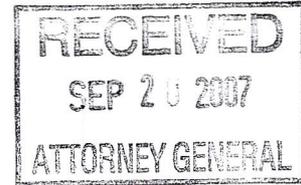


BEFORE THE WEST VIRGINIA REAL ESTATE
APPRAISER LICENSING AND CERTIFICATION BOARD

IN THE MATTER OF:

BARBARA LAWRENCE,
Licensed Residential Appraiser License No. 0930



CONSENT DECREE

Now comes Respondent, Barbara Lawrence (hereinafter "Respondent"), and the West Virginia Real Estate Appraiser Licensing and Certification Board (hereinafter "Board"), by Sharron L. Knotts, its Executive Director, for the purpose of resolving Board Complaint Number 06-017, against Respondent. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent hereby agrees and stipulates to the Findings of Fact and Conclusions of Law set forth in the instant Consent Decree concerning the proper disposition of this matter, and the Board, having approved such agreement, does hereby find and Order as follows:

FINDINGS OF FACT

1. The Board is a state entity created by W. Va. Code § 30-38-1, *et seq.*, and is empowered to regulate, among other things, the conduct of licensed residential appraisers.
2. Respondent is a licensed residential real estate appraiser, holding Licensed Residential Appraiser License No. 0819, through the Board.
3. In September, 2002, Respondent was a real estate appraiser apprentice, and held Real Estate Appraiser Apprentice Permit No. 10229, through the Board.

4. During all times relevant herein, Christopher Kroeger, Licensed Residential Appraiser Licensee No. 0668, supervised Respondent in the practice of real estate appraising.

5. On or around September 15, 2002, Respondent performed an appraisal of residential property located at 1929 ½ Walnut Street, Kenova, Wayne County, West Virginia, 25530 (hereinafter "Property").

6. Respondent appraised the value of the Property at \$65,000.00, as of September 8, 2002.

7. In such appraisal, Respondent provided certain inaccurate and/or misleading information in regard to the subject property and comparables utilized.

8. Such inaccurate and/or misleading information in regard to the Property includes, but is not necessarily limited to, the following:

a. inaccurate description of the Property as a raised ranch residential home, where such Property would be more accurately described as a "garage apartment;"

b. inaccurate sketch of the Property, where neither the shape nor the dimensions of the Property are correct;

c. inaccurately states the dimensions of the Property are 35' by 35', where such dimensions are actually 24' by 32.5';

d. inaccurate citation of the total square footage of the Property;

e. the garage area is inadequately and/or incorrectly stated;

f. incorrectly states that the Property contains a "typical floor plan for a three bedroom home with one bathroom," where such floor plan is atypical;

g. incorrectly states the tax reference map as map 4, where such reference should be map 8;

h. incorrectly states the lot is "mostly level," where such lot is actually level;

i. inaccurately describes the landscaping as average, where such lot contains very little, if any, landscaping;

j. inaccurately states that the Property is located in a residential zone, where such Property is not subject to any zoning ordinances; and

k. inaccurately failed to state the lender as the client, and instead erroneously referenced the borrower as the client.

9. Respondent utilized inappropriate comparables to the subject properties in Respondent's determination of estimated value of the above-referenced subject properties.

10. Respondent utilized comparables which were not reasonably comparable to the subject properties.

11. Respondent failed to adequately explain the difference between the sale of the Property for \$22,400 in July, 2001, and the appraised value of \$65,000 for the Property on September 8, 2002.

12. As a result of such inaccurate information, the estimated market value of the above-referenced subject property is over-valued, unreasonable, inaccurate and/or unsupportable.

13. As a result of such utilization of non-comparable comparable properties, the estimated market value of the above-referenced subject property is over-valued, unreasonable, inaccurate and/or unsupportable.

CONCLUSIONS OF LAW

1. Pursuant to Article 38 of Chapter 30 of the West Virginia Code, the Board is the State entity vested with the power to regulate real estate appraisers in the State of West Virginia.

