

**WEST VIRGINIA
SECRETARY OF STATE**

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #3

Do Not Mark In this Box

FILED

MAY 28 8 40 AM '93

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

WV Real Estate Appraiser
AGENCY: Licensing & Certification Board TITLE NUMBER: 190

CITE AUTHORITY WV Code 37-14-6

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Requirements for Licensure and
Certification

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Ken Hechler

APPENDIX B

ORIGINAL

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 190, Requirements for Licensure and Certification
 Type of Rule: X Legislative Interpretive Procedural
 Agency WV Real Estate Appraiser Licensing & Certification Board
 Address 814 Virginia Street, East Suite 212
Charleston, WV 25301-2826

1. Effect of Proposed Rule

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$ —	\$ —	\$ —	\$ —	\$ —
PERSONAL SERVICES	—	—	—	—	—
CURRENT EXPENSE	—	—	—	—	—
REPAIRS & ALTERNATIONS	—	—	—	—	—
EQUIPMENT	—	—	—	—	—
OTHER	—	—	—	—	—

2. Explanation of above estimates:

No change in costs due to these amendments.
 Might decrease income by \$10,000 - \$15,000 due to elimination of Transitional Licenses.
 Apprentice permits less expensive than a license.

3. Objectives of these rules:

- A) To regulate the use of helpers and assistants who are not licensed.
- B) To establish a voluntary apprentice program for individuals who desire to acquire the experience needed to be licensed.
- C) To eliminate the issuance of Transitional Licenses to new applicants.
- D) To reduce from 165 to 135 the number of classroom hours required to be a certified residential appraiser.

Rule Title: Requirements for Licensure and Certification

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

N/A

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of Citizens.

N/A

C. Economic Impact on Citizens/Public at Large.

N/A

Date: May 28, 1993

Signature of Agency Head or Authorized Representative

L. J. Fisher

DATE: May 28, 1993

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WV Real Estate Appraiser Licensing & Certification Board

LEGISLATIVE RULE TITLE: Requirements for Licensure and Certification

1. Authorizing statute(s) citation WV Code 37-14-6

2. a. Date filed in State Register with Notice of Hearing
March 2, 1993

b. What other notice, including advertising, did you give of the hearing?

Letters to the WV Association of Realtors, the WV Bankers Association, and to all appraisers.

c. Date of Hearing(s) May 14, 1993

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached X No comments received 3

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

May 28, 1993

f. Name and phone number(s) of agency person(s) to contact for additional information:

Si Galperin, Executive Director 558-3919

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing: _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

d. Attach findings and determinations and reasons:

Attached _____

FILED

MAY 28 8 41 AM '93

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

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 2

§ 190-2-1. General.

1.1. Scope - This rule establishes the requirements for an applicant to become a licensed or certified real estate appraiser in the state of West Virginia by the West Virginia Real Estate Appraiser Licensing and Certification Board.

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

1.3. Filing Date - _____.

1.4. Effective date - _____.

§190-2-2. Definitions.

2.1. "Classroom hour" means 50 minutes out of each 60 minute segment of classroom instruction. A "classroom hour" does not include time spent in the performance of a home study program or correspondence course.

2.2. "Experience" as used in this rule includes, but is not limited to, experience gained in the performance of traditional appraisal assignments, or in the performance of the following: fee and staff appraisals, ad valorem tax appraisal, review appraisal, appraisal analysis, real estate counseling, highest and best use analysis, feasibility analysis/study, and teaching of appraisal courses.

2.3. "Accredited colleges, universities and junior and community colleges" means those institutions of higher learning under the West Virginia Board of Directors or Board of Trustees, or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers.

2.4. "Adult distributive or marketing education programs" means those programs offered at schools approved by the West Virginia Board of Directors or Board of Trustees, or any other local, state, or federal government agency, board or commission to teach adult education or marketing courses.

2.5. "Appraiser Qualification Board" means the board created by the Appraisal Foundation to establish appropriate criteria for the licensure and certification of qualified appraisers by defining, issuing and promoting the qualification criteria; to disseminate the qualification criteria to states, governmental

entities and others; and to develop or assist in the development of appropriate examinations for qualified appraisers.

2.6. "Local, state or federal government agency, board or commission" means an entity established by any local, federal or state government to protect or promote the health, safety and welfare for the citizens of its domain.

2.7. "Proprietary School" means a privately owned school, under the authority of a local, state or federal government agency, board or commission, offering appraisal or appraisal related courses.

2.8. "Uniform Standards of Professional Appraiser Practice" means those standards promulgated by the Appraisal Standards Board of the Appraisal Foundation for use by all appraisers in the preparation of appraisal reports.

§ 190-2-3. Real Estate appraiser license required.

3.1. Beginning the first day of January, one thousand nine hundred ninety-two, it is unlawful for any person, for compensation or valuable consideration, to prepare a valuation appraisal or a valuation appraisal report relating to real estate or real property in this state without first being licensed or certified as provided in this rule. This section does not apply to persons who do not render significant professional assistance in arriving at a real estate appraisal analysis, opinion or conclusion. Nothing in this rule prohibits any person who is licensed to practice in this state under any other law from engaging in the practice for which he or she is licensed.

