REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 14, 2017

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:

Michael Miller, Chair Robert Rochester Edythe Kelleher Mack Strickland Rex McCarty Rickey Stuchell Janel Hofler

Board members absent from the meeting:

Chris King

Fay B. Silverman Jean Gannon

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

Jay DeBoer, Director
Christine Martine, Executive Director
Jim Chapman, Board Administrator
Jessica Eldridge, Presiding Officer
Bonnie Rhea Adams, Director of Complaint
Analysis & Resolution
Emily Trent, Administrative Assistant

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

Mr. Miller called the meeting to order at 10:05 A.M.

Call to Order

A motion was made by Mr. Strickland and seconded by Ms. Kelleher to approve the agenda. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Rochester, Strickland and Stuchell.

Approval of Agenda

A motion was made by Mr. Rochester and seconded by Ms.

Approval of Minutes

Kelleher to approve the following minutes: November 3, 2016, Real Estate Appraiser Board Meeting. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, Miller, Rochester, Strickland and Stuchell. Mr. McCarty abstained from voting in the matter.

Darin Blatner addressed the Board concerning licensed Appraiser Management Companies (AMCs) hiring staff appraisers to perform appraisals thereby undercutting independent appraisers and possibly violating independence standards. No action was taken by the Board.

File Number 2017-01105, John Farrell

Public Comment

In the matter of File Number 2017-01105, John Farrell, 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 officer. A motion was made by Mr. Strickland and seconded by Ms. Gannon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Farrell's application for a Certified General Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Rochester, Strickland and Stuchell.

In the matter of File Number 2017-01238, Darren P. Mende, 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. Kelleher and seconded by Mr. McCarty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Mende's application for a Certified Residential Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller,

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

Strickland and Stuchell.

File Number 2017-01238, Darren P. Mende

In the matter of File Number 2017-00716, Darius Gould, 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. Gannon and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Gould's application for a Certified General Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

File Number 2017-00716, Darius Gould

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

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

the of File Number ln matter 2017-00131. Janice L. Morris-Horn, 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 Mr. McCarty and seconded by Mr. Stuchell to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Strickland and Stuchell.

A motion was made by Mr. McCarty and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose the following sanctions: a monetary penalty of \$250.00 for the violation contained in Count 1, for a total of \$250.00. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Strickland and Stuchell.

A motion was made by Mr. McCarty and seconded by Mr.

Transfer of Chair

File Number 2017-00131, Janice L. Morris-Horn

Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to find no violation of 18 VAC 130-20-170.3 and close this aspect of the file. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Strickland and Stuchell.

As the presiding Board member and Board member who reviewed the file, Mr. Miller and Mr. Rochester did not vote or participate in the discussion in this matter.

Mr. Rochester returned and assumed the position of Chair.

In the matter of File Number 2017-01233, Independent Settlement Services LLC, the Board reviewed the Consent Order as seen and agreed to by Independent Settlement Stephen D. Rosenthal, attorney for the Services LLC. respondent, was present and addressed the Board. A motion was made by Mr. Strickland and seconded by Mr. McCarty to accept the proposed Consent Order offer wherein Independent Settlement Services LLC admits to a violation of 18 VAC 130-30-160.4 (Count 1) of the Board's 2015 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed by majority vote. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Rochester and Strickland. Member voting "No" was Stuchell.

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

Mr. Miller returned and assumed the position of Chair.

In the matter of File Number 2016-02653, Independent Settlement Services, LLC, 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. Stephen D. Rosenthal, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Strickland and seconded by Mr. McCarty to accept the recommendation contained in the

Transfer of Chair

File Number 2017-01233, Independent Settlement Services LLC

Transfer of Chair

File Number 2016-02653, Independent Settlement Services, LLC

Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-30-160.4 (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell. A motion was made by Mr. Strickland and seconded by Mr. McCarty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-30-160.5 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

A motion was made by Ms. Gannon and seconded by Mr. McCarty to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no monetary penalty for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

A motion was made by Mr. Strickland and seconded by Ms. Gannon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2,500.00 for the violation contained in Count 2, for a total of \$2,500.00. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

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

In the matter of File Number 2016-02904, Landmark Network, Inc., 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 Mr. McCarty 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 130-30-160.3 (Count 1) of the Board's 2015 Regulations. The motion passed

File Number 2016-02904, Landmark Network, Inc.

unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

A motion was made by Mr. McCarty and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$2,500.00 for the violation contained in Count 1, for a total of \$2,500.00. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

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

In the matter of File Number 2017-00873, Wendy C. Timmons, 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. Gannon and seconded by Ms. Kelleher 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.2 (Count 1) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

A motion was made by Ms. Kelleher and seconded by Ms. Gannon to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose no monetary penalty for the violation contained in Count 1. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

A motion was made by Ms. Gannon and seconded by Ms. Kelleher 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.3 (Count 2) of the Board's 2008 Regulations. The motion passed unanimously. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

File Number 2017-00873, Wendy C. Timmons

A motion was made by Mr. Stuchell and seconded by Mr. McCarty to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead impose the following sanctions: for the violation of Count 2, Timmons is placed on probation and required to complete three (3) classroom hours of continuing education Further, Timmons shall provide evidence in Ethics. acceptable to the Board that she has successfully completed the course within six (6) months of the effective date of the The above-referenced continuing education hours 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 Gannon, Hofler, Kelleher, McCarty, Miller, Strickland and Stuchell.

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

In the matter of File Number 2017-01111, Charlene Shocky Boyajian, the Board reviewed the Consent Order as seen and agreed to by Ms. Boyajian. A motion was made by Mr. McCarty and and seconded by Mr. Rochester to accept the proposed Consent Order offer wherein Boyajian admits to a violation of 18 VAC 130-20-180.M.2 (Count 1) of the Board's 2015 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, McCarty, Miller, Rochester, Strickland and Stuchell.

