

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

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

**Complainant,**

**v.**

**COMPLAINT NO.: 12-011**

**LORI A. NOBLE,**

**Respondent.**

**CONSENT DECREE AND ORDER**

On the 20<sup>th</sup> day of May 2013, came West Virginia Real Estate Appraiser Licensing and Certification Board (hereinafter "Board"), by counsel, Darlene Ratliff Washington, Senior Assistant Attorney General and Lori A. Noble (hereinafter "Respondent"), by counsel, James R. Sheatsley, Esquire pursuant to a Charging Statement and Notice of Hearing filed by the Board and served upon the Respondent on the 17<sup>th</sup> April 2013.

Whereas the parties announce to the Hearing Examiner that they mutually desire to settle this issue without further prosecution and a formal hearing.

It is hereby stipulated and agreed between the undersigned parties that this matter be settled and resolved. The parties have reached an understanding concerning the proper disposition of the matter in controversy. The Board, approving such an agreement does hereby Find and Order as follows:

## FINDINGS OF FACT

1. That the Board is the State entity created by West Virginia Code § 30-38-1 *et seq.* and is empowered to regulate the practice of real estate appraising.
2. That the Respondent is a licensee of the Board, possessing Certified Residential Appraiser License Number CR1053 and is subject to the license requirements of the Board.
3. That on February 7, 2012, Vickey Lilly (hereinafter "Ms. Lilly") met with the Respondent and requested that Respondent perform an appraisal for property located at 1646 Vorpe Road, St Albans, Kanawha County, West Virginia (hereinafter "Property"). On the same date, Ms. Lilly provided the Respondent with a copy of the deed, house plans, an original inspection report and a lot map for the subject property along with a check in the amount of Four Hundred Dollars (\$400.00).
4. That on or about May 14, 2012, Ms. Lilly filed a complaint with the Board based on the failure of the Respondent to perform an appraisal on the Property or in the alternative return her check in the amount of Four Hundred Dollars (\$400.00).
5. That on May 17, 2012, the Board sent by certified and regular mail a letter to the Respondent advising her of the complaint filed by Ms. Lilly and asking that she respond within the next twenty (20) days or before June 6, 2012.

6. That on May 25, 2012, the Respondent signed for the certified mail which contained the letter dated May 17, 2012 along with the complaint filed by Ms. Lilly.

7. The Respondent did not respond to the complaint within twenty days nor before June 6, 2012, however, by an email dated June 12, 2012, sent to Sandra Kerns, Executive Director for the Board, the Respondent acknowledged that she received the complaint against her license and that she intended to respond.

8. The Respondent failed to respond to the complaint contained in the Board's letter dated May 17, 2012, therefore, on July 2, 2012 a second letter was mailed to the Respondent, granting her a further extension, allowing her an additional five days from the date of the letter or until July 7, 2012 to responded to the complaint of Ms. Lilly.

9. That on July 6, 2012, the Board received a letter from the West Virginia Attorney General's Consumer Protection Division along with a consumer complaint which Ms. Lilly had also filed with its office.

10. On July 10, 2012, Karen Hudson, Executive Assistant for the Board, telephoned the Respondent to inquire about her response to the May 17, 2012 letter from the Board. The Respondent advised Ms. Hudson that she would mail a response by July 13, 2012.

11. That although the Respondent acknowledged she received the complaint, she failed to timely respond to the allegations in the complaint.

12. Subsequently, by letter dated February 6, 2013, the Respondent provided the Board with a copy of her appraisal report and work file.

#### CONCLUSION OF LAW

1. That the Board has jurisdiction to take disciplinary action against the Respondent.

2. That pursuant to West Virginia Code § 30-38-1 *et seq.*, the Board may revoke a license, suspend a license, reprimand a licensee or take other disciplinary action for violation of the rules and regulations of the Board.

3. The Respondent is a licensee of the West Virginia Real Estate Appraiser Licensing and Certification Board and is subject to license requirements of the Board.

4. That the Board contends that based on the above that the Respondent has violated the provisions of West Virginia Code § 30-38-1 *et seq.* and the regulations promulgated there under in the State of West Virginia and accordingly is subject to disciplinary action.

