

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 12, 2019

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
Michael Miller
Rex McCarty
Rickey Stuchell
Edythe Kelleher
Fay B. Silverman
H. Glenn James

Board members absent from the meeting: Kelvin Bratton
Chris King
Janel Hofler

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

Mary Broz-Vaughan, Acting Director
Christine Martine, Executive Director
Jim Chapman, Board Administrator
Emily Trent, Administrative Assistant
Stephanie Keuther, Administrative Assistant

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

Mr. Rochester called the meeting to order at 10:08 A.M.

Call to Order

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

Approval of Agenda

A motion was made by Mr. McCarty and seconded by Mr. Stuchell to approve the October 23, 2018, Real Estate Appraiser Board minutes and November 28, 2018, Hybrid Appraisal Committee minutes. The motion passed unanimously. Members voting "Yes" were James, Kelleher,

Approval of Minutes

McCarty, Miller, Rochester, Silverman and Stuchell.

Jayne Allen suggested the Board send important updates to MLS to distribute to appraisers. No action was taken by the Board.

Public Comment

Pat Turner addressed to the Board stating he felt the Hybrid Appraisal Committee meeting was productive. He requested the Board review 18 VAC 130-20-180.C.1 of Real Estate Appraiser Board's 2018 Regulations - Use of signature; and 18 VAC 130-30-160 of the 2018 Appraisal Management Company Regulations - Prohibited acts, when discussing hybrid appraisals focusing on electronic transmission of reports. Mr. Turner also commented that residential sales contracts have a clause to waive an appraisal. No action was taken by the Board.

Mike Small advised the Board of the Fannie Mae guidelines regarding who can perform an appraisal and remarked that no unlicensed person can inspect properties. He discussed hybrid appraisals done by a Georgia appraiser in Indiana, and provided literature the Board. No action was taken by the Board.

In the matter of **File Number 2019-01239, Brad Kevin Harris**, 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. Stuchell to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Harris' application for a Certified General Real Estate Appraiser license. The motion passed by majority vote. Members voting "Yes" were Kelleher, Miller, Rochester, Silverman and Stuchell. Member voting "No" was McCarty.

**File Number 2019-01239,
Brad Kevin Harris**

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

In the matter of **File Number 2019-01181, Stuart Ross Fine**, the Board reviewed the application file, the transcript,

**File Number 2019-01181,
Stuart Ross Fine**

and exhibits from the Informal Fact-Finding Conference, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Stuart Ross Fine, applicant, was present and addressed the Board. A motion was made by Mr. Miller and seconded by Ms. Silverman to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference to approve Mr. Fine's application for a Certified Residential Real Estate Appraiser license subject to the condition that Fine provide proof from the Maryland Commission showing he has completed the 42 hours of continuing education required by the Consent Order dated August 15, 2016. The motion passed unanimously. Members voting "Yes" were Kelleher, McCarty, Miller, Rochester, Silverman and Stuchell.

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

In the matter of **File Number 2019-00787, Ashley Stanley Hodges**, the Board reviewed the Consent Order as seen and agreed to by Ms. Hodges. A motion was made by Mr. McCarty and seconded by Ms. Silverman to accept the terms of the Consent Order.

File Number 2019-00787, Ashley Stanley Hodges

A substitute motion was made by Mr. Stuchell and seconded by Ms. Kelleher to reject the Consent Order and remand the case to an Informal Fact-Finding Conference to obtain additional information. The motion passed by majority vote. Members voting "Yes" to accept the substitute motion were Kelleher, Rochester and Stuchell. Members voting "No" were James and McCarty. Silverman abstained from voting in this matter.

A motion was made by Mr. Stuchell and seconded by Ms. Kelleher to reject the terms of the Consent Order as presented and to remand the case to an Informal Fact-Finding Conference to obtain additional information. The motion passed by majority vote. Members voting "Yes" were Kelleher, Rochester and Stuchell. Members voting "No" were James and McCarty. Silverman abstained from voting in this matter.

