

**WEST VIRGINIA REAL ESTATE APPRAISER LICENSING AND CERTIFICATION BOARD
VIA ZOOM**

**MEETING MINUTES
AUGUST 26, 2020**

I. Call to Order Dean Dawson, Chair

The meeting was called to order at 10:08 a.m. by Dean Dawson, Chair.

II. Roll Call Dean Dawson, Chair

A silent Roll Call was taken. It was determined a quorum existed.

The following were in attendance, via Zoom call: Chair Dean Dawson (Appraiser - 2nd Congressional District), Vice Chair Rachel Phillips (Appraiser – 1st Congressional District), Robert G. Wilson (Appraiser - 3rd Congressional District), Nathan Nibert (Appraiser- 3rd Congressional District), Anthony J. Julian (General Public), Darlene Dunn (Financial Institution - 9th Senatorial District), Frank DeChiazza (Financial Institution - 13th Senatorial District), WVREALCB Executive Director Patricia Rouse Pope, ex officio, and Karen Fisher, Administrative Assistant.

III. Remarks from the Public Dean Dawson, Chair

None.

IV. Approval of Agenda Board

Motion made by Anthony J. Julian to approve agenda of August 26, 2020.
Seconded by Dean Dawson.
Motion carried.

V. Approval of June 17, 2020 Meeting Minutes Board

Motion made by Robert G. Wilson to approve minutes of June 17, 2020 meeting. Seconded by Anthony J. Julian.
Motion carried.

VI. Financial Report Patricia R. Pope

2022 Budget

Patricia Pope discussed the 2022 budget.

There was discussion regarding the budget on the following:

1. The new office lease addendum has not yet been signed. Dept. of Administration/Finance will not pay our invoices until they have a signed copy of the lease.
2. A surplus of money at present time, but this is beginning of new fiscal year.
3. Money allotted in line item for the USPAP manual at \$37.50 per copy for 300 copies. Dean wants the apprentices to receive a copy of the manual next cycle.
4. Salary is included in line item to accommodate a full-time employee when we fill the investigator position.
5. There have been 100 AMCs renewed.
6. The appraiser renewals are ongoing. Just some online glitches.
7. Big discrepancy in regard to the AG attorney.

Motion made by Anthony Julian to approve the FY2022 budget as presented with lease payment update noted.

Darlene seconded the motion

Motion carried.

Patricia Pope presented financial reports for the months of July and August 2020.

Motion made by Anthony Julian to approve the July and August 2020 financial reports as presented with lease payment update noted.

Tyke seconded the motion

Motion carried.

VII. Executive Director's Report

Patricia R. Pope

There was discussion regarding the budget on the following:

1. Unemployment compensation for former board staff member V. Lively in the amount of \$910.00. PRP protested this obligation verbally and through correspondence strongly. The way unemployment code is written we had no choice in the matter.
2. Question from Patty regarding the late fees from the AMCs that voluntarily sent them in. Should we leave things the way they are or are we obligated to refund them?

Motion made by Anthony Julian to refund the late fees.

Darlene Dunn seconded it.

Motion carried.

3. Question from Patty: According to 190CSR2-4.4, the regulation

states “every person approved shall submit to a background check”. Are we supposed to be doing that for all?

Rachel said that it was just for new applicants and not every time you renew an application. Board consensus is to continue to require apprentices to submit to background check, since that’s a new application.

4. Question from Patty: Is there any reason to not assess appraiser late fees as of August 31, in consideration of the AMC rule being suspended and late fees were not assessed to AMC renewals?

Discussion ensued re what existing problems or hurdles would precipitate no assessment. Education hasn’t been a problem. There are no problems to date. Board consensus is to proceed as usual and assess delinquent fee, when appropriate.

Additional FY2022 Budget Discussion:

Frank joined the meeting via Zoom and Dean recapped the budget for him. Frank said the budget looked good to him.

The surplus of money was discussed. Frank suggested we reduce the fees for licenses.

Patty explained that it would have to go before the legislature and generally they do not like to lower the cost of anything or change fees.

Funding for Education events:

Education was discussed by all members and it was determined that at the next Standards and Upgrades meeting an education program would be discussed and put in place for upgrades, supervisors, and appraisers that need refresher classes. This education will help the Standards and Upgrades Committees’ members a great deal. We can provide the correct education that they are needing at the time.

