

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

May 3, 2005

The Real Estate Appraiser Board met at the Department of Professional and Occupational Regulation, 3600 West Broad Street, Richmond, Virginia. The following Board members were present:

John C. Harry, III, Chairman  
Gina Burgin  
Christopher Call  
David N. Castle  
Harry O. Lewis, Jr.  
Douglas Mullins, Jr.  
Fay Silverman  
Robert Whaley

Board Member Janet Fuller was not present.

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

Louise Fontaine Ware, Director  
Sandra Whitley Ryals, Chief Deputy Director  
Karen W. O'Neal, Deputy Director  
Nick Christner, Deputy Director  
Christine Martine, Executive Director  
Tammie Hall, Education Administrator  
Earlyne Perkins, Legal Assistant  
Chris Olson, Administrative Assistant

Eric Gregory, Assistant Attorney General, was present for the meeting.

Chairman Harry called the meeting to order at 10:10 a.m.

**Call to Order**

A motion was made by Mr. Lewis and seconded by Mr. Mullins to approve the agenda. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

**Approval of Agenda**

A motion was made by Mr. Lewis and seconded by Mr. Whaley to approve the following minutes. February 22, 2005 Board Meeting and April 7, 2005 Informal Fact Finding Conference. The motion

**Approval of Minutes**

passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

No one addressed the Board during the Public Comment Period.

In the matter of **File Number 2005-01852 Dennis Smith**, the Board reviewed the record which consisted of the Consent Order as seen and agreed to by Mr. Smith. Mr. Smith was not present. A motion was made by Mr. Whaley and seconded by Mr. Mullins to accept the Consent Order wherein Mr. Smith admits to a violation of §54.1-2009 of the Code of Virginia and agrees to present evidence acceptable to the Board that he has successfully completed a 15 hour USPAP course within three months of entry of the order. Satisfactory completion of the referenced USPAP course will not count towards any CE requirements for license renewal. These terms are to run concurrent with the terms agreed to in the Consent Order for file number 2005-01577. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

In the matter of **File Number 2005-01577 Dennis Smith**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Smith. Mr. Smith was not present. A motion was made by Mr. Whaley and seconded by Mr. Mullins to accept the Consent Order wherein Mr. Smith admits to a violation of §54.1-2009 of the Code of Virginia and agrees to present evidence acceptable to the Board that he has successfully completed a 15 hour USPAP course within three months of entry of the order. Satisfactory completion of the referenced USPAP course will not count towards any CE requirements for license renewal. These terms are to run concurrent with the terms agreed to in the Consent Order for file number 2005-01852. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

In the matter of **File Number 2005-02361 A. Scott Ward, Sr.**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Ward. A. Scott Ward, Sr., respondent, was present and addressed the Board. After discussion, Mr. Ward withdrew his consent from the Consent Order and requested an Informal Fact Finding Conference. No Board action was needed.

**Public Comment**

**File Number 2005-01852**  
**Dennis Smith**

**File Number 2005-01577**  
**Dennis Smith**

**File Number 2005-02361**  
**A. Scott Ward, Sr.**

In the matter of **File Number 2005-01578 Brenda Wall**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Ms Wall. Ms. Wall was not present. A motion was made by Mr. Call and seconded by Mr. Mullins to accept the Consent Order wherein Ms Wall admits to a violation of §54.1-2009 of the Code of Virginia and agrees to present evidence acceptable to the Board that she has successfully completed a 15 hour USPAP course within three months of entry of the order. Satisfactory completion of the referenced USPAP course will not count towards any CE requirements for license renewal. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

**File Number 2005-01578**  
**Brenda Wall**

In the matter of **File Number 2005-01593 Anthony Jones**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Jones. Mr. Jones was not present. A motion was made by Mr. Castle and seconded by Mr. Lewis to accept the Consent Order wherein Mr Jones admits to a violation of §54.1-2009 of the Code of Virginia and agrees to present evidence acceptable to the Board that he has successfully completed a 15 hour USPAP course within three months of entry of the order. Satisfactory completion of the referenced USPAP course will not count towards any CE requirements for license renewal. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

**File Number 2005-01593**  
**Anthony Jones**

In the matter of **File Number 2004-04925 James Burns**, the Board reviewed the record, which consisted of the Consent Order as seen and agreed to by Mr. Burns. Mr Burns was not present. A motion was made by Mr. Castle and seconded by Mr. Whaley to reject the Consent Order due to concerns with the terms and send the file to an Informal Fact Finding Conference. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