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 2018-02698, Matthew Brooks Sinnen**, 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.D (Count 1) of the Board's 2015 Regulations, and 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Kelleher, McCarty, Rochester, Silverman and Stuchell. James abstained from voting in this matter.

File Number 2018-02698, Matthew Brooks Sinnen

A motion was made by Mr. Stuchell and seconded by Ms. Kelleher to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$250.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, for a total of \$500.00. In addition, for the violations of Counts 1 and 2, Sinnen's license shall be placed on probation for a period of six (6) months. Terms of probation include that Sinnen is required to complete a minimum of 32 hours of Board-approved education pertaining to residential appraisal. Each course shall include an examination. Upon successful course completion, Sinnen shall provide the Board with proof of passing the examination(s). If, within six (6) months, Sinnen does not provide evidence of successful course completion and proof of passing the examination(s), his license shall be suspended until he complies with the terms of his probation. The motion passed unanimously. Members voting "Yes" were Kelleher, McCarty, Rochester, Silverman and Stuchell. James abstained from voting in this matter.

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

In the matter of **File Number 2018-02663, Edward Allen Gentry, Jr.**, 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. Edward Allen Gentry, Jr., respondent, was present and addressed the Board. 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.D (Count 1) of the Board's 2015 Regulations, 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations, and find no violation of 18 VAC 130-20-180.H.1 (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Kelleher, McCarty, Rochester, Silverman and Stuchell. James abstained from voting in this matter.

File Numer 2018-02663, Edward Allen Gentry, Jr.

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 impose a monetary penalty of \$250.00 for the violation contained in Count 1, \$250.00 for the violation contained in Count 2, for a total of \$500.00. In addition, for the violations of Counts 1 and 2, Gentry's license shall be placed on probation for a period of six (6) months. Terms of probation include that Gentry is required to complete a minimum of 32 hours of Board-approved education pertaining to advanced residential appraisal. Each course shall include an examination. Upon successful course completion, Gentry shall provide the Board with proof of passing the examination(s). If, within six (6) months, Gentry does not provide evidence of successful course completion and proof of passing the examination(s), his license shall be suspended until he complies with the terms of his probation. The motion passed unanimously. Members voting "Yes" were Kelleher, McCarty, Rochester, Silverman and Stuchell. James abstained from voting in this matter.

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

In the matter of **File Number 2018-03375, Xome Valuation 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. Theodore Adams, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. McCarty and seconded by Ms. Silverman to close the file and find no violation of 18 VAC 130-30-160.4 (Count 1) of the Board's 2015 Regulations. The motion passed by majority vote. Members voting "Yes" were James, Kelleher, McCarty, Rochester and Stuchell. Member voting "No" was Silverman.

File Number 2018-03375, Xome Valuation Services, LLC

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

In the matter of **File Number 2019-00273, Justin Maxwell Harley**, 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. Justin Maxwell Harley, respondent, Patrick Tench, attorney for the respondent, and Karen Berkness, witness, were present and addressed the Board. 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 close the file and find no violation of 18 VAC 130-20-180.K (Count 1) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were James, Kelleher, McCarty, Rochester, Silverman and Stuchell.

File Number 2019-00273, Justin Maxwell Harley

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

In the matter of **File Number 2018-02516, Frisco Lender 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. Nanci Weissgold, attorney for the

File Number 2018-02516, Frisco Lender Services, LLC

respondents, and Tom Westerfield, respondent, were present and addressed the Board. A motion was made by Mr. James 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 130-30-160.3 (Count 1) of the Board's 2015 Regulations, 18 VAC 130-30-160.4 (Count 2) of the Board's 2015 Regulations and 18 VAC 130-30-160.5 (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were James, Kelleher, McCarty, Miller, Rochester and Silverman.

