

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

November 9, 2010

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:

Diane Quigley, Chair  
Richard Pruitt  
John C. Harry  
H. Glenn James  
Ryan A. Myers (arrived 10:20 a.m.)  
Betsy Critzer  
Michael Miller

Board member not present: Sandra Johnson  
Laura Sanchez del Solar

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

Gordon Dixon, Director  
Nick Christner, Deputy Director  
Christine Martine, Executive Director  
Kevin Hoeft, Board Administrator  
Bonnie Rhea Adams, Director of Complaint  
Analysis, & Resolution  
Earlyne Perkins, Legal Analyst  
Emily Trent, Administrative Assistant

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

Chair Diane Quigley called the meeting to order at 10:05 AM.

**Call to Order**

A motion was made by Mr. Harry and seconded by Mr. Pruitt to approve the agenda. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Pruitt and Quigley.

**Approval of Agenda**

A motion was made by Mr. Miller and seconded by Mr. Pruitt to approve the following minutes: August 17, 2010, Board Meeting; August 18, 2010, Informal Fact-Finding Conference; September 22,

**Approval of Minutes**

2010, Informal Fact-Finding Conference; and October 14, 2010, VREAB Regulatory Review Committee Meeting. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Pruitt and Quigley.

There was no public comment.

Board member Ryan Myers arrived at 10:20 a.m.

In the matter of **File Number 2011-00064, George Byrne**, 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. Mr. Byrne, applicant, was present and addressed the Board. A motion was made by Mr. Miller and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Byrne's application for a Certified General Real Estate Appraiser license with the following conditions: (1) Completion of 15 hour USPAP course and successfully pass the examination; (2) Submit to the Board two or more narrative appraisal reports prepared in association with a certified general real estate appraiser which include the use of the income approach, in order to full the requirements of 18 VAC 130-20-30-8-c; (3) Should Mr. Byrne fail to submit the reports by June 24, 2011, if the reports are found not to be compliance with USPAP, or the other conditions are not met, he must reapply for licensure. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, Miller, Myers, Pruitt and Quigley.

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

In the matter of **File Number 2011-00883, Suresh Hatte**, 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. Mr. Hatte, applicant, was present and addressed the Board. 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 deny Mr. Hatte's application for a Certified Residential Real Estate Appraiser license. After reviewing the facts, the Board is of the opinion that Hatte does not have the full knowledge

**Public Comment**

**Arrival of Board Member**

**File Number 2011-00064,  
George Byrne**

**File Number 2011-00883,  
Suresh Hatte**

or understanding of real estate appraising for the level of license he is seeking. The Board determined that due to his not having completed the 150 classroom hours of pre-license education required by the 2009 disciplinary action and due to the fact the license suspension is still in effect to deny the upgrade of license. The motion passed unanimously. Members voting "Yes" were Harry, James, Miller, Myers, Pruitt and Quigley.

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

In the matter of **File Number 2011-01389, Jennie Cook**, 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. Myers and seconded by Mr. Pruitt to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Ms. Cook's application for a Licensed Residential Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Harry, James, Miller, Myers, Pruitt and Quigley.

**File Number 2011-01389,**  
**Jennie Cook**

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

In the matter of **File Number 2010-03664, Donald C. Cole**, the Board reviewed the Consent Order as seen and agreed to by Mr. Cole. A motion was made by Ms. Quigley and seconded by Mr. Myers to accept the proposed Consent Order wherein Mr. Cole admits a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 3) of the Board's 2003 Regulations, and a violation of 18 VAC 130-20-180.E (Count 4) of the Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$2,000.00 for the violation contained in Count 2, \$600.00 for the violation contained in Count 3, \$500.00 for the violation contained in Count 4, as well as \$150.00 in Board costs for a total of \$4,250.00. In addition, for violation of Counts 1-4, Cole is required to complete a classroom Upper Level Residential Appraisal Course(s) approved by the Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course(s) shall be a minimum of 30 classroom hours and

**File Number 2010-03664,**  
**Donald C. Cole**

shall not be a distance education course(s). Upon successful completion of the course, Cole shall provide the Board with proof of passing the exam(s). 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 Harry, James, Miller, Myers, Pruitt and Quigley.

