

**/West Virginia Real Estate Appraiser  
Licensing and Certification Board**

**MINUTES**

**February 17, 2016**

The West Virginia Real Estate Appraiser Licensing and Certification Board held a meeting on February 17, 2016 in the 4<sup>th</sup> Floor Conference Room located at 405 Capitol Street, Charleston, WV 25311.

The following were in attendance: Glenn Summers, Chair; The Honorable Anthony Julian, Douglas Butcher, Dean Dawson, Nathan Nibert, Rachel Phillips, Mary Beth Aliveto, Michael Shaw, Sandy Kerns, Executive Director; Darlene Washington, AG Legal Counsel; Courtney Buskirk, Billie Hancock and Brenda Ashworth.

Dale Dawson-Clowser was not in attendance.

The meeting was called to order at 10:00 am.

Jeff Burrell, a West Virginia licensee, attended the meeting as a member of the public.

***Reading of the Minutes***

Minutes from the December 9, 2015 and December 28, 2015 meetings were presented to the Board. A motion was made by the Honorable Judge Julian to approve the December 9, 2015 and December 28, 2015 meeting minutes. Mary Beth Aliveto seconded the motion. Motion carried.

***Elections***

Glenn Summers, Chair, opened the floor for nominations for Vice-Chair. Rachel Phillips nominated Dean Dawson for Vice-Chair. Mary Beth Aliveto seconded the nomination. Dean Dawson was elected Vice-Chair by unanimous vote.

Mr. Summers opened the floor for nominations for Board Secretary. Dean Dawson nominated Rachel Phillips for Secretary. Mary Beth Aliveto seconded the nomination. Rachel Phillips was elected Secretary by unanimous vote.

The Honorable Anthony Julian, Mary Beth Aliveto and Michael Shaw were sworn into their Board seats.

***Committee Appointments***

Mr. Summers identified the current committee members, as well as appointed and accepted committee assignments for additional committees as follows:

Education Committee

Rachel Phillips, Dean Dawson, Mary Beth Aliveto and Dale Dawson-Clowser

Finance Committee

Honorable Anthony Julian, Dale Dawson-Clowser and Mary Beth Aliveto

Legislative Rule Committee

Honorable Anthony Julian, Michael Shaw, Jr., Dale Dawson-Clowser, Doug Butcher, Glenn Summers, Mary Beth Aliveto, Dean Dawson and Nathan Nibert

Standards Committee

Glenn Summers, Dave Shields, Doug Butcher, Stan Thomas, Scott Barber, Tim Helmick and Barbara Argabrite

Upgrades Committee

Glenn Summers, Nathan Nibert, Rachel Phillips, Dean Dawson and Doug Butcher

***Public Remarks***

Jeff Burrell asked if it was required of the AMC to notify an appraiser on an appraiser panel if said appraiser had been excluded from an appraisal at the request of a lender. It was determined by the Board that it was not necessary for the AMC to notify the appraiser, unless said appraiser was being removed from panel entirely. The Board further stated an AMC has the right to assign any appraiser on its panel to a customer.

A motion was made by Mary Beth Aliveto that the Board move into executive session for the purpose of discussing Standards, Upgrades, Legal and Personnel matters. The Honorable Anthony Julian seconded the motion. Motion carried.

Executive Session was called to order at 10:47am and the general public was excused.

At 1:17pm a motion was made by Doug Butcher that regular session be reconvened. Mary Beth Aliveto seconded the motion. Motion carried.

***Committee Reports***

Standards Committee

The Standards Committee met on January 5, 2016 to review six (6) complaints: 14-016, 15-011, 15-013, 15-016, 15-017 and 15-018.

Complaint 14-016: This appraiser is under a one year agreement with the Board, in which he is required to submit monthly logs for review. Based on the review of an appraisal from the appraiser's September 2015 log, the Standard Committee will advise the appraiser that pursuant to W. Va. Code § 30-38-4(f) "an appraiser shall indicate his classification and license number on all appraisals, statements of qualifications, contracts and other instruments." Also, Standards requested two (2) properties from the appraiser's current logs. Doug Butcher made a motion to approve. The Honorable Anthony Julian seconded. Motion carried.

Complaint 15-011: The Standards Committee shall request that the appraiser attend an informal discussion. This matter is pending ongoing investigation.

Complaints 15-013: The apprentice took on the assignment without the knowledge of the appraiser and stole the appraiser's electronic signature to complete the report. The apprentice did not respond to the complaint. The Standards Committee recommends that the Board determine there is probable cause to believe that a disciplinary violation has occurred and proceed with a contested case hearing or dispose of the matter through a consent agreement or otherwise. Further, this matter shall be consolidated with Complaint #15-016 as this is the same Respondent/apprentice. The Honorable Anthony Julian made a motion to approve the decision. Doug Butcher seconded the motion. The motion carried.

Complaint 15-016: A company was considering supervising the Respondent and permitted the apprentice to work in their office. The company became aware that the Respondent was accepting assignments in the names of the appraisers at company and misled people to believe that he was a part of the company. The Respondent did not have an apprentice permit nor was he authorized to accept assignments on behalf of the company. The Respondent has failed to respond to the complaint. The Standards Committee recommends that the Board determine there is probable cause to believe that a disciplinary violation has occurred and proceed with a contested case hearing or dispose of the matter through a consent agreement or otherwise. Further, this matter shall be consolidated with Complaint #15-013 as this is the same Respondent/apprentice.

