APPRAISAL INSTITUTE REGULATION NO. 6

PEER REVIEW

Effective June 20, 1997

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TABLE OF CONTENTS

PURPOSE, DEFINITIONS, AND GENERAL RULES GOVERNING PEER REVIEW PROCEEDINGS	1
ARTICLE I PURPOSE	1
ARTICLE II DEFINITIONS	1
ARTICLE III GENERAL RULES GOVERNING PEER REVIEW PROCEEDINGS	
PART A. ADDRESS FOR NOTICES PART B. CONFIDENTIALITY	
PART C. PROCEDURAL MATTERS	
PART D. CESSATION OF PEER REVIEW PROCEEDINGS DURING PENDENCY OF LITIGATION	
PART E. DEFERRAL OF PEER REVIEW PROCEEDINGS FOR MEDICAL REASONS	
PART F. CESSATION OF DUPLICATE PEER REVIEW PROCEEDINGS	7
COMPOSITION, POWERS AND DUTIES OF THE ETHICS AND COUNSELING COMMITTEE, ITS DIVISIO	NS,
REGIONAL PANELS, AND SCREENING STAFF	8
ARTICLE IV ETHICS AND COUNSELING COMMITTEE	
PART A. COMPOSITION AND MEETINGS	
PART B. POWERS AND DUTIES PART C. DIVISIONS OF THE ETHICS AND COUNSELING COMMITTEE	
PART C. DIVISIONS OF THE ETHICS AND COUNSELING COMMITTEE	10
ARTICLE V ETHICS ADMINISTRATION DIVISION	
PART A COMPOSITION AND MEETINGS	
PART B. POWERS AND DUTIES OF THE ETHICS ADMINISTRATION DIVISIONPART C. POWERS AND DUTIES OF THE CHAIR OF THE ETHICS ADMINISTRATION DIVISION	11
RELATING TO ETHICAL RULES UNDER CANON 5	12
ARTICLE VI APPELLATE DIVISION	
PART A. COMPOSITION AND MEETINGSPART B. POWERS AND DUTIES	
ARTICLE VII REGIONAL PANELS	
PART A COMPOSITION	
PART B. SERVICE ON COMMITTEES.	14
ARTICLE VIII SCREENING STAFF	
PART A. SCREENING STAFF	
PART B. DIRECTOR OF SCREENING	
PART C. ASSISTANT DIRECTOR OF SCREENINGPART D. SCREENING PROCEDURES	15
PART D. SCREENING PROCEDURES	
7 / 11 1 E. 7 / DO / 7 / DIVIE 110 LEO	11

GRIEVANCE COMMITTEE COMPOSITION, INVESTIGATION, AND REPORTING	18
ARTICLE IX GRIEVANCE COMMITTEE	18
PART A. COMPOSITION	
PART B. INVESTIGATION	19
PART C. GRIEVANCE COMMITTEE REPORT	20
PART D. REGIONAL MEMBER REVIEW OF COMMITTEE REPORT AND IMPLEMENTATION OF	
RECOMMENDATION	21
PART E. PROCEDURE TO BE FOLLOWED IF A GRIEVANCE COMMITTEE RECOMMENDS THAT A	١.
MEMBER BE GIVEN THE RIGHT TO ACCEPT DISCIPLINARY ACTION	22
RULES GOVERNING DISCIPLINARY PROCEEDINGS	25
ARTICLE X HEARING COMMITTEE	25
PART A. APPOINTMENT OF HEARING COMMITTEE	25
PART B. ACTIONS PRIOR TO HEARING	27
PART C. PROCEDURAL RULES GOVERNING THE CONDUCT OF A HEARING	31
PART D. ACTIONS TO BE TAKEN AT THE CONCLUSION OF HEARING	32
PART F PROCEDURE TO BE FOLLOWED IF A HEARING COMMITTEE RECOMMENDS	
DISCIPLINARY ACTION	34
PART F. ALTERNATE PROCEDURE TO BE FOLLOWED FOR VIOLATION	
OF ETHICAL RULE 1-2	35
DART G. ALTERNATE PROCEDURE TO BE FOLLOWED FOR VIOLATION	
OF ETHICAL RULE 2-3(b), (c) OR (e)	36
PART H. AI TERNATE PROCEDURE FOR FAILURE TO COMPLY WITH	
TERMS OF SUSPENSION	37
ARTICLE XI PROCEDURES GOVERNING THE APPEAL OF HEARING COMMITTEE DECISIONS	38
PART A. RIGHT TO APPEAL FROM HEARING COMMITTEE DECISIONS	38
PART B. PROCEEDINGS AT HEARINGS ON APPEAL RELATING TO HEARING COMMITTEE	
DECISIONS	41
PART C. PROCEDURE FOLLOWING HEARING ON APPEAL FROM HEARING COMMITTEE	•
DECISIONS	42

PURPOSE, DEFINITIONS, AND GENERAL RULES GOVERNING PEER REVIEW PROCEEDINGS Effective June 20, 1997

ARTICLE I PURPOSE

The purpose of this Regulation is to state, define and coordinate the powers and duties of the Ethics and Counseling Committee, its Divisions and the Regional Panels, and 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:

- (a) AIREA shall mean the American Institute of Real Estate Appraisers, an Illinois not-for-profit corporation.
- (b) Society shall mean the Society of Real Estate Appraisers, an Illinois not-for-profit corporation.
- (c) Board of Directors shall mean the Board of Directors of the Appraisal Institute.
- (d) Executive Committee shall mean the national Executive Committee of the Appraisal Institute.
- (e) *Member* shall mean a Designated Member, Associate Member, or Affiliate Member of the Appraisal Institute.
- (f) Designated Member in good standing means any designated member of the Appraisal Institute who is not suspended from membership.
- (g) Code of Professional Ethics shall mean the Appraisal Institute's Code of Professional Ethics or one of its predecessors (AIREA's Code of Professional Ethics, the Society's Code of Ethics, or the Society's Standards of Professional Conduct).
- (h) Standards of Professional Appraisal Practice shall mean the Appraisal Institute's Standards of Professional Appraisal Practice or one of its predecessors in the AIREA or the Society.
- (i) Peer Review Proceedings applies to all actions taken pursuant to this Regulation to determine whether a Member may have violated or did violate the requirements of the Appraisal Institute's 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 has failed to comply with the terms of suspension; has been convicted of a serious crime committed prior to becoming a Member, Candidate, 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 affiliate status and to take appropriate disciplinary action.

- Obsciplinary Proceedings applies to the actions commencing with the filing of a Grievance Committee Report relating to a violation of Ethical Rule 2-3(b), (c) or (e), or the filing of a Grievance Committee Complaint that are taken pursuant to this Regulation for the purpose of determining whether a Member has violated the requirements of the Appraisal Institute's Code of Professional Ethics, and, if it is determined that such Member violated the Code of Professional Ethics, establishing and imposing the appropriate penalty or disciplinary action for such violation. Disciplinary proceedings also apply to all actions commencing with the Executive Vice President's notice to a Member relating to violation of Ethical Rule 1-2 or violation of the terms of a suspension.
- (k) Disciplinary Action shall mean a penalty imposed upon a Member for violation of the Appraisal Institute's Code of Professional Ethics. Disciplinary actions include admonishment, reprimand, censure, suspension, and expulsion.
- (I) Educational Alternative is an opportunity that may be offered to a Member to complete an educational experience in lieu of the disciplinary action of admonishment, reprimand, censure or suspension. If a Member successfully completes an educational alternative in lieu of admonishment or reprimand, this fact is entered into the Member's record for a period of one year after the educational alternative is successfully completed. If a Member successfully completes an educational alternative in lieu of censure or suspension, the disciplinary action is reduced to admonishment.
- (m) Admonishment is a disciplinary action that is a warning calling the attention of a Member to one or more violations of the Appraisal Institute's Code of Professional Ethics. An admonishment is entered into a Member's record for a period of ten years but is not published or made known to the membership or the general public.
- (n) Reprimand is a disciplinary action that is a serious warning calling the attention of a Member to one or more violations of the Appraisal Institute's Code of Professional Ethics. A reprimand is entered into a Member's record for a period of fifteen years but is not published or made known to the membership or the general public.
- (o) Censure is a disciplinary action that is a formal expression of severe criticism and disapproval for one or more violations of the Appraisal Institute's Code of Professional Ethics. The disciplinary action of censure is entered into the Member's record for a period of thirty years and is published in an official national publication of the Appraisal Institute. In addition, the Chapter of the Member is notified for purposes of publication of the censure by the Chapter.
 - A Member who receives the disciplinary action of censure shall be ineligible to hold any national, regional, or chapter position, or serve as a faculty member for five years from the date of the censure. If a Member is holding one or more national, regional, or chapter positions, or is serving as a faculty member at the time a censure is taken, the Member shall be automatically removed from such position(s).
- (p) Suspension is a disciplinary action that is a temporary revocation of the privileges (but not the obligations) of membership in the Appraisal Institute for one or more violations of the Code of Professional Ethics. The period of Suspension commences on (a) the day following the postmark date of the formal notice to the Member that the Appellate Division has ordered the Member's suspension; (b) a date specified in the Hearing Committee Decision if no appeal is taken; (c) the day following the postmark date of the formal notice to the Member from the Executive Vice President advising such Member of his or her suspension for violation of Ethical Rule 1-2; (d) the date the Member accepts an offer of suspension from a Grievance Committee; or (e) a date specified by the Grievance Committee if the Member fails to respond to the offer of suspension within the time period provided.

The period of suspension ends upon the expiration of the period of time specified by either: (a) the order of the Appellate Division; (b) the Hearing Committee Decision if no appeal is taken; (c) the notice of the Executive Vice President; or (d) the notice of the Grievance Committee if the Member accepts an offer of suspension or fails to respond to such offer in writing in the time period provided. If a suspension is ordered, the period of suspension shall not be more than two years from the date that the suspended Member complies with the suspension order by transmitting such Member's certificate, emblem and other indicia of membership to the Executive Vice President of the Appraisal Institute. The disciplinary action of suspension is entered into the Member's record for a period of thirty years and is published in an official national publication of the Appraisal Institute. In addition, the Chapter of the Member is notified for purposes of publication of the suspension by the Chapter.

Upon receipt of a formal notice of suspension, a suspended Member is required to immediately transmit his or her certificate, emblem and other indicia of membership to the Executive Vice President of the Appraisal Institute to be held for the period of suspension. At the expiration of the period of Suspension the suspended Member is automatically restored to the full privileges of membership in the Appraisal Institute and his or her certificate, emblem and other indicia of membership are returned.

During the period of suspension, a suspended Member is not entitled to the benefits or privileges of membership in the Appraisal Institute in any manner. Thus, a suspended Member may not use or refer to any Appraisal Institute designation or membership in correspondence, business cards or appraisal reports. Furthermore, the suspended Member may not use or refer to any Appraisal Institute designation or membership in stating his or her qualifications in appraisal reports or in the course of court testimony.

A Member who receives the disciplinary action of suspension shall be ineligible to hold any national, regional, or chapter positions or serve as a faculty member for five years from the date the suspension takes effect. If a Member is holding one or more national, regional, or chapter positions, or is serving as a faculty member at the time the suspension is taken, the Member shall be automatically removed from such position(s).

Although a suspended member is not entitled to the benefits and privileges of membership and may not refer to such membership during the period of suspension, a suspended Member does remain a Member of the Appraisal Institute for all other purposes and is required to comply with the Appraisal Institute's Code of Professional Ethics and Standards of Professional Appraisal Practice during the period of suspension. Any failure to observe the requirements of the Appraisal Institute's Code of Professional Ethics or Standards of Professional Appraisal Practice during the period of suspension may result in further disciplinary proceedings under this Regulation.

(q) Expulsion is a disciplinary action that is a complete termination of membership in the Appraisal Institute for one or more violations of the Appraisal Institute's Code of Professional Ethics. An expulsion becomes effective on (a) the day following the postmark date of the formal notice to the member that the Appellate Division has ordered the member's expulsion; (b) on a date specified in the Hearing Committee Decision if the Member does not appeal the Hearing Committee's recommendation of expulsion; or (c) on a date specified by the Grievance Committee if the Member accepts an offer of expulsion or fails to respond in writing in the time provided. If the disciplinary action of expulsion results from the provisions of Part F, G, or H of Article X of this Regulation, it becomes effective on the day following the postmark date of the formal notice advising the member of his or her expulsion subject, however, to the provisions of such Parts relating to appeals and stays.

Upon receipt of a formal notice of expulsion, or upon a failure to take a timely appeal from an automatic expulsion under Article X, Part F or Article X, Part G, an expelled former member is required to completely cease any use of the Appraisal Institute designations or reference to

Appraisal Institute membership; to immediately return to the Appraisal Institute his or her membership certificate, emblem and other indicia of membership; and to immediately remove any reference to membership in the Appraisal Institute from his or her letterheads and business cards.

The disciplinary action of expulsion is entered into the former member's records for a period of thirty years and is published in an official national publication of the Appraisal Institute. In addition, the Chapter of the member is notified for purposes of publication of the expulsion by the Chapter.

A member who receives the disciplinary action of expulsion shall be ineligible to hold any national, regional, or chapter position, or serve as a faculty member for five years from the date of the expulsion. If a Member is holding one or more national, regional, or chapter positions, or is serving as a faculty member at the time the expulsion is taken, the expelled former member shall be automatically removed from such position(s).

