



# THE WEST VIRGINIA APPRAISER

News from the West Virginia Real Estate Appraiser Licensing & Certification Board

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## MESSAGE FROM THE EXECUTIVE DIRECTOR

Allow me to introduce myself. I became Executive Director of the WV Real Estate Appraiser Licensing and Certification Board (WVREALCB) in August of 2017 and have enjoyed getting to know our licensees and AMCs and overseeing the day-to-day board operations since.

My career history includes economic development and special projects coordination for a U.S. Representative and a WV Governor; business development for and management of two out-of-state companies operating in West Virginia; direction of two successful statewide political campaigns; and management of two statewide professional associations. I owned and operated Pope Consulting, specializing in management, government relations, and lobbying from 2004 to 2012.

The board and I are excited to roll out the first in a series of quarterly editions of the WVREALCB newsletter. We want you to be apprised of the latest industry news on state and federal levels as well as legislative developments and WV Code and Rule changes affecting West Virginia licensees and those certified through by the WVREALCB. It will be delivered via blast email and posted on the WVREALCB website, [www.appraisalboard.wv.gov](http://www.appraisalboard.wv.gov), and Facebook page.

The WVREALCB staff and I are here to both protect the public and assist you, our current and future licensees. Please don't hesitate to contact us, either by phone or email, if you have a question or concern.

I had the pleasure of meeting many WV-licensed appraisers at the WVREALCB-sponsored education events in Morgantown in October 2018 and in Charleston in November 2018. I look forward to more events and future opportunities to meet even more.

Patricia Rouse Pope, Executive Director

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*The mission of the West Virginia Real Estate Appraiser Licensing and Certification Board is to protect the public interest by assuring that all consumers of real estate appraisal services receive such services from appraisers who are fully qualified in accordance with both Federal and State law and appraisal management companies who are registered and in compliance with State law.*

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## THINGS TO KNOW

### The WVREALCB is on Facebook!

The WVREALCB Facebook page is a great way to stay up-to-date with the latest news from the board! Like and follow the board on Facebook to keep in the know!

<https://www.facebook.com/WVREALCB/>

### Free USPAP Manuals

The WV Appraiser Board has committed to offering free 2020-2021 USPAP manuals to all WV licensed and certified appraisers. Stay tuned for upcoming details.

### The WVREALCB is on the Web!

The WVREALCB website is the best resource for finding forms, information about legal framework, and proposed rule changes.

<https://appraiserboard.wv.gov/aboutus/Pages/default.aspx>

### Appraisal Renewals

Appraiser license and certification expire September 30, 2019 and must be postmarked August 31, 2019 to avoid late fees.

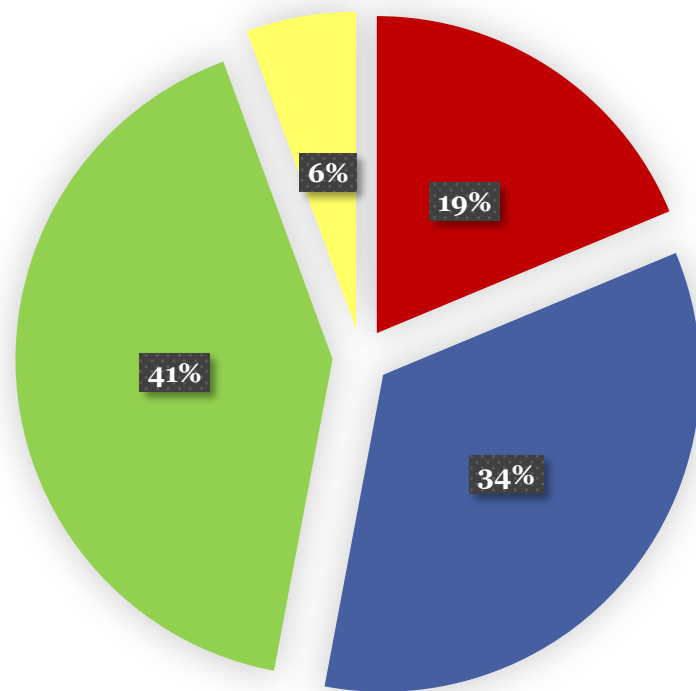
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## LICENSING STATISTICS

### May 2019 Active West Virginia Real Estate Appraisers Practice by Classification of License or Certification

As of May 2019, the total of active West Virginia Real Estate Appraisers is 625. These appraisers can be broken into three categories – Licensed Residential, Certified Residential, and Certified General.

