

Good Moral Character Manual

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1 **ARTICLE I**

2 **Applications Requiring Investigation of Good Moral**
3 **Character**

4 In the following situations, the Professional Practice Department shall screen the matter in relation to
5 good moral character:

- 6 • information contained in the application or in the Appraisal Institute’s files indicates that the
7 Applicant may lack good moral character, or

- 8 • information received from a Chapter indicates that the Applicant may lack good moral
9 character

10 Unless the screening results in a determination that it appears that further investigation will not lead to
11 a finding that the Applicant lacks good moral character, an investigation of the Applicant’s good moral
12 character is required as part of the application process.

13 If a good moral character investigation is required, the processing of the application will not proceed
14 unless the Applicant requests a good moral character investigation and pays the administrative fee.
15 There shall be no administrative fee for a Candidate who is applying for designated membership.

16 **ARTICLE II**

17 **Investigative Team**

18 **Part A: Appointment of Investigative Team**

19 If an Applicant requests a good moral character investigation and pays the administrative fee, if any,
20 the Professional Practice Department will appoint an Investigative Team consisting of two or more
21 appropriately designated members. If any appointee to an Investigative Team determines that he or
22 she has a conflict of interest with or a personal bias for or against the Applicant, he or she must
23 decline appointment to that Investigative Team.

24 If the Applicant filed a prior Appraisal Institute application which was denied and conditions were
25 imposed, an Investigative Team shall not be appointed unless the conditions have been satisfied.

26 **Part B: Evaluation of Information**

27 The Investigative Team may consider information contained in the application, the Appraisal
28 Institute’s files, and information from other sources. The Investigative Team may interview and obtain
29 information from the Applicant and others the Investigative Team believes may have knowledge or
30 information relevant to the Applicant’s good moral character. The Investigative Team shall rely only
31 on factual information which can be verified and shall evaluate the factual information on a “greater
32 weight of the evidence” standard.

33 Investigative Team members must treat the process confidentially. They must keep confidential the
34 application, as well as any documents and information related to the application, except as otherwise
35 provided by the Appraisal Institute Bylaws, Regulations, and these procedures.

36 **Part C: Informal Report of Investigative Team**

37 If the Investigative Team determines at any point in the investigation that it appears that further
38 investigation will not lead to a finding, by the greater weight of the evidence, that the Applicant lacks
39 good moral character, the Investigative Team may informally report such belief by letter to the
40 Professional Practice Department. The letter shall describe the nature and scope of the Investigative
41 Team's investigation and the reasons for the Investigative Team's belief that further investigation is
42 unnecessary. If the Professional Practice Department, in consultation with the previous Chair or Vice
43 Chair of the Admissions Committee who holds the appropriate designation, believes that the
44 Investigative Team's investigation was not adequate, additional investigation shall be required. If the
45 investigation is found to be adequate, the investigation shall cease.

46 **Part D: Interview of Applicant**

47 The Investigative Team may interview the Applicant in person or by telephone. The Applicant shall be
48 allowed an opportunity to furnish information to the Investigative Team to indicate that the Applicant
49 has good moral character. The Applicant may request additional time to obtain information or to
50 assemble documentation in support of his or her position.

51 **Part E: Formal Report of Investigative Team**

52 If as a result of its investigation and an evaluation of the factual information available to it, the
53 Investigative Team concludes that, by the greater weight of the evidence, the Applicant lacks good
54 moral character, the Investigative Team shall prepare a written, formal report ("Report").

55 The Report shall contain the following:

- 56 1. The Investigative Team's findings of fact, together with a summary of the evidence available
57 to the Team which led the Team to its conclusion that, by the greater weight of the evidence,
58 the Applicant lacks good moral character;
- 59 2. One of the following recommendations:
 - 60 a. That the Applicant not be permitted to apply for membership, candidacy or
61 affiliation with the Appraisal Institute at any time in the future; or
 - 62 b. That the Applicant be permitted to apply for Appraisal Institute membership,
63 candidacy or affiliation after a specified period of time or after the Applicant
64 completes certain designation requirement(s).

65 If the Applicant is a Candidate, the Report shall also recommend whether the Applicant's Candidacy
66 status shall be terminated.

67 The Investigative Team shall submit the Report to the Professional Practice Department. If the
68 Professional Practice Department, in coordination with the previous Chair or Vice Chair of the
69 Admissions Committee who holds the appropriate designation, determines that the Investigative
70 Team's Report is not in compliance with the requirements of this Procedure Manual, the Professional
71 Practice Department shall return the Report to the Investigative Team with instructions to take such

72 further steps as may be required to bring the Report into compliance with the requirements of this
73 Procedure Manual.

