

WEST VIRGINIA
SECRETARY OF STATE
Ken Hechler
ADMINISTRATIVE LAW DIVISION



FILED
JUL 31 11 47 AM '96
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #3

Do Not Mark In This Box

Notice Of Agency Approval of A Proposed Rule
and
Filing With The Legislative Rule-Making Review Committee

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: _____

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

BY: Si Galperin, Executive Director
Si Galperin

DATE: July 31, 1996

TO: Legislative Rule-Making Review Committee

FROM: West Virginia Real Estate Appraiser Licensing & Certification Board

LEGISLATIVE RULE TITLE: Rules of West Virginia Real Estate Appraiser
Licensing & Certification Board - Title 190 - Series 1

1. AUTHORIZING STATUTE CITATION: WV Code § 37-14-6

2. a. DATE FILED IN STATE REGISTER WITH NOTICE OF HEARING:

MAY 10, 1996

b. WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE COMMENT PERIOD?

Legal advertisement in Charleston Newspapers; letter and summary of changes mailed to all appraisers and apprentices; letter and copy of proposed rules to West Virginia Bankers Association, Capitol News Service, West Virginia Association of Realtors and reminder notice published in the Board's newsletter.

c. DATE OF COMMENT PERIOD: May 10, 1996 to July 1, 1996 at 4:00 p.m.

d. ATTACH LIST OF COMMENTS RECEIVED, AMENDMENTS, REASONS FOR AMENDMENTS.1

ATTACHED NUMBER OF COMMENTS RECEIVED: 6

e. DATE YOU FILED IN STATE REGISTER THE AGENCY APPROVED PROPOSED LEGISLATIVE RULE FOLLOWING PUBLIC HEARING: (BE EXACT)

July 31, 1996

f. NAME AND PHONE NUMBERS OF AGENCY PERSON TO CONTACT FOR ADDITIONAL INFORMATION:

EXECUTIVE DIRECTOR, SI GALPERIN, 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:

- 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
- Date of hearing: N/A
- Date you filed in the State Register the findings and determinations: N/A
- Attach findings and determinations: N/A

LEGAL ADVERTISEMENT

(308837)

The West Virginia Real Estate Appraiser Licensing & Certification Board is proposing changes to their Rules Title 190, Series 1, Series 2 and Series 3 which deal with the licensure and certification of real estate appraisers. Written comments concerning these rules may be mailed to the WV Appraiser Board, 2110 Kanawha Boulevard, East, Suite 101, Charleston, WV 25311 and must be received by 4:00 p.m. on July 1, 1996. Copies of the proposed rules are available through the Secretary of State's Office or the WV Appraiser Board.

(308838)

LEGAL ADVERTISEMENT

a.m. June 10, 1996. It is the policy of the agency advertising this request that disadvantaged business enterprises shall have the opportunity to participate in the performance of contracts funded in full or in part by state, federal or local funds.

(308318)

The Dunbar Sanitary Board will accept proposals and bids for a new billing/ computer system. We are looking for hardware, software, terminals, printers, and training. Deadline is 12 Noon on Thursday May 30, 1996.

Send to:

Dunbar Sanitary Board
Dunbar City Hall
PO Box 216
Dunbar, WV 25064
(304) 768-0216

(308837)

The West Virginia Real Estate Appraiser Licensing & Certification Board is proposing changes to their Rules Title 190, Series 1, Series 2 and Series 3 which deal with the licensure and certification of real estate appraisers. Written comments concerning these rules may be mailed to the WV Appraiser Board, 2110 Kanawha Boulevard, East, Suite 101, Charleston, WV 25311 and must be received by 4:00 p.m. on July 1, 1996. Copies of the proposed rules are available through the Secretary of State's Office or the WV Appraiser Board.

(308838)

The Municipal Planning Commission of the City of Charleston, West Virginia, will hold a public hearing at 3:00 P.M., Wednesday, June 5, 1996, in the City Council Chamber on the third floor of the City Building at Court and Virginia Streets, Charleston, West Virginia on the following case(s):

SPECIAL PERMIT NO. 768
Application of Edward C. Armbricht, III, Managing Partner, requesting permission to operate a personal itinerary planning service for outdoor adventure as a home occupation at 907 Chestnut Road, Charleston, WV.

