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Appraisal Subcommittee

Federal Financial Institutions Examination Council

September 2, 2008

Gregory Skinner
Senior Assistant Attorney General
Office of Attorney General
1900 Kanawha Blvd., East
Charleston, WV 25305


Dear Mr. Skinner:

As you are aware, West Virginia legislative Rules §§ 190-2-14.1 and 190-3-8.1 are in need of amendment. We note that §§ 190-2-14.1 and 190-3-8.1 recognize the outdated 2005 edition of USPAP and § 190-4-12.1 recognizes the even more outdated 2004 edition of USPAP. The 2006 version, which became effective July 1, 2006, was never adopted by the State of West Virginia, and now the 2008 version, which became effective January 1, 2008, has not been adopted. This was previously cited in our November 15, 2006 field review letter, which specifically directed the Board to:

1. Take the necessary action to immediately update its regulations to reflect the (then current) 2006 edition of USPAP. If necessary, the Board was directed to work with legal counsel to have this issue addressed on a priority basis in the 2007 legislative sessions; and
2. Work with its Assistant Attorney General to implement statutory and/or regulatory language that would allow incorporation of the most current edition of USPAP by reference without the necessity of going back to the legislature.

No action was taken. Citation and cross reference to outdated provisions of the Uniform Standards in your legislative Rules poses risk of inaccurate and false reliance. It is imperative that only the current version of USPAP be incorporated in the West Virginia legislative Rules. Please take immediate action to accomplish this and send us a copy of the final legislative Rules within five days of their adoption.

Sincerely,


Vicki Ledbetter
Acting Executive Director

cc: Sharron Knotts, Executive Director