

REAL ESTATE APPRAISER BOARD TENTATIVE AGENDA

Tuesday, October 17, 2023 - 10:00 AM
2nd Floor – Board Room 2

Department of Professional and Occupational Regulation
Perimeter Center, Suite 200, 9960 Mayland Drive
Richmond, Virginia 23233

Mission: Our mission is to protect the health, safety and welfare of the public by licensing qualified individuals and businesses and enforcing standards of professional conduct for professions and occupations as designated by statute.

I. CALL TO ORDER

1. Emergency Egress
2. Determination of quorum

II. APPROVAL OF DRAFT AGENDA:

1. Approval of Agenda

III. MINUTES:

1. Approval of Minutes:
 - a. June 28, 2023, Board Meeting
 - b. July 20, 2023, Regulatory Review Committee Meeting
 - c. August 29, 2023, Regulatory Review Committee Meeting
 - d. September 26, 2023, Regulatory Review Committee Meeting

IV. PUBLIC COMMENT PERIOD* FIVE MINUTE PUBLIC COMMENT, PER PERSON*

1. Property Data Collectors – Pat Turner

V. CASES

1. File Number 2023-01292 – Consolidated Analytics
IFF by Chapin – Licensing
2. 2024-00262 Lori A. Noble
IFF by Chapin – Licensing
3. File Number 2022-02085 – Adam Hendricks Roberts - 4001012409
IFF by Chapin - Disciplinary
4. File Number 2023-00519 – Thomas P. Hundley - 4001001897
IFF by Chapin – Disciplinary
5. File Number 2020-00236 – Claud Clark - 4001017327
IFF by James – Disciplinary

6. File Number 2023-00973 – Emmanuel Adjei Nimako - 4001017608
IFF by James – Disciplinary
7. File Number 2023-01194 – Allan Shane Nicholls - 4001017881
IFF by James – Disciplinary
8. File Number 2023-01782 William Alexander Roth - 4001006222
IFF by James – Disciplinary

VI. OLD BUSINESS - None

VII. NEW BUSINESS

- a. Regulatory report
- b. 2024 Board meeting dates
- c. Regulatory Review Committee Member Replacement
- d. Board financial statement

VIII. CONFLICT OF INTEREST ACT TRAINING

NEXT MEETING SCHEDULED FOR TUESDAY, FEBRUARY 6, 2024

- *Agenda materials made available to the public do not include disciplinary case files or application files pursuant to §54-1-108 of the Code of Virginia.*
- *Five minute public comment, per person, with the exception of any open disciplinary or application file.*
- *Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8552 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation.*
- *The Department fully complies with the Americans with Disabilities Act.*

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

June 28, 2023

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:

Kelvin Bratton, Vice-Chair
Mark Chapin
Jean Gannon
H. Glenn James
Jason Inge

Board members Rickey Stuchell, Heather Placer Mull, Boyd Allison and Todd Canterbury were not present for the meeting.

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

Demetrios J. Melis, Director
Kishore Thota, Chief Deputy Director
Stephen Kirschner, Deputy Director
Emily Trent, Administrative Coordinator

Mr. Bratton called the meeting to order at 10:07 A.M.

Call to Order

A motion was made by Ms. Gannon and seconded by Mr. Inge to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Gannon, James and Inge.

Approval of Agenda

A motion was made by Mr. Chapin and seconded by Mr. Inge to approve the February 7, 2023, Real Estate Appraiser Board meeting minutes. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Gannon, James and Inge. A motion was made by Mr. Inge and seconded by Mr. Chapin to approve the February 27, 2023, Real Estate Appraiser Board meeting minutes. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Gannon, James and Inge.

Approval of Minutes

Perry 'Pat' Turner addressed the board regarding USPAP assurance, property data collectors, geographical

Public Comment

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competence, and Appraisal Management Company's (AMC) disclosure of fees practices. Mr. Turner requested additional time for public comment after the 5-minute public comment period expired. A motion was made by Mr. Bratton and seconded by Mr. Chapin to extend the public comment period by two minutes. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Gannon, James and Inge. Mr. Turner continued addressing the Board regarding AMC's disclosure of fees practices. No action was taken by the Board.