2. West Virginia Code § 30-38-12(a)(11) provides that “[f]ailing or refusing without good cause to exercise reasonable diligence, or negligence or incompetence, in developing an appraisal, preparing an appraisal report, or communicating an appraisal,” is grounds for disciplinary action, including, but not limited to, revocation or suspension of license.

3. Respondent unlawfully failed, without good cause, to develop, prepare and communicate a credible and accurate appraisal in relation to the above-referenced property in violation of W. Va. Code § 30-38-12(a)(11).

4. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(a), from which deviation is not permitted, “[i]n developing a real property appraisal, an appraiser must . . . be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal.”

5. Respondent unlawfully failed to be aware of, understand, and correctly employ appropriate methods and techniques necessary to produce a credible appraisal of the subject property, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 1-1(a).

6. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(b), from which deviation is not permitted, “[i]n developing a real property appraisal, an appraiser must . . . not commit a substantial error of omission or commission that significantly affects an appraisal.”

7. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(c), from which deviation is not permitted, “[i]n developing a real property appraisal, an appraiser must . . . not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affect the credibility of those results.”

8. Respondent unlawfully rendered appraisal services in regard to the above-referenced property, where such services contained error affecting the integrity and credibility of said appraisal, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, USPAP Standards Rule 1-1(b), and USPAP Standards Rule 1-1(c).

CONSENT

Respondent, both in her individual capacity and as a licensed residential real estate appraiser, by the execution hereof, agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that she is aware that she may pursue this

matter through appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent consents to the entry of the following Order affecting her conduct as a licensed residential real estate appraiser.

ORDER

On the basis of the foregoing, the Board hereby ORDERS as follows:

1. Respondent's license shall be placed on probation for a period of six (6) months, where such probation shall begin on the date of execution of the instant Consent Decree.

2. Respondent shall maintain and submit to the Board a monthly log of all appraisals performed by Respondent during the term of probation. The Board shall have the right to request workfiles at random during the term of probation. If after reviewing such files the Board determines there is probable cause to pursue further disciplinary action, nothing herein shall be construed to preclude the Board from doing so.

3. Respondent, within ninety (90) days of the date of entry of this order, shall successfully pass, complete, and provide to the Board all proper documentation reflecting the same, a minimum fifteen (15) hour course, with examination, approved by the Board relating to the sales comparison approach. Such course relating to the sales comparison approach shall be in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure thereof.

4. Respondent shall pay to the Board the amount of six hundred and thirty-five dollars (\$635.00). Such payment by Respondent shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 06-017, and the subsequent reimbursement to the Board thereof. Such payment shall be paid to the Board in full within thirty (30) days of the date of entry of the instant Consent Decree.

5. Any deviation from the requirements of the instant Consent Decree, without the prior written consent of the Board, shall constitute a violation of this Order, and result in the immediate suspension of Respondent's license. The Board shall immediately notify Respondent via certified mail of the specific nature of the charges, and the suspension of Respondent's license. Respondent may request reinstatement of her license through renewal of this agreement, or execution of a new agreement, which may contain different or additional terms. The Board is not bound to comply with Respondent's request.

In the event Respondent contests any such allegations of violation of the Consent Decree, if any, which results in the suspension of Respondent's license, Respondent may request a hearing to seek reinstatement of her license. Any such hearing shall be scheduled and conducted in accordance with the provisions of West Virginia Code § 30-1-8 and § 30-38-1, *et seq.*

Further, in the discretion of the Board and in the event Respondent violates the provisions of the instant Consent Decree, the Board may schedule a hearing on its own initiative for the purpose of allowing the Board the opportunity to consider further discipline against Respondent's license.

AGREED TO BY:

Barbara Lawrence
BARBARA LAWRENCE, Individually

9/17/06
DATE

ENTERED into the records of the Board this:

24th day of September, 2007.

WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

By: Sharron L. Knotts
SHARRON L. KNOTTS
EXECUTIVE DIRECTOR

9/26/07
DATE

BEFORE THE WEST VIRGINIA REAL ESTATE
APPRAISER LICENSING AND CERTIFICATION BOARD



IN THE MATTER OF:

BARBARA LAWRENCE,
Licensed Residential Appraiser License No. 0930

CONSENT DECREE

Now comes Respondent, Barbara Lawrence, and the West Virginia Real Estate Appraiser Licensing and Certification Board (hereinafter "Board"), by Sharron L. Knotts, its Executive Director, for the purpose of resolving Board Complaint Number 06-017, against Lawrence. As reflected in this Consent Decree, the parties have reached an agreement in which Lawrence hereby agrees and stipulates to the Findings of Fact set forth in the instant Consent Decree concerning the proper disposition of this matter, and the Board, having approved such agreement, does hereby find and Order as follows:

FINDINGS OF FACT

1. The Board is a state entity created by W. Va. Code § 30-38-1, *et seq.*, and is empowered to regulate, among other things, the conduct of licensed residential appraisers.
2. Lawrence was a licensed residential real estate appraiser, holding Licensed Residential Appraiser License No. 0819, through the Board.
3. Effective September 26, 2007, for the purpose of resolving Board Complaint Number 06-017 previously filed against Lawrence, Lawrence entered into a Consent Decree with the Board.

4. Pursuant to the Consent Decree, among other things, Lawrence agreed to the following requirement:

3. Respondent, within ninety (90) days of the date of entry of this order, shall successfully pass, complete, and provide to the Board all proper documentation reflecting the same, a minimum fifteen (15) hour course, with examination, approved by the Board relating to the sales comparison approach. Such course relating to the sales comparison approach shall be in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure thereof.

5. Lawrence failed to comply with the above-referenced requirement within the applicable time frame.

6. As a result, on March 28, 2008, the Board entered an Order suspending Lawrence's license pending compliance with the Consent Decree and further Board review.

7. Subsequently thereafter, Lawrence failed to renew her license, where such license thereby expired on September 30, 2008.

8. In spring 2009, Lawrence expressed to the Board a desire to reinstate her license.

CONSENT

Lawrence, both in her individual capacity and as an applicant for reinstatement of her licensed residential real estate license, by the execution hereof, agrees to the following:

1. Lawrence has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Lawrence to make this settlement other than as set forth herein. Lawrence acknowledges that she is aware that she may pursue this matter through

appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Lawrence consents to the entry of the following Order affecting her conduct as an applicant for reinstatement of her licensed residential real estate appraiser license.

ORDER

In order to achieve reinstatement of licensure, the Board hereby requires that Lawrence comply with the following requirements:

1. Lawrence shall successfully pass, complete, and provide to the Board all proper documentation reflecting the same, a thirty (30) hour online course relating the sales comparison approach, offered by the Appraisal Institute, with examination proctored offline. Such course relating to the sales comparison approach shall be in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure thereof.

2. Lawrence shall pay to the Board all appropriate and applicable licensure fees, including reinstatement fee, for the 2008-2009 licensure year.

3. Lawrence shall provide to the Board all appropriate and applicable proof of completion of mandatory continuing education hours necessary to reinstate and/or renew her license for the 2008-2009 licensure year.

4. Lawrence shall comply with any other requirements, if any, for licensure that would have been required for renewal of license for the 2008-2009 licensure year.

5. Upon successful completion of all terms herein, the Board shall reinstate Lawrence's license to full, active status.

AGREED TO BY:


BARBARA LAWRENCE, Individually

7-20-09
DATE

ENTERED into the records of the Board this:

27th day of July, 2009.

WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

By: 
SHARRON L. KNOTTS
EXECUTIVE DIRECTOR

July 27, 2009
DATE