

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

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

**Complainant,**

**v.**

**Complaint Number: 07-016**

**DAVID E. BUNCH**

**Respondent.**

**CONSENT DECREE AND ORDER**

Now comes the West Virginia Real Estate Appraiser Licensing and Certification Board (Board) and the Respondent, David E. Bunch (Respondent), for the purpose of resolving the above-styled matter.

WHEREAS, the Board and the Respondent have reached an agreement as to an appropriate disposition of the complaint.

WHEREAS, the Board agrees and acknowledges that this agreement is a compromise of claims disputed by the Respondent, and that this agreement and consent to these terms do not constitute any admission of guilt or culpability on his part.

WHEREAS, the parties have reached an understanding concerning proper disposition of the matter in controversy, the Board 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. The Respondent is a state certified general real estate appraiser licensed by the Board, holding license number CG166.

3. In January 2007, the Respondent performed an appraisal of two parcels located on Elm Street between Third Avenue and through Commerce Street in Huntington, West Virginia.

4. In February 2007, the Respondent performed an appraisal of property located on College Avenue, between Third Avenue and Fifth Avenue, west of Twentieth Street, in Huntington, West Virginia.

5. The Board alleged that the Respondent committed certain errors in appraising the properties, which Respondent denied.

6. As a result of such alleged errors, the Board contends the appraised value of the properties may not be accurate or supportable, which the Respondent denied.

## **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. West Virginia Code § 30-38-17 provides, in pertinent part, that A[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.

4. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 2-2(b)(iv), [t]he content of a Summary Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum: . . . state the real property interest appraised.

5. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-2(e)(ii), [i]n developing a real property appraisal, and appraiser must:

identify the characteristics of the property that are relevant to the type and definition of the value and intended use of the appraisal, including the real property interest to be valued.”

6. It was alleged the Respondent failed to identify and state the real property interest to be valued and appraised in the above-referenced appraisals, in violation of W. Va. Code § 30-38-12(a)(7),(11), USPAP Standards Rule 2-2(b)(iv), and USPAP Standards Rule 1-2(e)(ii), which the Respondent denied.

7. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-6(a), [i]n developing a real property appraisal, an appraiser must: reconcile the quality and quantity of data available and analyzed within the approaches used.

8. In the above-referenced appraisals, it was alleged the Respondent failed to reconcile the data within the sales comparison approach, in violation of W. Va. Code § 30-38-12(a) (7),(11), and USPAP Standards Rule 1-6(a), which the Respondent denied.

9. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 2-2(b)(viii), [t]he content of a Summary Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum: . . . summarize the information analyzed, the appraisal methods and techniques employed, and the

reasoning that supports the analyses, opinions, and conclusions; exclusion of the sales comparison approach, cost approach, or income approach must be explained.

10. In the above-referenced appraisals, it was alleged the Respondent failed to provide an adequate summary of the reasoning that supported the analyses, opinions and conclusions within the sales comparison approach, in violation of in violation of W.Va. Code § 30-38-12(a)(7),(11), and USPAP Standards Rule 2-2(b)(viii), which Respondent denied.

11. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 2-2(b)(ix), [t]he content of a Summary Appraisal Report must be consistent with the intended use of the appraisal and, at a minimum: . . . state the use of the real estate existing as of the date of value and the use of the real estate reflected in the appraisal; and, when an opinion of highest and best use was developed by the appraiser, summarize the support and rationale for that opinion.

12. In the above-referenced appraisals, it was alleged the Respondent failed to summarize the support and rationale for the highest and best use analysis developed, and failed to summarize the highest and best use of the properties based on their assemblage with adjoining parcels, in violation of W. Va. Code § 30-38-12(a)(7),(11), and USPAP Standards Rule 2-2(b)(ix), which the Respondent denied.

13. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(a), [i]n developing a real property appraisal, an appraiser must: be aware of, understand, and correctly employ those recognized methods and techniques that are necessary to produce a credible appraisal.

14. Based upon the foregoing, it was alleged the Respondent failed to correctly employ proper methods and techniques necessary to produce a credible appraisal, in violation of W. Va. Code § 30-38-12(a)(7),(11), and USPAP Standards Rule 1-1(a), which Respondent denied.

15. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 2-1(b), [e]ach written or oral real property appraisal report must: contain sufficient information to enable the intended users of the appraisal to understand the report properly.

