

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: West Virginia Real Estate Appraiser TITLE NUMBER: 190
Licensing and Certification Board

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 1

TITLE OF RULE BEING PROPOSED: Rules and Regs of Real Estate
Appraisers Licensing & Certification Board

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Sb1

SECTION 64-9-31(a), PASSED ON March 14, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 10, 1992

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TITLE 190
LEGISLATIVE RULES
WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

SERIES 1

§ 190-1-1. General.

1.1. Scope - This legislative rule establishes definitions, meeting dates and times, and various other provisions dealing with the licensing and certification of real estate appraisers by the West Virginia Real Estate Appraiser Licensing and Certification Board; along with standards of conduct and penalties for real estate appraisers.

1.2. Authority. - W. Va. Code § 37-14-6 as amended (1991).

1.3. Filing date. - _____.

1.4. Effective date. - _____.

§ 190-1-2. Definitions.

2.1. The following words and terms, when used in this rule, unless a different meaning is provided or is plainly required by the context, have the following meanings:

2.1.1. "Independent appraisal service" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion or conclusion relating to the nature, quality, value, or utility of identified real estate or identified real property.

2.1.2. "Licensee" means any individual holding a license issued by the Real Estate Appraiser Board to act as a licensed residential real estate appraiser.

2.1.3. "Real estate appraisal or real estate related organization" means any appraisal or real estate related organization formulated on a national level, where its membership extends to more than one state or territory of the United States, and where its educational courses or seminars meet standards set forth by the organization.

2.1.4. "Registrant" means any nonresident applicant who has registered with the Board and who desires to perform a temporary contract of real estate appraisal within this state.

2.1.5. "Specialized appraisal service" means an engagement to provide appraisal service which does not fall within the definition of "independent appraisal service". The term may include valuation, appraisals, analysis assignments and review

assignments. Regardless of the intention of the client or employer, if the appraiser is, in fact, perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an independent appraisal service and not as a specialized appraisal service.

2.1.12. "Real estate appraisal activity" means the act or proces of making an appraisal of real estate or real property and preparing an appraisal report.

§ 190-1-3. Real Estate Appraiser Licensing and Certification Board created, meeting dates, times.

3.1. West Virginia Code § 37-14-5 as amended (1991), established the Real Estate Appraiser Licensing and Certification Board (herein referred to as Board). The Board shall meet every third Wednesday of the second month of each calendar quarter at a time to be determined by the Board.

§ 190-1-4. Licenses and Certificates.

4.1. The Board shall issue to each licensed or certified real estate appraiser, a document stating that such license or certification has been issued pursuant to W. Va. Code § 37-14-13 and specifying the licenses expiration date. The Board shall issue a pocket card with the name and license or certification number of the respective applicant on a size and form provided by the Board. All licensed or certified real estate appraisers governed by these rules shall place the respective title and license or certification number on any and all statements of qualifications, contracts or other instruments, including advertising media. The pocket cards remain the property of the Board and the licensee must surrender it at any time upon request by the Board.

4.2. The Board shall maintain for public inspection during regular Board office hours, a complete and properly indexed record of all applications for licensure or certification received, and licenses or certifications issued, renewed, revoked, cancelled or suspended. The Board shall make a copy of such record available to the public upon application and the payment of a reasonable fee determined by the Board.

§ 190-1-5. Standards of professional appraisal practice.

5.1. Each real estate appraiser licensed or certified under this rule shall comply with the generally accepted standards of professional appraisal practice and generally accepted ethical rules to be observed by a real estate appraiser. Generally accepted standards of appraisal practice are currently set forth by the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Foundation. After the holding of a

public hearing, the Board may modify or add to these uniform standards.

§ 190-1-6. Collection of appraisal fees.

6.1. No person engaged in the business of real estate appraisal shall bring any action in any court in this state to collect compensation for the performance of real estate appraisal services for which service a license or certification is required unless said person can prove that he or she was the holder of a valid real estate appraiser license or certification at the time of the performance of the service.

§ 190-1-7. Penalty.

7.1. An individual acting as a licensed real estate appraiser without first obtaining the appropriate license is guilty of a misdemeanor, and, upon conviction, shall be fined not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1000.00). The individual is also ineligible to obtain a valid license for a period of one year from the date of the conviction: Provided that, the Board may grant a license to such person within the one-year period upon application and payment of fees, upon a finding of extenuating circumstances, and after an administrative hearing.

7.2. Any person acting as a certified real estate appraiser without first obtaining a valid certification is guilty of a misdemeanor and, upon conviction, shall be fined not more than two thousand five hundred dollars (\$2500.00), imprisoned in the county jail for not more than one year, or both. The individual is also ineligible to obtain a valid certification for a period of one year from the date of the conviction: Provided that, the Board may grant a certification to such person within the one-year period upon application and payment of fees, upon a finding of extenuating circumstances, and after an administrative hearing.

7.3. If any individual receives money or anything else of value as a fee, commission, compensation or profit while in violation of these rules, the individual shall, in the addition to those penalties set forth in subsection 7.1 and 7.2 of this rule, be subject to a penalty not less than the amount of the remuneration received nor more than three times such sum, as determined by a court of competent jurisdiction, which penalty may be enforced in a court of competent jurisdiction by any person aggrieved by the violation.

§ 190-1-8. Roster.

8.1. The Board shall annually publish a roster of all persons licensed and certified pursuant to these rules. The Board shall make a copy of the register available to the public, upon

application to the Board, and the payment of a reasonable fee determined by the Board.

Bill RE Appraiser, Bd Rules 190-1

H. B. 4321

(By Delegate Grubb)

(Introduced January 27, 1992; referred to the

Committee on Government Organization and the Judiciary)

10 A BILL to amend article nine, chapter sixty-four of the code of
11 West Virginia, one thousand nine hundred thirty-one, as
12 amended, by adding thereto a new section, designated section
13 twenty-nine, relating to authorizing the real estate
14 appraiser licensing and certification board to promulgate
15 legislative rules relating to the board.

16 Be it enacted by the Legislature of West Virginia:

17 That article nine, chapter sixty-four of the code of West
18 Virginia, one thousand nine hundred thirty-one, as amended, be
19 amended by adding thereto a new section, designated section
20 twenty-nine, to read as follows:

21 ARTICLE 9. AUTHORIZATION FOR MICELLANEOUS AGENCIES AND BOARDS TO
22 PROMULGATE LEGISLATIVE RULES.

23 §64-9-29. Real estate appraiser licensing and certification
24 board.

11

1 The legislative rules filed in the state register on the
2 eighteenth day of July, one thousand nine hundred ninety-one,
3 modified by the real estate appraiser licensing and certification
4 board to meet the objections of the legislative rule-making
5 review committee and refiled in the state register on the
6 eighteenth day of November, one thousand nine hundred ninety-one,
7 relating to the real estate appraiser licensing and certification
8 board (rules and regulations of the real estate appraiser
9 licensing and certification board) are authorized.

10

11 NOTE: The purpose of this bill is to authorize the Real
12 Estate Appraiser Licensing and Certification Board to promulgate
13 legislative rules relating to the Board.

14

15 This section is new; therefore, strike-throughs and
16 underscoring have been omitted.



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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Si Galperin

AGENCY: Real Estate Appraiser Licensing & Certification Bd.

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: January 13, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 1 TITLE: 190 Real Est. Appr. Lic. & Cert. Bd.

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Si Galperin

TITLE OF PERSON SIGNING: Executive Director

DATE: 1/14/93

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.