

**BEFORE THE WEST VIRGINIA REAL ESTATE
APPRAISER LICENSING AND CERTIFICATION BOARD**

IN THE MATTER OF:

**GLENN CARTE, SR.
Certified General Appraiser License No. CG054**



CONSENT DECREE

Now comes Respondent, Glenn Carte, Sr., 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 09-001, against Carte. As reflected in this Consent Decree, the parties have reached an agreement in which Carte 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. Carte is a state certified general real estate appraiser licensed by the Board, holding license number CG054.
3. In November 2007, Carte performed a partial acquisition appraisal on land located in Henderson, Mason County, West Virginia.
4. Prior to the relevant assignment, Carte had neither received formal training in the condemnation appraising, nor completed any educational courses in eminent domain.

5. In such appraisal, Carte committed certain errors in the development of the appraisal. Such errors included the following:

- a. Carte failed to appraise the entirety of the property;
- b. The adjustments applied to comparable properties were excessive and/or inappropriate, thereby rendering such comparable properties not comparable;
- c. Carte failed to utilize comparable properties that had a highest and best use consistent with that of the subject property;
- d. Carte relied upon sales of improved properties as indicators of value for vacant land, while failing to perform adjustments for the contributory value of such improvements;
- e. Carte failed to verify the comparable sales information;
- f. Carte failed to adequately depict and/or describe the remainder of the subject property; and
- g. Although Carte provided a value for a temporary construction easement, Carte failed to describe the characteristics of the easement, and failed to describe how he arrived at a value conclusion for the easement.

6. Carte admitted that he performed "6 to 8" additional condemnation appraisals for his client, and indicated that the additional appraisals were performed in the same manner as the subject property described herein.

7. Based on a lack of educational background and training, Carte was not competent to perform the partial acquisition appraisal of the 5 parcels of land.

8. Carte failed to take all steps necessary or appropriate to complete the assignment competently.

9. As a result, the conclusions arrived at by Carte within the appraisal are inaccurate and/or not supportable.

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. Carte failed, without good cause, to competently develop, prepare and communicate a partial acquisition appraisal in violation of W. Va. Code § 30-38-12(a)(11).

4. Pursuant to W. Va. Code §§ 30-38-12(a)(7), the Board may revoke, suspend, refuse to renew, or otherwise discipline the license of an appraiser, or deny an application, for any violation of any section of this article, or rule of the Board.

5. West Virginia Code § 30-38-17 provides, in pertinent part, that “[e]ach real estate appraiser licensed or certified under this act shall comply with generally accepted standards of professional appraisal practice and generally accepted ethical rules to be observed by a real estate appraiser. Generally accepted standards of professional appraisal practice are currently evidenced by the uniform standards of professional appraisal practice promulgated by the appraisal foundation.”

6. Pursuant to the Uniform Standards of Professional Appraisal Practice, Competency Rule:

[p]rior to accepting an assignment or entering into an agreement to perform any assignment, an appraiser must properly identify the problem to be addressed and have the knowledge and experience to complete the assignment competently; or alternatively, must: 1) disclose the lack of knowledge and/or experience to the client before accepting the assignment; 2) take all steps necessary or appropriate to complete the assignment competently; and 3) describe the lack of knowledge and/or experience and the steps taken to complete the assignment competently in the report.

7. Carte failed to have the knowledge and experience to complete the partial acquisition appraisal assignment competently; failed to disclose the lack of knowledge and/or experience to the client before accepting the assignment; failed to take all steps necessary or appropriate to complete the assignment competently; and failed to describe the lack of knowledge and/or experience and the steps taken to complete the assignment competently in the report, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Competency Rule.

8. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(a), “[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.”

9. Carte failed to correctly employ appropriate methods and techniques necessary to produce an accurate appraisal of the subject property, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 1-1(a).

10. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-4(a), “[i]n developing a real property appraisal, an appraiser must collect,

verify, and analyze all information necessary for credible assignment results. When a sales comparison approach is necessary for credible assignment results, an appraiser must analyze such comparable sales data as are available to indicate a value conclusion.”

