

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

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

Complainant,

v.

Complaint

No. 24-012

**MASELAH SURMATY,
License No. 1107**

Respondent.

CONSENT DECREE

Respondent Maselah Surmaty (“Respondent”) and the West Virginia Real Estate Appraiser Licensing and Certification Board (“Board”) enter the following Consent Decree for the purpose of resolving the above-styled complaint. As reflected in this Consent Decree, the parties have reached an agreement in which Respondent agrees and stipulates to the Findings of Fact, Conclusions of Law, and disposition of this matter. The Board, having approved such agreement, does hereby Find and Order as follows:

FINDINGS OF FACT

1. Respondent is a licensed real estate appraiser, holding license No. CR 1107.
2. On or about April 17, 2024, Respondent applied to the Board for supervisor certification pursuant to W. Va. Code R. § 190-2-11.8.

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3. In review of Respondent's application, the Board researched Respondent's disciplinary history through the Appraisal Subcommittee National Appraiser Registry (ASC). The research revealed that Respondent entered a consent decree and was issued a disciplinary reprimand and directed to pay a penalty of \$1,500.00 in Maryland in January of 2021, for violations of Bus. Occ & Prof. §§ 16-701(a)(1)(x), (xi), and (xiii), which includes provisions of the Uniform Standards of Professional Appraisal Practice rules. The parties stipulated that the report contained aspects of an "as is" and "subject to rebuild" valuation and did not properly identify the problem to be solved. Comparables of both an "as is" and "subject to rebuild" valuation were used in the same report without proper explanation. The confusion of the two different types of valuations in a single report affected the credibility of the appraisal.

4. Further, Respondent received a disciplinary fine in June of 2022 in Virginia for failure to report the Maryland discipline.

5. Respondent failed to disclose his out-of-state discipline on two prior renewal applications in West Virginia.

6. On June 21, 2024, the Board issued a Board Initiated Complaint in this matter.

7. On August 7, 2024, Respondent submitted a response admitting to the allegations contained therein and taking responsibility for his actions.

8. At its meeting on August 28, 2024, the Board found probable cause that Respondent had violated West Virginia Code § 30-38-12(a)(1) in procuring a license through material misrepresentations in his renewal applications filed with the Board.

CONCLUSIONS OF LAW

1. Under West Virginia Code § 30-38-12(a)(1), the Board is authorized to deny issuance or renewal of a license or certification or take disciplinary action for “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.”

2. Respondent made false statements in his renewal applications for two consecutive years to procure his license through misrepresentation in violation of § 30-38-12(a)(1).

CONSENT

By signing below, Respondent agrees to the following:

1. Respondent has had the opportunity to consult with counsel and executes this Consent Decree voluntarily, freely, without compulsion or duress and mindful that it has legal consequences. No person or entity has made any promise or given any inducement whatsoever to encourage Respondent to make this settlement other than as set forth herein. Respondent acknowledges that he may pursue this matter through appropriate administrative proceedings and is aware of his legal rights regarding this matter, but intelligently and voluntarily waives such rights.

2. Respondent acknowledges the Findings of Fact set forth above, admits that there is probable cause to conclude that the violations set forth above in the Conclusions of Law occurred, and consents to the entry of the following Order:

ORDER

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

1. Respondent shall pay a fine in the amount of \$1,000.00, payable to the State of West Virginia by certified check and submitted to the Board within 60 days of the entry of this Consent Decree by the Board;
2. Respondent shall be suspended from applying to become an apprentice supervisor as set forth in W. Va. Code R. § 190-2-11 for one year.
3. This discipline shall be reportable to the ASC.
4. This document constitutes a public document for purposes of the Freedom of Information Act.

CONSENT DECREE AGREED TO BY:



Maselah Surmaty

09-26-2024

Date

ENTERED into the records of the Real Estate Appraiser Licensing and Certification Board this:

30th day of September, 2024.

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

By: *Rachel Phillips*

Rachel Phillips, Chair