3.2. This rule does not apply to the following individuals or activities:

3.3.1. A licensed real estate broker or salesperson who, in the ordinary course of his or her business, gives an opinion to a potential buyer, seller or third party, as to the recommended listing price of a piece of real estate, when the advice or opinion is not referred to as an appraisal, no opinion is given as to the value of the real estate, and no fee is charged.

3.3.2. A casual or drive-by inspection of real estate in connection with a consumer loan secured by the real estate, when the inspection is not referred to as an appraisal report, no opinion is rendered as to the value of the real estate, and no fee is charged;

3.3.3. An employee who renders an opinion as to the value of real estate for his or her full-time employer,

for the employer's internal use only, and when the opinion is rendered in the regular course of the employee's position, the opinion is not referred to as an appraisal report and no fee is charged;

3.3.4. Appraisals of personal property, including, but not limited to, jewelry, household furnishings, vehicles, and manufactured homes not attached to real estate;

3.3.5. Any officer or employee of the United States or the State of West Virginia or a political subdivision thereof, when the officer or employee is performing his or her official duties: Provided, the individual does not furnish advisory service for compensation to the public or act as an independent contracting party in West Virginia or any subdivision thereof in connection with the appraisal of real estate: Provided however, this exception does not apply with respect to federally related transactions as defined in Title XI of the United States Code, entitled "Financial Institutions Reform, Recovery, and Enforcement Act of 1989."

3.3.6. A person licensed to practice public accountancy as defined in W. Va. Code § 30-9-2, including the performance of a business evaluation; Provided, that this exception does not apply to federally related transactions as defined in the "Financial Institutions Reform, Recovery, and Enforcement Act of 1989", 12 U.S.C. § 3331 et seq.

3.3.7. Any evaluation of the value of real estate serving as collateral for a loan made by a financial institution insured by the Federal Deposit Insurance Corporation: Provided, That: (1) The amount of the loan is less than fifty thousand dollars or such other amount not to exceed one hundred thousand dollars established by the Federal Deposit Insurance Corporation, the board of governors of the federal reserve system, the office of the comptroller of the currency or the office of thrift supervision pursuant to authority granted under Title XI of the United States Code, entitled Financial Institutions Reform Recovery, and Enforcement Act of 1989 applicable to a particular insured financial institution as the level below which collateral evaluations need not be performed by a licensed or certified appraiser; (2) the evaluation is used solely by the lender in its records to document the collateral value; (3) the evaluation clearly indicates on its face that it is for the lender's internal use only; (4) the evaluation is not labeled an "appraisal"; and (5) the evaluation is on a form approved by the board.

Individuals performing these evaluations may be compensated for their services.

§ 190-2-4. Classification of licensure and certification.

There are three classifications of real estate appraisers:

4.1. State licensed residential real estate appraiser. -- The state licensed residential real estate appraiser classification consists of those persons who meet the requirements for licensure that relate to the appraisal of (1) Complex residential real estate of one to four units having a value of less than two hundred fifty thousand dollars; (2) non-complex residential real estate of one to four units having a value of less than one million dollars; and (3) non-residential real estate having a value of less than one hundred thousand dollars.

4.2 State Certified Residential Real Estate Appraiser. -- The state certified residential real estate appraiser classification consists of those persons who meet the requirements for certification that relate to the appraisal of residential real estate of one to four units without regard to value or complexity and to the appraisal of nonresidential real estate when the value is less than one hundred thousand dollars.

4.3. State certified general real estate appraiser. --The state certified general real estate appraiser classification consists of those persons who meet the requirements for certification relating to the appraisal of all types of real estate and to the appraisal of non-residential real estate when the value is less than one hundred thousand dollars.

4.4. On each application for licensure or certification and each application to take an examination the applicant shall specify the classification being applied for and, if applicable, the class of licensure or certification previously granted the applicant.

§ 190-2-5. Adoption of Appraisal Foundation criteria

5.1. Pursuant to W. Va. Code § 37-14-30, all applicants for licensure or certification as a real estate appraiser shall satisfy the education, experience and examination criteria established by the Appraisal Qualifications Board of the Appraisal Foundation which have been adopted by this Board.

§ 190-2-6. General qualifications for licensure or certification.

6.1. Every applicant to the Board who wishes to be classified as a licensed or certified real estate appraiser shall have the following qualifications:

6.1.1. The applicant has a good reputation for honesty, truthfulness, and fair dealing, and is competent to transact the business of a licensed or certified real estate appraiser in such a manner as to safeguard the interests of the public.

6.1.2. Except as provided for in 190 CSR 2, the applicant meets the current education and experience requirements and submits an application to the Board or its agent prior to the time the applicant is approved to sit for the licensing or certification examination. An applicant must complete an application for licensure or certification within twelve months of the date of the receipt of the application and fee by the Board.

6.1.3. The applicant is in good standing as a real estate appraiser in every jurisdiction where licensed or certified. The applicant's occupational or professional license or certification has not been suspended, revoked or surrendered in connection with a disciplinary action or the applicant has not been the subject of disciplinary action in any jurisdiction prior to applying for licensure or certification in West Virginia.

6.1.4. The applicant has not been found guilty or pled guilty, regardless of adjudication, in any jurisdiction, of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere is considered a conviction for purposes of this subsection. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted is admissible as prima facie evidence of the conviction.

