

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

May 22, 2018

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:

Robert Rochester, Vice-Chair
Rex McCarty
Rickey Stuchell
Janel Hofler
Jean Gannon
Mack Strickland
Edythe Kelleher
Fay B. Silverman (arrived at 10:11 a.m.)
Chris King

Board members absent from the meeting: Michael Miller, Chair

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

Jay DeBoer, Director
Christine Martine, Executive Director
Jim Chapman, Board Administrator
Emily Trent, Administrative Assistant

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

Mr. Rochester called the meeting to order at 10:03 A.M.

Call to Order

A motion was made by Mr. McCarty and seconded by Ms. Gannon to approve the agenda. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, King, McCarty, Rochester, Strickland and Stuchell.

Approval of Agenda

A motion was made by Ms. Gannon and seconded by Mr. McCarty to approve the February 21, 2018, Real Estate Appraiser Board minutes. The motion passed unanimously.

Approval of Minutes

Members voting “Yes” were Gannon, Hofler, King, McCarty, Rochester, Strickland and Stuchell. Kelleher abstained from voting in this matter.

Mr. Fitzhugh Odem requested the Board consider increasing the continuing education credit for attending Real Estate Appraiser Board meetings from two hours to six hours per two year licensing period. No action was taken by the Board.

In the matter of **File Number 2018-02233, Deborah Lynn Daliege**, 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 Mr. Strickland and seconded by Mr. McCarty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Daliege’s application for a Certified Residential Real Estate Appraiser license. The motion passed unanimously. Members voting “Yes” were Hofler, Kelleher, King, McCarty, Rochester, Strickland and Stuchell.

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

In the matter of **File Number 2018-02435, David Joel Wilk**, 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 Mr. McCarty and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Wilk’s application for a Certified General Real Estate Appraiser license. The motion passed unanimously. Members voting “Yes” were Hofler, Kelleher, King, McCarty, Rochester, Strickland and Stuchell.

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

Public Comment

**File Number 2018-02233,
Deborah Lynn Daliege**

**File Number 2018-02435,
David Joel Wilk**

Board member Fay Silverman arrived at 10:11 A.M.

**Arrival of Board
Member**

In the matter of **File Number 2018-00966, Adam Hendricks Roberts**, the Board reviewed the record which consisted of the investigative file, 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. Strickland and seconded by Mr. McCarty 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 2015 Regulations and a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, McCarty, Rochester, Silverman, Strickland and Stuchell.

**File Number 2018-00966,
Adam Hendricks
Roberts**

A motion was made by Mr. McCarty to accept the recommended sanctions contained in the Summary of the Informal Fact-Finding Conference. With no second, the motion failed. A motion was made by Mr. Strickland and seconded by Mr. Stuchell to amend the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose the following sanctions: a monetary penalty of \$250.00 for the violation in Count 1, and \$250.00 for the violation in Count 2, for a total of \$500.00. Further, for violation of Counts 1 and 2, Roberts' shall be required to complete an 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 15 hours and shall include an examination. Upon successful course completion, Roberts shall provide the Board with proof of passing the examination. Due to the seriousness of the violations, the Board raised the monetary penalties and imposed remedial education. The motion passed by majority vote. Members voting "Yes" were Hofler, Kelleher, Rochester, Silverman, Strickland and Stuchell. Member voting "No" was McCarty.

As the presiding Board member and the Board member who

reviewed the file, Ms. Gannon and Mr. King did not vote or participate in the discussion in this matter.

In the matter of **File Number 2018-00803, Ned E. Pugh**, 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. A motion was made by Mr. Strickland and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close the file and find no violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations, and find no violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, McCarty, Rochester, Silverman, Strickland and Stuchell. Ms. Gannon abstained from voting in this matter.

File Number 2018-00803,
Ned E. Pugh

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

In the matter of **File Number 2018-00802, Michael E. Boyer, Sr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Boyer. A motion was made by Mr. Strickland and seconded by Mr. McCarty to accept the proposed Consent Order offer. After discussion, a substitute motion was made by Ms. Gannon and seconded by Ms. Kelleher to reject the terms of the proposed Consent Order and instead remand the case to an Informal Fact-Finding Conference. The motion failed. Members voting "Yes" were Gannon, Kelleher, Rochester and Silverman. Members voting "No" were King, McCarty, Strickland and Stuchell. Ms. Hofler abstained from voting in this matter.

