West Virginia Real Estate Appraiser
Licensing and Certification Board

MINUTES

April 20, 2016

The West Virginia Real Estate Appraiser Licensing and Certification Board held a meeting on April 20, 2016 in the 4th floor Conference Room located at 405 Capitol Street, Charleston, WV 25311.

The following were in attendance: Glenn Summers, Chair; Dean Dawson, Vice Chair; Rachel Phillips, Secretary; The Honorable Anthony Julian; Nathan Nibert; Dale Dawson-Clowser; Sandy Kerns, Executive Director; Darlene Washington, AG Legal Counsel; Courtney Buskirk; Brenda Ashworth and Billie Hancock, board staff.

Doug Butcher, Michael Shaw and Mary Beth Aliveto were not in attendance.

The meeting was called to order at 10:04 am.

Reading of the Minutes

Minutes from the February 17, 2016 and March 9, 2016 meetings were presented to the Board. The February 20, 2016 minutes were modified to correct upgrade 16-001 and the spelling of Glenn Summers name. A motion was made by the Honorable Judge Julian to approve the February 17, 2016 with modifications and March 9, 2016 meeting minutes. Rachel Phillips seconded the motion. Motion carried.

Committee Reports

Education Committee

The Committee led discussion regarding possible board sponsored continuing education courses. The Committee would like to draft a course proposal to present to the Board at the June 22, 2016 meeting.

The Committee requests the all applications for education be made available electronically for review prior to approval by Board staff, excluding Appraisal Institute classes. Rachel Phillips made a motion to accept the Education Committees report. Dean Dawson seconded. Motion carried.

Finance Committee

No report.

Policy Committee

The Board has various policies that have not been reduced to writing and/or are not located in a central area or handbook. Legal Counsel is currently reviewing board minutes from 2005 to the present to assist in drafting a policy and procedure handbook.

Executive Session

Judge Anthony Julian made a motion to move into executive session. Dale Dawson-Clowser seconded the motion. Motion carried at 10:42 am.

Judge Anthony Julian motioned to close Executive session. Nathan Nibert seconded the motion. Motion carried at 12:53.

Standards Committee

The Standards Committee met on March 1, 2016 to review five complaints: 14-016, 15-011, 15-019, 16-001 and 16-002.

Complaint 14-016: This appraiser is under a one year agreement with the Board, in which he is required to submit monthly logs and work products for review. Based on the appraisals selected from his November 2015 logs, it was determined that the appraisals lacked consistency in their values and adjustments. The Sherwood property was given a Q4 rating, however it was adjusted without and justification, leaving the impression that the rating should in fact have been a Q3. Also, there was not an adjustment made for the number of bedrooms on the Sherwood property as there was on the Oakwood property. The Oakwood property appraisal also utilized outdated and unnecessary forms in the appraisal. Intermingling of forms leads to a lack of quality control. Board Staff shall advise the appraiser of the same and also to request two (2) properties each from his logs for December 2015 and January 2016. A motion was made by Nathan Nibert to accept the committee's recommendation. Judge Julian seconded. The motion carried.

Complaint 15-011: The Standards Committee held an informal discussion with the respondent on March 1, 2016 at 11am. The respondent (a supervisor) acknowledges that neither he nor the complainant (an apprentice) kept logs as required. The respondent has agreed to allow the complainant access to the files in order to create his logs and that the respondent will sign the logs for the time he deems appropriate. However, it is understood that the logs created will still need to be submitted to the Board for approval for any upgrade application that the complainant may require. It is also requires that if the respondent or complainant should desire to continue with the current supervisory relationship, or enter into agreements with other parties, that both parties shall complete the required Appraiser Qualification Board (AQB) Apprentice – Supervisor Course. The Committee also recommends that a letter be sent to all Apprentices and Supervisors reminding them that it is the responsibility of both parties to keep experience logs. Judge Julian motioned to accept the recommendation of the Standards committee. Dale Dawson-Clowser seconded the motion. Motion carried.

Complaint 15-019: Investigation is ongoing. Matter held over. The complaint was submitted by an AMC stating an appraisal failed their review and they were submitting the complaint to be compliant with WV § 30-38A. The Standards Committee recommends that the complaint be returned to the complainant to request additional information and specific details. Judge Anthony Julian motioned to accept the committee's recommendation. Rachel Phillips seconded the motion. Motion carried.

Complaint 16-001 and 16-002: Investigation is ongoing. Matter held over. The Committee recommends that the Complainant provide full appraisal record and work file of the first appraisal for review in order to determine if the first appraisal was overvalued or the second was undervalued. Judge Anthony Julian made a motion to accept the recommendation of the Committee. Rachel Phillips seconded. Motion carried.

