

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

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

Complainant,

v.

Complaint Number 16-018A

JAMIL S. ALLIE,

Respondent.

CONSENT DECREE AND ORDER

NOW comes the West Virginia Real Estate Appraiser Licensing and Certification Board ("Board") and Jamil S. Allie ("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 CR1080.

3. On August 30, 2013, the Respondent appraised a property located at 4800 Allens Fork Road, Charleston, West Virginia. The appraisal was intended to be used for an FHA loan.
4. The appraisal described the home as a "1975 Rambler." The appraisal valued the property at \$126,000.00. In actuality, the home was a 1971 mobile home.

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 Uniform Standards of Professional Appraisal Practice (USPAP), "Scope of Work Rule", states that "for each appraisal and appraisal review assignment, an appraiser must identify the problem to be solved, determine and perform the scope of work necessary to develop credible assignment results and disclose the scope of work in the report."
5. Standards rule 1-2(e) states that "in developing a real property appraisal, an appraiser must identify the characteristics of the property that are relevant to the type and definition of value and intended use of the appraisal."
6. Standards rule 1-2(h) states that "in developing a real property appraisal, an

appraiser must determine the scope of work necessary to produce credible assignment results in accordance with the Scope of Work Rule.”

7. Standards rule 1-5 states that “when the value opinion to be developed is market value, an appraiser must, if such information is available to the appraiser in the normal course of business: (a) analyze all agreements of sale, options and listings of the subject property current as of the effective date of the appraisal; and (b) analyze all sales of the subject property that occurred within the three years prior to the effective date of the appraisal.”

8. 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.

9. The Respondent failed to define the scope of work prior to accepting the appraisal assignment.

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.
2. That the Respondent shall within two (2) months, from entry of this agreement, complete a corrective education course: Scope of Work: Appraisals and Inspections. This course is four credit hours and must be taken at the Board office under the oversight of board staff. This course is online by the Appraisal Foundation through McKissock. The Respondent shall pay all costs associated with the course. This course shall be taken in addition to continuing education necessary to renew his appraiser license. This course must be successfully completed with sixty (60) days of the entry date of this order.

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

Entered this 21 day of Sept., 2017.



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

REVIEWED AND APPROVED BY:


JAMIL S. ALLIE (CR1080)
Respondent

9-15-17
Date