West Virginia Real Estate Appraiser Licensing and Certification Board

MINUTES

FEBRUARY 24, 2014

A Teleconference Board Meeting of the West Virginia Real Estate Appraiser Licensing & Certification Board was held on February 24, 2014.

The following Board members were in attendance via conference call: Scott Barber - Chair, Glenn Summers, The Honorable Anthony Julian, Mary Beth Aliveto, Dale Dawson-Clowser, Linda York, David Shields, and Darlene Ratliff-Washington – Counsel.

The following were in attendance in the Board's office: Sandy Kerns – Executive Director, and Karen Hudson - Executive Assistant.

Mr. Barber called the meeting to order at 10:30 am.

Reading of the Minutes

A motion was made by Mr. Summers and seconded by The Honorable Judge Julian to approve the September 12, 2013, October 29, 2013, January 30, 2014 and February 3, 2014 Board Minutes. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers - Yes
Linda York - Yes

Committee Reports

Upgrades Committee

On January 6, 2014 the Committee reviewed two applications for Licensed Residential, two applications for Certified Residential, one application for Certified General and three applications for Supervisor.

On February 11, 2014 the Committee reviewed two applications for Licensed Residential, four applications for Certified Residential, two applications for Certified General and two applications for Supervisor.

After discussion, the Board proceeded as follows regarding Upgrade applications pending before the Board:

A motion was made by Mr. Shields and seconded by Ms. Aliveto to approve Upgrades numbers 13-027, 13-028, 13-029, 14-003, and 14-006 for Supervisor. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Glenn Summers – Yes
Linda York – Yes

Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes

*****

A motion was made by Mr. Shields and seconded by Mr. Summers to approve Upgrades numbers 13-021, 13-026, and 14-005 for Licensed Residential. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to approve Upgrades numbers 13-023, 13-024, 14-002, and 14-004 for Certified Residential. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

A motion was made by Mr. Shields and seconded by Ms. Dawson-Clowser to approve Upgrades number 14-001 for Certified General. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to continue Upgrades number 13-025 for Certified General. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

Executive Director's Report

A motion was made by Mr. Summers and seconded by Mr. Shields that the Board move into Executive Session for the purpose of reviewing license applications.

Regular Session

A motion was made by Mr. Summers that regular session be reconvened. Mr. Shields seconded the motion. Motion carried.

The Board proceeded as follows regarding license applications submitted to the Board:

An application for a Reciprocal License was received from Catherine Agnew. The applicant is applying through reciprocity from the State of Florida where she is currently licensed. Ms. Agnew also maintains current appraiser licenses in eighteen additional states, including the State of New York. A review of documentation submitted with the application revealed that in 2003 Ms. Agnew was charged with a DUI in the First District Court of Hempstead, New York. The Board has no record of any other criminal activity or disciplinary actions since the 2003 offense. A motion was made by Mr. Shields and seconded by Ms. Dawson-Clowser to approve the application. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

An application for a Reciprocal License was received from Michael Doherty. The applicant is applying through reciprocity from the Commonwealth of Virginia where he is currently licensed. A review of documentation submitted with the application revealed that in 1999 Mr. Doherty pled guilty to the charge of petit larceny in the Circuit Court for Frederick County, Virginia. The Board has no record of any other criminal activity or disciplinary actions since the 1999 offense. A motion was made by Mr. Shields and seconded by Ms. Dawson-Clowser to approve the application. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

An application for a Reciprocal License was received from James Martin. The applicant is applying through reciprocity from the Commonwealth of Massachusetts where he is currently licensed. A review of documentation submitted with the application revealed in 2011 a Consent Agreement was signed between Mr. Martin and the Massachusetts Real Estate Appraiser Board. The Consent Agreement indicated Mr. Martin failed to complete

a required continuing education course within a twenty-four month period. The Board has no record of any other criminal activity or disciplinary actions since the 2011 action. A motion was made by Mr. Shields and seconded by Ms. Dawson-Clowser to approve the application. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

An application for a Reciprocal License was received from William Moon, Jr. The applicant is applying through reciprocity from the State of South Carolina. He also maintains a current appraiser license in the State of North Carolina. A review of documentation submitted with the application revealed that per a 2007 Consent Agreement with the South Carolina Appraiser Board, Mr. Moon received a reprimand for completing an appraisal report which contained a series of errors that in aggregate affected the credibility of the report. The Board has no record of any other disciplinary actions or criminal activity since the 2007 matter. A motion was made by Mr. Shields and seconded by Ms. Dawson-Clowser to approve the application. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

An application for a Reciprocal License was received from Douglas Persinger. A review of documentation submitted by Mr. Persinger revealed a 2007 Consent Decree between him and the West Virginia Real Estate Appraiser Board. Mr. Persinger, an apprentice at the time, was reprimanded for performing an appraisal without direct supervision. In 2008, Mr. Persinger was fined for failing to notify the Virginia Real Estate Appraiser Board of his 2007 Consent Decree with the State of West Virginia. The Board has no record of any other disciplinary actions or criminal activity since the above matters. A motion was made by Mr. Shields and seconded by Mr. Dawson-Clowser to approve the application. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

An application for a Reciprocal License was received from Nancy Tritt. The applicant is applying through reciprocity from the State of North Carolina where she is currently licensed. She also maintains current appraiser licenses in the states of South Carolina

and Virginia. A review of documentation submitted with the application revealed that in 2005 Ms. Tritt was charged with a DUI in Greensboro, North Carolina. The Board has no record of any other disciplinary actions or criminal activity since the 2005 offense. A motion was made by Mr. Shields and seconded by Ms. Dawson-Clowser to approve the application. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

Legal Update

An Administrative Pre-Hearing Diversion Agreement with Deborah Shepherd, Complaint Number 10-021, was submitted to the Board for approval. After discussion, motion was made by Ms. Aliveto and seconded by Ms. Dawson-Clowser to approve the Pre-Charge Diversion Agreement. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Yes

*****

An Administrative Pre-Hearing Diversion Agreement with Carl York, Complaint Number 11-025, was submitted to the Board for approval. After discussion, a motion was made by Ms. Dawson-Clowser and seconded by The Honorable Judge Julian to approve the Administrative Pre-Hearing Diversion Agreement. Motion carried. Roll call vote:

David Shields – Yes
Scott Barber – Yes
The Honorable Judge Julian – Yes
Dale Dawson Clowser – Yes
Mary Beth Aliveto – Yes
Glenn Summers – Yes
Linda York – Ms. York recused herself from voting

Old Business

Ms. Kerns briefed board members on the status of pending legislation affecting appraisers. Board-sponsored legislation has progressed through committees and is now on first reading in the House. HB 4093 authorizes the Board to promulgate rule changes for licensure and certification and HB 4094 authorizes the Board to promulgate rule changes for renewal of licensure or certification.

HB 2175, which certain licensees, including appraisers to take continuing education in green building, remains in committee.

HB 2450 grants licensed real estate appraisers access to commercial or residential review documents and remains in committee.

Ms. Kerns advised board members they may find information related to these bills, other bills of interest to appraisers and information regarding the legislative process on the Board's website.

New Business

The Board was informed that Ms. Virginia Shaw resigned her position as Board member from the Board and, on January 13, 2014, the Office of the Governor sent a letter to Ms. Shaw acknowledging her resignation.

*****

Being no further business to be brought before the Board, Mr. Barber declared the meeting adjourned at 12:00 pm.

R. Scott B

Scott Barber, Chair