16. Based upon the foregoing, it was alleged the Respondent failed to present sufficient information to enable the intended users of the above-referenced appraisals to understand the report properly, in violation of W. Va. Code § 30-38-12(a)(7),(11), and USPAP Standards Rule 2-1(b), which Respondent denied.

17. The parties mutually agree to resolve this pending matter without further prosecution.

## CONSENT OF LICENSEE

The Respondent by affixing his signature hereto acknowledges the following:

1. That he has the following rights, among others: the right to a formal hearing before the West Virginia Real Estate Appraiser Licensing and Certification Board; the right to reasonable notice of said hearing; the right to be represented by counsel at his own expense; and the right to cross examine witnesses against him.

2. That he waives all rights to such hearing.

3. That he has had the opportunity to consult with counsel and executes this Consent Decree and Order voluntarily, freely, without coercion or duress and is mindful that it has legal consequences.

4. That no person or entity has made any promise or given any inducement whatsoever to encourage him to enter into this Consent Decree and Order other than as set forth herein.

5. That this Consent Decree and Order is not an admission of guilt or culpability on his part.

6. That he acknowledges that he is aware that he may pursue this matter through appropriate administrative and/or court proceedings, and he is aware of his legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.

7. That he waives any defenses including, but not limited to, laches, statute of limitations, and estoppel, that he may have otherwise claimed as a condition of this Consent Decree and Order.

8. That he acknowledges that the Board will retain jurisdiction over this matter until all terms and conditions set forth in this Consent Decree and Order have been met to the satisfaction of the Board.

9. That he acknowledges that he is aware that this Consent Decree and Order is a public document, available for inspection at any time by any member of the public under Chapter 29B *et seq.*, of the West Virginia Code, Freedom of Information Act and may be reported to other governmental, professional Boards or organizations.

10. That he acknowledges that this Consent Decree and Order shall be presented to the Board as soon as practical, but no later than the next scheduled meeting of the Board, with a recommendation for approval from the Standards Committee.

11. The Respondent, by affixing his signature hereon, consents and agrees to the resolution set forth herein.

### **ORDER**

On the basis of the foregoing, the Board agrees to forego further prosecution of the complaint pursuant to the Consent Decree between the Board and Respondent, hereby



ORDERS as follows:

1. The Respondent shall, within one year of the date of this Consent Decree and Order, attend the Appraisal Institute Course "Condemnation Appraising Principles and Applications" or a Board approved equivalent and submit written verification to the Board of his enrollment and attendance thereof. Attendance in this course shall be over and above the regular continuing education hours required to obtain and/or maintain licensure, or renewal of licensure thereof.

2. The Respondent shall, within one year of the date of this Consent Decree and Order, attend the 14-Hour National USPAP course and submit written verification to the Board of his enrollment and attendance thereof. Attendance in this course shall be over and above the regular continuing education hours required to obtain and/or maintain licensure, or renewal of licensure thereof.

3. The Respondent shall pay to the Board the sum Three Thousand Four Hundred Dollars (\$3,400.00) on or before June 1, 2015. Such payment by the Respondent shall represent a portion of the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 07-016, and the subsequent reimbursement to the Board thereof.

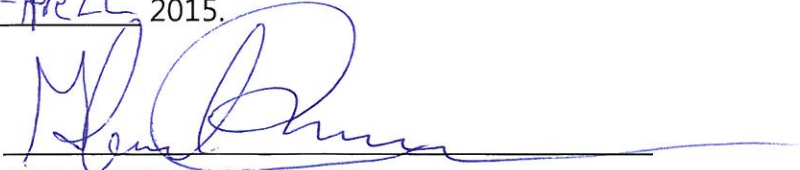
4. Any deviation from the requirements of the instant Consent Decree, without the prior written consent of the Board, shall constitute a violation of this Order,

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 his 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.

5. In the event the Respondent contests any allegations of violation of the Consent Decree, which results in the suspension of his license, he 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.*

6. Further, at the discretion of the Board and in the event the 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.

ENTERED this 15 day of APRIL, 2015.



GLENN SUMMERS, CHAIR  
WEST VIRGINIA REAL ESTATE APPRAISER  
LICENSING AND CERTIFICATION BOARD

REVIEWED AND APPROVED BY:

  
\_\_\_\_\_  
DAVID E. BUNCH (CG166)  
Respondent

  
\_\_\_\_\_  
Date