

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

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

**Complainant,**  
v.

**Complaint No. 12-009**

**LARRY M. McDANIEL,**  
**Respondent.**

---

**ORDER**

---

On the 29<sup>th</sup> day of June, 2012, the West Virginia Real Estate Appraiser Licensing and Certification Board (hereafter "the Board") met by teleconference to conduct an informal hearing for the purpose of considering whether to take any immediate interim action regarding the license of Larry M. McDaniel, license No. CG077, in view of his apparent plea of guilty to a felony, as hereafter described. Appearing at said hearing were Silas B. Taylor, Deputy Attorney General, counsel to the Board, and Michael O. Callaghan, counsel for Larry M. McDaniel, each of whom made an oral presentation to the Board. A sound recording of the hearing was made.

Mr. Taylor submitted three exhibits for consideration, all of which were considered to be admissible solely for purposes of this hearing:

Exhibit A: Letter from Silas Taylor to Michael Callaghan dated June 22, 2012.

Exhibit B: Superseding Indictment filed January 19, 2012, in *United States v. Larry Max McDaniel*, Case No. 5:11-CR-252, United States District Court for the Eastern District of North Carolina.

Exhibit C: Criminal Docket sheet showing, among other things, a “Minute Entry” dated June 11, 2012, reflecting a plea of guilty by Mr. McDaniel to the aforesaid indictment.

### **FINDINGS OF FACT**

1. Larry M. McDaniel is currently licensed as an active real estate appraiser by the Board, having license No. 077.

2. Said Larry M. McDaniel entered a plea of guilty, on June 11, 2012, to a felony and thereby admitted to the facts alleged in Count IV of the aforesaid indictment, which facts are incorporated herein by reference as findings of fact.

3. The facts in said County IV may be summarized as follows: On or about February 5, 2005, Mr. McDaniel submitted a false appraisal report to the First National Bank of Arizona, a federally insured lending institution, for the purpose of influencing it in connection with a loan.

4. Allowing a person to continue in practice as a real estate appraiser, after pleading guilty to submitting a false appraisal in the circumstances recited in Count IV of the aforesaid indictment, creates an immediate danger of substantial economic injury to the public via the submission of false appraisals that may cause purchasers, sellers, or lenders to engage in or approve financial transactions to their detriment in reliance upon false or misleading information.

### **CONCLUSIONS OF LAW**

1. By pleading guilty as recited herein, Mr. McDaniel has been “convicted of a felony” within the meaning of West Virginia Code § 30-1-8(a), authorizing disciplinary boards to “suspend or revoke the license of any person who has been convicted of a felony.”

2. Regardless of whether said guilty plea constitutes “conviction of a felony,” said plea constitutes the admission of facts demonstrating a willful violation of accepted standards of professional conduct, including the various standards set forth in the Uniform Standards of Professional Appraisal Practice that required (in 2005) and still require that the information set forth in an appraisal be true and accurate, that the opinions therein expressed be unbiased, and that neither be misleading.

3. The facts recited herein constitute “extraordinary circumstances” representing “an immediate danger to the public” within the meaning of West Virginia Code §§ 30-18-14(c) and 30-1-8(e)(1), thereby authorizing the suspension or revocation of Mr. McDaniel’s license prior to a formal hearing.

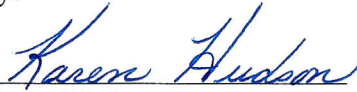
**ORDER**

By reason of the above, it is ORDERED that real estate appraiser license No. CG077 of Larry M. McDaniel is hereby SUSPENDED pending final disposition or further order of the Board, whichever first occurs, and that Mr. McDaniel is, consequently, not authorized to perform, directly or indirectly, real estate appraisals in West Virginia.

If requested by Mr. McDaniel, he will be afforded a formal and final hearing at the earliest practicable time in accordance with West Virginia Code §§ 30-38-14, 29A-5-1 et seq., and any other applicable laws, rules or regulations.

Dated this 29<sup>th</sup> day of June, 2012

Sandra S. Kerns  
Executive Director  
by:



Karen Hudson  
Executive Assistant  
per motion passed 06/29/2012

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

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

**Complainant,**

**v.**

**Complaint No. 12-009**

**LARRY M. McDANIEL,**

**Respondent.**

**FINAL DECISION AND ORDER OF THE REAL ESTATE  
APPRAISER LICENSING AND CERTIFICATION BOARD**

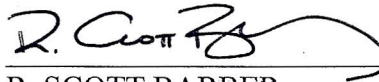
On September 13, 2012, the West Virginia Real Estate Appraiser Licensing and Certification Board (hereafter "Board") met and considered its designated Hearing Examiner's Recommended Decision issued on September 6, 2012, a copy of which is appended hereto. After having considered said Recommended Decision and the evidence presented to the Hearing Examiner, the Board voted to adopt and accept the Hearing Examiner's Recommended Decision.

**WHEREFORE**, it is hereby **ORDERED** that the September 6, 2012 Recommended Decision of the Board's designated Hearing Examiner is adopted and accepted. Accordingly, it is **ORDERED** that real estate appraiser license number CG077, authorizing Respondent Larry M. McDaniel to perform real estate appraisals, is hereby **REVOKED**, effective upon entry of this **ORDER**. It is further **ORDERED** that this Final Decision and Order with attached and incorporated Recommended Decision be reported to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, as required by 12 U.S.C. § 3338.

It is further **ORDERED** that Respondent McDaniel pay a civil fine of \$1,000 within 30 days of entry of this ORDER. The Executive Director is **DIRECTED** to send to Respondent McDaniel an invoice for administrative costs and it is **ORDERED** that Respondent McDaniel pay said invoice within 30 days of his receipt thereof.

Pursuant to West Virginia Code §§ 30-38-14 and 29A-5-4, Respondent McDaniel has the right to appeal this Final Decision and Order by filing a petition for appeal in either the Circuit Court of Kanawha County or in the circuit court in the county in which he resides or does business. Such appeal must be filed within thirty days of receipt of this Final Decision and Order.

ENTERED THIS 13TH DAY OF SEPTEMBER, 2012.



---

R. SCOTT BARBER  
CHAIRMAN  
WEST VIRGINIA REAL ESTATE APPRAISER  
LICENSING AND CERTIFICATION BOARD