

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

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

**Complainant,**  
v.

**Complaint No. 12-009**

**LARRY M. McDANIEL,**  
**Respondent.**

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**ORDER**

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On the 29<sup>th</sup> day of June, 2012, the West Virginia Real Estate Appraiser Licensing and Certification Board (hereafter "the Board") met by teleconference to conduct an informal hearing for the purpose of considering whether to take any immediate interim action regarding the license of Larry M. McDaniel, license No. CG077, in view of his apparent plea of guilty to a felony, as hereafter described. Appearing at said hearing were Silas B. Taylor, Deputy Attorney General, counsel to the Board, and Michael O. Callaghan, counsel for Larry M. McDaniel, each of whom made an oral presentation to the Board. A sound recording of the hearing was made.

Mr. Taylor submitted three exhibits for consideration, all of which were considered to be admissible solely for purposes of this hearing:

Exhibit A: Letter from Silas Taylor to Michael Callaghan dated June 22, 2012.

Exhibit B: Superseding Indictment filed January 19, 2012, in *United States v. Larry Max McDaniel*, Case No. 5:11-CR-252, United States District Court for the Eastern District of North Carolina.

Exhibit C: Criminal Docket sheet showing, among other things, a “Minute Entry” dated June 11, 2012, reflecting a plea of guilty by Mr. McDaniel to the aforesaid indictment.

### **FINDINGS OF FACT**

1. Larry M. McDaniel is currently licensed as an active real estate appraiser by the Board, having license No. 077.

2. Said Larry M. McDaniel entered a plea of guilty, on June 11, 2012, to a felony and thereby admitted to the facts alleged in Count IV of the aforesaid indictment, which facts are incorporated herein by reference as findings of fact.

3. The facts in said County IV may be summarized as follows: On or about February 5, 2005, Mr. McDaniel submitted a false appraisal report to the First National Bank of Arizona, a federally insured lending institution, for the purpose of influencing it in connection with a loan.

4. Allowing a person to continue in practice as a real estate appraiser, after pleading guilty to submitting a false appraisal in the circumstances recited in Count IV of the aforesaid indictment, creates an immediate danger of substantial economic injury to the public via the submission of false appraisals that may cause purchasers, sellers, or lenders to engage in or approve financial transactions to their detriment in reliance upon false or misleading information.

### **CONCLUSIONS OF LAW**

1. By pleading guilty as recited herein, Mr. McDaniel has been “convicted of a felony” within the meaning of West Virginia Code § 30-1-8(a), authorizing disciplinary boards to “suspend or revoke the license of any person who has been convicted of a felony.”

2. Regardless of whether said guilty plea constitutes “conviction of a felony,” said plea constitutes the admission of facts demonstrating a willful violation of accepted standards of professional conduct, including the various standards set forth in the Uniform Standards of Professional Appraisal Practice that required (in 2005) and still require that the information set forth in an appraisal be true and accurate, that the opinions therein expressed be unbiased, and that neither be misleading.

3. The facts recited herein constitute “extraordinary circumstances” representing “an immediate danger to the public” within the meaning of West Virginia Code §§ 30-18-14(c) and 30-1-8(e)(1), thereby authorizing the suspension or revocation of Mr. McDaniel’s license prior to a formal hearing.

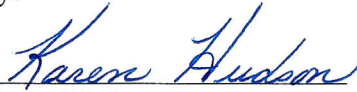
**ORDER**

By reason of the above, it is ORDERED that real estate appraiser license No. CG077 of Larry M. McDaniel is hereby SUSPENDED pending final disposition or further order of the Board, whichever first occurs, and that Mr. McDaniel is, consequently, not authorized to perform, directly or indirectly, real estate appraisals in West Virginia.

If requested by Mr. McDaniel, he will be afforded a formal and final hearing at the earliest practicable time in accordance with West Virginia Code §§ 30-38-14, 29A-5-1 et seq., and any other applicable laws, rules or regulations.

Dated this 29<sup>th</sup> day of June, 2012

Sandra S. Kerns  
Executive Director  
by:



Karen Hudson  
Karen Hudson  
Executive Assistant  
per motion passed 06/29/2012