

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

IN THE MATTER OF:

**MARK MULLIGAN,
Licensed Residential Appraiser No. 0746**

CONSENT DECREE

Now comes Respondent, Mark Mulligan (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 06-010, 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 state licensed residential real estate appraiser licensed by the Board, holding license number 0746.
3. Around June, 2006, Respondent was engaged by Merrill Lynch Corporation, located at 5201 Gate Parkway, Jacksonville, Florida, 32256, to perform an appraisal of residential property located at 206 West New Street, Shepherdstown, West Virginia, 25443 (hereinafter "Property").

4. Respondent performed the appraisal of the Property, and opined the estimated value of the Property to be \$1,400,000.00 as of June 27, 2006.

5. By correspondence dated September 14, 2006, Respondent stated that he misunderstood the relevant restriction on his residential real estate appraiser license, and admitted, as a result, that he performed an appraisal which exceeded the scope of his licensure.

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. Pursuant to West Virginia Code § 30-38-4(b), “[a] state licensed residential real estate appraiser is authorized to conduct appraisals of: (1) Complex residential real estate of one to four units having a value of less than two hundred fifty thousand dollars; (2) noncomplex residential real estate of one to four units having a value of less than one million dollars; and (3) nonresidential real estate having a value of less than one hundred thousand dollars.”

3. 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.

4. Respondent, as a licensed residential real estate appraiser, operated outside of the scope of his licensure by and through completing the appraisal of the Property, where the value of such Property exceeded \$1,000,000.00, in violation of W. Va. Code §§ 30-38-12(a)(7), 30-38-13(b), and 30-38-4(b).

CONSENT

Respondent, both in his individual capacity and as a licensed residential real estate appraiser, 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 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, Residential Appraiser License No. 0746, is hereby REPRIMANDED.

2. Respondent is ordered to inform his client, Merrill Lynch Credit Corporation, in writing, within thirty (30) days entry of the instant Consent Decree, that Respondent exceeded the scope of licensure in regard to the appraisal of the Property. Respondent is further ordered to supply a copy of the correspondence sent to Respondent's client to the Board.

3. Respondent shall pay to the Board the amount of five hundred dollars (\$500.00). Such payment by Respondent shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 06-010, and the subsequent reimbursement to the Board thereof. Respondent shall additionally pay to the State of West Virginia a fine in the amount of five hundred and fifty dollars (\$550.00). Such payments shall be paid to the Board in full within thirty (30) days of the date of entry of the instant Consent Decree.

4. 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 license. The Board shall immediately notify Respondent via certified mail of the specific nature of the charges, and the suspension of Respondent's license. Respondent may request reinstatement of his license 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 license, Respondent may request a hearing to seek reinstatement of his license. 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 license.

AGREED TO BY:

Mark Mulligan
MARK MULLIGAN, Individually

4-11-07
DATE

ENTERED into the records of the Board this:

17th day of April, 2007.
April

WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

By: Sharon Knotts
SHARRON L. KNOTTS
EXECUTIVE DIRECTOR

4/17/07
DATE