File Number 2018-00802,
Michael E. Boyer, Sr.

A motion was made by Mr. Strickland and seconded by Mr. McCarty to accept the proposed Consent Order offer. The motion failed. Members voting "Yes" were King, McCarty and Strickland. Members voting "No" were Gannon, Kelleher, Rochester, Silverman and Stuchell. Ms. Hofler abstained from voting in this matter.

A motion was made by Mr. Stuchell and seconded by Mr. Strickland to reject the proposed Consent Order and instead offer terms wherein Mr. Boyer admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2015 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2015 Regulations, and a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2015 Regulations, and agrees to a monetary penalty of \$100.00 for the violation contained in Count 1, \$100.00 for the violation contained in Count 2, and \$100.00 for the violation contained in Count 3, and \$150.00 in Board costs, for a total of \$450.00. If Mr. Boyer does not accept the counter offer in ten days, the case will go to an Informal Fact-Finding Conference. The motion passed by majority vote. Members voting "Yes" were Hofler, King, Rochester, Silverman, Stuchell and Strickland. Members voting "No" were Gannon, Kelleher and McCarty.

A motion was made by Ms. Gannon and seconded by Mr. Strickland to approve filing an Exempt Regulatory action to amend the language in 18 VAC 130-20-30. General qualifications for licensure in order to implement the AQB Real Property Appraiser Qualification Criteria changes. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, King, Kelleher, McCarty, Rochester, Silverman, Strickland and Stuchell.

Administrative Issues

A motion was made by Ms. Kelleher and seconded by Mr. Stuchell to approve filing an Exempt Regulatory action to amend 18 VAC 130-20-10 specifically the definition of USPAP to mean the 2018-2019 edition. The motion passed unanimously. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, King, Kelleher, McCarty, Rochester, Silverman, Strickland and Stuchell.

A motion was made by Ms. Gannon and seconded by Mr. Strickland to rescind Guidance Document 6220-Statutory Exemption for Evaluations-effective July 1, 2018 due to amendments made to the board's statute through 2018 Acts of Assembly, Chapter 644. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, King, Kelleher, McCarty, Rochester, Silverman, Strickland and Stuchell.

Ms. Martine opened the floor for nominations for the position of Chair of the Real Estate Appraiser Board. Mr. Strickland nominated Mr. Rochester for the position of Chair and Mr. Stuchell seconded the nomination. With no other nominations, Mr. Rochester succeeds to the position of Chair by acclamation.

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Real Estate Appraiser Board. Mr. McCarty nominated Mr. Strickland for the position of Vice-Chair and Mr. Stuchell seconded the nomination. With no other nominations, Mr. Strickland succeeds to the position of Vice-Chair by acclamation.

There being no further business, the meeting adjourned at 11:23 A.M.

Adjourn



Robert Rochester, 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: Janel E. Hofler
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018
(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.

Janel E. Hofler
Signature

5-22-18
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Rex E. McCarty
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018
(Date)

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

N/A
(Agenda Item)

Nature of Personal Interest Affected by Transaction: N/A

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

N/A

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

5/22/18
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Edythe Kelleher
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018
(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

5-22-18
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Chris King
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018
(Date)

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

N/A
(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

N/A

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

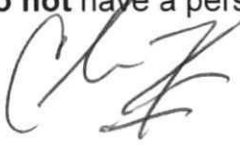
N/A

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

5/22/18
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Robert Rochester
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018
(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.

Robert D. Rochester
Signature

5/22/2018
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Richard "Rickey" D. Stuchell
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018

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

5/22/18

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Thomas "Mack" Strickland, Jr.
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018
(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:

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

5/22/2018
Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Fay B. Silverman
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018
(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

5/22/18

Date

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

TRANSACTIONAL DISCLOSURE STATEMENT
for Officers and Employees of State Government

1. Name: Jean M. Gannon
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: May 22, 2018
(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

5/22/18
Date