

**REAL ESTATE APPRAISER BOARD
TENTATIVE AGENDA**

**Tuesday, February 9, 2021 - 10:00 AM
2nd Floor – Board Room 2**

**Department of Professional and Occupational Regulation
Perimeter Center, Suite 200
9960 Mayland Drive
Richmond, Virginia 23233**

I. CALL TO ORDER

II. ADMINISTRATIVE MATTERS

1. Approval of Agenda
2. Approval of Minutes:
 - A. October 14, 2020, Board Meeting

III. PUBLIC COMMENT PERIOD**

IV. CASES

1. File Number 2021-00294 – Samuel Levi
IFF by James– Licensing
2. File Number 2020-02304 – Mark Gregoria
IFF by Chapin – Disciplinary
3. File Number 2020-02423 – Bret G. Derby
IFF by Chapin – Disciplinary

V. ADMINISTRATIVE ISSUES

- Board Financial Statements
- Exempt Regulation Action
- Temporary Fee Reduction Proposal

VI. OLD BUSINESS

VII. NEW BUSINESS

NEXT MEETING SCHEDULED FOR TUESDAY, JUNE 1, 2021

**** 5-minute public comment, per person, on those items not included on the agenda with the exception of any open disciplinary files. No other public comment will be accepted by the Board during the meeting.** Persons desiring to participate in the meeting and requiring special accommodations or interpretative services should contact the Department at (804) 367-8552 at least ten days prior to the meeting so that suitable arrangements can be made for an appropriate accommodation. The Department fully complies with the Americans with Disabilities Act.

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

October 14, 2020

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:

Rickey Stuchell, Chair
Kelvin Bratton, Vice-Chair
Robert Rochester
H. Glenn James
Mark Chapin
Jason Inge
Todd Canterbury

Board members absent from the meeting: Edythe Kelleher
Fred Levine
Heather Placer

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

Mary Broz-Vaughan, Director
Christine Martine, Executive Director
Emily Trent, Administrative Assistant

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

Mr. Stuchell called the meeting to order at 10:12 A.M.

Call to Order

A motion was made by Mr. Rochester and seconded by Mr. James to approve the agenda. The motion passed unanimously. Members voting "Yes" were Bratton, Canterbury, Chapin, Inge, James, Rochester and Stuchell.

Approval of Agenda

A motion was made by Mr. Chapin and seconded by Mr. Rochester to approve the June 30, 2020, Real Estate Appraiser Board minutes. The motion passed unanimously. Members voting "Yes" were Bratton, Canterbury, Chapin, Inge, James, Rochester and Stuchell.

Approval of Minutes

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Mack Strickland addressed the Board regarding the lack of diversity in the appraiser profession and asked the Board to consider adding two hours of Fair Housing continuing education to the mandatory education requirement. No action was taken by the Board.

Public Comment

In the matter of **File Number 2019-02926, John Q. Hatten, Jr.**, the Board reviewed the Consent Order as seen and agreed to by Mr. Hatten. Lindsey Carney, attorney for the respondent, was present and addressed the Board. A motion was made by Mr. Chapin and seconded by Mr. Bratton to accept the proposed Consent Order offer wherein Mr. Hatten admits to 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.H (Count 2) of the Board's 2015 Regulations, and agrees to \$150.00 in Board costs, for a total of \$150.00. In addition, for violations of Counts 1 and 2, Hatten agrees to surrender his license within 30 days of the effective date of the Order. The motion passed unanimously. Members voting "Yes" were Bratton, Canterbury, Chapin, Inge and Stuchell.

File Number 2019-02926, John Q. Hatten, Jr.

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

In the matter of **File Number 2019-02831, Michael Trull**, 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. Bratton and seconded by Mr. Chapin 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, Canterbury, Chapin, Inge and Stuchell.

File Number 2019-02831, Michael Trull

A motion was made by Mr. Bratton and seconded by Mr. Chapin to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and

impose a monetary penalty of \$200.00 for the violation contained in Count 1, for a total of \$200.00. The motion passed unanimously. Members voting "Yes" were Bratton, Canterbury, Chapin, Inge and Stuchell.

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

In the matter of **File Number 2020-00795, Lawrence Kesser**, 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. Rochester and seconded by Mr. Chapin 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, find a violation of 18 VAC 130-20-180.E (Count 2) of the Board's 2015 Regulations, and find a 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 Members voting "Yes" were Bratton, Canterbury, Chapin, Inge, Rochester and Stuchell.

File Number 2020-00795, Lawrence Kesser

A motion was made by Mr. Chapin and seconded by Mr. Rochester to accept the recommendation contained in the Summary of the Informal Fact-Finding Conference and impose a monetary penalty of \$100.00 for the violation contained in Count 1, and \$100.00 for the violation contained in Count 3, for a total of \$200.00. The motion passed unanimously. Members voting "Yes" were Bratton, Canterbury, Chapin, Inge, Rochester and Stuchell.

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

The Board reviewed the Board financial statement as presented. No action was taken by the Board.

Administrative Issues

A motion was made by Mr. Rochester and seconded by Mr. James to accept the proposed change to the regulations as

presented and to file an exempt regulatory action. The motion passed unanimously. Members voting "Yes" were Bratton, Canterbury, Chapin, James, Inge, Rochester and Stuchell.

