

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 22, 2005

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

John C. Harry, III, Chairman
Gina Burgin
Christopher Call
David N. Castle
Janet Fuller
Harry O. Lewis, Jr.
Douglas Mullins, Jr.
Fay Silverman
Robert Whaley

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

Louise Fontaine Ware, Director
Karen W. O'Neal, Deputy Director
Nick Christner, Deputy Director
Christine Martine, Executive Director
Earlyne Perkins, Legal Assistant
Chris Olson, Administrative Assistant

No member from the Office of the Attorney General was present for the meeting.

Chairman Harry called the meeting to order at 10:05 a.m.

Call to Order

A motion was made by Mr. Lewis and seconded by Ms. Burgin to approve the agenda. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

Approval of Agenda

A motion was made by Mr. Lewis and seconded by Ms. Burgin to approve the following minutes: November 4, 2004, Informal Fact Finding Conference, November 9, 2004 Board Meeting, November 10, 2004 Informal Fact Finding Conference, and January 11, 2005 Informal Fact Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call,

Approval of Minutes

Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

No one addressed the Board during the Public Comment Period.

In the matter of **File Number 2005-1419, James Fourqurean**, 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. Mr. Fourqurean was not present. A motion was made by Ms. Fuller and seconded by Mr. Call to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and to deny Mr. Fourqurean's application for licensure as a real estate appraiser trainee due to the amount of time between the conviction and the submission of the application, and due to the serious nature of the conviction. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

Public Comment

File Number 2005-1419,
James Fourqurean

In the matter of **File Number 2003-00295, Mary Haley**, the Board reviewed the record, which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member.

File Number 2003-00295,
Mary Haley

A motion was made by Mr. Whaley and seconded by Mr. Call to deny Ms. Haley's request to continue the case until she could obtain new counsel. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote.

Ms. Sylvester, witness, was present and addressed the Board. A motion was made by Mr. Whaley 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 130-20-170.3, 18 VAC 130-20-180.E to wit: 2002 USPAP Standard Rule 2-2(b)(vii) for count two and 18 VAC 130-20-180.E to wit: 2002 USPAP Standards Rule 2-1(a) of the Board's 1998 regulations. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Fuller, Harry, Lewis, Mullins, Silverman

and Whaley.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote.

A motion was made by Mr. Mullins and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose the following sanction: revocation of license for the violation of 18 VAC 130-20-170.3. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote.

In the matter of **File Number 2003-03139, Richard Perry**, the Board reviewed the record, which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Brian Boniva, Attorney for respondent, and Richard Perry, respondent, were present and addressed the Board. A motion was made by Mr. Whaley and seconded by Mr. Lewis 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 to wit: 2003 USPAP Standards Rule 1-1(a), (b) and (c) (Count 1), 18 VAC 130-20-180.D to wit: 2003 USPAP Standards Rule 1-5(b) (Count 2), and 18 VAC 130-20-180.E to wit: 2003 USPAP Standards Rule 2-1(a), (b) and (c) (Count 3) The motion passed unanimously. Members voting "Yes" were Burgin, Call, Fuller, Harry, Lewis, Mullins and Whaley.

File Number 2003-03139,
Richard Perry

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote. Additionally, due to past business dealings with the respondent's company, Ms. Silverman did not participate in the discussion or vote.

A motion was made by Mr. Whaley and seconded by Mr. Mullins to accept the recommendation contained in the Summary of the

Informal Fact-Finding Conference in part and impose a monetary penalty of \$500 for the violation of 18 VAC 130-20-180.D (Count 1), \$300 for the violation of 18 VAC 130-20-190.D (Count 2) and \$500 for the violation of 18 VAC 130-20-180.E (Count 3) for a total monetary penalty of \$1300, but not impose a thirty day suspension of Mr. Perry's license. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Fuller, Harry, Lewis, Mullins and Whaley.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote. Additionally, due to past business dealings with the respondent's company, Ms. Silverman did not participate in the discussion or vote.

