

VIRGINIA REAL ESTATE APPRAISER BOARD

INFORMAL FACT-FINDING CONFERENCES

May 5, 2004 (10:00 AM)

The Virginia Real Estate Appraiser Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

David N. Castle, Board Member, Presided. No other board members were present.

James L. Guffey appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case

C=Complainant/Claimant

R=Respondent/Regulant

I=Investigator

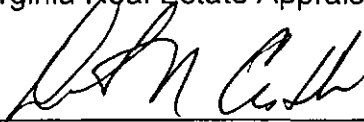
W=Witness

Participants

- | | | |
|----|--|--|
| 1. | Richard M. Perry
File Number 2003-03139 (Disc)
No Decision Made | Richard Perry – R
Robert Mitchell – C
Shelby Hill – I |
| 2. | W. Justin Drinkwater
File Number 2003-03140 (Disc)
No Decision Made | W. Justin Drinkwater – R
Robert Mitchell – C
Shelby Hill – I |
| 3. | W. Justin Drinkwater
File Number 2003-02843 (Disc)
No Decision Made | W. Justin Drinkwater – R
Shelby Hill - I |
| 4. | Alexandria Scottsville Ward
File Number 2003-02554 (Disc) | Alex Ward – R
Monica Reed – C
Shelby Hill – I |
| 5. | Alexandria Scottsville Ward
File Number 2003-03129 (Disc) | Alex Ward – R
Shelby Hill – I |

The meeting adjourned at 4:30 p.m.

Virginia Real Estate Appraiser Board



David N. Castle, Chairman



Louise Fontaine Ware, Secretary

COPY TESTE:

Custodian of Records

**IN THE
COMMONWEALTH OF VIRGINIA
REAL ESTATE APPRAISER BOARD**

In Re:

Alexandria Scottsville Ward, Jr.
Norfolk, VA 23508

File Number 2003-02554
License 4001004730

CONSENT ORDER

Respondent Alexandria Scottsville Ward, Jr. ("Ward") was at all times material to this matter a licensed Residential Appraiser in Virginia (No. 4001004730).

As a result of this status, Ward recognizes and acknowledges being subject to and bound by the Regulations of the Real Estate Appraiser Board ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on May 5, 2004, in an Informal Fact Finding Conference ("IFF") pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by Alexandria S. Ward, the Respondent and Monica Reed, the Complainant. Board Member David N. Castle presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

Background

On or about March 19, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received a written complaint from Vincent and Monica Reed (the Reeds) regarding an appraisal that was performed by Alexandria Scott Ward (*Ward*).

On or about July 1, 2002, Ward completed a Complete Appraisal of Real Property for TideH2O Residential Funding (TideH2O) for the subject property located at 1041 Hugo Street, Norfolk, Virginia.

Summation of Facts

1. Ward reported the subject property had central air, heat in the garage, a half bath in the garage, DH windows, and combination storm and screens, which is inaccurate.
2. Ward told Investigator Shelby Smith-Hill, the Board's agent, that he saw vents, no window units, and the house was cool for an afternoon in July. Ward indicated, "I made a mistake by assuming it had central air conditioning."
3. Ward reported the subject property had all appliances including a refrigerator, range/oven, dishwasher, microwave, washer and dryer.
4. On or about July 1, 2002, at the time of Ward's inspection, he was sure the kitchen had appliances in it, and that there was a heat source, and a ½ bath in the garage.
5. Monica Reed indicated the only appliances in the subject property, prior to the appraisal or closing, were the stove and the dishwasher.

6. Ward reported that there was no sale of the subject property in the past year, however, Fred Wike (Wike), the previous owner, purchased the property on January 8, 2002, for \$52,000.00.

7. Ward told the Board's agent that paragraph four discussing the "no sale of property in the past year" was a clerical oversight on his part. It was clearly written on the tax form and should have been included in his report.

8. Ward's report used two (2) comparables that were over six months old.

9. Ward told the Board's agent that the comparable being over six (6) months old was not an issue with the underwriter, and if he adjusted for their age, it would be to increase their value as homes values in this area are appreciating. It is important to note that all comparables were arm's length, not distressed, and as a result, are true reflections of the current market conditions.

10. Ward reported that there was no sale of the subject property in the past year; however, Wike purchased the property on January 8, 2002, for \$52,000.00.

11. Ward told the Board's agent that paragraph four discussing the "no sale of property in the past year" was a clerical oversight on his part. It was clearly written on the tax form and should have been included in his report.

The Board and Ward, as evidenced by the signatures affixed below, enter into this Consent Order. Ward knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, Ward acknowledges an understanding of the charges. Ward hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1: 18 VAC 130-20-180(E) to wit: 2002 USPAP Standards Rule 2-1(a), (b), and (c) (Effective March 4, 1998)

Ward's failure to report the results of the appraisal in a clear and accurate manner, communicating the property analysis in a manner that was misleading, is a violation of Board Regulation 18 VAC 130-20-180(E).

