

REAL ESTATE APPRAISER BOARD

MINUTES OF MEETING

February 21, 2006

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
Janet Fuller
Harry O. Lewis, Jr.
Douglas Mullins, Jr.
Richard Pruitt
Pat Turner, Jr.
Diane Quigley

The following Board members were not present: Fay Silverman

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

Louise Fontaine Ware, Director
Brian Hannigan, Chief Deputy Director
Nick Christner, Deputy Director
Karen W. O'Neal, Deputy Director
C.W. Lawrence, Director of Field Investigations
Christine Martine, Executive Director
Tammie Hall, Regulatory Board Administrator
Earlyne Perkins, Legal Assistant
Chris Olson, Administrative Assistant

Eric Gregory from the Attorney General's office was present.

Chairman Harry called the meeting to order at 10:10 AM.

Call to Order

A motion was made by Mr. Turner and seconded by Ms. Quigley to approve the agenda. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

Approval of Agenda

A motion was made by Mr. Lewis and seconded by Ms. Burgin to approve the following minutes: November 3, 2005 Informal Fact Finding Conferences, November 10, 2005 Board Meeting, December 8, 2005 Informal Fact Finding Conferences, January 17, 2006 Document Review Committee Meeting, January 17, 2006 Informal Fact Finding Conferences, and February 6, 2006 Informal Fact Finding Conferences. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

No one addressed the Board during the Public Comment Period.

In the matters of File Number 2004-03637 John A. Ruff, File Number 2004-04869 John A. Ruff, File Number 2005-00935 John A. Ruff, File Number 2005-01293 John A. Ruff, and File Number 2005-01525 John A. Ruff, the Board reviewed the records which consisted of the disciplinary file, transcript and exhibits, and the Summary of the Informal Fact-Finding Conferences of the presiding officer. Derrick Rosser, Attorney for respondent, and Mr. Ruff, respondent, were present and addressed the Board.

The Board recessed from 11:10 AM to 11:20 AM

At 11:20 AM Mr. Lewis made a motion which was seconded by Mr. Pruitt, that the Board recess and the Board immediately reconvene in **closed meeting** for the purpose of consultation with legal counsel pertaining to legal matters within the jurisdiction of the Board as permitted by § 2.2-3711.A.7 of the Code of Virginia and for the purpose of deliberation on disciplinary cases resulting from Informal or Formal Hearings in order to reach a decision as permitted by § 2.2-3711.A.28 of the Code of Virginia. The following non-members will be in attendance to reasonably aid the consideration of the topic: Karen O'Neal, Christine Martine, and Eric Gregory.

This motion is made with respect to the matter(s) identified as agenda item(s):

3. File Number 2004-03637 – John A. Ruff
4. File Number 2004-04869 – John A. Ruff
5. File Number 2005-00935 – John A. Ruff

Approval of Minutes

Public Comment

File Number 2004-03637
John A. Ruff; File
Number 2004-04869 John
A. Ruff; File Number
2005-00935 John A. Ruff;
File Number 2005-01293
John A. Ruff; File
Number 2005-01525 John
A Ruff

Break

Closed Meeting

6. File Number 2005-01293 – John A. Ruff
7. File Number 2005-01525 – John A. Ruff

At 12:00 PM, a motion was made by Ms. Quigley and seconded by Mr. Turner that the Board reconvene in open session.

WHEREAS, the Real Estate Appraiser Board has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

Certification

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by this Real Estate Appraiser Board that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Real Estate Appraiser Board hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Real Estate Appraiser Board.

