West Virginia Real Estate Appraiser
Licensing and Certification Board

MINUTES

AUGUST 12, 2015

The West Virginia Real Estate Appraiser Licensing and Certification Board held a regular board meeting on August 12, 2015 in the 4 Floor Conference Room, 405 Capitol Street, Charleston, WV 25301.

The following were in attendance: Glenn Summers, Chair, David Shields, Dale Dawson-Clowser, Mary Beth Aliveto, The Honorable Anthony Julian, Linda York, Sandy Kerns, Executive Director; Chasidy Minor, Staff Assistant and Darlene Washington, AG Legal Counsel.

Board Meeting began with computer training between 10-11 am. The official meeting was called to order at 11:05 am.

Reading of the Minutes

Minutes from the June 10, 2015 board meeting were reviewed. Minutes shall be amended to strike the following sentence from the minutes "Being no further business, the Honorable Judge Julian made a motion to adjourn the meeting. The motion was seconded by Glenn Summers. Motion carried."

A motion was made by Mary Beth Aliveto to approve the June 10th Board Minutes as amended. Motion was seconded by Dale Dawson-Clowser. Motion carried.

Member of the Public

Jason Mathis, a former apprentice (license lapsed 09/30/2010), requested the Board allow him to claim his experience hours and education from prior years. Mr. Mathis was advised to submit his request in writing along with a letter of support from his prior Supervisor. Further it was recommended that he review the Board's statutes and rules governing licensing and also the Appraisal Foundation/Appraiser Qualifications Board website for criteria governing licensing.

Patti Shamblin of WV Housing Development Authority was scheduled to attend the Board Meeting, however, requested to reschedule due to a conflict.

The Board addressed a question received via email from Keenan Shanholtz, a West Virginia licensed appraiser. Mr. Shanholtz stated he believes Legislative Rule 190-2-12.5.B. is unclear as to whether or not appraisers on inactive status must keep their USPAP current, or if they must only be current at the point they become active. The Board Rules require USPAP to be taken every two years to meet Continuing Education Requirements. As of January 1, 2015, appraisers holding an Inactive License are required to take USPAP every two-years that they remain on Inactive Status for a period no longer than 5 years.

The Board addressed a question received via email from Erik Arkfeld, a West Virginia licensed appraiser. Mr. Arkfeld stated he believes the policy of only allowing appraisers to take courses within the September to September licensing period persuades appraisers to take only the minimum educational requirements and to not better themselves. Mr. Arkfeld specifically stated that he took extra courses the previous August and felt they should be allowed for continuing education. Legislative Rule 190-3-4.1 states as a condition of renewal, all licensees shall satisfactorily complete continuing education courses ... during each renewal term which is between September 1st of the prior licensing year and September 30th of the current licensing year.

Executive Session

A motion was made by Mary Beth Aliveto to move into Executive Session for the purpose of discussing Standards, Upgrades and legal issues. Ms. Dawson-Clowser seconded the motion. Motion carried.

David Shields made the motion to come out of Executive Session. Motion was seconded by Mary Beth Aliveto. Motion carried.

Committee Reports

Standard Committee:

Board members were provided a list of open complaints for review.

The Standard Committee met on Tuesday August 4, 2015 made the recommendations to approve the following:

Complaint Number 14-012: The Board found probable cause that there is a violation of the Appraiser Practice Act and recommended the appraiser forfeit his appraisal license or appear before the Standard Committee on August 4, 2015 for an Informal Discussion. Legal counsel for the appraiser declined the opportunity to appear before the Standard Committee Board and requested an extension to submit a counter-proposal to the Board. If no resolution is reached by August 17, 2015, formal charges will commence.

Complaint Number 14-013: The Board found probable cause that there is a violation of the Appraiser Practice Act and recommended the appraiser forfeit his appraisal license or appear before the Standard Committee on August 4, 2015 for an Informal Discussion. Legal counsel for the appraiser declined the opportunity to appear before the Standard Committee Board and requested an extension to submit a counter-proposal to the Board. If no resolution is reached by August 17, 2015, formal charges will commence.

Complaint Number 15-005: The Standard Committee's investigation is pending. Standard Committee requested Respondent to attend an Informal Discussion on October 6, 2015.

Complaint Number 15-006: The Standards Committee recommended that no probable cause be found as no violation of the Practice Act had occurred and therefore the matter should be dismissed.

Complaint Number 15-007: The Standards Committee recommended that no probable cause be found as no violation of the Practice Act had occurred and therefore the matter should be dismissed.

A motion was made David Shields to accept the Standard Committee report. Motion was seconded by Mary Beth Aliveto. Motion Carried.

Upgrade Committee

The Upgrades Committee met on July 22, 2015.

On July 22, 2015 the Committee reviewed two Upgrade applications and one Supervisor Certification. The Committee also met with an applicant regarding his application for a Supervisor Certificate.

The Committee made the recommendation to approve:

Upgrade 14-008, Application for Supervisor Certificate - Approved without comments.

Upgrade 15-005, Application for Certified Residential Appraiser-Additional work product was requested and reviewed. Application was approved with comments.