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

Christine Martine opened the floor for nominations for the position of Vice-Chair of the Real Estate Appraiser Board. Michael Miller nominated Robert Rochester for the position of Vice-Chair and Jean Gannon seconded the nomination. With no other nominations, Mr. Rochester succeeds to the position of Vice-Chair by acclamation.

A motion was made by Mr. Miller and seconded by Ms.

File Number 2017-01111, Charlene Shocky Boyajian

Administrative Issues

Resolution - H. Rene

Gannon to adopt the following resolution to honor the years of dedicated Board service by former Board Member H. Rene Fonseca:

Fonseca

RESOLUTION IN HONOR OF

H. Rene Fonseca

WHEREAS, H. Rene Fonseca, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2012; and

WHEREAS, H. Rene Fonseca, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, H. Rene Fonseca, 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 Appraiser 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 Appraiser Board this fourteenth day of February, 2017 that H. Rene Fonseca be given all honors and respect due him for his outstanding service to the Commonwealth, 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. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Rochester, Strickland and Stuchell.

A motion was made by Mr. Miller and seconded by Ms. Gannon to adopt the following resolution to honor the years

Resolution – Christopher S. Call

of dedicated Board service by former Board Member Christopher S. Call:

RESOLUTION IN HONOR OF

Christopher S. Call

WHEREAS, Christopher S. Call, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2012; and

WHEREAS, Christopher S. Call, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Christopher S. Call, 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 Appraiser 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 Appraiser Board this fourteenth day of February, 2017 that Christopher S. Call be given all honors and respect due him for his outstanding service to the Commonwealth, 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. Members voting "Yes" were Gannon, Hofler, Kelleher, McCarty, Miller, Rochester, Strickland and Stuchell.

A motion was made by Mr. Miller and seconded by Ms. Gannon to adopt the following resolution to honor the years of dedicated Board service by former Board Member H.

Resolution – H. Glenn James

Glenn James:

RESOLUTION IN HONOR OF

H. Glenn James

WHEREAS, H. Glenn James, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2008; and

WHEREAS, H. Glenn James, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, H. Glenn James, 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 Appraiser 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 Appraiser Board this fourteenth day of February, 2017 that H. Glenn James be given all honors and respect due him for his outstanding service to the Commonwealth, 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. Members voting "Yes" were Gannon, Hosler, Kelleher, McCarty, Miller, Rochester, Strickland and Stuchell.

A motion was made by Mr. Miller and seconded by Ms. Gannon to adopt the following resolution to honor the years of dedicated Board service by former Board Member Scott Mayausky:

Resolution – Scott Mayausky

RESOLUTION IN HONOR OF

Scott Mayausky

WHEREAS, Scott Mayausky, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2012; and

WHEREAS, Scott Mayausky, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Scott Mayausky, 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 Appraiser 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 Appraiser Board this fourteenth day of February, 2017 that Scott Mayausky be given all honors and respect due him for his outstanding service to the Commonwealth, 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. Members voting "Yes" were Gannon, Hosler, Kelleher, McCarty, Miller, Rochester, Strickland and Stuchell.

The Board discussed AMC's hiring and using staff appraisers to perform appraisals for the company. The Board took no action.

New Business

There being no further business, the meeting adjourned at 11:33 A.M.

Michael Miller, Chair

Jay W. DeBoer, Secretary

1.	Name: Edythe Kelleher
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 14, 2017 (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.
	Rotht Kellsh 2-14-2017
	Signature Date

1.	Name: Janel E. Hofler
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 14, 2017 (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.
/	$\frac{2-14-1}{\text{Signature}} = \frac{2-14-1}{\text{Date}}$

(Name of Board) 4. Meeting/IFF Date: <u>February 14, 2017</u> (Date)	
4. Meeting/IFF Date: February 14, 2017 (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,	
(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,	
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	saction:
I am able to participate in this transaction fairly, objectively, and public interest.	d in the
☐ I did not participate in the transaction.	
6. I do not have a personal interest in any transactions taken at this	is meeting.
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1.	Name: Thomas "Mack" Strickland, Jr.
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 14, 2017 (Date)
5.	I have a personal interest in the following transaction:
	War
	(Agerdia 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.
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.
	2/14/2017 Date

Name: Richard "Rickey" D. Stuchell
(Name of Board Member) 2. Title: Board Member
Agency: Real Estate Appraiser Board (Name of Board)
4. Meeting/IFF Date: February 14, 2017
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.
☐ I did not participate in the transaction.
6. A 1 do not have a personal interest in any transactions taken at this meeting
Diff 2/14/17
Signature Date

1.	Name: Robert Rochester
2	(Name of Board Member) Title: Board Member
۷.	Title. Board Member
3.	Agency: Real Estate Appraiser Board
	(Name of Board)
4.	Meeting/IFF Date:February 14, 2017
	(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.
	☐ I did not participate in the transaction.
6.	☑ I do not have a personal interest in any transactions taken at this meeting.
	Signature Date

1.	Name: Michael Miller
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 14, 2017 (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.
	☐ I did not participate in the transaction.
6.	I do not have a personal interest in any transactions taken at this meeting.

1.	Name: Rex E. McCarty
2.	(Name of Board Member) Title: Board Member
3.	Agency: Real Estate Appraiser Board (Name of Board)
4.	Meeting/IFF Date: February 14, 2017 (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 appersonal interest in any transactions taken at this meeting.
	Signature 2/14/17 Date