74 On determination that the Investigative Team's Report is in compliance with the requirements of this
75 Procedure Manual, the Professional Practice Department shall send a copy of the Report to the
76 Applicant.

77 **Part F: Request for Reconsideration**

78 An Applicant who is the subject of a formal Report of an Investigative Team shall have the right to file
79 a Request for Reconsideration with the Professional Practice Department, by traceable carrier, within
80 thirty (30) days from the date that the Investigative Team's formal Report was mailed to the Applicant.

81 A Request for Reconsideration is a Request that the Investigative Team reconsider its findings and/or
82 recommendations. A Request for Reconsideration must state the reasons for the request. An
83 Applicant may attach relevant documentary evidence to a Request for Reconsideration.

84 Upon receipt of a timely and proper Request for Reconsideration, the Investigative Team may
85 reconsider its findings and/or recommendations.

86 If the Investigative Team decides not to revise its findings and/or recommendations, the Investigative
87 Team shall so notify the Professional Practice Department.

88

89 If the Investigative Team decides to revise its findings and/or recommendations, it shall submit a
90 revised Report to the Professional Practice Department. The Professional Practice Department, in
91 coordination with the previous Chair or Vice Chair of the Admissions Committee who holds the
92 appropriate designation, will review a revised Report to determine whether it is in compliance with the
93 requirements of this Procedure Manual. If the revised Report is found not to be in compliance with the
94 requirements of this Procedure Manual, the Professional Practice Department shall return the revised
95 Report to the Investigative Team with instructions to take such further steps as may be required to
96 bring the Report into compliance with the requirements of this Procedure Manual.

97

98 The Professional Practice Department will advise the Applicant of the Investigative Team's decision
99 regarding the Request for Reconsideration.

100 **ARTICLE III**

101 **Conference**

102 **Part A. Requesting a Conference**

103 If, after consideration of a Request for Reconsideration, an Investigative Team still believes that the
104 Applicant lacks good moral character, the Applicant may request a Conference.

105 To request a Conference, the Applicant must file the following by traceable carrier with the
106 Professional Practice Department within thirty (30) days after the date of the notice advising the
107 Applicant of the Investigative Team's decision regarding the Request for Reconsideration:

- 108 1. A Request for a Conference; and
- 109 2. An Answer to the Investigative Team Report. The Answer must address each finding and
110 conclusion of the Investigative Team's Report and may also present additional relevant facts
111 and arguments.

112 The Applicant must also pay the appropriate Conference fee.

113 Upon receipt of a written request from the Applicant setting forth facts and circumstances justifying an
114 extension, the Professional Practice Department may extend the time for filing a Request for a
115 Conference and/or an Answer to the Investigative Team's Report to a date the Department deems
116 reasonable under the circumstances.

117

118 If an Applicant fails to file a timely Request for a Conference, the Report of the Investigative Team
119 shall become final and the Applicant shall have no further right of review or appeal.

120 **Part B. Selection of Conference Board**

121 The Chair or Vice Chair of the Admissions Committee who holds the appropriate designation shall
122 select at least three appropriately designated members to serve on the Conference Board, and name
123 one member as Chair of the Conference Board.

124 Any appointee to the Conference Board who determines that he or she has a conflict of interest with
125 or personal bias for or against the Applicant shall decline appointment to the Conference Board.

126 **Part C. Briefs**

127 The Applicant shall have the right to submit to the Conference Board a brief (a statement of facts and
128 argument) at any time prior to thirty (30) days before the date set for the Conference. A copy of any
129 brief shall also be sent to the Chair of the Investigative Team and to the Professional Practice
130 Department. If no brief is filed the Conference Board will consider the Applicant's Answer to the
131 Investigative Team Report to be the Applicant's brief.

132 The Chair of the Investigative Team may submit to the Conference Board a responsive brief that
133 addresses matters raised in the Answer to the Investigative Team Report and/or in the Applicant's
134 brief no later than fifteen (15) days before the date set for the Conference. A copy of any responsive
135 brief shall also be sent to the Applicant and to the Professional Practice Department.

136 Upon a timely request and for good cause shown, the Chair of the Conference Board shall have the
137 power to adjust the period allowed for the filing of briefs.

138 **Part D. Notice of Legal Representation**

139 Upon compliance with the notice provisions set forth in this section, an Applicant shall be allowed to
140 be represented by legal counsel at the Conference. If an Applicant intends to be represented by legal
141 counsel, the Applicant must file a written Notice of Legal Representation by traceable carrier with the
142 Professional Practice Department within sixty (60) days after the date of the notice advising the
143 Applicant of the Investigative Team's decision regarding the Request for Reconsideration.