- (r) Traceable Carrier shall mean a service that will deliver a document <u>and</u> that will provide proof of the date and recipient of 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 provides a billing statement listing the date and recipient of delivery, or a messenger service providing the sender with proof of the date and recipient of delivery. The sender is responsible for maintaining proof of delivery.
- (s) Secondary Order imposes conditions for continuation of membership when included with a censure, reprimand, admonishment, or counseling, or imposes conditions for continuation of membership and/or restoration of designation(s) when included with a suspension. A secondary order might consist of, but need not be limited to, one of the following:
 - i. Compulsory Technical Training means a Member shall be required to attend a specified course and pass the examination in that course within a specified period of time not to exceed two years from the date of order.
 - ii. Probation means a period not to exceed two years, during which time the Member shall show to the satisfaction of the Appraisal Institute that his or her appraisal practice conforms in all respects to the Appraisal Institute's Standards of Professional Appraisal Practice and Code of Professional Ethics. While under probation the Member shall accept inspection of his or her appraisal practice by the Appraisal Institute. An Associate Member placed on probation shall be eligible to continue with all of the professional training requirements, but said Associate Member shall not be awarded a professional designation until after the end of the probationary period.

ARTICLE III GENERAL RULES GOVERNING PEER REVIEW PROCEEDINGS

PART A. ADDRESS FOR NOTICES

Each Member shall keep the Appraisal Institute advised as to the current address of his or her principal place of business and home. Any notice to a Member which is addressed to the principal place of business or home of such Member as it appears in the official records of the Appraisal Institute and is mailed 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 as required or permitted by this Regulation, the files of the Ethics and Counseling Committee, the Ethics Administration Division, and the Appellate Division shall be confidential and no documents or information furnished to such Committee or Divisions, or information gathered by, or reports or communications to or from such Committee or Divisions, which pertain to or identify a specific Member shall be made public or discussed with anyone except:

- (a) the members of the appropriate Committee or Division of the Appraisal Institute authorized for that purpose under the Regulations of the Appraisal Institute;
- (b) appointees to the Appellate Division may receive confidential peer review information and documents concerning cases scheduled to come before the Appellate Division up to sixty days prior to the commencement of their term;
- (c) the officers of the Appraisal Institute, when and to the extent authorized for that purpose under the Bylaws and Regulations of the Appraisal Institute;
- (d) the members of the national Executive Committee;
- (e) the members of the Board of Directors when the Board of Directors is in session;
- (f) legal counsel for the Appraisal Institute or legal counsel for any Committee or Division of the Appraisal Institute referred to in this Regulation; and
- (g) the employees and agents of the various Committees and Divisions authorized or created under this regulation.

Section 2. Advice to Admissions Division. The Ethics and Counseling Department shall notify the Admissions Division when a disciplinary proceeding against an Associate Member is commenced and when such proceeding is concluded. The Ethics and Counseling Department shall also notify the Admissions Division when an Associate Member is placed on probation and the period of such probation.

Section 3. Confidential Treatment of Notices. All notices and other documents or communications mailed or delivered in connection with any peer review proceeding under this Regulation shall be transmitted in sealed envelopes or packages, clearly marked "CONFIDENTIAL."

Section 4. Breach of Confidential Nature of Peer Review Proceedings. A Member who fails strictly to observe the rules relating to the confidential nature of peer review proceedings under this Regulation shall be subject to:

- (a) peer review proceedings under the Bylaws and Regulations of the Appraisal Institute, which may result in the expulsion of such Member from the Appraisal Institute; and
- (b) legal proceedings against such Member for damages suffered by the Appraisal Institute as the result of the failure of such Member 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 or Committee charged with responsibility may consider the procedural rules that are applicable in a court of law. However, such individual or Committee shall not be bound by such procedural rules and may take such action as fairness and justice require.

In the event that a required or permitted notice is delivered 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 affected by such failure to comply.

PART D. CESSATION OF PEER REVIEW PROCEEDINGS DURING PENDENCY OF LITIGATION

If a Member is notified that a matter in which he or she is involved is under review pursuant to the provisions of this Regulation, and if such matter is the subject of a pending judicial or quasi-judicial proceeding, such Member shall immediately advise the Ethics and Counseling Department of such fact and shall show cause, if any, as to why the Department should suspend further processing under this Regulation.

Further, if at any time it comes to the attention of any committee, Division, committee member, Division member, or Screening Staff member that the subject matter under review pursuant to the provisions of this Regulation is involved in a pending judicial or quasi-judicial proceeding, such party shall immediately notify the Ethics and Counseling Department. The Department may request that the Member who is the subject of the file show cause, if any, as to why the Department should suspend further processing under this Regulation.

If, after receipt of any such notice, the Ethics and Counseling Department determines that further review could interfere with or affect such pending judicial or quasi-judicial proceeding, the Ethics and Counseling Department may direct that all further peer review proceedings concerning the matter be postponed either (a) until such time as such judicial or quasi-judicial proceeding has been completed and a final order entered therein, or (b) until such time as the Ethics and Counseling Department directs. Upon the issuance of any such direction by the Ethics and Counseling Department, all proceedings relating to such matter shall cease until the time specified by the Ethics and Counseling Department.

If the Ethics and Counseling Department postpones further proceedings as provided above, the Department may require that the Member who is the subject of the file periodically update the Department as to the status of the pending judicial or quasi-judicial proceedings. The Department may also require that the Member provide additional information and documentation concerning the pending judicial or quasi-judicial proceedings. In addition, the Member shall promptly notify the Ethics and Counseling Department when such pending judicial or quasi-judicial matter has become final.

PART E. DEFERRAL OF PEER REVIEW PROCEEDINGS FOR MEDICAL REASONS.

If a Member has been notified that a matter in which he or she is involved is under review pursuant to the provisions of this Regulation, and if such Member has a serious physical or mental illness or disability that in his or her opinion substantially impairs his or her ability to participate in a peer review proceeding, such Member may advise the Ethics and Counseling Department of this fact and request a deferral of such proceeding. Upon receipt of any such request, the Ethics and Counseling Department shall make an investigation for the purpose of determining whether the medical problems of the Member are of such a nature that the ability of the Member to participate in a peer review proceeding is substantially impaired. The Member requesting deferral has a duty to cooperate in any investigation the Ethics and Counseling Department deems appropriate under this section, both before and after any deferral of the matter. If a Member performs appraisal services or is otherwise employed either full time or part time, during the period of this investigation, this action shall conclusively be deemed to demonstrate the physical and mental ability of such Member to participate in a peer review proceeding. If the Ethics and Counseling Department deems it appropriate, it may request the Member to:

- a) submit to a medical examination by a medical examiner selected by the Ethics and Counseling Department; and
- b) pay for such examination.

If, upon completion of its investigation, the Ethics and Counseling Department determines that the physical or mental illness of the Member has substantially impaired such Member's ability to participate, the Ethics and Counseling Department shall direct that all or any part of the peer review proceeding be deferred either (a) until the Ethics and Counseling Department determines, after further investigation, that the medical problems of the Member no longer substantially impairs his or her ability to participate in a peer review proceeding, or (b) until such time as the Ethics and Counseling Department directs. In no event shall any such deferral be made for a period in excess of one year; provided, however, that upon the expiration of the original deferral period, the Ethics and Counseling Department may again investigate the matter and, on the basis of such investigation, again defer the peer review proceeding.

The Member requesting deferral shall notify the Ethics and Counseling Department when the nature of his or her physical or mental illness or disability is not so serious as to substantially impair his or her ability to participate in a peer review proceeding. If a Member performs appraisal services during the period of any such deferral, this action shall conclusively be deemed to demonstrate the physical and mental ability of such Member to participate in a peer review proceeding.

PART F. CESSATION OF DUPLICATE PEER REVIEW PROCEEDINGS

If a Member is involved in a pending peer review proceeding under the provisions of this Regulation and such Member becomes aware of the fact that the same matter is the subject of a second proceeding under the provisions of this Regulation, such Member shall promptly advise the Screening Staff of such fact.

Further, if at any time it comes to the attention of any committee, Division, committee member, or Division member, that the subject matter of a pending peer review proceeding under the provisions of this Regulation is also the subject matter of a second proceeding under the provisions of this Regulation, the party discovering such duplicate proceedings shall immediately notify the Screening Staff of such fact.

Upon receipt of any such notice, the Screening Staff shall make an investigation to determine whether a jurisdictional problem exists and, if the Screening Staff determines that there is a jurisdictional problem, all further proceedings by any party under this Regulation reviewing the same matter shall be suspended until the Screening Staff can determine the appropriate jurisdiction.

When the Screening Staff has reviewed the files relating to a jurisdictional problem and has determined the appropriate course of action to be taken, the Screening Staff shall (a) notify the appropriate party or parties to proceed with the processing of the file, and (b) notify the party or parties which are not to proceed to close their files and take no further action.

COMPOSITION, POWERS AND DUTIES OF THE ETHICS AND COUNSELING COMMITTEE, ITS DIVISIONS, REGIONAL PANELS, AND SCREENING STAFF Effective June 20, 1997

ARTICLE IV ETHICS AND COUNSELING COMMITTEE

PART A COMPOSITION AND MEETINGS

Section 1. Membership of Committee. The Ethics and Counseling Committee shall consist of a Chair, a Vice Chair and four *ex officio* members. The four *ex officio* members shall be the Chair of the Ethics Administration Division, the Chair of the Appellate Division, the Director of Screening and the Chair of the Appraisal Standards Council.

Section 2. Appointment and Tenure. The Chair and Vice Chair of the Ethics and Counseling Committee shall be appointed by the President of the Appraisal Institute for a term of one year commencing on the January 1st following appointment. The appointment and tenure for each ex officio member of the Ethics and Counseling Committee shall be controlled by the Bylaws and Regulations of the Appraisal Institute relating to the office that qualifies such ex officio member for the Ethics and Counseling Committee. All business conducted by the Ethics and Counseling Committee shall be deemed valid regardless of the Board of Directors' subsequent actions with respect to approval of committee appointments. The Chair, Vice Chair and ex officio members of the Ethics and Counseling Committee shall be eligible for reappointment.

To be eligible to serve on the Ethics and Counseling Committee, an individual must be a designated member in good standing and hold the status "continuing education completed" as defined in Regulation No. 10 at the commencement of his or her term. Such designated member shall also not have been the subject of a publishable disciplinary action by the Appraisal Institute within the five years prior to the commencement of his or her term.

If a member of the Ethics and Counseling Committee becomes the subject of a publishable disciplinary action, the member shall be automatically removed from the Committee.

Section 3. Vacancies. If a vacancy occurs with respect to an *ex officio* member of the Ethics and Counseling Committee, the President of the Appraisal Institute shall fill such vacancy in accordance with the Bylaws and Regulations of the Appraisal Institute relating to the office that qualified such *ex officio* member for the Committee. If a vacancy occurs with respect to any other member of the Ethics and Counseling Committee, the President shall fill such vacancy for the unexpired term and this interim appointment shall become effective immediately.

Section 4. Time and Place of Meetings. The Ethics and Counseling Committee shall meet at such times and places as may be designated by the Board of Directors, the Executive Committee, the President of the Appraisal Institute, or the Chair of the Ethics and Counseling Committee.

PART B. POWERS AND DUTIES

Section 1. Supervision of Peer Review Activities. The Ethics and Counseling Committee shall exercise general supervision and control over the administration of all peer review proceedings of the Appraisal Institute. This general supervision and control shall be exercised in conformity with general policy guidelines established by the Board of Directors and the Executive Committee. No peer review activities or programs that involve a financial commitment shall be commenced by the Ethics and Counseling Committee unless such financial commitment is an approved item in the budget of the Appraisal Institute or has received prior approval of the Executive Committee.

Section 2. Oversight of Educational Alternatives in Lieu of Counseling. The Ethics and Counseling Committee shall exercise general oversight of the completion of educational alternatives in lieu of counseling where the period for completion of such alternative has not expired as of June 20, 1997. The Ethics and Counseling Committee shall also exercise general oversight of the completion of educational alternatives in lieu of counseling where a Member was terminated prior to completion of the alternative but has since been readmitted to membership.

The Ethics and Counseling Department shall monitor the completion of educational alternatives in lieu of counseling. If the Ethics and Counseling Department determines that a Member successfully completed the educational alternative within the specified time period, this fact shall be recorded in the file of the Member, the counseling shall not be effective, and the file shall be marked "CLOSED." If the Ethics and Counseling Department determines that a Member failed to successfully complete the educational alternative within the specified time period, the counseling shall be effective, and the file shall be marked "CLOSED."

Section 3. Approval of Rules. All procedural rules prepared for adoption by any Division of the Ethics and Counseling Committee shall be submitted to the Ethics and Counseling Committee for review and shall not become effective until approved by the Ethics and Counseling Committee.

Section 4. Development of Screening Policies and Procedures. The Ethics and Counseling Committee shall develop and issue guidelines explaining (a) the policies, procedures and techniques to be followed in screening referrals received by the Appraisal Institute which indicate that a Member may have violated the Appraisal Institute's Code of Professional Ethics or the Standards of Professional Appraisal Practice, (b) the policies and procedures to be followed in routing a file to the Ethics Administration Division; (c) the policies and procedures to be followed in processing a possible violation of the Standards of Professional Appraisal Practice; and (d) the policies and procedures to be followed in identifying those possible violations of the Code of Professional Ethics which should not be processed by the Ethics Administration Division unless and until a final determination of the factual issues involved has been made by the appropriate civil or criminal court.

Section 5. Evaluation of Screening Staff. The Ethics and Counseling Committee may periodically review and evaluate the decisions and actions taken by the Screening Staff to determine whether the decisions and actions of the Screening Staff are consistent with the screening policies established by the Ethics and Counseling Committee.

