West Virginia Real Estate Appraiser Licensing and Certification Board

MINUTES

May 15, 2014

A meeting of the West Virginia Real Estate Appraiser Licensing and Certification Board was held on May 15, 2014, 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, David Shields, Glenn Summers, Dale, Dawson-Clowser, Linda York, Darlene Ratliff-Washington – Counsel, Sandy Kerns – Executive Director and Karen Hudson – Executive Assistant. Absent: Mary Beth Aliveto. Mr. Barber called the meeting to order at 10:20 am.

Reading of the Minutes

A motion was made by The Honorable Judge Julian and seconded by Mr. Shields to approve the March 10, 2014 and May 6, 2014 Board Minutes as submitted. Motion carried.

Executive Session

A motion was made by Mr. Summers that the Board move into Executive Session for the purpose of discussing Legal matters, Standards and Upgrades. Motion carried.

Remarks from Appraisers

Andrew Robinson, an apprentice, attended the Board meeting.

Committee Reports

Upgrades Committee

The Upgrades Committee met on April 29, 2014 and May 15, 2014, and a total of three Upgrades Applications were reviewed. After discussion, a motion was made by Mr. Summers and seconded by The Honorable Judge Julian to approve Upgrades Number 13-025 for Certified General. Motion carried.

A motion was made by Mr. Summers and seconded by The Honorable Judge Julian to approve Upgrades Number 14-007 for Certified Residential pending receipt of additional information requested by the Upgrades Committee. If the additional information is acceptable to the Committee, the application will be approved. Motion carried.

A motion was made by Mr. Summers and seconded by The Honorable Judge Julian to approve Upgrades Number 14-008 for Supervisor pending receipt of additional information requested by the Upgrades Committee. If the additional information is acceptable to the Committee, the application will be approved. Motion carried.

Standards Committee

The Standards Committee met on April 1, 2014 and May 6, 2014, and a total of fourteen complaints were reviewed. Four complaints are held over and will remain with the Standards Committee for further investigation or review. The other ten were reviewed and the Board voted to accept the recommendations of the Standards Committee as follows:

Complaint Number 13-012 A motion was made by Mr. Shields and seconded by Mr. Summers to accept the Standards Committee recommendation that probable cause be found based on substantial USPAP violations within the appraisal report and, disciplinary action be initiated. Motion carried.

Complaint Number 13-013 A motion was made by Mr. Shields and seconded by Mr. Summers to accept the Standards Committee recommendation that no probable cause be found and to dismiss the complaint for the following reason, this complaint is outside the jurisdiction of the Board. The Board is not charged with establishing inspection dates for appraisers and client, and is not responsible for scheduling appointments. Motion carried.

Complaint Number 13-014 A motion was made by Ms. Dawson-Clowser and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that probable cause be found based on the appraiser conducting an appraisal outside the scope of his license and, disciplinary action be initiated. Motion carried.

Complaint Number 13-015 A motion was made by The Honorable Judge Julian and seconded by Ms. Dawson-Clowser to accept the Standards Committee recommendation that no probable cause be found. There is no violation of USPAP of the Appraisers Practice Act and the complaint should be dismissed. Motion carried.

Complaint Number 13-016 A motion was made by The Honorable Judge Julian and seconded by Ms. Dawson-Clowser to accept the Standards Committee recommendation that no probable cause be found. There is no violation of USPAP of the Appraisers Practice Act and, the complaint should be dismissed. Motion carried.

Complaint Number 13-018 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that probable cause be found based on numerous USPAP violations and, disciplinary action be initiated. Motion carried.

Complaint Number 14-001 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that probable cause be found based on the appraiser conducting an appraisal outside the scope of his license and, disciplinary action be initiated. Motion carried.

Complaint Number 14-002 A motion was made by The Honorable Judge Julian and seconded by Ms. Dawson-Clowser to accept the Standards Committee recommendation that no

probable cause be found in that this is a value complaint and, the complaint should be dismissed. Motion carried.

Complaint Number 14-003 A motion was made by The Honorable Judge Julian and seconded by Ms. Dawson-Clowser to accept the Standards Committee recommendation that no probable cause be found based on there is no violation of USPAP of the Appraisers Practice Act and, the complaint should be dismissed. Motion carried.

Complaint Number 14-004 A motion was made by The Honorable Judge Julian and seconded by Ms. Dawson-Clowser to accept the Standards Committee recommendation that no probable cause be found in that this is a value complaint and therefore, the complaint should be dismissed. Motion carried.

Executive Director's Report

Ms. Kerns presented the new WV OASIS Cash Flow and Quarterly Expense and Revenue (FY 2015 Budget) to Board members.

Legal Report

An application for an Apprentice Permit was submitted by Connie Williams. A review of the documentation submitted with the application revealed a 1990 misdemeanor assault. The Board has no record of any other criminal activity since the above matter however, concerns was expressed regarding the educational documentation Ms. Williams submitted with the application. Therefore, the application is pending receipt of additional educational documentation. Legal counsel will review the requested documentation and, if it adequately addresses the concerns of the Board, the application will be approved.

Old Business

A report was given regarding the appointment/reappointment of Board members. No information has been from the Governor's office regarding the matter.

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A report was given regarding the replacement of the Board's data base and computers.

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Each Board member was presented with a booklet containing West Virginia Code §§ 30-38-1 *et seq.* and 30-38A-1 *et seq.* along with the new rules from Title 190 Series 2, 3 and 4 Rules effective July 1, 2014.

New Business

The residential subscription to Marshall and Swift shall be renewed.

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The Lease Agreement for the Board's office expires December 31, 2014. Ms. Kerns is currently searching for additional or larger office space.

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A list of tentative meeting dates for 2014 was given to Board members for review.

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A list of Appraisal Management Companies that have Pre-Registered was presented to the Board for review.

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A draft of the new Series 5 Rules pertaining to Appraisal Management Companies was given to Board members for review and discussion. The matter will be continued to the next scheduled Board meeting.

Election of Officers

The Election of Officers will be held at an upcoming Board Meeting.

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Being no further business to be brought before the Board, Mr. Barber declared the meeting adjourned at 3:15 pm.

R. Scott Barber

Scott Barber, Chair