144 A Notice of Legal Representation must specify the name, address and telephone number of the legal
145 counsel who will represent the Applicant at the Conference.

146 For good cause shown, the Chair of the Conference Board shall have the power to adjust the period
147 allowed for the filing of a written Notice of Legal Representation.

148 **Part E: Conference and Decision**

149 The Professional Practice Department shall give the Applicant at least sixty (60) days notice as to the
150 date and location of the Conference, unless the Applicant consents to a shorter notice period. The
151 Conference may be conducted in person, by phone or by other electronic means.

152 At the Conference, the Chair of the Conference Board shall afford the parties a fair opportunity to be
153 heard, to offer the testimony of witnesses and to present documentary evidence relating to the issues
154 involved in the Conference, subject, however, to the judgment of the Conference Board as to the
155 relevance of such testimony and documentary evidence to the issues before it.

156 In evidentiary matters the Conference Board may consider the rules of evidence that are applicable in
157 a court of law. However, the Conference Board shall not be bound by such rules of evidence and may
158 consider all evidence which, in its opinion, fairness or justice requires.

159

160 The Investigative Team shall have the burden to prove, by the greater weight of the evidence, that the
161 Applicant lacks good moral character.

162 The Conference Board may conduct its proceedings with the assistance of counsel.

163 A court reporter shall be present at the Conference and shall record all formal proceedings prior to
164 the Executive Session of the Conference Board.

165 The Conference Board shall decide the issues raised in the Conference by a majority vote of the
166 members present and voting. Only members of the Conference Board who attend both the
167 Conference and the Executive Session may vote.

168

169 If the Conference Board finds, by the greater weight of evidence, that the Applicant lacks good moral
170 character, the Conference Board shall prepare a written decision that describes the basis for its
171 decision. In the written decision the Conference Board shall also state either:

172 (a) That the Applicant not be permitted to apply for membership, candidacy or affiliation with
173 the Appraisal Institute at any time in the future; or

174 (b) That the Applicant be permitted to apply for Appraisal Institute membership, candidacy or
175 affiliation after a specified period of time (or after the Applicant completes certain
176 requirement(s)).

177 If the Applicant is a Candidate, the Conference Board shall also decide whether the Applicant's
178 Candidacy status shall be terminated.

179 The Professional Practice Department shall send the Applicant a notice as to the Conference Board's
180 findings.

181 **Part F: Right to Appeal**

182 An Applicant has the right to appeal an adverse decision of the Conference Board by filing a timely
183 Notice of Appeal by traceable carrier with the Professional Practice Department within thirty (30) days
184 after the date of the notice advising the Applicant of the adverse decision. If an Applicant fails to file a
185 timely Notice of Appeal, the right of such Applicant to appeal shall terminate, and the decision of the
186 Conference Board shall be final.

187 Upon receipt of a copy of a Notice of Appeal, the Professional Practice Department shall obtain a
188 transcript of the Conference and transmit a copy of the transcript to the Applicant. Upon request, a
189 copy of all documentary evidence admitted at the Conference shall also be sent to the Applicant. The
190 copy of the transcript and evidence may be transmitted by electronic means.

191 Within thirty (30) days after the transcript is transmitted to the Applicant, or within such additional time
192 as may be granted for this purpose, the Applicant must file a written Appeal Brief by traceable carrier
193 with the Professional Practice Department.

194 The Appeal Brief must state in a concise manner the points relied upon by the Applicant as the basis
195 for the appeal and shall make appropriate reference to the transcript of the Conference and the
196 documentary evidence admitted at the Conference. If the Applicant believes that certain findings of
197 fact in the Conference Decision are unwarranted or were not established by the greater weight of the
198 evidence, such disputed findings of fact shall be identified in the Appeal Brief and the Applicant shall
199 point out the reasons for disputing such findings of fact.

200 The Appeal Brief may also describe the Applicant's view that any of the following occurred:

- 201 a. Specific procedural errors that the Applicant believes resulted in denying the
202 Applicant a fair and impartial Conference;
- 203 b. Evidence excluded at the Conference which the Applicant believes should have been
204 admitted and which would have been material to the Conference Decision;
- 205 c. Errors in the transcript of the Conference.

206 Failure to file a timely written Appeal Brief shall constitute an abandonment of the appeal and the
207 decision of the Conference Board shall be final.