West Virginia Real Estate Appraiser
Licensing and Certification Board

MINUTES

OCTOBER 14, 2015

The West Virginia Real Estate Appraiser Licensing and Certification Board held a regular board meeting on October 14, 2015 on the 4th Floor Conference Room, at 405 Capitol Street, Charleston, WV 25301.

The following were in attendance: Glenn Summers, Chair; 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. Brenda Ashworth and Courtney Buskirk were present during the financial and license renewals reports. Board Member, Mary Beth Aliveto, was absent.

Board Meeting was called to order at 10:24 am.

Reading of the Minutes

Minutes from the August 12, 2015 board meeting were reviewed. Minutes were amended to reflect the following:

1. Board Meeting began with computer training between 10-11 am. The official meeting was called to order at 11:05 am.
2. Complaints 14-012 and 14-013 were amended to add the word "cause" was before the word "probable" to the Board's findings for each complaint.
3. . Complaints 15-006 and 15-007 – were amended replace the sentence, "The Standard Committee recommends that there is no probable cause to believe a disciplinary action has occurred and this matter should be dismissed" with the sentence "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 by M s .Dawson-Clowser to approve the August 12, 2015 Board Minutes as amended. Motion was seconded by the Honorable Judge Julian. Motion carried.

Members of the Public

Raymond "RC" Curtis, a WV Certified Residential appraiser, addressed the Board regarding the appraiser licensing renewal process.

Executive Session

A motion was made by the Honorable Judge Julian to move into Executive Session for the purpose of discussing Standards, Upgrades and legal issues. Ms. York seconded the motion. Motion carried.

Ms. York made the motion to come out of Executive Session. Motion was seconded by the Honorable Judge Julian. Motion carried.

Committee Reports

Standards Committee:

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

The Standards Committee met on Tuesday October 6, 2015 and made the following recommendations:

Complaint Number 15-001AMC: The Standards Committee recommended that no probable cause be found as no violation of the Appraisal Practice Act had occurred and therefore the matter should be dismissed.

Complaint Number 15-002AMC: The Standards Committee recommended that no probable cause be found as no violation of the Appraisal Practice Act had occurred and therefore the matter should be dismissed.

Complaint 15-004AMC: The Standards Committee recommended that no probable cause be found as no violation of the Appraisal Practice Act had occurred and therefore the matter should be dismissed.

Complaint Number 15-005AMC: The Standards Committee recommended that no probable cause be found as no violation of the Appraisal Practice Act had occurred and therefore the matter should be dismissed.

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

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

Mr. Shields made a motion to accept the Standards Committee's recommendation for Complaints 15-001 AMC. 15-002AMC, 15-004AMC,15-005AMC,15-006AMC and 15-007AMC. Motion was seconded by the Honorable Judge Julian. Motion carried.

Complaint Number 15-005: The Standard s Committee recommended that probable cause be found that there is a violation of the Appraiser Practice Act and at a minimum a violation USPAP Standards 2-1 and 2-2. A motion was made by Mr. Shields to accept the Standards Committee's recommendation for Complaint 15-005. Motion was seconded by Ms. York. Motion carried.

Complaint Number 15-009: The Standards Committee recommended that probable cause be found that there is a violation of the Appraiser Practice Act, including but not limited to the apprentice claiming experience hours on the Apprentice Log for work not completed by the supervisor, or apprentice. Further the work product is outside the scope of work of the supervising appraiser. A motion was made by Mr. Shields to accept the Standards Committee's recommendation for Complaint 15-009.Motion was seconded by the Honorable Judge Julian. Motion carried.

Complaint Number 15-010: The Standards Committee recommended that probable cause be found that there is a violation of the Appraiser Practice Act, including but not limited to, the appraiser performing work outside the scope of the appraiser's license, as well as the appraiser signing the Apprentice Log for work not completed by the apprentice. A motion was made by Ms. York to accept the Standards Committee's recommendation for Complaint 15-010. Motion was seconded by the Honorable Judge Julian. Motion carried.

Dale Dawson- Clowser left meeting at 11:50 am.