6.1.5. The applicant is at least 18 years of age.

6.2. The board may consider and approve for licensure or certification applicants who do not meet the requirements set forth in this section.

6.3. At the time of filing an application for original or renewal of certification, each applicant shall sign a pledge to comply with the standards of professional appraisal practice and the ethical rules that are established by the Board. Each applicant must also certify that he or she understands the types of misconduct as described in 190 CSR 4 and that disciplinary proceedings may be initiated against him or her for such misconduct.

§ 190-2-7. Additional qualifications for licensed residential real estate appraisers.

An applicant for a license as a licensed residential real estate appraiser shall meet the following requirements in addition to those set forth in Section 6 of this rule:

7.1. Education.

7.1.1. The applicant has successfully completed seventy-five (75) classroom hours of courses in subjects related to real estate appraisal of which a minimum of fifteen (15) hours includes coverage of the Uniform Standards of Professional Appraisal Practice.

7.1.2. The Board will grant credit towards classroom hours where the length of the educational offering was at least fifteen (15) hours and the applicant successfully completed an examination concerning that offering.

7.1.3. An applicant may obtain credit towards classroom hours from the following: Provided that, the courses have been registered with and approved by the Board:

- a. Accredited colleges or universities;
- b. Community or junior colleges;
- c. Real estate appraisal or real estate related organizations;
- d. Local, state or federal agencies, boards or commissions;
- e. Proprietary schools;
- f. Adult distributive or marketing educational programs; and
- g. Any other entity which has received prior approval by the Board.

7.1.4. The Board may award credit towards classroom hours to teachers of appraisal courses, however, a teacher may not receive both education and experience credit for the same classroom hour. A teacher may obtain credit for the classroom hour or experience, but not both.

7.1.5. There is no time limit for when an applicant must obtain qualifying education credit.

7.1.6. The Board may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided, that the credit was granted by the course provider prior to July 1, 1990, and provided further, that the Board is satisfied with the quality of the challenge examination that was administered by the course provider.

7.1.7. The Board may credit various appraisal courses toward the seventy-five (75) classroom hour requirement if the applicant can show that his or her education involved coverage of all of the following topics, with particular emphasis on the appraisal of one to four unit residential properties:

- a. Influences on real estate value;
- b. Legal considerations in appraisal;
- c. Types of value;
- d. Economic principles;
- e. Real estate markets and analysis;
- f. Valuation process;
- g. Property description;
- h. Highest and best use analysis;
- i. Appraisal statistical concepts;
- j. Sales comparison approach;
- k. Cost approach;
- l. Site value;
- m. Income approach;
 gross rent multiplier analysis
 estimation of income and expenses
 operating expense ratios
- n. Valuation of partial interests; and
- o. Appraisal standards and ethics.

7.1.8. The applicant shall submit to the Board a listing of those courses which he or she claims meet the education credit requirement, on a form to be prescribed by the Board. In addition, the applicant shall submit proof that he or she completed the course if proof is available. The applicant shall submit proof of the completion of a course claimed for credit if that course was completed after July 1, 1991.

7.2. Experience.

7.2.1. The applicant has a minimum of two thousand (2000) hours of appraisal experience. The Board or the applicant may treat hours as cumulative in order to achieve the required 2000 hours.

7.2.2. The applicant shall execute an affidavit as a part of the application for licensure, attesting to his or her experience in the field of real estate appraisal. This affidavit should be on log forms provided by the Board with the application, and the application shall also comply with the procedure for calculation of experience set forth in Section 9 of this rule.

7.3. Examination.

7.3.1. The applicant shall have registered for and passed a written examination administered by the Board or by a testing service acting on behalf of the Board prior to the issuance of his or her initial license.

7.4. Transitional license.

7.4.1. The applicant may take the exam and be issued a transitional license as a state licensed residential real estate appraiser as long as: (1) the applicant meets either the education or experience requirements for licensure; (2) all other criteria is satisfied; (3) the applicant passes the examination; and (4) the educational deficiency is corrected within one (1) year of the issuance of the transitional license, or the experience deficiency is corrected within two (2) years of the issuance of the transitional license. Provided: This license shall not be issued to any applicant after July 15, 1993.

§ 190-2-8. Additional qualifications for certified general and certified residential real estate appraisers.

An applicant for a classification as a certified real estate appraiser shall meet the following requirements in addition to those set forth in Section 3 of this rule:

8.1. Education.

8.1.1(a). For general certification, the applicant has successfully completed one hundred sixty-five (165) classroom hours of courses in subjects related to real estate appraisal of which a minimum of fifteen (15) hours included coverage of the Uniform Standards of Professional Appraisal Practice.

8.1.1(b). For residential certification the applicant has successfully completed one hundred and five (105) classroom hours of courses in subjects related to real estate appraisal of which a minimum of (15) hours included coverage of the Uniform Standards of Professional Appraisal Practice. Effective January 1, 1994, the applicant must have successfully completed ~~one-hundred-sixty-five--(165)~~ one hundred thirty-five (135) classroom hours of courses in subjects related to real estate appraisal of which a minimum of fifteen (15) hours included coverage of the Uniform Standards of Professional Appraisal Practice.

8.1.2. The Board will grant credit towards classroom hours only where the length of the educational offering is at least fifteen (15) hours and the individual successfully completes an examination concerning that offering.

