

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

**MINUTES**

**December 14, 2016**

The West Virginia Real Estate Appraiser Licensing and Certification Board held a meeting on December 14, 2016 in the 4<sup>th</sup> floor Conference Room located at 405 Capitol Street, Charleston, WV 25301.

The following were in attendance: Glenn Summers, Chair; Dean Dawson, Vice Chair; Rachel Phillips, Secretary; Doug Butcher; Nathan Nibert; Dale Dawson-Clowser; Brenda Ashworth, Interim Executive Director; Jennifer Akers, AG Legal Counsel; Vicky Metcalf and Kristi Klamet, ASC representatives; Courtney Buskirk and Billie Hancock, board staff.

Mary Beth Aliveto and The Honorable Anthony Julian were absent.

The meeting was called to order at 10:28 am.

***Reading of the Minutes***

Minutes from the October 19, 2016 meeting were presented to the Board.

Doug Butcher motioned to approve the October 19, 2016 minutes. Rachel Phillips seconded the motion. Motion carried.

***Public Remarks***

Elliott Borris, Apprentice A10632, addressed the Board with questions regarding his upgrade application. Does legislative rule dictate age of work product? (No.) Should he withdraw LR application and resubmit for CG? (The Board takes no stance on such matters. It is an individual's choice.)

***Executive Session***

Dean Dawson made a motion to move into executive session. Doug Butcher seconded the motion. Motion carried at 10:54 am.

Doug Butcher made a motion to come out of Executive Session. Dean Dawson seconded the motion. Motion carried at 1:53pm.

***Committee Reports & Motions***

**Complaint #16-007**

Complaint: Numerous issues with complaint, room count, square footage, comparables. Complainant reports that the appraiser changed the value but did not change report.

Recommendation/Status: The Committee recommends the Board issue a Pre-Diversion Agreement in which the respondent must take two corrective education classes: *Residential Report Writing vs. Form*

*Filling and Scope of Work: Appraisals and Inspections.* The exams must be proctored in the Board office by the Board staff and successfully completed within three months of the signed agreement. After the successful completion of the courses, respondent must submit work logs for 3 months. The Board shall select work products from each log to be reviewed. Respondent shall be present at the Standards Committee meetings during the review of his work products.

Dale Dawson-Clowser made a motion to accept the Standard Committee's recommendation. Rachel Phillips seconded the motion. Motion carried.

Complaint #16-008

Complaint: Complainant alleges that appraiser was not qualified to perform review of appraisal during litigation.

Recommendation/Status: Committee found no USPAP violation. Respondent performed review as outlined within the scope of her engagement and licensure.

Dale Dawson-Clowser motioned to accept the Stand Committee's recommendation. Rachel Phillips seconded the motion. Motion carried.

Complaint #16-010

Complaint: Respondent was caught on video searching through homeowner's purse. Respondent admitted to searching for headache medicine.

Recommendation/Status: The Committee recommends the Board issue a Consent Decree, suspending the respondents' license for 90 days. The Board shall notify the state of Kentucky, where the respondent is also licensed to practice.

Rachel Phillips motioned to accept the Standard Committee's recommendation. Nathan Nibert seconded the motion. Motion carried.

Complaint #16-011

Complaint: AMC complained that apprentice signed the appraisal instead of the appraiser.

Recommendation/Status: Committee found no USPAP violations. Recommends dismissal.

Rachel Phillips motioned to accept the Standard Committee's recommendation. Dean Dawson seconded the motion. Motion carried.

Complaint # 16-012

Complaint: Anonymous complaint received. A screen shot and a letter alleging that appraiser has unlicensed person doing appraisals in his place.

Recommendation/Status: Committee finds insufficient evidence to investigate. Recommends dismissal.

Dean Dawson motioned to accept the Standard Committee's recommendation. Rachel Phillips seconded the motion. Motion carried.

Complaint #16-016

Complaint: Complainant alleges that the respondent was unprofessional, did not perform a thorough appraisal, excessive talking, disrupting of ill resident.

Recommendation/Status: Committee found no USPAP violations. Recommends dismissal.

Dean Dawson motioned to accept the Standard Committee recommendation. Rachel Phillips seconded the motion. Motion carried.

