

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

IN THE MATTER OF:

**DAVID N. POWELL
Licensed Real Estate Appraisal No. LR0560**

**ORDER OF THE WEST VIRGINIA APPRAISER
LICENSING AND CERTIFICATION BOARD SUSPENDING
LICENSED RESIDENTIAL APPRAISER LICENSE NO. LR0560**

NOW COMES the West Virginia Real Estate Appraiser Licensing and Certification Board (hereinafter "Board"), and pursuant to the authority vested in this office by W. Va. Code §§ 30-38-14(c) and 30-1-8(e)(1), hereby **SUSPENDS**, effectively immediately, the real estate appraiser license of David N. Powell, Licensed Residential Appraiser License No. LR0560. In support of the instant **ORDER**, the Board has determined that extraordinary circumstances exist wherein the continued licensure of Powell will adversely affect the public welfare and integrity of the profession for the following reasons:

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 and certified real estate appraisers.
2. Powell is a licensed residential real estate appraiser licensed by the Board, holding license number LR0560.
3. During all times relevant herein, Michael A. Bailes was an Appraiser Trainee supervised by Powell.
4. Bailes was licensed as an Appraiser Trainee by the State of Virginia.

5. At no time has Bailes held a license or permit in the State of West Virginia from the Board.

6. At the direction and supervision of Powell, Bailes performed approximately 60 appraisals in the State of West Virginia.

7. Bailes performed the appraisals between May, 2009, and August, 2010, in the following locations in West Virginia: Athens, Bluefield, Nemours, and Princeton.

8. Bailes was neither authorized by the Board nor by law to perform appraisals in the State of West Virginia, whether under the supervision of an appraiser licensed by the State of West Virginia or otherwise.

9. Powell authorized and directed Bailes to perform appraisals in the State of West Virginia.

10. On November 9, 2010, the Board conducted a board meeting to determine, among other things, the proper course of action to take against Powell in this matter, if any.

11. During such Board meeting, the Board, based upon the review of the above-referenced appraisals, the serious nature of the allegations of unlawful conduct therein, and the repetitive nature of such alleged unlawful conduct, determined that the continued practice of real estate appraising by Powell in the State of West Virginia would constitute a danger to the public, and/or adversely affect the public welfare.

12. On such basis, the Board voted unanimously to immediately suspend Powell's real estate appraiser license in the State of West Virginia, License LR 0560, pending a hearing.

Accordingly, pursuant to W. Va. Code §§ 30-38-14(c) and 30-1-8(e)(1), Licensed Residential Appraiser License No. LR0560, held by David N. Powell, is hereby immediately **SUSPENDED**. The Board shall schedule and hold a hearing to determine the proper disposition of this matter. Such hearing shall be scheduled as soon as practicable in the future.

ENTERED into the records of the Board this:

30th day of November, 2010.

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

By: Sharron L. Knotts November 30, 2010
SHARRON L. KNOTTS **DATE**
EXECUTIVE DIRECTOR