8.1.3. An applicant may obtain credit towards classroom hours from the following: Provided that, the courses have been registered with and approved by the Board:

- a. Accredited colleges or universities;
- b. Community or junior colleges;
- c. Real estate appraisal or real estate related organizations;
- d. Local, state or federal agencies, boards or commissions;
- e. Proprietary schools;
- f. Adult distributive or marketing education programs; and
- g. Any other entity which has received prior approval by the Board.

8.1.4. The Board may award credit toward classroom hours to teachers of appraisal courses, however, a teacher may not receive both education and experience credit for the same classroom hour. A teacher may obtain credit for the classroom hour or experience, but not both.

8.1.5. There is no time limit for when an applicant must obtain qualifying education credit.

8.1.6. The Board may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided that such credit was granted by the course provider prior to July 1, 1990, and provided further that the Board is satisfied with the quality of the challenge examination that was administered by the course provider.

8.1.7. For general certification, the Board may credit various appraisal courses toward the one hundred sixty-five (165) classroom hour requirement if the applicant can show that his or her education involved coverage of all of the following topics, with particular emphasis on the appraisal of non-residential properties:

- a. Influences on real estate value;
- b. Legal considerations in appraisal;
- c. Types of value;
- d. Economic principles;
- e. Real estate markets and analysis;
- f. Valuation process;

- g. Property description;
- h. Highest and best use analysis;
- i. Appraisal math and statistics;
- j. Sales comparison approach;
- k. Site value;
- l. Cost approach;
- m. Income approach;
 - estimation of income and expenses
 - operating statement ratios
 - direct capitalization
 - cash flow estimates
 - measures of cash flow
 - discounted cash flow analysis
- n. Valuation of partial interests;
- o. Appraisal standards and ethics; and
- p. Narrative report writing.

8.1.8 For residential certification, the Board may credit various appraisal courses toward the classroom hours required by subsection 8.1.1(b) if the applicant can show that his or her education involved coverage of all topics listed below with particular emphasis on the appraisal of one to four unit residential properties:

- a. Influences on real estate value
- b. Legal considerations in appraisal
- c. Types of value
- d. Economic principles
- e. Real estate markets and analysis
- f. Valuation process
- g. Property description
- h. Highest and best use analysis
- i. Appraisal statistical concepts
- j. Sales comparison approach
- k. Site value
- l. Cost approach
- m. Income approach
 - gross rent multiplier analysis
 - estimation of income and expenses
 - operating expense ratios
 - direct capitalization
- n. Valuation of partial interests
- o. Appraisal standards and ethics
- p. Narrative report writing

8.1.9. The applicant shall submit to the Board a listing of those courses which he or she claims meet the education credit requirement, on a form to be prescribed by the Board. In addition, the applicant shall submit proof that he or she completed the course if proof is available. The applicant shall submit proof of the

completion of a course claimed for credit if that course was completed after July 1, 1991.

8.2. Experience.

8.2.1. The applicant has a minimum of two (2) calendar years experience as a real estate appraiser. The Board considers two thousand (2000) hours of experience to be the equivalent of two (2) years of experience. For general certification only, at least one-half (1000 hours) of the appraisal experience required must be in non-residential appraisal assignments.

8.2.2. The applicant shall execute an affidavit attesting to his or her experience in the field of real estate appraisal, as a part of the application for certification upon log forms provided by the Board with the application. This affidavit must consist of a detailed list of the real estate appraisal reports or file memoranda for each year of which experience is claimed by the applicant. Upon request, the applicant shall provide the Board a sample of appraisal reports which the applicant has prepared in the course of his or her practice.

8.3. Examination.

8.3.1. The applicant has registered for and passed a written examination administered by the Board or by a testing service acting on behalf of the Board prior to the issuance of his or her initial certification.

§ 190-2-9. Procedure for calculation of experience by the Board.

9.1. As provided for in Sections 7 and 8 of this rule, an applicant for residential real estate appraiser licensing or certification must provide evidence satisfactory to the Board that the applicant possesses two (2) years of appraisal experience. The Board considers 2000 hours of experience to be the equivalent of two (2) years of experience. The Board may award maximum experience hours for residential real estate appraiser licensing or certification as follows:

- a. A maximum of twelve hours of credit for a complex residential appraisal.
- b. A maximum of four hours of credit for a complex residential field review.
- c. A maximum of two hours of credit for a complex residential desk review.

- d. A maximum of six hours of credit for a non-complex residential appraisal.
- e. A maximum of two hours of credit for a non-complex residential field review.
- f. A maximum of three hours of credit for a non-complex residential desk review.

9.2 The Board will award credit for appraisals of non-residential properties as provided in subsection 8.2 of this rule.

9.3. As provided for in Section 8 of this rule, an applicant for general real estate appraiser certification must provide evidence satisfactory to the Board that the applicant possesses two (2) years of appraisal experience. The Board considers 2,000 hours of experience to be the equivalent of two (2) years of experience. Fifty percent of the experience, or 1,000 hours must be in non-residential appraisal work. Residential is defined as one to four units. The Board may award maximum experience credits for general real estate appraiser certification as follows:

- a. A maximum of thirty-two hours of credit for a complex non-residential appraisal.
- b. A maximum of six hours of credit for a complex non-residential field review.
- c. A maximum of three hours of credit for a complex non-residential desk review.
- d. A maximum of eight hours of credit for a non-complex non-residential appraisal.
- e. A maximum of four hours of credit for a non-complex non-residential field review.
- f. A maximum of two hours of credit for a non-complex non-residential desk review.

