

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

IN THE MATTER OF:

**JOHN EDGAR,
Certified Residential Appraiser No. 0026**



CONSENT DECREE

Now comes Respondent, John Edgar (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 07-014, 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 certified residential real estate appraiser licensed by the Board, holding license number 0026.
3. During all times relevant herein, Louise Hilton was an apprentice appraiser, holding an apprentice permit in the State of Maryland, and supervised by Respondent.
4. During all times relevant herein, Hilton did not hold an apprentice permit through the State of West Virginia.

5. On or around April 12, 2007, Hilton performed an appraisal of residential property located at 4583 Bakerton Road, Harpers Ferry, West Virginia, 25425 (hereinafter "Property").

6. Respondent and Hilton signed the appraisal report relating to the Property on April 24, 2007.

7. Respondent did not accompany Hilton during the appraisal inspection.

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 W. Va. Code § 30-38-12(a)(7), 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.

3. No person who is not properly licensed through the Board, does not hold a proper permit through the Board, or is not otherwise authorized by law to do so, may assist a licensed or certified appraiser and sign the appraisal report. In such circumstances where an appraiser utilizes the assistance of a non-licensed or non-apprenticed assistant, such assistant shall be under the direct supervision of the licensed or certified appraiser, and shall not sign the appraisal report. W. Va. Code R. § 190-2-11.9.

4. Respondent did not properly supervise Hilton in the performance of the appraisal of the Property, and improperly allowed Hilton to sign the appraisal report, in violation of W. Va. Code § 30-38-12(a)(7) and W. Va. Code R. § 190-2-11.9.

CONSENT

Respondent, both in his individual capacity and as a certified 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 certified 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, Certified Residential Appraiser License No. 0026, is hereby REPRIMANDED.

2. Within thirty (30) days of the instant Order, Respondent shall inform, in writing, any and all apprentices under his employment and/or supervision of all applicable law, rules and regulations relating to the practice of real estate appraiser apprenticeship in the State of West Virginia, including any applicable limitations placed upon apprentices as a result of such law, rules and/or regulations. Respondent shall additionally provide to the Board, within the above-referenced time frame, a copy of all materials and/or documents

provided to his apprentices, and a list of the names of such apprentices Respondent provided the information to.

3. Respondent shall pay to the Board the amount of eight hundred dollars (\$800.00). Such payment by Respondent shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 07-014, 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.

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:



JOHN EDGAR, Individually

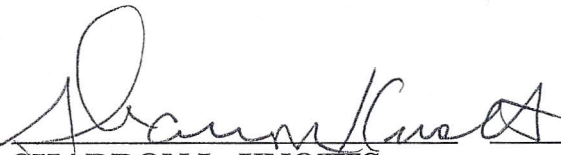
7/7/08

DATE

ENTERED into the records of the Board this:

10th day of July, 2008.

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

By: 

SHARRON L. KNOTTS 7/16/08
EXECUTIVE DIRECTOR **DATE**