**File Number 2004-04925**  
**James Burns**

In the matter of **File Number 2005-03363 James Dickey**, the Board reviewed the record, which consisted of the application file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding officer. Mr. Dickey was not present. A motion was made by Ms. Silverman and seconded by Mr. Lewis to accept the recommendation contained in the

**File Number 2005-03363**  
**James Dickey**

Summary of the Informal Fact-Finding Conference and, after consideration of the criteria contained in § 54.1-204.B of the Code of Virginia, approve Mr. Dickey's application for a Licensed Residential Real Estate Appraiser license. The motion passed unanimously Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

In the matter of File Number 2003-02843 W. Justin Drinkwater, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Kenneth Stolle, Attorney for respondent, and Mr. Drinkwater, respondent, were present and addressed the Board. After discussion the Board agreed to enter into a Consent Order wherein Mr. Drinkwater admits to a violation of 18 VAC 130-20-180(D) to wit: 2003 USPAP Standards Rule 1-1(a), (b) and (c) of the Board's 1998 Regulations and agrees to pay a monetary penalty of \$500 and to a violation of 18 VAC 130-20-180(E) to wit: 2003 USPAP Standards Rule 2-1(a), (b) and (c) of the Board's 1998 Regulations and agrees to pay a monetary penalty of \$500 for a total monetary penalty of \$1000 for the violations. In addition to the monetary penalty, Mr. Drinkwater agrees have his license on probation for a period of one year from the execution of this order. Also, Mr. Drinkwater agrees to provide to the Board ten appraisal reports per quarter for the one year probation period. In addition, Mr. Drinkwater agrees to provide evidence acceptable to the Board that he has successfully completed a 15 hour USPAP course within three months of entry of the order. Satisfactory completion of the referenced USPAP course will not count towards any CE requirements for license renewal. These terms are to run concurrent with the terms agreed to in the Consent Order for file number 2005-03140. A motion was made by Mr. Whaley and seconded by Mr. Call to accept the terms of the Consent Order. The motion passed unanimously Members voting "Yes" were Burgin, Call, Harry, Lewis, Mullins and Whaley.

**File Number 2003-02843**  
**W. Justin Drinkwater**

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote. Additionally, due to potential conflicts of interest, Ms. Silverman recused herself and was not present during the discussion or vote.

In the matter of **File Number 2003-03140 W. Justin Drinkwater**, the Board reviewed the record which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conference of the presiding Board member. Kenneth Stolle, Attorney for respondent, and Mr. Drinkwater, respondent, were present and addressed the Board. After discussion the Board agreed to enter into a Consent Order wherein Mr. Drinkwater admits to a violation of 18 VAC 130-20-180(D) to wit: 2003 USPAP Standards Rule 1-1(a), (b) and (c) of the Board's 1998 Regulations and agrees to pay a monetary penalty of \$500, a violation of 18 VAC 130-20-180(D) to wit: 2003 USPAP Standards Rule 1-5(b) of the Board's 1998 Regulations and agrees to pay a monetary penalty of \$300 and a violation of 18 VAC 130-20-180(E) to wit: 200 USPAP Standards Rule 2-1(a), (b) and (c) of the Board's 1998 Regulations and agrees to pay a monetary penalty of \$500 for a total monetary penalty of \$1300 for the violations. In addition to the monetary penalty, Mr Drinkwater agrees to have his license on probation for a period of one year from the execution of this order. Also, Mr Drinkwater agrees to provide to the Board ten appraisal reports per quarter for the one year probation period. In addition, Mr. Drinkwater agrees to provide evidence acceptable to the Board that he has successfully completed a 15 hour USPAP course within three months of entry of the order. Satisfactory completion of the referenced USPAP course will not count towards any CE requirements for license renewal. These terms are to run concurrent with the terms agreed to in the Consent Order for file number 2005-02843. A motion was made by Mr. Whaley and seconded by Mr. Call to accept the terms of the Consent Order. The motion passed unanimously. Members voting "Yes" were Burgin, Call, Harry, Lewis, Mullins and Whaley.

As the presiding Board member at the Informal Fact-Finding Conference, Mr. Castle was not present during the discussion or vote. Additionally, due to potential conflicts of interest, Ms. Silverman recused herself and was not present during the discussion or vote.

Ms. Martine updated the Board on House Bill 2123 and House Bill 1902 which were adopted by the General Assembly.

**File Number 2003-03140**  
**W. Justin Drinkwater**

**Legislation Update**

A motion was made by Mr. Call and seconded by Mr. Castle to add to the Board's Legislative wish list revising the statute to require trainees to become licensed. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.


