

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

**IN THE MATTER OF:**

**DORIS F. SIVERS,  
Licensed Residential Appraiser No. LR0822**



**CONSENT DECREE**

Now comes Respondent, Doris F. Sivers, 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 07-025, against Sivers. As reflected in this Consent Decree, the parties have reached an agreement in which Sivers 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. Sivers is a state licensed residential real estate appraiser licensed by the Board, holding license number LR0822.
3. In November 2007, Sivers performed an appraisal of complex residential property located on West Race Street, Martinsburg, West Virginia, 25401 (hereinafter "Property").
4. The Property occupied two separate lots.

5. Siverson appraised the value of the Property at \$440,000.00, as of November 2007.

6. In such appraisal, Siverson provided incorrect and/or inadequate information relating to the Property, the comparable properties, and the appraisal.

7. Assignments of error include, but are not necessarily limited to, the following:

a. Siverson failed to correctly identify the location zoning as "residential," wherein the Property was zoned as "business district;"

b. Siverson identified the highest and best use of the Property as single family residential, whereas such highest and best use would constitute an unlawful, nonconforming use of the Property due to zoning;

c. Siverson stated that the Property was owner occupied, where such Property should have been designated as vacant;

d. Siverson incorrectly identified the assessor's parcel numbers;

e. Siverson provided an inadequate description of the neighborhood boundaries;

f. Siverson stated the Property had both a "full" and a "partial" basement without explanation, where such designations appear inconsistent;

g. Siverson provided a sketch of the Property that was inaccurate;

h. Siverson inaccurately cited the correct gross living area of the Property;

i. Siverson failed to identify the total square footage of the basements of the Property and the comparable properties utilized within the appraisal;

j. Siverson utilized comparables that were not adequately comparable to the subject property, given certain differences in zoning, highest and best use, physical characteristics, location, age, and quality;

k. Certain adjustments performed by Siverson in regard to the comparable properties were inconsistent, or not adequately explained as to why such adjustments were inconsistent; and

l. Siverson utilized two properties as comparables that were active sales.

8. As a result of such errors, the appraised value of the Property is not supportable.

9. Given that Siverson appraised the Property as a residential property, the Property should have been appraised as a complex residential appraisal.

10. In the capacity of the licensed real estate appraiser, Siverson accepted a fee from her client for performing the appraisals of the properties.

### **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. Sivers, as a licensed residential real estate appraiser, operated outside of the scope of her licensure by and through completing the appraisal of the above-referenced complex property, where the value of such complex property exceeded \$250,000.00, in violation of W. Va. Code §§ 30-38-12(a)(7), 30-38-13(b), and 30-38-4(b).

5. 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.”

6. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(a), from which deviation is not permitted, “[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.”

7. Sivers failed to be aware of, understand, and correctly employ appropriate methods and techniques necessary to produce a credible appraisal of the subject property, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 1-1(a).



8. Pursuant to the Uniform Standards of Professional Appraisal Practice, Standards Rule 1-1(b), from which deviation is not permitted, “[i]n developing a real property appraisal, an appraiser must . . . not commit a substantial error of omission or commission that significantly affects an appraisal.”

9. Sivers misidentified the zoning of the Property, where such misidentification led to the utilization of non-comparable properties as comparables, where such error may have significantly affected the appraisal, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, USPAP Standards Rule 1-1(b).

10. 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.”

11. Sivers rendered appraisal services in regard to the above-referenced property, where such services contained error affecting the accuracy of said appraisal, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 1-1(c).

**CONSENT**

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

1. Sivers 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 Sivers to make this settlement other than as set forth herein. Sivers 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. Sivers 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. The real estate appraiser license of Sivers, Licensed Residential Appraiser License No. LR0822, is hereby REPRIMANDED.

2. Sivers shall pay to the Board the amount of one thousand dollars (\$1,000.00). Such payment by Sivers shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 07-025, and the subsequent reimbursement to the Board thereof. Sivers shall additionally pay to the State of West Virginia a fine in the amount of five hundred dollars (\$500.00). Such payments shall be paid to the Board in full within thirty (30) days of the date of entry of the instant Consent Decree.

3. Sivers, within one hundred and eighty (180) days of the date of entry of this order, shall successfully pass, complete, and provide to the Board all proper documentation reflecting the same, a minimum fourteen (14) hour course, with examination, approved by the Board relating to highest and best use. Such course relating to highest and best use shall be in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure thereof.

4. Sivers, within one hundred and eighty (180) days of the date of entry of this order, 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 sales comparison approach. Such course relating to sales comparison approach use shall be in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure thereof.

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 Sivers' license. The Board shall immediately notify Sivers via certified mail of the specific nature of the charges, and the suspension of Sivers' license. Sivers 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 Sivers' request.

In the event Sivers contests any such allegations of violation of the Consent Decree, if any, which results in the suspension of Sivers' license, Sivers may request a hearing to seek reinstatement of her 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 Sivers 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 Sivers' license.

AGREED TO BY:

Doris F. Sivers  
DORIS F. SIVERS, Individually

July 16, 2008  
DATE

ENTERED into the records of the Board this:

24<sup>th</sup> day of July, 2008.

WEST VIRGINIA REAL ESTATE APPRAISER  
LICENSING AND CERTIFICATION BOARD

By: Sharron L. Knotts 7/24/08  
SHARRON L. KNOTT'S DATE  
EXECUTIVE DIRECTOR