



- a. The Adena Industries Rehabilitation Facility  
Rt. 3 Box 126-A  
Fork Ridge Road  
Moundsville, WV 26041,

and

- b. The ICF/MR Group Home  
Property at 12<sup>th</sup> and Riverview  
McMechen, WV 26040

4. The Standards Committee reviewed the appraisal of the property described in paragraph 3 above, and found based on an objective evaluation and appraisal by Leland Conn & Associates that there were numerous USPAP [Uniform Standards of Professional Appraisal Practice] violations as stated in the report of the aforesaid, Leland Conn & Associates, in which Mr. Mertz concurs.

#### CONCLUSIONS OF LAW

1. West Virginia Code § 37-14-23(7), states: "[t]he following acts and omissions shall be considered grounds for disciplinary action by the board. . .[v]iolation of any section of this article, or any rule promulgated thereunder, other than section twenty-three [§ 37-14-23]."

2. West Virginia Code § 37-14-22 provides,

**Each real estate appraiser licensed or certified under this article 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 promulgated by the appraisal foundation; however, after a public hearing held in accordance with provisions of the state statutes applicable**

to public hearings, the board may make such modification of or additions to the uniform standards of professional appraisal practice as may be appropriate.

3. As described in paragraph 4, of the Findings of Fact and as Mr. Mertz agreed, Mr. Mertz violated USPAP by his commission of the violations described herein; and

4. By violating USPAP, Mr. Mertz violated W. Va. Code § 37-14-22, which subjects you to discipline pursuant to W. Va. Code §37-14-23(7).

### CONSENT

Michael Mertz by affixing his signature hereto 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 being fully informed he intelligently, knowingly 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:

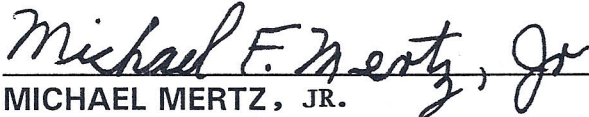
1. Mr. Mertz shall complete and pass, within twelve (12) months from the date of signing this agreement, the following courses provided by the Appraisal Institute, Courses # 520 entitled: "Advance Income Capitalization" and # 310 entitled: "Basic Income Capitalization."

2. Until such time as Mr. Mertz passes both of the aforesaid courses, each to be taken in their logical order, i.e. #310 followed by #520, he will refrain from doing any commercial appraisals, which fact shall be verified by a written statement to the board, under oath filed, every three months subsequent to the execution of this consent agreement, and in the event more than 12 months passes after the execution hereof and the required courses have not been passed, Mr. Mertz will refrain from any further commercial appraisals which fact shall be continually verified by a written statement to the board, under oath, filed every three months until further evidence is adduced in this matter or further agreement is obtained in modification of this agreement.

3. Mr. Mertz acknowledges that failure to comply with this agreement can and probably will result in the immediate termination of his license to be a real estate appraiser in the state of West Virginia, without any further notice from this board.

4. Mr. Mertz recognizes that this Consent Agreement is a public record.

Dated this 23rd day of November, 1999.

  
MICHAEL MERTZ, JR.

  
LARRY M. MCDANIEL, CHAIRMAN  
STANDARDS COMMITTEE  
WV REAL ESTATE APPRAISER & LICENSING  
CERTIFICATION BOARD