

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 24, 2004

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:

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

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

Louise Fontaine Ware, Director  
Karen W. O'Neal, Deputy Director  
Christine Martine, Executive Director  
Sharon Sweet, Director, Office of Education and  
Examinations  
Camille C. Palmer, Administrative Assistant  
Earlyne Perkins, Legal Assistant

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

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

Call to Order

No one addressed the Board during the **Public Comment Period**.

Public Comment

A motion was made by Mr. Lewis and seconded by Ms. Silverman to approve the **agenda**. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Miller, Mullins, Quinby, Silverman and Whaley. There were no negative votes.

Agenda

A motion was made by Mr. Miller and seconded by Mr. Lewis to approve the **minutes of the November 18, 2004** Board meeting. The

Minutes

motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Miller, Mullins, Quinby, Silverman and Whaley. There were no negative votes.

A motion was made by Mr. Lewis and seconded by Mr. Quinby to approve the **minutes of the November 25, 2003** IFF Conference. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Miller, Mullins, Quinby, Silverman and Whaley. There were no negative votes.

A motion was made by Mr. Miller and seconded by Mr. Quinby to approve the **minutes of the December 9, 2003** IFF Conference. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Miller, Mullins, Quinby, Silverman and Whaley. There were no negative votes.

**In the matter of File Number 2003-01094, Beverly T. Davis** the Board reviewed the record which consisted of the disciplinary file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Davis was not present. A motion was made by Mr. Harry and seconded by Mr. Whaley to accept the recommendation contained in the Summary of the Informal Fact Finding Conference finding a violation of the Board's 1998 Regulation 18 VAC 130-20-180(F) for Count I. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Mullins, Quinby, Silverman, and Whaley. Mr. Miller, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

**File Number 2003-01094**  
**Beverly T. Davis**

A motion was made by Mr. Harry and seconded by Mr. Lewis to accept the recommendation contained in the Summary of the Informal Fact Finding Conference imposing an \$800.00 monetary penalty for the violation of the Board's 1998 Regulation 18 VAC 130-20-180(F) for Count I, with \$500.00 to be suspended if Davis successfully completes a 7 hour USPAP remedial course within 6 months of the date of the final order. This USPAP class will not count towards continuing education as outlined in the Rules and Regulations of the Real Estate Appraiser Board. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Mullins, Quinby, Silverman, and Whaley. Mr. Miller, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. There were no negative

votes.

In the matter of **File Number 2004-01460, Stefanie Lynne Powers**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Ms. Powers was not present. A motion was made by Mr. Call and seconded by Mr. Harry to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to deny Ms. Powers' application for a Real Estate Appraiser Trainee license based upon the type of offense for which Powers was convicted, the lack of evidence of rehabilitation at this time and the pattern of disregard for the law.. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Mullins, Quinby, Silverman, and Whaley. Mr. Miller, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

**File Number 2004-01460**  
**Stefanie Lynne Powers**

In the matter of **File Number 2004-01636, Mark Jonathan Lehn**, the Board reviewed the record, which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Lehn was not present. 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 to approve Mr. Lehn's application for a Real Estate Appraiser Trainee License noting that the name should be Mark not Brian in paragraph one of the Summary. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Mullins, Quinby, Silverman, and Whaley. Mr. Miller, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

**File Number 2004-01636**  
**Mark Jonathan Lehn**

In the matter of **File Number 2004-01341, Joseph J. Carroll, Jr.**, the Board reviewed the record, which consisted of the Consent Order. Mr. Carroll was not present. A motion was made by Mr. Miller and seconded by Mr. Harry to ratify the Consent Order finding a violation of § 54.1-2009 of the Code of Virginia. Mr. Carroll is required to complete a fifteen (15) hour USPAP course for violation of § 54.1-2009 of the Code of Virginia. It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for

**File Number 2004-01341**  
**Joseph J. Carroll, Jr.**

renewal of license. The fifteen (15) hour USPAP course must be completed within three months of the effective date of this order. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Miller, Mullins, Quinby, and Silverman. Mr. Whaley, who reviewed the file, did not participate in the discussion or vote in this matter. There were no negative votes.

In the matter of **File Number 2004-01922, Christian Henri Manachi**, the Board reviewed the record which consisted of the application file, transcript, exhibits from the IFF, and the presiding board member's summary. Mr. Manachi was not present. A motion was made by Mr. Harry and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact Finding Conference to approve Mr. Manachi's application for a Real Estate Appraiser Trainee License. The motion passed unanimously. Members voting "Yes" were Castle, Call, Harry, Lewis, Miller, Mullins, Quinby, and Silverman. Mr. Whaley, who conducted the Informal Fact Finding Conference, did not participate in the discussion or vote in this matter. There were no negative votes.

