

The Alabama Real Estate Appraisers Board Complaint - Disciplinary Procedures

1. All complaints must be made in writing in accord with the Real Estate Appraisers Administrative Code §780-X-14.01, Disciplinary Action. The Board does not process complaints for disagreement with value conclusions if the method of arriving at a value is recognized and accepted in the profession. The Board does not process complaints about individual business practices such as tardiness in product delivery, failure to keep appointments, rude behavior, etc. Acts or omissions that may result in disciplinary action by the Board are set forth in §34-27A-20(a) and §34-27A-23 of the Alabama Real Estate Appraisers Act.
2. Complaints must be filed with the Board's staff in writing, signed by the Complainant and notarized. Unsigned written complaints received by the Board (anonymous) can be considered by the Board if violations are stated and supporting documentation accompanies the complaint. There must be clear indication of violations in the complaint and documentation submitted.
3. Under authority of §34-27A-20(a) of the Alabama Real Estate Appraisers Act, the Board may investigate the actions of a Licensee on its own motion. Board-initiated complaints may originate internally from the Board's staff or may be initiated by individual Board Members. Board-initiated complaints are also governed by Administrative Rule §780-X-14 Complaint. If a Board-initiated complaint originates from one or more Board Members, the Board Member(s) initiating the complaint must preserve the confidentiality of the identity of the Licensee, the specific property address, and any other identifying information as provided in Administrative Rules §780-X-14-.02 Informal Disciplinary Procedure and §780-X-14-.03 Probable Cause. The Board Member(s) initiating the complaint must recuse from all Board deliberations related to the complaint.

Upon receipt of a complaint, the Licensee is notified by letter that a complaint has been filed along with a request for a complete, signed copy of the subject appraisal report together with copies of all work file documentation.

4. After receipt of the appraisal copy and work file from the Licensee, a copy of the complaint with a request for a written response to the allegations is sent to the Licensee. All information that identifies the Complainant is redacted from the copy of the complaint sent to the Licensee. Although the responses can be helpful to the Board's investigative staff and attorney in making Probable Cause recommendations, especially in instances where dismissal should be the recommendation, the Licensee cannot be compelled to file a response at this stage.
5. The investigative staff then conducts a preliminary investigation and reports to the Board for a determination of probable cause to continue the disciplinary action. The report presented to the Board contains only information about violations of the appraisal code, rules or USPAP in the appraisal report. It does not identify the Licensee by name

or certificate number or identify the property address or location. If the Board finds Probable Cause, a formal investigation begins. If the Board finds there is no Probable Cause, the case is dismissed.

6. Once the investigation is complete, the Board's attorney is authorized to negotiate a tentative settlement agreement with the Licensee for appropriate disciplinary action. This is a Consent Settlement Order. A signed Consent Settlement Orders must be approved by a majority vote of the Board to be final. The discipline agreed upon in a Consent Settlement Order can be any one or combination of the following:

- Revocation of license
- Suspension of license
- Public Reprimand
- Private Reprimand
- Letter of Warning
- Letter of counsel
- Specialized or fundamental appraisal education
- Review of work product for a specified time period
- Monetary fine
- Require a co-signer on subsequent work product for specified time period
- Certification downgrade
- Other actions authorized by the Board

A Licensee is eligible to apply for reinstatement of a revoked license after two years. If revocation is the result of a conviction of a crime of moral turpitude, the time period is extended to five years.

Fines are a maximum of \$500 per violation of State law, USPAP Standards Rules, or the Board's Administrative Code.

A Public Reprimand permanently remains in the Licensee's administrative file as a public record. This disciplinary action is also published for public dissemination and includes the Licensee's name.

A Private Reprimand permanently remains in the Licensee's disciplinary file and is not a public record.

The Board can vote to reject the terms of the Consent Settlement Order which has been negotiated with the Licensee and authorize the Board attorney to settle the complaint in a manner instructed by the Board. The Licensee can accept or reject the new terms offered by the Board.

7. In the event a disciplinary action can not be settled, the Board or Licensee may request a formal hearing. A Summons and Complaint is served on the Licensee by Certified and First Class mail at least twenty-one (21) days prior to the scheduled date of a hearing.

- a. A disciplinary hearing is similar to a courtroom setting. The burden of proof is on the Board to prove the charges against the Licensee. The Licensee can offer any testimony or evidence to explain or refute the charges. A Board Member who the Licensee believes to be personally biased may be asked to recuse him/herself from the panel.
- b. The remaining Board Members act as decision-makers.
- c. The action is prosecuted by the Board's attorney.
- d. The Licensee may be represented by Counsel if he/she so desires.
- e. An Administrative Law Judge from a special division of the Attorney General's Office is present at the hearing and makes rulings on questions of evidence and procedure.
- f. All evidence in a hearing is admitted only in accordance with the Alabama Administrative Procedure Act, Code of Alabama, 1975, §41-22-13.
- g. Any terms of a previously offered Consent Settlement are null and void.
- h. In accordance with §780-X-14, the Board hears the evidence. At the conclusion of the hearing, each charge in the formal complaint is voted on by the Board.
 1. If acquitted of all charges, the Licensee, his attorney and the person who filed the complaint are notified by letter.
 2. If a determination of guilt is found on one or more of the charges, the Board then determines the appropriate discipline.
 3. The Board can request that the Administrative Law Judge make a recommendation of his findings of the facts presented to prove each of the charges in the Summons and Complaint and his conclusion of the law applied to the facts. The Board can either accept or reject the Administrative Law Judge's recommendation or the Board. The Board's findings are set forth in a formal Order prepared by the Administrative Law Judge or the Board's Executive Secretary. The Order must be sent to the Licensee within 30 days after the hearing.
8. If a Licensee disagrees with the Board's order, an appeal to the Circuit Court in the Licensee's county of residence may be filed. This appeal is not a new trial and is limited to questions of law.