

Alabama Real Estate Appraisers Board

NOTICE OF INTENDED ACTION

AGENCY NAME: Alabama Real Estate Appraisers Board

RULE NO. & TITLE: 780-X-14-.02
Informal Disciplinary Procedure

INTENDED ACTION: Amendment

SUBSTANCE OF PROPOSED ACTION: This amendment allows appraisers to obtain the identity of the person who files a complaint against the appraiser. It also provides for penalties against the respondent appraiser who contacts or retaliates against an individual filing a complaint.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may submit their views regarding the proposed new rule orally or in writing to the Alabama Real Estate Appraisers Board, P.O. Box 304355, Montgomery, Alabama 36130-4355; 334-242-8747 no later than 4:30 P.M. on October 15, 2015. A public hearing will be held on September 16, 2015 at 9:00 A.M., Capital Auditorium, Alabama Capital, 600 Dexter Avenue, Montgomery, Alabama, 36104.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: Written or oral comments concerning this change must be received by the Alabama Real Estate Appraisers Board no later than October 30, 2015 at 4:30 P.M., P.O. Box 304355, Montgomery, Alabama, 36130-4355 or 100 North Union Street, Suite 370, Montgomery, AL 36104 or 334-242-8747.

CONTACT PERSON AT AGENCY: Neva C. Conway
Assistant Attorney General


Lisa Brooks

780-X-14-.02 Informal Disciplinary Procedure.

(1) In the event a letter of complaint is filed against a licensee, or the Board determines from other information that an investigation is necessary, the procedure for investigation shall be as follows:

(a) The Letter of Complaint or other information will be reviewed by both the Board's attorney and the Board's investigative staff. The Licensee may request and receive a copy of the complaint along with the name of the individual who filed the complaint. No information in the complaint will be redacted or removed from the complaint prior to providing it to the Licensee.

(b) Following the initial review of the letter of complaint, the Board's attorney, with the input and involvement of the Board's investigative staff, will make a recommendation to the Board, as to whether probable cause exists showing that there have been probable violations of the Board rules and regulations. A majority of the those Board members present will vote whether to accept the staff's recommendation. In making this determination, the Board will not have access to the name of the licensee in question or the property address of the appraisal/appraisals that is the subject of the complaint.

(c) Following the Board's decision as to whether probable cause exists, the case will either be dismissed, or further investigation will be recommended, or the case may be set for a hearing. Where the investigation determines that the complaint or other information may constitute a violation of the Board's rules and/or statutes, the Board's attorney and/or the Board's investigative staff, without prejudice to its authority to initiate formal action, may take such action as necessary to contact the licensee, complainant, or any other parties, in an effort to resolve and informally settle any dispute which may violate or potentially violate the Board's rules and/or statutes. Such action may include, but is not limited to, issuing a request to the licensee that he or she do, or refrain from doing, such activities as the Board may prescribe, and the entering of tentative settlement agreement(s) and/or releases between the licensee, the Board and/or other parties setting out the terms of any resolution and settlement of violation(s) or potential violation(s).

(d) Should the Board's attorney enter into a tentative settlement agreement with the licensee a summary of

this settlement agreement will be presented to the Board. The summary will exclude the licensee's name or other identifying information. The Board, by the vote of a majority of those present may accept the settlement agreement, reject the settlement agreement or change the terms of the agreement. Should the terms of the agreement be changed, the Board's attorney will have the authority to settle the case in the manner instructed by the Board. All settlement agreements are subjected to Board approval.

(2) In the event a disciplinary case cannot be settled, the Board and/or the licensee may request that the case be set for a hearing. Thereafter, a Summons and Complaint may be issued.

(3) A respondent appraiser who requests and receives a copy of the complaint received by the Board shall not contact the individual who made the complaint. A respondent appraiser shall not retaliate against the person who filed a complaint in any way. Violation of this section by a respondent will result in a 30 day suspension of the appraiser license if, after notice and hearing provided for in this chapter, the Board finds that the respondent has violated this section.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-5.

History: Permanent adoption filed January 21, 1993; effective February 25, 1993. **Repealed and Replaced:** Filed

February 27, 1996; effective April 3, 1996. **Amended:** Filed

February 23, 1998; Effective March 30, 1998. **Repealed and New**

Rule: Filed May 23, 2000; effective June 27, 2000