

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

IN THE MATTER OF:

**BARBARA MCCRACKEN GOODWIN,
Licensed Residential Appraiser No. 0471**

CONSENT DECREE

Now comes Respondent, Barbara McCracken Goodwin 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 07-015, against Goodwin. It is noted that on March 12, 2009, Board member Linda York recused herself from all current and future board and standards committee deliberations and action relating to Complaint No. 07-015, the instant consent decree, and all matters pertaining to the resolution of this matter.

As reflected in this Consent Decree, the parties have reached an agreement in which Goodwin 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

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.

Goodwin is a state licensed residential real estate appraiser licensed by the Board, holding license number 0471.

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Page 1 of 5*

On or around September 27, 2006, Goodwin performed an appraisal of residential property located at Rural Route 3, Box 305, in Grafton, West Virginia, 25213 in Grafton, West Virginia, 25213 (hereinafter "Property").

Goodwin estimated the value of the Property to be \$206,000.00 as of September 27, 2006.

In choosing certain comparables in relation to the Property, Goodwin mistakenly transposed the recording of some data from the comparable properties numbered 1 and 2 on her report.

Given that Goodwin mistakenly transposed the recording of some data from the comparable properties numbered 1 and 2 on her report, any adjustments to the value of the Property might not be accurate in regard to the actual factual data contained within comparables numbered 1 and 2.

As a result of Goodwin's mistake in transposing data, the credibility of the report could be questioned.

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. 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."

3. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(c), from which deviation is not permitted, "[i]n 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."

4. Goodwin rendered appraisal services in regard to the Property. In connection with those services, Goodwin mistakenly transposed the recording of some data from the comparable properties numbered 1 and 2 on her report, which mistakes may have affected the credibility of the appraisal, in violation of USPAP Standards Rule 1-1(c).

CONSENT

Goodwin, both in her individual capacity and as a licensed residential real estate appraiser, by the execution hereof, agrees to the following:

1. Goodwin 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 Goodwin to make this settlement other than as set forth herein. Goodwin acknowledges that she is aware that she may pursue this matter through appropriate administrative and/or court proceedings, and is aware of her legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Goodwin consents to the entry of the following Order affecting her conduct as a licensed residential real estate appraiser.

ORDER

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

1. Goodwin shall maintain and submit to the Board a monthly log of all appraisals performed by Goodwin for a period of three months. The Board or Standards Committee of the Board shall have the right to request, from either Goodwin or her counsel but not from any other person or entity, one workfile per month at random during the three month period. If after reviewing such files the Board determines there is probable cause to pursue further action, nothing herein shall be construed to preclude the Board from doing so.

2. Goodwin shall pay to the Board, within ninety days of the date of entry of the instant Consent Decree, the amount of nine hundred dollars (\$900.00). Such payment by Goodwin shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 07-015, and the subsequent reimbursement to the Board thereof.

3. 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. Any violation by Goodwin will result in the immediate suspension of Goodwin's license. The Board shall immediately notify Goodwin via certified mail of the specific nature of the charges, and the suspension of Goodwin's license. Goodwin may request reinstatement of her 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 Goodwin's request.

In the event Goodwin contests any such allegations of violation of the Consent

Decree, if any, which results in the suspension of Goodwin's license, Goodwin may request a hearing to seek reinstatement of her license. Any such hearing shall be scheduled and conducted in accordance with the provisions of W. Va. Code § 30-1-8 and § 30-38-1 *et seq.* Further, in the discretion of the Board and in the event Goodwin 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 Goodwin's license.

4. Goodwin has the right to be represented by counsel at any time with respect to the Board's review process and any other Board action and/or proceeding.

AGREED TO BY:

Barbara J. McCracken Goodwin
BARBARA MCCRACKEN GOODWIN, Individually

September 17, 2009
DATE

ENTERED into the records of the Board this:

7th day of *October*, 2009.

WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

By: *Sharron L. Knotts*
SHARRON L. KNOTTS
EXECUTIVE DIRECTOR

10/2/09
DATE