SPECIAL PERMIT NO. 769
Application of Elisabeth Gooding requesting permission to operate medical office management consulting business as a home occupation at 1820 Shadybrook Road, Charleston, WV.

SPECIAL PERMIT NO. 770
Application of Virginia Welding Supply Company, lessee, requesting permission to build and operate an accessory parking lot at the southeasterly corner of 5th Avenue and Iowa Street, Charleston, WV.

SPECIAL PERMIT NO. 771
Application of Virginia Welding Supply Company, lessee/ owner, requesting permission to build and operate an accessory parking lot at the southwesterly corner of 5th Avenue and Oregon Street, Charleston, WV.

BILL NO. 6244 - Petition of the Municipal Planning Commission requesting an amendment of the Charleston Zoning Ordinance increasing the required notification area and filing fee for Board of Zoning Appeals cases.

LEGAL ADVERTISEMENT

Charleston, West Virginia. If you want to keep your rights as the parents of Thomas E. Simmons, Jennifer Simmons, and Erica Simmons, you should attend this hearing. An attorney has been appointed by the Court to represent you if you attend the hearing. IF YOU DO NOT SHOW UP FOR THE HEARING, you may lose all rights to see, visit or claim kinship to these children.

May 16, 1996
Brenda Waugh
Assistant Prosecuting Attorney

(308846)

The South Charleston Fire Department will be accepting bids for the purchase of a new 4wd 3/4 ton pickup truck. Bid opening will be June 3, 1996 at 2:00 pm in council chambers at South Charleston City Hall, 4th Ave. & D Street, South Charleston, WV.

Bid packets and specifications may be obtained by contacting the fire department, 215 4th Ave., South Charleston, WV or by calling the fire chief's office at 744-0079.

(308851)

The City of Charleston, West Virginia, will receive sealed bids in the City Manager's office until 11:00 A.M., Tuesday, June 4, 1996, for the purchase of Portland Cement Concrete and Bituminous Concrete. These products will be purchased and used by the City on an as-needed basis for various projects throughout the year. Specifications may be obtained in the City Manager's office. Bidders must certify they practice equal employment opportunities. The City reserves the right to reject any or all bids.

(308852)

The City of Charleston, West Virginia, will receive sealed bids in the City Manager's office until 11:00 A.M., Tuesday, June 4, 1996, for the purchase of various classes and sizes of stone. Specifications may be obtained in the City Manager's office. Bidders must certify they practice equal employment opportunities. The City reserves the right to reject any or all bids.

(308853)

NOTICE OF TRUSTEE'S SALE

Notice is hereby given that by virtue of that certain deed of trust executed by Sandra E. Haswell, to J. Christopher Thomas and Fred M. Frisk, Jr., Trustees, dated September 30, 1994, and recorded in the office of the Clerk of the County Commission of Kanawha County, West Virginia, in Trust Deed Book 2195 at page 34, the undersigned, after having been requested in writing by the owner and holder of the note secured by said deed of trust, will sell to the highest and best bidder on June 6, 1996, at 9:00 A.M. Eastern Daylight Time, at the north front door of the Courthouse of Kanawha County, West Virginia, the real estate, conveyed by said deed of trust, together with the improvements thereon and the appurtenances thereunto belonging, and being more particularly described therein as follows:



**West Virginia
Real Estate Appraiser Licensing and Certification Board**

2110 Kanawha Blvd., E., Suite 101
Charleston, WV 25311
PHONE (304) 558-3919 • FAX (304) 558-3983
Gaston Caperton, Governor

May 20, 1996

Dear Appraiser:

Enclosed is a summary of proposed changes to Title 190, Series 1, 2, and 3 of the Board's Rules and Regulations. The changes in education and experience criteria for certified appraisers effective January 1, 1998 are required by the Appraiser Qualifications Board (AQB). Likewise, the increase from 10 hours to 14 hours of annual continuing education is required by the AQB. It is the Board's proposal to require the additional four (4) hours of continuing education to be in the Uniform Standards of Professional Appraisal Practice (USPAP) annually from 1998 through 2001 and to require completion of a 14 hour USPAP class at least once every five (5) years.

