Regulation No. 6
Peer Review

Effective January 1, 2013
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ARTICLE I

Purpose

The primary purpose of this Regulation is to establish uniform rules governing peer review proceedings.
ARTICLE II

Definitions

As used in this Regulation, the following terms shall have the following meanings unless the context clearly indicates that another meaning is intended:

Admonishment
“Admonishment” is a disciplinary action that is a warning, calling the attention of a Member, Candidate, Practicing Affiliate or Affiliate to one or more violations of the Appraisal Institute Code of Professional Ethics. An Admonishment is entered into an individual’s record for a period of five (5) years but is not published or made known to Members, Candidates, Practicing Affiliates, Affiliates or the general public.

Board of Directors
“Board of Directors” means the Board of Directors of the Appraisal Institute.

Censure
“Censure” is a disciplinary action that is a formal expression of severe criticism and disapproval for one or more violations of the Appraisal Institute Code of Professional Ethics.

A Censure is entered into an individual’s record for a period of thirty (30) years and is published in both print and electronic media. In addition, the individual’s chapter is notified of the Censure.

An individual who receives a Censure shall be ineligible to hold any national, regional, or chapter position or serve as an instructor for the Appraisal Institute for five (5) years from the effective date of the Censure.

If an individual is holding one or more national, regional or chapter positions or is serving as an approved instructor for the Appraisal Institute as of the effective date of the Censure, the individual shall be automatically removed from any and all such positions.

Code of Professional Ethics
“Code of Professional Ethics” means the Appraisal Institute Code of Professional Ethics or a similar document of one of its predecessors.

Conflict of Interest
“Conflict of Interest” means a situation in which an individual’s judgment in matters regarding another person’s interests or rights would be materially affected by the individual’s own financial, business, property, or personal interests or by the individual’s own Personal Bias or experience. “Personal Bias” means an individual’s predisposition, either favorable or prejudicial, to the interests or rights of another individual; having Personal Bias is the opposite of being impartial.
Designated Member in good standing

“Designated Member in good standing” means any Designated Member of the Appraisal Institute who is not suspended from membership.

Disciplinary Action

“Disciplinary Action” means a penalty imposed upon a Member, Candidate, Practicing Affiliate or Affiliate for violation of the Appraisal Institute Code of Professional Ethics. Disciplinary actions include Admonishment, Reprimand, Censure, Suspension, and Expulsion.

Disciplinary Proceedings

“Disciplinary Proceedings” applies to the actions commencing with the filing of: a Notice of Hearing Committee Appointment; a notice of a finding of a violation of Ethical Rule 1-2, 2-3(b), 2-3(c), or 2-3(d); or a notice of a finding of a violation of the terms of a Suspension.

Educational Alternative

“Educational Alternative” is an opportunity that may be offered to a Member, Candidate, Practicing Affiliate or Affiliate to complete an educational experience in lieu of further investigation or in lieu of the disciplinary action of Admonishment, Reprimand, or Censure. If an individual successfully completes an Educational Alternative in lieu of further investigation, Admonishment or Reprimand, this fact is entered into the individual’s record for a period of one (1) year after the Educational Alternative is successfully completed. If an individual successfully completes an Educational Alternative in lieu of Censure, the disciplinary action is reduced to Admonishment.

Expulsion

“Expulsion” is a disciplinary action that is a complete termination of Appraisal Institute membership, candidacy or affiliation for one or more violations of the Appraisal Institute Code of Professional Ethics.

No later than the effective date of the Expulsion, the individual who receives the Expulsion shall return to the Appraisal Institute any indicia of membership, candidacy or affiliation.

Upon the effective date of an Expulsion, the individual who received the Expulsion shall completely cease any use of the Appraisal Institute designations or reference to Appraisal Institute membership, candidacy or affiliation.

An Expulsion is entered into the individual’s records for a period of thirty (30) years and is published in both print and electronic media. In addition, the individual’s chapter is notified of the Expulsion.

An individual who receives an Expulsion is ineligible to apply for readmission to membership, candidacy or affiliation, to hold any national, regional, or chapter position, and to serve as an instructor for the Appraisal Institute for five (5) years from the effective date of the Expulsion.
If an individual is holding one or more national, regional, or chapter positions or is serving as an approved instructor for the Appraisal Institute as of the effective date of the Expulsion, the individual shall be automatically removed from any and all such positions.

Investigator

"Investigator" means the individual appointed to perform the functions assigned to an Investigator as described in this Regulation. "Assistant Investigator" means any individual appointed to assist an Investigator in performing his or her duties. "Investigators" means the Investigator and any Assistant Investigators appointed to perform the functions assigned to an Investigator pursuant to this Regulation. Any Grievance Committee in place as of the effective date of this Regulation shall henceforth be known as "Investigators" and the Chair of any such Grievance Committee shall henceforth be known as "Investigator."

Peer Review Proceedings

"Peer Review Proceedings" applies to all actions taken pursuant to this Regulation to determine whether a Member, Candidate, Practicing Affiliate or Affiliate may have violated or did violate the requirements of the Appraisal Institute Standards of Professional Appraisal Practice or Code of Professional Ethics and to take appropriate remedial or disciplinary measures. Peer review proceedings also applies to all actions taken pursuant to this Regulation to determine whether a Member, Candidate, Practicing Affiliate or Affiliate; has failed to comply with the terms of Suspension; has been convicted of a serious crime committed prior to being admitted as a Member, Candidate, Practicing Affiliate or Affiliate; or has knowingly made false statements, submitted false information, or failed to fully disclose information requested in an application for admission to membership, candidacy, or affiliation and to take appropriate disciplinary action.

Reprimand

"Reprimand" is a disciplinary action that is a serious warning, calling the attention of a Member, Candidate, Practicing Affiliate or Affiliate to one or more violations of the Appraisal Institute Code of Professional Ethics. A Reprimand is entered into an individual’s record for a period of ten (10) years but is not published or made known to Members, Candidates, Practicing Affiliates, Affiliates or the general public.

Screener

"Screener" shall mean the Director of Screening, a contract screener or other staff screener who performs any of the screening functions as described in this Regulation.

Subject

"Subject" means a Designated Member, Candidate, Practicing Affiliate or Affiliate of the Appraisal Institute who is the subject of a peer review proceeding.

Standards of Professional Appraisal Practice

"Standards of Professional Appraisal Practice" means the Appraisal Institute Standards of Professional Appraisal Practice or a similar document of one of its predecessors.
Suspension

“Suspension” is a disciplinary action that is a temporary revocation of the privileges (but not the obligations) of Appraisal Institute membership, candidacy or affiliation for one or more violations of the Code of Professional Ethics.

The period of Suspension shall not be more than two (2) years. A Suspension is entered into the individual’s record for a period of thirty (30) years and is published in both print and electronic media. In addition, the individual’s chapter is notified of the Suspension.

An individual who receives a Suspension must transmit any indicia of membership, candidacy or affiliation to the Professional Practice Department no later than the date the Suspension commences to be held for the period of Suspension.

At the expiration of the period of Suspension, the suspended individual, if eligible, is automatically restored to the full privileges of Appraisal Institute membership, candidacy or affiliation and any indicia of membership, candidacy or affiliation are returned.

A suspended individual is not entitled to the benefits or privileges of Appraisal Institute membership, candidacy or affiliation. For example, a suspended Member may not:

- use or refer to any Appraisal Institute designation, or membership, candidacy or affiliation in correspondence, business cards, statements of qualifications, web presence, written or oral reports or testimony;
- hold any national, regional, or chapter positions or serve as an approved instructor for the Appraisal Institute for five (5) years from the date the Suspension commences. If an individual is holding one or more national, regional, or chapter positions or is serving as an approved instructor for the Appraisal Institute when the Suspension commences, the individual shall be automatically removed from any and all such positions; or
- receive discounts on Appraisal Institute products and services.

Although a suspended Member, Candidate, Practicing Affiliate or Affiliate is not entitled to the benefits and privileges of membership, candidacy or affiliation, a suspended Member, Candidate, Practicing Affiliate or Affiliate remains a Member, Candidate, Practicing Affiliate or Affiliate of the Appraisal Institute for all other purposes and is required to comply with the Appraisal Institute Code of Professional Ethics and Standards of Professional Appraisal Practice during the Suspension. Any failure to observe the requirements of the Appraisal Institute Code of Professional Ethics or Standards of Professional Appraisal Practice during the Suspension may result in further disciplinary proceedings under this Regulation.
**Traceable Carrier**

“Traceable Carrier” means a service that will deliver a document and that will provide proof of delivery or attempted delivery. Examples of Traceable Carriers may include, but are not limited to, the United States Postal Service when certified or registered mail is used, an overnight delivery service that can provide proof of the date and recipient of delivery, a messenger service that can provide proof of the date and recipient of delivery, or e-mail that can provide proof of date of delivery and e-mail address to which the document was sent. The sender is responsible for obtaining and maintaining proof of delivery.
ARTICLE III

General Rules Governing Peer Review Proceedings

Part A: Address for Notices
The Appraisal Institute Bylaws require that each Member, Candidate, Practicing Affiliate and Affiliate keep the Appraisal Institute advised as to the current address of his or her principal place of business and home, current facsimile number, and current email address. Any notice to a Member, Candidate, Practicing Affiliate and Affiliate that is addressed to the principal place of business or home, facsimile number or email address of such individual as it appears in the official records of the Appraisal Institute and that is transmitted within the time limits set forth in this Regulation shall be deemed good and sufficient notice for all purposes.

Part B: Confidentiality
Section 1. Files to be Confidential
Except where otherwise required or permitted, matters processed pursuant to this Regulation shall be confidential. No documents or information that pertain to or identify a specific Member, Candidate, Practicing Affiliate or Affiliate shall be made public or discussed with anyone except as authorized under the Bylaws and Regulations of the Appraisal Institute.

Section 2. Advice to Admissions Department
The Professional Practice Department shall notify the Admissions Department:

a) when a disciplinary proceeding against a Candidate is commenced and when such proceeding is concluded;

b) when a Candidate is the subject of a pending peer review proceeding in which the individual has been sent an offer of a publishable disciplinary action and when such proceeding is concluded; and

c) when a peer review proceeding results in the Censure, Suspension or Expulsion of a Candidate.

In the case of a Suspension, the Professional Practice Department also shall notify the Admissions Department of the dates the Suspension commences and ends.

Section 3. Confidential Treatment of Communications
All communications transmitted in connection with any peer review proceeding under this Regulation shall be marked “CONFIDENTIAL.”
Section 4. Breach of Confidential Nature of Peer Review Proceedings

A Member, Candidate, Practicing Affiliate or Affiliate who fails to observe the rules relating to the confidential nature of peer review proceedings under this Regulation may be subject to:

a) peer review proceedings under the Bylaws and Regulations of the Appraisal Institute, which may result in a disciplinary action; and

b) legal proceedings against such Member, Candidate, Practicing Affiliate or Affiliate for damages suffered by the Appraisal Institute as the result of the failure of such individual to observe the rules relating to the confidential nature of peer review proceedings under this Regulation.

