West Virginia Real Estate Appraiser Licensing and Certification Board

MINUTES
December 9, 2015

The West Virginia Real Estate Appraiser Licensing and Certification Board held a meeting on December 9, 2015 at 405 Capitol Street, 4th floor Conference Room, Charleston, West Virginia...

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

The meeting was called to order at 10:25 am.

Reading of the Minutes

Minutes from the October 14, 2015 board meeting were reviewed. Minutes were amended to reflect the following: Page 6, Old Business the word "Office" was deleted after the words Attorney General.

A motion was made by the Honorable Judge Julian approve the October 14, 2015 minutes as amended. Motion was seconded by Ms. Aliveto. Motion carried.

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

A motion was made by the Honorable Judge Julian to leave Executive Session. Motion was seconded by Ms. Aliveto. Motion carried.

Committee Reports

Standards Committee:

The Standards Committee met on November 30, 2015 and after review of various pending matters made the following recommendations:

Complaint 15-003 AMC: The Standards Committee recommended that no probable cause be found as no violation of the Appraiser Practice Act had occurred and therefore the matter should be dismissed.

Complaint 15-011: Standards held an informal discussion with the Complainant in this matter. This matter is pending for further investigation.

Complaint 15-012: The Standards Committee recommended that no probable cause be found as no violation of the Appraiser Practice Act had occurred and therefore the matter should be dismissed.

Complaint 15-013: Matter held over for further investigation.

Complaint 15-014: The Standards Committee recommended that no probable cause be found as no violation of USPAP, the Appraiser Practice Act or professional conduct had occurred and therefore the matter should be dismissed.

Complaint 15-015: The Standards Committee reviewed the complaint and recommended the complaint be dismissed as a value complaint.

Upgrades Committee:

The Upgrades Committee met on November 17, 2015 and made the following recommendations:

Upgrade 15-009: The Upgrades Committee recommended approval for Supervisor Permit.

Upgrade 15-010: The Upgrades Committee recommended approval for Supervisor Permit.

Upgrade 15-012: The Upgrades Committee recommended approval from Apprentice to Licensed Residential with comments.

Upgrade 15-013: The Upgrades Committee recommended approval for Supervisor Permit.

Legal Report

15-001D – ATI: A consent decree was presented for review and approval. ATI Valuations may register as an appraisal management company, however, for all future renewals the employee/owner, that was the subject of this complaint, must present, in addition to the Board's affidavit, a personal affidavit signed and dated by him detailing any past criminal offense.

14-017- P. Randall Payne: Awaiting return of signed Consent Decree from appraiser. The terms of the Consent Decree require the appraiser to complete a seven (7) hour Sale Comparison course and to reimburse the Board for cost associated with the investigation and prosecution this matter.

Edwin Miller Investments, LLC (EMI) v. West Virginia Real Estate Appraiser Licensing and Certification Board and Gerald Terry: EMI filed a complaint against Gerald Terry and another appraiser. At the August 12, 2015 Board meeting, the Board accepted the recommendation of the Standard Committee that no probable cause be found, as no violation of the Practice Act had occurred and therefore the matter should be dismissed. EMI sent a letter to the Board asking for reconsideration of the matter as it related to Gerald Terry. At its October 14, 2015 Board meeting, based on the fact that no additional evidence was presented and there were no violations of USPAP in the information provided, the request for reconsideration was denied. EMI filed an administrative appeal in the Circuit Court of Berkeley County, West Virginia.

A motion was made by Ms. York to accept the recommendations given by the Standards Committee. Motion was seconded by the Honorable Judge Julian. Motion carried.

A motion was made by Mr. Shields to accept the recommendations given by Upgrades Committee. Motion was seconded by Ms. Aliveto. Motion carried.

A motion was made by the Honorable Judge Julian to authorized legal counsel pursue on behalf of the Board the administrative appeal filed by Edwin Miller Investments. Motion was seconded by Ms. Aliveto. Motion carried.

A motion was made by the Honorable Judge Julian to accept the Consent Decree for 15-001D – ATI. Motion was seconded by Ms. Aliveto. Motion carried.

A motion was made by the Honorable Judge Julian to accept the Consent Decree for 14-0017 – P. Randall Payne. Motion was seconded by Ms. Aliveto. Motion carried.

Additional Legal Report/Information

Ms. Kerns presented a six-month and 18-month status update for all open complaints.

Executive Director's Report

Staff members Brenda Ashworth and Courtney Buskirk joined the meeting to assist in presentation of two reports.

Appraiser Licensing Report

As of December 1, 2015 there were:

- 115 licensed residential appraisers
- 222 certified residential appraisers
- 223 certified general appraisers
- 560 total licensed WV appraisers

This represented an increase of 28 licensees since the last board meeting.

A chart illustrating the ten (10) year licensing history of WV appraiser numbers between the years 2006-07 and 2015-16 was present for review.

