

**VIRGINIA REAL ESTATE APPRAISER BOARD**

**INFORMAL FACT-FINDING CONFERENCES**

**JUNE 2, 2004 (9:00 AM)**

The Virginia Real Estate Appraiser Board convened in Richmond, Virginia, for the purpose of holding Informal Fact-Finding Conferences pursuant to the Administrative Process Act.

Robert A. Whaley, Board Member, Presided. Christopher Call, Board Member was present.

James L. Guffey appeared for the Department of Professional and Occupational Regulation.

The conferences were recorded by Inge Snead & Associates, LTD. and the Summaries or Consent Orders are attached unless no decision was made.

Disc=Disciplinary Case

C=Complainant/Claimant

R=Respondent/Regulant

I=Investigator

W=Witness

Participants

- |    |   |  |
|----|---|--|
| 1. | David Myers<br>File Number 2004-00424 (Disc)<br><b>No Decision Made</b> | David Myers – R<br>W. Stephen Coleman – R's Atty<br>Marvin Meyers - W<br>Nathan Matthews – I                           |
| 2. | Michael McMahon<br>File Number 2004-01076 (Disc)                        | Michael McMahon – R<br>Lawrence E. Marshall – R's Atty<br>Tara McMahon - W<br>Sylvia Van Dyke – C<br>Linda Boswell – I |
| 3. | Tara McMahon<br>File Number 2004-01077 (Disc)                           | Tara McMahon – R<br>Lawrence E. Marshall – R's Atty<br>Michael McMahon - W<br>Sylvia Van Dyke – C<br>Linda Boswell – I |

The meeting adjourned at 11:45 a.m.

Virginia Real Estate Appraiser Board

  
\_\_\_\_\_  
David N. Castle, Chairman

  
Louise Fontaine Ware, Secretary

COPY TESTE:

\_\_\_\_\_  
Custodian of Records

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE APPRAISER BOARD**

**In Re:**

Michael S. McMahon  
Reston, VA 20191

File Number 2004-01076  
License Number 4001002133

**CONSENT ORDER**

Respondent Michael S. McMahon ("McMahon") was at all times material to this matter a licensed Certified Residential Appraiser in Virginia (No. 4001002133).

As a result of this status, McMahon recognizes and acknowledges being subject to and bound by the Regulations of the Real Estate Appraiser Board ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on June 2, 2004 in an Informal Fact Finding Conference ("IFF") pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by Michael S. McMahon, Respondent; Lawrence E. Marshall, Respondent's Attorney; Tara McMahon, Witness; Sylvia Van Dyke, Complainant. Board Member Robert A. Whaley presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

### **Background**

On August 28, 2003, the Enforcement Division of the Department of professional and Occupational Regulation received a written complaint from Sylvia G. Van Dyke (Van Dyke) regarding an appraisal report prepared by Tara

Anne McMahon (Ms. McMahon) and signed by Supervisory Appraiser, Michael S. McMahon (McMahon).

On or about June 30, 2003, McMahon prepared a Uniform Residential Appraisal Report, for Van Dyke, as the borrower for a property located at 223 Revell Road, Fredericksburg, Virginia. McMahon estimated market value was \$357,000.

### **Summation of Facts**

McMahon signed the Uniform Residential Appraisal Report prepared by Ms. McMahon in which she typed the word "Unknown" for Site information for comparables 1,2 and 3.

The Board and McMahon, as evidenced by the signatures affixed below, enter into this Consent Order. McMahon knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, McMahon acknowledges an understanding of the charges. McMahon hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

**McMahon agrees to successfully complete a fifteen (15) hour USPAP course and exam for violation of 18 VAC 130-20-180(D) to wit: 2003**

**Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 1-1(a)(b).**

**It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of license.**

**The fifteen (15) hour USPAP course must be completed within six months of the effective date of this order.**

**Additionally, McMahon agrees to pay Board costs in the amount of \$150.00.**

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. McMahon acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, McMahon will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**McMahon acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of McMahon's license until such time as there is compliance with all terms of this Order. McMahon understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

\_\_\_\_\_  
Michael S. McMahon

\_\_\_\_\_  
Date

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Real Estate Appraiser Board

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary

**IN THE  
COMMONWEALTH OF VIRGINIA  
REAL ESTATE APPRAISER BOARD**

**In Re:**

Tara Anne McMahon  
Montclair, VA 22026

File Number 2004-01077  
License Number 4001006492

**CONSENT ORDER**

Respondent Tara Anne McMahon ("McMahon") was at all times material to this matter a licensed Certified Residential Appraiser in Virginia (No. 4001006492).

As a result of this status, McMahon recognizes and acknowledges being subject to and bound by the Regulations of the Real Estate Appraiser Board ("Board"), as well as by all other applicable Virginia laws.