Section 6. Discontinuation of Pending Matters. The Ethics and Counseling Committee shall have the power to discontinue any pending peer review proceeding when, in the opinion of the Committee, further proceedings under this Regulation would be inappropriate or would serve no useful purpose due to the serious or extended physical or mental illness or disability of the Member involved. The Ethics and Counseling Committee shall also have the power to discontinue any pending peer review proceeding when it determines that (a) the actions or conduct of the Member involved in such peer review proceeding were the subject of a closed case or are the subject of another pending case; (b) the continuation of the peer review proceeding would violate the civil or criminal law of the jurisdiction in which such matter is pending; or (c) the continuation of the peer review proceeding would serve no useful purpose because procedural errors or omissions would make any disciplinary or remedial action unenforceable.

Further, if a Member is no longer engaged in any activity governed by the Code of Professional Ethics or the Standards of Professional Appraisal Practice, the Ethics and Counseling Committee shall have the power to discontinue any peer review proceeding concerning that Member provided that: a) the Member attests in writing that he or she has not engaged in any such activity in the past six months and has no plans to resume such activity; and b) agrees in writing to notify the Appraisal Institute prior to resuming such activity. If the Member does resume such activity, processing of any peer review proceeding that was discontinued under this provision shall resume in accordance with this Regulation.

Section 7. Liaison with Education Committee and Publications Committee. The Ethics and Counseling Committee may periodically advise the Education Committee of the Division's recommendations concerning possible areas of deficiency in appraisal training so that educational courses, seminars and publications can be revised or created to remedy such perceived areas of deficiency. The Ethics and Counseling Committee may also communicate its recommendations to the Publications Committee so that educational seminars and publications under the jurisdiction of the Publications Committee can be developed or utilized to remedy possible areas of deficiency.

Section 8. Other Duties. The Ethics and Counseling Committee shall perform such other duties as may be assigned to it by the Board of Directors, the Executive Committee or the President of the Appraisal Institute.

PART C. DIVISIONS OF THE ETHICS AND COUNSELING COMMITTEE

The Ethics and Counseling Committee shall organize and maintain the following as Divisions:

- 1. Ethics Administration Division.
- 2. Appellate Division.

ARTICLE V ETHICS ADMINISTRATION DIVISION

PART A. COMPOSITION AND MEETINGS

Section 1. Membership of Division. The Ethics Administration Division shall consist of a Chair, and one Regional Member from each of the regions as may be established from time to time by the Board of Directors. One of the Regional Members shall also serve in the capacity of the Vice Chair of the Division.

At the discretion of the President, the President may also appoint one Assistant Regional Member for any Region of the Appraisal Institute. An Assistant Regional Member shall be appointed for a term of approximately three years.

Section 2. Appointment and Tenure. The Chair, Vice Chair and other members of the Ethics Administration Division shall be appointed to the Division by the President of the Appraisal Institute with the approval of the Board of Directors. All business conducted by the Ethics Administration Division shall be valid regardless of the Board of Directors' subsequent actions with respect to approval of Committee appointments.

The Chair and Vice Chair of the Ethics Administration Division shall be appointed to the Division for a term of approximately one year commencing on the January 1st following appointment. The other members of the Ethics Administration Division shall be appointed to the Division for terms of approximately three years with staggered expiration dates so that approximately one-third of such terms shall expire each year. Each such term shall commence on the January 1st following appointment. The Chair, Vice Chair and all other members of the Ethics Administration Division shall be eligible for reappointment to the Division.

To be eligible to serve on the Ethics Administration Division, or as an Assistant Regional Member for the Ethics Administration Division, an individual must be a designated member in good standing and hold the status "continuing education completed" as defined in Regulation No. 10 at the commencement of his or her term. Such designated member shall also not have been the subject of a publishable disciplinary action by the Appraisal Institute within the five years prior to the commencement of his or her term.

If a member of the Ethics Administration Division becomes the subject of a publishable disciplinary action, the member shall be automatically removed from the Division or the position of Assistant Regional Member. Further, the President may remove a Regional Member or Assistant Regional Member upon the recommendation of the Chair of the Ethics Administration Division.

Section 3. Vacancies. If a vacancy occurs in the membership of the Ethics Administration Division, the President of the Appraisal Institute shall fill such vacancy for the unexpired term and such interim appointment shall become effective immediately.

Section 4. Time and Place of Meetings. The Ethics Administration Division shall meet at such times and places as may be designated by the Board of Directors, Executive Committee, Ethics and Counseling Committee Chair, or the Ethics Administration Division Chair.

PART B. POWERS AND DUTIES OF THE ETHICS ADMINISTRATION DIVISION

Section 1. Administration of Files. The Ethics Administration Division shall have general responsibility for the oversight of the administration of peer review files assigned to it under this Regulation. It shall also review the effectiveness of the procedures governing peer review proceedings in the Ethics Administration Division and make recommendations to the Ethics and Counseling Committee with respect to proposed changes.

Each Assistant Regional Member may attend meetings of the Ethics Administration Division and shall perform such duties as may be specifically assigned by the Chair of the Ethics Administration Division or the Regional Member from his or her Region.

Section 2. Maintenance of Files. The Ethics Administration Division shall maintain a file relating to each matter referred to it by the Screening Staff.

Section 3. Regional Member Responsibilities. A Regional Member may assist the Ethics and Counseling Department in the administration of files in the Ethics Administration Division and will have the opportunity to review appropriate Grievance Committee reports to provide guidance concerning the adequacy of the Grievance Committee's investigations, the compliance of the Grievance Committee reports with the requirements of this Regulation, and any technical appraisal issues. Regional Members may delegate the responsibilities for any file assigned to them to an Assistant Regional Member in their region.

The Regional Member in charge of a file in the Ethics Administration Division at the time of the adoption of this paragraph (June 20, 1997) shall transmit such file to the Ethics and Counseling Department for further processing in accordance with this Regulation. This paragraph shall expire upon the transmission of all such files to the Ethics and Counseling Department.

Section 4. Files Under Secondary Orders. Any file in which secondary orders are not completed as of December 31, 1995 shall transfer from the jurisdiction of the Professional Practice Division to the Ethics Administration Division. The Ethics Administration Division shall also have jurisdiction over any cases reopened upon readmission of a Member who was terminated before completing secondary orders.

Failure to comply with a secondary order within the period of time specified by the Ethics Administration Division without good cause shown to the Ethics Administration Division shall result in expulsion from the Appraisal Institute. The Ethics Administration Division shall so notify the Executive Vice President of the Appraisal Institute, who shall notify the Member by registered or traceable carrier that he or she has been expelled from membership for failure to cooperate in peer review Even when good cause has been shown, the secondary order shall not be rescinded, but the Ethics Administration Division may allow an extension of time and/or provide a substitute order which shall be comparable to the intent of the original secondary order.

Section 5. Other Powers and Duties. The Ethics Administration Division shall have such other powers and duties as may be necessary to carry out the responsibilities specifically assigned to the Ethics Administration Division or its members by this Regulation.

PART C. POWERS AND DUTIES OF THE CHAIR OF THE ETHICS ADMINISTRATION DIVISION RELATING TO ETHICAL RULES UNDER CANON 5

If the Chair of the Ethics Administration Division receives from the Director of Screening a referral of a possible violation of an Ethical Rule under Canon 5 of the Appraisal Institute's Code of Professional Ethics (or its predecessors), the Chair shall review the matter to determine whether the Member violated such Ethical Rule.

If the Chair of the Ethics Administration Division determines that the Member has not violated an Ethical Rule under Canon 5 (or its predecessors), the Chair shall mark the file "CLOSED" and shall deliver the file to the Ethics and Counseling Department.

If the Chair of the Ethics Administration Division determines that the Member has violated an Ethical Rule under Canon 5, the Chair may take one or more of the following actions: i) require that the Member provide written assurances that such violation will cease; ii) require that the Member provide proof that such violation has been corrected; and/or iii) provide the Member the right to accept an admonishment, within thirty days of the date of the Chair's notice to the Member. The Chair shall advise the Member of his or her right to request in writing within thirty days of the date of the Chair's notice that the matter be referred to the Ethics and Counseling Department for appointment of a Grievance Committee and further processing.

If the Member submits a timely written request that a Grievance Committee review the matter, the Chair of the Ethics Administration Division shall refer the matter to the Ethics and Counseling Department for further processing in accordance with this Regulation.

If the Member complies with the request(s) of the Chair and accepts an admonishment, if offered, the Chair shall mark the file "CLOSED" and shall deliver the file to the Ethics and Counseling Department. If the Member accepted an admonishment, the admonishment shall be entered into the Member's disciplinary record.

If the Member does not file a written request that a Grievance Committee review the matter, does not comply with the request(s) of the Chair, and does not affirmatively reject an offered admonishment in a timely manner, the Chair shall mark the file "CLOSED" and deliver the file to the Ethics and Counseling Department. An admonishment shall then be entered into the Member's disciplinary record.

The Chair of the Ethics Administration Division may designate the Vice Chair to be responsible for the processing of a file referred to the Chair pursuant to Article VIII, Part D, Section 5. The Vice Chair shall have the powers and perform the duties of the Chair with respect to such matter.

ARTICLE VI APPELLATE DIVISION

PART A. COMPOSITION AND MEETINGS

Section 1. Membership of Division. The Appellate Division shall consist of a Chair, and one member from each of the regions as may be established from time to time by the Board of Directors. One member of the Appellate Division shall also serve in the capacity of Vice Chair of the Division.

Section 2. Appointment and Tenure. The Chair, Vice Chair and other members of the Appellate Division shall be appointed to the Division by the President of the Appraisal Institute with approval of the

Board of Directors. All business conducted by the Appellate Division shall be valid regardless of the Board of Directors' subsequent actions with respect to approval of Division appointments.

The Chair and Vice Chair of the Appellate Division shall be appointed to the Division for a term of one year commencing at the conclusion of the regularly scheduled fourth quarter meeting of the Board of Directors. The other members of the Appellate Division shall be appointed to the Division for terms of three years with staggered expiration dates so that approximately one-third of such terms shall expire each year. Each such term shall commence at the conclusion of the regularly scheduled fourth quarter meeting of the Board of Directors.

The Chair, Vice Chair and all other members of the Appellate Division shall be eligible for reappointment to the Division.

To be eligible to serve on the Appellate Division, an individual must be a designated member in good standing and hold the status "continuing education completed" as defined in Regulation No. 10 at the commencement of his or her term. Such designated member shall also not have been the subject of a publishable disciplinary action by the Appraisal Institute within the five years prior to the commencement of his or her term. If a member of the Appellate Division becomes the subject of a publishable disciplinary action, the member shall be automatically removed from the Division.

At the time of the Board of Directors' confirmation of a member's appointment or reappointment to the Appellate Division, the member shall also possess experience as a member of AIREA's Governing Council, the Society's Board of Governors, or the Appraisal Institute's Board of Directors, and as a member of one or more of the following: the Appraisal Institute's Professional Practice Committee; the Appraisal Institute's or AIREA's Ethics and Counseling Committee; AIREA's National Professional Standards Committee; AIREA's National Appraisal Review Committee; AIREA's National Professional Ethics Committee; the Society's International Professional Practice Committee; the General or Residential Appraiser Board; the Admissions Committees of the General or Residential Appraiser Boards; AIREA's National Admissions Committee; the Society's General Admissions Committee; the Society's Analyst Admissions Committee; the Society's SRA/SRPA Admissions Committee; the Education Committees of the General or Residential Appraiser Board; AIREA's National Education Committee; the Society's Education Committee; the Appraisal Institute's or AIREA's national Admissions Appeal Board: or a Division of the Appraisal Institute's or AIREA's Ethics and Counseling Committee. Except as otherwise provided by this Regulation, no member of the Appellate Division may serve concurrently on the national Admissions Appeal Board or in any other capacity in Ethics and Counseling. Concurrent service on the Appellate Division and the national Admissions Committees or the National Education Committees is permitted only to the extent that service related to one of those national Committees does not interfere with service on the Appellate Division.

Section 3. Vacancies. If a vacancy occurs in the membership of the Appellate Division, the President of the Appraisal Institute shall fill such vacancy for the unexpired term and such interim appointment shall become effective immediately.

Section 4. Time and Place of Meetings. The Appellate Division shall meet at such times and places as may be designated by the Board of Directors, Executive Committee, Ethics and Counseling Committee Chair, or Appellate Division Chair.

PART B. POWERS AND DUTIES

Section 1. Duty to Conduct Appeal Proceedings in Peer Review Matters. The Appellate Division, sitting as an Appeal Board, shall have the power and duty to conduct all peer review appellate proceedings required or permitted by this Regulation.

Section 2. Other Duties. The Appellate Division shall perform such other duties as may be assigned to it by the Ethics and Counseling Committee Chair.

ARTICLE VII REGIONAL PANELS

PART A. COMPOSITION

The Ethics and Counseling Committee shall maintain a subcommittee in each Region known as a Regional Panel. Each Regional Panel shall be composed of members appointed by the Chair of the Ethics and Counseling Committee. Each member of a Regional Panel shall serve for a term commencing on the date of appointment and expiring on the third subsequent December 31 after appointment unless removed earlier by the Chair of the Ethics and Counseling Committee, a Regional Member, or the Ethics and Counseling Department. If the term of any member of a Regional Panel expires while such member is serving on a Grievance Committee or a Hearing Committee, and the work assigned to such committee is incomplete, then the term of such member of a Regional Panel shall automatically be extended for such period of time as may be necessary to provide for the completion of such assignment.

To be eligible for appointment to a Regional Panel, an individual must be a designated member in good standing, must be located within the jurisdiction of the Region, and must hold the status "continuing education completed" as defined in Regulation No. 10 at the commencement of his or her term. Members of the Ethics and Counseling Committee or its Divisions shall not be eligible to serve as a member of a Regional Panel.

PART B. SERVICE ON COMMITTEES.