Several of the changes are required by the legislative auditor and others are mostly technical changes. Please read the enclosed summary and call the Board if you have any questions. A complete copy of the proposed changes to the Rules is available by contacting the Board office.

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 Board at the above address.

The Board will review all comments received to determine possible changes in the proposed rules. After final adoption by the Board, the rules will be submitted to the legislature and will not become final until approval by the legislature in the spring, 1997.

Sincerely,

Si Galperin
Executive Director

Board Members

*David Thalheimer, Chairman
Charleston
Virginia Shaw, Vice Chairperson
Beckley
Linda Petrella, Secretary
Charleston*

*Larry McDaniel, Parkersburg
Donald Mickey, Charles Town
Tammy Owen, Hurricane
Harry Perkins, Frankford
Glenn Rohr, Buckhannon
David Shields, Bluefield*

Staff

*Si Galperin
Executive Director
Lynda King
Administrative Assistant
Stephanie Ball
Administrative Assistant*



West Virginia
Real Estate Appraiser Licensing and Certification Board

2110 Kanawha Blvd., E., Suite 101
Charleston, WV 25311
PHONE (304) 558-3919 • FAX (304) 558-3983

Gaston Caperton, Governor

May 20, 1996

J. Jackson Pauley, Executive Vice-President
West Virginia Association of Realtors
2110 Kanawha Boulevard, East Suite 202
Charleston, WV 25311

Dear Jack:

Enclosed are copies of the Board's proposed Rules, Title 190, Series 1, 2, and 3. Also enclosed is a summary listing of the proposed changes. The changes in education and experience criteria for certified appraisers effective January 1, 1998 are required by the Appraiser Qualifications Board (AQB). Likewise, the increase from 10 hours to 14 hours of annual continuing education is required by the AQB. It is the Board's proposal to require the additional four (4) hours of continuing education to be in the Uniform Standards of Professional Appraisal Practice (USPAP) annually from 1998 through 2001 and to require completion of a 14 hour USPAP class at least once every five (5) years.

Several of the changes are required by the legislative auditor and others are mostly technical changes. 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 Board at the above address.

The Board will review all comments received to determine possible changes in the proposed rules. After final adoption by the Board, the rules will be submitted to the legislature and will not become final until approval by the legislature in the spring, 1997.

Feel free to call me if you have any questions.

Sincerely,

Si Galperin

Board Members

David Thalheimer, Chairman
Charleston
Virginia Shaw, Vice Chairperson
Beckley
Linda Petrella, Secretary
Charleston

Larry McDaniel, Parkersburg
Donald Mickey, Charles Town
Tammy Owen, Hurricane
Harry Perkins, Frankford
Glenn Rohr, Buckhannon
David Shields, Bluefield

Staff

Si Galperin
Executive Director
Lynda King
Administrative Assistant
Stephanie Ball
Administrative Assistant



Appraiser Report

A Publication of the West Virginia Real Estate Appraiser Licensing & Certification Board

VOL. 5 No. 2
SUMMER 1996

Renewals Due in September

All appraiser licenses and certifications will expire on September 30, 1996. You should receive a renewal application from the Board in early August. Renewals will be due in the Board office no later than September 10, 1996, with the appropriate fee and verification of ten hours of continuing education. Renewals which are received after September 10, 1996, must be accompanied by a money order or cashier's check to ensure that your new pocket card will be mailed to you prior to the expiration date of your current license.

Appraisers whose renewals are not received prior to September 30, 1996, will be removed from our files and from the Federal Registry and will not be allowed to perform appraisals in West Virginia. It is your responsibility to ensure that the Board has your correct address so that you will receive your renewal application. If you do not receive a renewal form by August 15, contact the Board office.

PROPOSED RULES
ALL APPRAISERS AND APPRENTICES SHOULD HAVE RECEIVED A NOTICE CONCERNING THE BOARD'S PROPOSED RULES. ANYONE WHO DID NOT RECEIVE A NOTICE AND SUMMARY OF THE CHANGES MAY CALL THE BOARD OFFICE TO REQUEST A COPY. WRITTEN COMMENTS CONCERNING THE CHANGES ARE DUE IN THE BOARD OFFICE NO LATER THAN 4:00 P.M. ON JULY 1, 1996.

