

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 7, 2006

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  
Harry Lewis, Jr.  
Douglas Mullins, Jr.  
Richard Pruitt  
Diane Quigley  
Pat Turner, Jr.

The following Board member was not present: Sandra Johnson

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

Jay W. DeBoer, Director  
David Ashe, Chief Deputy Director  
Christine Martine, Executive Director  
Tammie Hall, Regulatory Board Administrator  
Earlyne Perkins, Legal Analyst  
Chris Olson, Administrative Assistant

No representative from the Attorney General's office was present.

Chairman Harry called the meeting to order at 10:10 AM.

**Call to Order**

A motion was made by Mr. Lewis and seconded by Mr. Turner to approve the agenda. The motion passed unanimously. Members voting "Yes" were Burgin, Lewis, Harry, Mullins, Pruitt, Quigley, and Turner.

**Approval of Agenda**

A motion was made by Ms. Burgin and seconded by Ms. Quigley to approve the following minutes: August 24, 2006 Informal Fact-Finding Conferences, August 29, 2006 Board Meeting, August 30, 2006 Informal Fact Finding Conferences, September 14, 2006, Informal Fact-Finding Conferences, September 18, 2006, Regulatory Review Committee Meeting, October 12, 2006, Informal

**Approval of Minutes**

Fact-Finding Conferences, and October 23, 2006 Regulatory Review Committee Meeting. The motion passed unanimously. Members voting "Yes" were Burgin, Lewis, Harry, Mullins, Pruitt, Quigley, and Turner.

Woody Fincham addressed the Board during the Public Comment Period. Mr. Fincham raised concerns about the complaint process. No action was taken by the Board.

In the matter of File Number 2006-03024, Gregory Mays, 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 officer. Mr. Mays, the respondent, was present and addressed the Board. A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and close the case with a finding of no violation of 18 VAC 130-20-180 (Counts 1-5) of the Boards 2003 Regulations. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Mullins, Pruitt, and Quigley.

As the Board members who reviewed the file or had knowledge of information in the file, Mr. Lewis and Mr. Turner were not present during the discussion or vote.

In the matter of File Number 2006-01713, Stephanie Jackson, 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 officer. A motion was made by Mr. Pruitt and seconded by Ms. Burgin to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.K.1 of the Board's 2003 regulations. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Mullins, Pruitt, Quigley, and Turner.

A motion was made by Mr. Turner and seconded by Mr. Mullins to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose a monetary penalty of \$2,500.00 and suspension of Ms. Jackson's license for a period of twelve (12) months for the violation of Count 1. In addition, Ms. Jackson license will be place on probation until such

**Public Comment**

**File Number 2006-03024,**  
**Gregory Mays**

**File Number 2006-01713,**  
**Stephanie Jackson**

time that she provides evidence of satisfactory completion of a 15-hour USPAP course (no on-line courses) including an exam. Ms. Jackson must provide proof of the course completion within twelve (12) months of the execution of this order. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Mullins, Pruitt, Quigley, and Turner.

As the reviewing Board member, Mr. Lewis was not present during the discussion or vote.

In the matter of **File Number 2007-00148, Dan Van Nguyen**, 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. Nguyen was present and addressed the Board. A motion was made by Mr. Mullins and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Nguyen's application for a Real Estate Appraiser Trainee license. The motion failed due to lack of a majority. Members voting "Yes" were Mullins, Pruitt, and Quigley. Members voting "No" were Burgin, Harry, Lewis, and Turner.

**File Number 2007-00148,**  
**Dan Van Nguyen**

A motion was made by Mr. Turner and seconded by Mr. Mullins to reject the recommendation and instead, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Nguyen's application for a Real Estate Appraiser Trainee license subject to an Agreement for Licensure for a period of twelve (12) months wherein Mr. Nguyen agrees to submit each appraisal done during each quarter for the twelve month period. Additionally, Mr. Nguyen's supervisor shall provide quarterly reports to the Board outlining Mr. Nguyen's progress as an Appraiser Trainee. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

In the matter of **File Number 2007-00150, Teresa Pollard**, 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. Ms. Pollard was present and addressed the Board. A motion was made by Mr.

**File Number 2007-00150,**  
**Teresa Pollard**

Turner and seconded by Ms. Quigley to reject the recommendation and instead, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Pollard's application for a Licensed Residential Appraiser subject to an Agreement for Licensure for a period of twelve (12) months wherein Ms. Pollard agrees to submit each appraisal done during each quarter for the twelve month period. The motion passed by majority vote. Members voting "Yes" were Harry, Lewis, Mullins, Pruitt, Quigley, and Turner. Member voting "No" was Burgin.

