

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

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

Complainant,

v.

Complaint Number 16-010

BOBBY PREECE,

Respondent.

CONSENT DECREE AND ORDER

NOW comes the West Virginia Real Estate Appraiser Licensing and Certification Board ("Board") and Bobby Preece ("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 certified residential appraisers.
2. Respondent is a Certified Residential real estate appraiser holding license number CR0899.

3. On October 20, 2016, the Respondent entered a home located at 2520 Rear McComas Road, Barboursville, West Virginia, for the purpose of preparing an appraisal on the property.

4. The home was equipped with a camera. A review of camera footage after the Respondent left the home revealed that the Respondent went through a purse. The Respondent was also seen going through a medicine cabinet, and opening bottles of medication.

5. The Respondent stated in his response that he had a migraine headache and was looking for Tylenol. The Respondent admits that his actions compromised the public's trust.

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)(3) provides that "an act or omission in the practice of real estate appraising which constitutes dishonesty, fraud or

misrepresentation with the intent to substantially benefit the licensee or another person or with the intent to substantially injure another person" is grounds for disciplinary action, including, but not limited to, revocation or suspension of license. Additionally, West Virginia Code § 30-1-8(a) states that every board . . . may suspend or revoke the license of any person who has been convicted of a felony or who has been found to have engaged in conduct, practices or acts constituting professional negligence or a willful departure from accepted standards of professional conduct."

6. The Respondent's actions clearly constitute a willful departure from accepted standards of conduct.

CONSENT

Respondent, both in his individual capacity and as a certified residential appraiser, by the executive 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.

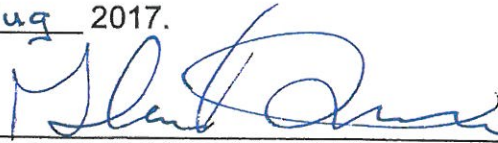
ORDER

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

1. That the Respondent's license to perform real estate appraisals be suspended for a period of five (5) days. The period of suspension shall begin on the date that the Order is fully executed by all parties.

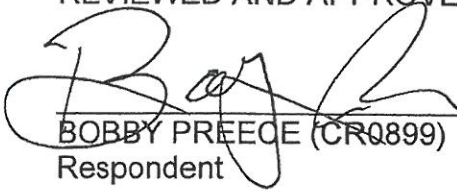
On the basis of the foregoing, the Board hereby ORDERS as follows:

Entered this 30 day of Aug 2017.



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

REVIEWED AND APPROVED BY:



BOBBY PREECE (CR0899)
Respondent

8-29-17
Date