"Drive-By" Appraisals

Appraisals performed without an interior or exterior inspection of the property by the appraiser are what is meant by the term "drive-by". When properly disclosed in the appraisal report, the Uniform Standards of Professional Appraisal Practice (USPAP) permits appraisers to perform appraisal assignments without inspection of the subject property. However, the disclosure does not relieve the appraiser of the responsibility for determining whether adequate information about the subject property is available to develop an appraisal that is not meaningless or misleading.

When an interior and complete exterior inspection is not possible for any valid reason, physical characteristics information about the real estate should be obtained from reliable third party sources. Where physical characteristics information is not available from reliable third party sources, an appraiser has the duty to either obtain the necessary information to develop the appraisal before continuing or to withdraw from the assignment. An appraisal developed without the benefit of an interior and complete exterior inspection by the appraiser is subject to the same standards that would apply if the appraiser had made a complete personal inspection.

One must remember that the public is entitled to a competently completed and reliable estimate of value. The public has a right to expect a physical inspection of the subject property whenever it is both possible and appropriate since this increases the reliability of the value estimate.

Apprentice Peer Review Program

The Apprentice Peer Review Program is now in operation. The program has been developed to aid apprentices and their supervisors in providing a quality work product that complies with USPAP. The program should also increase both the apprentices and supervisors' awareness of correct appraisal techniques, methodology, and USPAP applications.


Each apprentice may submit for review a maximum of two reports every three months. The reviewer, who will live in a different part of the state than the apprentice, will keep the reports confidential and will mail a review report to the apprentice.

When requesting peer review, mail a complete copy of the report(s) to be reviewed to the Board office. Details of the program are available from the Board office.



**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

Date: 5/9/96

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

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

SERIES 1
RULES OF REAL ESTATE APPRAISERS LICENSING
AND CERTIFICATION BOARD

FILED
JUL 31 11 47 AM '96
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§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 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.

Att: Si Galperin



West Virginia
Real Estate Appraiser Licensing and Certification Board

2110 Kanawha Blvd., E., Suite 101
Charleston, WV 25311
PHONE (304) 558-3919 • FAX (304) 558-3983
Gaston Caperton, Governor

May 20, 1996

Dear Appraiser:

Enclosed is a summary of proposed changes to Title 190, Series 1, 2, and 3 of the Board's Rules and Regulations. The changes in education and experience criteria for certified appraisers effective January 1, 1998 are required by the Appraiser Qualifications Board (AQB). Likewise, the increase from 10 hours to 14 hours of annual continuing education is required by the AQB. It is the Board's proposal to require the additional four (4) hours of continuing education to be in the Uniform Standards of Professional Appraisal Practice (USPAP) annually from 1998 through 2001 and to require completion of a 14 hour USPAP class at least once every five (5) years. ★

Several of the changes are required by the legislative auditor and others are mostly technical changes. Please read the enclosed summary and call the Board if you have any questions. A complete copy of the proposed changes to the Rules is available by contacting the Board office.

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 Board at the above address.

The Board will review all comments received to determine possible changes in the proposed rules. After final adoption by the Board, the rules will be submitted to the legislature and will not become final until approval by the legislature in the spring, 1997.

★ Please make this like Virginia's Law, i.e. 20 hours education every 2 years (make your license for 2 years, it would save you time + money. Require 15 USPAP additionally every 6 years. Ronny R. Bleam, 420 E Market, Harrisonburg VA 22755

Sincerely,

SH Galperin

Si Galperin
Executive Director

Board Members

David Thalheimer, Chairman Charleston	Larry McDaniel, Parkersburg
Virginia Shaw, Vice Chairperson Beckley	Donald Mickey, Charles Town
Linda Petrella, Secretary Charleston	Tammy Owen, Hurricane
	Harry Perkins, Frankford
	Glenn Rohr, Buckhannon
	David Shields, Bluefield

Staff
Si Galperin Executive Director
Lynda King Administrative Assistant
Stephanie Ball Administrative Assistant

P.S. I tried to fax + got the motor vehicle dept.

COMMENT:

A Virginia appraiser requests that the Board issue a license for a two year period and require 20 hours of continuing education every two years instead of ten hours every year.

