

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

IN THE MATTER OF: MATTHEW D. MORRIS
Licensed Residential
Appraiser No. 0734

CONSENT ORDER

Now comes Respondent, Matthew D. Morris (hereinafter "Respondent"), and the West Virginia Real Estate Appraiser Licensing and Certification Board (hereinafter "Board"), by David Shields, its Chairperson, and by its counsel, Gregory G. Skinner, Assistant Attorney General, for the purpose of resolving Board Complaint Numbers 02-013B, 03-010 and 03-014B, and all issues in controversy surrounding such Board Complaints. As reflected in this Consent Order, the parties have reached an agreement concerning the proper disposition of this matter. The Board, having approved such agreement, does hereby acknowledge the allegations upon which the instant Consent Order is based upon, and Orders as follows:

SUMMARY OF ALLEGATIONS

1. Respondent was a licensed real estate appraiser or apprentice (hereinafter "appraiser" and "apprentice," respectively) through the Board, during all times relevant to this Consent Order, and held Real Estate Appraiser License No. 0734.
2. On August 24, 2001, as an apprentice, Respondent performed an appraisal of the property located at 300 Bluestone Road, Beckley, West Virginia 25801.
3. Respondent provided inaccurate information in regard to the comparables utilized in the appraisal conducted by Respondent.
4. The individual adjustments performed by Respondent on the comparables utilized in the appraisal report are neither reasonable nor supportable.

5. Respondent provided inaccurate information in regard to the subject property.
6. Respondent's estimated market value of the subject property was not reasonable.
7. Respondent provided inaccurate information in order to support a predetermined value of the subject property.
8. On September 20, 2001, as an apprentice, Respondent performed an appraisal of property located at Rural Route 1, Box 303-D, Oakhill, West Virginia 25901.
9. Respondent provided inaccurate information in regard to the comparables utilized in the appraisal conducted by Respondent.
10. The individual adjustments performed by Respondent on the comparables utilized in the appraisal report are neither reasonable nor supportable.
11. Respondent's estimated market value of the subject property was not reasonable.
12. Respondent provided inaccurate information in order to support a predetermined value of the subject property.
13. On October 18, 2001, as an appraiser, Respondent performed an appraisal of the property located at 152 Jefferson Drive, Shady Springs, West Virginia 25813.
14. Respondent provided inaccurate information in regard to the comparables utilized in the appraisal conducted by Respondent.
15. The individual adjustments performed by Respondent on the comparables utilized in the appraisal report are neither reasonable nor supportable.
16. Respondent provided inaccurate information in regard to the subject property.
17. Respondent's estimated market value of the subject property was not reasonable.
18. Respondent provided inaccurate information in order to support a predetermined value of the subject property.

19. On April 28, 2003, the Board requested from Respondent a copy of the complete appraisal report and work file.

20. Respondent failed to comply with the Board's request for the appraisal report and work file, and failed to maintain the work file.

21. On October 24, 2001, as an appraiser, Respondent performed an appraisal of the property located at 18 Fawn Lane, Raleigh, West Virginia 25825.

22. Respondent provided inaccurate information in regard to the comparables utilized in the appraisal conducted by Respondent.

23. The individual adjustments performed by Respondent on the comparables utilized in the appraisal report are neither reasonable nor supportable.

24. Respondent's estimated market value of the subject property was not reasonable.

25. Respondent provided inaccurate information in order to support a predetermined value of the subject property.

26. On April 28, 2003, the Board requested from Respondent a copy of the complete appraisal report and work file.

27. Respondent failed to comply with the Board's request for the appraisal report and work file, and failed to maintain the work file.

28. On November 1, 2001, as an appraiser, Respondent performed an appraisal of the property located at 1514 Oak Forest Road, Oak Hill, West Virginia 25901.

29. Respondent provided inaccurate information in regard to the comparables utilized in the appraisal conducted by Respondent.

30. The individual adjustments performed by Respondent on the comparables utilized in the appraisal report are neither reasonable nor supportable.

31. Respondent provided inaccurate information in regard to the subject property.

32. Respondent's estimated market value of the subject property was not reasonable.

33. Respondent provided inaccurate information in order to support a predetermined value of the subject property.

34. On April 28, 2003, the Board requested from Respondent a copy of the complete appraisal report and work file.

35. Respondent failed to comply with the Board's request for the appraisal report and work file, and failed to maintain the work file.

36. The Board issued and caused service of a subpoena duces tecum, dated December 9, 2003, to Respondent, requesting certain information.

37. Respondent failed, without good cause, to adequately respond to the Board's subpoena duces tecum, dated December 9, 2003.

38. The Board filed its "Petition to Enforce Subpoena Duces Tecum And Hold Respondent in Contempt," dated January 29, 2004, in the Circuit Court of Kanawha County.

39. The Board issued and caused service of a subpoena duces tecum, dated January 29, 2003, to Respondent, requesting additional information.

40. West Virginia Code § 30-38-12(a)(3) provides that "[a]n act or omission in the practice of real estate appraising which constitutes dishonesty, fraud or misrepresentation with the intent to substantially benefit the licensee or another person . . ." is grounds for disciplinary action, including, but not limited to, revocation or suspension of license.

41. West Virginia Code § 30-38-12(a)(11) provides that "[f]ailing or refusing without good cause to exercise reasonable diligence, or negligence or incompetence, in

developing an appraisal, preparing an appraisal report, or communicating an appraisal,” is grounds for disciplinary action, including, revocation or suspension of license.

