

MINUTES
of the
**West Virginia Real Estate Appraiser
Licensing and Certification Board**

June 13, 2013

A meeting of the West Virginia Real Estate Appraiser Licensing and Certification Board was held on June 13, 2013, in the Board's office located at 2110 Kanawha Boulevard East, Charleston, West Virginia. The following Board members were in attendance: Scott Barber-Chair, The Honorable Anthony Julian, Dale Dawson Clowser, David Shields, Virginia Shaw, Mary Beth Aliveto, Linda York, Darlene Ratliff-Washington – Counsel, and Sandy Kerns – Executive Director. Absent: Glenn Summers. Mr. Barber called the meeting to order at 10:10 am.

Reading of the Minutes

A motion was made by Mr. Shields and seconded by Ms. Aliveto to approve the March 14, 2013 Board Minutes as submitted. Motion carried.

A motion was made by Mr. Shields and seconded by Ms. Aliveto to approve the April 2, 2013 Board Minutes as submitted. Motion carried.

Committee Reports

Upgrades Committee

Mr. Shields stated a telephonic Upgrades Committee meeting was held on May 28, 2013. A total of ten upgrades were reviewed. Mr. Shields stated a report would be given during Executive Session.

Standards Committee

Mr. Barber stated the Standards Committee met on May 15, 2013. Eleven complaints were placed on the agenda. Mr. Barber stated a report would be given during Executive Session.

Executive Director's Report

Ms. Kerns presented the Board with a Financial Expense Report as of May 31, 2013.

Ms. Kerns presented the Board with the Fiscal Year 2014 Expenditure Schedule.

Ms. Kerns presented the Board with a report listing expenditures made using the state authorized VISA purchasing card since the last Board meeting.

Ms. Kerns stated a Temporary Permit report would not be given at this time. A report would be given during the next scheduled Board meeting.

Ms. Kerns also informed Board members that the Appraisal Subcommittee, effective June 1, 2013, increased the amount a state may charge for a Temporary Permit from One-Hundred Fifty Dollars to Two-Hundred Fifty Dollars. She stated a legislative rule change would be necessary and that it would not go into effect until next July if accepted by the legislature. She also stated the office has been encouraging out-of-state licensees to obtain a West Virginia Appraiser license.

Old Business

Ms. Kerns presented the Board with information she received regarding Janet Goodman performing Broker Price Opinions (BPOs). After discussing the matter, the Board requested a cease & desist letter be sent to her through a process server.

Ms. Kerns presented a legislative update report to Board members regarding the development of appraisal management company rules.

Legal Report

Ms. Ratliff-Washington stated a signed consent decree had been signed by Barry Wise regarding complaint number 12-010. A signed consent decree had also been signed by Lori Noble regarding complaint number 12-011. The consent decrees were given to the Board for their review. A motion was made by Ms. Dawson-Clowser and seconded by Ms. Aliveto to approve the consent decrees signed by Mr. Wise and Ms. Noble. Motion carried.

New Business

Ms. Kerns presented Board members with copies of an email sent by a non-resident appraiser, who questioned if he needed a temporary permit for an assignment. The assignment involved the probate of an estate that was being heard in Jefferson County Circuit Court. After discussion, the Board stated he did not need a temporary permit because although the probate was being heard in Jefferson County, the property was not located in West Virginia.

Ms. Kerns presented Board members with copies of an email sent by a non-resident appraiser, who questioned if a review appraiser would be required to hold a West Virginia license when the review includes ascertaining whether the value opinion is reasonable and supported by the appraisal, and *could* include a different opinion of value. The Board stated the appraiser would be required to be licensed. The appraiser also asked if the review appraiser was required to be licensed in West Virginia when the review is administrative in

nature, does not analyze the opinion of value but is a check for completeness, inclusion of client requirements and regulatory compliance. The Board stated in this case, the appraiser would not be required to be licensed.

Ms. Kerns presented Board members with copies of an email sent by a West Virginia supervisor, who questioned if experience credit hours can be granted for review assignments. Ms. Dawson-Clowser recused herself from the matter. After discussing the matter, the Board stated that in accordance with §190-2-7, "Procedure for Calculation of Experience by the Board" that experience credit cannot be granted for review assignments.

The Board discussed whether mineral evaluations should be included within the regulatory scope of this board. A motion was made by Ms. Aliveto and seconded Ms. Dawson-Clowser that the Board's scope would be limited to "real estate" as defined under Chapter 30, Article 38 of the W.Va. Code. Motion carried.