In the matter of **File Number 2007-01290, Sonya Davis**, 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. Ms. Davis, the applicant, was present and addressed the Board. A motion was made by Mr. Turner and seconded by Mr. Mullins to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, deny Ms. Davis' application for a Real Estate Appraiser Trainee license due to the facts and the nature of the crimes, the Board agreed it would not be in the best interest of the public to grant a license as it could not adequately protect the health, safety, and welfare of the public. The Board is of the opinion that due to the nature of the crimes, which involved repeated offenses of the same nature, with Davis still being on probation and having outstanding restitution balance, that Davis does not have the integrity to be licensed. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

**File Number 2007-01290,**  
**Sonya Davis**

In the matter of **File Number 2007-00531, Mark Page**, 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. Page, the applicant, was present and addressed the Board. A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Page's application for a Certified Residential Appraiser license. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

**File Number 2007-00531,**  
**Mark Page**

In the matter of **File Number 2006-03192, James Michael Robbins**, the Board reviewed the Consent Order as seen and agreed to by Mr. Robbins. A motion was made by Mr. Turner and seconded by Mr. Pruitt to accept the Consent Order wherein Mr. Robbins admits to a violation of 18 VAC 130-20-180.E (Counts 1-4) and 18 VAC 130-20-180.D (Count 5) of the Board's 2003 Regulations and agrees to a monetary penalty of \$200.00 for the violations contained in Counts 1 through 5 as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for violation of Count 5, Mr. Robbins agrees to complete a 15 hour USPAP course and provide proof of attendance and successful completion within six (6) months of the effective date of this order. It is acknowledged that satisfactory completion of the above referenced USPAP course will not count towards any continuing education requirements for renewal of license. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Mullins, Pruitt, Quigley, and Turner.

**File Number 2006-03192,**  
**James Michael Robbins**

As the reviewing Board member, Mr. Lewis did not participate in the discussion or vote related to this matter.

In the matter of **File Number 2007-00062, Edward Mitchell**, 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. A motion was made by Ms. Quigley and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Mitchell's application for a Certified General Appraiser license. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

**File Number 2007-00062,**  
**Edward Mitchell**

In the matter of **File Number 2007-00061, Sandra Oaks**, 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 Board Member. A motion was made by Mr. Mullins and seconded by Mr. Lewis to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Ms. Oaks' application for a Certified Residential Appraiser license. The

**File Number 2007-00061,**  
**Sandra Oaks**

motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Mullins, Pruitt, and Quigley. .

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

Tammie Hall updated the Board on the status of the Regulatory Review. No action was taken by the Board.

**Regulatory Review Update**

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to end the policy that requires that a supervising appraiser sign the appraiser trainee application. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

**Other Business**

The Board agreed without dissent to form a Newsletter Committee to look into creating a Board newsletter. The committee will consist of Ms. Quigley (Chair), Mr. Harry and Mr. Turner.

Deana Wilson, a representative of Alpha College, requested that the Board grant reinstatement of a pre-license course that the company mistakenly let lapse in 2004. A motion was made by Ms. Quigley and seconded by Mr. Pruitt to review the course and, if approved, allow reinstatement of the course for the last renewal cycle. Alpha College would be required to pay all fees that would have been paid during the last renewal cycle and any additional fees due during the current renewal cycle. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

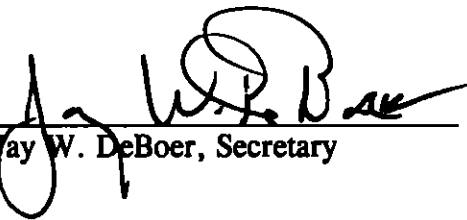
**New Business**

A motion was made by Mr. Turner and seconded by Ms. Quigley to have staff draft a resolution for Ms. Silverman for her service to the Board. The motion passed unanimously. Members voting "Yes" were Burgin, Harry, Lewis, Mullins, Pruitt, Quigley, and Turner.

There being no further business, the meeting adjourned at 11:53 AM.

**Adjourn**

  
John C. Harry, III, Chairman

  
Jay W. DeBoer, 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:

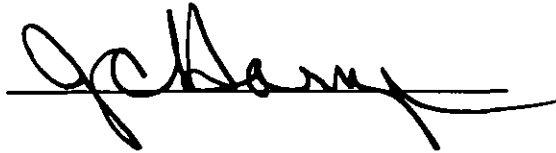
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

\_\_\_\_\_

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

Dated: November 7, 2006

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:

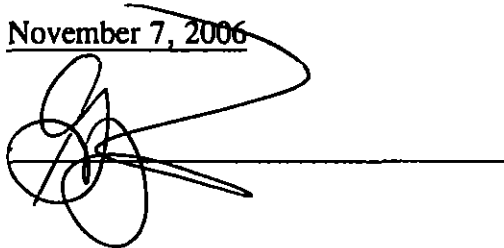
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

None - private citizen/ attorney

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

Dated: November 7, 2006

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

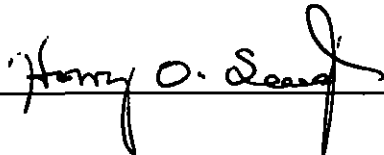
6. I declare that:

(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: November 7, 2006

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:

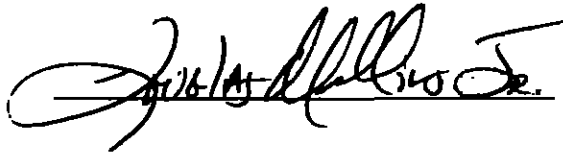
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

\_\_\_\_\_

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

Dated: November 7, 2006

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



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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Richard Pruitt
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: November 7, 2006

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

Richard Pruitt

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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Diane Quigley
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: November 7, 2006

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

Diane V. Quigley

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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Perry Turner, 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: November 7, 2006

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

