

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

IN THE MATTER OF:

**DIANA L. SHAFFER,
Licensed Residential Appraiser No. LR0924**



CONSENT DECREE

Now comes Respondent, Diana L. Shaffer, 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 08-002, against Shaffer. As reflected in this Consent Decree, the parties have reached an agreement in which Shaffer 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. Shaffer is a state licensed residential real estate appraiser licensed by the Board, holding license number LR0924.
3. In November 2007, Shaffer performed an appraisal of residential property located at 11 Dafonzo Hill Road, Morgantown, West Virginia, 26505 (hereinafter "Property").

4. Shaffer appraised the value of the Property at \$60,000.00, as of November 2007.

5. In such appraisal, Shaffer provided inaccurate and/or inadequate information relating to the Property, the comparable properties, and the appraisal.

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

a. Shaffer incorrectly cited the assessor's parcel number on the appraisal;

b. Shaffer erroneously attributed value to a GFA in the Property, where such GFA did not function;

c. Shaffer failed to maintain a drawing or sketch of the interior in her appraisal workfile;

d. Shaffer incorrectly stated the dimensions of the Property;

e. Shaffer incorrectly stated that there were 39 comparable properties currently offered for sale in the subject neighborhood ranging in price from \$35,000 to \$245,000, where not all cited properties were comparable to the Property;

f. Shaffer incorrectly stated there were 94 comparable sales in the subject neighborhood within the past twelve months ranging in sale price from \$15,000 to \$197,000, where not all 94 properties were comparable to the Property;

g. In the summary of sales comparison approach, Shaffer erroneously considered the market area which ranged between \$15,000 and \$197,000, where not all such cited properties were comparable, and therefore should not have been considered;

h. Shaffer performed the appraisal "as is," but failed to consider "as is" value of site improvements, such as driveway and sewer; and

i. Shaffer erroneously stated within the appraisal report that she did not complete the cost approach, where Shaffer had completed the cost approach.

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

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. Shaffer rendered appraisal services in regard to the above-referenced property, where such services contained errors 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).

5. Pursuant to the Uniform Standards of Professional Appraisal Practice, Ethics Rule (Record Keeping), in pertinent part, “[a]n appraiser must prepare a workfile for each appraisal, appraisal review, or appraisal consulting assignment. The workfile must include: . . . all other data, information, and documentation necessary to support the appraiser’s opinions and conclusions and to show compliance with this Rule and all other applicable Standards, or references to the location(s) of such other documentation. An appraiser must retain the workfile for a period of at least five (5) years after preparation or at least two (2) years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last.”

6. In relation to the appraisal of the Property, Shaffer failed to prepare and/or maintain a complete copy of her appraisal workfile, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Ethics Rule (Record Keeping).

CONSENT

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

1. Shaffer 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 Shaffer to make this settlement other than as set forth herein. Shaffer 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. Shaffer 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 Shaffer, Licensed Residential Appraiser License No. LR0924, is hereby REPRIMANDED.

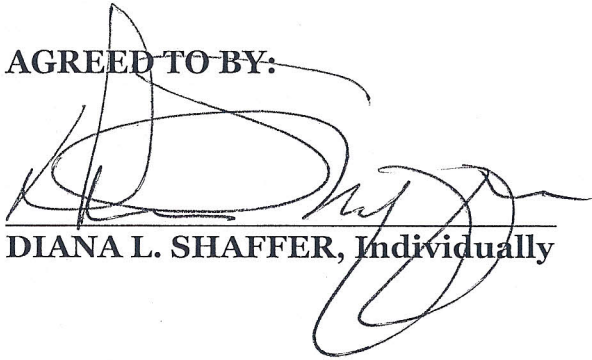
2. Shaffer shall pay to the Board the amount of nine hundred dollars (\$900.00). Such payment by Shaffer shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 08-002, and the subsequent reimbursement to the Board thereof. Such payment shall be paid to the Board in full within thirty (30) days of the date of entry of the instant Consent Decree.

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, and result in the immediate suspension of Shaffer's license. The Board shall immediately notify Shaffer via certified mail of the specific nature of the charges, and the suspension of Shaffer's license. Shaffer 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 Shaffer's request.

In the event Shaffer contests any such allegations of violation of the Consent Decree, if any, which results in the suspension of Shaffer's license, Shaffer 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 Shaffer 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 Shaffer's license.

AGREED TO BY:


DIANA L. SHAFFER, Individually

6/30/2008
DATE

ENTERED into the records of the Board this:

17th day of July, 2008.

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

By: 
SHARRON L. KNOTTS 7/17/08
EXECUTIVE DIRECTOR **DATE**