Temporary Permit Report

A temporary permit report for the period October 1- November 30, 2015 was presented.

Financial Report

The following financial reports were presented:

- Fiscal Year 2015 OASIS Expenditure and Revenue Reports (as of December 7, 2015)
- Graphs illustrating Board finances

Purchasing Card Report

Purchasing Card (P-Card) statements and individual invoices for the months of September, October and November were presented for review and approval.

A motion was made by Ms. Aliveto to approve the Financial Report and Purchasing Card Report. Motion was seconded by the Honorable Judge Julian. Motion carried.

Holiday Closings

Neyer Management will be closing the building December 24th and 31st and has requested that anyone working those days to please let them know. Both days are ½ day holidays for state employees. A motion was made Ms. Dawson-Clowser to close the office for a full day on each of those days. Motion was seconded by the Honorable Judge Julian. Motion carried.

Old Business

Discussion continued regarding the Appraiser Fee Study. Ms. Clowser Dawson suggested any Appraiser Fee Study should include Freddie Mac, in addition to Fannie Mae appraisals.

A motion was made by Ms. York that after the Appraiser Fee Study was amended to include Freddie Mac appraisals and the draft shall be was approved by Ms. York and Mr. Shields then emailed to the Purchasing Department for review. Motion was seconded by the Honorable Judge Julian. Motion carried.

Discussion continued regarding appraiser licensing fee reductions and the effects on the Board's budget.

A motion was made by Ms. York to table the discussion regarding appraiser licensing fee reductions. Motion was seconded by Ms. Dawson- Clowser. Motion carried.

New Business

The Board is scheduled for a legislative audit in 2016 to be conducted by the Performance and Evaluation Division (PERD) of the Legislative Auditor. These audits typically last 3-5 months. Information from PERD regarding legislative audits was represented for review.

Mr. Shields and Ms. York attended the October meeting of the Association of Appraiser Regulatory Officials in Washington, DC. Mr. Shields presented a report from the meeting including information regarding the NC Dental Board case and the ramifications for chapter 30 licensing boards.

Information from the November 30, 2015 Annual Auditor's Training was presented.

The Board is scheduled to sponsor 2 sessions of the 2016-17 USPAP Update Course on February 19th and 20th. Paul David Brown will teach the course with a limit of 26 students per course and minimum of 15 students. The course will be held in the Realtor Building.

A motion was made by the Honorable Judge Julian to approve sponsoring the 2016-17 USPAP Update Course. Motion was seconded by Ms. Aliveto. Motion was approved.

Election of Officers

A motion was made by Honorable Judge Julian to nominate the following:

- Board Chair: Glenn Summers
- Board Vice-Chair: David Shields
- Secretary: Linda York

Motion was seconded by the Ms. Dawson-Clowser. Motion carried.

Mr. Summers took this opportunity to seek volunteers for the Standards and Upgrades Committee. Ms. York will serve on the Upgrades Committee.

Meeting dates for 2016 board and committee meetings were confirmed and approved.

Policy Committee will meet at 11:00 am on February 16, 2016 to begin review/revision of board policies. Ms. Kerns shall provide copies of board minutes that contain policy reference to Ms. York and Board Counsel, who alone with Ms. Kerns will attend the Policy Committee meeting.

Information regarding the option of online renewals for the 2016-17 licensure period was presented to the Board for consideration.

A motion was made by the Honorable Judge Julian to move forward with investigating the option of on-line licensing renewals. Motion was seconded by Ms. Aliveto.

December 2015 represents the mid-way point between the 2014 and 2016 Appraisal Subcommittee (ASC) Reviews. A copy of the 2014 ASC Report was presented for review. The 2016 ASC review will be December 12-16, 2016.

Information regarding the current lease, including parking fees was presented per board member request. Discussion ensued regarding old office facility versus current facility. One board member said current facility was inconvenient for him.

A motion was made by Mr. Shield to move into Executive Session for the purpose of discussing personnel matters regarding maternity work schedule for Ms. Buskirk and salary increase for Ms. Ashworth. Motion was seconded by Honorable Judge Julian. Motion carried.

A motion was made by Ms. Aliveto to leave Executive Session. Motion was seconded by the Honorable Judge Julian. Motion carried.

Staff member, Courtney Buskirk, has requested to work at home while on maternity leave.

A motion was made by Ms. Dawson-Clowser to grant the request of Ms. Buskirk to work from home and that the period shall be "from the date of her delivery, or physician ordered date to cease working, to the end of the day on the 6th week from the date of her delivery." Motion was seconded by Ms. Aliveto. Motion carried.

Ms. Kerns proposed a salary increase for Ms. Ashworth.

A motion was made by Ms. Aliveto to increase Ms. Ashworth's salary by $5,000 annually, commencing January 1, 2016. Motion was seconded by the Honorable Judge Julian. Motion carried.

Being no further business, the meeting adjourned at 3.29 p.m.

Glenn Summers
Board Chair