A motion was made by Mr. McCarty and seconded by Mr. James to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$1,000.00 for the violation contained in Count 2, and \$1,000.00 for the violation contained in Count 3, for a total of \$2,000.00. The motion passed unanimously. Members voting "Yes" were James, Kelleher, McCarty, Miller, Rochester and Silverman.

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

In the matter of **File Number 2018-03102, Fred F. Hauser, Jr.**, 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.D (Count 1) of the Board's 2015 Regulations, 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations and 18 VAC 130-20-180.H.1 (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were James, Kelleher, McCarty, Miller, Rochester and Silverman.

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

File Number 2018-03102, Fred F. Hauser, Jr.

impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, and \$1,000.00 for the violation contained in Count 3, for a total of \$2,000.00. The Board also imposes revocation of license for the violations of Counts 1, 2, and 3. The motion passed unanimously. Members voting "Yes" were James, Kelleher, McCarty, Miller, Rochester and Silverman.

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

A motion was made by Ms. Kelleher and seconded by Mr. Stuchell to approve the language as amended in 18 VAC 130-30-60. Fee schedule, and file an exempt regulatory action. The motion passed unanimously. Members voting "Yes" were James, Kelleher, McCarty, Miller, Rochester, Stuchell and Silverman.

New Business

A motion was made by Ms. Silverman and seconded by Mr. McCarty to approve the language as amended in 18 VAC 130-30-70. Renewal required, and file an exempt regulatory action. The motion passed unanimously. Members voting "Yes" were James, Kelleher, McCarty, Miller, Rochester, Stuchell and Silverman.

The Board discussed the Hybrid Appraisal Committee minutes. The Board requested staff prepare a guidance document for its review at the next Board meeting.

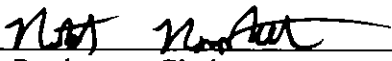
Old Business

Ms. Martine opened the floor for nominations for the position of Vice-Chair of the Real Estate Appraiser Board. Mr. McCarty nominated Mr. Stuchell for the position of Vice-Chair and Ms. Kelleher seconded the nomination. With no other nominations, Mr. Stuchell succeeds to the position of Vice-Chair by acclamation.


Election of Officer

There being no further business, the meeting adjourned at 12:29 P.M.

Adjourn



Robert Rochester, Chair



Mary Broz-Vaughan, Acting Secretary

**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: February 12, 2019
(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.

Michael Miller
Signature

2/12/2019
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: February 12, 2019
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

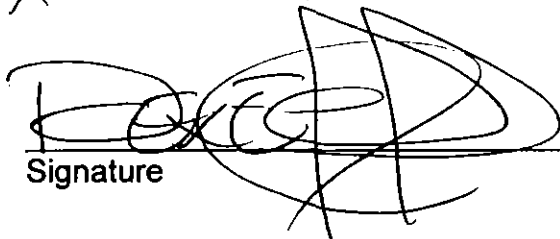
I declare that I am a member of the following business, profession,
occupation or group, the members of which are affected by the transaction:

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

2/12/19
Date

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

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

1. Name: Richard "Rickey" D. Stuchell
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
(Name of Board)
4. Meeting/IFF Date: February 12, 2019
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

2/12/19
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: February 12, 2019
(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

12 Feb 2019
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: February 12, 2019
(Date)

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

(Agenda Item)

Nature of Personal Interest Affected by Transaction: _____

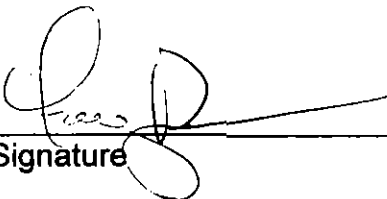
I declare that I am a member of the following business, profession, occupation or group, the members of which are affected by the transaction:

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

2/12/19
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: February 12, 2019
(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

2-12-2019

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: February 12, 2019
(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 S. Rochester
Signature

2/12/2019
Date