VOTE: 8-0

AYES: Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley

NAYS: None

ABSENT DURING THE VOTE: None

ABSENT DURING THE MEETING: Silverman

In the matter of **File Number 2004-03637 John A Ruff**, a motion was made by Mr. Pruitt and seconded by Mr. Turner to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead close the case with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

File Number 2004-03637
John A Ruff

In the matter of **File Number 2004-04869 John A. Ruff**, a motion was made by Mr. Pruitt and seconded by Mr. Turner to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead close the case with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

File Number 2004-04869
John A. Ruff

In the matter of **File Number 2005-00935 John A. Ruff**, a motion was made by Ms. Quigley and seconded by Ms. Fuller to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead close the case with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

File Number 2005-00935
John A. Ruff

In the matter of **File Number 2005-01293 John A. Ruff**, a motion was made by Mr. Turner and seconded by Mr. Lewis to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead close the case with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

File Number 2005-01293
John A. Ruff

In the matter of **File Number 2005-01525 John A. Ruff**, a motion was made by Mr. Lewis and seconded by Ms. Fuller to reject the recommendation contained in the Summary of the Informal Fact-Finding Conference and instead close the case with a finding of no violation. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

File Number 2005-01525
John A. Ruff

In the matter of **File Number 2006-01754 Robert Mackey, Sr.**, 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. Mackey, the respondent, was present and addressed the Board. A motion was made by Mr. Mullins and seconded by Mr. Turner to accept the recommendation contained in the 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. Mackey's application for a Real Estate Appraiser Trainee license.

File Number 2006-01754
Robert Mackey, Sr.

The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

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. A motion was made by Mr. Mullins and seconded by Mr. Turner to accept the Consent Order wherein Mr. Burns admits to a violation of 18 VAC 130-20-180.E (Counts 1 and 2) of the Board's 2003 Regulations and agrees to a monetary penalty of \$2000 for the violations. In addition, for violation of Counts 1 and 2, Burns agrees to complete a fifteen (15) hour USPAP course, and a seven (7) hour advanced report writing course, for a total of twenty-two (22) hours of classroom attendance and provide proof of attendance and successful completion within six (6) months of the effective date of this order. 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 motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Turner, and Quigley.

File Number 2004-04925
James Burns

As the Board member who reviewed this file, Mr. Pruitt was not present during the discussion or vote.

In the matter of **File Number 2006-02703 Marcus Mason**, 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. A motion was made by Mr. Turner and seconded by Ms. Quigley to accept the recommendation contained in the 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. Mason's application for a Real Estate Appraiser Trainee license. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

File Number 2006-02703
Marcus Mason

In the matter of **File Number 2006-03161 Barbara Phillips**, 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 Board Member. A motion was made by Mr. Pruitt and seconded by Ms. Fuller to accept the recommendation contained in the Summary of the Informal Fact-

File Number 2006-03161
Barbara Phillips

Finding Conference and approve Ms. Phillip's application for a Certified Residential Real Estate Appraiser license subject to Ms. Phillips providing the Board with a Letter of Good Standing from the State of Florida with no disciplinary actions. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, and Turner.

As the presiding Board member at the Informal Fact-Finding Conference, Ms. Quigley was not present during the discussion or vote.

The Board discussed the requirement to implement the Appraiser Qualification Board's (AQB) new criteria by January 1, 2008 and its effect on course expiration dates. The Board agreed without dissent to continue approving courses for 2 years per the current Regulations.

**AQB Criteria
Implementation Plan**

A motion was made by Mr. Turner and seconded by Ms. Fuller to have staff draft a letter to send to all Education Providers notifying them of the new course requirements that will go into effect on January 1, 2008. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

The Board discussed the URAR Signing Guidance Document drafted by the Document Review Committee. A motion was made by Mr. Turner and seconded by Mr. Lewis to accept the Guidance Document as amended. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

**URAR Signing Guidance
Document**

A motion was made by Ms. Quigley and seconded by Mr. Pruitt to make the effective date of the URAR Signing Guidance Document June, 1, 2006. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

The Board discussed delegating Informal Fact-Finding Conferences and the review of Certified General Appraisal applicants sample appraisals to former Board Members. A motion was made by Mr. Pruitt and seconded by Mr. Lewis to delegate Informal Fact-Finding Conferences and application reviews to former Board

**Delegation to Former
Board Members**

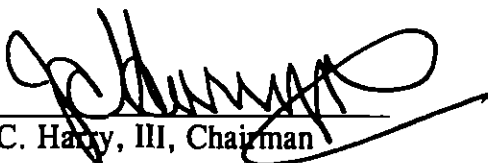
Members. The motion passed unanimously. Members voting "Yes" were Burgin, Fuller, Harry, Lewis, Mullins, Pruitt, Turner, and Quigley.

