

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

MINUTES

May 31, 2017

The West Virginia Real Estate Appraiser Licensing and Certification Board held a meeting on May 31, 2017 in the 4th floor Conference Room located at 405 Capitol Street, Charleston, WV 25301.

The following were in attendance: Glenn Summers, Chair; Dean Dawson, Vice Chair; The Honorable Judge Anthony Julian; Nathan Nibert; Ann Worley; Doug Butcher; Frank Dechiazza; Brenda Ashworth, Interim Executive Director; Jennifer Akers, AG Legal Counsel; Courtney Buskirk and Billie Hancock, board staff.

Rachel Phillips, Secretary and Darlene Dunn were absent.

Gregory Funari; Richard Hyett; Judy Hyett; Tim Wilson; and Ron Plott Jr, public attendees.

The meeting was called to order at 10:01 am.

Remarks from the Public

Richard Hyett, Gregory Funari, and Tim Wilson each spoke regarding appraisers in the Northern panhandle area being sued repeatedly and the consequences of such suits to the appraisal business in WV. Mr. Hyett and Mr. Wilson each gave handouts to the Board to support their positions.

Ron Plott Jr. addressed the Board with the request to have complaint file 16-018B expunged from his file. He also recommended that the Board hire an investigator to help with the processing of complaints.

Executive Session

Dean Dawson moved to enter Executive Session to discuss the Remark's from the Public. Frank Dechiazza seconded the motion. Motion carried.

Dean Dawson recused himself from any discussions regarding Ron Plott, Jr.

Doug Butcher motioned to exit Executive Session. Ann Worley seconded the motion. Motion carried.

The Board has directed legal counsel to draft a letter to the Attorney General's office informing them that the Board has been made aware of the issue regarding the lawsuits against the appraisers in the northern panhandle area. It shall be drafted as soon as possible and signed by the Board Chair. A copy will be sent to Richard Hyett, Tim Wilson, and Gregory Funari. A copy of the handouts given to the Board at the May 31, 2017 meeting from Mr. Hyett and Mr. Wilson shall be enclosed with the letter.

The Honorable Anthony Julian motioned to uphold the Boards decision concerning the dismissal of complaint 16-018B for Ron Plott, Jr. and to advise Mr. Plott that he does not have to mark yes on any of the questions regarding complaints on WV's license renewal application. However, if he should wish to have the complaint permanently expunged from his file, he will need to take the matter to civil court as

the Board cannot remove or destroy documents without a court order. Doug Butcher seconded the motion. Dean Dawson abstained from the vote. Motioned carried.

Reading of the Minutes

Minutes from the April 5, 2017 meeting were presented to the Board.

Ann Worley made a motion to approve the April 5, 2017 meeting minutes. The Honorable Anthony Julian seconded the motion. Motion carried.

Board Elections

The Honorable Judge Anthony Julian motioned to postpone the Board elections until the next Board meeting on July 26, 2017. Doug Butcher seconded the motion. Motion carried.

Executive Session

Dean Dawson motioned to move into Executive Session to discuss Standards and Upgrades. Frank DeChiazza seconded the motion. Motion carried.

Doug Butcher motioned to exit Executive session. The Honorable Judge Anthony Julian seconded the motion. Motion carried.

Committee Reports & Motions

Education

There is an Education meeting scheduled for June 6, 2017 at 1pm.

Executive Director Search Committee

Committee has met weekly. Vacancy was posted on the Board website and in the newspaper. Planning to hold interviews mid-June.

Policy & Procedure

Committee would like to meet again within the next month.

Standards

Complaint 17-002:

Complaint Received: 2/17/2017

Complaint: The Complainant, an AMC alleged that the Respondent failed their internal review process.

Recommendation/Status: The complaint was made against one property, but the appraisal provided was for a different property. The Respondent denied the allegations and pointed out that the appraisal and complaint address did not match. The Committee recommends giving the Complainant twenty (20)

days to provide the correct appraisal and documentation, and allowing the Respondent time to respond to the correct appraisal allegation. If the Complainant should fail to respond within the twenty (20) days then the complaint shall be dismissed.

Dean Dawson motioned to accept the Standards committee recommendation. Frank DeChiazza seconded the motion. Motion carried.

Complaint 17-003:

Complaint Received: 3/16/2017

Complaint: Alleged violations of USPAP and WV appraiser law.

Recommendation/Status: Committee recommends the Board take no action on this matter and dismiss, as the documentation provided in the complaint was part of an ongoing family court proceeding and should be confidential. The complaint was submitted anonymously.