Part C: Procedural Matters

To the extent that a procedural question arises that is not specifically covered by this Regulation, the individual, committee, board or panel charged with responsibility may consider the procedural rules that are applicable in a court of law. However, such individual, committee, board or panel shall not be bound by such procedural rules and may take such action as fairness and justice require.

If a required or permitted notice is transmitted to one or more parties to a peer review proceeding in a manner that does not comply with the requirements of this Regulation, such failure to comply shall not be deemed substantive unless one or more of the parties to whom such notice was directed was, in fact, adversely and materially affected by such failure to comply.

Part D: Cessation of Peer Review Proceedings During Pendency of Litigation

Any individual who knows or learns that a matter is subject to both a peer review proceeding under this Regulation and a pending judicial or quasi-judicial proceeding shall immediately advise the Professional Practice Department of such fact.

If the Professional Practice Department determines that continuing the peer review proceeding under this Regulation could interfere with or affect a pending judicial or quasi-judicial proceeding, the Professional Practice Department may direct that the peer review proceedings be postponed. The Professional Practice Department may further direct that the Subject of the peer review proceeding periodically update the Department as to the status of the pending judicial or quasi-judicial proceedings and provide additional information and documentation concerning the pending judicial or quasi-judicial proceedings.

The Subject of a postponed peer review proceeding under this section must promptly notify the Professional Practice Department when such pending judicial or quasi-judicial proceeding has concluded.
Part E: Deferral of Peer Review Proceedings for Medical Reasons

If the Subject of a peer review proceeding believes that he or she has a serious illness or disability that substantially impairs his or her ability to participate in a peer review proceeding, such individual may advise the Professional Practice Department of this fact and request a deferral of such proceeding.

Upon receipt of any such request, the Professional Practice Department shall conduct an investigation to determine whether, in its opinion, the Subject has an illness or disability that substantially impairs the individual’s ability to participate in a peer review proceeding. The Subject has a duty to cooperate in any investigation the Professional Practice Department deems appropriate under this Part, both before and after any deferral of the matter. If the Professional Practice Department deems it appropriate, it may request the Subject to:

a) submit to a medical examination by a medical examiner selected by the Professional Practice Department; and

b) pay for such examination.

If a Subject performs one or more Service(s) as defined by the Code of Professional Ethics during the period of this investigation, such action shall conclusively be deemed to demonstrate the ability of such individual to participate in a peer review proceeding.

If, upon completion of its investigation, the Professional Practice Department determines that the Subject has a illness or disability that substantially impairs such individual’s ability to participate in a peer review proceeding, the Professional Practice Department shall direct that all or any part of the peer review proceeding be deferred until either:

a) the Professional Practice Department determines, after further investigation, that the Subject no longer has an illness or disability that substantially impairs the individual’s ability to participate in a peer review proceeding; or

b) until such time as the Professional Practice Department directs.

A Subject who has requested or received a deferral under this section shall notify the Professional Practice Department when the illness or disability no longer substantially impairs the individual’s ability to participate in a peer review proceeding. If a Subject performs one or more Service(s) as defined by the Code of Professional Ethics during the period of a deferral, such action shall conclusively be deemed to demonstrate the ability of such individual to participate in a peer review proceeding.
Part F: Deferral of Peer Review Proceedings Due to Military Duty

If the Subject of a peer review proceeding is called to active military duty, such individual may advise the Professional Practice Department of this fact and request that the peer review proceeding be deferred while the individual is on active military duty. The Professional Practice Department may defer the peer review proceeding until the Subject is no longer on active military duty or until such time as the Professional Practice Department directs.

Part G: Events Beyond an Individual’s Control

If a Member, Candidate, Practicing Affiliate or Affiliate violates a Standards or Ethical Rule due to an event beyond the individual’s control, such as an act of God, the duly authorized party reviewing the matter should consider such event and all the relevant facts to avoid an inequitable result.

Part H: Ethics Rule of USPAP and Code of Conduct of IVS

The Ethics Rule of the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of The Appraisal Foundation shall be enforced solely through the Appraisal Institute Code of Professional Ethics.

The Code of Conduct of the International Valuation Standards promulgated by the International Valuation Standards Committee shall be enforced solely through the Appraisal Institute Code of Professional Ethics.
Composition, Powers and Duties: Professional Practice Compliance and Enforcement Committee and Professional Practice Appeal Panel

Effective January 1, 2013
ARTICLE IV

Professional Practice Compliance and Enforcement Committee

Part A: Composition

The composition of the Professional Practice Compliance and Enforcement Committee shall be as set forth in Regulation No. 7 of the Appraisal Institute.

Part B: Powers and Duties Relating to Peer Review Files

Section 1. Supervision of Peer Review Proceedings

The Professional Practice Compliance and Enforcement Committee shall exercise general supervision and control over the administration of all peer review proceedings of the Appraisal Institute.

Section 2. Discontinuation of Pending Matters

The Professional Practice Compliance and Enforcement Committee shall have the power to discontinue any pending peer review proceeding when, in the opinion of the Committee:

a) further proceedings under this Regulation would be inappropriate or would serve no useful purpose due to the serious illness or disability of the Subject involved;

b) the continuation of the peer review proceeding would violate the civil or criminal law of the jurisdiction in which such matter is pending;

c) procedural errors or omissions would make any disciplinary or remedial action unenforceable; or

d) a careful consideration of known facts and circumstances indicates that prosecutorial or investigative discretion should be exercised.

Further, if a Member, Candidate or Practicing Affiliate no longer provides any Service(s) as defined by the Code of Professional Ethics, the Professional Practice Compliance and Enforcement Committee shall have the power to discontinue any peer review proceeding concerning such Member, Candidate or Practicing Affiliate provided that the individual:

a) attests in writing that he or she has not provided any Service(s) in the past six (6) months and has no plans to provide any Service(s) in the future; and

b) agrees in writing to notify the Appraisal Institute prior to providing any Service(s).
If the Member, Candidate or Practicing Affiliate does provide Service(s) as defined by the Code of Professional Ethics after a peer review proceeding was discontinued under this Part, such proceeding shall resume in accordance with this Regulation.

**Part C: Other Powers and Duties**

**Section 1. Peer Review Regulations, Policies and Procedures**
The Professional Practice Compliance and Enforcement Committee shall have powers and duties relating to evaluating and recommending peer review Regulations, policies and procedures as set forth in the Bylaws and Regulations of the Appraisal Institute.

**Section 2. Evaluation of Application of Screening Policies**
The Professional Practice Compliance and Enforcement Committee may periodically review screening actions to determine whether such actions are consistent with the screening policies established by the Professional Practice Compliance and Enforcement Committee.

**Section 3. General**
The Professional Practice Compliance and Enforcement Committee shall have such other powers and duties as the Bylaws and Regulations of the Appraisal Institute provide. The Professional Practice Compliance and Enforcement Committee shall also perform such other duties as may be assigned to it by the Board of Directors of the Appraisal Institute.
ARTICLE V

Professional Practice Appeals Panel

Part A: Composition

Section 1. Membership of Panel
There shall be a Professional Practice Appeals Panel composed of a Chair and Designated Members as set forth in Regulation No. 7 of the Appraisal Institute.

Part B: Powers and Duties

Section 1. Conducting Appeal Proceedings in Peer Review Matters
When a Hearing on Appeal is required by this Regulation, the Chair of the Professional Practice Appeals Panel shall appoint a Professional Practice Appeal Board consisting of a Chair and not less than two (2) additional members from the Professional Practice Appeals Panel. The Chair of the Professional Practice Appeals Panel may serve as Chair or member of a Professional Practice Appeal Board.

If the Chair of the Professional Practice Appeals Panel is unable to complete any of his or her duties under this Regulation, the Professional Practice Department shall select another member of the Professional Practice Appeals Panel to complete such duties.

A Professional Practice Appeal Board shall have the power and duty to conduct Hearings on Appeal relating to such peer review matters as required or permitted by this Regulation.

Section 2. Other Duties
The Professional Practice Appeals Panel, its Chair, and its members shall perform such other duties as may be assigned by the Professional Practice Compliance and Enforcement Committee and the Board of Directors of the Appraisal Institute.
Screening

Effective January 1, 2013
ARTICLE VI

Screeners

Part A: Director of Screening

Section 1. Director of Screening
The Director of Screening shall be a Designated Member of the Appraisal Institute in good standing and shall have such qualifications as set forth in the job description for such position.

Section 2. Powers and Duties
The Director of Screening shall:

a) serve as a member of the Professional Practice Compliance and Enforcement Committee;
b) exercise general supervision over all files in screening;
c) act upon screening files as authorized by this Regulation;
d) oversee any contract or staff Screeners, as directed by the General Counsel of the Appraisal Institute; and
e) have the authority to delegate to another Screener the power to take actions and make decisions on screening file(s).

Part B: Other Screeners
The Appraisal Institute may retain contract Screener(s) and additional staff Screener(s) to assist the Director of Screening in performing the Director’s duties; to act upon files in screening; to act upon file(s) in screening should the position of the Director of Screening be vacant; to act upon files in screening where the Director of Screening has a Conflict of Interest; and, for other reasons it deems appropriate.
Screening Procedures

Part A: Screening of Information

Section 1. General

Except as otherwise provided, a Screener shall, in accordance with this Regulation, screen all information the Appraisal Institute, its Regions and its Chapters (or agents thereof) receive that suggests that an Appraisal Institute Member, Candidate, Practicing Affiliate or Affiliate may have:

a) failed to comply with the requirements of the Appraisal Institute Code of Professional Ethics or Standards of Professional Appraisal Practice;

b) been convicted of a serious crime committed prior to becoming a Member, Candidate, Practicing Affiliate or Affiliate;

c) knowingly made false statements, submitted false information, or failed to fully disclose information requested in an application for admission to membership, candidacy or affiliation.

A Screener may conduct such investigation as the Screener deems appropriate for purposes of fulfilling the Screener’s responsibilities under this Regulation. A Screener may request that any Designated Member in good standing who holds the status “continuing education program completed” procure additional information that may be relevant to the screening of a matter and forward it to the Screener.

Section 2. Possible Violations of Ethical Rules Under Canon 5

The Professional Practice Department will screen information suggesting that a Member, Candidate, Practicing Affiliate or Affiliate may have violated an Ethical Rule under Canon 5. The Professional Practice Department may conduct such investigation as the Department deems appropriate for purposes of fulfilling its responsibilities under this Regulation. If the Professional Practice Department determines that a Member, Candidate, Practicing Affiliate or Affiliate may have violated an Ethical Rule under Canon 5, the Professional Practice Department may take one or more of the following actions:

a) refer the matter to a Screener.

b) request that the Subject provide written assurances that the possible violation will cease.

c) request that the Subject provide proof that the possible violation has been corrected.