Upgrade 15-008, Application for Supervisor Certificate –**Approved without comments.**

The Committee made the recommendation to deny:

Upgrade 15-007, Application for Licensed Residential Appraiser - Requested work product was not submitted by the (apprentice) applicant. When the requested work product was reviewed, apparent inconsistencies and falsifications appeared likely. Problems also surfaced regarding the Supervisor. The Upgrade Committee recommended opening a complaint on both the Apprentice and Supervisor.

A motion was made by David Shields to accept the Upgrade Committee report. Motion was seconded by Mary Beth Aliveto. Motion Carried.

Legal Report

Complaint Number 13-014 - On August 10, 2015, the Hearing Examiner's Findings of Fact, Conclusion of Law, and Recommended Order (Order) was received in the Board Office. The Order found that the allegations stated in the Statement of Charges as to the Respondent, Joe Holt be sustained, that any objections or defenses thereto by the Respondent be denied, and that the Board act under authorization of law to discipline the license of Respondent, Joe Holt accordingly.

The Honorable Judge Julian made the motion to enter a Final Order accepting the Hearing Examiner's recommendation and to revoke the license of Mr. Holt, to assess a fine in the amount of $2,500 and recoup costs incurred by the Board associated with the prosecution of this matter. Motion was seconded by Mary Beth Aliveto. Motion Carried.

Complaint Number 14-014 - Consent Decree and Order signed by Brandon Wise was presented to the Board for review and approval. Mr. Wise agreed to a reprimand, plus reimbursement of Board cost and an admonishment that any and all charges pending on any future renewal applications shall disclosed. David Shields made motion to accept the Consent Decree and Order. Motion was seconded by Mary Beth Aliveto. Motion Carried.

Complaint Number 14-016 - Pre-Charge Diversion Agreement signed by Charles Boggs, III was presented to the Board for review and approval. Mr. Boggs agreed to complete, a seven (7)hour Board approved course in Site Valuation, maintain and submit to the Board a monthly log of all Appraisal work he performs for the next 12 months and reimburse the Board for costs incurred with the investigation and prosecution of this matter. David Shields made motion to accept the Consent Decree and Order. Motion was seconded by Mary Beth Aliveto. Motion Carried.

Complaint Number 14-015 - Consent Decree and Order signed by Dean Everett was presented to the Board for review and approval. Mr. Everett agreed to a reprimand, plus reimbursement of Board costs associated with the investigation and prosecution of this matter. Motion made by The Honorable Anthony Julian to accept the Consent Decree and Order as presented. Motion seconded by Mary Beth Aliveto. Motion carried.

Collateral Intelligence, LLC trade name ATI Valuations (AMC) submitted an application for registration as an Appraisal Management Company. One of the owner/employee submitted an affidavit in which he answered "no" to the question of whether he "plead guilty or nolo contendere to, or been convicted of a felony." The Board received a criminal history record on the one owner/employee which contained information regarding a felony conviction in 1977. The application failed to disclose the felony conviction of one of the owner/employees. The Honorable Anthony Julian made a motion to deny the application for ATI Valuations as long as the owner/employee with the felony remains an owner of the company. Motion seconded by Mary Beth Aliveto. Motion carried.

Based on various inquires, the issue of how the Board will determine what are Reasonable and Customary fees as it relates to Appraisal Management Companies (AMC) was presented to the Board. After a detailed discussion, Mary Beth Aliveto made a motion to do a fee study determining what the reasonable and customary fees should be for the various services performed by appraisers for an AMC in a specific area and also investigate the cost for such study. Motion was seconded by the Honorable Judge Anthony Julian. Motion Carried.

Executive Director's Report

Ms. Kerns presented the Expenditures and Revenue Reports for Fiscal Year 2015. Additional reports were held until the October board meeting

Old Business

Given the length of Board meetings, comments from the public will be limited to five (5) minutes, or longer, at the discretion of the Board Chair. The Honorable Judge Julian made a motion to accept the five (5) minute time limit for comments from the public. Motion was seconded by Mary Beth Aliveto. Motion Carried.

The Honorable Judge Julian spoke in regards to a letter the Board received regarding the West Virginia Office of Attorney General's Office (AG) reason to decline a raise for Darlene Washington, AG legal counsel. The Board had previously notified the AG that the Appraiser Board would fiscally

support a raise for Ms. Washington, therefore not impacting the budget of the AG. The Honorable Judge Julian volunteered to write a letter on the Board's behalf to the AG supporting the raise for Ms. Washington.

New Business

Discussion ensued regarding the legality of when a public agency may hold an executive session. Legal Counsel cited W.Va. Code § 6-9A-4, which outlines the exceptions to the Open Meetings Acts.

The Annual Report for 2014 - 2015 will be presented at the October board meeting, along with a letter to be signed by the Board Chair and Secretary. The Annual Report for 2013- 2014 was presented for signature by the Board Chair and Secretary.

Board members were reminded to register for the upcoming Association of Appraiser Regulatory Officials (AARO) meeting, if attending. Ms. York and Mr. Shields stated they will be attending. State Travel Management guidelines were reviewed.

Darlene Washington requested permission to attend Federation of Association of Regulatory Boards (FARB) rather than AARO. The Honorable Judge Julian made a motion to allow Darlene Washington to attend FARB in Denver, Colorado. The motion was seconded by Mary Beth Aliveto. Motion Carried.

Meeting was adjourned at 3:15pm.

Glenn Summers, Chair