BOARD RESPONSE:

These proposed changes are not within the Board's discretion to change since they are required by State statute. WV Code 37-14-13 states that licenses expire one year from date of issue and WV Code 37-14-14 requires ten hours of continuing education [CE] per year in order to renew.

No amendments were made.



Garrettland, Inc.

1000 Thayer Center
Oakland, MD 21550
301-334-9915
301-334-8868 Fax



June 10, 1996

West Virginia Real Estate Licensing
and Certification Board
2110 Kanawha Blvd. East
Suite 101
Charleston, WV 25311
ATTN: Si Galperin

Re: Proposed Changes
Title 190, Series 1, 2 & 3

Dear Si,

I am in receipt of your letter of May 20, 1996 soliciting comment on the above referenced changes to the Board's Rules and Regulations.

I must say I am disheartened to hear that at a time when most lenders have placed the appraiser on their endangered species list the Board is proposing to increase the continuing education requirements to 14 hours a year. This will only place a greater burden on the appraiser in terms of expense and time. I am concerned the bark of this regulation is much worse than its bite. With the dissolution of the mandatory status in West Virginia, the revision to Title 190 will only punish those who are already experienced in the appraisal field.

To amplify my concern, I received a copy of the one page Evaluation Form which has been adopted by many of the lending institutions across the State. It is my understanding that unlicensed individuals are performing these evaluations, charging \$100 or more, have little or no educational experience and are putting the licensed and certified professionals out of business!

I would hope the Board reconsiders its recommendation to increase the continuing education requirement and instead direct their effort towards re-instituting the mandatory status in West Virginia.

Respectfully Submitted,

Jeremy R. Thayer
West Virginia Certified
General Appraiser #147

JRT/smw

COMMENT:

A Maryland appraiser opposes increasing the CE requirement from ten hours per year to 14 hours per year, particularly since WV no longer has a mandatory law.

BOARD RESPONSE:

This is not within the Board's discretion because this increase to 14 hours per year is mandated by the Appraiser Qualifications Board [AQB] and applies to all states. Appraiser is incorrect when he states that WV no longer has a mandatory law. He is referring to WV Code 37-14-4(f) which allows non-licensed individuals to perform evaluations of collateral.

No amendments were made.



WEST VIRGINIA ASSOCIATION OF REALTORS®
The Voice for Real Estate™ in West Virginia

2110 Kanawha Boulevard, East
Charleston, WV 25311-2205
(304) 342-7600
FAX (304) 343-5811
WATS Toll Free WV Only
1-800-445-7600

June 18, 1996

Mr. Si Galperin, Executive Director
West Virginia Real Estate Appraiser Licensing
and Certification Board
2110 Kanawha Boulevard, East, Suite 101
Charleston, West Virginia 25311

Dear Mr. Galperin:

The Association appreciates the opportunity to comment on rules proposed by the Board.

The License Law Committee of the Association has carefully reviewed the proposed rules and generally agrees with the content of the proposal. The rules are believed to be consistent with the Real Estate Appraiser Licensing and Certification Act and the intent of the legislature for regulation of the appraisal profession.

The following recommendations are submitted for consideration of the Board, recognizing that the first recommendation will require legislative amendment to the Act itself, unless such amendment may be effected by legislative adoption of the proposed rule.

Recommendation Number 1 - Amend Title 190, Series 2, §190 - 2 -4, 4.2, State Certified Residential Real Estate Appraiser, to read as follows:

"The state certified residential real estate appraiser classification consists of those persons who meet the requirements for certification that relate to are authorized to conduct appraisals of residential real estate of one to four units without regard to value or complexity and to the appraisal of non-residential real estate when the value is less than one hundred thousand dollars (\$100,000) two hundred fifty thousand dollars (\$250,000)."

Recommendation Number 2 - Adopt a policy that the Appraiser Board sponsor at least two courses of continuing education each year at varied locations throughout the state.

Thank you for consideration of our recommendations.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'J. Jackson Pauley'.

J. Jackson Pauley
Executive Vice President

COMMENT:

The WV Association of Realtors suggests that the Board allow certified residential appraisers to perform appraisals on non-residential real estate up to \$250,000.

BOARD RESPONSE:

This proposed change is not within the Board's discretion to change since it is required by State statute. The \$100,000 limit is in WV Code 37-14-28(b).