**Other Business**

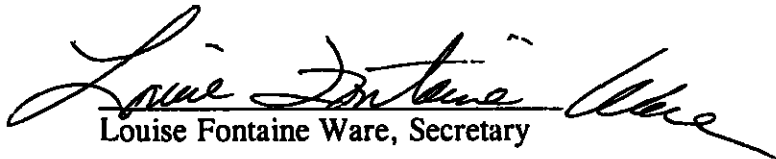
Mr. Gregory updated the Board on the status of the appeal file for Mr. Dempsey.

Mr. Castle gave a report on the PSI Examination Workshop in Las Vegas.

A motion was made by Mr. Castle and seconded by Mr. Whaley to adjourn at 11:45 a.m. The motion passed unanimously. Members voting "Yes" were Burgin, Castle, Call, Harry, Lewis, Mullins, Silverman and Whaley.

**Adjourn**

  
John C. Harry, III, Chairman

  
Louise Fontaine Ware, Secretary

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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: John C. Harry, III
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_

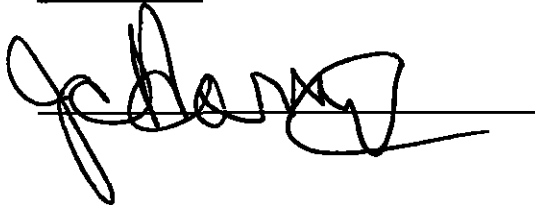
6. I declare that:

(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.

Dated: May 3, 2005

Signature: \_\_\_\_\_



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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Gina M. Burgin
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
None

6. I declare that:

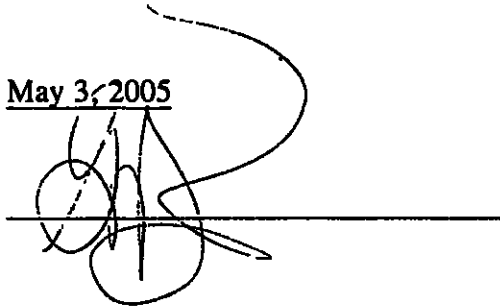
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

None

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

Dated: May 3, 2005

Signature: \_\_\_\_\_



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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Christopher Call
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

6. I declare that:

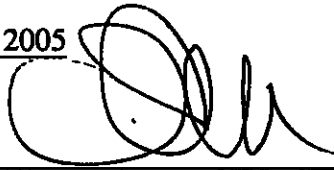
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

\_\_\_\_\_

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

Dated: May 3, 2005

Signature: \_\_\_\_\_



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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: David N. Castle
2. Title: Member – Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

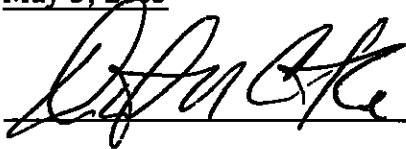
6. I declare that:

(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.

Dated: May 3, 2005

Signature: \_\_\_\_\_



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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Harry O. Lewis, Jr.
2. Title: Member – Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction. \_\_\_\_\_  
\_\_\_\_\_

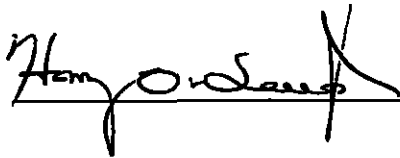
6. I declare that:

(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.

Dated: May 3, 2005

Signature.

  
\_\_\_\_\_

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

**TRANSACTIONAL DISCLOSURE STATEMENT**

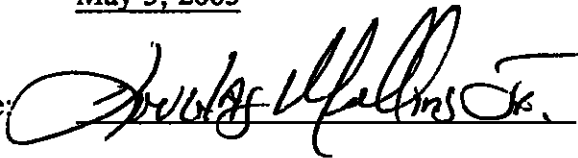
- 1. Name: Douglas Mullins, Jr.
- 2. Title. Member – Real Estate Appraiser Board
- 3. Agency: Department of Professional and Occupational Regulation
- 4. Transaction: Board Meeting
- 5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

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.

Dated: May 3, 2005

Signature: 

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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Fay B. Silverman
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction. \_\_\_\_\_  
\_\_\_\_\_

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:

Southern Trust Mtg

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

Dated: May 3, 2005

Signature: \_\_\_\_\_

Fay B. Silverman

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

**TRANSACTIONAL DISCLOSURE STATEMENT**

1. Name: Robert A. Whaley
2. Title: Member - Real Estate Appraiser Board
3. Agency Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: \_\_\_\_\_  
\_\_\_\_\_

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.

Dated: May 3, 2005

Signature: 