**File Number 2004-01922  
Christian Henri Manachi**

Ms. Sweet presented an Exam and Education Update regarding the Internship Program and the Request for Proposal (RFP) being developed for the new examination contract. Mr. Call volunteered to serve on the RFP Evaluation Panel for the selection of the exam vendor.

**Administrative Matters**

During **Old Business**, Ms. Ware gave an update on the complaint filing problem and HB 716 which addresses the issue .

**Old Business**

During **New Business**, Mr. Call led a discussion on how to better inform licensees of USPAP and regulation changes. Staff will look into putting a link to the Appraisal Subcommittee's website on the DPOR website.

**New Business**

Board Members Michael Miller, John Harry, III, and Donald Quinby presented remarks to the Board. Their terms will be expiring in the near future. Resolutions will be presented to all three Board members at the May 4, 2004 Real Estate Appraiser Board meeting.

The Board **recessed** at 11:05 a.m. and reconvened at 11:15 a.m.

**Recess**

The **Appraisal Subcommittee** comprised of Policy Managers, Jenny

**Appraisal Subcommittee**

Tidwell, Denise Hoge, and Vickie Ledbetter presented the Appraisal Subcommittee Report which monitors the Real Estate Appraisal Board's compliance with Title 11. DPOR will receive a follow-up letter from the Appraisal Subcommittee within sixty days which will include the Subcommittee's findings.

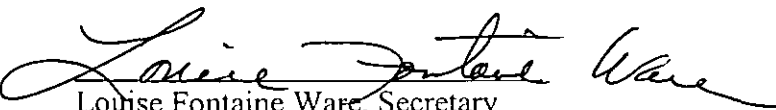
**Report**

A motion was made by Mr. Whaley and seconded by Mr. Harry to make Regulation changes through the Fast-Track Rule Making Process to correct the Trainee exam issue.

A motion was made by Mr. Whaley and seconded by Mr. Miller to **adjourn** the meeting. The meeting adjourned at 12:05 p.m.

**Adjourn**

  
\_\_\_\_\_  
David N. Castle, Chairman

  
\_\_\_\_\_  
Louise Fontaine Ware, Secretary

Copy Teste:

\_\_\_\_\_  
Custodian of the Record

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

TRANSACTIONAL DISCLOSURE STATEMENT

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

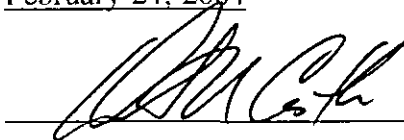
6. I declare that:

(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 24, 2004

Signature: \_\_\_\_\_



**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 24, 2004

Signature: 

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

TRANSACTIONAL DISCLOSURE STATEMENT

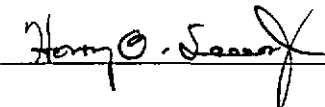
1. Name: Harry O. Lewis, Jr.
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

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 24, 2004

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 24, 2004

Signature: \_\_\_\_\_

RA Whaley

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Donald G. Quinby
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: \_\_\_\_\_  
\_\_\_\_\_

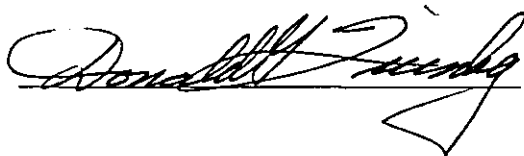
6. I declare that:

(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 24, 2004

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 24, 2004

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: \_\_\_\_\_  
\_\_\_\_\_

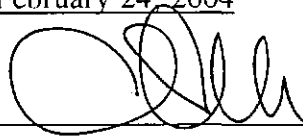
6. I declare that:

(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 24, 2004

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: Mtg Lending

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 Lender Association of Virginia / Southern Trust mtg

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

Dated: February 24, 2004

Signature: Fay B. Silverman

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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Michael G. Miller
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: \_\_\_\_\_  
\_\_\_\_\_

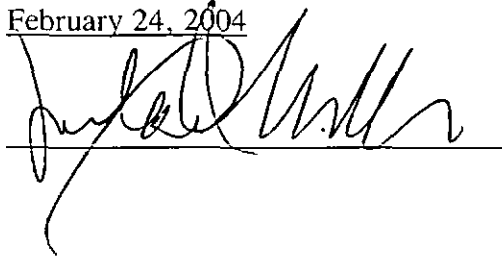
6. I declare that:

(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 24, 2004

Signature: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "Michael G. Miller", is written over a horizontal line. The signature is fluid and cursive.