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

In the matter of **File Number 2010-03549, Eris S. Musselwhite**, the Board reviewed the Consent Order as seen and agreed to by Mr. Musselwhite. A motion was made by Mr. Harry and seconded by Mr. James to accept the proposed Consent Order wherein Mr. Musselwhite admits to 2 *violations* of 18 VAC 130-20-180.D (Count 1) of the Board's 2008 Regulations, and agrees to a monetary penalty of \$500.00 for each violation contained in Count 1, as well as \$150.00 in Board costs for a total of \$1,150.00. In addition, for the violation of Count 1, Musselwhite 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 not be a distance education course. Upon successful course completion, Musselwhite 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 requirement needed for license renewal, reinstatement, or upgrade. The motion passed unanimously. Members voting "Yes" were Harry, James, Miller, Myers, Pruitt and Quigley.

**File Number 2010-03549,  
Eric S. Musselwhite**

As the Board member who reviewed the file, Ms. Critzer did not participate in the discussion or vote on this matter.

Ms. Quigley turned the position of Chair over to Mr. Harry and recused herself from the meeting.

**Transfer of Chair**

In the matter of **File Number 2010-02820, Stephen Mathew Smith**, the Board reviewed the Consent Order as seen and agreed to by Mr. Smith. A motion was made by Mr. Pruitt and seconded by Mr. Myers to accept the proposed Consent Order wherein Mr. Smith admits to a violation of 18 VAC 130-20-180.D (Count 1) of the Board's 2003 Regulations, a violation of 18 VAC 130-20-180.D (Count 2) of the

**File Number 2010-02820,  
Stephen Mathew Smith**

Board's 2003 Regulations and agrees to a monetary penalty of \$1,000.00 for the violation contained in Count 1, \$750.00 for the violation contained in Count 2, as well as \$150.00 in Board costs for a total of \$1,900.00. In addition, Smith is required to complete a 15-hour USPAP course approved by the Appraisal Foundation or the Board within six (6) months of the execution of the Order. Such course shall not be a distance education course. Upon successful course completion, Smith 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 requirement needed for license renewal, reinstatement, or upgrade. In addition, Smith shall provide to the Board on a quarterly basis, due beginning December 31, 2011, 4 (four) appraisal reports completed during each quarter, for a period of 1 year(s) from the effective date of the order. Failure to provide USPAP compliant appraisal reports will result in the automatic suspension of Smith's license until such time as there is complete satisfactory compliance. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Myers and Pruitt.

As the Board member who reviewed the file, Ms. Quigley did not participate in the discussion or vote on this matter.

Ms. Quigley returned and assumed the position of Chair.

#### **Transfer of Chair**

A motion was made by Ms. Quigley and seconded by Mr. Harry to reconsider the action for Emergency Real Estate Appraiser Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Myers, Pruitt and Quigley.

#### **Administrative Issues**

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to withdraw the regulatory action for Emergency Real Estate Appraiser Regulations. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Myers, Pruitt and Quigley.

A motion was made by Ms. Quigley and seconded by Mr. James to authorize Board staff to initiate a regulatory action to increase national registry fees to be consistent with federal requirements. The motion passed unanimously. Members voting "Yes" were Critzer, Harry, James, Miller, Myers, Pruitt and Quigley.

A motion was made by Ms. Quigley and seconded by Mr. Myers to

#### **Resolution**

adopt the following resolution to honor the years of dedicated service by former Board Member Douglas Mullins, Jr. to the Board:

**RESOLUTION IN HONOR OF**

**Douglas Mullins, Jr.**

WHEREAS, Douglas Mullins, Jr., has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2002; and

WHEREAS, Douglas Mullins, Jr., has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Douglas Mullins, Jr., has endeavored at all times to render decisions with fairness, good judgment, and in the best interest of the Board; and

WHEREAS, the Real Estate Board wishes to acknowledge its gratitude and deepest appreciation for devoted service of a person who is held in high esteem by the members of the Board and the citizens of the Commonwealth.

