

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

July 31, 2018

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:

Robert Rochester, Chair  
Mack Strickland, Vice-Chair  
Rex McCarty  
Janel Hofler  
Edythe Kelleher  
Fay B. Silverman (arrived at 10:11 a.m.)  
Chris King  
Michael Miller

Board members absent from the meeting: Jean Gannon  
Rickey Stuchell

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

Jay DeBoer, Director  
Christine Martine, Executive Director  
Jim Chapman, Board Administrator  
Emily Trent, Administrative Assistant

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

Mr. Rochester called the meeting to order at 10:04 A.M.

**Call to Order**

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

**Approval of Agenda**

A motion was made by Mr. Miller and seconded by Mr. King to approve the May 22, 2018, Real Estate Appraiser Board minutes. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, King, McCarty, Miller, Rochester and Strickland.

**Approval of Minutes**

Mike Small addressed the Board regarding hybrid appraisals. No action was taken by the Board.

**Public Comment**

Ian Coats addressed the Board regarding licensing requirements. No action was taken by the Board.

Pat Turner addressed the Board regarding hybrid appraisal. No action was taken by the Board.

Board member Fay Silverman arrived at 10:11 A.M.

**Arrival of Board Member**

In the matter of **File Number 2018-02761, David Martin Wesley**, 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. King and seconded by Ms. Silverman 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* to approve Mr. Wesley's application for a Licensed Residential Real Estate Appraiser license. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, King, McCarty, Miller, Rochester, Silverman and Strickland.

**File Number 2018-02761, David Martin Wesley**

In the matter of **File Number 2018-02757, Lyndsey Ann Guenther**, 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. Miller and seconded by Mr. Strickland to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to deny Ms. Guenther's application for a Certified Residential Real Estate Appraiser license. The Board reviewed the facts, and after careful consideration of the evidence and the Summary and Recommendation, is concerned that Ms. Guenther did not take responsibility for her prior discipline and therefore the Board is of the opinion it could not safeguard the health, safety and welfare of the public if it granted the license.

**File Number 2018-02757, Lyndsey Ann Guenther**

Therefore, the Board denies the license. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, King, McCarty, Miller, Rochester, Silverman and Strickland.

In the matter of **File Number 2018-02899, Maselah Surmaty**, 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. Maselah Surmaty, applicant, was present and addressed the Board. 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 to deny Mr. Surmaty's application for a Certified Residential Real Estate Appraiser license. The Board reviewed the facts, and considered the Summary and Recommendation, determining that Mr. Surmaty did not provide substantive, persuasive evidence he completed the minimum of 2,500 hours of appraisal experience as required by 18 VAC 130-20-301.8.b, the Board could not approve the application at this time. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, King, McCarty, Rochester, Silverman and Strickland.

**File Number 2018-002899, Maselah Surmaty**

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

In the matter of **File Number 2018-02003, John Christopher Eye**, the Board reviewed the Consent Order as seen and agreed to by Mr. Eye. A motion was made by Ms. Silverman and seconded by Mr. McCarty to accept the proposed Consent Order offer. A substitute motion was made by Mr. Strickland and seconded by Ms. Kelleher to reject the proposed Consent Order offer and extend a counter offer to Mr. Eye wherein Mr. Eye admits to a violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2008 Regulations, and agrees to \$150.00 in Board costs for a total of \$150.00. If Mr. Eye does not accept the counter offer, in ten days the case will go to an Informal Fact-Finding Conference. The substitute motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, King, McCarty, Rochester, Silverman and Strickland.

**File Number 2018-02003, John Christopher Eye**

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

In the matter of **File Number 2018-01229, Allen Eugene Lavelle**, 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 Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and find a violation of 18 VAC 130-20-180.B.1.a (Count 1) of the Board's 2015 Regulations and a violation of 18 VAC 130-20-180.M.4 (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, McCarty, Rochester, Silverman and Strickland.

**File Number 2018-01229, Allen Eugene Lavelle**

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 to impose license revocation for the violation of Counts 1 and 2. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, McCarty, Rochester, Silverman and Strickland.

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

In the matter of **File Number 2018-00890, Mark Max Elfman**, the Board reviewed the record which consisted of the investigative file, 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. Miller and seconded by Ms. Hofler to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to close the file and find no violation of 18 VAC 130-20-180.E (Count 1) of the Board's 2015 Regulations,

**File Number 2018-00890, Mark Max Elfman**

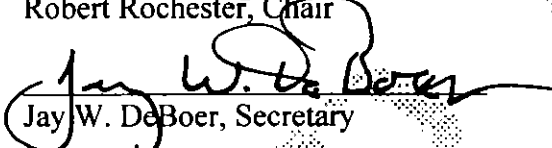
and find no violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Hofler, Kelleher, Miller, Rochester, Silverman and Strickland.