If the Subject complies with each and every request of the Professional Practice Department relating to possible violation of Ethical Rule(s) under Canon 5, the Professional Practice Department will close the file.
If the Subject does not comply with each and every request of the Professional Practice Department relating to possible violation of Ethical Rule(s) under Canon 5, the Professional Practice Department will send the file to a Screener.

Part B. Permitted Actions by the Screener

Section 1. Close With No Further Action
If the Screener determines, in his or her sole judgment, that there is no legitimate basis for further action, the Screener shall close the file with no further action.

Section 2. Educational Interaction with Screener
If the Screener determines, in his or her sole judgment, that the Subject would benefit from educational interaction with the Screener, the Screener may contact the Subject for such purposes. The Screener shall then close file.

Section 3. Educational Alternative in Lieu of Further Investigation
If the Screener determines, in his or her sole judgment, that a Member, Candidate, Practicing Affiliate or Affiliate would benefit from completing a specified Educational Alternative in lieu of further investigation and processing under this Regulation, the Screener shall so notify the Professional Practice Department.

The Professional Practice Department then shall send a notice of Educational Alternative in lieu of further investigation to the Subject. This notice shall advise the Subject that he or she shall have a period of thirty (30) days from the date of such notice to advise the Professional Practice Department in writing by Traceable Carrier as to whether the he or she elects to:

a) accept the offer of an Educational Alternative;
b) file a request for reconsideration that provides good cause for such reconsideration; or
c) request that the file be referred for further investigation.

If the Subject fails to respond to the notice of Educational Alternative in lieu of further investigation in accordance with the requirements of this Regulation the file will be referred for further investigation.

Upon receipt of a written request from the Subject setting forth facts and circumstances justifying an extension, the Professional Practice Department may extend the time for making such election or filing a request to a date that the Department deems reasonable under the circumstances.

If the Subject affirmatively accepts an Educational Alternative in accordance with the requirements of this Regulation the Professional Practice Department shall place the file in suspense until the Department can determine whether the Subject successfully completed the Educational Alternative.
If the Professional Practice Department determines that the Subject successfully completed the Educational Alternative within the specified time period, this fact shall be entered into the individual’s record for a period of one (1) year after the Educational Alternative is completed and the peer review file shall be closed.

If the Professional Practice Department determines that the Subject failed to successfully complete the Educational Alternative within the specified time period, the disciplinary action of admonishment will be entered into the individual’s record for a period of five years and the peer review file shall be closed.

If the Subject files a request for reconsideration in accordance with the requirements of this Regulation, the Screener may reconsider and revise his or her determination. If the Screener decides not to revise his or her determination the Professional Practice Department shall notify the Subject of the Screener’s decision and the individual will have a right to either:

a) accept the Educational Alternative; or

b) request that the matter be referred for further investigation.

If the Subject affirmatively elects in accordance with the requirements of this Regulation not to accept the offer of an Educational Alternative, the matter will be referred for further processing in accordance with this Regulation.

Section 4. Referral for Further Investigation

If the Screener determines, in his or her sole judgment, that further investigation is warranted, the Screener shall refer the matter for further investigation in accordance with this Regulation.

Part C: Additional Rules

Section 1. Conflict of Interest

If a Screener determines that he or she has a Conflict of Interest with respect to any screening file, the Professional Practice Department shall refer such matter to another Screener.
Investigations

Effective January 1, 2013
ARTICLE VIII

Investigations

Part A: Composition

Section 1. Appointment of an Investigator

When a matter is referred for further investigation, the Professional Practice Department shall appoint an Investigator. If the Professional Practice Department determines that the Investigator may need assistance, the Professional Practice Department may also appoint one (1) or more Assistant Investigators to assist the Investigator. An Investigator may assign all or any portion of the functions assigned to the Investigator to any Assistant Investigator(s). The Professional Practice Department may appoint a replacement Investigator or Assistant Investigator at any time during the investigation.

An Investigator or Assistant Investigator shall be a Designated Member in good standing and shall hold the status of “continuing education program completed” as of the date of appointment. An Investigator or Assistant Investigator shall not have a Conflict of Interest as to the subject matter or the subject Member, Candidate, Practicing Affiliate or Affiliate of the file. Members of the Professional Practice Compliance and Enforcement Committee are not eligible for appointment as an Investigator or Assistant Investigator.

Section 2. Notice of Appointment

The Professional Practice Department shall advise the Subject of the appointment of an Investigator and any Assistant Investigator(s) and advise the Subject that within fifteen (15) days from the date of the notice of appointment, the Subject may file with the Professional Practice Department a challenge for cause requesting that an Investigator or Assistant Investigator be excused because of a Conflict of Interest. Any challenge must set forth the facts and reasoning in support of the challenge.

Upon a timely request by the Subject, and for good cause shown, the Professional Practice Department may extend the period allowed for the filing of any challenges for cause.

Section 3. Ruling Upon a Challenge for Cause and Appointment of Replacement

Upon receipt of a challenge for cause, the Professional Practice Department shall determine whether the challenge should be granted. If a challenge for cause is granted, the Professional Practice Department may appoint a replacement for the individual who has been excused. The Subject shall have the right to file a challenge for cause to any replacement.

Section 4. Subsequent Discovery of a Conflict of Interest

If, after accepting appointment, an Investigator or Assistant Investigator discovers that he or she has a Conflict of Interest, such individual shall immediately notify the Professional Practice Department.
Section 5. Removal
If the Professional Practice Department determines that an Investigator or Assistant Investigator may have a Conflict of Interest or may have failed to perform his or her assigned duties, the Department may remove such individual from the investigation.

Part B: Investigation

Section 1. Procedure for Investigation
An Investigator shall conduct a thorough investigation of the matter assigned. As part of the investigation, the Investigator should interview the Subject. When requested to do so by a duly authorized Investigator, a Subject must appear for a personal interview, participate in an interview conducted by telephone or other electronic medium, and answer all questions concerning the matter under investigation. If the Subject declines to be interviewed, the Investigator shall document this fact in writing and shall complete any additional investigation he or she deems appropriate.

When requested to do so, a Subject must, at his or her own expense, submit to an Investigator information that is or should be in the Subject’s possession or control and that the Investigator believes may be relevant to the investigation. In addition, the Subject may submit, at his or her own expense, any additional information that he or she believes may be relevant to the investigation.

When the Investigator has completed his or her investigation, the Investigator shall evaluate the relevant facts and decide on a preliminary recommendation.

Section 2. Other Violations
If, as a result of an investigation of the subject matter of a file, the Investigator finds or receives information indicating that a Subject may have violated the Appraisal Institute Code of Professional Ethics or Standards of Professional Appraisal Practice other than in connection with the subject matter of the file assigned for investigation, the Investigator shall report such information to the Professional Practice Department. The Investigator shall take no further action relating to any such other possible violation(s) unless and until such matter is formally assigned to the Investigator.

Part C: Investigation Report

Section 1. Duty to Report
After the Investigator has completed an investigation and made a decision as to a preliminary recommendation, the Investigator shall prepare a preliminary written Investigation Report and file such Report with the Professional Practice Department.
Section 2. Contents of Investigation Report

The Investigation Report shall contain the following:

a) a statement identifying the subject matter of the file;

b) a summary of the procedures followed by the Investigator in conducting the investigation;

c) the Investigator’s findings of fact, together with a summary of the evidence that led to the conclusion that such facts could be established by the greater weight of the evidence;

d) a conclusion as to whether the Subject violated the Code of Professional Ethics and/or Standards of Professional Appraisal Practice; and

e) a preliminary recommendation made in accordance with the requirements of Section 3 below.

If the Investigator concludes that a Subject did violate the Code of Professional Ethics and/or the Standards of Professional Appraisal Practice, the Investigation Report shall contain a clear, precise statement as to the particular provision or provisions of the Code of Professional Ethics and/or Standards of Professional Appraisal Practice violated, as well as the specific details of the action (or failure to act) which constituted such violation(s).

Section 3. Permitted Recommendations

Except in the case of a violation of Ethical Rule 2-3(b), 2-3(c), or 2-3(d) of the Code of Professional Ethics, each Investigation Report shall make one of the following recommendations:

a) that the file be closed with no further action;

b) that the Subject be contacted about the possible violation of the Standards of Professional Appraisal Practice for educational purposes; or

c) that the Subject be given the right to accept a specified disciplinary action for violation(s) of the Code of Professional Ethics.

If the Investigator determines that a violation of Ethical Rule 2-3(b), 2-3(c), or 2-3(d) of the Code of Professional Ethics has occurred, the Investigator shall prepare a report and recommend that the file be further processed in accordance with the automatic Suspension/Expulsion provisions of this Regulation.
Part D: Review of Report and Implementation of Recommendation

Section 1. Review of Report
Upon receipt of an Investigation Report, the Professional Practice Department shall review the file and the Investigation Report to determine whether the investigation was adequate and whether the Investigation Report complies with the requirements of this Regulation. As part of the review process, the Professional Practice Department shall submit a copy of the Report to a member of the Professional Practice Compliance and Enforcement Committee who may provide advice concerning the adequacy of the investigation, the compliance of the report with the requirements of this Regulation, and any technical appraisal issues.

Section 2. Permitted Actions by the Professional Practice Department
If the Professional Practice Department determines that the investigation was not adequate or that the Investigation Report is not in compliance with this Regulation, the Department shall remand the file to the Investigator with instructions to take such further steps as the Department may specify.

If the Professional Practice Department determines that the Investigator’s investigation was adequate and that the Investigation Report is in compliance with this Regulation, the Department shall proceed as follows:

a) if the Investigator recommended that the file be closed with no further action, the Department shall close the file and advise the Subject that the file has been closed;

b) if the Investigator recommended that the Subject be contacted about possible violation of the Standards of Professional Appraisal Practice for educational purposes, the Department shall send the Subject a copy of the Investigation Report for such purposes and close the file; or

c) if the Investigator recommended giving the Subject the right to accept disciplinary action for possible violations of the Code of Professional Ethics, the Professional Practice Department shall proceed in accordance with Part E of this Article.