9.4. The Board shall award hours for appraisal of residential properties as provided in section 8.1 of this rule.

9.5. If an applicant for licensure or certification feels that he or she has performed any real estate appraisals under unique circumstances, or that he or she has expended a greater amount of hours in the performance of an appraisal than the provisions of this section allow for experience credit; that applicant may provide the Board with a separate log, other than the log provided for in Sections 7 and 8 of this rule, detailing the amount of actual hours spent on that appraisal, with sufficient

details and proof of the credit hours of experience that the Board should award him or her.

9.6. For the purpose of this section only: a non-complex appraisal is one having the following characteristics:

- a. There is an active market of essentially identical properties;
- b. Adequate data is available to the appraiser;
- c. Adjustments to comparable sales are not large in the aggregate, specifically not exceeding the trading range found in the market of essentially identical properties; and
- d. For residential property, the contract price falls within the market norm (median sales price) of homes in the neighborhood.

9.7. For the purpose of this section only: a complex appraisal for non-residential property is one that relied to any significant degree on all three approaches to value (cost, sales comparison and income) or was an appraisal which did not have the characteristics of a non-complex appraisal. A complex appraisal for residential property is one that relied to any significant degree on at least two of the three approaches to value, with one approach being the sales comparison approach, or was an appraisal which did not have the characteristics of a non-complex appraisal.

9.8. The Board shall award each signer (co-author) of an appraisal report accepting responsibility for the report full credit for the appraisal. The Board shall award credit for each appraisal having three or more signers accepting responsibility for the report based on the appropriate hours divided by the number of signers.

9.9. All appraisals submitted or claimed for experience credit are subject to verification by the Board. Applicants may not claim experience hours for appraisals which are not supported by written reports or file memoranda. On request, the applicant shall furnish the board copies of appraisal reports and file memoranda supporting the experience hours sought by the applicant. The Board shall treat all appraisal reports and file memoranda submitted to the Board as confidential to the extent permitted by law.

9.10. Review appraisal experience must be matched hour for hour by experience in preparing appraisal reports other than as a review appraisal. The Board may award matching appraisal experience for appraisal reports prepared at any time in the applicant's career.

§ 190-2-10. Qualifications for licensure or certification by reciprocity.

Every applicant to the Board for a license or certification by reciprocity shall meet the following qualifications:

10.1. An applicant who is currently licensed or certified as a real estate appraiser in another jurisdiction may obtain a West Virginia real estate appraiser license or certification by providing documentation that he or she has met educational, experience and examination requirements that are substantially equivalent to those required in West Virginia for the appropriate level of licensure or certification: Provided that, the other jurisdiction extends the same reciprocal consideration to all West Virginia licensed or certified appraisers in good standing in this state. All reciprocal applicants must pass the West Virginia appraiser law and regulation section of the licensing examination prior to licensure or certification, and pay to the Board the appropriate fees provided for by Section 11 of this rule.

10.2. The applicant is at least 18 years of age.

10.3. The applicant shall sign, as part of the application, an affidavit certifying that the applicant has read and understands the West Virginia real estate appraiser license laws and the regulations of the Real Estate Appraiser Board.

10.4. The applicant is in good standing as real estate appraiser in every jurisdiction where licensed or certified. The applicant's license or certification has not been suspended, revoked or surrendered in connection with a disciplinary action or the applicant has not been or is not currently the subject of disciplinary action in any jurisdiction.

10.5. The applicant has a good reputation for honesty, truthfulness, and fair dealing, and is competent to transact the business of a real estate appraiser in such a manner as to safeguard the interest of the public.

10.6. The applicant has not been convicted or pled guilty, regardless of adjudication, in any jurisdiction, of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere is considered a conviction for purposes of this subsection. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted is admissible as prima facie evidence of the conviction.

10.7. The Board may consider applicants for licensure or certification who do not meet the requirements set forth in subsection 10.4 or subsection 10.6 of this rule.

§ 190-2-11. Qualifications for temporary permit as a licensed residential real estate appraiser, certified residential or general real estate appraiser.

11.1. An individual who is currently licensed or certified as a real estate appraiser in another jurisdiction may obtain a temporary West Virginia real estate appraiser's permit as provided for in Title XI of the United States Code entitled "Financial Institutions Reform, Recovery and Enforcement Act of 1989." Provided, that every applicant shall file an application on an appropriate form of the Board and an irrevocable consent notice that service of process upon him or her may be made by delivery of the process to the Secretary of State if an action arises out of the temporary work of the permittee in this State, and the plaintiff cannot, in the exercise of due diligence, serve the permittee personally.

11.2. The Board shall recognize the appraiser's certification or license issued by another state as equivalent to a West Virginia license or certification provided that:

11.2.1. The appraiser's business is of a temporary nature, and is limited to one specific assignment.

11.2.2. The Board considers the education, experience and general examination requirements completed in the jurisdiction of original licensure or certification to be substantially equivalent to those required for the appropriate level of licensure or certification in West Virginia.

