

# WEST VIRGINIA CODE: §30-38A-15

## §30-38A-15. Prohibited acts.

(a) An appraisal management company or any person acting for an appraisal management company as a controlling person, owner, director, officer, agent, employee or independent contractor may not:

(1) Improperly influence or attempt to improperly influence the development, reporting, result or review of an appraisal through:

(A) Intimidation, inducement, coercion, extortion, collusion, bribery, compensation, blackmail, threat of exclusion from future appraisal work or any other means that unduly influences or pressures the appraiser;

(B) Withholding payment to an appraiser or compensating the appraiser at less than the customary and reasonable rate for appraisal services unless for breach of contract; or

(C) Expressly or impliedly promise future business, promotions or increased compensation to an appraiser;

(2) Knowingly employ a person to a position of responsibility who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction, and not subsequently granted or reinstated;

(3) Knowingly enter into a contract with a person for the performance of appraisal services who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction, and not subsequently granted or reinstated;

(4) Knowingly enter into a contract, agreement or other business relationship for the purpose of obtaining real estate appraisal services with a firm that employs or contracts with a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked or surrendered in this state or any other jurisdiction, and not subsequently granted or reinstated;

(5) Knowingly fail to separate and disclose any fees charged to a client by the appraisal management company for an appraisal by an appraiser from fees charged to a client by the appraisal management company for appraisal management services;

(6) Prohibit an appraiser from stating, in a submitted appraisal, the fee paid by the appraisal management company to the appraiser for the appraisal;

(7) Require an appraiser to pay for a background check required by the AMC as a condition of being added to the AMCs panel of appraisers;

- (8) Request, allow or require an appraiser to collect any portion of the fee, including the appraisal fee, charged by the appraisal management company to the client;
- (9) Require an appraiser to provide the registrant with the appraiser's signature or seal in any form;
- (10) Alter, amend or change an appraisal submitted by an appraiser;
- (11) Remove an appraiser's signature or seal from an appraisal;
- (12) Add information to or remove information from an appraisal with the intent to change the conclusion of the appraisal;
- (13) Remove an appraiser from an appraiser panel without 20 days prior written notice to the appraiser and an opportunity for the appraiser to be heard;
- (14) Enter into an agreement or contract for the performance of appraisal services with an appraiser who is not in good standing with the board;
- (15) Request or require an appraiser to provide an estimated, predetermined or desired valuation in an appraisal;
- (16) Request or require an appraiser to provide estimated values or comparable sales at any time prior to the appraiser completing an appraisal;
- (17) Condition a request for an appraisal or the payment of an appraisal fee on:
  - (A) An opinion, conclusion or valuation reached; or
  - (B) A preliminary estimate or opinion requested from an appraiser;
- (18) Provide to an appraiser an anticipated, estimated, encouraged or desired value for an appraisal or a proposed or targeted amount to be loaned or borrowed, except that a copy of the sales contract for the purchase transaction may be provided;
- (19) Require an appraiser to indemnify or hold harmless an appraisal management company for any liability, damage, losses or claims arising out of the services provided by the appraisal management company;
- (20) Have a direct or indirect interest, financial or otherwise, in the property or transaction involving the appraisal;
- (21) Provide to an appraiser or a person related to the appraiser stock or other financial or nonfinancial benefits;
- (22) Obtain, use or pay for a second or subsequent appraisal or order an automated valuation model, unless:

- (A) There is a reasonable basis to believe that the initial appraisal was flawed and the basis is clearly and appropriately noted in the file;
- (B) The second or subsequent appraisal, or automated valuation model is done under a bona fide prefunding or post-funding appraisal review or quality control process;
- (C) The second appraisal is required by law; or
- (D) The second or subsequent appraisal or automated valuation model is ordered by a client; or
- (23) Commit an act or practice that impairs or attempts to impair an appraiser's independence, objectivity or impartiality.
- (b) This section does not prohibit an appraisal management company from requesting that an appraiser:
- (1) Provide additional information about the basis for a valuation;
  - (2) Correct objective factual errors in an appraisal;
  - (3) Provide further detail, substantiation or explanation for the appraiser's conclusion; or
  - (4) Consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal.