

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

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

Complainant,

v.

COMPLAINT NO.: 14-015

DEAN A. EVERETT,

Respondent.

CONSENT DECREE AND ORDER

Now comes the West Virginia Real Estate Appraiser Licensing and Certification Board (“Board”) and Dean A. Everett (“Respondent”), for the purpose of resolving the above-styled matter.

Whereas, the parties mutually desire to settle this issue, without further prosecution and a formal hearing.

It is hereby stipulated and agreed to between the undersigned parties that this matter be settled and resolved. The parties have reached an understanding concerning the proper disposition of the matter in controversy. The Board, approving such an agreement does hereby Find and Order as follows:

FINDINGS OF FACT

1. That the Board is the State entity created by West Virginia Code § 30-38-1 *et seq.* and is empowered to regulate the practice of real estate appraising.

2. That the Respondent is a licensee of the Board, possessing Certified General Appraiser Number CG059 and is subject to the license requirements of the Board.

3. West Virginia Code § 30-38-17 provides, in pertinent part, that “[e]ach real estate appraiser licensed or certified under this act shall comply with generally accepted standards of professional appraisal practice and generally accepted ethical rules to be observed by a real estate appraiser.” Generally accepted standards of professional appraisal practice are currently evidenced by the Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by the Appraisal Foundation.

4. On November 12, 2014, the Board received a letter from Chase Mortgage Banking (“Chase”), which stated that they had a reasonable basis to believe that the Respondent materially failed to comply with USPAP or engaged in unethical or unprofessional conduct.

5. Further, Chase stated that in accordance with the mandatory reporting requirements mandated by Dodd-Frank and Section 129E of the Truth in Lending Act, they were advising the Board that they were removing the Respondent from their appraiser panel. This action was taken based upon Chase’s vendor oversight process of an appraisal report completed by the Respondent.

6. The oversight process consisted of a review of the appraisal report dated October 16, 2014 for the property located at 269 Grand Camp Rd., French Creek, West Virginia (“subject property”).

7. That the Respondent is the owner of Griffin Real Estate, Inc., where he is a real estate broker and a real estate appraiser.

8. The Real Estate Purchase Agreement dated September 24, 2014, listed Griffin Real Estate as the selling broker.

9. The Notice of Agency Relationship dated September 18, 2014 listed Bonnie Alkire as the selling agent affiliated with Griffin Real Estate.

10. In the Certification of the appraisal report, the Respondent certifies that he “researched, verified, analyzed, and reported on any current agreement for sale of the subject property.”

11. Pursuant to USPAP, “if known prior to accepting an assignment, and/or if discovered at any time during the assignment, an appraiser must disclose to the client . . . any current or prospective interest in the subject property.”

CONCLUSION OF LAW

1. That the Board has jurisdiction to take disciplinary action against the Respondent.

2. That pursuant to West Virginia Code § 30-38-1 *et seq.*, the Board may revoke a license, suspend a license, reprimand a licensee or take other disciplinary action for violation of the rules and regulations of the Board.

3. The Respondent is a licensee of the Board and is subject to license requirements of the Board.

4. That the Respondent is a certified general real estate appraiser.

5. Respondent failed to disclose to the client that his company, Griffin Real Estate, Inc. was the selling agent for the subject property, thereby creating a conflict of interest.

6. The parties mutually agree to resolve this pending matter without further prosecution.

CONSENT

1. That he has the following rights, among others: the right to a formal hearing before the West Virginia Real Estate Appraiser Licensing and Certification Board; the right to reasonable notice of said hearing; the right to be represented by counsel at his own expense; and the right to cross examine witnesses against him.

2. That he waives all rights to such a hearing.

3. That he has had the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without coercion or duress and is mindful that it has legal consequences.

4. That no person or entity has made any promise or given any inducement whatsoever to encourage him to enter into this Consent Decree and Order other than as set forth herein.

5. That he acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and he is aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.

6. That he waives any defenses including, but not limited to, laches, statute of limitations, and estoppel, that he may have otherwise claimed as a condition of this Consent Decree and Order.

7. That he acknowledges that the Board will retain jurisdiction over this matter until all terms and conditions set forth in this Consent Decree and Order have been met to the satisfaction of the Board.

8. That he acknowledges that he is aware that this Consent Decree and Order is a public document, available for inspection at any time by any member of the public under Chapter

29B *et seq.*, of the West Virginia Code, Freedom of Information Act and may be reported to other governmental, professional Boards or organizations.

9. That he acknowledges that this Consent Decree and Order shall be presented to the Board as soon as practical, but no later than the next scheduled meeting of the Board, with a recommendation for approval from the Standards Committee.

10. The Respondent, by affixing his signature hereon, consents and agrees to the following terms and conditions.

ACCEPTANCE BY THE BOARD

This Consent Decree and Order will not be submitted for Board consideration until after it has been agreed to and executed by the Respondent. The Consent Decree shall not become effective until it has been approved by the Board and endorsed by a representative member of the Board.

ORDER

On the basis of the foregoing, the Board hereby ORDERS as follows:

1. That the Respondent shall receive a written reprimand.
2. Respondent, within thirty (30) days of the date of entry of this order, shall pay to the Board the amount One Thousand Two Hundred Dollars (\$1,200.00). Such payment by Respondent shall represent the costs incurred by the Board associated with the investigation of the instant complaint, and the subsequent reimbursement to the Board thereof.

3. The Respondent's failure to fully comply with the terms in paragraph 2 in the Order section of this Consent Decree and Order may be deemed a violation of the same, and the Board may take immediate action to suspend the Respondent's license.

Entered this 12th day of August 2015.



GLENN SUMMERS, CHAIR
West Virginia Real Estate Appraiser
Licensing and Certification Board

REVIEWED AND APPROVED BY:



DEAN A EVERETT (CG059) Date: 8/6/15
Respondent