11.2.3. The applicant signs, as part of the application, an affidavit certifying that the applicant has read and understands the West Virginia real estate appraiser license law and the regulations of the Real Estate Appraiser Board.

11.2.4. The applicant is in good standing as a licensed or certified real estate appraiser in every jurisdiction where he or she is licensed or certified. The applicant's license or certification has not been suspended, revoked, or surrendered in connection with a disciplinary action or the applicant has not been or is not currently the subject of disciplinary action in any jurisdiction.

11.2.5. The applicant has a good reputation for honesty, truthfulness, and fair dealing, and is competent to transact the business of a real estate appraiser in such a matter as to safeguard the interest of the public.

11.2.6. The applicant has not been found guilty or pled guilty, regardless of adjudication, in any jurisdiction, of a misdemeanor involving moral turpitude or of any felony. Any plea of nolo contendere is considered a conviction for purposes of this paragraph. The record of a conviction authenticated in such form as to be admissible in evidence under the laws of the jurisdiction where convicted is admissible as prima facie evidence of such conviction.

11.2.7. The applicant is at least 18 years of age.

11.3. The Board may consider and approve for a temporary permit an applicant who does not meet the requirements set forth in this section.

11.4. The temporary permit issued under the provisions of this section is expressly limited to the authority of the permittee to perform the specific contract of appraising which is the basis for the temporary permit.

11.5. Each temporary permit obtained expires upon the completion of the appraisal work which is the basis of the permit or after a period of six (6) months, whichever occurs first.

§ 190-2-12. Application fees.

12.1. All application fees for licenses and certifications are non-refundable.

12.2. Application fees for original licenses and certifications are as follows:

- a. A license application fee of fifty dollars;
- b. A license examination fee of fifty dollars;
- c. A license fee of two hundred seventy-five dollars;
- d. A delinquent license fee of an additional one hundred dollars;
- e. A registration fee for a temporary permit of one hundred dollars for a non-residential appraisal and of fifty dollars for a residential appraisal;
- f. A certification application fee of fifty dollars;
- g. A certification examination fee of fifty dollars;
- h. A general certification fee of four hundred seventy-five dollars;

- i. A residential certification fee of three hundred twenty-five dollars;
- j. A delinquent certification fee of an additional one hundred dollars;

12.3. The board shall collect from individuals who perform or seek to perform appraisal transactions where required by federal law, an annual registry fee in the amount of \$ 25.00, in order to enable the board to transfer the necessary fees to the Federal Financial Institution Examination Council on an annual basis.

12.4. The Board shall deposit all fees and revenues collected pursuant to these regulations in a special fund that the board shall use solely for the purposes of paying the expenses incurred in connection with the administration of W. Va. Code § 37-41-1 et seq.

\$190-2-13. APPRENTICE PERMITS

13.1. This section establishes a voluntary real estate appraiser apprentice program for individuals who desire to acquire the two thousand (2,000) hours of appraisal experience required by subsection 7.2.1. of this rule in order to be licensed.

13.2. Application for apprentice permit; requirements and qualifications.

The applicant for an apprentice permit shall submit, with the completed application form, a \$100.00 annual permit fee, and the name and address of his or her supervising appraiser. The applicant shall meet the following qualifications:

- a. The applicant is at least eighteen (18) years of age;
- b. The applicant has a good reputation for honesty and truthfulness as required by Subsections 6.1.1 and 6.1.4 of this rule;
- c. The applicant has a high school diploma or its equivalent; and
- d. The applicant has successfully completed seventy-five (75) classroom hours in subjects related to real estate appraisal in accordance with Section 7.1 of this rule.

13.3. Annual Apprentice Permit Renewal

An apprentice may renew his or her annual permit,

four (4) times only, upon submission to the Board of a renewal application, the annual permit renewal fee of \$100.00, a log in the form as provided by the Board, and proof of ten (10) hours of continuing education as defined in 190 C.S.R. §3-4.1.

13.4. Responsibilities of Supervisor

A supervising appraiser shall be a state licensed or state certified real estate appraiser and shall have the following duties and responsibilities:

1. The supervisor shall at all times be responsible for and provide direct supervision of the work performed by the apprentice in accordance with the Uniform Standards of Professional Appraisal Practice. For purposes of this section, "direct supervision" means to:

- a. Personally view with the apprentice the interior and exterior of each piece of property appraised;
- b. Personally review each appraisal report prepared by the apprentice;
- c. Assign work to the apprentice only if the apprentice is competent to perform such work;
- d. Accept full responsibility for the report; and
- e. Approve and sign the report as being independently and impartially prepared and in compliance with the Uniform Standards of Professional Appraisal Practice, these rules and applicable statutory requirements.

2. The supervisor shall, at least once a month, sign the log required to be kept by the apprentice and shall indicate his or her license or certification number.

3. The supervisor shall make available to the apprentice, a copy of any appraisal report that the apprentice signed that is requested for review by the Board.

4. After the apprentice successfully completes the exam and has obtained five hundred (500) hours of experience, the supervisor and the apprentice may jointly apply to the Board for an exemption that would allow the supervisor to sign the report without viewing the property, provided the apprentice is competent to perform the inspection.