James Damer, Regional Manager, Virginia Department of Transportation, addressed the Board regarding a request to increase the number of permissible experience hours from eminent domain appraisals. No action was taken by the Board.

H. Daniel Salomonsky addressed the Board regarding AMC's disclosure of fees practices. No action was taken by the Board.

Frank Wright addressed the Board regarding AMC's disclosure of fees practices. No action was taken by the Board.

Mack Strickland addressed the Board regarding the Uniform Standards of Professional Appraisal Practice fees included in real estate appraiser licensing, renewal and reinstatement fees. Mr. Strickland requested a refund of the USPAP fee as the 2020-21 USPAP booklets were voted effective through December 31, 2023. Mr. Kirschner advised the Board that the fees have been suspended until such time as USPAP is updated.

James Loizou addressed the Board regarding false narratives against the appraisal industry. No action was taken by the Board.

In the matter of **File Number 2023-01292, Consolidated Analytics, LLC**, 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. The case was

File Number 2023-01292, Consolidated Analytics, LLC

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deferred to the next board meeting due to lack of quorum.

In the matter of **File Number 2022-02085, Adam Hendricks Roberts**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. The case was deferred to the next board meeting due to lack of quorum.

File Number 2022-02085, Adam Hendricks Roberts

In the matter of **File Number 2023-00519, Thomas P. Hundley**, the Board reviewed the record which consisted of the investigative file, transcript and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. The case was deferred to the next board meeting due to lack of quorum.

File Number 2023-00519, Thomas P. Hundley

Mr. Kirschner gave the Board a regulatory update. No action was taken by the Board.

Administrative Issues

Mr. Kirschner updated the board regarding the regulatory language adopted by the Board in February 2023 to implement 2022 HB 284. Mr. Kirschner presented staff recommended amendments, which would provide staff with clearer direction on how to approve bias courses.

A motion was made by Mr. Chapin and seconded by Ms. Gannon to adopt the proposed amendments to the existing regulatory action implementing 2022 HB 284 as presented. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Gannon, James and Inge.

A motion was made by Mr. Inge to include the nine protected classes of Virginia's Fair Housing Law in the definition of "Appraisal bias" in 18 VAC 130-20.10. Definitions. The motion was withdrawn by Mr. Inge. A motion was made by Ms. Gannon and seconded by Mr. Inge to request staff obtain additional information on how appraisal bias is defined by the United States Department of Housing and Urban Development, the Appraiser Qualifications Board, federal and state laws to present at the next Board meeting for further discussion. The motion

passed unanimously. Members voting “Yes” were Bratton, Chapin, Gannon, James and Inge.

The Board recessed from 11:11 AM to 11:24 AM.

Break

Mr. Kirschner gave the Board a Regulatory Review presentation. A motion was made by Ms. Gannon and Mr. Inge to create a Regulatory Review Committee. The motion passed unanimously. Members voting “Yes” were Bratton, Chapin, Gannon, James and Inge. The Real Estate Appraiser Regulatory Review Committee members are Jean Gannon, Glenn James, Rickey Stuchell and Jason Inge.

Administrative Issues

Mr. Kirschner requested the Board establish a formal election policy to govern Board elections for Chair and Vice Chair of the Real Estate Appraiser Board. A motion was made by Ms. Gannon and seconded by Mr. Inge to hold an election for Chair and Vice Chair at the first Real Estate Appraiser Board meeting following July or the first meeting after the Governor makes appointments to the Board. The motion passed unanimously. Members voting “Yes” were Bratton, Chapin, Gannon, James and Inge.

The Board reviewed the Board financial statement as presented. No action was taken by the Board.

James Damer, Regional Manager, Virginia Department of Transportation, addressed the Board requesting to increase the number of permissible experience hours from eminent domain appraisals. Mr. Damer explained trainee appraisers would benefit by reducing the amount of time to obtain qualifying experience if the Board increased the number of experience hours for eminent domain appraisals considering the volume and scope of work required by eminent domain appraisals. A motion was made by Mr. Inge and seconded by Ms. Gannon to accept the revised Real Estate Appraiser Board experience chart fee/staff appraisal form as presented increasing hours of experience in several categories of eminent domain appraisals. The motion passed unanimously. Members voting “Yes” were Bratton, Chapin, Gannon, James and Inge.

New Business

A motion was made by Ms. Gannon and seconded by Mr.

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Chapin to accept the Licensed Residential PAREA Program and Certified Residential PAREA Program to satisfy the experience requirements established in regulations as a condition of licensure as a licensed residential real estate appraiser, certified residential real estate appraiser, or certified general real estate appraiser. The motion passed unanimously. Members voting "Yes" were Bratton, Chapin, Gannon, James and Inge.

The Board discussed the Appraisal Management Company regulations and §54.1-2022.B of the *Code of Virginia* stating the appraisal management company shall not prohibit an appraiser from disclosing in the appraisal report the actual fees charged by an appraiser for appraisal services and shall otherwise comply with any applicable requirements of the federal law including the requirements of the United States Department of Housing and Urban Development. Further, the Board discussed the Real Estate Appraiser regulations and §54.1-2011.f. of the *Code of Virginia* stating an appraiser engaged by an appraisal management company to perform appraisal services shall disclose the actual fee paid to the appraiser by the appraisal management company as part of the appraisal report. The disclosure of such fee shall not be prohibited by the appraisal management company as otherwise provided in §54.1-2022. After further discussion, the Board directed staff to send notice with a restatement of the referenced laws to all licensed Appraisal Management Companies by mail and electronically.

There being no further business, the meeting adjourned at 12:24 P.M.

Adjourn

Richard 'Rickey' Stuchell, Chair

Demetrios J. Melis, Secretary

VIRGINIA REAL ESTATE APPRAISER BOARD
COMMITTEE MEETING

July 20, 2023

The Regulatory Review Committee of the Real Estate Board held a meeting on Thursday, July 20, 2023, at the Department of Professional and Occupational Regulation, Richmond, Virginia.

The following Members were present for the meeting:

Rickey D. Stuchell, Chair
H. Glenn James
Mark Chapin
Jean Gannon

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

Stephen Kirschner, Deputy Director
Emily Trent, Administrator, Coordinator

Mr. Stuchell called the meeting to order at 10:05 a.m.

A motion was made by Mr. Stuchell and seconded by Mr. Chapin to approve the agenda. The motion passed unanimously. Members voting "Yes" were: Chapin, Gannon, James and Stuchell.

The Regulatory Review Committee reviewed the proposed changes compiled from the previous meetings. The Committee discussed the proposed changes to regulations 18VAC130-20-10 Definitions.

Mr. Chapin departed at 1:15 p.m.

There being no further business or public comment, the meeting adjourned at 1:45 p.m.

Rickey D. Stuchell, Chair

Demetrios Melis, Secretary

COPY TESTE:

Custodian of Record

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**REAL ESTATE APPRAISER BOARD
REGULATORY REVIEW COMMITTEE**

MINUTES OF MEETING

The Real Estate Appraiser Board, Regulatory Review Committee met on Monday, August 29, 2023, at the Offices of the Department of Professional and Occupational Regulation, 9960 Mayland Drive, 2nd Floor, Board Room 2, Richmond, Virginia.

The following board members were present:

Mark Chapin
Jean Gannon
H. Glen James

The following board member was not present:

Rickey Stuchell

DPOR staff present for all, or part of the meeting included:

Anika Coleman, Executive Director
Stephen Kirschner, Deputy Director, Licensing and Regulatory Programs
Joseph Haughwout, Regulatory Affairs Manager
Heather Garnett, Administrative Coordinator

A representative from the Office of the Attorney General was not present for the meeting.

Stephen Kirschner, Deputy Director, Licensing and Regulatory Programs, called the Real Estate Appraiser Board, Regulatory Review Committee meeting to order at 11:05 a.m.

Call to Order

The Committee reviewed the Real Estate Appraiser Regulations to determine if the regulation is necessary to protect the health, welfare, and safety of the public. The regulation was amended or removed if it does not currently meet those requirements.

Discussion and Review of Regulations

Recess from 12:05 to 12:18 p.m. and recess from 2:11 to 2:25 p.m.