Part E: Procedure if an Investigator Recommends that the Subject be Given the Right to Accept Disciplinary Action

Section 1. Review of Prior Disciplinary Record
If the Professional Practice Department determines that the investigation was adequate and that the Investigator’s recommendation that the Subject be given the right to accept a specified disciplinary action complies with this Regulation, the Department shall review the Appraisal Institute records to determine whether such individual has previously received any disciplinary actions. The Department shall then notify the Investigator of the Subject’s prior disciplinary record, if any. The Investigator may then consider such record and change the recommendation as to disciplinary action and any Educational Alternative.
Section 2. Procedure if Subject is Offered Disciplinary Action Without an Educational Alternative Offered

If the Investigator recommended disciplinary action without an Educational Alternative, the Professional Practice Department shall send the Subject a copy of the Investigation Report and a notice that the Investigator has recommended that such individual be given the right to accept a specified disciplinary action. This notice shall also advise the Subject that he or she shall have thirty (30) days from the date the notice and Report to advise the Professional Practice Department in writing by Traceable Carrier as to whether the Subject accepts such disciplinary action or requests reconsideration of the Investigator’s findings and/or recommendation. A request for reconsideration must provide good cause for such reconsideration.

Upon receipt of a written request from the Subject setting forth facts and circumstances justifying an extension, the Professional Practice Department may extend the time for making such election or filing a request for reconsideration to a date the Professional Practice Department deems reasonable under the circumstances.

If the Subject affirmatively accepts a disciplinary action in accordance with the requirements of this Regulation, or fails to respond to the offer of disciplinary action within the thirty (30) day period (or any extension thereof), the disciplinary action shall become effective and the file shall be closed.

If the Subject files a request for reconsideration in accordance with the requirements of this Regulation, the Investigator may reconsider and revise the findings and recommendation in accordance with Section 4 below.

If the Subject affirmatively and properly elects not to accept such disciplinary action, a formal Complaint shall be prepared in accordance with Section 5 below and the file shall be processed further as set forth in this Regulation.

Section 3. Procedure if Subject is Offered Disciplinary Action with an Educational Alternative

If the Investigator recommended offering the Subject a disciplinary action and the opportunity to complete a specified Educational Alternative, the Professional Practice Department shall send the Subject a copy of the Investigation Report and a notice that the Investigator has recommended that such individual be given the right to accept a disciplinary action, or in lieu thereof, the right to successfully complete a specified Educational Alternative within a fixed period of time. This notice shall also advise the Subject that he or she shall have thirty (30) days from the date the notice and Report was sent to advise the Professional Practice Department, in writing by Traceable Carrier, as to whether he or she elects to accept the offer of an Educational Alternative, to accept the offer of disciplinary action, to accept neither the disciplinary action nor the Educational Alternative, or to file a request for reconsideration that shows good cause for such reconsideration.

Upon receipt of a written request from the Subject setting forth facts and circumstances justifying an extension, the Professional Practice Department may extend the time for making such election or
filing a request for reconsideration to a date which the Professional Practice Department deems reasonable under the circumstances.

If the Subject affirmatively accepts the recommended disciplinary action in accordance with the requirements of this Regulation, or if the Subject fails to respond to the offer of disciplinary action and an Educational Alternative within the thirty (30) day period (or any extension thereof), the disciplinary action shall become effective and the file shall be closed.

If the Subject files a written request for reconsideration in accordance with the requirements of this Regulation, the Investigator may reconsider and revise the findings and recommendation in accordance with Section 4 below.

If the Subject affirmatively elects not to accept the offer of an Educational Alternative or the recommended disciplinary action in accordance with the requirements of this Regulation, a formal Complaint shall be prepared in accordance with Section 5 below and the file shall be processed further as set forth in this Regulation.

If the Subject elects to accept such Educational Alternative in accordance with the requirements of this Regulation, the file shall be placed in suspense until the Professional Practice Department can determine whether the Subject successfully completed the Educational Alternative within the specified time period.

If the Professional Practice Department determines that the Subject successfully completed the Educational Alternative within the specified time period, this fact shall be recorded in the file of the Subject and the file shall be closed. If the Educational Alternative was in lieu of Reprimand or Admonishment, the disciplinary action shall not become effective. If the Educational Alternative was in lieu of Censure, the disciplinary action shall be reduced to Admonishment which shall be recorded in the Subject’s disciplinary record.

If the Professional Practice Department determines that the Subject failed to successfully complete the Educational Alternative within the specified time period, the disciplinary action shall become effective, shall be posted to the record of the Subject, and the file shall be closed.

Section 4. Request for Reconsideration

Upon receipt of a request for reconsideration filed in accordance with the requirements of this Regulation, the Investigator may reconsider the findings and recommendation.

If the Investigator decides not to revise the findings or recommendation, the Investigator shall so notify the Professional Practice Department.

If the Investigator decides to revise the findings and/or recommendation, the Investigator shall submit a revised Investigation Report and/or recommendation to the Professional Practice Department.
The Professional Practice Department will review the revised report and/or recommendation to determine whether the revised Investigation Report (if any) and/or recommendation comply with Regulation No. 6. If the revised Investigation Report and/or recommendation are not in compliance with Regulation No. 6, the Professional Practice Department shall remand the matter to the Investigator with instructions to take such further steps as the Professional Practice Department may specify.

If the Professional Practice Department determines that the revised Investigation Report and/or recommendation comply with Regulation No. 6, the Professional Practice Department shall notify the Subject of the findings and recommendation. However, if the Investigator still recommends disciplinary action (and possibly an Educational Alternative in lieu thereof), the Subject shall have a right to request a Hearing (in which case a formal Complaint will be prepared and filed), rather than the right to file another request for reconsideration.

Section 5. Preparation of a Formal Complaint

If a Subject affirmatively elects not to accept an offer of disciplinary action (and any offer of an Educational Alternative) in accordance with the requirements of this Regulation, the Investigator shall prepare a formal Complaint. The Complaint shall include the following information:

a) Allegations of Fact
The Investigator shall set forth in detail each alleged act (or failure to act) that the Investigator believes violates the Appraisal Institute Code of Professional Ethics so as to fully inform the Subject of the basis for the Complaint; and

b) Relation to Code of Professional Ethics
The Investigator shall set forth each provision of the Appraisal Institute Code of Professional Ethics that the Investigator alleges the Subject violated. The Complaint shall also clearly and specifically state the Subject’s act or acts (or failure to act) that violated each such provision.
Rules Governing Disciplinary Proceedings

Effective January 1, 2013
ARTICLE IX

Hearings

Part A: Appointment of Hearing Committee and Filing of Complaint

Section 1. Appointment of Hearing Committee

After the Professional Practice Department receives a signed formal Complaint, the Department shall appoint a Hearing Committee. The Chair and other members of a Hearing Committee shall be Designated Members in good standing and shall hold the status of "continuing education program completed" as of the date of appointment.

Each Hearing Committee shall consist of a Chair and not less than two (2) other members. No member of the Hearing Committee shall have a Conflict of Interest with the subject matter of the case, the Subject or the Investigator(s).

Section 2. Filing of Complaint

The Professional Practice Department shall file the formal Complaint by sending a Notice of Hearing Committee Appointment and a copy of the Complaint to the Subject. The Notice of Hearing Committee Appointment shall contain the following information:

a) the name of the Chair and each member of the Hearing Committee;

b) advice to the Subject that within twenty (20) days from the date of transmittal of the Notice of Hearing Committee Appointment he or she may file a challenge for cause requesting that the Chair or any member of the Hearing Committee be excused from serving on the Hearing Committee because of a Conflict of Interest;

c) advice to the Subject that within twenty (20) days from the date of transmittal of the Notice of Hearing Committee Appointment he or she may file one preemptory challenge requesting that the Chair or one other member of the Hearing Committee be excused from serving on the Hearing Committee;

d) advice to the Subject that he or she has the right to be represented at the Hearing by legal counsel provided that he or she gives proper notice;

e) notice to the Subject that he or she must file a written Answer to the Complaint and the date by which such Answer must be filed; and

f) advice to the Subject that he or she has the right to file a written Request for a Bill of Particulars, and/or a written request that the Hearing Committee Chair issue summons for witnesses or the production of documents, and the dates by which such rights must be exercised.
Section 3. Filing Date

The filing date of any challenges or pre-hearing filings shall be the date that such item is transmitted to the Professional Practice Department.

Section 4. Extensions of Time for Filing Challenges and/or Pre-Hearing Motions

Upon a timely written request and for good cause shown, the Professional Practice Department shall have the power to extend the period allowed for the filing of any challenges or pre-hearing filings. However, once the Hearing Committee Chair is determined, the Hearing Committee Chair shall have the power to extend the period allowed for pre-hearing filings upon timely written request and good cause shown.

Section 5. Challenges for Cause

A Subject may file with the Professional Practice Department a challenge for cause requesting that any member of the Hearing Committee be excused from serving on the Hearing Committee because such member has a Conflict of Interest. There is no specific limit upon the number of challenges for cause that may be filed provided that each such challenge for cause is timely filed. Each such challenge for cause must specifically set forth the facts and reasoning which support the request.

Section 6. Procedure for Ruling Upon a Challenge for Cause

Upon receipt of a challenge for cause, the Professional Practice Department shall determine whether such request should be granted.

Section 7. Preemptory Challenge

A Subject may file with the Professional Practice Department one (and only one) preemptory challenge requesting that one member of the Hearing Committee be excused from serving on the Hearing Committee. No facts or reasoning need be stated to support a preemptory challenge and such request shall automatically be allowed if it was timely filed.

Section 8. Appointment of Replacements

If a timely preemptory challenge is received, if a timely challenge for cause is granted, or if for any reason a replacement Hearing Committee member (or Chair) is needed, the Professional Practice Department may appoint a replacement member (or Chair). The Professional Practice Department shall notify the Subject of any replacement appointment and of his or her right to file a challenge for cause in writing within twenty (20) days from the date of transmittal of the Notice of Replacement Hearing Committee Appointment to any newly appointed member of the Hearing Committee.

Section 9. Removal From Hearing Committee

If the Professional Practice Department determines that a member of a Hearing Committee may have a Conflict of Interest or may have failed to perform his or her assigned duties, the Department may remove such member from the Hearing Committee or discharge the entire Committee.
Part B: Pre-Hearing Notices and Filings

Section 1. Answer to Complaint
A Subject must file a written Answer to Complaint with the Professional Practice Department within sixty (60) days from the date that the Complaint was filed.

The Answer to the Complaint should address each allegation of the Complaint and may also raise affirmative defenses which, in the opinion of the Subject, serve as further answer to the allegations of the Complaint.

Failure to file a timely written Answer to the Complaint shall constitute a relinquishment of the right to a Hearing and the peer review matter shall be processed further under this Regulation as if the Subject had failed to exercise his or her right to request a Hearing.

Section 2. Request for a Bill of Particulars
If, in the opinion of the Subject, the Complaint does not sufficiently set forth the details of each action (or failure to act) which is alleged to be in violation of the Appraisal Institute Code of Professional Ethics, the Subject may file a written Request for a Bill of Particulars to compel the Investigator to supply such additional information as will enable the Subject to be fully aware of the nature of the allegations and permit such individual to prepare his or her defense.

A written Request for a Bill of Particulars must be filed with the Professional Practice Department within sixty (60) days from the date that the Complaint was filed.