- Licensed Residential – 117 ≈ 19%
- Certified Residential – 214 ≈ 34%
- Certified General – 259 ≈ 41%
- Apprentices – 35 ≈ 6%



■ Licensed Residential      ■ Certified Residential  
■ Certified General      ■ Apprentices

## AMC STATISTICS

As of May 2019, there are currently 99 AMCs in the state of West Virginia.

## FROM THE ATTORNEY GENERAL'S OFFICE

During the 2019 regular session of the West Virginia Legislature, the board amended its legislative rule regarding requirements for licensure and certification, 190 CSR 2, to match the minimum federal requirements. The Associates' Degree requirement for the Licensed Residential category of licensure was eliminated. The Experience hours requirement for the licensed residential category was reduced from two thousand hours to one thousand hours in no less than six months.

An applicant for the Certified Residential appraiser certification can meet the degree requirement by satisfying at least one of the following options: possession of a Bachelor's Degree in any field; possession of an Associate's Degree in a field of study related to Business Administration, Accounting, Finance Economics or Real Estate; successful completion of thirty semester hours of college level courses that cover English Composition, Microeconomics, Macroeconomics, Finance, Algebra or Geometry, Statistics, Computer Science, Business or Real Estate Law; successful completion of at least thirty hours of College Level Examination Program (CLEP) Examinations from the subject matter areas of College Algebra, College Composition, College Composition Modular, College Mathematics, Principles of Macroeconomics, Principles of Microeconomics, Introductory Business Law and Information systems; or any composition of college courses or CLEP examinations that ensures coverage of all of the listed topics.

As an alternative to the degree requirement, individuals who have held a Licensed Residential credential for a minimum of five years may qualify for a Certified Residential credential by satisfying the following: no final adjudicated disciplinary action affecting the appraiser's ability to engage in appraisal practice within five years immediately preceding the date of application for a Certified Residential credential and completion of specific additional education which includes Statistics, Modeling and Finance, Advanced Residential

Applications and Case Studies and Appraisal Subject Matter Electives. The experience hours required for an applicant for the certified residential classification was reduced to one thousand five-hundred hours over a period of not less than twelve months. The experience hours required for an applicant for the certified general classification is a minimum of three thousand hours over a period of not less than eighteen months.

Additionally, a supervisor may now supervise three apprentices at one time.

Also during the 2019 regular session, minimal changes were made to West Virginia Code 30-38A-1 *et seq*, the Appraisal Management Companies Registration Act. The changes mainly concerned language in 30-38A-7, Certification Requirements. Some language was removed in six subsections. Other changes are found in 30-38A-12(a), Requirements for removal from an appraiser panel. An appraisal management company can now only remove an appraiser from its panel after providing the appraiser with twenty days prior written notice stating the reasons for removal and providing an opportunity for the appraiser to be heard. The amended code becomes effective June 5, 2019.

Jennifer Akers, Assistant Attorney General

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## ALLEGATION PROCEDURES

On August 27, 2018 new investigative and hearing procedures were approved through a Procedural Rule. What were once known as Complaints are now referred to as Allegations. Anyone may make an allegation against an appraiser, however only the Board may file a complaint.

The West Virginia Real Estate Appraiser Licensing and Certification Board is charged with the responsibility of administering the provisions of W.Va. Code Chapter 30, Article 38 and 38A and Legislative Rules Title 190, Series 2, 3, 4 and 5. In order to protect the public interest a person must have a license to practice real estate appraising in the State of West Virginia. As of July 1, 2014, it was unlawful for appraisal management companies to perform appraisal management services within the State of West Virginia without a registration issued by the Board.

