

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

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

Complainant,

v.

COMPLAINT NO.: 14-017

PAUL RANDALL PAYNE,

Respondent.

CONSENT DECREE AND ORDER

Now comes the West Virginia Real Estate Appraiser Licensing and Certification Board ("Board") and Paul Randall Payne ("Respondent"), for the purpose of resolving the above-styled matter.

Whereas, the parties mutually desire to settle this issue, without further prosecution and a formal hearing.

Therefore, it is hereby stipulated and agreed to 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 Number CR0045 and is subject to the license requirements 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 (USPAP) promulgated by the Appraisal Foundation.

4. On November 24, 2014, the Board received a complaint form from West Virginia Housing Development Fund (“HUD”), which stated that their Quality Control Manager conducted an in-depth review of appraisals performed by the Respondent from January 2013 through August 2014.

5. HUD’s alleged that their review revealed that the appraisal contained substantial error(s) and/or omission(s) that may have significantly affected the appraisal value of the subject properties in violation USPAP.

6. Further, HUD stated that their review showed that the Respondent utilized the same comparables more than once using inconsistent data.

7. On March 3, 2015, the Board’s Standards Committee met and reviewed the complaint received from HUD as well as the response from the Respondent.

8. As part of its investigation, the Standard Committee determined that an informal discussion with the Respondent was necessary.

9. On the 5th day of May 2015, the Respondent appeared before the Standards Committee for an Informal Discussion.

10. Based on the complaint, the Respondent's response and the informal conference the Standard Committee made a recommendation to the Board that the Respondent had violated at a minimum USPAP Standard 1-1(c).

11. On the 10th day of June 2015, the Board voted to initiate disciplinary proceedings against the Respondent based on his conduct in preparation of the various HUD appraisals was in violation of USPAP.

CONCLUSION 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 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. Specifically, 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. That the Respondent is a certified residential real estate appraiser licensed by this Board.

5. The Respondent as a licensee of the Board is subject to its license requirements.

6. Pursuant to USPAP Standard 1-1(c), an appraiser must "not render appraisal services in a careless or negligent manner, such as by making a series of errors that, although

individually might not significantly affect the results of an appraisal, in the aggregate affects the credibility of those results.”

7. The Respondent violated USPAP Standard 1-1(c) as outlined above.

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

CONSENT

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:

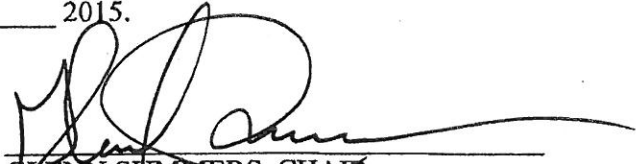
1. The Respondent shall within one year complete and provide to the Board all proper documentation reflecting that he has successfully completed, the seven (7) hour course titled "The Sales Comparison" by McKissock or a Board pre-approved equivalent. Completion

of this course shall be over and above the regular continuing education hours required by the rules and regulations of the Board.

2. That the Respondent shall reimburse the Board the sum of Four Thousand Five Hundred Dollars (\$4,500.00) 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 October 1, 2016.


3. The Respondent's failure to fully comply with the terms and conditions 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 11 day of Dec 2015.



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

REVIEWED AND APPROVED BY:


PAUL RANDALL PAYNE Date 12/11/15
Respondent