

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

**MINUTES**

**October 19, 2016**

The West Virginia Real Estate Appraiser Licensing and Certification Board held a meeting on October 19, 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; The Honorable Anthony Julian; Doug Butcher; Nathan Nibert; Mary Beth Aliveto; Dale Dawson-Clowser; Sandy Kerns, Executive Director; Jennifer Akers, AG Legal Counsel; Kelly Talbot, AG Legal Counsel; Courtney Buskirk; Brenda Ashworth and Billie Hancock, board staff.

Michael Shaw was absent.

The meeting was called to order at 10:02 am.

***Reading of the Minutes***

Minutes from the August 17, 2016 meeting were presented to the Board.

Doug Butcher motioned to approve the August 17, 2016 minutes. Dean Dawson seconded the motion. Motion carried.

***Executive Session***

Rachel Phillips made a motion to move into executive session. Dean Dawson seconded the motion. Motion carried at 10:07 am.

Mary Beth Aliveto made a motion to come out of Executive Session. Rachel Phillips seconded the motion. Motion carried at 10:23pm.

***Committee Reports & Motions***

**Complaint #14-016**

Update: Pursuant to the Pre-Diversion Charging Statement, the appraiser shall provide a monthly log of appraisals completed by him to the Standards Committee for review. The properties located at 179 Wynterhall Lane, 814 Daverton Road, and 822 E. Donnally Road were reviewed.

The Committee recommends that the complaint be closed with a reminder letter being sent to the Appraiser to continue to not utilize unnecessary forms in his appraisals.

Rachel Phillips made a motion to accept the Standards Committee's recommendation. Mary Beth Aliveto seconded the motion. Motion carried.

**Complaint #15-019**

Complaint: Mountainseed sent a letter informing the Board that the appraiser “failed their review.”

Recommendation/Status: Committee has reviewed all information and has determined that no USPAP violations occurred and recommends dismissal. That it was poor communication on the part of all parties involved.

Rachel Phillips made a motion to accept the Standard Committee’s recommendation. Dean Dawson seconded the motion. Motion carried.

Complaint #15-013 and 15-016

Apprentice was found to have falsified his licensure and performed appraisals under an incorrect certification. Consent decree was issued, apprentice has not been located.

Recommendation/Status: Complaints were consolidated in a prior meeting. Committee recommends Dismissal without Prejudice, allowing the Board to re-open the case if the apprentice should apply for licensure in the future. The apprentice has not attempted to renew his permit since 2015.

The Honorable Judge Anthony Julian made a motion to accept the Standard Committee’s recommendation. Mary Beth Aliveto seconded the motion. Motion carried.

Complaint #14-009

Recommendations/Status: Consent Decree was executed in April of 2015, the appraiser passed away the following year before completing the requirements of the decree. The Committee recommends the Board close the complaint.

Dean Dawson made a motion to accept the Standard Committee’s recommendation. The Honorable Judge Anthony Julian seconded the motion. Motion carried.

Complaint 16-001 AMC

Legal Update: Complaint will be scheduled with a Hearing Examiner.

The Honorable Judge Anthony Julian made a motion to make a memo to file concerning the extenuating circumstances leading to the Hearing being held outside the six month time frame. Mary Beth Aliveto seconded the motion. Motion carried.

Complaint 16-005

Complaint: Complainant states that the appraiser refused to include partially below grade finished space in a split entry residence as is generally accepted.

Recommendation/Status: Committee did not find any USPAP violations, recommends that the complaint be closed.

The Honorable Judge Anthony Julian made a motion to accept the Standard Committee’s recommendation. Nathan Nibert seconded the motion. Motion carried.

Complaint 16-006

Complaint: Complainant paid appraiser for work. Never received appraisal.

Recommendation/Status: Appraiser has refunded the complainants money and has provided the appraisal to the complainant. Committee recommends dismissal.

The Honorable Judge Anthony Julian made a motion to accept the Standard Committee's recommendation. Mary Beth Aliveto seconded the motion. Motion carried.

#### 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 request more information from the parties asking for the details of the value change.

Dale Dawson-Clowser made a motion to accept the Standard Committee's recommendation. The Honorable Judge Anthony Julian seconded the motion. Motion carried.

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

##### Licensing Reports

- Number of current licensed appraisers by classification
  - Licensed Residential Appraisers - 123
  - Certified Residential Appraisers - 235
  - Certified General Appraisers – 247
- Registered Appraisal Management Companies (AMCs) Total- 86
- Temporary Report - 15 Temporary Permits Issued during the two months of June and July

##### Financial Report

- Purchasing Card Report
- FY16 Monthly Expenditures
- FY16 Quarterly Expenditures
- FY16 Yearly Expenditures
- FY16 Revenues

Rachel Phillips moved to accept the Executive Director's Report. The Honorable Judge Anthony Julian seconded the motion. Motion carried.

#### ***Legal Report***

Complaint 16-001 AMC Legal Update: Complaint will be scheduled with a Hearing Examiner Jeff Blades.

Interpretation of the code 30-38A-4 (f) –Requirement for Expired AMC's

#### ***Old Business***

Doug Butcher and Dean Dawson will be attending the AARO conference as Board members. Courtney Buskirk and Billie Hancock will be attending as staff members.

Dale Dawson-Clowser and Mary Beth Aliveto's appointments have expired, but they will continue to serve on the Board until such time as the Governor appoints replacements, as is prescribed by legislative code.

Doug Butcher made a motion to discard the ARFQ for Reasonable and Customary Fee study based on the only bid received being over budget and the study no longer being necessary. Rachel Phillips seconded the motion. Motion carried.

The Legislative Audit is moving forward. All information is being gathered and forwarded as requested.

Relocation of the Board office has been tabled until such time as the lease can be reviewed in depth by all Board members.

Policies and Procedures handbook has been tabled until the Special Board meeting on November 17, 2016 at 9am.

Brenda Ashworth will serve as the Interim Executive Director until such time as a replacement is hired for Sandra Kerns, whose resignation is effective October 21, 2016 at 5pm.

#### ***Executive Session***

Rachel Phillips made a motion to go into Executive Session. Nathan Nibert seconded the motion. Motion carried at 1:31pm.

Mary Beth Aliveto made a motion to end Executive Session. Rachel Phillips seconded the motion. Motion carried at 2:30pm.

#### ***New Business***

Rachel Philips made a motion to increase Courtney Buskirk's and Billie Hancock's salary by fifteen percent. And to increase Brenda Ashworth's salary by fifteen percent during her interim as Executive Director, to be revisited after a permanent Director is hired. All raises to be effective as quickly as the HRM processing will allow. The Honorable Anthony Julian seconded the motion. Motion carried.

Dale Dawson-Clowser made a motion to purchase a web based conference software, in order to hold committee meetings via the internet. Rachel Phillips seconded the motion. Motion carried.

Being no further business, the meeting adjourned at 3:36pm.

  
Glenn Summers, Chair