Individual members of a Regional Panel will, from time to time, be appointed to serve on a specific Grievance Committee or Hearing Committee operating in the Region served by such Regional Panel. However, if the Ethics and Counseling Department determines that it is in the best interest of the Appraisal Institute, the Department may appoint one or more members of a Grievance Committee or a Hearing Committee, from a Regional Panel in another Region.

ARTICLE VIII SCREENING STAFF

PART A. SCREENING STAFF

The screening staff shall consist of

- (a) the Director of Screening;
- (b) an Assistant Director of Screening, as provided for from time to time under Part C of this Article; and
- (c) any additional staff assisting the Director of Screening and the Assistant Director of Screening.

PART B. DIRECTOR OF SCREENING

Section 1. Appointment by Board of Directors. The Board of Directors shall appoint a Director of Screening who shall report to the Executive Committee and the Vice President of the Legal Department of the Appraisal Institute. The Director of Screening shall be an MAI Member with substantial experience at the national level in one or more of the following areas: as a Chair or member of a national Committee charged with responsibility for peer review proceedings of any type under this Regulation or its predecessors; as a teacher of Appraisal Institute, AIREA, or Society courses or seminars; as Chair or

member of AIREA's National Admissions Committee; as Chair or member of the Society's General Admissions Committee, Analyst Admissions Committee, or SRA/SRPA Admissions Committee; as Chair or member of the Appraisal Institute's Admissions Committees of the Residential or General Appraiser Boards; as Chair or member of the General or Residential Appraiser Boards; or as an Assistant Director of Screening.

Section 2. Employment Contract. The general terms and conditions of the employment of the Director of Screening shall be approved or ratified by the Board of Directors of the Appraisal Institute.

Section 3. Powers and Duties. The Director of Screening shall:

- (a) serve as a member of the Ethics and Counseling Committee;
- (b) supervise subordinates, as directed by the Vice President of the Legal Department and the President;
- (c) exercise general supervision over the screening of all files referred to the Screening Staff; and
- (d) have final responsibilities for deciding, in each matter he or she reviews, to take no further action on the matter, to route the matter to the Ethics Administration Division, or to notify a Member of concerns relating to possible violations of the Standards of Professional Appraisal Practice, provided, however, that if an Assistant Director of Screening is appointed pursuant to Part C of this Article, the Director of Screening may grant the Assistant Director authority to make such final screening decisions as the Director deems appropriate.

PART C. ASSISTANT DIRECTOR OF SCREENING

Section 1. Appointment by Executive Committee. The Executive Committee may appoint one or more Assistant Directors of Screening to assist the Director of Screening in performing his or her duties. At least one such Assistant Director of Screening shall hold a residential designation from the Appraisal Institute. In its discretion, the Executive Committee may also grant an Assistant Director of Screening authority to make such final screening decisions, relating to files assigned to an Assistant Director, as the Executive Committee deems appropriate.

Section 2. Assumption of Duties of Director of Screening. If the Vice President of the Legal Department determines that the Director of Screening is unable to perform his or her duties, or that the position of Director of Screening is vacant, the Vice President of the Legal Department shall immediately notify the Executive Committee. Upon receipt of such notice, the Executive Committee shall either (a) fill the vacancy, or (b) grant the Assistant Director of Screening the same authority to screen as the authority vested in the Director of Screening. An appointment under either (a) or (b) above shall be on an interim basis only and subject to the approval of the Board of Directors at its next regularly scheduled meeting.

PART D. SCREENING PROCEDURES

Section 1. Referral of Information to the Director of Screening. Except as otherwise provided in this Regulation, all information the Appraisal Institute and its Chapters (including their officers and committees) receive that suggests or indicates that a Member of the Appraisal Institute may have:

- (a) failed to observe the requirements of the Appraisal Institute's Code of Professional Ethics or the Appraisal Institute's Standards of Professional Appraisal Practice;
- (b) been convicted of a serious crime committed prior to becoming a Member, Candidate, or Affiliate; or

(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,

shall be referred to the Director of Screening for screening in accordance with the requirements of this Regulation.

Section 2. Processing by the Screening Staff. Upon receipt of any such information, the Director of Screening shall make or cause to be made such investigation as he or she may deem appropriate for the purpose of determining the action to be taken under this Regulation. The Director of Screening may request that a member of the Regional Panel procure information that may be relevant to the investigation and forward it to the Screening Staff.

Section 3. Duty of Members to Submit Additional Information. When requested to do so by the Director of Screening, a Member must promptly submit, at his or her own expense, to the Director of Screening or any duly authorized member of the Screening Staff, a copy of the appraisal report under investigation or a copy of the appraisal report (or the file memoranda setting forth data, reasoning and conclusions) upon which his or her appraisal testimony was based, together with a copy of all subsequent changes and modifications thereof and all requested supporting documentation relevant to the inquiry.

Section 4. Closing of Matters Referred. If, after completion of his or her investigation, the Director of Screening determines that there is no legitimate basis for referral to the Ethics Administration Division and that there is no legitimate basis to notify the Member of concerns relating to possible violations of the Standards of Professional Appraisal Practice, the Director of Screening shall prepare or cause to be prepared a written memorandum indicating the basis for this determination and a copy of this memorandum shall be lodged in the files of the Screening Staff. When appropriate, the Director of Screening may advise the party originally transmitting the information to the Appraisal Institute as to the manner in which the referral was handled and the basis for the action taken. Such notification may be appropriate when the Appraisal Institute does not have jurisdiction over the referred matter or when the party transmitting the information is an individual who is authorized to receive such information under the express rules of this Regulation.

Section 5. Routing to Ethics Administration Division. If the Director of Screening determines that a Member may have violated the ethical requirements of the Appraisal Institute's Code of Professional Ethics, the Director of Screening shall refer the matter to the Ethics Administration Division for processing in accordance with Article IX and as further provided in this Regulation. However, if the Director of Screening determines that a Member may have violated an Ethical Rule under Canon 5, the Director may refer the matter to the Ethics Administration Division for processing in accordance with Article V, Part C.

If the Director of Screening determines that a Member may have (a) been convicted of a serious crime committed prior to becoming a Member, Candidate, or an Affiliate, or (b) knowingly made false statements, submitted false information, or failed to fully disclose information requested in an application for admission to membership, candidacy, or affiliation, the Director of Screening shall refer the matter to the Ethics Administration Division for processing in accordance with this Regulation as modified to reflect the nature of the alleged violation.

Section 6. Addressing Possible Standards Violations. If the Director of Screening determines that a Member may have violated the requirements of the Appraisal Institute's Standards of Professional Appraisal Practice, the Director of Screening may notify the Member of concerns relating to such possible violations for educational purposes. The file will then be closed.

PART E. ADDITIONAL RULES

Section 1. Conflict of Interest. If the Director of Screening ascertains that he or she has a conflict of interest with respect to any matter submitted to the Director of Screening for investigation and referral under this Regulation, such matter shall be referred to an Assistant Director of Screening or the Chair of the Ethics and Counseling Committee. The Chair of the Ethics and Counseling Committee may designate the Vice Chair of the Ethics and Counseling Committee or the Chair of the Appraisal Standards Council to be responsible for the processing of a file referred to the Chair pursuant to this section. The individual to whom a matter is referred under this section shall have the powers and perform the duties of the Director of Screening with respect to such file.

Section 2. Authority to Process. If the Director of Screening determines that it is unclear as to whether the Appraisal Institute has authority to review an appraisal report or other document submitted to the Appraisal Institute with a request that it be reviewed, the review of such report or other document shall not commence until the Director of Screening is satisfied that the Appraisal Institute does have authority to review such appraisal report or other document.

If, at any time, it comes to the attention of any Division, committee, Division member, committee member, or Screening Staff member, that the review of an appraisal report was not authorized by a party having the power to grant such authorization, all further action hereunder shall be postponed until such time as the proper authorization has been secured.

Section 3. Duty of Members to Submit Permission to Review Form. If an appraisal report or other document prepared or signed by a Member of the Appraisal Institute fails to authorize review by the Appraisal Institute, the Member who prepared or signed such report or other document shall, upon request, furnish to the Director of Screening an appropriate authorization to review the appraisal report or other document on the Appraisal Institute's Permission to Review form.

GRIEVANCE COMMITTEE COMPOSITION, INVESTIGATION, AND REPORTING Effective June 20, 1997

ARTICLE IX GRIEVANCE COMMITTEE

PART A. COMPOSITION

Section 1. Appointment of Grievance Committee. Except where provided otherwise, when a matter is referred to the Ethics Administration Division, the Ethics and Counseling Department shall appoint a Grievance Committee composed of a Chair and not less than two nor more than four other members. Except as provided in Article VII and below, the Chair and the other members of a Grievance Committee shall be selected from the Regional Panel of the Region in which the Member may have violated the Code of Professional Ethics.

If a file that was in the Review and Counseling Division was referred to screening staff and the Director of Screening subsequently referred such matter to the Ethics Administration Division, the Review and Counseling Committee that previously investigated the matter shall serve as the Grievance Committee. Such file shall proceed in accordance with Part B and subsequent Parts of this Article as modified to reflect the investigation and reporting already completed by the Committee.

Section 2. Notice of Appointment and Submission of Conflict of Interest Statement. When the Ethics and Counseling Department has selected the members of a Grievance Committee, the Department shall mail to each such appointee a formal Notice of Appointment and a form concerning possible conflict of interest. When the Ethics and Counseling Department has received an acceptance of appointment and a statement indicating no conflict of interest from each of the individuals who have been appointed as the Chair and other members of the Grievance Committee, the Department shall advise the Member of the appointment of the Grievance Committee. This notice shall contain the following information:

- (a) The name, address and telephone number of the Chair and each Member of the Grievance Committee.
- (b) Advice to the Member that he or she may file with the Ethics and Counseling Department a Challenge for Cause requesting that the Chair or any Member of the Grievance Committee be excused because such Chair or Member has a personal interest in the case or is prejudiced against the Member. Any such challenge must set forth the facts and reasoning in support of such challenge.
- (c) The last date for the filing of challenges shall be fifteen days from the date that the Member receives the Notice of Appointment.

Upon a timely request by the Member, and for good cause shown, the Ethics and Counseling 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 Ethics and Counseling Department shall (a) review the file and study the facts and reasoning set forth by the Member in support of his or her challenge, and (b) determine whether such challenge should be granted.

If a challenge for cause is granted, the Ethics and Counseling Department shall appoint a replacement for the individual who has been excused. The Member shall have the right to file a challenge for cause to any replacement in accordance with the procedures in Section 2 above.

Section 4. Transmittal of File to Grievance Committee. When the final composition of the Grievance Committee is known, the Ethics and Counseling Department shall forward such file to the Chair of the Grievance Committee for processing in accordance with the requirements of this Regulation.

Section 5. Subsequent Discovery of a Conflict of Interest. If at any time a member of a Grievance Committee discovers that he or she has a personal interest in any matter assigned to such Grievance Committee for investigation, or has a bias in favor of or prejudice against the Member involved, or has served in any other review or investigative capacity in reference to the subject matter of such file, such member shall immediately notify the Ethics and Counseling Department of such personal interest, bias or prejudice and take no further part in the investigation or actions of such Grievance Committee. When any member of a Grievance Committee is thus disqualified, the Ethics and Counseling Department may then appoint another member of the Regional Panel to serve on such Grievance Committee and act in the place of the disqualified member.

Section 6. Removal From Grievance Committee. If the Ethics and Counseling Department or a Regional Member determines that a member of a Grievance Committee may have a conflict of interest or may have failed to perform his or her assigned duties, the Department or Regional Member may remove such member from the Grievance Committee or discharge the entire Committee. In addition, the Ethics and Counseling Department or the Regional Member may remove such member from the Regional Panel.

The Grievance Committee member may file a written objection to the removal with the Ethics and Counseling Committee Chair within ten days of the date of the notice of removal. Upon receipt of any such objection, the Ethics and Counseling Committee Chair shall make such investigation as he or she may deem appropriate. Upon completion of such investigation, the Ethics and Counseling Committee Chair may affirm or reverse the decision of the Ethics and Counseling Department or Regional Member to remove such member from the Grievance Committee or discharge the entire Committee. In addition, the Ethics and Counseling Committee Chair may either affirm or reverse a decision of the Department or Regional Member to remove such individual's name from the Regional Panel.

When any member of a Grievance Committee is removed from the Committee in this manner, the Ethics and Counseling Department may then appoint another member of the Regional Panel to serve on such Grievance Committee. Any such appointment shall be made in accordance with the requirements of this Part A.

PART B. INVESTIGATION

Section 1. Procedure for Investigation. Each Grievance Committee shall conduct a thorough investigation to determine whether they believe they can prove, by the greater weight of the evidence available, that the Member violated the Appraisal Institute's Code of Professional Ethics.

The Chair of a Grievance Committee may personally conduct all or any portion of an investigation or the Chair may assign all or any portion of a particular investigation to one or more members of the Grievance Committee.

As part of the Grievance Committee's investigation, one or more members of the Grievance Committee shall interview the Member. When requested to do so by a duly authorized Grievance Committee or member thereof, a Member 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 Member declines to be interviewed, the Grievance Committee shall document this fact in writing and shall complete any additional investigation it deems appropriate.

When requested to do so, a Member must, at his or her own expense, submit to a Grievance Committee or individual member thereof, documentation in the Member's possession or control that is relevant to the investigation or that the Committee or member thereof believes may be relevant to the investigation.

In addition, the Member may submit, at his or her own expense, any additional documents that he or she believes may be relevant to the investigation. The Member may also request that the Grievance Committee interview specific individuals during the investigation. The Grievance Committee shall decide whether to interview any such individuals.

