

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

May 1, 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  
Rickey Stuchell, Vice-Chair  
Michael Miller  
Rex McCarty  
Janel Hofler  
Edythe Kelleher  
Kelvin Bratton  
H. Glenn James

Board members absent from the meeting: Fay B. Silverman  
Chris King

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

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 10:12 A.M.

**Call to Order**

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

**Approval of Agenda**

A motion was made by Mr. McCarty and seconded by Mr. Bratton to approve the February 12, 2019, Real Estate Appraiser Board minutes. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Miller, Rochester and Stuchell.

**Approval of Minutes**

Jayne Allen stated she was asked to perform a hybrid

**Public Comment**

appraisal and the Mueller Group stated she had no liability for information provided. No action was taken by the Board.

Mark Chapin, representing REVAA and the banking industry, thanked the Board for its hard work and job well done on the Guidance Document. No action was taken by the Board.

Pat Turner advised the Board that the state of New York recently passed a law regarding appraisals and provided information. He further stated a large AMC recently went out of business which harms the public. No action was taken by the Board.

Tim O'Brien addressed the Board stating that the Guidance document was well written. He stated there are a lot of non-AMCs trying to get into the industry, and feels there is a lot of bad information out there. No action was taken by the Board.

Mack Strickland addressed the Board stating hybrid appraisals are bad for the state and the consumer. No action was taken by the Board.

Mr. Rochester turned the position of Chair over to Mr. Stuchell and recused himself from the meeting.

**Transfer of Chair**

In the matter of **File Number 2019-00549, William Lee Byers, III**, 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. William Lee Byers, III, respondent, was present and addressed the Board. A motion was made by Mr. McCarty and seconded by Mr. Bratton 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. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty and Stuchell.

**File Number 2019-00549,  
William Lee Byers, III**

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

Kelleher to amend 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, for a total of \$250.00. In addition, for the violation of Count 1, Byers' license shall be placed on probation for a period of six (6) months. Terms of probation include that Byers is required to complete a minimum of 15 hours of Board-approved education pertaining to residential sales comparison. Each course shall include an examination. Upon successful course completion, Byers shall provide the Board with proof of passing the examination(s). If, within six (6) months, Byers does not provide evidence of successful course completion and proof of passing the examination(s), his license shall be suspended until he provides such evidence. Satisfactory completion of this coursework will not count towards any continuing or pre-licensing education requirements for Byers' license renewal, reinstatement or upgrade. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty 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.

In the matter of **File Number 2019-00713, James M. Snyder**, 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. James M. Snyder, respondent, was present and addressed the Board. A motion was made by Mr. Miller 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.D (Count 1) of the Board's 2015 Regulations, and a violation of 18 VAC 130-20-180.D (Count 2) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, Kelleher, McCarty, Miller and Stuchell.

**File Number 2019-00713,**  
**James M. Snyder**

A motion was made by Mr. McCarty and seconded by Mr. Bratton to amend the recommendation contained in the

Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$500.00 for the violation contained in Count 1, \$500.00 for the violation contained in Count 2, for a total of \$1,000.00. In addition, for the violations of Counts 1 and 2, Snyder's license shall be placed on probation for a period of six (6) months. Terms of probation include that Snyder is required to complete a minimum of 15 hours of Board-approved education pertaining to USPAP. Each course shall include an examination. Upon successful course completion, Snyder shall provide the Board with proof of passing the examination(s). If, within six (6) months, Snyder does not provide evidence of successful course completion and proof of passing the examination(s), his license shall be suspended until he provides such evidence. Satisfactory completion of this coursework will not count towards any continuing or pre-licensing education requirements for Snyder's license renewal, reinstatement or upgrade. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, Kelleher, McCarty, Miller and Stuchell.

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

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

In the matter of **File Number 2019-00621, Sean B. McCoy**, 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. Sean B. McCoy, respondent, and Cathy Ferencsik, complainant, were present and addressed the Board. A motion was made by Mr. James 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 130-20-180.D (Count 1) of the Board's 2015 Regulations, and 18 VAC 130-20-180.E (Count 3) of the Board's 2015 Regulations. The motion passed unanimously. Members voting "Yes" were Bratton,

**Transfer of Chair**

**File Number 2019-00621,**  
**Sean B. McCoy**

Hofler, James, Kelleher, McCarty and Miller.

