

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

**IN THE MATTER OF:**

**DEWEY GUIDA,  
Licensed Residential Appraiser No. LR0247**



**CONSENT DECREE**

Now comes Respondent, Dewey Guida, 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 08-005, against Guida. As reflected in this Consent Decree, the parties have reached an agreement in which Guida 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. Guida is a state licensed residential real estate appraiser licensed by the Board, holding license number LR0247.
3. In December 2007, Guida performed an appraisal of residential property located at Road 5, Box 375D, Wheeling, West Virginia, 26003 (hereinafter "Property").
4. Guida appraised the value of the Property at \$148,000.00, as of December 2007.

5. The Property was a manufactured home, and contained a HUD identification tag.

6. Guida did not acknowledge the HUD identification tag in his appraisal report.

7. On page 3 of the Uniform Residential Appraiser Report, Guida stated the Property was a modular home.

8. Guida used stick built residential properties as comparables in the appraisal report, and did not make any adjustments in regard to design or quality of construction.

9. Although Guida acknowledged on pages 1 and 2 of his report that the Property was a "DW," Guida otherwise trivialized the differences between a manufactured residence and a stick built property.

10. 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(b), “[i]n developing a real property appraisal, an appraiser must . . . not commit a substantial error of omission or commission that significantly affects an appraisal.”

4. Guida erroneously stated the Property was a modular residence, and compared the Property to stick built properties, where such error was substantial and may have significantly affected the appraisal, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 1-1(b).

#### CONSENT

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

1. Guida 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 Guida to make this settlement other than as set forth herein. Guida 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. Guida consents to the entry of the following Order affecting his 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 Guida, Licensed Residential Appraiser License No. LR0247, is hereby REPRIMANDED.

2. Guida shall pay to the Board the amount of one thousand dollars (\$1,000.00). Such payment by Guida shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaint Number 08-005, 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.

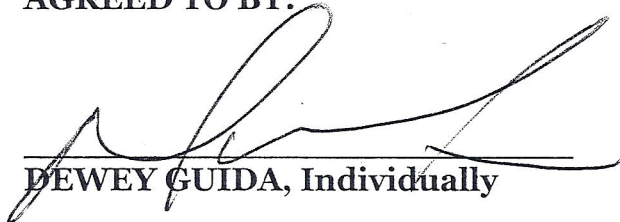
3. Guida, within 24 months of the date of entry of this order, shall successfully pass, complete, and provide to the Board all proper documentation reflecting the same, a minimum seven (7) hour course, with examination, approved by the Board relating to the appraising of manufactured homes. Such course relating to the appraising of manufactured homes shall be in addition to any continuing educational course required to obtain and/or maintain licensure, or renewal of licensure 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 Guida's license. The Board shall immediately notify Guida via certified mail of the specific nature of the charges, and the suspension of Guida's license. Guida 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 Guida's request.

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

**AGREED TO BY:**

  
DEWEY GUIDA, Individually

8/22/08  
DATE

**ENTERED into the records of the Board this:**

2nd day of September, 2008.

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

By:   
SHARRON L. KNOTTS  
EXECUTIVE DIRECTOR

9/2/08  
DATE