

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 investigates complaints for failure to comply with the Uniform Standards of Professional Appraisal Practice, the Appraisers Act and Real Estate Appraisers Board Administrative Code. 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 in writing and signed by the Complainant. Unsigned written complaints received by the Board (anonymous) are not considered for any reason.
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 appraisal report together with copies of all work file documentation.

4. After receipt of the appraisal copy and work file from the Licensee, the complaint file is screened by one member of the Discipline Committee who makes a recommendation for investigation or for dismissal.
5. Once the investigation is complete, the Discipline Committee reviews the Investigative Report and makes a recommendation to the Board that probable cause of violations exists or does not exist. If the recommendation is that probable cause does not exist, the case is dismissed. If the recommendation is that probable cause does exist, the Board's attorney is authorized to negotiate a tentative settlement agreement with the Licensee for Board approval. This is usually a Consent Settlement Order. A signed Consent Settlement Order 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 as agreed between the Board and the Licensee.

A Licensee whose license is revoked 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, including a Letter of Warning, 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.

6. 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 Board member who screened the case and reviewed the investigative report recuses from the hearing. The remaining Board Members act as decision-makers.
- c. The action is presided over by an Administrative Law Judge prosecuted by the Board's attorney. The Administrative Law Judge makes rulings on questions of evidence and procedure.

- d. The Licensee may be represented by Counsel if he/she so desires.
 - e. Hearings are conducted in accordance with the Alabama Administrative Procedure Act, Code of Alabama, 1975, §41-22-13 and all evidence in a hearing is admitted according to the Alabama Rules of Evidence..
 - f. Any terms of a previously offered Consent Settlement are null and void.
 - g. The Board may hear the evidence or the hearing may be conducted before only the Administrative Law Judge. If the Board is not present for the hearing, the record of the hearing, along with the transcript of the evidence is prepared for the Board. The Administrative Law Judge prepares a written Recommendation for the Board which contains recommended findings of fact and conclusions of law. The Board may adopt or reject all or part of the Administrative Law Judge's recommendations and issues a written Order of findings and discipline. The Order must be sent to the Licensee within 30 days after the hearing.
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 - 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 determines the appropriate discipline.
7. 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.