The Chair, member or members to whom a particular portion of the investigation is assigned shall report the results of such investigation to the Grievance Committee as a whole. When the Grievance Committee has completed its investigation as it deems appropriate, the Grievance Committee shall evaluate the relevant facts and make a decision as to its preliminary recommendation.

Section 2. Other Violations. If, as a result of its investigation of the subject matter of a file referred to it by the Ethics Administration Division, a Grievance Committee determines that a Member may have violated the Appraisal Institute's Code of Professional Ethics or Standards of Professional Appraisal Practice other than in connection with the subject matter of the file assigned to it for investigation, then the Grievance Committee shall report its findings with respect to such other violation(s) to the Director of Screening. No further action relating to any such other violation(s) shall be taken by such Grievance Committee unless and until a file relating to the subject matter thereof is formally assigned to the Grievance Committee by the Ethics Administration Division.

PART C. GRIEVANCE COMMITTEE REPORT

Section 1. Duty to Report. After the Grievance Committee has completed its investigation and made a decision as to its preliminary recommendation with respect to a particular file, the Grievance Committee shall prepare a preliminary written Grievance Committee Report and file such Report with the Ethics and Counseling Department.

Section 2. Contents of Grievance Committee Report. The Grievance Committee Report shall contain the following:

- (a) a statement concerning the subject matter that was assigned to the Grievance Committee for investigation;
- (b) a summary of the procedures followed by the Grievance Committee in making its investigation;
- (c) the Grievance Committee's findings of fact, together with a summary of the evidence available to the Committee which led the Committee to conclude that such facts could be established by the greater weight of the evidence;
- (d) the conclusions of the Grievance Committee with respect to whether the Member violated the Code of Professional Ethics; and
- (e) a preliminary recommendation made in accordance with the requirements of Section 3 below.

If the Grievance Committee concludes that a Member did violate the Code of Professional Ethics, the Grievance Committee Report shall contain a clear, precise statement as to the particular provision or provisions of the Code of Professional Ethics which the Member 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), (c) or (e) of the Code of Professional Ethics, each Grievance Committee Report shall make one of the following recommendations:

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

- (b) that the file be referred to the Screening Staff for notification of the Member of concerns relating to the possible violation of the Standards of Professional Appraisal Practice;
- (c) that the Member be given the right to accept a specified disciplinary action.

If the recommendation is (c) above, and the Grievance Committee deems it appropriate, the Grievance Committee may further recommend that the Member be offered an opportunity to pursue a specified educational alternative within a fixed period of time in lieu of being subjected to the recommended disciplinary action, unless the recommended disciplinary action is expulsion. The educational alternative recommended by the Grievance Committee may include a requirement that an examination be taken and passed in order to complete such educational alternative. For any Appraisal Institute course that has an examination, the Grievance Committee must recommend that the examination be taken and passed.

If the Grievance Committee determines that a violation of Ethical Rule 2-3(b) of the Code of Professional Ethics has occurred and compliance with Ethical Rule 2-3(b) was not excused by an exception to the Ethical Rules, the Grievance Committee shall prepare its report and refer the complete file to the Executive Vice President of the Appraisal Institute for processing under Article X, Part G of this Regulation.

If the Grievance Committee determines that a violation of Ethical Rule 2-3(c) of the Code of Professional Ethics has occurred and compliance with Ethical Rule 2-3(c) was not excused by an exception to the Ethical Rules, the recommendation of the Grievance Committee in its report shall be governed by the following rules:

- (a) If in the course of its investigation, the Member provides the Grievance Committee with the written appraisal report, the file memoranda containing data, reasoning and conclusions, or the Permission to Review, which was requested by but not transmitted to the Screening Staff, the recommendation of the Grievance Committee must be to give the Member the right to accept an admonishment.
 - Upon receipt of such requested documentation, the Grievance Committee shall transmit it to the Director of Screening for processing under this Regulation.
- (b) If, in the course of its investigation, the Member fails to provide the Grievance Committee with the written appraisal report, the file memoranda containing data, reasoning and conclusions, or the Permission to Review, which was requested by but not transmitted to the Screening Staff, the Grievance Committee shall prepare its report and refer the complete file to the Executive Vice President of the Appraisal Institute for processing under Article X, Part G of this Regulation.

If the Grievance Committee determines that a violation of Ethical Rule 2-3(e) of the Code of Professional Ethics has occurred and compliance with Ethical Rule 2-3(e) was not excused by an exception to the Ethical Rules, the Grievance Committee shall prepare its report and refer the complete file to the Executive Vice President of the Appraisal Institute for processing under Article X, Part G of this Regulation.

PART D. REVIEW OF COMMITTEE REPORT AND IMPLEMENTATION OF RECOMMENDATION

Section 1. Review by Ethics and Counseling Department and Regional Member. Upon receipt of a Grievance Committee Report, the Ethics and Counseling Department shall carefully review the file and the Grievance Committee Report to determine whether the investigation made by the Grievance Committee was adequate and whether the Grievance Committee Report is in compliance with the requirements of this Regulation. As part of the review process, the Ethics and Counseling Department shall submit a copy of the Report to a Regional Member of the Ethics Administration Division, 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 Ethics and Counseling Department. If the Ethics and Counseling Department determines that the Grievance Committee's investigation was insufficient, or that the Grievance Committee Report is not in compliance with this Regulation, the Department shall remand the file to the Grievance Committee with instructions to take such further steps as the Department may specify.

If the Ethics and Counseling Department determines that the Grievance Committee's investigation was sufficient and that the Grievance Committee Report is in compliance with this Regulation, the Department shall proceed as follows:

- (a) if the Grievance Committee recommended that the file be closed with no further action, the Department shall mark the file "CLOSED," and advise the Member that the file has been closed;
- (b) if the Grievance Committee recommended that the file be referred to the Screening Staff, the Department shall mark the file "ETHICS FILE CLOSED REFERRED TO SCREENING STAFF," and shall deliver the file to the Screening Staff; or
- (c) if the Grievance Committee recommended giving the Member the right to accept disciplinary action, the Ethics and Counseling Department shall proceed in accordance with Part E of this Article.

PART E. PROCEDURE TO BE FOLLOWED IF A GRIEVANCE COMMITTEE RECOMMENDS THAT A MEMBER BE GIVEN THE RIGHT TO ACCEPT DISCIPLINARY ACTION

Section 1. Review of Prior Disciplinary Record. If the Ethics and Counseling Department determined that the Grievance Committee's investigation was adequate and that the Grievance Committee Report recommending that the Member be given the right to accept a specified disciplinary action is in compliance with this Regulation, the Department shall review the Appraisal Institute's files relating to such Member to determine whether such Member has previously received any disciplinary actions. The Department shall then notify the Grievance Committee of the Member's prior disciplinary record, if any. The Grievance Committee may then consider such record and change its recommendation as to disciplinary action and any educational alternative.

If the Grievance Committee recommends disciplinary action but does not recommend an educational alternative in lieu of such disciplinary action, the Ethics and Counseling Department shall proceed in accordance with Section 2 below.

If the Grievance Committee recommends a specified educational alternative in lieu of the recommended disciplinary action, the Ethics and Counseling Department shall proceed in accordance with Section 3 below.

Section 2. Procedure if Member is Offered Disciplinary Action But No Educational Alternative Offered. If the Grievance Committee recommended disciplinary action but no educational alternative, the Ethics and Counseling Department shall forward to the Member by traceable carrier a copy of the Grievance Committee Report and a notice advising such Member that the Grievance Committee has recommended that such Member be given the right to accept a specified disciplinary action. The Member shall have a period of thirty days from the date of the mailing of such notice to advise the Ethics and Counseling Department in writing by traceable carrier as to whether the Member accepts such disciplinary action or requests reconsideration of the Grievance Committee's findings and recommendation. Such request must show good cause for such reconsideration. Upon receipt of a written request from the Member setting forth facts and circumstances justifying an extension, the Ethics

and Counseling Department may extend the time for making such election or filing a request to a date the Department deems reasonable under the circumstances.

If the Member affirmatively accepts such disciplinary action in writing or fails to respond to the offer of disciplinary action within the thirty day period (or any extension thereof), the disciplinary action shall become effective, the Grievance Committee Report and any letter accepting such disciplinary action shall be placed in the file, the file shall be marked "CLOSED" and the complete file shall be delivered to the Ethics and Counseling Department.

If the Member files a written request showing good cause for reconsideration by traceable carrier, the Grievance Committee may reconsider and revise its findings and recommendation in accordance with Section 4 below.

If the Member affirmatively elects not to accept such disciplinary action in writing, by traceable carrier, within the thirty day period (or any extensions thereof) allowed for this purpose, a formal Grievance Committee 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 Member is Offered Disciplinary Action and an Educational Alternative. If the Grievance Committee recommended offering the Member a disciplinary action and the opportunity to complete a specified educational alternative the Ethics and Counseling Department shall forward to the Member by traceable carrier a copy of the Grievance Committee Report and a notice advising such Member that the Grievance Committee has recommended that such Member 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 Member that he or she shall have thirty days from the date of the mailing of such Grievance Committee Report and Notice to advise the Chair of the Grievance Committee and the Ethics and Counseling 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 Member setting forth facts and circumstances justifying an extension, the Ethics and Counseling Department may extend the time for making such election to a date which the Department deems reasonable under the circumstances.

If the Member affirmatively accepts the recommended disciplinary action in writing, or if the Member fails to respond to the offer of disciplinary action and an educational alternative within the thirty day period (or any extension thereof), the disciplinary action shall become effective, copies of the Grievance Committee Report, the Notice offering an educational alternative, and any original letter accepting such disciplinary action shall be placed in the file, and the file shall be marked "CLOSED".

If the Member files a written request showing good cause for reconsideration by traceable carrier, the Grievance Committee may reconsider and revise its findings and recommendation in accordance with Section 4 below.

If the Member affirmatively elects not to accept the offer of an educational alternative or the recommended disciplinary action in writing by traceable carrier within the thirty day period (or any extensions thereof) allowed for this purpose, a formal Grievance Committee 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 Member elects to accept such educational alternative, the complete file shall be transmitted to the Ethics and Counseling Department and placed in suspense until the Department can determine whether the Member successfully completed the educational alternative within the specified time period.

If the Ethics and Counseling Department determines that the Member successfully completed the educational alternative within the specified time period, this fact shall be recorded in the file of the Member and the file shall be marked "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 or suspension, the disciplinary action shall be reduced to admonishment which shall be recorded in the Member's disciplinary record.

If the Ethics and Counseling Department determines that the Member failed to successfully complete the educational alternative within the specified time period, the disciplinary action shall become effective and shall be posted to the record of the Member, and the file shall be marked "CLOSED".

Section 4. Reconsideration of Grievance Committee Report. Upon receipt of a timely and proper request for reconsideration of a Grievance Committee Report finding that a Member violated the Code of Professional Ethics and recommending disciplinary action (and possibly educational alternative in lieu thereof), the Grievance Committee may reconsider its findings and recommendation.

If the Grievance Committee decides not to revise its findings or recommendation, the Grievance Committee shall so notify the Ethics and Counseling Department. If the Grievance Committee decides to revise its findings or recommendation, it shall submit its revised report to the Ethics and Counseling Department.

The Ethics and Counseling Department will review the revised report (if any) to determine whether the Grievance Committee's consideration of the Member's request was adequate and whether its revised report (if any) is in compliance with Regulation No. 6. If the Grievance Committee's consideration was inadequate or its revised report is not in compliance with Regulation No. 6, the Ethics and Counseling Department shall remand the revised report to the Grievance Committee with instructions to take such further steps as the Department may specify.

If the Ethics and Counseling Department determines that the Grievance Committee's consideration of the Member's request was adequate and its revised report (if any) is in compliance with Regulation No. 6, the Ethics and Counseling Department shall notify the Member of the Grievance Committee's findings and recommendation as provided in Part C and D of this Article. However, if the Grievance Committee still recommends disciplinary action (and possibly an educational alternative in lieu thereof), the Member will have a right to request a formal hearing (in which case a formal Grievance Committee Complaint will be prepared and filed), rather than another right to request reconsideration of the Grievance Committee's findings and recommendation.

Section 5. Preparation of a Formal Grievance Committee Complaint. If a Member affirmatively elects in writing not to accept an offer of disciplinary action (and any offer of an educational alternative), a formal Grievance Committee Complaint shall be prepared. The Complaint shall include the following information:

- (a) Allegations of Fact. The Grievance Committee shall set forth in detail each alleged act (or failure to act) that the Grievance Committee believes violates the Appraisal Institute's Code of Professional Ethics so as to fully inform the Member of the basis for the Grievance Committee Complaint.
- (b) Relation to Code of Professional Ethics. The Grievance Committee shall set forth each provision of the Appraisal Institute's Code of Professional Ethics that the Grievance Committee alleges the Member violated. The Complaint shall also clearly and specifically state the Member's act or acts (or failure to act) that violated each such provision.

RULES GOVERNING DISCIPLINARY PROCEEDINGS Effective June 20, 1997

ARTICLE X HEARING COMMITTEE

PART A. APPOINTMENT OF HEARING COMMITTEE

Section 1. Appointment of Hearing Committee. When the Ethics and Counseling Department has approved a formal Grievance Committee Complaint, the Department shall appoint a Hearing Committee. Except as provided in Article VIII, the Chair and other members of a Hearing Committee shall be appointed from the Regional Panel of the Region in which the Member's Chapter is located.

Each Hearing Committee shall consist of a Chair and not less than two nor more than four other members. No member of the Hearing Committee shall be personally interested in the case or biased in favor of or prejudiced against the accused Member or any member of the Grievance Committee, and no member of the Hearing Committee shall have participated in any investigation of the allegations contained in the Complaint or have served on the Grievance Committee that prepared the Complaint.