A violation of these Regulations has been reported and investigated. These matters were considered on June 2, 2004 in an Informal Fact Finding Conference ("IFF") pursuant to the Administrative Process Act §§2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended. This IFF was held in Richmond, Virginia and was attended by, Tara McMahon Respondent; Lawrence E. Marshall, Respondent's Attorney; Michael S. McMahon, Witness; Sylvia Van Dyke, Complainant. Board Member Robert A. Whaley presided at the IFF.

The Board's duly designated representative has found sufficient evidence to believe that:

### **Background**

On August 28, 2003, the Enforcement Division of the Department of professional and Occupational Regulation received a written complaint from Sylvia G. Van Dyke (Van Dyke) regarding an appraisal report prepared by Tara

Anne McMahon (Ms. McMahon) and signed by Supervisory Appraiser, Michael S. McMahon (McMahon).

On or about June 30, 2003, Ms. McMahon prepared a Uniform Residential Appraisal Report, for Van Dyke, as the borrower for a property located at 223 Revell Road, Fredericksburg, Virginia. Ms. McMahon estimated market value was \$357,000.

### **Summation of Facts**

When Ms. McMahon prepared the Uniform Residential Appraisal Report, she typed the word "Unknown" for Site information for comparables 1,2 and 3.

The Board and McMahon, as evidenced by the signatures affixed below, enter into this Consent Order. McMahon knowingly and voluntarily waives any further proceedings in this matter under Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.

Further, by signing this Consent Order, McMahon acknowledges an understanding of the charges. McMahon hereby admits to the violation(s) of the Board's Regulations and consents to the following term(s) by the Board:

**McMahon agrees to successfully complete a fifteen (15) hour USPAP course and exam for violation of 18 VAC 130-20-180(D) to wit: 2003**

**Uniform Standards of Professional Appraisal Practice (USPAP) Standards Rule 1-1(a)(b).**

**It is acknowledged that satisfactory completion of the above-referenced USPAP course will not count towards any continuing education requirements for renewal of license.**

**The fifteen (15) hour USPAP course must be completed within six months of the effective date of this order.**

**Additionally, McMahan agrees to pay Board costs in the amount of \$150.00.**

The above monetary penalties, costs or sanctions are to be paid/performed within thirty days of the effective date of this consent order. McMahan acknowledges the monetary penalty and costs as a debt to the Commonwealth and agrees that in the event of a default, or the return of a check for insufficient funds, McMahan will be responsible for a penalty fee of 10% and interest at the underpayment rate prescribed in Section 58.1-15 of the 1950 Code of Virginia, as amended, and for all reasonable administrative costs, collection fees, or attorney's fees incurred in the collection of whatever funds are due.

**McMahan acknowledges that failure to pay the penalty, the costs, or to comply with all terms of this Order within the specified time period, shall result in the automatic suspension of McMahan's license until such time as there is compliance with all terms of this Order. McMahan understands the right to have this automatic suspension considered in an IFF pursuant to the Administrative Process Act §§ 2.2-4019 and 2.2-4021 of the 1950 Code of Virginia, as amended, but knowingly and voluntarily waives any rights to the proceeding and hereby waives any further proceedings under the Administrative Process Act §§ 2.2-4020 and 2.2-4021 of the 1950 Code of Virginia, as amended.**

The effective date of this Order shall be the date of execution by the Board.

SEEN AND AGREED TO:

\_\_\_\_\_  
Tara Anne McMahan

\_\_\_\_\_  
Date

CITY/COUNTY OF \_\_\_\_\_  
COMMONWEALTH OF VIRGINIA

Sworn and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
Notary Public

My Commission Expires: \_\_\_\_\_

**SO ORDERED:**

Entered this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

Real Estate Appraiser Board

BY: \_\_\_\_\_  
Louise Fontaine Ware, Secretary



STATE AND LOCAL GOVERNMENT  
CONFLICT OF INTEREST ACT

TRANSACTIONAL DISCLOSURE STATEMENT  
for Officers and Employees of State Government

1. Name: Robert A. Whaley
2. Title: Board Member
3. Agency: Real Estate Appraiser Board
4. Transaction: Informal Fact-Finding Conferences on June 2, 2004
5. Nature of Personal Interest Affected by Transaction: RE LIC  
JUN 04 2004

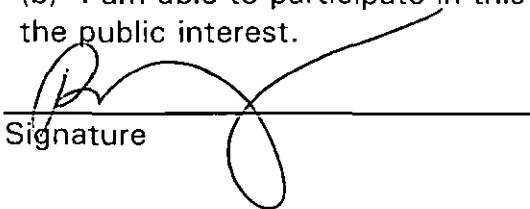
6. I declare that:

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

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

Signature

Date



6/2/04