Upgrade Committee

The Upgrades Committee did not meet as scheduled, on Tuesday, September 29, 2015.

Legal Report

The Board was presented with the following:

1. *State ex rel. Miles v. WV Board of Registered Professional Nurses*, the Supreme Court held the requirements, in WV Code § 30-l-5(c), are mandatory. The statue requires the issuance of an interim status report within six (6) months, from which date the Board has one year to resolve the complaint unless an extension is obtained as prescribed by law. The Court held that the "Board's refusal to strictly comply with the very straightforward requirements in the statute seems to evidence a blatant disregard for both the Legislature's and this Court's explicit instructions on how these matters should be handled, at worst, or a pattern of lackadaisical pursuit of complaints by this Board, at best."

2. Complaint Number 06-021 Mark Greenlee -Appraiser was convicted of mortgage scheme fraud and sentenced to federal prison. The appraiser has not been licensed since 2009 and there has been no activity in this matter. Therefore, pursuant to *Miles v. WV Board of Registered Professional Nurses*, Ms. York made a motion to close this matter. Mr. Shields seconded the motion. Motion carried.

3. Complaint Number 09-003 Edgar Wilson – the appraiser has not been licensed since 2009. Appraiser requested hearing be postponed due to health issues and there has been no activity in this matter. Therefore pursuant to *Miles v. WV Board of Registered Professional Nurses*, Ms. York made a motion to close this matter. Mr. Shields seconded the motion. Motion carried.

4. Copy of email from Jeff Lawrentz, underwriter for BRIM along with copy of WV Code § 30-1-16 regarding liability of Board Members and Standard Committee Members.

5. Copy of Open Meeting Advisory Opinion 2008-11, which states "order of business" on the Board's meeting agenda may be changed without prior notice to the public and the media.

6. Copy of Open Meeting Advisory Opinion 2009-04, which states the Open Meetings Act "requires items to be clearly identified on the meeting agenda" and the procedure for convening an executive session starts with a member of the governing body making a motion to convene an executive session, identifying the authorization in the Open Meetings Act for going into executive session.

7. Copy of correspondence with Altisource/Springhouse advising all correspondence to West Virginia appraisers should clearly identify Springhouse as the registered AMC. Altisource is the parent company for Springhouse. Altisource is not registered with WV as an AMC; Springhouse is the registered AMC known as Springhouse. The AMC is believed to be in violation because of the soliciting under another company name.

8. Letter from Barbara Argabrite, an inactive appraiser, seeking to reinstate her appraiser license. She inquired if she could utilize online education to obtain the required continuing education (CE) hours, if the current requirements were in effect when she went to inactive status and if the Board would consider grandfathering her reactivation. Ms. York made a motion to write a letter advising that AQB criteria and West Virginia Code requires all CE hours remain current while on inactive status, but that CE can be taken online. Motion was seconded by the Honorable Judge Julian. Motion carried

9. ATI Valuations seeks reconsideration of the Board's Order entered on September 24, 2015 denying its registration as an AMC. After review of the reconsideration request and a detailed discussion regarding the offense that occurred 37 years ago and the possible inadvertent missed checking of a box in a series of question, the Board voted to rescinded the Order and offer ATI a consent decree that ATI Valuations may register as an AMC, but for all future renewals the employee/owner in question must submit, in addition to the Board's affidavit, a personal affidavit signed and dated by him. Ms. York made the motion to offer the consent decree. Motion was seconded by Mr. Shields. Motion carried.

10. Letter from Edwin Miller Investments, LLC seeking reconsideration of the Board's dismissal of Complaint 15-006 against Gerald Terry. Based on the fact that no additional evidence was presented and there were no violations of USPAP on the information provided, the Honorable Judge Julian made the motion to deny for reconsideration. Motion was seconded by Mr. Shields. Motion carried.

