

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

September 12, 2013

A meeting of the West Virginia Real Estate Appraiser Licensing and Certification Board was held on September 12, 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, David Shields, Glenn Summers, Virginia Shaw, Mary Beth Aliveto, Dale Dawson-Clowser, Darlene Ratliff-Washington – Counsel, and Sandy Kerns – Executive Director. Absent: Linda York. Mr. Barber called the meeting to order at 10:12 am. Dale Dawson-Clowser left the meeting at 12:55 pm.

Reading of the Minutes

A motion was made by Ms. Aliveto and seconded by The Honorable Judge Julian to approve the June 13, 2013 Board Minutes with amendments. Motion carried.

A motion was made by Ms. Aliveto and seconded by The Honorable Judge Julian to approve the June 18, 2013 Board Minutes with amendments. Motion carried.

A motion was made by Ms. Aliveto and seconded by The Honorable Judge Julian to approve the July 24, 2013 Board Minutes as submitted. Motion carried.

Executive Sessions

A motion was made by Mr. Summers and seconded by Ms. Dawson-Clowser that the Board move into Executive Session for the purpose of discussing 2013-2014 license renewal applications. Motion carried.

A motion was made by Mr. Summers and seconded by Mr. Shields that the Board move into Executive Session for the purpose of discussing apprentice applications, license renewals, Standards, Upgrades and the request by Mr. Holt to be exempt from the requirement that a supervisor must be a Certified Residential appraiser. Motion carried.

Committee Reports

Upgrades Committee

Mr. Barber stated the Upgrades Committee met on September 12, 2013, prior to the Board meeting. Mr. Barber stated three applications were reviewed. After discussion, a motion was made by Mr. Summers and seconded by The Honorable Judge Julian to accept the Upgrades Committee recommendation to approve Upgrade Numbers 13-016, 13-017 and 13-018 for Supervisor. Motion carried.

Standards Committee

Mr. Summers stated the Standards Committee met on August 6, 2013. Eight complaints and one internal report were listed on the agenda.

Mr. Summers stated the Standards Committee met on August 27, 2013. Six complaints were listed on the agenda. After a discussion, the Board proceeded as follows regarding complaints pending before the Board:

Complaint Number 12-022 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that an educational letter be sent to the appraiser and to dismiss the complaint. Motion carried.

Complaint Number 12-023 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that the information submitted by the appraiser indicated an appraisal was not completed. However, per the request of the client, the appraiser did provide various information as it relates to the subject property, and to dismiss the complaint.

Complaint Number 12-024 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that an educational letter be sent to the appraiser and to dismiss the complaint. Motion carried.

Complaint Number 13-004 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that an educational letter be sent to the appraiser and to dismiss the complaint. Motion carried.

Complaint Number 13-005 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that an educational letter be sent to the appraiser and to dismiss the complaint. Motion carried.

Complaint Number 13-006 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that the Committee determined the complaint to be a value and geographical issue and to dismiss the complaint. Motion carried.

Complaint Number 13-011 A motion was made by Mr. Shields and seconded by The Honorable Judge Julian to accept the Standards Committee recommendation that there was no appraisal report submitted with the complaint and in the absence of an appraisal report, the Board has no jurisdiction over the matter and to dismiss the complaint. Motion carried.

Executive Director's Report

Ms. Kerns presented the Board with a report listing expenditures made since the June 13, 2013 Board meeting using the state authorized VISA purchasing card.

Old Business

There was no old business.

Legal Report

Per directive of the Board, a Cease and Desist was prepared to be sent to Janet Goodman regarding the issue of Broker Price Opinions (BPOs). The Cease and Desist has not been served as the Board was unable to provide nor was Ms. Washington able to locate a mailing address for Ms. Goodman. Ms. Aliveto stated she may possibly be able to provide that information and if so, would forward the information to the Board.

Linda York has filed a Petition for Writ of Prohibition in the West Virginia Supreme Court of Appeals seeking to prohibit the Board from pursuing the four disciplinary issues pending with the Board. Pleadings on behalf of the Board were filed on September 11, 2013.

New Business

Michelle Shumate appeared before the Board to discuss the renewal of her 2013-2014 Certified Residential appraiser license. Ms. Shumate is currently under a Consent Decree with the State of Virginia for violation of 18 VAC 130-20-180.E and D. After discussion, a motion was made by Mr. Shields and seconded by Ms. Dawson-Clowser to approve the 2013-2014 license renewal application of Ms. Shumate. Motion carried.