A motion was made by Mr. James and seconded by Mr. McCarty to 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 Bratton, Hofler, James, Kelleher, McCarty and Miller.

A motion was made by Mr. McCarty and seconded by Ms. Kelleher to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference. A substitute motion was made by Mr. James and seconded by Ms. Kelleher to amend 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, and \$2,500.00 for the violation contained in Count 3, for a total of \$5,000.00. The motion passed by majority vote. Members voting "Yes" were Bratton, James, Kelleher and Miller. Member voting "No" was McCarty. Hofler abstained from voting in this matter.

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

Mr. Rochester returned and assumed the position of Chair.

#### **Transfer of Chair**

Ms. Martine advised the Board that the exempt regulatory action to amend 18 VAC 130-30-60 - Fee schedule, and 18 VAC 130-30-70 – Renewal required, was filed and the amended regulations will be effective July 1, 2019. No action was taken by the Board.

#### **Administrative Issues**

The Board discussed the proposed Guidance Document regarding Hybrid Appraisals. A motion was made by Mr. Bratton and seconded by Mr. Miller to accept the proposed Guidance Document: Hybrid Appraisals. The motion passed by majority vote. Members voting "Yes" were Bratton, Hofler, Kelleher, Miller, Rochester and Stuchell. Members voting "No" were James and McCarty.

#### **Old Business**

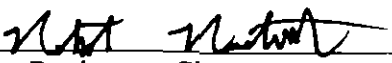
The Board discussed the proposed Disciplinary action in

#### **New Business**

another state review matrix. A motion was made by Mr. Stuchell and seconded by Mr. McCarty to adopt the matrix as presented. The motion passed unanimously. Members voting "Yes" were Bratton, Hofler, James, Kelleher, McCarty, Miller, Rochester and Stuchell.

There being no further business, the meeting adjourned at 12:16 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: Edythe Kelleher  
(Name of Board Member)
2. Title: Board Member
3. Agency: Real Estate Appraiser Board  
(Name of Board)
4. Meeting/IFF Date: May 1, 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.

*Edythe F. Kelleher*

Signature

5-1-2019

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: May 1, 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:

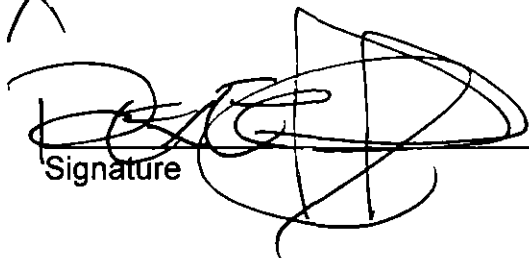
\_\_\_\_\_

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

5/1/19  
Date



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

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

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

Janel E. Hofler  
Signature

5-1-19  
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: May 1, 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

5/1/19  
\_\_\_\_\_  
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: May 1, 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:

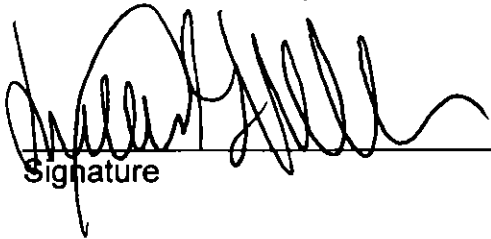
\_\_\_\_\_


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

  
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: May 1, 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

May 1, 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: May 1, 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

5/1/19  
Date

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

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

1. Name:  Kelvin Bratton   
(Name of Board Member)
2. Title:  Board Member
3. Agency:  Real Estate Appraiser Board   
(Name of Board)
4. Meeting/IFF Date:  May 1, 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:

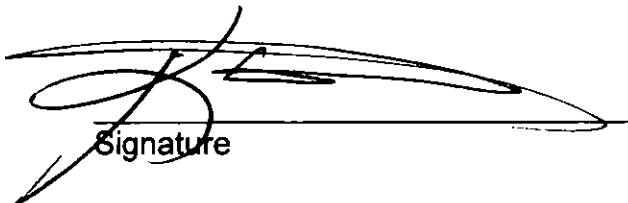
\_\_\_\_\_

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

5/1/19   
Date