Section 2. Filing of Complaint and Notice of Appointment. When the Ethics and Counseling Department receives an acceptance of appointment and a statement indicating no conflict of interest from a Chair and two to four members, the Department shall file the formal Grievance Committee Complaint by sending a copy thereof to the accused Member, by traceable carrier together with a notice advising the accused Member of the appointment of the Hearing Committee. This notice shall contain the following information:

- (a) The name, address, and telephone number of the Chair and each member of the Hearing Committee.
- (b) The name, address and telephone number of the Chair and each member of the Grievance Committee.
- (c) Advice to the accused Member that he or she may file with the Ethics and Counseling Department a Challenge for Cause requesting that the Chair or any member of the Hearing Committee be excused from serving on the Hearing Committee because such Chair or other member of the Hearing Committee has a personal interest in the case or is prejudiced against the accused Member.
- (d) Advice to the accused Member that he or she may file with the Ethics and Counseling Department one Peremptory Challenge requesting that the Chair or one other member of the Hearing Committee be excused from serving on the Hearing Committee.
- (e) The last day for the filing of Challenges for Cause and a Peremptory Challenge shall be twenty days from the date the accused Member receives the Notice of Appointment.

The filing date of a Challenge for Cause or a Peremptory Challenge shall be the postmark date that such item is mailed to the Ethics and Counseling Department or, if not mailed, the date that such item is received by the Department.

Upon a timely request by the accused Member, and for good cause shown, the Ethics and Counseling Department shall have the power to extend the period allowed for the filing of a Peremptory Challenge and Challenges for Cause.

Section 3. Challenges for Cause. An accused Member may file with the Ethics and Counseling Department a Challenge for Cause requesting that any member of the Hearing Committee be excused from serving on the Hearing Committee because such member of the Hearing Committee has a personal interest in the case or is otherwise prejudiced against the accused Member. There is no specific limit upon the number of Challenges for Cause that may be filed in a disciplinary proceeding 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 accused Member.

Section 4. Procedure for Ruling Upon a Challenge for Cause. Upon receipt of a Challenge for Cause, the Ethics and Counseling Department shall (a) review the complete file and study the facts and reasoning set forth by the accused Member in support of his or her request, and (b) determine whether such request should be granted.

Section 5. Peremptory Challenge. An accused Member may file with the Ethics and Counseling Department one (and only one) Peremptory 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 Peremptory Challenge and such request shall automatically be allowed if it was filed within the time limits established pursuant to this Regulation.

Section 6. Appointment of Replacements. If a Peremptory Challenge is received and allowed or if a Challenge for Cause is received and granted (or if a member of a Hearing Committee resigns), the Ethics and Counseling Department shall appoint a new member (or Chair) to replace the individual who has been excused. Upon receipt of an acceptance of appointment and a statement indicating no conflict of interest from the replacement appointee, the Ethics and Counseling Department shall notify the accused Member, by traceable carrier of such replacement appointment. This Notice of Replacement Appointment shall contain the following information:

- (a) The name, address, and telephone number of the Chair and each member of the Hearing Committee.
- (b) The name, address and telephone number of the Chair and each member of the Grievance Committee.
- (c) Advice to the accused Member that he or she may file with the Ethics and Counseling Department a Challenge for Cause requesting that any newly appointed member of the Hearing Committee be excused from serving on the Hearing Committee because such newly appointed member of the Hearing Committee has a personal interest in the case or is prejudiced against the accused Member.
- (d) The last date by which any Challenges for Cause may be filed.

An accused Member shall have the right, exercisable within a period of twenty days from the date of the mailing of the Notice of Replacement Appointment, to file a Challenge for Cause relating to one or more of the newly appointed members of the Hearing Committee. Each such Challenge for Cause shall be processed in the same manner as is set forth above in Section 3 and Section 4 of this Part A.

Section 7. Notice to Hearing Committee Chair. When the time allowed for the filing of a Peremptory Challenge and all Challenges for Cause has expired (or the accused Member has notified the Ethics and Counseling Department in writing that he or she will not file any challenges) and the final composition of the Hearing Committee has been determined, the Ethics and Counseling Department shall advise the Chair of the Hearing Committee as to the final composition of the Hearing Committee and direct the Chair to make the necessary arrangements for the Hearing and to give the formal Notice of Hearing required by Part B of this Article.

Section 8. Removal From Hearing Committee. If the Ethics and Counseling 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. In addition, the Ethics and Counseling Department may remove such member's name from the Regional Panel.

The Hearing Committee member may file a written objection to the removal with the Ethics and Counseling Committee Chair and the Ethics and Counseling Department within ten days of the date of the notice of removal. Upon receipt of any such objection, the Ethics and Counseling Committee Chair shall make such investigation as he or she may deem appropriate. Upon completion of such investigation, the Ethics and Counseling Committee Chair may affirm or reverse the decision of the Ethics and Counseling Department to remove such member from the Hearing Committee or discharge the entire Committee. In addition, the Ethics and Counseling Committee Chair may either affirm or reverse a decision of the Ethics and Counseling Department to remove such individual's name from the Regional Panel.

PART B. ACTIONS PRIOR TO HEARING

Section 1. Notice of Hearing. After receipt from the Ethics and Counseling Department of a notice to proceed with selecting a Hearing date, the Chair of the Hearing Committee shall select a Hearing date complying with the requirements of Section 2 below and mail a Notice of Hearing by traceable carrier to the accused Member and by regular mail to the Ethics and Counseling Department. A copy of such Notice of Hearing shall also be sent by regular mail to the other members of the Hearing Committee and the members of the Grievance Committee. This Notice of Hearing shall set a date, time and place for a Hearing on the Grievance Committee Complaint and shall also contain the following information:

- (a) The name, address and telephone number of the Chair and each member of the Hearing Committee.
- (b) The name, address and telephone number of the Chair and each member of the Grievance Committee.
- (c) Advice to the accused Member that a written Answer to Complaint or a written Request for a Bill of Particulars may be filed with the Chair of the Hearing Committee and the last date by which such Answer or such Request may be filed.
- (d) Advice to the accused Member that if such accused Member shall give notice thereof to the Chair of the Hearing Committee and the Ethics and Counseling Department in the manner and within the time period set forth in Section 10 of this Part B, such accused Member shall have the right to request that the Chair of the Hearing Committee issue invitations to individuals who are not Members requesting, and summonses to Members requiring, one or both of the following: (i) that such individuals appear and testify at the Hearing; (ii) that such individuals produce such documentary evidence in their possession or control as may be relevant to the subject matter of the proceedings and specified in such invitation or summons.
- (e) Advice to the accused Member that he or she has the right to be represented at the Hearing by legal counsel provided that the Member gives proper notice to the Chair of the Hearing Committee, the Chair of the Grievance Committee, and the Ethics and Counseling Department as set forth in Section 7 of this Part B.

The Notice of Hearing mailed to the accused Member shall be accompanied by a form for the use of the accused Member in notifying the Chair of the Hearing Committee of the intention of the accused Member to be represented at the Hearing by legal counsel.

The filing date of an Answer to Complaint, a Request for a Bill of Particulars, an invitation to appear and testify, a summons to appear and testify, and a notice of intention to be represented by legal counsel shall be the postmark date that such item is mailed to the Chair of the Hearing Committee or, if not mailed, the date that such item is received by such Chair.

Section 2. Fixing of Date for Hearing and Final Dates for Filing Various Documents and Requests. The date set for the Hearing shall be not less than sixty days from the date of the mailing of the Notice of Hearing. The date fixed as the last day for the filing of a written Answer to Complaint or a written Request for a Bill of Particulars shall be not less than forty-five days from the date of Hearing.

The date fixed as the last day for the filing of a request for the issuance of an invitation to an individual who is not a Member, or a summons to a Member, shall be thirty days prior to the Hearing date. The date fixed as the last day for filing a notice of intention to be represented by legal counsel at the Hearing shall also be thirty days prior to the Hearing date.

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; to adjust the period allowed for the filing of an Answer to Complaint, a Request for a Bill of Particulars, or a Bill of Particulars; and to reduce the period prior to the Hearing date, reduce the period for the timely filing of a request for the issuance of an invitation or a summons, or reduce the period for filing a notice of intention to be represented by legal counsel.

Section 3. Answer to Complaint. An accused Member shall have the right to file a written Answer to Complaint within the time limit specified in the Notice of Hearing. Such Answer to Complaint shall be filed with the Chair of the Hearing Committee and a copy thereof shall be mailed to the other Members of the Hearing Committee, to the Chair and other members of the Grievance Committee, and to the Ethics and Counseling Department. The Answer to Complaint may deal with each allegation of the Complaint and may also raise affirmative defenses which, in the opinion of the accused Member, serve as further answer to the allegations of the Complaint.

If the Answer to Complaint is filed by legal counsel for the accused Member, and the address of such legal counsel is provided to the Chair of the Hearing Committee and to the Chair of the Grievance Committee, a copy of all subsequent notices and pleadings shall be mailed by regular mail to such legal counsel.

Section 4. Request for a Bill of Particulars. If, in the opinion of the accused Member, the Grievance Committee Complaint is defective for lack of specificity and does not sufficiently set forth the details of each action (or failure to act) of the accused Member which is alleged to be in violation of the Appraisal Institute's Code of Professional Ethics, the accused Member may file a formal Request for a Bill of Particulars to compel the Grievance Committee to supply such additional information as will enable the accused Member to be fully aware of the nature of the charges and permit such accused Member to prepare his or her defense to the allegations of the Complaint. Such Request for a Bill of Particulars shall be filed with the Chair of the Hearing Committee and a copy thereof shall be mailed to the other members of the Hearing Committee, the Chair and other members of the Grievance Committee and to the Ethics and Counseling Department.

If the Request for a Bill of Particulars is filed by legal counsel for the accused Member, and the address of such legal counsel is provided to the Chair of the Hearing Committee and to the Chair of the Grievance Committee, a copy of all subsequent notices and pleadings shall be mailed by regular mail to such legal counsel.

Section 5. Consideration of a Request for a Bill of Particulars. Upon receipt of a Request for a Bill of Particulars filed within the time limits established pursuant to this Regulation, the Chair of the Hearing Committee shall contact each member of the Hearing Committee for the purpose of ruling upon such Request. If the majority of the Hearing Committee concludes that all or any part of such Request should be granted, the Chair of the Hearing Committee shall send a notice to the Chair of the Grievance

Committee requiring the Grievance Committee to file a Bill of Particulars setting forth such additional factual details as the Hearing Committee may direct. Such notice shall set a deadline for the filing of the Bill of Particulars and may also reset the date for the Hearing and the deadline by which the accused Member may file an Answer to the Complaint. The Chair of the Hearing Committee shall also send a copy of this notice to the other members of the Hearing Committee, the accused Member, the other members of the Grievance Committee, and the Ethics and Counseling Department.

If the majority of the Hearing Committee concludes that all or any part of such Request should be denied, the Chair of the Hearing Committee shall notify the accused Member of this decision and the basis for such denial. The Chair of the Hearing Committee shall also send a copy of this notice to the other members of the Hearing Committee, the Chair and other members of the Grievance Committee, and the Ethics and Counseling Department.

Section 6. Filings of a Bill of Particulars. If a Hearing Committee rules that a Grievance Committee Complaint is defective for lack of specificity, the Grievance Committee shall prepare a Bill of Particulars and file such Bill of Particulars with the Chair of the Hearing Committee within a time period specified by the Hearing Committee. This Bill of Particulars shall set forth such additional factual details as have been required by the direction of the Hearing Committee.

Upon receipt of such Bill of Particulars from the Grievance Committee, the Chair of the Hearing Committee shall send a copy thereof by traceable carrier to the accused Member. Copies of the Bill of Particulars shall also be mailed by regular mail to the other members of the Hearing Committee, and the Ethics and Counseling Department.

Section 7. Notice of Intention to be Represented by Legal Counsel at the Hearing. Upon compliance with the notice provisions set forth in this section, an accused Member shall be entitled to be represented by legal counsel at the Hearing. If an accused Member intends to be represented by legal counsel at the Hearing, the accused Member must so notify the Chair of the Hearing Committee, in writing either personally served or sent by traceable carrier with a copy thereof mailed to the Chair of the Grievance Committee and the Ethics and Counseling Department by regular mail, not less than thirty days prior to the date set for the Hearing. This notice shall specify the name, address and telephone number of the legal counsel who will represent the accused Member at the Hearing.

Section 8. Retention of Legal Counsel for the Grievance Committee. If an accused Member has filed a timely notice of intention to be represented by legal counsel at the Hearing or if the accused Member has a juris doctor degree, the Vice President of the Legal Department may authorize the retention of legal counsel for the Grievance Committee at the Hearing. If the Vice President of the Legal Department does not authorize the retention of legal counsel for the Grievance Committee, the Grievance Committee may request the Ethics and Counseling Committee Chair to refer the request for the retention of legal counsel to the President of the Appraisal Institute. The President of the Appraisal Institute may authorize such retention of legal counsel, if he or she deems it appropriate.

Legal counsel retained to assist a Grievance Committee at a Hearing held pursuant to this Regulation shall be permitted to advise and counsel the Grievance Committee; to ask questions of the Chair and other members of the Hearing Committee; to conduct a direct examination or a cross examination of the accused Member or any other witness at the Hearing; to ask questions of legal counsel for the accused Member; and to make oral arguments with respect to the position of the Grievance Committee.