Michael Mayberry appeared before the Board to discuss the renewal of his 2013-2014 Licensed Residential appraiser license. Mr. Mayberry has been convicted of a third defense DUI and is currently under an Order with the Circuit Court of Putnam County. After discussion, a motion was made by Mr. Shields and seconded by Mr. Summers to approve the 2013-2014 license renewal application of Mr. Mayberry. The Honorable Anthony Julian opposed the motion. Motion carried.

Mr. Barber presented the Board with a copy of a letter and an appraisal he received from Mr. Joe Holt, a Licensed Residential appraiser, requesting an exemption from the requirement that an apprentice supervisor must be a Certified Residential appraiser. Mr. Holt attached a copy of an appraisal as an example of the type of work he and his apprentice has performed in the past. A review of the appraisal raised concerns of whether it violated the Practice Act. After discussion, a motion was made by Ms. Aliveto and seconded by The Honorable Judge Julian to deny the supervisor request of Mr. Joe Holt. Motion carried. A motion was made by Ms. Aliveto and seconded by The Honorable Judge Julian that the Board would open a complaint on Mr. Holt regarding the appraisal he submitted and the complaint be sent to the Standards Committee for further investigation. Motion carried.

The 2013-2014 license renewal application for Brandon Wise was presented for review. Mr. Wise was convicted in the Magistrate Court of Marion County of violations of home confinement. After discussion, a motion was made by Mr. Summers and seconded by Mr. Shields to approve the 2013-2014 license renewal application of Mr. Wise. The Honorable Anthony Julian opposed the motion. Motion carried.

The 2013-2014 license renewal application for Graham Goheen was reviewed along with documentation he submitted in response to application question number five. Mr. Goheen advised the Board that he is a third party defendant in a lawsuit pending in the U.S. District Court for the Northern District of West Virginia. After discussion, a motion was made by Mr. Shields and seconded by The Honorable Judge Julian to approve the 2013-2014 license renewal of Mr. Goheen. Motion carried.

The application for an Apprentice Permit for Charles Smith was reviewed along with documentation he submitted of a prior juvenile misdemeanor offense. After discussion, a motion was made by Mr. Shields and seconded by The Honorable Judge Julian to approve the Apprentice Permit of Mr. Smith. Motion carried.

The 2013-2014 license renewal application for Paul Randall Payne was reviewed along with documentation he submitted in response to application question number two. The documentation reviewed by the Board was a copy of a Dismissal Order entered by the Magistrate Court of Berkeley County, West Virginia on August 26, 2013 which was a result of a civil suit filed by Lewis McIntyre. After discussion, a motion was made by Ms. Shaw and seconded by The Honorable Judge Julian to approve the 2013-2014 license renewal of Mr. Payne. Motion carried.

The Appraisal Subcommittee (ASC) staff conducted an ASC Compliance Review of the Board on December 10, 2012. A copy of the final Appraisal Subcommittee's Compliance Review Report, as well as documentation explaining the ASC's authority was presented to the Board.

A question was presented as to whether an individual neither holding a West Virginia appraiser license nor an apprentice permit could be issued an admittance card to take the National Appraisal Exam. Board members stated such individuals could be issued an admittance card by this Board.

Ms. Kerns stated a letter along with the new application for a reciprocal appraiser license was sent to all non-resident appraisers who were issued Temporary Permits during the licensing renewal period of 2012-2013. Since that time she stated seven appraisers applied and were issued a license.

A question has arisen regarding continuing education (CE) requirements, specifically when can a CE class be repeated and counted as credit. Currently, there are pending changes in Legislative Rule 190 Series 3 that address this issue. Board members cited a need for even further clarification and agreed to work on changes during the 2014 Legislative Session.

A question has arisen regarding the Board's policy as to whether the Board will release appraiser responses upon request to the complainant. The Board clarified its policy to release appraiser responses upon request to the complainant if the complaint has been dismissed or probable cause has been found. However, the Board will not release a licensee's response if the complaint is ongoing.

Being no further business to be brought before the Board, Mr. Barber declared the meeting adjourned at 2:30 pm.



Scott Barber, Chair