

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

IN THE MATTER OF:

Case No. 02-014B

**Ralph Guynn
Licensed Residential Appraiser
No. 0700**



CONSENT AGREEMENT

Comes now Ralph Guynn, pro se, and the West Virginia 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. Guynn by the Board pursuant to W.Va. Code §37-14-23(7) and recodified by the 2001 West Virginia Legislature as W.Va. Code §30-38-12(a)(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 §30-38-1 *et seq.*, formerly W.Va. Code §37-14-1 *et seq.*, and is empowered to regulate the practice of real estate appraising within the State of West Virginia pursuant to W.Va. Code §37-14-6(e).
2. Ralph Guynn was issued a license as a Licensed Residential Real Estate Appraiser, No. 0700.

3. In connection with the preparation of an appraisal report on January 15, 2001, for real property located at 1006 Lakeview Drive, Parkersburg, West Virginia, Mr. Guynn violated W.Va. Code §37-14-23(7) which provides that the Board may impose disciplinary sanctions for a violation of any section of Article 14, Chapter 37, or any rule of the Board. W.Va. Code §37-14-22 provides that each real estate appraiser shall comply with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Foundation (hereinafter USPAP). Mr. Guynn violated USPAP Standards Rule 1.1.(a) through (c) by using inappropriate comparables which resulted in a significant overvaluation of this property.

CONCLUSIONS OF LAW

1. W.Va. Code §37-14-6(e) states that “The board shall...censure, suspend or revoke licenses and certifications as provided in this article.”
2. W.Va. Code §37-14-23(7) states that “[t]he following acts and omissions shall be considered grounds for disciplinary action by the board: violation of any section of this act, or any rule promulgated thereunder, other than section twenty-three.”
3. Pursuant to W.Va. Code §37-14-22, the Board has adopted the Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by The Appraisal Foundation.

4. The Uniform Standards of Professional Appraisal Practice (1993), Standards Rule 1-1 states: "In developing a real property appraisal, an appraiser must:
 - (a) be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to product a credible appraisal;
 - (b) not commit a substantial error of omission or commission that significantly affects an appraisal; and
 - (c) not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although individually might not significantly affect the results of an appraisal, in the aggregate affect the credibility of those results."
5. As indicated in Finding of Fact No. 3, Mr. Guynn, a Licensed Residential Real Estate Appraiser, violated these sections of the West Virginia Code and the Uniform Standards of Professional Appraisal Practice (1993) by using inappropriate comparables which resulted in a significant overvaluation of this property.

CONSENT


Mr. Guynn, 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 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

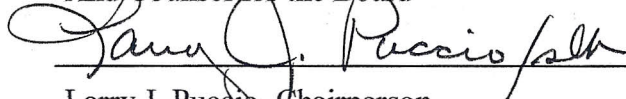
1. Mr. Guynn shall successfully complete a 15-hour Sales Comparison course within six (6) months from the date of this Agreement, which may be used to satisfy the continuing education requirement for the current licensing period.
2. Mr. Guynn will remit to the Board the sum of \$966.32 representing administrative fees.
3. The Consent Agreement is a public record.
4. The Board recognizes that this Agreement is a compromise of a disputed claim and is not to be construed as an admission of liability or culpability on the part of Mr. Guynn.



Ralph Guynn 4/7/2003
Date

for 

Allen H. Loughry, II, Sr. Assistant Attorney General 4/8/03
Date
And Counsel for the Board



Larry J. Puccio, Chairperson 4/9/03
Date