In the matter of **File Number 2003-00717 Joseph Smith, Jr.**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Smith. Ed Booth, attorney for respondent, was present and addressed the Board. A motion was made by Mr. Whaley and seconded by Mr. Lewis to accept the Consent Order wherein Mr. Smith admits to nine violations of 18 VAC 130-20-180.D (Counts 1-9) and four violations of 18 VAC 130-20-180.E (Counts 10-13) of the Board's 1998 Regulations and agrees to a total monetary penalty of \$1200 for the violations. In addition to the monetary penalty, Mr. Smith agrees to provide evidence acceptable to the Board that he has taken a Board-approved seven hour USPAP class and an additional class relating to the Income Approach to Value within 180 days of entry of the order. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Harry, Lewis, Mullins, Silverman and Whaley.

File Number 2003-00717
Joseph Smith, Jr.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote. Additionally, due to her relationship with the respondent's family, Ms. Fuller did not participate in the discussion or vote.

In the matter of **File Number 2002-03147 Tracey McDole**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. McDole. Mr. McDole was not present. A motion was made by Mr. Call and seconded by Ms. Burgin to accept the Consent Order wherein Mr. McDole admits to violations of 18 VAC 130-20-180.D (Counts 1 and 3) and 18 VAC

File Number 2002-03147
Tracey McDole

130-20-180.E (Counts 2 and 4) of the Board's 1998 Regulations and agrees to a total monetary penalty of \$300 for the violations. In addition to the monetary penalty, Mr. McDole agrees to present evidence acceptable to the Board that he has successfully completed a course in the appraisal of manufactured housing within 180 days of entry of the order. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote.

In the matter of **File Number 2003-01328 Paula McDole**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms. McDole. Ms. McDole was not present. A motion was made by Mr. Call and seconded by Ms. Silverman to accept the Consent Order wherein Ms. McDole admits to violations of 18 VAC 130-20-180.D (Counts 1 and 3) and 18 VAC 130-20-180.E (Counts 2 and 4) of the Board's 1998 Regulations and agrees to a total monetary penalty of \$300 for the violations. In addition to the monetary penalty, Ms. McDole agrees to present evidence acceptable to the Board that she has successfully completed a course in the appraisal of manufactured housing within 180 days of entry of the order. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

File Number 2003-01328
Paula McDole

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote.

In the matter of **File Number 2003-00716 Gordon Stitcher**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Stitcher. Mr. Stitcher was not present. A motion was made by Mr. Mullins and seconded by Mr. Call to accept the Consent Order wherein Mr. Stitcher admits to nine violations of 18 VAC 130-20-180.D (Counts 1-9) and four violations of 18 VAC 130-20-180.E (Counts 10-13) of the Board's 1998 Regulations and agrees to a total monetary penalty of \$1200 for the violations. In addition to the monetary penalty, Mr. Stitcher agrees to provide evidence acceptable to the Board that he

File Number 2003-00716
Gordon Stitcher

has taken a Board-approved seven hour USPAP class and an additional class relating to the Income Approach to Value within 180 days of entry of the order. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Harry, Lewis, Mullins, Silverman and Whaley.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote.

The Board members had no administrative matters for discussion.

Administrative Matters

The Board members had no old business for discussion.

Old Business

The Board members recessed for a break from 11:00 a.m. to 11:15 a.m.

Break

The Board discussed the reciprocity agreement form received from the State of Louisiana. Ms. Martine stated that the only significant difference between Virginia and Louisiana is a residency requirement. A motion was made by Mr. Castle and seconded by Mr. Whaley to accept the reciprocity agreement as amended to remove the residency requirements and to give staff authority to work with staff of the Louisiana Real Estate Appraiser Board to come up with acceptable terms for the reciprocity agreement. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

Louisiana Reciprocity Agreement

Mr. Lewis gave a report on the AARO Conference in Washington D.C. in November 2004. He also thanked the Board for allowing him the opportunity to attend the meeting.

