

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 5, 2014

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:

H. Glenn James, Chair  
Michael Miller, Vice-Chair  
Laura Sanchez del Solar  
René Fonseca  
Fay B. Silverman  
Chris Call  
Mack Strickland  
Robert Rochester

Board members absent from the meeting: Jean Gannon  
Scott Mayausky

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

Jay DeBoer, Director  
Christine Martine, Executive Director  
Kevin Hoeft, Board Administrator  
Joseph Haughwout, Legal Analyst  
Emily Trent, Administrative Assistant

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

Mr. James called the meeting to order at 10:00 AM.

**Call to Order**

A motion was made by Ms. Silverman and seconded by Mr. Strickland to approve the agenda. The motion passed unanimously. Members voting “Yes” were Call, Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

**Approval of Agenda**

A motion was made by Ms. Silverman and seconded by Ms. Sanchez del Solar to approve the following minutes: August 19, 2014, Board Meeting. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

**Approval of Minutes**

There was no public comment.

**Public Comment**

In the matter of **File Number 2014-03014, Frank Brian Johnson**, 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. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding to approve Mr. Johnson's application for a certified general appraiser license. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

**File Number 2014-03014, Frank Brian Johnson**

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

In the matter of **File Number 2014-03368, James Patrick Williams**, 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 Ms. Silverman and seconded by Mr. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Williams' application for a licensed residential real estate appraiser license. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

**File Number 2014-03368, James Patrick Williams**

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

In the matter of **File Number 2013-03680, James P. Williams**, the Board reviewed the record which

**File Number 2013-03680, James P.**

consisted of the investigative file, transcripts, 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 and find a violation of 18 VAC 130-20-170.2 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

**Williams**

A motion was made by Mr. Rochester and seconded by Ms. Sanchez del Solar to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose the following sanctions: a monetary penalty of \$500.00 for the violation contained in Count 1, for a total of \$500.00. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

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

In the matter of **File Number 2013-01977, Nikki L. Upton**, 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 Ms. Silverman and seconded by Mr. Miller 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 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland. A motion was made by Mr. Miller and seconded by Mr. Strickland 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 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Fonseca, James,

**File Number 2013-01977, Nikki L. Upton**

Miller, Rochester, Sanchez del Solar, Silverman and Strickland. A motion was made by Mr. Strickland and seconded by Mr. Miller to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.H.1 (Count 3) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

A motion was made by Mr. Strickland and seconded by Mr. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose the following sanctions: a monetary penalty of \$300.00 for the violation contained in Count 1, and \$1,200.00 for the violation contained in Count 2, for a total of \$1,500.00. In addition, for the violation of Count 1, Upton is placed on probation and required to complete a 15-hour USPAP course approved by The Appraisal Foundation or the Board within six (6) months of the effective date of the order. Upon successful course completion, Upton shall provide the Board with proof of passing the examination. Satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. Further, for the violation contained in Count 2, license revocation is imposed. The motion passed unanimously. Members voting "Yes" were Fonseca, James, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

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

Mr. James turned the position of Chair over to Mr. Miller and recused himself from the meeting.

In the matter of **File Number 2014-00047, Robert Riddell**, the Board reviewed the Consent Order as seen and agreed to by Mr. Riddell. A motion was made by Ms. Silverman and seconded by Ms. Sanchez del Solar to accept the proposed Consent Order offer wherein Mr.

**Transfer of Chair**

**File Number 2014-00047, Robert Riddell**

Riddell admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2008 Regulations, two violations of 18 VAC 130-20-180.D (Count 5) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.D (Count 6) of the Board's 2008 Regulations and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, \$300.00 for the violation contained in Count 2, \$300.00 for the violation contained in Count 3, \$300.00 for the violation contained in Count 4, \$300.00 for each violation contained in Count 5, \$300.00 for the violation contained in Count 6, as well as \$150.00 in Board costs for a total of \$2,250.00. In addition, for violation of Counts 1-6, Riddell is 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. Upon successful course completion, Riddell shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

As the Board member who reviewed the file, Mr. James did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2014-02238, Catherine L. Allen**, the Board reviewed the Consent Order as seen and agreed to by Ms. Allen. A motion was made by Mr. Strickland and seconded by Ms. Silverman to accept the proposed Consent Order offer wherein Ms. Allen admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2008 Regulations, and a violation

**File Number 2014-02238, Catherine L. Allen**

of 18 VAC 130-20-180.D (Count 3) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$300.00 for the violation contained in Count 1, \$300.00 for the violation contained in Count 2, \$300.00 for the violation contained in Count 3, as well as \$150.00 in Board costs for a total of \$1,050.00. In addition, for violation of Counts 1, 2 and 3, Allen is 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 30 hours and shall include an exam. Upon successful course completion, Allen shall provide the Board with proof of passing the exam. It is acknowledged that satisfactory completion of the above-referenced course will not count towards any continuing or pre-license education requirements needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting "Yes" were Fonseca, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

As the Board members who reviewed the file, Mr. James and Mr. Call did not participate in the discussion or vote pertaining to this matter.

In the matter of **File Number 2014-02319, Labby Kola Akinsanmi**, the Board reviewed the Consent Order as seen and agreed to by Mr. Akinsanmi. A motion was made by Ms. Silverman and seconded by Mr. Call to accept the proposed Consent Order offer wherein Mr. Akinsanmi admits to a violation of 18 VAC 130-20-170.2 (Count 1) of the Board's 2008 Regulations, a violation of 18 VAC 130-20-180.K.4 (Count 2) of the Board's 2008 Regulations, and a violation of 18 VAC 130-20-180.K.5 (Count 3) of the Board's 2008 Regulations. In addition, for violation of Counts 1, 2 and 3, Akinsanmi agrees to pay Board costs of \$150.00 and to revocation of his license. The motion passed unanimously. Members voting "Yes" were Call, Fonseca, Miller, Rochester, Sanchez del Solar, Silverman and Strickland.

**File Number 2014-02319, Labby Kola Akinsanmi**

As the Board member who reviewed the file, Mr. James did not participate in the discussion or vote pertaining to this matter.

Mr. James returned and assumed the position of Chair.

**Transfer of Chair**

Ms. Martine and Mr. Hoeft gave the Board a regulatory review update. No action was taken by the Board.

**Administrative Issues**

Mr. James discussed whether to accept “demonstration appraisal reports” as valid appraisal reports for appraiser license applicants. It was noted that the North Carolina Real Estate Appraiser Board does not accept demonstration appraisal reviews. The Board discussed and decided to address the matter at the February 24, 2015, Real Estate Appraiser Board meeting.

**Old Business**

Mr. James gave a report on his attendance at the AARO 2014 Annual Conference in Washington, DC. No action was taken by the Board.

**New Business**

There being no further business, the meeting adjourned at 10:55 A.M.

**Adjourn**

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H. Glenn James, Chair

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Jay DeBoer, Secretary