42. West Virginia Code § 30-38-12(a)(9) provides that “[a]cceptance of a fee that is or was contingent upon the appraiser reporting a predetermined analysis, opinion, or conclusion, or is or was contingent upon the analysis, opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment” is grounds for disciplinary action, including, but not limited to, revocation or suspension of license.

43. West Virginia Code § 30-38-12(a)(7) provides that “[v]iolation of any section of this article, or any rule of the board” is grounds for disciplinary action, including, but not limited to, revocation or suspension of license.

44. West Virginia Code § 30-38-17 provides, in pertinent part, that “[e]ach real estate appraiser licensed or certified under this act shall comply with . . .” the Uniform Standards of Professional Appraisal Practice (hereinafter “USPAP”).

45. Pursuant to USPAP, Ethics Rule, Conduct (2001), in pertinent part, “[a]n appraiser must not communicate assignment results in a misleading or fraudulent manner.”

46. Pursuant to USPAP, Ethics Rule, Record Keeping (2001), “[a]n appraiser must prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. . . . An appraiser must retain the work file for a period of at least five (5) years . . . and have custody of his or her work file, or make appropriate work file retention, access, and retrieval arrangements with the party having custody of the work file.”

47. “A work file must be made available by the appraiser when required by state enforcement agencies or due process of law.” Id.

48. "An appraiser must not accept an assignment that includes the reporting of predetermined opinions and conclusions." USPAP, Ethics Rule, Conduct (2001).

49. Pursuant to USPAP, Standards Rule 1-1(b), "[i]n developing a real property appraisal, an appraiser must . . . not commit a substantial error of omission or commission that significantly affects an appraisal."

50. "In developing a real property appraisal, an appraiser must . . . 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." USPAP, Standards Rule 1-1(c).

51. Respondent unlawfully conducted inaccurate appraisals in a fraudulent, deceptive or dishonest manner, in violation of W. Va. Code § 30-38-12(a)(3).

52. Respondent unlawfully failed, without good cause, to develop, prepare and communicate credible and accurate appraisals in relation to the above-referenced properties in violation of W. Va. Code § 30-38-12(a)(11).

53. Respondent unlawfully communicated appraisal assignment results in a misleading or fraudulent manner in violation of W. Va. Code §§ 30-38-12(a)(7), -17 and USPAP Ethics Rule (Conduct).

54. Respondent unlawfully rendered appraisal services, where such services contained error affecting the integrity and credibility of said appraisals, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, USPAP Standards Rule 1-1(b) and Rule 1-1(c).

55. Respondent unlawfully rendered appraisal services, where such services were contingent upon the reporting of a predetermined appraisal value, in violation of W. Va. Code § 30-38-12(a)(9).

56. Respondent unlawfully failed to maintain work files of appraisals conducted for at least five (5) years in violation of W. Va. Code §§ 30-38-12(a)(7), -17 and USPAP Ethics Rule (Record Keeping).

57. Respondent unlawfully failed to provide work files to the Board in violation of W. Va. Code §§ 30-38-12(a)(7), -17 and USPAP Ethics Rule (Record Keeping).

CONSENT

Respondent, both in his individual capacity and as a licensed residential appraiser, by the execution hereof, agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Order voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent consents to the entry of the following Order affecting his conduct as a state licensed residential real estate appraiser.

ORDER

On the basis of the foregoing, the Board hereby ORDERS as follows:

1. The real estate appraiser license of Respondent, License No. 0734, is hereby REVOKED for a period of five (5) years. Respondent shall not engage in the business of

real estate appraising whatsoever, either directly or indirectly, in the State of West Virginia during such period of REVOCATION.

2. Respondent shall pay to the Board the amount of Four Thousand Five Hundred Dollars (\$4,500.00). Such payment by Respondent shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Numbers 02-013B, 03-010 and 03-014B, and the subsequent reimbursement to the Board thereof. Such payment shall additionally be paid to the Board in full within six (6) months of the date of entry of the Consent Order.

3. The Board hereby withdraws its subpoenas duces tecum, dated December 8, 2003 and January 29, 2004, previously served upon Respondent.

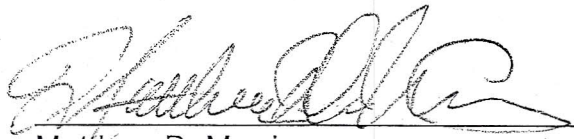
4. The Board hereby withdraws its "Order of the West Virginia Appraiser Licensing and Certification Board Suspending Residential Appraiser License No. 0734," dated January 29, 2004.

5. The Board hereby withdraw its "Petition to Enforce Subpoena Duces Tecum And Hold Respondent in Contempt," dated January 29, 2004.

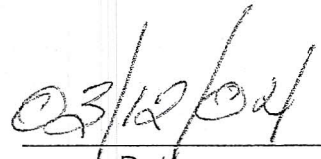
6. All matters in controversy related to the instant Consent Order, including Board Complaint Numbers 02-013B, 03-010 and 03-014B, are hereby resolved and closed.

7. In the event Respondent violates the terms of this Consent Decree, and, subsequent to notice and hearing, the Board so finds a violation, then, in such event, the events giving rise to this Consent Decree shall be considered in the determination of the kind and extent of sanctions to be subsequently imposed. Such possibility of enhancement shall be effective during the pendency of the instant REVOCATION of Respondent's license subsequent to the entry of this Order.

AGREED TO BY:




Matthew D. Morris
Respondent



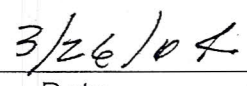
Date

ENTERED into the records of the Board this 26th day of March, 2004.

WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

By: 

David Shields
Chairperson



Date