In addition to evaluating candidates for licensure and appraisal management companies for registration, the Board investigates allegations of misconduct, fraud, deceit, negligence and incompetence, unless dismissed by the Board as unfounded, trivial or otherwise without merit.

The Board can take disciplinary action against a licensee only if there are facts that support a charge resulting in the finding of a violation(s) of the WV Real Estate Appraisers License Law and/or the National Uniform Standards of Professional Appraisal Practice (USPAP). The Board can take disciplinary action against an appraisal management company registrant pursuant to the reasons cited in W.Va. Code, Chapter 30-38A-16.

The Board cannot assist with the following type of allegations:

- Arbitration of diverse opinions of value by two different appraisers;
- A disagreement over the value of the property between the property owner and the appraiser;
- Require the return of an appraisal fee to the property owner.

## THREE HOUR LAW COURSE

Effective January 1, 2015, licensees applying for renewal shall successfully complete a 3-hour West Virginia law course, with exam. The renewal cycle is every four (4) years. This shall be in addition to the required 14 hours of continuing education for the renewal cycle. This year is the renewal year for the course. You must have completed the course to renew your license or certification in August-September 2019.

## SUPERVISOR INFORMATION

The importance of the role of the supervisory appraiser places ethical and professional standards on those who serve in this capacity. The function of the supervisory appraiser is to help adequately prepare an apprentice to demonstrate professional competence and work independently upon issuance of full licensure. The supervisor is considered an integral part of the training process and supervision should be considered a full-time, hands-on responsibility.

Appraisers must be state certified, active and in good standing for at least three (3) years in West Virginia, shall not have been the subject of any disciplinary action affecting the appraiser's legal eligibility to engage in the practice of real estate appraisal for the previous three (3) years and shall not be the subject of any complaint or pending disciplinary action to be eligible to be a supervisor.

To become a supervisor, an appraiser must:

Apply to the Board using the Supervisor Review application.

When approved, the Board will issue a Supervisor Approval Certificate. A copy of the Supervisor Approval Certificate must be given to an applicant to attach to the application for an apprentice permit. Without a copy of the certificate, the application will be rejected.

For complete details on becoming a Supervisor, please go to: <https://appraiserboard.wv.gov/Resources/apprenticeinformation/Pages/Supervisor-Information.aspx>

## 2020-21 USPAP ADOPTED

New USPAP Released in Fall 2019

(Washington, DC) April 5, 2019— The Appraisal Standards Board, an independent board of The Appraisal Foundation, adopted unanimously the 2020-21 edition of the Uniform Standards of Professional Appraisal Practice (USPAP) at its public meeting today in Kansas City, Missouri.

“The 2020-21 USPAP includes changes that afford appraisers greater flexibility in appraisal reporting,” said 2019 Appraisal Standards Board Chair Wayne Miller. “The intent is to ensure that minimum reporting requirements continue to protect public trust in the appraisal profession, while allowing appraisers to practice in an evolving marketplace.”

The Appraisal Foundation will host a webinar with ASB Chair Wayne Miller and The Appraisal Foundation Vice President John Brennan to answer questions about the 2020-21 USPAP. In addition to the webinar, a summary detailing the changes will also be released. The Foundation will announce shortly when the webinar will be held and the summary will be released.

“The core of the appraisal profession is about protecting the public trust,” said The Appraisal Foundation President David Bunton. “Standards should allow appraisers to perform professional valuation services. The 2020-21 USPAP strikes a balance that protects the public trust without placing unnecessary burdens on the appraiser.”

USPAP will now move into production, and will be released in the Fall of 2019. The 2020-21 USPAP becomes effective on January 1, 2020, and remains in effect until December 31, 2021. The Appraisal Foundation encourages appraisers to acquire the 2020-21 edition before it becomes effective to ensure that all appraisal services are compliant during this transition period.

Press Release – The Appraisal Foundation – April 5, 2019



## USPAP FAQs

### **2018-14: USPAP COMPOSITION, STRUCTURE, AND COMPLIANCE** At The Time Of The Assignment

**Question:** The phrase “at the time of the assignment” is used in a number of places in USPAP. Does this only mean at the very beginning of the engagement process or can it refer to other times during the development of the assignment results?