Complaint 16-001 AMC

Legal Update: AMC admitted wrongdoing. Hearing canceled. Legal Counsel negotiating terms of Pre-diversion agreement, allowing complainant back on panel and correcting problems. Chairman Summers given permission to sign the agreement without bringing it back before the board.

Dale Dawson-Clowser motioned to accept legal update. Dean Dawson seconded the motion. Motion carried.

Upgrade # 16-008

Application for Apprentice to LR. Upgrade Committee recommends approval.

Dean Dawson motioned to accept. Rachel Phillips seconded the motion. Motion carried.

Upgrade #16-014

Application for Apprentice to LR. Upgrade Committee recommends approval.

Dean Dawson motioned to accept. Rachel Phillips seconded the motion. Motion carried.

Upgrade #16-017

Application for Apprentice to LR. Upgrade Committee recommends approval.

Dean Dawson motioned to accept. Doug Butcher seconded the motion. Motion carried.

Upgrade #16-018

Application for Apprentice to LR. Upgrade Committee recommends requesting updated/revised experience logs from appraiser in order to choose new work files. The ones chosen were insufficient.

Rachel Phillips motioned to accept. Dean Dawson seconded the motion. Motion carried.

Upgrade #16-020

Application for Apprentice to LR. Upgrade Committee recommends approval.

Dean Dawson motioned to accept. Rachel Phillips seconded the motion. Motion carried

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

### **Licensing Reports**

- Number of current licensed appraisers - 577
- Registered Appraisal Management Companies (AMCs) Total- 91
- Temporary Report - 25 Temporary Permits Issued during the two months of October and November

### **Administrative Reports/Updates**

- Purchasing Card
- Received verbal confirmation of Board re-appointments from Governor's Office for Dean Dawson, Rachel Phillips, and Nathan Nibert, awaiting official letter notification.

Rachel Phillips motioned to accept the Executive Director's Report. Doug Butcher seconded the motion. Motion carried.

### ***Executive Session***

Doug Butcher motioned to move into Executive Session to discuss ASC review. Dean Dawson seconded the motion. Motion carried at 1:53pm.

Doug Butcher motioned to leave executive session. Dale Dawson-Clowser seconded motion. Motion carried at 3:15pm.

### ***Old Business***

WV State Auditor's Training attendees were Glenn Summers, Dean Dawson, Doug Butcher, Nathan Nibert, Brenda Ashworth, Courtney Buskirk, and Billie Hancock.

Unable to relocate Board office until current lease has expired. Revisit issue, one year prior to expiration.

Met with Office of Technology to discuss Skype for meeting, OT is working on statewide contract, will keep updated.

The Legislative Audit is moving forward. All information has been sent as requested.

### ***New Business***

Dale Dawson-Clowser motioned that a letter be sent to Jim Parks with the ASC requesting that Kristi Klamet return to the Board office to assist with further program training and staff development. Dean Dawson seconded the motion. Motion carried.

Dean Dawson motioned to send all office staff and legal counsel to an in classroom 15 hour USPAP course. Dale Dawson-Clowser seconded the motion. Motion carried.

Dean Dawson motioned to send two people to the ASC sponsored Investigator Training Course, Brenda Ashworth, Interim Director and Jennifer Akers, Legal Counsel. Rachel Phillips seconded the motion. Motion carried.

Dean Dawson motioned to table the Use of AVM's and Non-Appraiser Entities. Rachel Phillips seconded the motion. Motion carried.

Dean Dawson motioned to table the issue of the North Carolina Investigator invitation. Rachel Phillips seconded the motion. Motion carried.

Dean Dawson motioned to table the agenda topic of Board compensation. Doug Butcher seconded the motion. Motion carried.

Dean Dawson motioned to table the agenda topic of Board Attendance. Nathan Nibert seconded the motion. Motion carried.

Doug Butcher motioned to table the agenda topic of AMC- Customary and Reasonable Fees. Dale Dawson-Clowser seconded the motion. Motion carried.

Dale Dawson-Clowser motioned to approve the 2017 meeting dates. Doug Butcher seconded the motion. Motion carried.

Dale Dawson-Clowser motioned to have Jennifer Akers, legal counsel, begin gathering information for creating an employee handbook for board staff and to have Billie Hancock send Board members the link to the Division of Personnel's website for review. Rachel Phillips seconded the motion. Motion carried.

Being no further business, the meeting adjourned at 3:52pm.



Glenn Summers, Chair