

BEFORE THE WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

IN THE MATTER OF WILLIAM D. WHITEHAIR
License No. 0676

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CONSENT DECREE

OCT 16 2002

THIS CONSENT DECREE is made and entered into this 23rd day of October, 2002 by and between the West Virginia Real Estate Appraiser Licensing and Certification Board ("Board"), and William D. Whitehair ("Licensee").

WHEREAS, the Board is a state entity created pursuant to W.Va. Code § 30-38-1 *et seq.*, formerly W.Va. Code § 37-14-1 *et seq.*, and is empowered to regulate the practice and profession of real estate appraising within the State of West Virginia, including but not limited to the licensing and disciplining of appraisers.

WHEREAS the Licensee currently holds a state license as a licensed residential real estate appraiser, License No. 0676, issued by the Board.

WHEREAS the Board has had under review three (3) complaints against the Licensee in connection with the Licensee's conduct, practices and acts as a licensed residential real estate appraiser: Complaint No. 00-019, Complaint No. 01-004B and Complaint No. 02-011.

WHEREAS in connection with Complaint No. 00-019 involving an appraisal report dated April 15, 2000 for real estate located at Basham Branch Road, Jumping Branch, West Virginia, 25969, the Board has probable cause to believe that the Licensee may have engaged in conduct, practices or acts constituting a deviation from generally accepted standards of professional appraisal

practices as evidenced by the Uniform Standards of Professional Appraisal Practices [1993 Edition] in violation of W.Va. Code § 37-14-22 and W.Va. Code § 37-14-23(7).

WHEREAS in connection with Complaint No. 01-004B involving an appraisal report dated May 23, 1999 for real estate located at 13526 Nancy Avenue, Chesapeake, West Virginia, 25315, an appraisal report dated October 21, 1999 for real estate located at 904 Locust Road, Charleston, West Virginia, 25314 and an appraisal report dated January 8, 2000 for real estate located at 212 Hubbard Street, Beckley, West Virginia, 25801, the Board has probable cause to believe that the Licensee may have engaged in conduct, practices or acts constituting a deviation from generally accepted standards of professional appraisal practices as evidenced by the Uniform Standards of Professional Appraisal Practices [1993 Edition] in violation of W.Va. Code § 37-14-22 and W.Va. Code § 37-14-23(7).

WHEREAS in connection with Complaint No. 02-011 involving an appraisal report dated March 16, 2001 for real estate located at Locust Grove Road, Princeton, West Virginia, 24740, the Board has probable cause to believe that the Licensee may have engaged in conduct, practices or acts constituting a deviation from generally accepted standards of professional appraisal practices as evidenced by the Uniform Standards of Professional Appraisal Practices [1993 Edition] in violation of W.Va. Code § 37-14-22 and W.Va. Code § 37-14-23(7).

WHEREAS the Board was formerly authorized to suspend, revoke or otherwise discipline its licensees pursuant to W.Va. Code § 37-14-1 *et seq.*, and is currently authorized to suspend, revoke or otherwise discipline its licensees pursuant to W.Va. Code § 30-1-8 and W.Va. Code 30-38-13.

WHEREFORE good and valuable consideration the parties agree each with the other as follows:

1. In connection with Complaint No. 00-019, Complaint No. 01-004B and Complaint No. 02-011, the Licensee does not admit, in any way, that his conduct, practices and acts as a licensed residential real estate appraiser have constituted a deviation from generally accepted standards of professional appraisal practices as evidenced by the Uniform Standards of Professional Appraisal Practices [1993 Edition].

2. The Licensee hereby agrees to a sixty (60) day suspension of his license as a licensed residential real estate appraiser, License No. 0676. Said suspension to run from the date of execution of this Consent Decree by the Board. The Licensee hereby acknowledges that he is to cease and desist all real estate appraisal activity during the pendency of this suspension.

3. Upon expiration of the suspension, the Licensee's license shall be reinstated: Provided, that as a condition precedent to reinstatement, the Licensee agrees to complete and successfully pass an approved minimum 14 hour tested National Uniform Standards of Professional Appraisal Practices course, and to provide adequate documentation to the Board of such satisfactory completion; Provided, further, that completion of said course shall not be credited toward any continuing education requirements of the Board.

4. The Licensee hereby agrees and assures the Board that he will comply with the provisions of W.Va. Code § 30-38-1 *et seq.*, and any rules of the Board promulgated pursuant thereto, in the course and conduct of his profession as a licensed residential real estate appraiser.

5. The Licensee agrees to pay the Board the sum of Two Thousand Two Hundred Dollars and 0/100 (\$2,200.00) representing the Board's administrative costs in connection with its investigation of Complaint No. 00-019, Complaint No. 01-004B and Complaint No. 02-011.

6. It is agreed and understood that the contents of this Consent Decree are and shall be public information.

7. It is further agreed and understood that while the parties to this Consent Decree presently intend to cooperate in obtaining compliance with the terms and conditions set forth herein, the matters settled by the execution of this Consent Decree may be reopened at any time by the Board for further proceedings in the public interest upon determination by the Board that reasonable cause exists to believe that the Licensee has failed to comply or otherwise violated the terms of this Consent Decree.

8. This Consent Decree shall be interpreted in accordance with the laws of the State of West Virginia, and venue of any lawsuit filed by any party arising in whole or in part out of this Consent Decree shall be in the Circuit Court of Kanawha County, West Virginia, and further that in the event any part of this Consent Decree is invalidated by order of a court of competent jurisdiction or by legislative action, the remainder of this Consent Decree shall remain in binding effect.

9. This Consent Decree constitutes the entire agreement between the parties.

IN WITNESS WHEREOF the parties hereto have caused this Consent Decree to be duly executed the day and year first above written.

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

By: Lay R

Its: Chairman

William D. Whitehair
WILLIAM D. WHITEHAIR