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

IN THE MATTER OF:
MICHEAL K. TYREE
STATE CERTIFIED RESIDENTIAL
REAL ESTATE APPRAISER # 0174

CONSENT AGREEMENT

TO: Micheal K. Tyree
P.O. Box 374
Prosperity, WV 25909

Comes now Micheal K. Tyree and the Real Estate Appraiser Licensing and Certification Board (hereinafter "the Board"), by counsel, Barry L. Koerber, Assistant Attorney General, for the purpose of agreeing to disciplinary action which shall be taken against Mr. Tyree by the Board pursuant to W. Va. Code § 37-14-23(7). As reflected in this document, the parties have reached an agreement concerning the proper disposition of this matter, and the Board, approving such agreement, does hereby find and order as follows:

FINDINGS OF FACT

1. The Board is a State entity created by W. Va. Code § 37-14-1, et seq., and is empowered to regulate the practice of real estate appraising pursuant to W. Va. Code § 37-14-6.
2. Micheal K. Tyree was issued a certification as a State Certified Residential Real Estate Appraiser #0174, by the Board.
3. On November 1, 1996, Mr. Tyree prepared an appraisal report of property located on Route 19 in Bradley, West Virginia for Jack Williams. According to this

appraisal report, the value of this non-residential real estate was over \$100,000 dollars. On April 22, 1997, the Standards Committee voted to allow Mr. Tyree to remain licensed subject to the terms and conditions contained in this Consent Agreement.

CONCLUSIONS OF LAW

1. W. Va. Code § 37-14-28 establishes different classifications for real estate appraisers. According to W. Va. Code § 37-14-28(b) a State certified residential real estate appraiser can appraise non-residential real estate only when the value is less than One Hundred Thousand Dollars (\$100,000.00). As indicated in the Findings of Fact, Mr. Tyree, a State Certified Residential Real Estate Appraiser, violated this section when he appraised non-residential real estate with a value of over \$100,000 dollars.

2. W. Va. Code § 37-14-23(7) allows the Board to take disciplinary action upon a licensee who violates any section of the Board's statutes or legislative rules. As indicated in the Findings of Fact, Mr. Tyree has violated a portion of the statute, and therefore his license is subject to disciplinary action.

CONSENT

Micheal K. Tyree, by affixing his signature hereon, agrees to the following:

1. He acknowledges that he is aware of his option to pursue this matter through appropriate administrative and/or court channels but knowingly, intelligently and voluntarily waives his right to do so.

2. He consents to the entry of the following order affecting his license to practice real estate appraising in the State of West Virginia.

ORDER

On the basis of the foregoing, the Board hereby **ORDERS** that:

1. This agreement constitutes a formal reprimand of Mr. Tyree.

2. Mr. Tyree shall notify his client in writing that he was not properly certified to prepare the appraisal report for Jack Williams dated November 1, 1996. A copy of this letter shall be sent to the Board.

3. Certification No. 0174 issued to Micheal K. Tyree shall be placed on probation for a period of six (6) months commencing from the date of this agreement.

4. During said probationary period, Mr. Tyree shall not under any circumstances misrepresent his certification status.

5. If, during said probationary period, the Board is presented with any evidence from any source proving or tending to prove that Mr. Tyree has committed a violation of W. Va. Code § 37-14-1 et seq., during this probationary period the Board shall immediately notify him of the specific nature of charges, and schedule a hearing on the revocation of his license. Such hearing shall be held within twenty (20) days of notification. If the charges are not proven, Mr. Tyree's probationary license shall continue. If the hearing can not be held within the twenty (20) day period at the fault of Mr. Tyree, Mr. Tyree's license shall be suspended until the hearing is held. Mr. Tyree hereby waives the provisions of W. Va. Code § 30-1-8(b), or any other

applicable statute or rules or regulations requiring thirty (30) days notice prior to the hearing.

6. Following the satisfactory completion of the probationary period, Mr. Tyree's certification shall be renewed and fully reinstated.

7. Should proper cause arise or law require, federal and State authorities shall be notified of the settlement via this Consent Agreement.

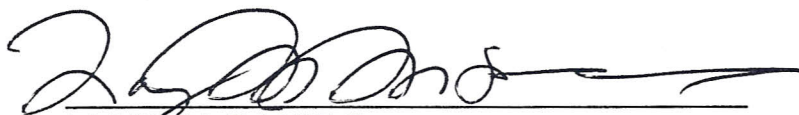
8. The Board shall not publish this disciplinary action in its newsletter, however, the Board will disseminate this information to the public as required under state or federal law.

The Board recognizes that this Agreement is a compromise of the disputed claim and it is not intended to be construed as an admission of liability or culpability on the part of Mr. Tyree.

Entered this 25th day of May, 1997.



MICHEAL K. TYREE



LARRY McDANIELS
STANDARDS COMMITTEE CHAIRPERSON