Section 9. Retention of Legal Counsel by Hearing Committee. Whether or not the accused Member is represented by legal counsel at the Hearing, the Hearing Committee may utilize its own legal counsel to advise it as to legal and procedural issues and to answer any questions raised by the accused Member, by legal counsel for the accused Member, by the Grievance Committee or by legal counsel for the Grievance Committee.

If the Hearing Committee decides that it should be represented by legal counsel at the Hearing, the Chair of the Hearing Committee shall request that the Vice President of the Legal Department authorize

retention of such counsel. If the Vice President of the Legal Department does not authorize the retention of legal counsel for the Hearing Committee, the Chair of the Hearing Committee may request the Ethics and Counseling Committee Chair to refer the request to the President of the Appraisal Institute. The President of the Appraisal Institute may authorize such retention of legal counsel if he or she deems it appropriate.

Section 10. Witnesses and Evidence. Invitations or Summonses issued by the Hearing Committee Chair fall into one of the three following categories:

(a) Invitations to Individuals Who Are Not Members

Both the accused Member and the Grievance Committee shall have the right to request, at any time prior to thirty days before the Hearing date, that the Chair of the Hearing Committee issue invitations to the individuals who are not Members requesting one or both of the following:

- (i) that such individual appear and testify at the Hearing;
- (ii) that such individual 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 invitation.

(b) Invitations to Members

Both the accused Member and the Grievance Committee shall have the right to request, at any time prior to thirty days before the Hearing date, that the Chair of the Hearing Committee issue invitations to Members to appear and testify at the Hearing as expert witnesses. As used in this context an expert witness is an individual invited to testify at a Hearing who has specialized knowledge that will assist the Hearing Committee to understand evidence or to determine an issue in the case. Any Member who is issued an invitation to testify at the Hearing as an expert witness may decline the invitation to testify.

(c) Summons to a Member

Both the accused Member and the Grievance Committee shall have the right to request, at any time prior to thirty days before the Hearing date, that the Chair of the Hearing Committee issue a Summons to a Member who possesses knowledge of the facts which are at issue in the case requiring one or both of the following:

- (i) that such Member appear and testify at the Hearing;
- (ii) that such Member 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 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 Canon 2 of the Appraisal Institute's Code of Professional Ethics.

The Chair of the Hearing Committee shall issue an invitation or summons upon request only if the following conditions are met:

- (a) the request is written;
- (b) the request is timely;

(c) the request is material to the issues in the case and is reasonably necessary for the prosecution or defense of the case.

If the accused Member exercises his or her right to request the Chair of the Hearing Committee to issue an invitation or a summons, and the Chair of the Hearing Committee does issue such invitation or summons, the accused Member must pay the expenses of the witness he or she requested. Provided previous written arrangements have been made, Members who are summoned may seek reimbursement for travel expenses only.

Upon the issuance of an invitation or summons, the Chair of the Hearing Committee shall mail a copy thereof to the accused Member, the Chair of the Grievance Committee, and the Ethics and Counseling Department.

Section 11. Motion to Dismiss. If a Hearing has been scheduled but, prior to the date of such Hearing, the Grievance Committee obtains new evidence that leads it to conclude that it cannot prove, by the greater weight of the evidence, that the accused Member violated the Code of Professional Ethics as alleged in the Complaint, the Grievance Committee may file a Motion to Dismiss. Such Motion to Dismiss shall be filed with the Chair of the Hearing Committee, with a copy to the accused Member and the Ethics and Counseling Department.

Upon receipt of a Motion to Dismiss filed by a Grievance Committee, the Chair of the Hearing Committee shall review the factual information set forth in the Motion to Dismiss and determine whether the Motion to Dismiss should be granted. If the Motion is granted, the Chair of the Hearing Committee shall notify the accused Member, the Chair of the Grievance Committee, and the Ethics and Counseling Department. If the Motion is not granted, the Chair of the Hearing Committee shall set forth in writing the reason that such Motion to Dismiss was not granted and immediately notify the accused Member, the Chair of the Grievance Committee, and the Ethics and Counseling Department.

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 Grievance Committee shall be the complainant at the Hearing and may be represented by one or more individuals serving on the Grievance Committee. The Grievance Committee has the burden of proof to establish, by the greater weight of the evidence, that the actions (or failure to act) of the accused Member were in violation of the Appraisal Institute's Code of Professional Ethics. The accused Member 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, however*, 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 accused Member and the Grievance Committee shall have the right to present such witnesses as the Hearing Committee deems appropriate, whether or not an invitation or summons was issued to any such witnesses.

The Grievance Committee shall introduce at the Hearing evidence to support those allegations of the Grievance Committee Complaint which have not been admitted in the Answer to Complaint of the accused Member, provided, however, that no evidence shall be presented at the Hearing and no reference shall be made by the Grievance Committee to any prior disciplinary action taken against or involving the accused Member unless such prior disciplinary action was published and involved the same substantive violation of the Appraisal Institute's Code of Professional Ethics as is alleged in the pending Grievance Committee Complaint.

The Grievance Committee may also examine or cross-examine the accused Member; cross-examine witnesses appearing on behalf of the accused Member; ask questions of the Chair or any member of the Hearing Committee, or of legal counsel for the Hearing Committee or the accused Member; and make oral arguments with respect to the subject matter of the Complaint.

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

The members of the Hearing Committee may examine the Chair or any member of the Grievance Committee; examine the accused Member; examine any of the witnesses presented by the Grievance Committee or by the accused Member; and ask questions of legal counsel for the accused Member or for the Grievance Committee.

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 stenographic record of the entire proceedings. This stenographic record need not be transcribed unless (a) the accused Member files a Notice of Appeal, or (b) such transcript is requested by the Ethics and Counseling Department. In either case, the cost of the transcript shall be paid by the Ethics and Counseling Department.

PART D. ACTIONS TO BE TAKEN AT THE CONCLUSION OF HEARING

Section 1. Hearing Committee Decision. As soon as possible after the conclusion of a Hearing, the Hearing Committee, in Executive Session, shall consider the Grievance Committee 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 accused Member violated the Appraisal Institute's Code of Professional Ethics.

If the determination of the Hearing Committee is that the accused Member did not violate the Appraisal Institute's Code of Professional Ethics, this determination shall be incorporated in a formal written decision (hereinafter referred to as "Hearing Committee Decision") in the form hereinafter specified.

If the determination of the Hearing Committee is that the accused Member did violate the Appraisal Institute's 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 Member, if any. Therefore, after the Hearing Committee has made a final determination that the accused Member did violate the Appraisal Institute's Code of Professional Ethics, the Chair of the Hearing Committee shall open the sealed envelope in the file which is marked "CONFIDENTIAL" and contains the prior disciplinary record of the accused Member. This prior disciplinary record shall then be made known to the members of the Hearing Committee.

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 accused Member did violate the Appraisal Institute's Code of Professional Ethics and its recommendation as to the appropriate disciplinary action to be taken shall be incorporated in a Hearing Committee Decision in the form hereinafter specified.

The Hearing Committee Decision shall be signed by not less than a majority of the Hearing Committee.

Section 2. Contents of Hearing Committee Decision. Each Hearing Committee Decision shall contain:

- (a) a summary of testimony and documentary evidence admitted at the Hearing;
- (b) detailed findings of fact;
- (c) a specific determination as to which alleged violations of the Appraisal Institute's Code of Professional Ethics have not been proved by the greater weight of the evidence, if any; and
- (d) a specific determination as to which alleged violations of the Appraisal Institute's Code of Professional Ethics have been proved by the greater weight of the evidence, if any.

If the determination of the Hearing Committee is that the accused Member did violate the Appraisal Institute's Code of Professional Ethics, then in addition to complying with the above requirements, the Hearing Committee shall also set forth each provision of the Code of Professional Ethics which was found to have been violated and the specific action (or failure to act) of the Member which constituted such violation. In addition, the Hearing Committee Decision shall include the recommendation of the Hearing Committee as to the appropriate disciplinary action to be taken.

Section 3. Permitted Recommendations. If the determination of the Hearing Committee is that the accused Member did violate the Appraisal Institute's 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 expulsion the Hearing Committee may further recommend that the Member be offered an opportunity to complete a specified educational alternative in lieu of the recommended disciplinary action. If the Hearing Committee recommends that the Member 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 (a) the educational alternative the Member must successfully complete, and (b) 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 Ethics and Counseling 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 4. Transmittal of Hearing Committee Decision. When the Hearing Committee Decision has been completed and signed by the members of the Hearing Committee, the Chair of the Hearing Committee shall transmit such Hearing Committee Decision to the accused Member by traceable carrier.

A copy of the Hearing Committee Decision shall be mailed by regular mail to the Chair of the Grievance Committee, and the Ethics and Counseling Department.

If the Hearing Committee Decision is that the accused Member did violate the Appraisal Institute's Code of Professional Ethics, the transmittal letter from the Chair of the Hearing Committee to the accused Member shall (a) advise the accused Member of his or her right to appeal the Hearing Committee Decision within thirty-five days of the date that the Decision was mailed to the Member; (b) specify the last date by which such Member may file a Notice of Appeal; and (c) advise the Member that the Notice of Appeal must be filed with the Chair of the Appellate Division by traceable carrier and that copies of such Notice of Appeal must be mailed by regular mail to the Chair of the Grievance Committee, Chair of the Hearing Committee, and Ethics and Counseling Department. The transmittal letter from the Chair of the Hearing Committee shall further advise the Member as to the names, addresses and telephone numbers of the Chair of the Appellate Division, the Chair of the Grievance Committee, the Chair of the Hearing Committee, and the Ethics and Counseling Department.

If the Hearing Committee Decision recommends that an educational alternative be offered in lieu of disciplinary action, then the transmittal letter shall further notify the Member that unless he or she appeals the Decision as specified above or accepts the educational alternative in writing to the Hearing Committee Chair by traceable carrier within thirty-five days of the date that the Hearing Committee Decision was mailed, the disciplinary action recommended in the Hearing Committee decision will become effective and will be made a part of the record of the Member.

PART E. PROCEDURE TO BE FOLLOWED 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 Member 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. The file shall be marked "CLOSED" and shall be delivered to the Ethics and Counseling Department. The Ethics and Counseling Department shall post the disciplinary action to the record of the Member. If the disciplinary action to be taken is expulsion, suspension, or censure, such disciplinary action shall be published in an official national publication of the Appraisal Institute and the Chapter of the disciplined Member shall be notified for purposes of publication in the Chapter's newsletter.

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 Member 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 and the failure to accept the educational alternative shall be recorded in the file. The file shall be marked "CLOSED" and shall be delivered to the Ethics and Counseling Department. The Ethics and Counseling Department shall post the disciplinary action to the record of the Member. If the disciplinary action to be taken is suspension or censure, such disciplinary action shall be published in an official national publication of the Appraisal Institute and the Chapter of the disciplined Member shall be notified for purposes of publication in the Chapter's newsletter.

If the Member accepts the educational alternative, the file shall be placed in suspense until the Hearing Committee can determine whether the Member successfully completed the educational alternative within the specified time period.

If the Hearing Committee determines that the Member successfully completed the specified 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 Member. If the Hearing Committee determines that the Member successfully completed the specified educational alternative in lieu of a censure or suspension, the disciplinary action shall be

reduced to admonishment, which shall be recorded in the file along with the fact that the Member successfully completed the educational alternative. In either case, the file shall be marked "CLOSED" and shall be delivered to the Ethics and Counseling Department.

If the Hearing Committee determines that the Member failed to successfully complete the educational alternative within the specified time period, the specified disciplinary action shall become effective and the failure to complete the educational alternative shall be recorded in the file of the Member. The file shall be marked "CLOSED" and shall be delivered to the Ethics and Counseling Department. The Ethics and Counseling Department shall post the disciplinary action to the record of the Member. If the disciplinary action to be taken is suspension or censure, such disciplinary action shall be published in an official national publication of the Appraisal Institute and the Chapter of the disciplined Member shall be notified for purposes of publication in the Chapter's newsletter.

Section 3. Action to be Taken When a Timely Appeal is Filed. If the Member files a timely appeal of the Hearing Committee Decision, the Chair of the Hearing Committee shall promptly deliver the file to the Ethics and Counseling Department and the procedures found in Article XI shall be followed.

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 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 Member has not as yet been convicted of such crime, *or* (b) a certified copy of a court document indicating that a Member 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 Executive Vice President shall give written notice to such Member that his or her privileges of membership have been suspended commencing on the day following the postmark date of such notice.

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 such plea is withdrawn, rejected or set aside. If the suspension is based upon a plea of guilty as described in (a) above and a Judgment of Conviction is subsequently entered, the suspension will expire on the date that all appeals of such conviction have been completed and finally determined. If the suspension is based upon conviction of a crime as described in (b) above, the suspension will expire on the date that all appeals of such conviction have been completed and finally determined. When such final determination has been made, the suspended Member shall have the duty and obligation to promptly notify the Executive Vice President as to the substance of such final determination.

Section 2. Right to Appeal Automatic Suspension. A Member who has been suspended from the privileges of membership pursuant to Section 1 above shall have the right to appeal such suspension by filing a timely Notice of Appeal with the Chair of the Appellate Division in accordance with the requirements of Article XI. In such event, the requirements and procedures governing the appeal shall be as set forth in Article XI of 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 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 Executive Vice President shall give written notice to such Member that if a Member, he or she has been expelled from membership commencing on the day following the postmark date of the formal notice, *subject, however*, to the provisions of Section 4 of this Part F.

Section 4. Right to Appeal Automatic Expulsion. A Member who has been expelled pursuant to Section 3 above shall have the right to appeal such expulsion by filing a timely Notice of Appeal with the Chair of the Appellate Division in accordance with the requirements of Article XI. In such event, the requirements and procedures governing the appeal shall be as set forth in Article XI of 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 membership privileges of such Member shall be suspended during the pendency of the appeal.