COMMENT:

The WV Association of Realtors suggests that the Board sponsor at least two CE courses annually at varied locations.

BOARD RESPONSE:

The Board has sponsored CE classes in the past and will continue to do so when there is a need. However, the Board prefers not to offer courses in competition with course providers if there are ample courses being provided by the professional appraiser organizations and other providers.

No amendments were made.

June 11, 1996

West Virginia Real Estate
Appraiser Licensing and
Certification Board
2110 Kanawha Blvd., E., Suite 101
Charleston, WV 25311

Dear Honorable Board Members:

I would like to comment on and hopefully dissuade you from instituting your proposed requirements for 4 annual hours of continuing education regarding USPAP plus an additional 14 hours USPAP every 5 years.

I am guessing that these new requirements are designed to correct a perceived lacking in the appraiser ranks concerning knowledge of and adherence to the USPAP. If my guess is correct, I think your perception of the lacking is accurate. I think, however, that your proposed solution will not solve the problem and will simply waste the time and money of those of us who make it our business to know and abide by USPAP.

First of all, all licensees in West Virginia were required to obtain 15 hours of standards education prior to licensing and all passed a test on USPAP. Since all licenses have been issued within the last 5 years, all licensees currently have met the 14 hour requirement you propose. But we still have a problem. It is my opinion that more of the same will not solve the problem.

I believe that all the mandatory education in the universe will not inspire those violating the standards to change very much. Oh they might pay lip service to USPAP by inserting some additional boilerplate into their appraisal reports, but it will be mindless lip service. For those types of practitioners and the clients that employ them, appraisals are just numbers on paper. Education about USPAP will not change what they do.

There must be some incentive beyond that warm fuzzy feeling you get when your report "complies" to inspire USPAP violators to change. I don't think most of us will take the time or risk the bad relations that might result from turning one of our fellow professionals in. "Appraisal police" might work, but would cost a lot in personnel and time and it would discourage independent thinking by conscientious appraisers who might be concerned with being second guessed. I think the answer is simply time. It will take time for a body of law to develop concerning appraisals which violate USPAP. I think the threat of a law suit is about the only thing that will make an impact and even then some

will take shortcuts.

You're proposals will make it mandatory that the conscientious appraisers rehash the same material for 34 hours every five years. That's almost 50% of the continuing ed requirements in terms of time. That will give the continuing ed providers additional built-in sources of revenue from course materials which will change very little from year to year. It won't inspire USPAP violators to conform.

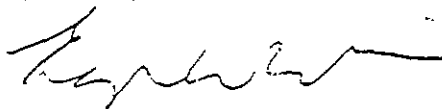
So I respectfully request that at a minimum you drop the 14 hrs/5 year proposal. If you insist on the annual 4 hour requirement, please restrict it to changes in USPAP that occurred in the past calendar year and/or changes that are being discussed or about to be adopted. I also request that these 4 hour sessions be offered just twice a year around the state and that they be taught directly by Appraisal Foundation committee members responsible for USPAP, their designated representatives, or someone directly connected with our Board and not by continuing ed providers or correspondence courses.

The only really accurate info I have received to date on USPAP was obtained from the informational 1-day meeting held by the Appraisal Foundation when reporting standards were changed. The instructors in the continuing ed industry usually try to advise us on how to get around USPAP or they try to show us how to get by minimally.

So in conclusion, I would like to emphasize that continuing ed is important. It is one way for us to grow in our profession and gain new knowledge and new ways of looking at things. It is so important that we should not waste 50% of it on this issue. My recommendation is that you not impose restrictions on what we take other than the following:

1.) If you feel you need to "do something" about standards, give us the option of testing out of the USPAP continuing ed. 2.) Make sure no one takes the same course on any topic from the same provider more than once. 3.) Eliminate correspondence options of meeting education requirements. I hope you will seriously consider these recommendations.

Respectfully submitted



Eugene M. Zdrojewski, Jr.
WV Certified General Appraiser
Certificate No. 013

COMMENT:

A WV appraiser recommends that :

1. The Board insure that no one takes the same course from the same provider more than once.
2. Eliminate credit for correspondence courses.
3. Allow for option to "test out" of USPAP continuing education.