Complaint 15-017: The complaint alleged that the appraiser used comparables that were not close in square footage to the subject property. The Standards Committee recommends that the Board determine there is no probable cause to believe a disciplinary violation has occurred, and close the case. The Honorable Anthony Julian made a motion to approve the decision. Mary Beth Aliveto seconded the motion. Motion carried.

Complaint 15-018: An AMC reported that an appraisal completed by the appraiser failed its review process and therefore, they were making this submission to comply with the reporting requirement of W.Va. Code Ann. § 30-38A-13(a)(8). The appraiser did not use the current lease rent in the income approach, but rather used the market rent. The appraiser has issued an amended report and the client has accepted. Standards Committee recommends that the Board determine there is no probable cause to believe a disciplinary violation has occurred, and close the case. Further, the Standards Committee believes the appraiser acted in good faith and corrected the error. The Honorable Anthony Julian made a motion to approve the decision. Mary Beth Aliveto seconded the motion. Motion carried.

### Upgrade Committee

The Upgrade Committee met January 26, 2016 and reviewed one application for Licensed Residential Appraiser, 16-001, and two (2) Applications for Supervisor Certificates, 16-002 and 16-003.

A motion was made by the Honorable Anthony Julian to approve the application for Licensed Residential Appraiser, 16-001, and two Applications for Supervisor Certificates 16-002 and 16-003. Rachel Phillips seconded the motion. Motion carried.

At 12:48 p.m. Mr. Summers excused himself from the meeting due to a family emergency. Vice-Chair Dawson assumed control of the remainder of the meeting.

### ***Executive Director's Report***

The following were presented:

- Open Complaints with notations of the 6 and 18 months due dates
- Number of current licensed appraisers by classification

- Updated Appraisal Management Company roster
- List of current Temporary Licenses

Financial Report, the following was presented:

- Copy of the monthly revenue/expense for the Board
- Findings of the Purchasing Card Program Evaluation for the period of July 1, 2013 to September 30, 2014.
- As per the results of the evaluation, that Courtney Buskirk and Billie Hancock be assigned purchasing cards to maintain segregation of duties.

The Honorable Anthony Julian made a motion to approve Mrs. Buskirk and Ms. Hancock receiving purchasing cards. Mary Beth Aliveto seconded the motion. Motion carried.

### ***Legal Update***

Complaint 15-05: Respondent submitted a counter-proposal. The Board will issue an Administrative Pre-Charge Diversion Agreement, in which the Respondent shall be placed in a diversion period of 12 months, successfully complete the thirty (30) hour course “Basic Appraisal Principles – A101” (with examination) and reimburse the Board for costs incurred by October 1, 2016.

Complaint 15-010: Respondent submitted a counter-proposal to the Board. The revised Consent Decree orders the Respondent’s license to be suspended for a period of thirty (30) days. The Respondent will also complete the 15-hour National USPAP course (with exam) and reimburse the Board for costs incurred. Rachel Phillips made a motion to accept the counter-proposal. Mary Beth Aliveto seconded the motion. Motion carried.

### ***Old Business***

The matter to amend the terms of Courtney Buskirk’s maternity leave was brought before the Board. At the December 9, 2015 meeting, the Board voted to grant the request of Mrs. Buskirk to work from home. The December Board minutes stated the period shall be “from the date of her delivery, or physician ordered date to cease working, to the end of the day on the 6th week from the date of her delivery.” However, the actual request from Mrs. Buskirk was to use her two (2) weeks of leave, then be granted permission to work from home for a period of six (6) additional weeks. Rachel Phillips made a motion to approve the amended terms and to grant Mrs. Buskirk permission to work from home commencing upon the exhaustion of her two (2) weeks of paid leave. Mary Beth Aliveto seconded the motion. Motion carried.

Doug Butcher and Nathan Nibert will advise Sandy Kerns on the specifications for writing the ARFQ to procure a firm to conduct the Market Research study on appraisal costs. They will discuss by March 2, 2016 in order to keep procurement process moving.

The matter of offering online licensing and renewals was tabled for next meeting.

Confirmation e-mails to all registered participants of the Board sponsored USPAP class by end of day Thursday, February 18, 2016.

### ***New Business***

The Board discussed the travel policy. Overnight travel for distance of over one hundred twenty (120) miles one way, or as necessary in anticipation of severe weather or hazardous travel conditions, is permitted. Overnight travel for Board members attending approved events not to exceed one day prior or post event, or as otherwise approved by the Board. Rachel Phillips made a motion to approve the travel policy. The Honorable Anthony Julian seconded the motion. Motion carried.

#### Topics for Future Meetings

Dean Dawson would like to look into additional Board sponsored activities to bring more awareness to the field and for the good of the public.

Sandy Kerns brought up the possibility of an appraisal simulation class, however, no one has been able to find a feasible way to sponsor class type.

Additional ideas will be discussed in the future.

Being no further business, the meeting adjourned at 3:11pm.

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Glenn Summers, Chair

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Dean Dawson, Vice Chair