A motion was made by Mr. Chapin and seconded by Mr. Bratton to adopt the following resolution to honor the years of dedicated Board service by former Board Member Janel E. Hofler:

Resolutions

RESOLUTION IN HONOR OF

Janel E. Hofler

WHEREAS, Janel E. Hofler has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2016; and

WHEREAS, Janel E. Hofler, has devoted generously of her time, talent and leadership to the Board; and

WHEREAS, Janel E. Hofler, 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 October, 2020 that Janel E. Hofler be given all honors and respect due her for her outstanding service to the Commonwealth, citizens and the Real Estate Appraiser Board; and

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

The motion passed unanimously. Members voting "Yes"

were Bratton, Canterbury, Chapin, Inge, James, Rochester and Stuchell.

A motion was made by Mr. Chapin and seconded by Mr. Bratton to adopt the following resolution to honor the years of dedicated Board service by former Board Member Chris King:

RESOLUTION IN HONOR OF

Chris King

WHEREAS, Chris King, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2016; and

WHEREAS, Chris King, has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Chris King, 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 October, 2020 that Chris King 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 Bratton, Canterbury, Chapin, Inge, James, Rochester and Stuchell.

A motion was made by Mr. Chapin and seconded by Mr. Bratton to adopt the following resolution to honor the years of dedicated Board service by former Board Member Rex McCarty:

RESOLUTION IN HONOR OF

Rex McCarty

WHEREAS, Rex McCarty, has faithfully and diligently served as a member of the Real Estate Appraiser Board since 2016; and

WHEREAS, Rex McCarty has devoted generously of his time, talent and leadership to the Board; and

WHEREAS, Rex McCarty, 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 October, 2020 that Rex McCarty 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 Bratton, Canterbury, Chapin, Inge, James, Rochester and Stuchell.

Mr. James addressed the increasing volume of applications, the processing time for application review and scheduling

New Business

examinations. He also discussed developing programs to increase diversity and discrimination issues. No action was taken by the Board.

Mr. Rochester discussed seller concessions in residential appraisals. No action was taken by the Board.

There being no further business, the meeting adjourned at **Adjourn**
11:21 A.M.

Rickey Stuchell, Chair

Mary Broz-Vaughan, Secretary

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*DRAFT AGENDA
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DRAFT AGENDA*

**Department of Professional and Occupational Regulation
Statement of Financial Activity
Real Estate Appraiser Board
954610**

2020-2022 Biennium

December 2020

	December 2020 Activity	Biennium-to-Date Comparison	
		July 2018 - December 2018	July 2020 - December 2020
Cash/Revenue Balance Brought Forward			30,844
Revenues	8,715	82,695	130,420
Cumulative Revenues			161,264
Cost Categories:			
Board Expenditures	1,052	10,854	8,417
Board Administration	4,444	33,370	31,594
Administration of Exams	88	1,333	634
Enforcement	653	4,695	4,690
Legal Services	0	288	420
Information Systems	4,940	22,680	20,932
Facilities and Support Services	1,399	8,618	8,827
Agency Administration	2,090	15,240	14,488
Other / Transfers	0	0	0
Total Expenses	14,635	97,078	90,001
Transfer To/(From) Cash Reserves	0	0	0
Ending Cash/Revenue Balance			71,263

Cash Reserve Beginning Balance	345,382	0	345,382
Change in Cash Reserve	0	0	0
Ending Cash Reserve Balance	345,382	0	345,382

Number of Regulants

Current Month	4,238
Previous Biennium-to-Date	4,084

**Real Estate Appraisers Board
Analysis of Fee Structure and Financial Position**

Callahan Percentage Previous Biennium 68.5%

Temporary in
FY22 and FY23

Fee Structure

Fee Type			Current Fees	Proposal A
4001	Application	Individual Application Fee	172.50	172.50
4001	Application	USPAP booklet fee	37.50	37.50
4001	Application	National Registry Fee	80.00	80.00
4001	Application	License Upgrade	130.00	130.00
4001	Renewal	Individual Renewal Fee	87.50	22.50
4001	Renewal	USPAP booklet fee	37.50	37.50
4001	Renewal	National Registry Fee	80.00	80.00
4001	Reinstatement	Individual	180.00	180.00
4002	Application	Instructor	150.00	150.00
4002	Renewal	Instructor	150.00	25.00
4002	Reinstatement	Instructor	0.00	0.00
4004	Application	Trainee	117.50	117.50
4004	Application	USPAP booklet fee	37.50	37.50
4004	Renewal	Trainee	87.50	22.50
4004	Renewal	USPAP booklet fee	37.50	37.50
4004	Reinstatement	Trainee	95.00	95.00
4005	Temporary App	Individual	75.00	75.00
4006	Application	Course	150.00	150.00
4006	Renewal	Course	150.00	25.00
4008	Application	Business	160.00	160.00
4008	Renewal	Business	120.00	25.00
4008	Reinstatement	Business	160.00	160.00
4009	Application	Appraisal Mgmt Company	490.00	490.00
4009	Application	National Registry Fee	1,275.00	1,275.00
4009	Renewal	Appraisal Mgmt Company	300.00	300.00
4009	Renewal	National Registry Fee	1,275.00	1,275.00

Financial Position

	Actual 2018-20 Biennium	Projected 2020-22 Current Fees	Projected 2022-24 Current Fees	Projected 2022-24 Proposal A
Cash Carryforward	406,472	376,226	440,039	295,901
Revenues	519,090	648,402	643,232	541,439
Expenditures	549,336	584,589	588,378	588,378
Balance	376,226	440,039	494,892	248,962
Projected Callahan Percentage Close of Biennium			84.1%	42.3%

NOTES:

Proposed Fees temporarily lower renewal fees for FY2022 and FY2023
 Recommendation to extend into FY2024 and FY2025 is likely.
 Temporary fees should be put in place as soon as possible.