussion or vote in this matter.

Chairman Castle welcomed Louise Fontaine Ware to the Board meeting

Mr. Joe Durrer addressed the Board during the **Public Comment Period** expressing his disappointment that no Real Estate Appraiser Board members appeared at the Public Hearing for the Proposed Regulations. Mr. Durrer also stated that unlicensed appraisers are signing their names on the line of the appraisal forms designated for licensed appraisers.

Public Comment Period

Mr. Pat Turner addressed the Board, urging the Board to take a stand against a paper that's being circulated which originated from Georgia regarding federal requirements. Mr. Turner stated there should be something in the Board's regulations pertaining to Board members in case they are subject to disciplinary action.

The Board considered the matter of **Marjorie S. Plourde, File Number 2002-02791, Consent Order 2003-0099**. Upon a properly seconded motion by Mr. Harry, the Board voted to ratify the Consent Order finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(D) to wit: the 2001 USPAP, Standards Rule 1-1(b) for Count I, imposing a monetary penalty of \$100.00; finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(D), to wit: the 2001 USPAP, Standards Rule 1-1(c) for Count II imposing a monetary penalty of \$100.00; and finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(E), to wit: the 2001 USPAP, Standards Rule 2-1(a), for Count III, imposing a monetary penalty of \$100.00. The total monetary penalty is \$300.00. Additionally, Plourde agrees to submit to the Board, within 60 days of the effective date of this Order, satisfactory proof that she has successfully completed a 15-hour USPAP course. These hours shall not count towards any continuing education requirement for licensure.

Marjorie S. Plourde
File Number 2002-02791
Consent Order 2003-0099

Voting for this action were Castle, Harry, Lewis, Miller, Quinby, and Silverman. Mr. Whaley, who conducted the Informal Fact Finding Proceeding, did not participate in the discussion or vote in this matter.

The Board considered the matter of **Randy G. Boykin, File Number 2003-00573**. Mr. Boykin was present and addressed the Board. Upon a properly seconded motion by Mr. Harry, the Board voted to accept the recommendation contained in the Informal Fact Finding Conference Summary to approve Mr. Boykin's application for a certified residential real estate appraiser license.

Randy G. Boykin
File Number 2003-00573

Voting for this action were Castle, Harry, Lewis, Miller, Quinby, and Silverman. Mr. Whaley, who conducted the Informal Fact Finding Proceeding, did not participate in the discussion or vote in this matter.

Ms. O'Neal explained that Board member training will be presented at Board meetings in modules.

Board Member Training

Mr. Steven Arthur, Deputy Director of Finance and Administration, conducted Board member training on Administration and Finance.

Chairman Castle introduced Christine Martine, Assistant Director of the Real Estate, Real Estate Appraiser and Cemetery Boards.

Upon a properly seconded motion by Mr. Harry, the Board voted to accept the Real Estate Appraiser Regulations Summary of Comments Received and Proposed Responses as received.

Adopt Final Regulations

Voting for this action were Castle, Harry, Lewis, Miller, Quinby, Silverman and Whaley.

Upon a properly seconded motion by Mr. Harry, the Board voted to approve the Real Estate Appraiser Regulations as Final.

Voting for this action were Castle, Harry, Lewis, Miller, Quinby, Silverman and Whaley.

There was no **old Business**.

Old Business

The “2003” Board Meeting Dates were distributed to the Board members.

New Business

Ms. O’Neal Conducted Board member training entitled “RPD- Roles and Responsibility of Board Member.”

Upon a properly seconded motion by Mr. Whaley, the meeting **adjourned** at 12:55 p.m.

Adjourn

David N. Castle, Chairman

Louise Fontaine Ware, Secretary

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Custodian of the Record