BOARD RESPONSE:

1. Current Board policy does not allow credit for the same course from the same provider more than once every 5 years except for USPAP courses.
2. Current policy does not allow credit for correspondence courses.
3. The purpose of continuing education is to keep abreast of changes, learn new skills, review information previously learned, etc. By not attending the class, he would be defeating the purpose of continuing education.

No amendments were made.

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June 21, 1996

West Virginia Real Estate
Appraiser Licensing and
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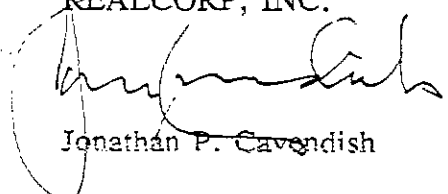
Dear Honorable Board Members:

Enclosed, is a copy of a letter I received from Eugene Zdrojewski regarding USPAP continuing education hours. After reading Mr. Zdrojewski's letter, I have to concur with him, that additional education is not the solution to this problem.

Please reconsider your proposal to change the Rules and Regulations regarding continuing education hours.

Sincerely yours,

REALCORP, INC.



Jonathan P. Cavendish

JPC:bkg

Enclosure



COMMENT:

Two appraisers oppose the Board's requirement for four hour and 14 hour USPAP classes.

RESPONSE:

The Board feels these classes are essential since WV Code 37-14-22 requires that all licensed appraisers comply with USPAP. The two appraisers apparently misunderstand the proposed rules which only require the four hour course from 1998 through 2001 and then require a 14 hour class once every 5 years. The requirement for the 14 hour USPAP class is recommended by the AQB and is presently mandated in many states.

No amendments were made.

**Summary
Series 1**

- (1) Change in definition of term "licensee" to include all classifications of appraisers.

**Summary
Series 2**

- (1) Modified definition of experience to comply with AQB criteria.
- (2) Deleted exceptions in section 3.2 which are already in code.
- * (3) Increased education requirement from 75 to 90 classroom hours for licensed residential classification and apprentice permits effective January 1, 1998.
- (4) Deletion of provision allowing appraisal experience credit for teaching appraisal classes.
- (5) Require experience obtained after January 1, 1991 to comply with Uniform Standards of Professional Appraisal Practice (USPAP) for all classifications.
- (6) Clarified National Examination requirement and added language on State Examination requirement.
- * (7) Revisions to the certified general classification effective January 1, 1998;
- ◇ Increased education requirement from 165 to 180 classroom hours
 - ◇ Expanded list of topics to be included in the required classroom hours
 - ◇ Increased experience requirement from 2,000 to 3,000 hours of appraisal experience obtained over a period of not less than 30 months
- * (8) Revisions to the certified residential classification effective January 1, 1998:
- ◇ Increased experience requirement from 2,000 to 2,500 hours of appraisal experience obtained over a period of not less than 24 months
 - ◇ Expanded list of topics to be included in the required 135 classroom hours
- (9) Reduced annual fees to reflect fees currently being charged.
- (10) Deleted provision that apprentice permit can only be renewed four times.
- (11) Created inactive status classification and fee of \$25.00 annually
- (12) Miscellaneous cleanup/technical changes.

* *Applies only to new licenses issued on or after January 1, 1998 - does not apply to renewals of an existing license.*

Summary
Series 3

- (1) Increase continuing education requirement from 10 hours to 14 hours annually for all appraisers and apprentices effective January 1, 1998. From 1998 through 2001 only, a minimum of four (4) classroom hours in the Uniform Standards of Professional Appraisal Practice (USPAP) is included in the annual continuing education requirement. Beginning with the annual renewal in 2002, a 14 hour course on USPAP must have been taken at least once within the previous five (5) years in lieu of the four (4) hour class. The 14 hour class will continue to be required once in each five year period. Effective January 1, 2002 the minimum of four classroom hours of USPAP annually will no longer be required.
- (2) Added Fair Housing to list of approved continuing education topics.
- (3) Lower renewal fees to reflect fees currently being charged.
- (4) Miscellaneous cleanup/technical changes.

GENTLEMEN
I FULLY ENDORSE ALL THE CHANGES DESCRIBED
ABOVE.

Peter A. Pomeroy