

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

IN THE MATTER OF:

**RAYMOND CURTIS,
Licensed Residential Appraiser License No. LR0793**



CONSENT DECREE

Now comes Respondent, Raymond Curtis (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 07-001, 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 licensed residential real estate appraiser, holding Licensed Residential Appraiser License No. LR0793, through the Board.
3. On or around October 20, 2006, a client engaged the services of Respondent to appraise certain property located at 5385 West Pea Ridge Road, Huntington, West Virginia (hereinafter "Property").
4. The Property constituted non-residential real estate that had a value of more than \$100,000.00.

5. By appraisal report dated November 15, 2006, Respondent appraised the value of the Property, as of October 25, 2006, at \$2,860,000.00.
6. The appraisal report contains both the signatures of Respondent and Clara Midkiff, licensed certified general appraiser.
7. Prior to the completion of the appraisal report, Respondent and Midkiff inspected the subject property, and Respondent prepared a draft appraisal report which was reviewed by Midkiff.
8. Respondent had associated with Midkiff on several appraisals in the past.
9. After making certain revisions to the appraisal report, Respondent signed the report, and electronically placed the signature of Midkiff on the revised appraisal report, without sending a copy of the revised appraisal report to Midkiff for review or approval.
10. Respondent neither obtained nor had permission from Midkiff to utilize Midkiff's signature on the appraisal report.

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. 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. W. Va. Code § 30-38-4(b).

3. A state certified general real estate appraiser is authorized to conduct appraisals of all types of real estate. W. Va. Code § 30-38-4(d).

4. An actively licensed certified general appraiser may perform an appraisal of non-residential property that has a value in excess of \$100,000, and a licensed residential appraiser may perform a non-residential appraisal over \$100,000 under the supervision of a licensed certified general appraiser.

5. Pursuant to W. Va. Code § 30-38-12(a)(3), the Board may revoke, suspend, refuse to renew, or otherwise discipline the license of an appraiser, or deny an application, for "[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"

6. By placing Midkiff's signature on the appraisal report without Midkiff's permission and approval of the final work product, Respondent misrepresented that the appraisal report had been reviewed and approved in its final format by a certified general appraiser, in violation of W. Va. Code § 30-38-12(a)(3).

7. 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.

8. 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 generally accepted standards of professional appraisal practice and generally accepted ethical rules to be observed by a real estate appraiser. Generally accepted standards of professional appraisal

practice are currently evidenced by the uniform standards of professional appraisal practice promulgated by the appraisal foundation.”

9. Pursuant to the Uniform Standards of Professional Appraisal Practice, Ethics Rule, Conduct (2005), in pertinent part, “[a]n appraiser must not communicate assignment results in a misleading or fraudulent manner. An appraiser must not use or communicate a misleading or fraudulent report or knowingly permit an employee or other person to communicate a misleading or fraudulent report.”

10. By placing Midkiff's signature on the appraisal report without Midkiff's permission and approval of the final work product, Respondent improperly communicated to his client that a certified general appraiser had reviewed, approved, and signed the final appraisal report, in violation of W. Va. Code §§ 30-38-12(a)(7), -17 and USPAP Ethics Rule (Conduct).

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, License No. LR0793, is hereby RESTRICTED for a period of one year. During such period of restriction, Respondent shall not engage in the practice of real estate appraising relating to commercial property(ies) in the State of West Virginia, either directly or indirectly. Respondent may otherwise engage in the practice of real estate appraising as permitted by the scope of Respondent's licensure. Such restriction of Respondent's license shall be in effect from July 1, 2008, through June 30, 2009.

2. During such time of restriction, Respondent shall maintain his license, and comply with all applicable requirements for maintaining such license as if his license was active and unencumbered. Such requirements include, but are not necessarily limited to, the payment of licensure fees, and the completion of continuing education courses. Further, Respondent shall successfully pass, complete, and provide to the Board all proper documentation reflecting the same, a minimum fifteen (15) hour course, with examination, approved by the Board relating to the Uniform Standards of Professional Appraisal Practice. Such course relating to the Uniform Standards of Professional Appraisal Practice shall be in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure thereof.

3. Upon completion of the instant restriction, Respondent may request, in writing to the Board, that the Board reinstate Respondent's restricted license to active unencumbered status. In the event that Respondent has complied with the terms of the

instant consent decree, and remains otherwise eligible for continued licensure through the Board, the Board shall grant Respondent's request and reinstate Respondent's license to active unencumbered status.

4. Respondent shall pay to the Board the amount of two thousand and two hundred dollars (\$2,200.00). Such payment by Respondent shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 07-001, and the subsequent reimbursement to the Board thereof. Such payment shall be paid to the Board in full within three (3) months of the date of entry of the instant Consent Decree.

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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 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:

Raymond C Curtis 8/11/08
RAYMOND CURTIS, Individually DATE

ENTERED into the records of the Board this:

13 day of August, 2008.

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

By: *Sharron L Knotts* 8/13/08
SHARRON L. KNOTTS DATE
EXECUTIVE DIRECTOR