PRP announced she was approved for a seat on the panel of The Appraisal Foundation’s State Regulatory Advisory Group.

VIII. Legal Counsel Report

Anthony D. Eates, II

There was no legal counsel report presented.

IX. Committee Reports & Recommendations

A. Standards

1. Report of Recommendations of 8.24.2020 Meeting:
 - a. A20-001 – Elevate to complaint
 - b. A20-002 – Continued

- c. A20-005 - Continued
- d. A19-014 – Elevate to complaint
- e. A20-007 – Continued
- f. A20-008 – Continued
- g. A20-009 – Continued
- h. A20-010 – Continued
- i. A20-011 - Elevate to Complaint
- j. A20-012 - Elevate to Complaint

Dean summarized case A19-014 and what transpired regarding the Deputy AG. It was determined the AG attorney will only act in an advisory capacity, and the Board will make final decisions. This will be the standard going forward. Dean stressed that the Board needs to take a stand regarding this issue.

Also regarding A19-014, Dean discussed the Consent Order. According to the Deputy AG this was indeed disciplinary action and must be reported to the ASC.

Dean informed the Board that in the Standards Committee meeting, a call was placed to Claire, our Policy Advisor at the ASC and she said it would be a reportable disciplinary, but in the future when we do a Consent Decree, we must have language in the document that says otherwise; that it is not going to be reported to the ASC with the caveat of education for a fine. Alternatively, the Board can include documentation in the case's permanent file that states the Consent Decree was not considered a disciplinary action. The Board does not want to take the livelihood away from an appraiser.

The Board will ask the Deputy AG to send a letter explaining that this will not be a disciplinary Consent Decree and will not be reported to the ASC, if he does what it is expected.

A motion was made by Rachel Phillips regarding the Consent Decree and the letter in A19-014.

Darlene seconded the motion

Motion carried.

Dean discussed the three cases (A20-011, A20-012 and A20-001) that they all involved the same appraiser and there is enough evidence based on deficiencies and incompetency to elevate all cases to a complaint.

Dean Dawson made a motion to accept the Standards Committee Report.

Tyke Wilson seconded the motion.

Motion carried.

B. Upgrades

1. Report of Recommendations of 8.24.2020 meeting
 - a. U20-018-G – Recommendation to not accept more than six hours.
 - b. U20-02S – Denied
 - c. U20-012-PR - Concluded

Nathan Nibert made a motion to approve the recommendations from the Upgrade Committee meeting.

Rachel Phillips seconded the motion.

Motion carried.

X. Open Business

- A. Consideration of beginning in-person meetings.
Continued.
- B. Consideration of holding a board meeting in northern or southern WV
Continued.
- C. Discussion of Peer Review Process - Rachel indicated that this was an antiquated process and that we should not even use it. Peer Review was set up before the apprentice program. Dean asked for the matter to be added to Standards Committee agenda for further discussion.

XI. New Business

- A. Approval of FY2022 Budget – Approved during Financial Report.
- B. S19-001 Reconsideration of 6.17.2020 Board Decision – See Standard Committee report.
- C. S20-001-C
- D. S20-002-C
- E. S20-003-C
- F. Consideration of Appraiser’s Application for Approval for 7 hours CE
“Preparing Your Facility for Fire Door Inspections” - Denied
- G. Consideration of ASMRA Course “Appraisal of Water Rights Seminar” (not AQB approved) - Approved
- H. Consideration of AI – BG Chapman Course “Aerial Inspection for Real Estate (not AQB approved) – Approved.

A motion was made by Rachel Phillips to deny Item F and approve Items G and H, as presented.

Frank DeChiazza seconded.

Motion carried.

- I. Consideration of Board to extend to the Standards Committee the ability to offer education prior to initiated a complaint. Board consensus is to specify same in complaint.

XII. Remarks from the Board

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XII. Remarks from the Board

None.

XIII. Adjournment

The Board meeting was adjourned at 11:33 am

Upcoming Meetings/ Events:

- WVREALCB Meeting October 7, 2020 @10:00 am via Zoom
- Standards/Upgrades Committee Meeting October 5, 2020@ 9:00 am via Zoom. (Later changed to October 6, 2020)

Respectfully submitted by
Karen L Fisher, WVREALCB, Administrative Assistant



Dean Dawson, Chair

10/29/2020

Date

VACANT, Secretary

Date