If the Hearing Committee determines that all or any part of a Request for a Bill of Particulars should be granted, the Investigator shall be required to file a Bill of Particulars setting forth such additional factual details as the Hearing Committee may direct.

If the Hearing Committee concludes that all or any part of a Request for a Bill of Particulars should be denied, the Subject shall be advised of this decision and the basis for such denial.

If an Investigator is directed to prepare a Bill of Particulars, the Investigator shall prepare and file a Bill of Particulars with the Professional Practice Department.

Section 3. Notice of Legal Representation
If the Subject intends to be represented by legal counsel at the Hearing, the Subject must file a written Notice of Legal Representation with the Professional Practice Department by Traceable Carrier within sixty (60) days from the date that the Complaint was filed. This notice shall specify the name and contact information for the legal counsel who will represent the Subject at the Hearing.

Section 4. Retention of Legal Counsel for the Investigators
The Appraisal Institute General Counsel may authorize the retention of legal counsel for the Investigators at the Hearing. Legal counsel retained to assist Investigators at a Hearing may advise and counsel the Investigators; ask questions of the Chair and other members of the Hearing.
Committee; conduct a direct examination or a cross examination of the Subject or any other witness at the Hearing; ask questions of legal counsel for the Subject; and make oral arguments with respect to the position of the Investigators.

**Section 5. Retention of Legal Counsel for the Hearing Committee**

The Appraisal Institute General Counsel may authorize the retention of legal counsel for the Hearing Committee at the Hearing. Legal counsel retained to assist a Hearing Committee at a Hearing shall be permitted to advise it as to legal and procedural issues and to answer any questions raised by the Subject, by legal counsel for the Subject, by members of the Hearing Committee, by the Investigators or by legal counsel for the Investigators.

**Section 6. Summons for Witnesses and Evidence**

Both the Subject and the Investigator shall have the right to file a written request for the issuance of summons with the Professional Practice Department within sixty (60) days of the date that the Complaint was filed.

A summons will only be issued if the following conditions are met:

1) the request is written;
2) the request is timely;
3) the individual who is to receive the summons is an Appraisal Institute Member, Candidate, Practicing Affiliate or Affiliate; and
4) the request is for documentary evidence and/or testimony that may be material to the issues in the case and is reasonably necessary for the prosecution or defense of the case.

A summons may require one or both of the following:

1) that such Member, Candidate, Practicing Affiliate or Affiliate appears and testifies at the Hearing, and/or
2) that such Member, Candidate, Practicing Affiliate or Affiliate produce such documentary evidence in his or her possession or control as may be relevant to the subject matter of the proceedings and specified in such summons.

Except for good cause shown, any Member, Candidate, Practicing Affiliate or Affiliate who possesses knowledge of the facts which are at issue in the case under consideration and receives such a summons but fails to appear and testify, or fails to produce relevant documentary evidence in his or her possession or control which is specified in a summons, shall be in violation of Ethical Rule 2-3(e) of the Appraisal Institute Code of Professional Ethics.
If the Subject exercises his or her right to request the Chair of the Hearing Committee to issue a summons, and the Chair of the Hearing Committee does issue such summons, the Subject must pay the travel expenses of the summoned witness.

Section 7. Motion to Dismiss
If prior to the Hearing the Investigator obtains new evidence that leads him or her to conclude that he or she cannot prove, by the greater weight of the evidence, that the Subject violated the Code of Professional Ethics as alleged in the Complaint, the Investigator may file a Motion to Dismiss. Such Motion to Dismiss shall be filed with the Professional Practice Department.

The Chair of the Hearing Committee shall review the factual information set forth in the Motion to Dismiss, determine whether the Motion to Dismiss should be granted, and advise the parties as to his or her decision.

Section 8. Notice of Hearing
The Professional Practice Department shall issue a written Notice of Hearing setting forth the date, time, and place for the Hearing. The date of the Hearing shall not be less than sixty (60) days from the date that the formal Complaint was filed and not less than thirty (30) days from the date of transmittal of the Notice of Hearing. Upon the timely request of any party to the proceedings and for good cause shown, the Chair of the Hearing Committee shall have the power to reset the date of the Hearing.

Part C: Procedural Rules Governing the Conduct of a Hearing

Section 1. General Rules
The Chair of a Hearing Committee shall preside at the Hearing and conduct the Hearing in accordance with the rules set forth in this Regulation. The Investigator shall be the complainant at the Hearing. The Investigator has the burden of proof to establish, by the greater weight of the evidence, that the actions (or failure to act) of the Subject were in violation of the Appraisal Institute Code of Professional Ethics. The Subject shall have the right to be present during the entire Hearing.

Section 2. Procedure at the Hearing
The Chair of the Hearing Committee shall afford the parties to the Hearing full opportunity to be heard, to offer the testimony of witnesses, and to present documentary evidence relating to the issues involved in the Hearing, subject to the judgment of the Hearing Committee as to the relevance of such testimony and documentary evidence to the issues before it. In evidentiary matters the Hearing Committee may consider the rules of evidence that are applicable in a court of law. However, the Hearing Committee shall not be bound by such rules of evidence and may consider in the proceeding all evidence which, in its opinion, fairness or justice requires. Both the Subject and the Investigator(s) shall have the right to present such witnesses as the Hearing Committee deems appropriate, whether or not a summons was issued to any such witnesses.
The Investigator(s) shall introduce at the Hearing evidence to support those allegations of the
Complaint which have not been admitted in the Answer to Complaint of the Subject. However, no
evidence shall be presented at the Hearing and no reference shall be made by the Investigator(s) to
any prior disciplinary action taken against or involving the Subject unless such prior disciplinary action
was published and involved the same substantive violation of the Appraisal Institute Code of
Professional Ethics as is alleged in the pending Complaint. The Investigator may also examine or
cross-examine the Subject; cross-examine witnesses appearing on behalf of the Subject; ask
questions of the Chair or any member of the Hearing Committee, or of legal counsel for the Hearing
Committee or the Subject; and make oral arguments with respect to the subject matter of the
Complaint.

The Subject shall introduce at the Hearing evidence to rebut the allegations of the Complaint and to
support any affirmative defenses raised in the Answer to Complaint. The Subject may also offer the
testimony of witnesses and documentary evidence in his or her defense; examine or cross-examine
the Investigator(s); cross-examine witnesses appearing on behalf of the Investigator(s); ask questions
of the Chair or any member of the Hearing Committee, or of legal counsel for the Hearing Committee
or the Investigator(s); and make oral arguments in support of his or her defense.

The members of the Hearing Committee may examine the Investigator(s); examine the Subject;
examinate any of the witnesses presented by the Investigator(s) or by the Subject; and ask questions of
legal counsel for the Subject or for the Investigator(s).

Section 3. Recess or Adjournment of Hearing
The Chair of the Hearing Committee may recess the Hearing or adjourn and reconvene the Hearing
from time to time whenever fairness or convenience requires.

Section 4. Transcript
A court reporter shall be present at each Hearing held pursuant to this Regulation and take a
verbatim record of the proceedings.

Part D: Actions to be taken at the Conclusion of Hearing
Section 1. Hearing Committee Decision
The Hearing Committee, in Executive Session, shall consider the Complaint, the Answer to
Complaint, the testimony of the witnesses and documentary evidence introduced at the Hearing and
the oral arguments to determine whether, by the greater weight of the evidence, the Subject violated
the Appraisal Institute Code of Professional Ethics.

If the determination of the Hearing Committee is that the Subject did not violate the Appraisal Institute
Code of Professional Ethics, this determination shall be incorporated in a formal written decision
(hereinafter referred to as “Hearing Committee Decision”).
If the determination of the Hearing Committee is that the Subject did violate the Appraisal Institute Code of Professional Ethics, the Hearing Committee shall then consider and determine its recommendation as to the appropriate disciplinary action to be taken. For this purpose, the Hearing Committee may take into account all prior disciplinary actions against the Subject, if any. The Professional Practice Department will advise the Hearing Committee of the prior disciplinary record of the Subject, if any, only after the Hearing Committee has made a final determination that the Subject did violate the Appraisal Institute Code of Professional Ethics.

When the Hearing Committee has made a decision concerning its recommendation as to the appropriate disciplinary action to be taken, both its determination that the Subject did violate the Appraisal Institute Code of Professional Ethics and its recommendation as to the appropriate disciplinary action to be taken shall be incorporated in a Hearing Committee Decision. The Hearing Committee Decision shall be signed by not less than a majority of the Hearing Committee.

**Section 2. Permitted Recommendations**

If the determination of the Hearing Committee is that the Subject did violate the Appraisal Institute Code of Professional Ethics, the recommendation of the Hearing Committee as to the appropriate disciplinary action to be taken shall be one of the following:

a) Admonishment;

b) Reprimand;

c) Censure;

d) Suspension; or

e) Expulsion.

Unless the Hearing Committee recommends Suspension or Expulsion, the Hearing Committee may further recommend that the Subject be offered an opportunity to complete a specified Educational Alternative in lieu of the recommended disciplinary action. If the Hearing Committee recommends that the Subject be offered an opportunity to complete a specified Educational Alternative in lieu of the recommended disciplinary action, the decision of the Hearing Committee shall also recommend the Educational Alternative the Subject must successfully complete and the period of time within which the Educational Alternative must be successfully completed. For any Appraisal Institute course that has an examination, the Hearing Committee must recommend that the course examination be taken and passed for successful completion of the Educational Alternative.

Prior to issuance of a Hearing Committee Decision offering an Educational Alternative, the Chair of the Hearing Committee may contact the Professional Practice Compliance and Enforcement Committee Chair to obtain his or her advice as to a reasonable and appropriate Educational
Alternative. Upon receipt of any such advice, the Hearing Committee shall make its final
determination concerning the specified Educational Alternative.

Section 3. Transmittal of Hearing Committee Decision
A copy of the final Hearing Committee Decision shall be transmitted to each of the parties to the
Hearing.

If the Hearing Committee Decision is that the Subject did violate the Appraisal Institute Code of
Professional Ethics, the transmittal letter shall advise the Subject of his or her right to appeal the
Hearing Committee Decision within thirty (30) days of the date that the Hearing Decision was sent
and the procedures for filing an Appeal.

Part E: Procedure if a Hearing Committee Recommends Disciplinary
Action

Section 1. Action to be Taken When a Timely Appeal is Not Filed and the Hearing Committee
Did Not Recommend That an Educational Alternative be Offered
If a Subject fails to file a timely notice of appeal from a Hearing Committee Decision which
recommends that a disciplinary action be taken but does not recommend a specified Educational
Alternative in lieu of such disciplinary action, the disciplinary action shall become effective.

