

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

IN THE MATTER OF:

**GLENN EWALD,
Real Estate Appraiser Apprentice Permit No. 10240**



CONSENT DECREE

Now comes Respondent, Glenn Ewald (hereinafter "Respondent"), and the West Virginia Real Estate Appraiser Licensing and Certification Board (hereinafter "Board"), by Sharron L. Knotts, its Executive Director, for the purpose of resolving Board Complaint Number 06-004, against Respondent. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent hereby agrees and stipulates to the Findings of Fact and Conclusions of Law set forth in the instant Consent Decree concerning the proper disposition of this matter, and the Board, having approved 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.*, and is empowered to regulate, among other things, the conduct of licensed residential appraisers.
2. Respondent is a real estate appraiser apprentice, holding Apprentice Permit No. 10240, through the Board.
3. Chad Hatcher was a Certified Residential Appraiser, and held Certified Residential Appraiser License No. 0263 through the Board.
4. During all times relevant herein, Hatcher supervised Respondent in the practice of real estate appraising.

5. From approximately July 3, 2005, through July 13, 2005, Hatcher had commitments that required his attendance outside of the State of West Virginia.

6. During Hatcher's absence, Respondent continued to perform real estate appraisals.

7. During such time, Respondent performed real estate appraisals without the supervision of Hatcher.

8. On such appraisals performed by Respondent, Hatcher indicated on the appraisals that he had supervised Respondent, where Hatcher had not supervised Respondent.

9. In February, 2006, Hatcher had commitments that required his attendance outside of the United States of America.

10. During Hatcher's absence, Respondent continued to perform real estate appraisals.

11. During such time, Respondent performed real estate appraisals without the supervision of Hatcher.

12. On such appraisals performed by Respondent, Hatcher indicated on the appraisals that he had supervised Respondent, where Hatcher had not supervised Respondent.

13. Both Hatcher and Respondent made the decision that Respondent would perform the above referenced real estate appraisals in Hatcher's absence.

CONCLUSIONS OF LAW

1. Pursuant to Article 38 of Chapter 30 of the West Virginia Code, the Board is the State entity vested with the power to regulate real estate appraisers in the State of West Virginia.

2. Participation in the apprentice program is a prerequisite to licensure or certification except in cases of reciprocity or issuance of a temporary permit as required by W. Va. Code § 30-38-5. W. Va. Code R. § 190-2-11.2.

3. The apprentice shall work under the direct supervision of a state licensed or state certified real estate appraiser. W. Va. Code R. § 190-2-11.6.a.

4. Respondent had not been released by the Board to perform appraisals outside of the direct supervision of his supervisor.

5. Pursuant to W. Va. Code §§ 30-38-12(a)(7) and 30-38-13(b), the Board may revoke, suspend, refuse to renew, or otherwise discipline the license of an appraiser, or deny an application, for any violation of any section of this article, or rule of the Board.

6. Respondent, as a real estate appraiser apprentice, performed appraisals outside of the direct supervision of Hatcher in violation of W. Va. Code §§ 30-38-12(a)(7), 30-38-13(b) and W. Va. Code R. § 190-2-11.6.a.

CONSENT

Respondent, both in his individual capacity and as a real estate appraiser apprentice, by the execution hereof, agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Decree 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 real estate appraiser apprentice.

ORDER

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

1. The real estate appraiser apprentice permit of Respondent, Apprentice Permit No. 10240, is hereby REPRIMANDED.

2. Respondent's total number of apprentice experience hours that apply towards licensure through the Board as a licensed real estate appraiser shall be reduced to one thousand (1,000) hours effective the date of entry of the instant Order in the Board records.

3. As it relates to the practice of real estate appraising in the State of West Virginia, Respondent shall terminate the apprentice/supervisor relationship with Hatcher, and shall not perform real estate appraiser apprentice services of any kind for Hatcher in the State of West Virginia.

4. Respondent shall pay to the Board the amount of three hundred and fifty dollars (\$350.00). Such payment by Respondent shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 06-004, and the subsequent reimbursement to the Board thereof. Such payment shall be paid to the Board in full within thirty (30) days of the date of entry of the instant Consent Decree.

5. Any deviation from the requirements of the instant Consent Decree, without the prior written consent of the Board, shall constitute a violation of this Order, and result in the immediate suspension of Respondent's permit. The Board shall immediately notify Respondent via certified mail of the specific nature of the charges, and the suspension of Respondent's permit. Respondent may request reinstatement of his permit through renewal of this agreement, or execution of a new agreement, which may contain different or additional terms. The Board is not bound to comply with Respondent's request.

In the event Respondent contests any such allegations of violation of the Consent Decree, if any, which results in the suspension of Respondent's permit, Respondent may request a hearing to seek reinstatement of his permit. Any such hearing shall be scheduled and conducted in accordance with the provisions of West Virginia Code § 30-1-8 and § 30-38-1, *et seq.*

Further, in the discretion of the Board and in the event Respondent violates the provisions of the instant Consent Decree, the Board may schedule a hearing on its own initiative for the purpose of allowing the Board the opportunity to consider further discipline against Respondent's permit.

AGREED TO BY:



GLENN EWALD, Individually

5/22/07

DATE

ENTERED into the records of the Board this:

1st day of June, 2007.

WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

By: Sharron L. Knotts June 1, 2007
SHARRON L. KNOTTS DATE
EXECUTIVE DIRECTOR