**Response:** “At the time of the assignment” refers to the time period commencing with the appraiser’s agreement to perform a valuation service and ending with the completion of the assignment.

### **2018-15: RECORD KEEPING RULE** Government Agency Workfile Retention

**Question:** I am a review appraiser employed by a federal government agency. The agency’s record retention policies for appraisal and appraisal review reports meet or exceed the requirements of the RECORD KEEPING RULE in USPAP. My workfile is considered a government record, which I have access to throughout the USPAP retention period. Am I required to keep a separate workfile in my personal custody?

**Response:** No. The RECORD KEEPING RULE states that an “appraiser must have custody of the workfile, or make appropriate workfile retention, access, and retrieval arrangements with the party having custody of the workfile.” Since your employer’s record retention policies meet or exceed the requirements of USPAP and you have access to the workfile during that retention period, you are not required to maintain a separate copy of your workfile.

### **2018-16: APPRAISAL REPORTING – CERTIFICATION AND SIGNATURES** Prior Service and Professional Assistance Disclosures – Part 1

**Question:** I work for “Large National Appraisal Firm,” which has multiple offices. In situations where appraisers on staff have valued properties within the prior three years, the firm’s management recommends its appraisers utilize the following language in the certification to disclose prior services: “Large National Appraisal Firm has provided a prior service, as appraisers, but has provided no other services, as appraisers or in any other capacity.” Is this a proper disclosure under USPAP?

**Response:** No. Firms do not sign certifications. Appraisers sign certifications. The disclosure in the certification must clarify whether the individual appraiser who signs the certification has provided prior services. The same requirements apply if the certification is signed by appraisers who have different records of prior services. The certification must indicate which appraisers provided prior services (and what services) and which appraisers have not provided any services, as an appraiser or in any other capacity, during the three-year period immediately preceding engagement to complete the assignment.

### **2018-17: APPRAISAL REPORTING – CERTIFICATION AND SIGNATURES** Prior Service and Professional Assistance Disclosures – Part 2

**Question:** I work for the multi-office “Large National Appraisal Firm.” The firm’s management recommends staff appraisers include the following generic disclosure language in the certification to identify instances where staff members have provided significant real property appraisal assistance: “Staff members of Large National Appraisal Firm have provided significant professional appraisal assistance to the persons signing this certification.” Is this a proper disclosure under USPAP?

**Response:** No, this is not a proper disclosure. The names of individuals providing significant appraisal assistance must be stated in the certification. It is not required that the description of their assistance be contained in the certification, but the extent of their assistance must be stated or summarized within the appraisal report in accordance with Standards Rule 2-2(a)(vii) or 2-2(b)(vii) as applicable.

### **2018-18: RECORD KEEPING RULE** Testimony and Deposition

**Question:** I completed an appraisal report that was used by my client in litigation. My report was entered into evidence, but I did not provide a deposition and did not testify at the trial. How long must I retain my workfile since there was a judicial proceeding?

**Response:** The RECORD KEEPING RULE states:

*“An appraiser must retain the workfile for a period of at least five years after preparation or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last.”*

In this scenario, the appraiser did not provide testimony, therefore the workfile must be retained for a minimum of five years after preparation.

### **2018-19: RECORD KEEPING RULE** Retention Requirements for Preliminary Communications after Completion of the Assignment

**Question:** During the course of the assignment, my client has asked me to provide the sale comparables I plan to use, as well as information on my rent and expense conclusions, prior to the completion of my Appraisal Report. If I subsequently provide an Appraisal Report, does my workfile need to contain a written copy or summary of the communication previously transmitted to the client?

**Response:** No. Upon completion of the assignment, the assignment results are communicated to the client within the Appraisal Report. The RECORD KEEPING RULE requires the workfile to contain a true copy of the report as well as all data, other information and documentation necessary to support the appraiser’s opinions and conclusions. State requirements may add to USPAP obligations therefore appraisers should check with their state to see if additional requirements apply.



## **BOARD MEMBERS**

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West Virginia

**Real Estate Appraiser Licensing  
& Certification Board**