11. **Complaint Numbers 14-012 and 14-013** – Presented Board with counter-proposal submitted by both appraisers offering to accept probation rather than surrender of license. Ms. York Made a motion to deny the counter-proposal and to proceed for formal charges against both appraisers. Motion was seconded by the Honorable Judge Julian. Motion carried

12. **Complaint Number 15-004** - On October 2, 2015, a Pre-Charge Diversion Agreement was signed by Bradley Jaranko and presented to the Board for review and approval. The Diversion Agreement is for a period of twelve (12) months. Mr. Jaranko shall disclose any and all charges pending on any future renewal applications. He shall reimburse the Board for costs incurred by the Board associated with the investigation of this matter. Reimbursement to be paid in full on or before October 1, 2016. Ms. York made a motion to accept the agreement. Motion was seconded by the Honorable Judge Julian. Motion carried.

13. **Complaint Number 14-017** -Presented with counter-proposal from the appraiser who seeks the following revisions: (1) will admit to one violation of USPAP Standard 1-1(c); (2) will pay the board

$2,000.00 for costs incurred by the Board associated with the investigation and prosecution this matter, and (3) the required additional education credits be described with greater particularity and acceptable to the appraiser. Mr. Shields made a motion to accept revision number 1, deny number 2 and insert course name of "Sales Comparison Approach to number 3. Motion was seconded by the Honorable Judge Julian. Motion carried.

Dale Dawson-Clowser returned to the Board meeting at 1:33 pm.

Executive Director's Report

Financial Report

Brenda Ashworth joined the Board Meeting to assist in presenting the financials

The following was presented:

- Fiscal Year 2015 Final Revenue and Expenditure spreadsheets were presented to the Board.
- July and August 2015 Expenditure reports using OASIS reports. The Revenue reports were presented listing of each revenue source.
- Discussion of the Board's financial/record keeping system and how it functions with the State's OASIS system.
- Request to utilize this type of financial report for future financial reports.
- Request to discontinue using Quicken to record financial transactions and to utilize an Excel spreadsheet.

Mr. Summers inquired if the document format presented for the financials was acceptable to the Board, and that all questions can be answered. Ms. York stated the report looked good. Ms. York made a motion to accept the financial report as presented. The Honorable Judge Julian seconded the motion. Motion carried.

P-Card Report

June, July, August and September 2015 P-Card Statements were presented to the Board. Ms. Dawson-Clowser made a motion to approve the P-Card Statement. The Honorable Judge Julian seconded the motion. Motion carried.

Temporary Report

The Temporary Permit Report for June, July August and September was presented. Mr. Shields made a motion to approve the report. The motion was seconded by the Honorable Judge Julian. Motion carried.

Appraiser Licensing Renewal Report

Courtney Buskirk presented the Appraiser Licensing Renewal Report.

Ms. Kerns presented a comparison report of active WV Real Estate Appraisers by Classification and County between the periods of November 2014 and October 2015. The report stated a possible loss of 13 Licensed Residential Appraisers, 12 Certified Residential Appraisers and 12 Certified General Appraisers. The report will be run again in November when additional renewals have been

processed. Mr. Summers requested a hard copy of the Appraiser roster for the Board Meetings.

Old Business

A 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 was presented, along with a letter to be signed 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 for Review. The Honorable Judge Julian made a motion to approve Ms. York and Mr. Shields attendance to AARO. The motion was seconded by Ms. Dawson-Clowser. Motion carried.

The Honorable Judge Julian spoke in regards to a letter the Board received regarding the West Virginia Attorney General's Office (AG) reason§ in declining the Board's offer to subsidize a raise for Darlene Washington, AG legal counsel. He sent a return letter to AG's Office in support of raise for Ms. Washington, but has not had a response. At this time, he would like to schedule an appointment to meet with representatives from the AG's Office to discuss the situation. Fellow Board Members agreed this was appropriate.

New Business

RFQ for Fee Study should be prepared and submitted to Ms. York and Mr. Shields for approval prior to submission to Purchasing.

Ms. York recommended that actions be taken on decisions made at Board meetings prior to the approval of the board minutes so that individuals do not have to wait as long for decisions.

Mr. Summers suggested that all Standards Committee recommendations be brought to Board meetings in hard copy.

Meeting was adjourned at 3:45pm.

Glenn Summers, Chair

Dec 9th/2015
Date