

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

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

Complainant,

v.

Complaint Number 14-014

BRANDON M. WISE,

Respondent.

CONSENT DECREE AND ORDER

NOW comes the West Virginia Real Estate Appraiser Licensing and Certification Board ("Board") and Brandon M. Wise ("Respondent") for the purpose of resolving the above-styled matter. As reflected in this Consent Decree and Order ("Decree"), the parties have reached an agreement in which Respondent hereby agrees and stipulates to the Findings of Fact and Conclusions of Law set forth in this 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. Respondent is a Licensed Residential real estate appraiser holding license number LR1094.

3. On or around October 15, 2013, Respondent was indicted by the Marion County Grand Jury on two counts of possession with the intent to deliver, Case Number 13-F-200, in the Circuit Court of Marion County, West Virginia.

4. On September 22, 2014, the Board received a 2014-2015 Renewal Application ("Application") from Respondent.

5. The Renewal Application for an appraiser license requires the applicant to disclose whether he/she has any complaints or charges pending against them in any state.

6. On the Application, Respondent specifically denied that he had any current pending complaints or charges.

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

3. Pursuant to West Virginia Code § 30-38-1 *et seq.*, 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.

4. 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.

5. West Virginia Code § 30-38-12(a)(1) provides that "procuring or attempting to procure license or certification under this article by knowingly making a false statement, submitting false information or making a material misrepresentation in an application filed with the Board, or procuring or attempting to procure a license or certification through fraud or misrepresentation" is grounds for disciplinary action, including, but not limited to, revocation or suspension of license.

6. Respondent unlawfully misrepresented to the Board that he did not have pending complaints or charges against him, when, in fact, Respondent had a pending indictment in the Circuit Court of Marion County, West Virginia in violation of W. Va. Code § 30-38-12(a)(1).

CONSENT

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

1. That he 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 his own expense; and the right to cross examine witnesses against him.

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

3. That he has had the opportunity to consult with 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 him to enter into this Consent Decree and Order other than as set forth herein.

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

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

7. That he 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 he acknowledges that he 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.

9. That he acknowledges that this Consent Decree and Order shall be presented to the Board as soon as practical, but no later than the next scheduled meeting of the Board, with a recommendation for approval from the Standards Committee.

10. The Respondent, by affixing his signature hereon, consents and agrees to the following terms and conditions.

ACCEPTANCE BY THE BOARD

This Consent Decree and Order will not be submitted for Board consideration until after it has been agreed to and executed by the Respondent. The Consent Decree shall not become effective until it has been approved by the Board and endorsed by a representative member of the Board.

ORDER

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

1. That the Respondent shall receive a written reprimand.
2. Respondent, within thirty (30) days of the date of entry of this order, shall pay to the Board the amount One Thousand Two Hundred Dollars (\$1,200.00). Such payment by Respondent shall represent the costs incurred by the Board associated

with the investigation of the instant complaint, and the subsequent reimbursement to the Board thereof.

3. That the Respondent shall disclose any and all charges pending on any future renewal applications.

4. The Respondent's failure to fully comply with the terms in paragraph 2 in the Order section of this Consent Decree and Order may be deemed a violation of the same, and the Board may take immediately action to suspend the Respondent's license.

Entered this 12th day of August 2015.



GLENN SUMMERS, CHAIR
West Virginia Real Estate Appraiser
Licensing and Certification Board

REVIEWED AND APPROVED BY:



BRANDON M. WISE (LR1094)
Respondent

Date