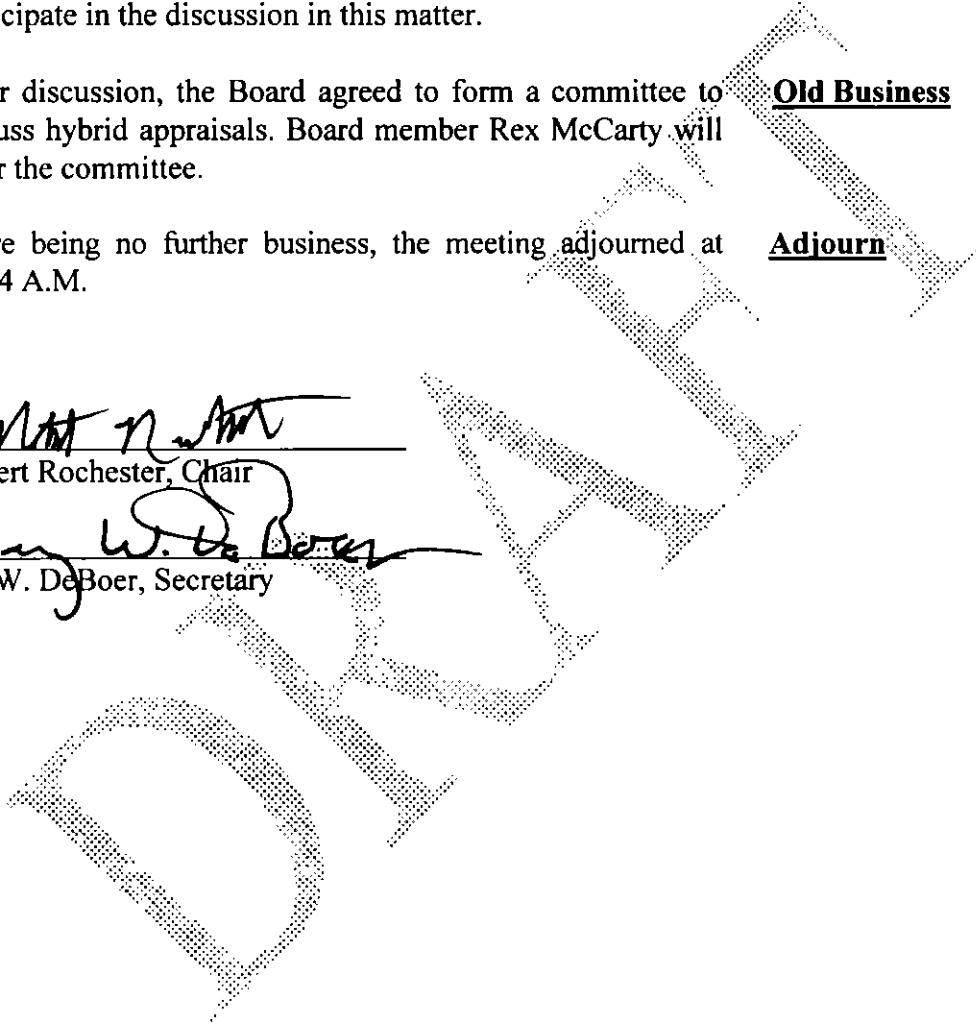
As the presiding Board member and the Board member who reviewed the file, Mr. King and Mr. McCarty did not vote or participate in the discussion in this matter.

After discussion, the Board agreed to form a committee to discuss hybrid appraisals. Board member Rex McCarty will chair the committee. **Old Business**

There being no further business, the meeting adjourned at 11:14 A.M. **Adjourn**

  
Robert Rochester, Chair

  
Jay W. DeBoer, Secretary



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

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

1. Name: Thomas "Mack" Strickland, Jr.  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: July 31, 2018  
(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

7-31-2018  
Date

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

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

1. Name: Edythe Kelleher  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: July 31, 2018  
(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

7-31-2018  
Date

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

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

1. Name: Robert Rochester  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: July 31, 2018  
(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.

Robert Rochester  
Signature

7/31/2018  
Date



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

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

1. Name: Fay B. Silverman  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: July 31, 2018  
(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.

Fay B. Silverman  
Signature

7/31/18  
Date

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

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

1. Name: Chris King  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: July 31, 2018  
(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:

\_\_\_\_\_

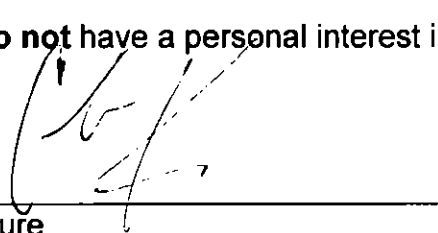
I am able to participate in this transaction fairly, objectively, and in the public interest.

or

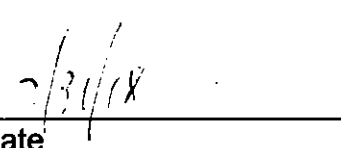
I did not participate in the transaction.

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: Michael Miller  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: July 31, 2018  
(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:

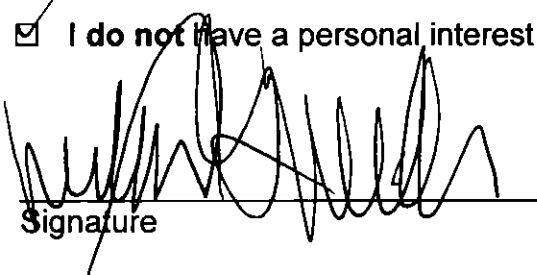
\_\_\_\_\_

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

7/31/18  
Date

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

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

1. Name: Janel E. Hofer  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: July 31, 2018  
(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.

Janel E Hofer  
Signature

7-31-18  
Date

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

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

1. Name: Rex E. McCarty  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: July 31, 2018  
(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:

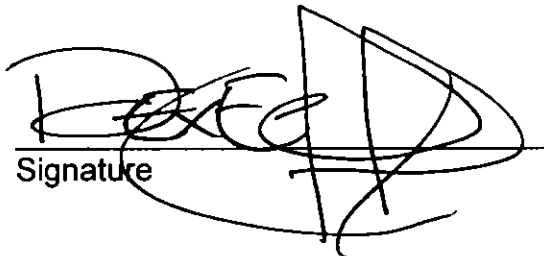
\_\_\_\_\_

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

7/31/18  
Date