Section 2. Action to be Taken When An Appeal is Not Filed and the Hearing Committee
Recommended That an Educational Alternative be Offered
If a Subject fails to file a timely notice of appeal from a Hearing Committee Decision and fails to
accept the Educational Alternative in a timely manner, the recommended disciplinary action shall
become effective.

If the Subject accepts the Educational Alternative, the file shall be placed in suspense until the
Professional Practice Department can determine whether the Subject successfully completed the
Educational Alternative within the specified time period.

If the Subject successfully completes an Educational Alternative in lieu of Admonishment or
Reprimand within the specified time period, the disciplinary action shall not become effective and the
successful completion of the Educational Alternative shall be recorded in the file of the Subject.

If the Subject successfully completes an Educational Alternative in lieu of a Censure, the disciplinary
action shall be reduced to Admonishment, which shall be recorded in the file along with the fact that
the Subject successfully completed the Educational Alternative.

If the Subject fails to successfully complete an Educational Alternative within the specified time
period, the specified disciplinary action shall become effective.
Part F: Alternate Procedure to be followed for Violation of Ethical Rule 1-2

Section 1. Automatic Suspension

Upon receipt of either (a) a certified copy of a court document indicating that a Member, Candidate, Practicing Affiliate or Affiliate has entered a guilty plea to having committed a crime of the type referred to in Ethical Rule 1-2 together with information indicating that such individual has not as yet been convicted of such crime, or (b) a certified copy of a court document indicating that a Member, Candidate, Practicing Affiliate or Affiliate has been found guilty by a judge or a jury of a crime of the type referred to in Ethical Rule 1-2 together with information indicating that all rights to appeal from such conviction have not been exhausted, the Professional Practice Department shall give written notice to such Member, Candidate, Practicing Affiliate or Affiliate that his or her privileges of membership, candidacy or affiliation have been suspended.

A suspended Member, Candidate, Practicing Affiliate or Affiliate shall have the duty and obligation to promptly notify the Professional Practice Department when all rights to appeal a conviction have been exhausted.

If the Suspension is based upon a plea of guilty as described in (a) above and such plea is subsequently withdrawn, rejected, or set aside, the Suspension will expire on the date that the Professional Practice Department confirms that such plea has been withdrawn, rejected, or set aside.

Section 2. Right to Appeal Automatic Suspension

A Member, Candidate, Practicing Affiliate or Affiliate who has been suspended from the privileges of membership, candidacy or affiliation pursuant to Section 1 above shall have the right to appeal such Suspension by filing a timely notice of appeal with the Professional Practice Department. In such event, the requirements and procedures governing the appeal shall be as set forth this Regulation with such modifications thereof as may be required to reflect the fact that the Suspension was entered pursuant to Section 1 above.

Section 3. Automatic Expulsion

Upon receipt of a certified copy of a judgment stating that a Member, Candidate, Practicing Affiliate, or Affiliate has been convicted of a crime of the type referred to in Ethical Rule 1-2 and evidence that all rights to appeal from such conviction have been exhausted, the Professional Practice Department shall give written notice to such Member, Candidate, Practicing Affiliate or Affiliate that he or she will be expelled from membership, candidacy or affiliation subject to the provisions of Section 4 of this Part F.

The Member, Candidate, Practicing Affiliate or Affiliate shall be suspended from the rights and privileges of membership, candidacy or affiliation during the period in which he or she can appeal the automatic Expulsion. If no appeal is filed, the Expulsion will become effective on the day following the expiration of the period in which to file an appeal.
Section 4. Right to Appeal Automatic Expulsion

A Member, Candidate, Practicing Affiliate or Affiliate who has been sent a notice of Expulsion pursuant to Section 3 above shall have the right to appeal such Expulsion by filing a timely Notice of Appeal with the Professional Practice Department. In such event, the requirements and procedures governing the appeal shall be as set forth in this Regulation with such modifications thereof as may be required to reflect the fact that the Expulsion was entered pursuant to Section 3 above.

Upon the filing of a timely Notice of Appeal, the automatic Expulsion shall be stayed pending a final determination of the merits of such appeal. However, the Member, Candidate, Practicing Affiliate or Affiliate shall continue to be suspended during the pendency of the appeal.

Section 5. Respondent in an Appeal

The Professional Practice Department shall appoint an Investigator to act as the respondent in connection with any such appeal. If the Professional Practice Department determines that the Investigator may need assistance, the Professional Practice Department may also appoint one (1) or more Assistant Investigators to assist the Investigator.

Section 6. Prima Facie Evidence and Burden of Proof

At any appeal heard pursuant to Section 2 or Section 4 above, the submission into evidence of a certified copy of a judgment stating that a Member, Candidate, Practicing Affiliate or Affiliate has been convicted of a crime of the type referred to in Ethical Rule 1-2 shall be prima facie evidence that the Member, Candidate, Practicing Affiliate or Affiliate has violated Ethical Rule 1-2 of the Code of Professional Ethics; however, this shall not prevent such individual from introducing such evidence as may be appropriate to dispute or explain such conviction. The Professional Practice Appeal Board must reach its final decision based on the greater weight of the evidence.

Section 7. Decision of an Professional Practice Appeal Board

At the conclusion of a Hearing on Appeal taken pursuant to Section 2 above, the Professional Practice Appeal Board for such appeal shall either:

a) affirm the Suspension; or

b) reverse the Suspension and allow the Subject to enjoy the privileges of membership, candidacy or affiliation until such time as all appeals of his or her conviction have been finally determined.

At the conclusion of a Hearing on Appeal taken pursuant to Section 4 above, the Professional Practice Appeal Board for such appeal shall have all of the powers of a Professional Practice Appeal Board set forth in this Regulation.
Part G: Alternate Procedure for Possible Violation of Ethical Rule 2-3(b), (c), or (d)

Section 1. Automatic Expulsion

Upon receipt of a screened file relating to Ethical Rule 2-3(b), 2-3(c), or 2-3(d), the Professional Practice Department shall appoint an Investigator to determine whether the Subject violated Ethical Rule 2-3(b), 2-3(c), or 2-3(d). If the Professional Practice Department determines that the Investigator may need assistance, the Professional Practice Department may also appoint one or more Assistant Investigators to assist the Investigator.

If the Investigator determines that such Subject violated Ethical Rule 2-3(b), 2-3(c), or 2-3(d), the Subject shall be sent written notice that he or she will be expelled from membership, candidacy or affiliation, subject to the provisions of Section 2 of this Part G.

Upon receipt of an Investigation Report from a duly appointed Investigator stating that a Subject has violated Ethical Rule 2-3(b), 2-3(c), or 2-3(d) the Professional Practice Department shall give written notice to the Subject advising that he or she will be expelled from membership, candidacy or affiliation, subject to the provisions of Section 2 of this Part G.

The Subject shall be suspended from the rights and privileges of membership, candidacy or affiliation during the period in which he or she can appeal the automatic Expulsion for violation of Ethical Rule 2-3(b), 2-3(c), or 2-3(d). If the Subject fails to file a timely appeal, the Expulsion will become effective on the day following the expiration of the period in which to file an appeal.

Section 2. Right to Appeal Automatic Expulsion

A Member, Candidate, Practicing Affiliate or Affiliate who has been sent a notice of Expulsion pursuant to Section 1 above shall have the right to appeal such Expulsion by filing a timely notice of appeal with the Professional Practice Department. In such event, the requirements and procedures governing the appeal shall be as set forth in this Regulation, with such modifications thereof as may be required to reflect the fact that the Expulsion was entered pursuant to Section 1 above.

Upon the filing of a timely notice of appeal, the Expulsion shall be stayed pending a final determination of the merits of such appeal. However, such Member, Candidate, Practicing Affiliate or Affiliate shall continue to be suspended during the pendency of the appeal.

Section 3. Prima Facie Evidence and Burden of Proof for Violation of Ethical Rule 2-3(b)

At any appeal heard pursuant to Section 2 above concerning a violation of Ethical Rule 2-3(b), prima facie evidence that the Subject violated Ethical Rule 2-3(b) shall be constituted by the submission into evidence of:

a) a copy of a request of the Subject for relevant documentation or information that is or should be in the possession or control of the Subject;
b) a document demonstrating delivery or attempted delivery of the request to the Subject or an agent thereof; and
c) an Investigation Report finding that the Subject failed or refused to comply with such request or an affidavit from the authorized party that made the request that the Subject failed or refused to comply with such request.

However, this shall not prevent a Subject from introducing such evidence as may be appropriate to dispute or explain the evidence. The Professional Practice Appeal Board must reach its final decision based on the greater weight of the evidence.

Section 4. Prima Facie Evidence and Burden of Proof for Violations of Ethical Rule 2-3(c)
At any appeal heard pursuant to Section 2 above concerning a violation of Ethical Rule 2-3(c), prima facie evidence that such Subject violated Ethical Rule 2-3(c) shall be constituted by the submission into evidence of:

a) a copy of a written request or contemporaneous record of an oral request of the Subject to answer one or more relevant questions, and the relevant question or questions that the Subject failed or refused to promptly answer;
b) if a written request, a document demonstrating delivery or attempted delivery of the request to the Subject or an agent thereof; and
c) an Investigation Report finding that the Subject failed or refused to promptly answer one or more relevant questions or an affidavit from the authorized party that made the request that the Subject failed or refused to promptly answer.

However, this shall not prevent a Subject from introducing such evidence as may be appropriate to dispute or explain such failure or refusal to comply. The Professional Practice Appeal Board must reach its final decision based on the greater weight of the evidence.

Section 5. Prima Facie Evidence and Burden of Proof for Violations of Ethical Rule 2-3(d)
At any appeal heard pursuant to Section 2 above concerning a violation of Ethical Rule 2-3(d), prima facie evidence that such Subject violated Ethical Rule 2-3(d) of the Code of Professional Ethics shall be constituted by the submission into evidence of:

a) copy of a request of the Subject for a personal interview or a telephone interview;
b) a document demonstrating delivery or attempted delivery of the request to the Subject or an agent thereof; and
c) an Investigation Report finding that the Subject failed or refused to appear for a personal interview or participate in an interview conducted by telephone, or an affidavit from the authorized party.
party that made the request, stating that the Subject failed or refused to appear for a personal interview or participate in an interview conducted by telephone.

However, this shall not prevent a Subject from introducing such evidence as may be appropriate to dispute or explain such failure to participate or appear. The Professional Practice Appeal Board must reach its final decision based on the greater weight of the evidence.

Section 6. Decision of a Professional Practice Appeal Board
At the conclusion of a Hearing on Appeal taken pursuant to Section 2 above, the Professional Practice Appeal Board for such appeal shall have all of the powers of a Professional Practice Appeal Board set forth in this Regulation.