13.5. Responsibilities of Apprentice

The holder of a real estate appraiser apprentice permit issued by the Board shall have the following duties and responsibilities;

1. The apprentice shall work under the direct supervision of a state licensed or state certified real estate appraiser, Provided: That appraisers with a transitional license shall not serve as supervisors.

2. The apprentice shall maintain a log on a form as provided by the Board. Experience hours shall be calculated in accordance with section 9 of this rule.

3. An apprentice must view the property and participate in the appraisal process in order to sign the report and to receive credit for the hours spent. The report shall be signed by the apprentice as follows:

Assisted by

Name

Apprentice
Number _____

4. The apprentice shall ensure that the log is available at all times for inspection by the Board.

5. When performing appraisal assignments, the apprentice shall carry on his person, the permit issued by the Board.

13.6. An apprentice may take the licensing exam at any time.

13.7. These rules are not intended to prohibit a person who does not have an apprentice permit from assisting or helping a licensed or certified appraiser as long as that person does not sign the report, Provided: The licensed or certified appraiser who uses such an assistant or helper shall conform with the duties and responsibilities as required in Subsection 13.4.1 of this rule.

~~ORIGINAL~~
SUMMARY

These amendments give the Board regulatory authority over the helpers and assistants used by appraisers.

These amendments will eliminate the issuance of additional Transitional Licenses after July 15, 1993; and, instead, establish a voluntary apprentice program for individuals who desire to acquire the two thousand (2000) hours of appraisal experience required in order to be licensed. The Transitional License was designed as a means of avoiding appraiser shortages in the start-up year of appraisal regulation. It was designed so that appraisers who did not meet all of the qualifications for licensure at the time the appraiser law went into effect (January 1, 1992) would have adequate time to fulfill the requirements and not be put out of business.

Under these amendments, an applicant for an apprentice permit will be required to have completed the same seventy-five (75) hours of classroom education as required for a license, pay a \$100.00 annual permit fee, and work under the direct supervision of a state licensed or certified appraiser. Direct supervision is defined in the amendments. The supervisor shall at all times be responsible for and provide direct supervision of the work performed by the apprentice in accordance with the Uniform Standards of Professional Appraisal Practice. The apprentice will keep a log of his or her experience in the same manner as presently required for a license. The apprentice would be required to obtain ten (10) hours of continuing education a year in order to renew his or her apprentice permit.

The amendments allow appraisers to use helpers or assistants who do not hold an apprentice permit provided they provide direct supervision of the helper in accordance with the rules and the Uniform Standards of Professional Appraisal Practice.

The number of classroom hours required after January 1, 1994 in order to become a Certified Residential Appraiser are reduced from 165 hours to 135 hours to more closely follow the reduction in hours recommended by the Appraiser Qualifications Board.



West Virginia
Real Estate Appraiser Licensing and Certification Board

Suite 212
814 Virginia St., E.
Charleston, WV 25301-2826
(304)558-3919
FAX (304)558-3983

Gaston Caperton
Governor
Si Galperin
Executive Director
Deanna Barker
Administrative Assistant

Board
Larry J. Puccio, Chairman
Marvin Marshall, Vice-Chairman
Virginia L. Ramsey, Secretary
Fred Butler
Stephen M. Gagliardi
Harry Perkins
Patricia A. Sellers

March 3, 1993

Mr. Tom Winner
West Virginia Bankers Association
1212 Commerce Square
Charleston, WV 25301

Dear Tom:

Attached is a copy of the Board's proposed rules for the Transitional License and Apprentice Program and the letter we sent to the appraisers.

The Board will hold a public hearing on these proposed rules on April 14, 1993, at 10:00 A.M. in the Fourth Floor Conference Room at 814 Virginia Street, East, in Charleston. If you wish to make a comment on the rules, you may present them in person at the hearing or you may mail your written comments to the Board no later than 04/12/93. We would appreciate your notifying us in advance if you plan to appear. Those planning to appear at the hearing should bring a written copy of their comments.

If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Si Galperin".

Si Galperin
Executive Director

SG:sjb

Attachments



West Virginia
Real Estate Appraiser Licensing and Certification Board

Gaston Caperton
Governor
Si Galperin
Executive Director
Deanna Barker
Administrative Assistant

Suite 212
814 Virginia St., E.
Charleston, WV 25301-2826
(304)558-3919
FAX (304)558-3983

Board
Larry J. Puccio, Chairman
Marvin Marshall, Vice-Chairman
Virginia L. Ramsey, Secretary
Fred Butler
Stephen M. Gagliardi
Harry Perkins
Patricia A. Sellers

March 3, 1993

Mr. Jack Pauley
West Virginia Association of Realtors
814 Virginia Street, East
Charleston, WV 25301

Dear Jack:

Attached is a copy of the Board's proposed rules for the Transitional License and Apprentice Program and the letter we sent to the appraisers.

The Board will hold a public hearing on these proposed rules on April 14, 1993, at 10:00 A.M. in the Fourth Floor Conference Room at 814 Virginia Street, East, in Charleston. If you wish to make a comment on the rules, you may present them in person at the hearing or you may mail your written comments to the Board no later than 04/12/93. We would appreciate your notifying us in advance if you plan to appear. Those planning to appear at the hearing should bring a written copy of their comments.

If you have any questions, please feel free to contact us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Si Galperin".