11. Within the appraisal, based upon Carte’s conclusion as to the highest and best use of the subject property, the sales chosen for direct analysis are not considered comparable because the sales are of a different highest and best use than the subject property, and therefore not competitive and not considered reliable value indicators to the subject property, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 1-4(a).

12. Carte committed excessive adjustments to the comparables utilized, where such adjustments exceed acceptable ranges, thereby producing a value conclusion that is not credible, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 1-4(a).

13. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 2-1(a), “[e]ach written or oral real property appraisal report must: clearly and accurately set forth the appraisal in a manner that will not be misleading.”

14. By valuing only the take area, and failing to adequately depict the remainder of the subject property, Carte presented the appraisal in a manner that was misleading, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 2-1(a).

15. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 2-1(b), “[e]ach written or oral real property appraisal report must: contain sufficient information to enable the intended users of the appraisal to understand the report properly.”

16. Based upon the foregoing, Carte failed to present sufficient information to enable the intended users of the appraisal to understand the report properly, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 2-1(b).

CONSENT

Carte, both in his individual capacity and as a certified general real estate appraiser, by the execution hereof, agrees to the following:

1. Carte 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 Carte to make this settlement other than as set forth herein. Carte acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Carte consents to the entry of the following Order affecting his conduct as a certified general real estate appraiser.

ORDER

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

1. The real estate appraiser license of Carte, License No. CG054, is hereby SUSPENDED for a period of ninety (90) days. Carte shall not engage in the business of real estate appraising whatsoever, either directly or indirectly, in the State of West Virginia during such period of SUSPENSION.

2. Carte shall, within ninety (90) days, successfully pass, complete, and provide to the Board all proper documentation reflecting the same, a minimum 15 hour course, with

removed
examination, relating to sales comparison, or such Board approved course equivalent. Such course shall be completed in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure thereof.

3. Carte shall be prohibited from performing any real estate appraisals relating to eminent domain or condemnation appraising, either directly or indirectly, and shall not testify in a court of law or act in the capacity of an expert witness in legal proceedings involving eminent domain, until such time Carte complies with Order Paragraph No. 4 as set forth herein.

4. Carte shall successfully pass, complete, and provide to the Board all proper documentation reflecting the same, with examination, Course No. 715GRE, relating to condemnation appraisal principles and applications, or such Board approved course equivalent. Upon successful completion of such course and proof thereof, the Board shall dissolve the above-referenced restriction of licensure relating to eminent domain and condemnation real estate appraising. Such course shall be completed in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure thereof.

5. Carte shall pay to the Board the amount of one thousand dollars (\$1,000.00). Such payment by Carte shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 09-001, and the subsequent reimbursement to the Board thereof.

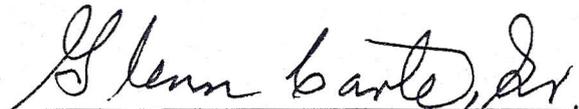
6. Any deviation from the requirements of the instant Consent Decree, without the prior written consent of the Board, shall constitute a violation of this Order, and result in the immediate suspension of Carte's license. The Board shall immediately notify Carte

via certified mail of the specific nature of the charges, and the suspension of Carte's license. Carte may request reinstatement of his 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 Carte's request.

In the event Carte contests any such allegations of violation of the Consent Decree, if any, which results in the suspension of Carte's license, Carte may request a hearing to seek reinstatement of his 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 Carte 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 Carte's license.

AGREED TO BY:



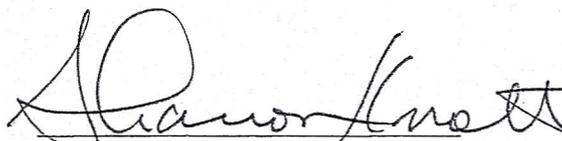
GLENN CARTE, SR., Individually

10-6-09
DATE

ENTERED into the records of the Board this:

6th day of October, 2009.

WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

By: 

SHARRON L. KNOTTS
EXECUTIVE DIRECTOR

10/6/09
DATE