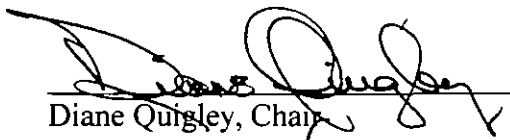
NOW THEREFORE BE IT RESOLVED, by the Real Estate Board this ninth day of November, 2010 that Douglas Mullins, Jr., be given all honors and respect due him for his outstanding service to the Commonwealth and its citizens and the Real Estate Appraiser Board; and

BE IT FURTHER RESOLVED, that this Resolution be presented to him and be made a part of the official minutes of the Board so that all may know of the high regard in which he is held.

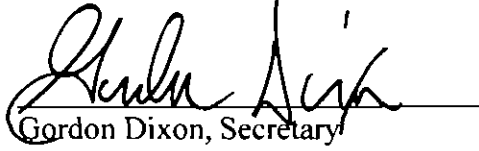
The motion passed unanimously. Member voting "Yes" were Critzer, Harry, James, Miller, Myers, Pruitt and Quigley.

There being no further business, the meeting adjourned at 11:05 A.M.

**Adjourn**



Diane Quigley, Chair



Gordon Dixon, Secretary

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

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: John C. Harry, III  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: November 9, 2010  
(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:

\_\_\_\_\_

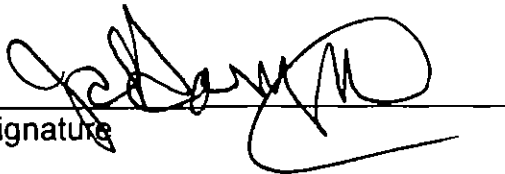
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.

Signature



Date

11-9-10



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

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Michael Miller  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: November 9, 2010  
(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:

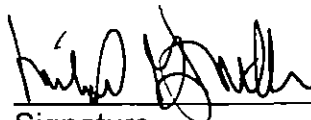
\_\_\_\_\_

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

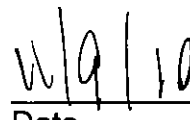
or

I did not participate in the transaction.

6.  I do not have a personal interest in any transactions taken at this meeting.



Signature



Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Betsy T. Critzer  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: November 9, 2010  
(Date)

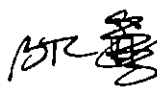
5. I have a personal interest in the following transaction:

\_\_\_\_\_  
(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:

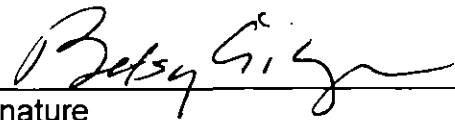
\_\_\_\_\_

 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

11-9-10  
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: H. Glenn James  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: November 9, 2010  
(Date)

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

NONE  
(Agenda Item)

Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

NONE

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

Certified General Real Estate Appraiser

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.

H. Glenn James  
Signature

11-10-2010  
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name: Richard Pruitt  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: November 9, 2010  
(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:

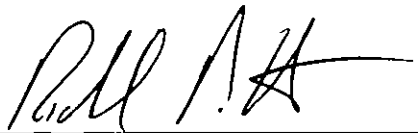
\_\_\_\_\_

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

11/9/10  
Date

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

**TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government**

1. Name:     Diane Quigley      
(Name of Board Member)
2. Title:     Board Member
3. Agency:     Real Estate Appraiser Board      
(Name of Board)
4. Meeting/IFF Date:     November 9, 2010      
(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.

    Diane V. Quigley      
Signature

    11/9/2010      
Date

STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTERESTS ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Ryan A. Myers  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: November 9, 2010

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

N/A  
(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:

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]  
Signature

11/9/2010  
Date