Ms. Kerns presented the Board with a copy of a Temporary Permit received on June 7, 2013. The applicant indicated on the Temporary Permit that the estimated dates to be in West Virginia were from June 5, 2013 to June 15, 2013. When staff contacted the applicant to inquire if she had already been in West Virginia, the applicant stated she was in West Virginia on June 5, 2013. Non-resident appraisers are required to have the temporary permit in their possession prior to beginning the assignment. Therefore, the Board requested Ms. Kerns return the Temporary Permit Application and fee back to the applicant. The applicant would be required to re-submit a new Temporary Permit Application to the Board.

Ms. Kerns presented the Board with a licensing report. As of June 13, 2013 the number of licenses currently issued are as follows: Apprentice Permits 36; Licensed Residential 155 active and 11 inactive; Certified Residential 229 active, 16 inactive, 1 suspended; and, Certified General 183 active and 19 inactive.

Ms. Kerns presented the Board with the Records Retention and Disposal Schedule for the Board, which was approved by the WV Department of Administration earlier in June. She stated there were several documents in need of disposal at this time and the office was in the process of organizing them for removal. Ms. Kerns stated in order to organize and free up storage area within the office, she was requesting documents that are required to be kept be either stored at an off-site facility or to have these documents scanned. After discussing the matter, the Board allocated \$15,000 of the Board's budget to address this matter.

Ms. Kerns presented the Board with a chart indicating Board and Committee Meeting attendance for the period of January through May 2013.

Executive Session

At 1:17 pm a motion was made by Mr. Shields and seconded by Ms. Shaw that the Board move into Executive Session in accordance with Chapter 6, Article 1, Section 4(4) of the Code of West Virginia for the purpose of discussing Upgrades, Standards, Legal Matters and an Apprentice Background Investigation. Motion carried.

Regular Session

At 2:05 pm a motion was made by Mr. Shields and seconded by Ms. Aliveto that regular session be reconvened. Motion carried.

A motion was made by Mr. Shields and seconded by Ms. Aliveto that after reviewing the Apprentice Background Investigation, should the Board receive an apprentice permit application from Larry Damron, the application be approved as long as the application is complete and all the requirements are met. Motion carried.

A motion was made by Mr. Shields and seconded by Ms. Shaw to approve Upgrades number 13-012 for Licensed Residential appraiser. Motion carried.

A motion was made by Mr. Shields and seconded by Ms. Shaw to approve Upgrade numbers 09-009/10-003 for Certified General appraiser. Motion carried.

A motion was made by Mr. Shields and seconded by Ms. Shaw to approve Upgrade number 13-010 for Certified Residential appraiser. Motion carried.

A motion was made by Mr. Shields and seconded by Ms. Shaw to approve Supervisor Review numbers 13-004, 13-005, 13-006, 13-007, 13-008, 13-011, 13-013 and 13-015 for Supervisor. Motion carried.

Complaint Number 13-003 A motion was made by Ms. Shaw and seconded by Ms. Aliveto to accept the Standards Committee recommendation that the complaint be dismissed. Motion carried.

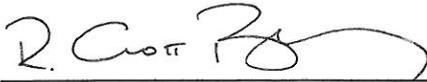
Complaint Number 13-009 A motion was made by Ms. Shaw and seconded by Ms. Aliveto to accept the Standards Committee recommendation that a letter be sent to the appraiser and the complaint be closed. Motion carried.

Complaint Number 13-010 A motion was made by Ms. Shaw and seconded by Ms. Aliveto to accept the Standards Committee recommendation that the complaint be dismissed. Motion carried.

A motion was made by Ms. Dawson-Clowser and seconded by Ms. Aliveto to have the Board's attorney schedule a settlement conference regarding complaints 08-015, 08-024, 11-017, and 12-015. Motion carried.

Ms. Kerns presented the Board with proposed changes to Legislative Rules: Title 190 Series 2; Title 190 Series 3 and Procedural Rule Title 190 Series 4. Discussion began with proposed changes to Legislative Rule Title 190 Series 2. Discussion and voting on the proposed changes was not completed due to the late hour of the day. The Board requested a teleconference Board Meeting be scheduled on June 18, 2013 at 10:00 a.m. to conclude discussion and voting on the matter.

Being no further business to be brought before the Board, Mr. Barber declared the meeting adjourned at 3:40 pm.



Scott Barber, Chair