Part H: Alternate Procedure for Failure to Comply with Terms of Suspension

Section 1. Automatic Expulsion
If a Member, Candidate, Practicing Affiliate or Affiliate fails to transmit his or her certificate, emblem and other indicia of membership, candidacy or affiliation to the Professional Practice Department in accordance with the requirements of this Regulation, the Professional Practice Department shall give written notice to the Member, Candidate, Practicing Affiliate or Affiliate that he or she will be expelled from membership, candidacy or affiliation, subject to the provisions of Section 2 of this Part H. If a Member, Candidate, Practicing Affiliate or Affiliate suspended under this Regulation uses or refers to any Appraisal Institute designation, membership, candidacy or affiliation during the period of Suspension, the Professional Practice Department shall give written notice to the Member, Candidate, Practicing Affiliate or Affiliate that he or she will be expelled from membership, candidacy or affiliation subject to the provisions of Section 2 of this Part H.

The Member, Candidate, Practicing Affiliate or Affiliate shall continue to be suspended from the rights and privileges of membership, candidacy or affiliation during the period in which he or she can appeal the automatic Expulsion for violation of the terms of his or her Suspension. If the Member, Candidate, Practicing Affiliate or Affiliate fails to file a timely appeal, the Expulsion will become effective on the day following the expiration of the period in which to file an appeal.

Section 2. Right to Appeal Automatic Expulsion
A Member, Candidate, Practicing Affiliate or Affiliate who has been sent a notice of Expulsion pursuant to Section 1 above shall have the right to appeal such Expulsion by filing a timely notice of appeal with the Professional Practice Department. In such event, the requirements and procedures governing the appeal shall be as set forth in this Regulation, with such modification thereof as may be required to reflect the fact that the Expulsion was entered pursuant to Section 1 above.

Upon the filing of a timely Notice of Appeal, the Expulsion shall be stayed pending a final determination of the merits of such appeal. However, the suspension of membership, candidacy or affiliation rights and privileges shall continue during the pendency of the appeal.
Section 3. Respondent in an Appeal
The Professional Practice Department shall appoint an Investigator to act as the respondent in
connection with any such appeal. If the Professional Practice Department determines that the
Investigator may need assistance, the Professional Practice Department may also appoint one or
more Assistant Investigators to assist the Investigator.

Section 4. Prima Facie Evidence
At any appeal heard pursuant to Section 2 above, prima facie evidence that the Member, Candidate,
Practicing Affiliate or Affiliate violated the terms of Suspension shall be constituted by the submission
into evidence of:

a) the notice of Suspension, along with an affidavit of a member of the Professional Practice
   Department that it did not receive the Member’s, Candidate’s, Practicing Affiliate’s, or Affiliate’s
   certificate, emblem or other indicia of membership, candidacy or affiliation in accordance with the
   requirements of this Regulation; or

b) the notice of Suspension, along with a document or affidavit indicating that a suspended Member,
   Candidate, Practicing Affiliate or Affiliate used or referred to any Appraisal Institute designation,
   membership, candidacy or affiliation during the Suspension.

However, this shall not prevent the Member, Candidate, Practicing Affiliate or Affiliate from
introducing such evidence as may be appropriate to dispute or explain the failure to comply with the
terms of the Suspension. The Professional Practice Appeal Board must reach its final decision based
on the greater weight of the evidence.
ARTICLE X

Procedures Governing Hearings on Appeal

Part A: Right to Appeal a Hearing Committee Decision

Section 1. Right to Appeal

A Member, Candidate, Practicing Affiliate or Affiliate shall have the right to appeal any Hearing Committee Decision that recommends that a disciplinary action be taken against such individual. This right to appeal shall be exercisable only by the filing of a timely Notice of Appeal with the Professional Practice Department in the manner hereinafter set forth. A Notice of Appeal shall be timely if it is filed by Traceable Carrier within thirty (30) days of the date that the Hearing Committee Decision was sent to the Member, Candidate, Practicing Affiliate or Affiliate.

Section 2. Appointment of a Professional Practice Appeal Board

When a Hearing on Appeal is required by this Regulation, the Chair of the Professional Practice Appeals Panel shall appoint a Professional Practice Appeal Board consisting of a Chair and not less than two additional members from the Professional Practice Appeals Panel. The Chair of the Professional Practice Appeals Panel may serve as Chair or member of a Professional Practice Appeal Board.

If the Chair of the Professional Practice Appeals Panel is unable to appoint a Professional Practice Appeal Board, the Professional Practice Department shall select another member of the Professional Practice Appeals Panel to make such appointments.

No member of a Professional Practice Appeal Board shall have a Conflict of Interest with the subject matter of the Appeal, the Appellant, the Investigator(s) or the Hearing Committee.

The Professional Practice Department shall notify the Appellant of the members appointed to a Professional Practice Appeal Board. This Notice of Appointment shall contain the following information:

a) the name of the Chair and each member of the Professional Practice Appeal Board;

b) advice to the Appellant that within twenty (20) days from the date of transmittal of the Notice of Appointment he or she may file with the Professional Practice Department a challenge for cause requesting that the Chair or any member of the Professional Practice Appeal Board be excused from serving on the Professional Practice Appeal Board because such Chair or other member has a Conflict of Interest;

c) advice to the Appellant that within twenty (20) days from the date of transmittal of the Notice of Appointment he or she may file with the Professional Practice Department one preemptory
challenge requesting that the Chair or one other member of the Professional Practice Appeal Board be excused from serving on the Professional Practice Appeal Board;

d) advice to the Appellant that he or she has the right to be represented at any Hearing on Appeal by legal counsel, provided that he or she gives proper notice;

e) advice to the Appellant as to the requirement to file a written Appeal Brief and the date by which such Brief must be filed; and

f) advice to the Appellant as to the right to file an Answer to the Reply Brief and the dates by which such right must be exercised.

The filing date of any challenges or briefs shall be the postmark date that such item is sent to the Professional Practice.

Upon a timely written request, the Chair of the Professional Practice Appeals Panel shall have the power to extend the period allowed for the filing of any challenges or pre-hearing filing for good cause shown.

Section 3. Challenges for Cause
An Appellant may file with the Professional Practice Department a challenge for cause requesting that any member of the Professional Practice Appeal Board be excused from serving on the Professional Practice Appeal Board because such member has a personal interest in the case or is otherwise prejudiced against the Appellant. There is no specific limit upon the number of challenges for cause that may be filed provided that each such challenge for cause is filed within the time limits established pursuant to this Regulation. Each such challenge for cause must specifically set forth the facts and reasoning which support the request of the Appellant. A copy of any challenge for cause must also be filed with the Professional Practice Department.

Upon receipt of a challenge for cause, the Professional Practice Department shall determine whether such challenge should be granted.

Section 4. Preemptory Challenge
An Appellant may file with the Professional Practice Department one (and only one) preemptory challenge requesting that one member of the Professional Practice Appeal Board be excused from serving on the Professional Practice Appeal Board. No facts or reasoning need be stated to support a preemptory challenge and such request shall automatically be allowed if it was filed within the time limits established pursuant to this Regulation.

Section 5. Appointment of Replacements
If a preemptory challenge is received and allowed or if a challenge for cause is received and granted (or if a member of the Professional Practice Appeal Board resigns), the Chair of the Professional Practice Appeals Panel may appoint a new member (or Chair) to replace the individual who has been
excused. The Professional Practice Department shall notify the Appellant by Traceable Carrier of such replacement appointment. This Notice of Replacement Appointment shall contain the following information:

a) the name of each newly appointed Chair and/or member of the Professional Practice Appeal Board;

b) advice to the Appellant that he or she may file with the Professional Practice Department a challenge for cause requesting that any newly appointed member of the Professional Practice Appeal Board be excused from serving on the Professional Practice Appeal Board because such newly appointed member of the Professional Practice Appeal Board has a Conflict of Interest; and

c) the last date by which any challenges for cause may be filed.

An Appellant shall have the right, exercisable within a period of twenty (20) days from the date of the transmittal of the notice of replacement appointment, to file a challenge for cause relating to one or more of the newly appointed members of the Professional Practice Appeal Board. Each such challenge for cause shall be processed in the same manner as is set forth above.

**Section 6. Removal From Professional Practice Appeal Board**

If the Chair of the Professional Practice Compliance and Enforcement Committee determines that a member of a Professional Practice Appeal Board may have a Conflict of Interest or may have failed to perform his or her assigned duties, the Chair may remove such member from the Professional Practice Appeal Board or discharge the entire Board.

**Section 7. Transcript of Hearing**

Upon receipt of a copy of a Notice of Appeal for a file in which a Hearing has been held, the Professional Practice Department shall obtain a transcript of the record of the Hearing before the Hearing Committee. Upon receipt of this transcript, the Professional Practice Department shall transmit one copy of such transcript to the Appellant and to the Investigator(s).

Upon request, a copy of all documentary evidence admitted at the Hearing shall also be sent to the Appellant and to the Investigator(s).

**Part B: Appellate Briefs**

**Section 1. Requirement for Appeal Brief**

Within thirty (30) days after a copy of the transcript of the Hearing is sent, or within such additional time as may be granted for this purpose by the Chair of the Professional Practice Appeals Panel, the Appellant shall file a written Appeal Brief by Traceable Carrier with the Professional Practice Department.
The Appeal Brief (and any subsequent pleading) may be prepared and filed by the Appellant or by his or her legal counsel. Failure to file a written Appeal Brief in support of an appeal within the time provided shall constitute an abandonment of the appeal and the case shall be processed further under this Regulation as if the member had failed to file an appeal.

Section 2. Contents of Appeal Brief

The Appeal Brief of the Appellant shall state in a concise manner the points relied upon by the Appellant as the basis for the appeal and shall make appropriate reference to the transcript of the Hearing and the documentary evidence admitted at the Hearing. If the Appellant believes that the Hearing Committee did not correctly interpret or apply an Ethical Rule involved in the proceedings, the Appeal Brief shall point out the alleged error and state the interpretation or application the Appellant believes to be correct. If the Appellant believes that certain findings of fact in the Hearing Committee Decision are unwarranted or were not established by the greater weight of the evidence, such disputed findings of fact shall be identified in the Appeal Brief and the Appellant shall point out the reasons for disputing such findings of fact.

The Appeal Brief may also include a discussion of such of the following matters as the Appellant deems applicable to the appeal:

a) specific procedural errors made by the Hearing Committee that resulted in denying the Appellant a fair Hearing;

b) evidence excluded at the Hearing which should have been admitted and which would have been material to the Hearing Committee Decision;

c) evidence material to the Hearing Committee Decision which the Appellant could not, with reasonable diligence, have produced at the Hearing; and

d) errors in the transcript of the Hearing.

The Appellant may attach to the Appeal Brief such evidentiary materials as he or she deems appropriate to the appeal.

