

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

IN THE MATTER OF:

**C. JOE COOK,
Certified General Appraiser No. CG~~0~~120**

CONSENT DECREE

Now comes Respondent, C. Joe Cook, 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 09-006 and Complaint Number 09-009, against Cook. As reflected in this Consent Decree, the parties have reached an agreement in which Cook 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 real estate appraisers.
2. Cook is a state certified general real estate appraiser licensed by the Board, holding license number CG~~0~~120.
3. During all times relevant herein, Lori Noble was a licensed residential real estate appraiser licensed by the Board, holding license number LR0649.
4. In June 2007, Noble conducted and prepared an appraisal of property located in Fayetteville, Fayette County, West Virginia.

5. In January 2009, Noble conducted and prepared an appraisal of property located in Summersville, Nicholas County, West Virginia.

6. The purpose of both above-referenced appraisal assignments was to appraise conservation easements.

7. In order to comply with licensure requirements, given the non-residential nature of the appraisal, and that Noble was a licensed residential real estate appraiser, it was necessary for a certified general real estate appraiser to supervise Noble, and sign the final appraisal report.

8. In both appraisals, Cook served as the supervising appraiser, and signed the appraisal reports.

9. During all times relevant herein, Noble was not qualified to engage in the practice of appraising conservation easements.

10. During all times relevant herein, Cook possessed neither the formal education nor the experience to perform a conservation easement appraisal.

11. Cook was not qualified to supervise the conservation easement appraisals performed by Noble.

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 “[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, Competency Rule, “[p]rior to accepting an assignment or entering into an agreement to perform any assignment, an appraiser must properly identify the problem to be addressed and have the knowledge and experience to complete the assignment competently; or alternatively, must: 1) disclose the lack of knowledge and/or experience to the client before accepting the assignment; 2) take all steps necessary or appropriate to complete the assignment competently; and 3) describe the lack of knowledge and/or experience and the steps taken to complete the assignment competently in the report.”

5. Cook failed to have the knowledge and experience to complete the above-referenced appraisal assignments competently; failed to disclose the lack of knowledge and/or experience to the client before accepting the assignment; failed to take all steps necessary or appropriate to complete the assignment competently; and failed to describe the lack of knowledge and/or experience and the steps taken to complete the assignment competently in the report, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Competency Rule.

6. 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.”

7. Cook failed to correctly employ, be aware of, and understand, by and through his supervision of Noble, appropriate methods and techniques necessary to produce an accurate appraisal of the subject properties, in violation of W. Va. Code §§ 30-38-12(a)(7), -17, and USPAP Standards Rule 1-1(a).

CONSENT

Cook, both in his individual capacity and as a certified general real estate appraiser, by the execution hereof, agrees to the following:

1. Cook 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 Cook to make this settlement other than as set forth herein. Cook 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. Cook consents to the entry of the following Order affecting his conduct as a certified general real estate appraiser.

ORDER

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

1. The real estate appraiser license of Cook, License No. CG~~0~~120, is hereby REPRIMANDED.

2. Cook shall be prohibited from performing and/or supervising any conservation easement appraisals until such time Cook successfully completes, and provides to the Board all proper documentation reflecting the same, the Appraisal Institute's course, with examination, "Valuation of Conservation Easements," or its Board approved equivalent. Upon completion of such course, and in the event Cook engages in the practice of appraising conservation easements, Cook shall be supervised by an actively certified real estate appraiser until such time the Board deems Cook competent to practice the appraising of conservation easements. During such time of supervision, Cook shall submit to the Board, for Board review, a copy of any appraisal of a conservation easement performed by Cook. Upon determination by the Board that Cook is competent to practice the appraising of conservation easements, the Board shall dissolve the instant restriction.

3. Cook shall pay to the Board the amount of one thousand, four hundred dollars (\$1,400.00). Such payment by Cook shall represent the costs incurred by the Board associated with the investigation and prosecution of Complaints Number 09-006 and 09-009, and the subsequent reimbursement to the Board thereof. Cook shall additionally pay to the State of West Virginia a fine in the amount of five hundred dollars (\$500.00). Such payment shall be paid to the Board in full within 90 days of the date of entry of the instant Consent Decree.

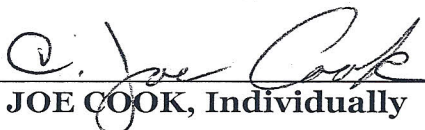
3. Any deviation from the requirements of the instant Consent Decree, without the prior written consent of the Board, shall constitute a violation of this Order, and result in the immediate suspension of Cook's license. The Board shall immediately notify Cook via certified mail of the specific nature of the charges, and the suspension of Cook's license. Cook 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 Cook's request.

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

AGREED TO BY:


C. JOE COOK, Individually

4-15-10
DATE

ENTERED into the records of the Board this:

19th day of April, 2010.

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

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

4-19-2010
DATE