

□ □ □ □ □ □

Appraisal Subcommittee

Federal Financial Institutions Examination Council

December 16, 2003

David Shields, Chairman
West Virginia Real Estate Appraiser
Licensing and Certification Board
2110 Kanawha Blvd. East, Suite 101
Charleston, WV 25311

Dear Mr. Shields:

Thank you for your cooperation and your staff's assistance in the November 17-18, 2003 Appraisal Subcommittee ("ASC") review of West Virginia's real estate appraiser regulatory program ("Program"). We identified one area that needs your attention to ensure that your Program operates in a manner consistent with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended ("Title XI").

- **Board regulations impose excessive fees for temporary practice permits.**

Title XI prohibits a State from imposing excessive fees for temporary practice permits and instructs the ASC to determine what fees are excessive. As provided in ASC Policy Statement 5, the ASC determined that fees exceeding \$150 per assignment are excessive. The Board's fee structure for temporary practice permits is based on appraisal reports. The fee for one report is \$100 for non-residential and \$50 for residential. Fees are charged for each report regardless of whether the reports are part of a single assignment. This fee structure creates situations in which the fees assessed by the Board exceed \$150 per assignment.

The Board needs to amend its regulations to comply with Title XI and ASC Policy Statement 5 regarding temporary practice.

Please respond to our finding and recommendation within 60 days from the date of this letter. Until the expiration of that period or the receipt of your response, we consider this field review to be an open matter. After receiving your response or the expiration of the 60-day response period, whichever is earlier, this letter, your response and any other correspondence between you and the ASC regarding this field review become releasable to the public under the Freedom of Information Act and will be made available on our Web site.

If you have any questions, please contact us.

Sincerely,

Steven D. Fritts
Chairman