Recess

There was no other business.

Other Business

There were no public comments.

Public Comment

The next scheduled Regulatory Review Committee meeting will be held at a date to be determined.

Schedule Next Regulatory Review Committee Meeting

There being no further business, the meeting adjourned at 3:00 p.m.

Adjourn

Rickey Stuchell, Board Chair

Demetrios J. Melis, Board Secretary

VIRGINIA REAL ESTATE APPRAISER BOARD
COMMITTEE MEETING

September 26, 2023

The Regulatory Review Committee of the Real Estate Appraiser Board held a meeting on Tuesday, September 26, 2023, at the Department of Professional and Occupational Regulation, Richmond, Virginia.

The following Members were present for the meeting:

H. Glenn James
Mark Chapin
Jean Gannon

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

Stephen Kirschner, Deputy Director
Anika Coleman, Executive Director
Joe Haughwout, Regulatory Affairs Manager

Ms. Coleman called the meeting to order at 11:05 a.m.

A motion was made by Ms. Gannon and seconded by Mr. James to approve the agenda. The motion passed unanimously. Members voting "Yes" were: Chapin, Gannon, and James.

The Regulatory Review Committee reviewed the proposed changes compiled from the previous meetings. The Committee discussed the proposed changes to regulations.

There being no further business or public comment, the meeting adjourned at 2:58 p.m.

Rickey D. Stuchell, Chair

Demetrios Melis, Secretary

COPY TESTE:

Custodian of Record

From: Pat Turner

Sent: Wednesday, August 2, 2023 1:51 PM

To: DPOR: Real Estate Appraiser Board (DPOR) <reappraisers@dpor.virginia.gov>

Subject: Property Data Collectors

Dear Board Members,

Many of you that are active in the Residential sector are aware of a new program being promoted by Fannie Mae regarding the use of unlicensed individuals to collect information from private homes in order to gather property information.

There is already one instance known regarding a convicted felon being selected by the AMC that has actually done such a property inspection.

"Appraiser" is defined in Virginia "as an individual who is expected to perform valuation services competently and in a manner that is independent, impartial, and objective."

Data Collection is clearly an act of appraisal performance.

"Real Estate Appraisal Activity is defined as "means the act or process of valuation of real property or preparing an appraisal report."

A property data collector is doing exactly that type of activity.

The Board should act as quickly as possible to notify all parties that are or may become active in this type of activity.

Additionally, some E & O Insurers are disclaiming coverages to appraisers that also participate in this program.

This program directly usurps the reliability and protections of the public trust. Also, our own licensees are being put in jeopardy by AMCs that lure them into accepting these types of assignments.

Please act on this as soon as practical. I am available for further information regarding this issue.

Sincerely,

P. E. Turner, Jr.,

VA. license # 4

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2024 Appraiser Board Meeting Dates
10:00 A.M.

Board Room 2

Tuesday, February 6

Tuesday, June 25

Tuesday, October 29

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Department of Professional and Occupational Regulation
Statement of Financial Activity

Real Estate Appraiser Board
954610

2022-2024 Biennium

September 2023

	September 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - September 2021	July 2022 - September 2023
Cash/Revenue Balance Brought Forward			276,802
Revenues	0	365,030	252,420
Cumulative Revenues			529,222
Cost Categories:			
Board Expenditures	0	24,211	25,605
Board Administration	0	77,892	64,865
Administration of Exams	0	1,908	517
Enforcement	0	11,185	7,876
Legal Services	0	1,380	944
Information Systems	0	55,718	41,371
Facilities and Support Services	0	22,232	16,616
Agency Administration	0	35,218	43,681
Other / Transfers	0	0	(53)
Total Expenses	0	229,744	201,424
Transfer To/(From) Cash Reserves	0	0	(86,929)
Ending Cash/Revenue Balance			414,727

Cash Reserve Beginning Balance	240,267	0	327,197
Change in Cash Reserve	0	0	(86,929)
Ending Cash Reserve Balance	240,267	0	240,267

Number of Regulants	
Current Month	0
Previous Biennium-to-Date	4,349