Legal Report

Complaint 15-009: Respondent submitted a counter-proposal to the Board. The revised Consent Decree states the Respondent shall be prohibited from applying for an upgrade for a period of six months, he shall not be permitted to claim any experience hours for the appraisals that were the subject of this complaint, he shall complete and provide to the Board all proper documentation reflecting that he has successfully completed the AQB Supervisor/Trainee Course and he shall reimburse the Board for its costs. A motion was made Judge Anthony Julian to accept the counter proposal and issue the consent decree as presented to the Board. Rachel Phillips seconded. Motion carried.

Complaint 14-012 and 14-013: A settlement conference was held on April 18, 2016 with the respondents and their legal counsel. As a result of the conference it is recommended by legal counsel that an administrative pre-hearing diversion agreement will be entered for a period of five (5) years and that the respondents be assessed reimbursement cost. Judge Anthony Julian made a motion to accept the recommendation and issue the agreement. Dale Dawson-Clowser seconded the motion. Motion carried.

Complaint 16-003A and 16-003B: Appraiser responded that he was relinquishing his license. Legal Counsel recommends that the Board accept his relinquishment and issue a Consent Decree and letter reflecting such with the clarification that if respondent should ever desire to reinstate his license the complaint shall be re-evaluated at that time. Dale Dawson-Clowser made a motion to accept legal counsel's recommendation. Dean Dawson seconded the motion. Motion carried.

Complaint 07-016: Appraiser has relinquished his license before fulfilling all of the terms of his consent decree due to medical issues. Legal Counsel recommends that the Board accept his relinquishment and issue a Consent Decree and Order reflecting such with the clarification that if respondent should ever desire to reinstate his license the terms of the consent decree must be completed as well as all other Board requirements for reinstatement. Judge Anthony Julian made a motion to accept recommendation of legal counsel. Rachel Phillips seconded motion. Motion carried.

Apprentice Justin Tyree was injured in a vehicle accident in 2010. He has since stated that he has been unable to complete the continuing education classes required to maintain his apprenticeship. He has been paying the renewal fee every year and submitting a medical excuse. It is recommended by counsel that the Board refund the most current renewal fee and deny renewal. There is no authority to license an Apprentice without submission of yearly continuing education. Judge Anthony Julian made a motion to accept counsel's recommendation. Rachel Phillips seconded the motion. Motion carried.

A predetermination hearing in the matter of an unemployment claim filed by Chasidy Minor was held on March 10, 2016. Ms. Minor did not participate in the hearing. WV Workforce determined that the termination of Ms. Minor was due to simple misconduct and she will be disqualified for benefits for six weeks, beginning December 27, 2015 through February 13, 2016, otherwise granting her unemployment.

Upgrade Committee

The Upgrade Committee met at 9am on April 20, 2016 to review one application for a supervisor permit.

Upgrade 16-004: The matter is held over. The Committee will be requesting an additional work file from the applicant to better judge applicant's qualifications. The file submitted had various discrepancies and was determined to be insufficient for review purposes due to summary and correlation. Nathan Nibert made a motion to accept the committee's recommendation. Judge Anthony Julian seconded the motion. Motion carried.

Executive Director's Report

Licensing Reports

- Number of current licensed appraisers by classification
- Registered AMC's
- Temporary Reports January – March 2016

Financial Report

- Purchasing Card Report January – March 2016
- FY16 Monthly Expenditures
- FY16 Quarterly Expenditures
- FY16 Yearly Expenditures
- FY16 Revenues

Judge Anthony Julian moved to accept the Executive Director's Report. Dale Dawson-Clowser seconded the motion. Motion carried.

Old Business

The matter of Board members attending the ARRO conference was tabled.

The Executive Director presented the new front page formats for the updated website and also presented the prototype for 2016-17 online appraiser renewals, which will be provided by WV Interactive. A motion was made by Judge Anthony Julian to move ahead with implementation. Dale Dawson-Clowser seconded the motion. Motion carried.

The RFQ for Study for Customary and Reasonable Appraisal Fees was reviewed. It was determined acceptable with the word "site" to be inserted before the word "inspection" throughout the RFQ. A motion was made by Rachel Phillips to move ahead with the bid process. Judge Anthony Julian seconded the motion. Motion carried.

New Business

The possibility of hiring a Board investigator was discussed. Rachel Phillips made a motion that Dean Dawson and Sandy Kerns work together to draft a proposal to present to the Board regarding how hiring an investigator could be implemented. Judge Anthony Julian seconded the motion. Motion carried.

Glenn Summers, Chair, left at 1:30pm. Dean Dawson, as vice-chair assumed control of the remainder of the meeting.

Ms. Kerns advised the Board the WV State Police would be reviewing the Board's Background Check Program.

The Fiscal Year 2017 (FY17) Proposed budget and CRFQ for new Database was tabled until the telephonic Board meeting to be held on May 16, 2016 at 8:30am.

Being no further business, the meeting adjourned at 1:53pm.

Glenn Summers, Chair

Dean Dawson, Vice Chair