Section 3. Reply Brief of the Investigator

Within thirty (30) days after the Appeal Brief of the Appellant is filed, or within such additional time as may be granted for this purpose by the Chair of the Professional Practice Appeals Panel, the Investigator shall file a Reply Brief responding to the arguments set forth in the Appeal Brief of the Appellant. The Reply Brief may also point out any errors in the transcript of the Hearing. The Investigator shall send such Reply Brief to the Professional Practice Department by Traceable Carrier.
If evidentiary materials were attached to the Appeal Brief of the Appellant, the Investigator(s) may object to or comment upon such evidentiary materials and may also attach evidentiary materials to the Reply Brief.

Section 4. Answer of Appellant to Reply Brief
Within thirty (30) days after a Reply Brief is filed, or within such additional time as may be granted for this purpose by the Chair of the Professional Practice Appeals Panel, the Appellant may file an Answer to the Reply Brief with the Professional Practice Department by Traceable Carrier.

Part C: Setting the Appeal Date
Section 1. Setting Date for a Hearing on Appeal
The Chair of the Professional Practice Appeal Board shall, set a date, time, and place for a Hearing on Appeal. The Appellant must notify the Professional Practice Department in writing not less than thirty (30) days prior to the date of Hearing on Appeal as to whether he or she will attend the Hearing on Appeal in person.

Section 2. Representation by Legal Counsel at Hearing on Appeal
If an Appellant intends to present oral argument in whole or in part through legal counsel at the Hearing on Appeal, he or she must so notify the Professional Practice Department not less than thirty (30) days prior to the date of the Hearing on Appeal. This notice shall contain the name and contact information for such legal counsel. For good cause shown, the Chair of the Professional Practice Appeal Board may allow this notice to be filed less than thirty (30) days prior to the date of the Hearing on Appeal.

General Counsel of the Appraisal Institute may authorize the retention of legal counsel for the Investigator(s) at the Hearing on Appeal.

Section 3. Resetting Date for Hearing on Appeal
Upon the timely request of any party to the proceedings and for good cause shown, the Chair of the Professional Practice Appeal Board shall have the power to reset the date of the Hearing on Appeal. The Chair of the Professional Practice Appeal Board shall also have the right, in his or her sole discretion, to reset the date of the Hearing on Appeal whenever he or she is of the opinion that justice requires such resetting.

Section 4. Preparation for Hearing on Appeal
Prior to the date of the Hearing on Appeal, the Professional Practice Department shall furnish every member of the Professional Practice Appeal Board for such appeal with a copy of the Complaint, the Hearing Committee Decision, the Appeal Brief of the Appellant, the Reply Brief of the Investigator, and the Answer to Reply Brief, if any. In addition, the Professional Practice Department shall, upon request, make available to each member of the Professional Practice Appeal Board for such appeal a copy of all documents introduced into evidence at the Hearing and a copy of the transcript of the hearing.
Hearing. The Professional Practice Department shall also arrange for a court reporter to be present at the Hearing on Appeal so that a verbatim record may be taken of the Hearing on Appeal.

Part D: Proceedings at Hearings on Appeal

Section 1. Individuals Present at Hearing on Appeal

The Professional Practice Appeal Board for an appeal shall have the right to have legal counsel for the Appraisal Institute present at each Hearing on Appeal for the protection of both the Appellant and the Appraisal Institute. Both the Appellant and the Investigator(s) shall have the right to be present at the Hearing on Appeal and to be represented by legal counsel as provided in this Regulation.

Section 2. Procedure at the Hearing of Appeal

The Chair of the Professional Practice Appeal Board for an appeal shall preside at the Hearing on Appeal. In the event of the absence or inability of the Chair of the Professional Practice Appeal Board to preside, the remaining members of the Professional Practice Appeal Board shall select one of the members to act as Chair of the Professional Practice Appeal Board.

The order of proceedings shall be as follows:

1) The Appellant shall have the opportunity to address the Professional Practice Appeal Board and present oral arguments relating to the matters raised in the Appeal Brief, the Reply Brief, and the Answer to the Reply Brief. If the Appellant has given timely notice of his or her intention to be represented by legal counsel, such oral arguments may be made, in whole or in part, through legal counsel.

2) The Investigator(s) shall have an opportunity to answer the oral argument of the Appellant and to present oral arguments in support of the matters raised in the Reply Brief of the Investigator. These arguments may be presented through legal counsel if the retention of legal counsel for the Investigator(s) had been authorized under the provisions of this Regulation.

3) The Appellant (or, if authorized, such individual’s legal counsel) shall have the opportunity to reply to the oral arguments of the Investigator(s).

Subject to the general control of the Chair of the Professional Practice Appeal Board, any member of the Professional Practice Appeal Board may at any time ask questions of the Investigator(s), legal counsel for the Investigator(s) (if any), the Appellant, and legal counsel for the Appellant (if any). The length of time permitted for the oral arguments described above shall be determined by the Chair of the Professional Practice Appeal Board, provided, however, that not less than thirty (30) minutes shall be allowed for (1) above, not less than thirty (30) minutes shall be allowed for (2) above, and not less than five (5) minutes shall be allowed for (3) above.

Section 3. Adjournment to Executive Session

Upon completion of a Hearing on Appeal, the Professional Practice Appeal Board shall, in Executive Session, discuss the matters raised by the Appeal Brief, the Reply Brief, the Answer to the Reply
Brief and oral arguments. At the discretion of the Chair of the Professional Practice Appeal Board, the Executive Session may be adjourned and reconvened from time to time.

In Executive Session, the Professional Practice Appeal Board shall first determine whether it should affirm the determination of the Hearing Committee that the greater weight of the evidence establishes that the Appellant violated the Appraisal Institute Code of Professional Ethics. If the Professional Practice Appeal Board affirms any such determination, then the Professional Practice Appeal Board shall determine the appropriate disciplinary action to be taken.

Part E: Procedure Following Hearing on Appeal from Hearing Committee Decisions

Section 1. Required and Permitted Actions of an Professional Practice Appeal Board

A Professional Practice Appeal Board shall take one of the following actions with respect to the Hearing Committee Decision:

a) affirm the determination of the Hearing Committee that the Appellant violated the Appraisal Institute Code of Professional Ethics and approve the recommendation of the Hearing Committee as to the appropriate disciplinary action to be taken;

b) affirm the determination of the Hearing Committee that the Appellant violated the Appraisal Institute Code of Professional Ethics but reduce the disciplinary action recommended by the Hearing Committee;

c) reverse the Hearing Committee Decision and close the case; or

d) remand the matter to the Hearing Committee for a new Hearing with such instructions as the Professional Practice Appeal Board deems appropriate.

If a Professional Practice Appeal Board takes action under (a) or (b) above, and if the disciplinary action to be taken is not Suspension or Expulsion, such Professional Practice Appeal Board may, if it deems such action to be appropriate, determine that the Appellant shall be offered an opportunity to accept a specified Educational Alternative to be completed within a fixed period of time in lieu of the specified disciplinary action. If so, the Decision of such Professional Practice Appeal Board shall specify the Educational Alternative which must be completed by the Appellant and the period of time within which the Educational Alternative must be completed. For any Appraisal Institute course that has an examination, such Professional Practice Appeal Board must require that the examination be taken and passed.

If an Professional Practice Appeal Board takes action under (a) or (b) above and decides not to offer the Appellant an Educational Alternative, the Decision of the Professional Practice Appeal Board shall contain an order making such disciplinary action a part of the record of the Appellant. A similar order
shall become effective if the Appellant declines to accept or fails to complete an Educational Alternative.

If the disciplinary action to be taken is Expulsion, Suspension or Censure, such disciplinary action shall be published in both print and electronic media and the Appellant’s Chapter shall be notified of the disciplinary action.

If a Professional Practice Appeal Board takes an action described in items (a), (b), (c), or (d) above, the action of the Professional Practice Appeal Board shall be final and the Decision of the Professional Practice Appeal Board shall be reduced to writing. A copy of the Decision of the Professional Practice Appeal Board shall be delivered to the Appellant, the Investigator(s) and the Professional Practice Department.

If the Decision of a Professional Practice Appeal Board orders Expulsion or Suspension, a copy of the transmittal letter advising the Appellant of such Decision and of the order to immediately transmit his or her indicia of membership, candidacy or affiliation to the Appraisal Institute shall also be delivered to the Professional Practice Department.

Section 2. Procedure to be Followed if a Disciplinary Action is to be Taken and an Educational Alternative is Not Offered

If a Professional Practice Appeal Board decides not to offer an Educational Alternative in lieu of a disciplinary action, the disciplinary action shall be posted to the record of the Appellant and the file shall be closed.

Section 3. Procedure to be Followed if a Disciplinary Action is to be Taken and an Educational Alternative is Offered

If a Professional Practice Appeal Board decides to offer an Educational Alternative in lieu of Admonishment, Reprimand, or Censure, the Appellant shall be notified that, unless he or she accepts the Educational Alternative by a notice in writing to the Professional Practice Department, sent within thirty (30) days after the Decision was issued, the stated disciplinary action will become effective and will be made a part of the record of the Appellant.

If the Appellant fails to accept the Educational Alternative within the thirty (30) day period allowed for such acceptance, the Admonishment, Reprimand, or Censure shall become effective and shall be posted to the record of the Appellant. If the Appellant accepts the Educational Alternative, the file shall be placed in suspense and shall be reviewed by the Professional Practice Department following the expiration of the time period in which the Educational Alternative was to have been completed. If the Professional Practice Department finds that the Appellant failed to complete the Educational Alternative, the specified disciplinary action shall become effective and shall be posted to the record of the Appellant. If the Professional Practice Department finds that the Appellant completed the specified Educational Alternative in lieu of Admonishment or Reprimand within the allowed time period, this fact shall be recorded in the file and the disciplinary action shall not become effective and shall not be posted to the record of the Appellant. If the Professional Practice Department finds that
the Appellant completed the specified Educational Alternative in lieu of Censure, the disciplinary action shall be reduced to Admonishment, which shall be recorded in the file along with the fact that the Appellant successfully completed the Educational Alternative.

Section 4. Procedure to be Followed if an Professional Practice Appeal Board Reverses the Hearing Committee Decision and Dismisses the Case

If a Professional Practice Appeal Board reverses the Hearing Committee Decision and dismisses the case, the file shall be closed.

Section 5. Procedure to be Followed if an Professional Practice Appeal Board Remands the Matter to the Hearing Committee

Upon receipt of the Decision of a Professional Practice Appeal Board that remands the matter to the Hearing Committee, the Chair of the Hearing Committee shall schedule a new Hearing in accordance with the requirements of this Regulation and such new Hearing shall be conducted in accordance with the instructions of the Professional Practice Appeal Board. Subsequent proceedings shall be conducted in accordance with the procedural rules set forth in this Regulation; however, in no event shall the disciplinary action, if any, recommended by the Hearing Committee upon completion of the new Hearing be more severe than the disciplinary action recommended by the Hearing Committee upon completion of the first Hearing.