Ward agrees to pay a monetary penalty in the amount of \$600.00 for this violation.

Count 2: 18 VAC 130-20-180(D) to wit: 2002 USPAP Standards Rule 1-5(b) (Effective March 4, 1998)

Ward's failure to analyze all sales of the subject property that occurred within three (3) years prior to the effective date of the appraisal is a violation of Board Regulation 18 VAC 130-20-180(D).

Ward agrees to pay a monetary penalty in the amount of \$1,000.00 for this violation.

Ward also agrees to take and successfully complete a Home Inspection course and USPAP course, within six months of acceptance of this order by the Board, reporting satisfactory completion of both courses to the Board, in a form acceptable to the Board.

Additionally, Ward agrees to pay Board costs in the amount of \$300.00.

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. Ward acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Ward will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Ward acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Ward's license until such time as there is compliance with all terms of this Order. Ward understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

Alexandria Scottsville Ward, Jr. Date _____

Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

SO ORDERED:

Entered this _____ day of _____, 2004.

Real Estate Appraiser Board

BY: _____
Louise Fontaine Ware, Secretary

**IN THE
COMMONWEALTH OF VIRGINIA
REAL ESTATE APPRAISER BOARD**

In Re:

Alexandria Scottsville Ward, Jr.
Norfolk, VA 23508

File Number 2003-03129
License Number 4001004730

CONSENT ORDER

Respondent Alexandria Scottsville Ward, Jr. ("Ward") was at all times material to this matter a licensed Residential Appraiser in Virginia (No. 4001004730).

As a result of this status, Ward recognizes and acknowledges being subject to and bound by the Regulations of the Real Estate Appraiser Board ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on May 5, 2004 in an Informal Fact Finding Conference ("IFF") pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by Alexandria Scottsville Ward, Jr. Board Member David N. Castle presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

Background

On or about May 20, 2003, the Enforcement Division of the Department of Professional and Occupational Regulation received an anonymous written complaint regarding an appraisal that was performed by Alexandria Scott Ward (Ward).

On or about December 10, 2002, Ward completed a Complete Appraisal of Real Property for TideH2O Residential Funding (TideH2O) for the subject property located at 2524 Ludlow Street, Norfolk, Virginia.

Summation of Facts

1. Ward reported there was no sale of the subject property in the past year, instead of indicating the following:

- On March 14, 2002, Key Bank USA, N.A. c/o Champion Mortgage, as seller, sold the subject property to KWP, Inc., as buyer, for \$33,000.00.
- On March 14, 2002, KWP, Inc., as seller, sold the subject property to First Financial Properties LLC, as buyer, for \$35,500.00.

2. Ward told the Board's agent that the biggest discrepancy on the appraisal report is that he noted "no sale of property in the past year", which was a clerical oversight on his part. It was clearly written on the tax form and should have been included in his report. Ward is aware of the recent changes to Uniform Standard of Professional Appraisal Practice ("USPAP") requiring three (3) years of sales history of the subject property.

3. Ward's appraisal report indicated the incorrect address of 2300 Courtney Avenue, under subject front on the photo page, instead of indicating the correct address of 2524 Ludlow Street.

The Board and Ward, as evidenced by the signatures affixed below, enter into this Consent Order. Ward knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, Ward acknowledges an understanding of the charges. Ward hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

Count 1: 18 VAC 130-20-180(D) to wit: 2002 USPAP Standards Rule 1-5(b) (Effective March 4, 1998)

Ward's failure to analyze all sales of the subject property that occurred within three (3) years prior to the effective date of the appraisal is a violation of Board Regulation 18 VAC 130-20-180(D).

Ward agrees to pay a monetary penalty in the amount of \$300.00 for this violation.

Count 2: 18 VAC 130-20-180(E) to wit: 2002 USPAP Standards Rule 2-1(a), (b), and (c) (Effective March 4, 1998)

Ward's failure to report the results of the appraisal in a clear and accurate manner, communicating the property analysis in a manner that was misleading, is a violation of Board Regulation 18 VAC 130-20-180(E).

Ward agrees to pay a monetary penalty in the amount of \$300.00 for this violation.

Additionally, Ward agrees to pay Board Costs in the amount of \$300.00.

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. Ward acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, Ward will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

Ward acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of Ward's license until such time as there is compliance with all terms of this Order. Ward understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

Alexandria Scottsville Ward, Jr.

Date

Printed Name and Title of Person Signing on behalf of Entity

CITY/COUNTY OF _____
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this _____ day of _____, 2004.

Notary Public

My Commission Expires: _____

SO ORDERED:

Entered this _____ day of _____, 2004.

Real Estate Appraiser Board

BY: _____
Louise Fontaine Ware, Secretary