Si Galperin
Executive Director

SG:sjb

Attachments

WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING & CERTIFICATION BOARD
Suite 212, 814 Virginia St., E.
Charleston, WV 25301-2826
(304) 558-3919

March 4, 1993

Dear Appraiser:

Attached is a copy of the proposed rules regarding the Apprentice Program.

The Transitional License was designed as a means of avoiding appraiser shortages in the start-up year of appraisal regulation. It was designed so that appraisers who did not meet all of the qualifications for licensure at the time the appraiser law went into effect (January 1, 1992) would have adequate time to fulfill the requirements and not be put out of business.

The Board is proposing to stop issuing the Transitional License to applicants after July 15, 1993, and to replace it with a voluntary apprentice program for these individuals who desire to acquire the two thousand (2,000) hours of appraisal experience required for licensure or certification.


Those appraisers who currently hold a Transitional License and those applicants who receive one prior to July 15, 1993, will not be affected.

The Board will hold a public hearing on these proposed rules on April 14, 1993, at 10:00 A.M. in the Fourth Floor Conference Room at 814 Virginia Street, East, in Charleston. If you wish to make a comment on the rules, you may present them in person at the hearing or you may mail your written comments to the Board no later than 4/12/93. We would appreciate your notifying us in advance if you plan to appear. Those planning to appear at the hearing should bring a written copy of their comments.

For your information, the various sections referred to in the proposed rules are those sections of the current rules that are already in effect relating to acquiring a license. The reputation and education requirements for an apprentice permit are the same as those required for a license. Experience hours and the experience log are the same as required for a license. The continuing education requirement is the same as required for licensed or certified appraisers.

If you have any questions, please feel free to contact us.

Sincerely,



Si Galperin
Executive Director

SG:dmb
Encl.

Goldman Associates, Inc.

Commercial and Industrial Real Estate

1014 Bridge Road • P.O. Box 3910
Charleston, West Virginia 25339

Telephone (304) 343-5695
FAX (304) 343-5694

March 8, 1993

Mr. Si Galperin, Executive Director
West Virginia Real Estate Appraiser
Licensing and Certification Board
814 Virginia Street, East
Suite 212
Charleston, WV 25301-2826

Re: Proposed Apprenticeship Program

Dear Si:

Today I received your letter dated March 4, 1993 relating to the above proposed change. I support this but am concerned about 13.4.3. I feel that the appraisal reports belong to the company, they were done confidentially for a specific client, and it could lead to an unscrupulous person taking numerous reports from an office for their own purpose.

I would be quite satisfied if there was a specific question on a report and your Board needed to see it, then it could be made available.

Sincerely yours,



Jay Goldman

JG/mmm





P.O. Box 777
21 N. Davis Street
Keyser, WV 26726

Office — 304-788-3322
301-777-8177
Fax — 301-777-7721

March 9, 1993

Si Galperin
WV Real Estate Appraiser
Licensing & Certification Board
Suite 212
814 Virginia Street, East
Charleston, WV 25301-2826

Dear Mr. Galperin:

I firmly believe the West Virginia Real Estate Appraiser Licensing & Certification Board needs to look closely at and change certain practices now being performed. I feel the new proposals are a step in the right direction.

I strongly suspect that some real estate appraiser offices are using totally unqualified people under the guise of apprenticeship. I believe some offices send apprentices alone to make inspections and simply "look over" their work. Is it permissible at this time for apprentices who do not have their educational hours to act as an apprentice? In our area we seem to be flooded with appraisers who were not on the scene a few years ago and one wonders how they could accomplish their education plus experience in such a short time. For example, one of our local offices has a newly licensed appraiser submitting appraisals for bank loans. The office where he works does not have a licensed

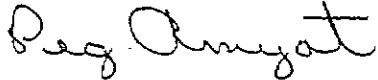


March 9, 1993
Si Galperin
Page 2

appraiser. Am I to believe he is acquiring his experience hours under a competitor's sponsorship?

I have over seventeen years experience in the real estate and appraisal profession. I undertook all the required courses at considerable expense and I am licensed in West Virginia and Maryland. I feel I have faithfully fulfilled the requirements for licensure and frankly resent the unfair competition by unqualified people.

Sincerely,



Margaret "Peg" Amyot
Realtor/Appraiser

RECOMMENDATIONS OF PHIL PARLOCK
STATE CERTIFIED GENERAL APPRAISER #144

1. The exemption on supervisor having to visit property with apprentice shall not go into effect until the apprentice has completed the greater of five hundred (500) experience hours or eighty-five (85) appraisals

THEREAFTER,

2. Supervisor be required to conduct a field review (inside and out) on a minimum of two properties per month (and so indicate on the log)

Responses to comments received:

1. The Board responded to the comments by Jay Goldman and amended the rules in Subsection 13.4.3 to comply with his recommendation. Copies of reports need only be made available to the apprentice when requested for review by the Board.
2. The Board rejected Phil Parlock's first suggestion but thought his second suggestion had a lot of merit. However, it was felt that field reviews would be burdensome, difficult to enforce, and unnecessary if the apprentice was competent to perform the inspection by him/herself. The Board felt that the competency provision of the Uniform Standards of Professional Appraisal Practice covered the situation, but clarified Subsection 13.4.4 to provide that the apprentice must be competent to perform the inspection.
3. Margaret Amyot's letter supported the proposed rules.