The Board discussed the creation of a Regulation Review Committee. The Board agreed without dissent to include the following members on the Committee: Richard Pruitt, Pat Turner, and Diane Quigley

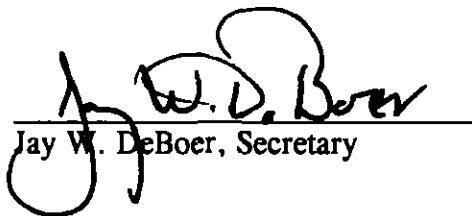
Other Business

There being no further business, the meeting adjourned at 12:50 PM.

Adjourn



John C. Harry, III, Chairman



Jay W. DeBoer, Secretary

**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:

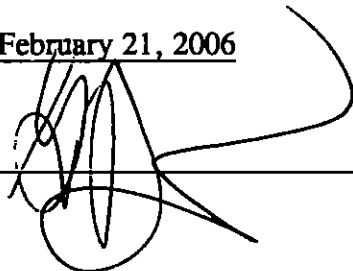
(a) I am a member of the following business, profession, occupation, or group, the members of which are affected by the transaction:

None

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

Dated: February 21, 2006

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Richard Pruitt
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: _____

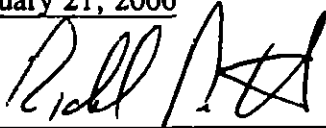
6. I declare that:

(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: February 21, 2006

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: February 21, 2006

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: _____

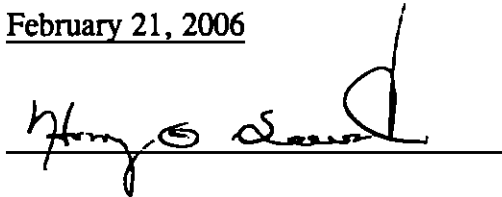
6. I declare that:

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

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

Dated: February 21, 2006

Signature: _____



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

TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Janet W. Fuller
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: _____

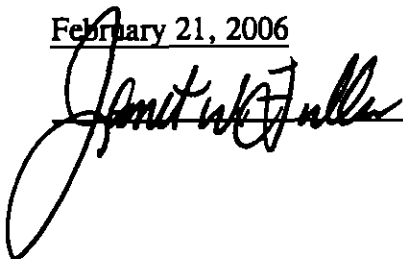
6. I declare that:

(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: February 21, 2006

Signature: _____



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

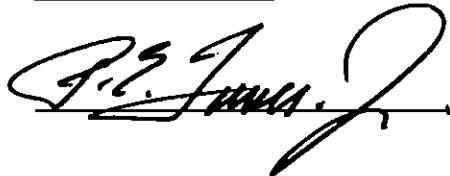
TRANSACTIONAL DISCLOSURE STATEMENT

1. Name: Perry Turner, 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: February 21, 2006

Signature:  _____

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

TRANSACTIONAL DISCLOSURE STATEMENT

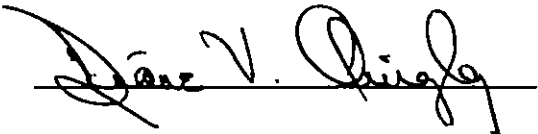
1. Name: Diane Quigley
2. Title: Member - Real Estate Appraiser Board
3. Agency: Department of Professional and Occupational Regulation
4. Transaction: Board Meeting
5. Nature of Personal Interest Affected by Transaction: _____

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: February 21, 2006

Signature: 

**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: _____

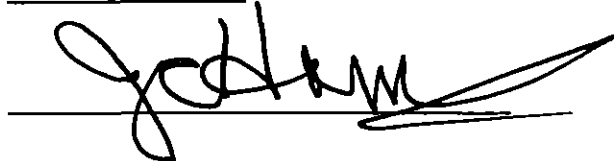
6. I declare that:

(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: February 21, 2006

Signature: _____

A handwritten signature in black ink, appearing to read "John C. Harry, III", is written over a horizontal line. The signature is stylized and cursive.