

WEST VIRGINIA
SECRETARY OF STATE
Ken Hechler
ADMINISTRATIVE LAW DIVISION



FILED

MAY 10 10 12 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #2

Do Not Mark In This Box

Notice Of A Comment Period On A Proposed Rule

Agency: West Virginia Real Estate Appraiser Licensing & Certification Board Title Number: 190

Rule Type: Legislative; Cite Authority WV Code § 37-14-6

Amendment To An Existing Rule: Yes No

If Yes, Series Number of Rule Being Amended: Series 1

Title of Rule Being Amended: Rules of West Virginia Real Estate Appraiser Licensing & Certification Board

If No, Series Number of New Rule Being Proposed: _____

Title of Rule Being Proposed: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON JULY 1, 1996 AT 4:00 P.M. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

WEST VIRGINIA REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
2110 KANAWHA BOULEVARD, EAST SUITE 101
CHARLESTON, WV 253 11

THE ISSUES TO BE HEARD SHALL BE
LIMITED TO THIS PROPOSED RULE.

BY: Si Galperin, Executive Director
Si Galperin


Attach a **brief** summary of your proposal

360



**Summary
Series 1**

Item	Description	Reference Page
(1)	Change in definition of term "licensee" to include all classifications of appraisers.	1



TITLE 190

SERIES 1

Statement of circumstances which require this Rule

To improve implementation of the Rules

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES
Series 1

Rule Title: Rules of West Virginia Real Estate Appraiser Licensing & Certification Board

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Real Estate Appraiser Licensing & Certification Board
Address: 2110 Kanawha Boulevard, East Suite 101
Charleston, WV 25311

1. Effect of Proposed Rule

	ANNUAL			FISCAL YEAR	
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	-	-	-	-	-
Personal Services	-	-	-	-	-
Current Expenses	-	-	-	-	-
Repairs & Alterations	-	-	-	-	-
Equipment	-	-	-	-	-
Other	-	-	-	-	-

2. Explanation of above estimates:

These changes should have no effect on the expenses of the Board.

3. Objective of these rules:

To improve implementation of the Rules.

4. Explanation of Overall Economic Impact of Proposed Rule.

- a. Economic Impact on State Government.
None
- b. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens.
None
- c. Economic Impact on Citizens/Public at Large.
None

Si Galperin
West Virginia Real Estate Appraiser Licensing & Certification Board
Si Galperin, Executive Director

Date: 5/9/96

FILED

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

MAY 10 10 13 AM '96

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 1
RULES OF REAL ESTATE APPRAISERS LICENSING
AND CERTIFICATION BOARD

§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

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.~~
a person who holds a current valid license as a state licensed residential real estate appraiser or a person who holds a current valid certification as a state certified residential real estate appraiser or a state certified general real estate appraiser issued to him or her under the provisions of the W.Va. Code §37-14-1 et seq.

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.

2.1.12-6 "Real estate appraisal activity" means the act or process 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. W. Va. Code § 37-14-5 as amended (1991), established the Real Estate Appraiser Licensing and Certification Board (hereinafter referred to as the 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 license 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.