5. The parties mutually agree to resolve this pending matter without further prosecution.

#### CONSENT OF LICENSEE

The Respondent by affixing her signature hereto, acknowledges the following:

1. That she has the following rights, among others: the right to a formal hearing before the West Virginia Real Estate Appraiser Licensing and Certification Board; the right to reasonable notice of said hearing; the right to be represented by counsel at her own expense; and the right to cross examine witnesses against her.

2. That she waives all rights to such a hearing.

3. That she had the opportunity to consult with her legal counsel and executes this Consent Decree and Order voluntarily, freely, without coercion or duress and is mindful that it has legal consequences.

4. That no person or entity has made any promise or given any inducement whatsoever to encourage her to enter into this Consent Decree and Order other than as set forth herein.

5. That she acknowledges that she is aware that she may pursue this matter through appropriate administrative and/or court proceedings, and she is aware of her legal rights regarding this matter, but intelligently, knowingly and voluntarily waives such rights.

6. That she waives any defenses including, but not limited to, laches, statute of limitations, and estoppel, that she may have otherwise claimed as a condition of this Consent Decree and Order.

7. That she acknowledges that the Board will retain jurisdiction over this matter until all terms and conditions set forth in this Consent Decree and Order have been met to the satisfaction of the Board.

8. That she acknowledges that she is aware that this Consent Decree and Order is a public document, available for inspection at any time by any member of the public under Chapter 29B *et seq.*, of the West Virginia Code, Freedom of Information Act and may be reported to other governmental, professional Boards or organizations.

### ORDER

That the Board agrees to forego further prosecution of the complaint pursuant to the Consent Decree between the Board and Respondent, and hereby ORDERS as follows:

1. The Respondent's license to practice real estate appraising in the State of West Virginia is **SUSPENDED** for a period of thirty days (30).

2. That twenty-five (25) days of the above Suspension shall be stayed until December 31, 2013, at which time, if the Respondent has had no further complaints with the Board, the remaining twenty-five days of the Suspension will become null and void.

3. That the five (5) active days of Suspension shall commence on May 20, 2013 and continue until and include May 24, 2013.

4. That the Respondent shall reimburse Vickey Lilly the sum of Four Hundred Dollars (\$400.00) on or before May 27, 2013, by delivering the sum to her legal counsel who will forward the same to Mrs. Lilly.

5. That the Respondent shall reimburse the Board the sum of One Thousand Five Hundred Dollars (\$1,500.00) for the costs incurred by the Board associated with the investigation and prosecution of this matter. Such payment shall be paid to the Board in full on or before August 31, 2013.

6. That the Respondent shall fully comply with the terms of this Consent Decree and Order. Failure to do so shall be deemed a violation by this Board.

Entered this 13<sup>th</sup> day of JUNE, 2013.

*Nunc pro tunc 5/20/13*

*R. Scott Barber*

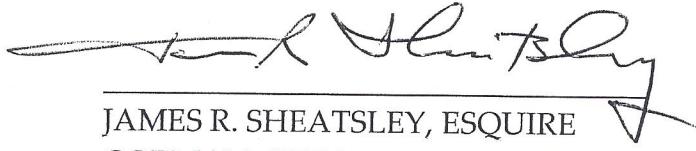
R. SCOTT BARBER, CHAIR  
WEST VIRGINIA REAL ESTATE APPRAISER  
LICENSING AND CERTIFICATION BOARD

PREPARED BY:

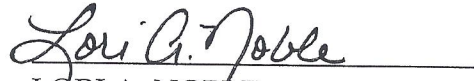
*Darlene Ratliff Washington*

DARLENE RATLIEF WASHINGTON  
SENIOR ASSISTANT ATTORNEY GENERAL  
1900 Kanawha Blvd., East  
Bldg. 1, Room E-26  
Charleston West Virginia 25305  
Counsel for Complainant

REVIEWED AND APPROVED BY:



JAMES R. SHEATSLEY, ESQUIRE  
GORMAN, SHEATSLEY & CO. L.C.  
P.O. Box 5518  
Beckley, West Virginia 25801  
Counsel for Respondent



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LORI A. NOBLE  
Respondent