Other Business

Mr. Whaley requested that the Board attend future AARO Conferences. Mr. Castle urged the Board to become more proactive within AARO.

Mr. Harry and Ms. Ware both thanked outgoing Board members Mr. Castle and Mr. Whaley for their outstanding service to the Virginia Real Estate Appraiser Board.

In the matter of **File Number 2004-004408 James Ruffner**, the Board reviewed the record, which consisted of the Consent Order

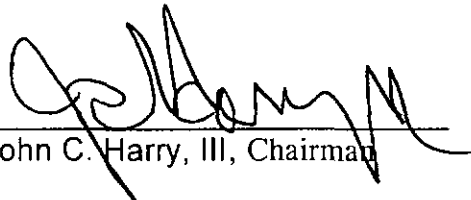
**File Number 2004-004408
James Ruffner**

as seen and agreed to by Mr. Ruffner. Mr. Ruffner was not present. A motion was made by Ms. Silverman and seconded by Mr. Fuller to re-offer the Consent Order on the following terms: violation of 18 VAC 130-20-180.D to wit: USPAP Standards Rule 1-1(c) and 18 VAC 130-20-180.E to wit: USPAP Standards Rule 2-1(a) of the Board's 2003 Regulations and agrees to a total monetary penalty of \$500 for the violations. In addition to the monetary penalty, Mr. Ruffner agrees to provide evidence acceptable to the Board that he has taken a Board-approved seven hour USPAP class within 90 days of entry of the order. Satisfactory completion of the USPAP course will not count towards any continuing education requirements for license renewal. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Silverman and Whaley.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote. Additionally, due to his relationship with the complainant, Mr. Call did not participate in the discussion or vote.

The meeting adjourned at 11:25 a.m.

Adjourn



John C. Harry, III, Chairman



Louise Fontaine Ware, Secretary

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: John C. Harry, III
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

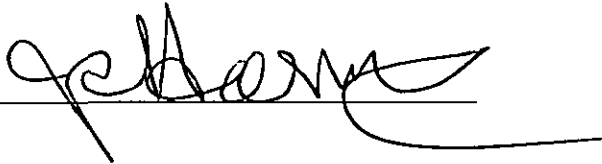
6. I declare that:

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

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

Dated: February 22, 2005

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

- 1. Name: Gina M. Burgin
- 2. Title: Member - Real Estate Appraiser Board
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____
none

6. I declare that:

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

attorney

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

Dated: February 22, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Christopher Call
2. Title: Member – Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Dated: February 22, 2005

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: David N. Castle
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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

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

Dated: February 22, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Janet W. Fuller
 2. Title: Member - Real Estate Appraiser Board
 3. Agency: Department of Professional and Occupational Regulation
 4. Transaction: Board Meeting
 5. Nature of Personal Interest Affected by Transaction: None
-

6. I declare that:

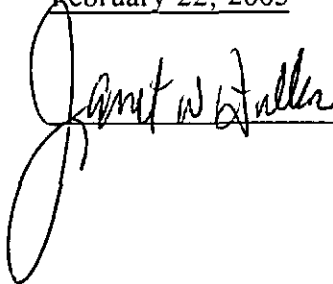
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

None

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

Dated: February 22, 2005

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Harry O. Lewis, Jr.
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

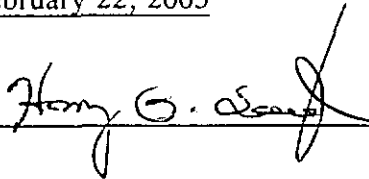
6. I declare that:

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

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

Dated: February 22, 2005

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT


1. Name: Douglas Mullins, Jr.
2. Title: Member – Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Dated: February 22, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

- 1. Name: Fay B. Silverman
- 2. Title: Member - Real Estate Appraiser Board
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: _____


6. I declare that:

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

Mortgage lenders

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

Dated: February 22, 2005

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Robert A. Whaley
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

6. I declare that:

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

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

Dated: February 22, 2005

Signature: _____