Dean Dawson motioned to accept the Standards Committee recommendation. Frank DeChiazza seconded the motion. Ann Worley abstained from the vote. Motion carried.

Complaint 17-005:

Complaint Received: 3/10/2017

Complaint: The borrower questioned the number of bedrooms and bathrooms of which 3-bedrooms and 2-bathrooms are above grade and 1-bedroom and 1-bathroom are below grade. This was brought on by the home inspection that reported the 4-bedrooms/3-bathrooms and different square

Recommendation/Status: After review of all documentation, Committee found no violations of either USPAP or WV Appraiser Law. Appraiser followed ANSI standards and proper appraisal practices. Committee recommends dismissal.

Dean Dawson motioned to accept the Standard Committee's recommendation. Ann Worley seconded the motion. Motion carried.

Upgrades

Upgrade (Supervisory) # 17-009

The Upgrades Committee would like to recommend to the board that feedback on our behalf should be submitted to the applicant as well as an APPROVAL letter.

Nathan Nibert motioned to accept the Upgrades Committee's recommendation. Frank DeChiazza seconded the motion. Motion carried.

Upgrade (Supervisory) # 17-012

The Upgrades Committee would like to recommend to the board that another work product and work file be provided by the applicant.

Nathan Nibert motioned to accept the Upgrades Committee's recommendation with the revision that the additional work file must have been completed within the past thirty (30) days and have used the Cost Approach Analysis. The Honorable Judge Anthony Julian seconded the motion. Motion carried.

Upgrade # 17-010 (Supervisory)

The Upgrades Committee would like to recommend APPROVAL to the board.

Nathan Nibert motioned to accept the Upgrade Committee's recommendation. Ann Worley seconded the motion. Motion carried.

Upgrade # 17-007 (Licensed to Certified Residential)

The Upgrades Committee would like to recommend to the board that the applicant come into the office to answer questions regarding deficiencies noted within the work products provided. There were several deficiencies noted throughout the applicants work products and the following is a summary of the review:

Nathan Nibert motioned to accept the Upgrades recommendation and to request that the applicant and his former supervisor attend the next Upgrades meeting on July 18, 2017 with the option to call in. Ann Worley seconded the motion. Motion carried.

Upgrade # 16-025 (Licensed to Certified Residential)

The Upgrades Committee would like to recommend to the board that additional commercial work products and work files be provided by the applicant. More specifically, the commercial appraisals completed at 403 Chestnut St Henderson, WV (File 15-134) and Route 68 Ravenswood, WV (File 15-022.)

Nathan Nibert motioned to accept the Upgrade Committee's recommendation. Dean Dawson seconded the motion. Motion carried.

Legal Report

A denied applicant for a temporary permit was discovered to have performed an appraisal without a license.

Dean Dawson motioned to have legal counsel file an injunction against said appraiser to prohibit him from practicing in the state of WV without a license and to send a letter to his home state of Wisconsin. Doug Butcher seconded the motion. Motion carried.

An unlicensed AMC was discovered to be engaging appraisers in the state of WV before their license was complete.

Doug Butcher motioned to approve the AMC, but to suspend the license for thirty (30) days for practicing without a license, and to have legal counsel draft the letter to the AMC to be sent out the next business day. The Honorable Judge Anthony Julian seconded the motion. Motion carried.

Tabled

Skype for Board Meetings
NC Investigator Invitation
Employee Handbook
Staff Job Descriptions

Old Business

Policy and Procedure Written Policy Manual – ongoing

Board Appointment Status – Letter to be written after July 1, 2017
Office of Technology Database - ongoing

New Business

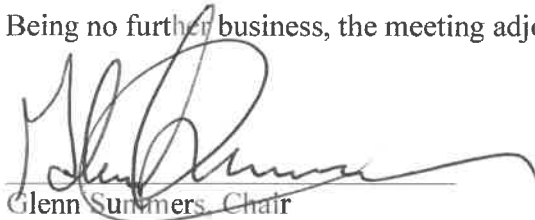
The Honorable Judge Anthony Julian motioned to only send Rachel Phillips to the Investigator II training sponsored by the ASC. Doug Butcher seconded the motion. Motion carried.

Interim Executive Director's Report

Dean Dawson motioned to accept the Interim Executive Director's Financial Report. Judge Anthony Julian seconded the motion. Motion carried.

Dean Dawson motioned to accept the Interim Director's P-card report. The Honorable Judge Anthony Julian seconded the motion. Motion carried.

Being no further business, the meeting adjourned at 2:30pm.



Glenn Summers, Chair