Section 5. Representative of Executive Vice President. Since appeals under Section 2 and Section 4 above will be from determinations of the Executive Vice President and no Grievance Committee will be involved, the Ethics and Counseling Department shall designate a member of the Ethics Administration Division to act in the place of the Grievance Committee in connection with any such appeal.

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 has been convicted of a crime of the type referred to in Ethical Rule 1-2 shall be *prima facie* evidence that the Member has violated Ethical Rule 1-2 of the Code of Professional Ethics; *however*, this shall not prevent a Member from introducing into evidence such evidence as may be appropriate to dispute or explain such conviction and the member of the Ethics Administration Division who has been designated to act in the place of the Grievance Committee shall have the burden of proof to establish, by the greater weight of the evidence, that such accused Member did, in fact, violate Ethical Rule 1-2.

Section 7. Decision of Appeal Board. At the conclusion of a Hearing on an Appeal taken pursuant to Section 2 above, the Appeal Board shall either:

- (a) affirm the suspension; or
- (b) reverse the suspension and allow the Member to enjoy the privileges of membership 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 Appeal Board shall have all of the powers of the Appeal Board set forth in Part C of Article XI.

PART G. ALTERNATE PROCEDURE TO BE FOLLOWED FOR VIOLATION OF ETHICAL RULE 2-3(b), (c) OR (e)

Section 1. Automatic Expulsion. Upon receipt of a Grievance Committee report from a duly appointed Grievance Committee stating that it has determined that a Member has violated either Ethical Rule 2-3(b), Ethical Rule 2-3(c), or Ethical Rule 2-3(e), the Executive Vice President shall give written notice to such Member advising, that he or she has been expelled from membership.

Section 2. Right to Appeal Automatic Expulsion. A Member who has been expelled pursuant to Section 1 above shall have the right to appeal such expulsion by filing a timely Notice of Appeal with the Chair of the Appellate Division in accordance with the requirements of Article XI. In such event, the requirements and procedures governing the appeal shall be as set forth in Article XI of 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, the membership privileges of such Member shall be suspended during the pendency of the appeal.

Section 3. Representation Before Appeal Board. Since an appeal under Section 2 above is an appeal from a determination made by a Grievance Committee, the Chair of the Grievance Committee, or such member of the Grievance Committee as may be designated by the Chair, shall act as the respondent in connection with any such appeal.

Section 4. 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), submission into evidence of:

- a) misleading information a Member provided to a duly authorized peer review committee; or
- b) a copy of a request of the peer review committee that falls under Ethical Rule 2-3(b), a document showing delivery or attempted delivery to the Member or an agent thereof, and a Grievance Committee Report finding that the Member failed or refused to comply with such request shall constitute prima facie evidence that the Member violated Ethical Rule 2-3(b).

However, this shall not prevent a Member from introducing such evidence as may be appropriate to dispute or explain the evidence submitted by the Grievance Committee which shall have the burden of proof to establish, by the greater weight of the evidence, that such Member did, in fact, violate Ethical Rule 2-3(b).

Section 5. 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), the submission into evidence of a copy of the request to submit a written appraisal report, a file memoranda containing data, reasoning and conclusions, or a Permission to Review, together with a document demonstrating delivery or attempted delivery of such request, shall be *prima facie* evidence that the Member received a request from the Director of Screening for submission of such documentation. Further, the Grievance Committee Report finding a violation of E.R. 2-3(c) shall be *prima facie* evidence that such documentation was not submitted to the authorized representative of the Appraisal Institute and that such failure or refusal was a violation of Ethical Rule 2-3(c) of the Code of Professional Ethics; *however*, this shall not prevent a Member from introducing such evidence as may be appropriate to dispute or explain such failure or refusal to comply and the Grievance Committee shall have the burden of proof to establish, by the greater weight of the evidence, that such accused Member did, in fact, violate Ethical Rule 2-3(c).

Section 6. Prima Facie Evidence and Burden of Proof for Violations of Ethical Rule 2-3(e). At any Appeal heard pursuant to Section 2 above concerning a violation of Ethical Rule 2-3(e), evidence that a Member did engage in any activity governed by the Code of Professional Ethics or the Standards of Professional Appraisal Practice after the Member previously gave notice that such activity had ceased shall constitute *prima facie* evidence that the Member did engage in such activity. Further, the Grievance Committee Report finding a violation of Ethical Rule 2-3(e) shall constitute *prima facie* evidence that such Member failed to notify the Chair of the Ethics and Counseling Committee prior to resumption of such activity and that such failure was a violation of Ethical Rule 2-3(e) of the Code of Professional Ethics; *however*, this shall not prevent a Member from introducing such evidence as may be appropriate to dispute or explain such failure to notify the Chair and the Grievance Committee shall have the burden of proof to establish, by the greater weight of the evidence, that such Member did, in fact, violate Ethical Rule 2-3(e).

Section 7. Decision of the Appeal Board. At the conclusion of a Hearing on Appeal taken pursuant to Section 2 above, the Appeal Board shall have all of the powers of the Appeal Board set forth in Part C of Article XI.

PART H. ALTERNATE PROCEDURE FOR FAILURE TO COMPLY WITH TERMS OF SUSPENSION

Section 1. Automatic Expulsion. If a Member fails to transmit his or her certificate, emblem and other indicia of membership to the Executive Vice President of the Appraisal Institute within thirty days after the postmark date of the notice to the Member that he or she is suspended pursuant to this Regulation,

the Executive Vice President shall give written notice to the Member he or she has been expelled from membership. If a Member suspended under this Regulation uses or refers to any Appraisal Institute designation or membership during the period of suspension, the Executive Vice President shall give written notice to the Member that he or she has been expelled from membership.

Section 2. Right to Appeal Automatic Expulsion. A Member who has been expelled pursuant to Section 1 above shall have the right to appeal such expulsion by filing a timely Notice of Appeal with the Chair of the Appellate Division in accordance with the requirements of Article XI. In such event, the requirements and procedures governing the appeal shall be as set forth in Article XI of 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 membership privileges of such Member shall be suspended during the pendency of the appeal.

Section 3. Representative of Executive Vice President. Since an appeal under Section 2 above will be from a determination of the Executive Vice President and no Grievance Committee will be involved, the Ethics and Counseling Department shall designate a member of the Ethics Administration Division to act in the place of the Grievance Committee in connection with any such appeal.

Section 4. Prima Facie Evidence. At any appeal heard pursuant to Section 2 above, the submission into evidence of:

- (a) the notice of suspension, along with an affidavit of the Executive Vice President that he or she did not receive the Member's certificate, emblem or other indicia of membership within thirty days after the postmark date of the notice of suspension; or
- (b) the notice of suspension, along with a document or affidavit indicating that a suspended Member used or referred to any Appraisal Institute designation or membership during the suspension

shall constitute prima facie evidence that the Member violated the terms of suspension. However, this shall not prevent the Member from introducing such evidence as may be appropriate to dispute or explain the failure to comply with the terms of the suspension and the Member of the Ethics Administration Division who has been designated to act in place of the Grievance Committee shall have the burden of proof to establish, by the greater weight of the evidence, that such Member did, in fact, violate the terms of the suspension.

ARTICLE XI PROCEDURES GOVERNING THE APPEAL OF HEARING COMMITTEE DECISIONS

PART A. RIGHT TO APPEAL FROM HEARING COMMITTEE DECISIONS

Section 1. Right to Appeal. A Member shall have the right to appeal any Hearing Committee Decision which recommends that a disciplinary action be taken against such Member. This right to appeal shall be exercisable only by the filing of a timely Notice of Appeal with the Chair of the Appellate Division in the manner hereinafter set forth. A Notice of Appeal shall be timely if it is mailed by traceable carrier to the Chair of the Appellate Division within thirty-five days of the date that the Hearing Committee Decision was mailed to the Member. A Member filing a Notice of Appeal (the "Appellant") shall mail copies of such Notice of Appeal by regular mail to the Chair of the Hearing Committee, the Chair of the Grievance Committee, and the Ethics and Counseling Department.

Upon receipt of a copy of a Notice of Appeal, the Chair of the Appellate Division shall obtain a transcript of the record of the Hearing before the Hearing Committee. Upon receipt of this transcript, the Chair of the Appellate Division shall transmit one copy of such transcript to the Appellant by traceable carrier. Such transcript shall also be mailed by regular mail to the Chair of the Grievance Committee.

Upon request, a copy of all documentary evidence admitted at the Hearing shall also be mailed to the Appellant and to the Chair of the Grievance Committee.

Section 2. Filing of Brief. Within thirty days after the receipt of the transcript of the Hearing by the Appellant, or within such additional time as may be granted for this purpose by the Chair of the Appellate Division, the Appellant shall file a written Brief in support of such appeal by mailing such Brief by traceable carrier to the Chair of the Appellate Division and to the Chair of the Grievance Committee. The Appellant shall also mail a copy of such Brief by regular mail to the Ethics and Counseling Department. The Brief (and any subsequent pleading) may be prepared and filed by the Appellant or by his or her legal counsel.

If any pleading is prepared or filed by legal counsel for the Appellant, and the address of such legal counsel is provided to the Chair of the Appellate Division and to the Chair of the Grievance Committee, a copy of all subsequent notices and pleadings shall be mailed by regular mail to such legal counsel.

If the Appellant requires additional time for the preparation of his or her Brief, the Appellant may request the Chair of the Appellate Division to grant an extension of the time allowed. Upon receipt of a written request from an Appellant setting forth facts and circumstances justifying an extension of the time allowed for the filing of a Brief, the Chair of the Appellate Division may extend the time allowed for the filing of such Brief to a date which the Chair of the Appellate Division deems reasonable under the circumstances.

The decision of the Chair of the Appellate Division with respect to any extension of time shall be communicated to the Appellant, the Chair of the Grievance Committee, and the Ethics and Counseling Department.

Section 3. Contents of Brief. The written 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 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 Brief and the Appellant shall point out the reasons for disputing such findings of fact.

The 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 the fair and impartial Hearing required by this Regulation.
- (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.
- (d) Errors in the transcript of the Hearing.

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

Section 4. Reply Brief of the Grievance Committee. Within thirty days after receipt of the Brief of the Appellant, or within such additional time as may be granted for this purpose by the Chair of the Appellate Division, the Chair of the Grievance Committee shall cause the Grievance Committee to file a Reply Brief responding to the arguments set forth in the Brief of the Appellant. The Reply Brief may also point out any errors in the transcript of the Hearing. The Grievance Committee shall mail such Reply Brief to the Chair of the Appellate Division and to the Appellant by traceable carrier with a copy thereof by regular mail to the Ethics and Counseling Department. If the Appellant has retained legal counsel in connection with his or her appeal and the address of such legal counsel has been provided to the Grievance Committee, a copy of the Reply Brief shall be mailed by regular mail to such legal counsel.

If evidentiary materials were attached to the Brief of the Appellant, the Grievance Committee may object to or comment upon such evidentiary materials and may also attach evidentiary materials to its Reply Brief.

Section 5. Answer of Appellant to Reply Brief. Within thirty days after receipt of a Reply Brief, or within such additional time as may be granted for this purpose by the Chair of the Appellate Division, the Appellant may transmit to the Chair of the Appellate Division a concise Answer to such Reply Brief. If such Answer is filed, it shall be transmitted to the Chair of the Appellate Division and to the Chair of the Grievance Committee by traceable carrier with a copy thereof by regular mail to the Ethics and Counseling Department.

Section 6. Setting Date for Hearing on Appeal from Hearing Committee Decision. At the time the Chair of the Appellate Division mails the transcript to the Appellant, he or she shall, if possible, set a date, time and place for a Hearing on Appeal by the Appellate Division sitting as an Appeal Board. The date set for each such Hearing on Appeal shall coincide with the next regular or special meeting of the Appellate Division occurring after receipt of the Notice of Appeal, provided, however, that the date of such meeting provides sufficient time for all briefs to be prepared under the time frames set forth in this Regulation. The Chair of the Appellate Division shall have the right, in his or her sole discretion, to set the date for a Hearing on Appeal at a time other than the next regular or special meeting of the Appellate Division whenever he or she is of the opinion that justice requires such scheduling. The Chair of the Appellate Division and the Chair of the Grievance Committee in writing not less than thirty days prior to the date of Hearing on Appeal whether he or she will or will not attend the Hearing on Appeal in person.

Section 7. Representation by Legal Counsel at Hearing on Appeal From Hearing Committee Decision. 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 Appellate Division Chair, the Grievance Committee Chair, and the Ethics and Counseling Department not less than thirty days prior to the date of the Hearing on Appeal. This notice shall contain the name, address and telephone number of such legal counsel. For good cause shown, the Chair of the Appellate Division may allow this notice to be filed less than thirty days prior to the date of the Hearing on Appeal.

If the Appellant has filed a timely notice of his or her intention to be represented by legal counsel at the Hearing on Appeal or if the accused Member has a juris doctor degree, the Vice President of the Legal Department may authorize the retention of legal counsel for the Grievance Committee at the Hearing on Appeal. If the Vice President of the Legal Department does not authorize the retention of legal counsel for the Grievance Committee, the Grievance Committee may request the Ethics and Counseling Committee Chair to refer the request of the Grievance Committee to the President of the Appraisal Institute. The President of the Appraisal Institute may authorize such retention of legal counsel if he or she deems it appropriate.

Section 8. Resetting Date for Hearing on Appeal from a Hearing Committee Decision. Upon the timely request of any party to the proceedings and for good cause shown, the Chair of the Appellate Division shall have the power to reset the date of the Hearing on Appeal from a Hearing Committee Decision. The Chair of the Appellate Division 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 9. Preparation for Hearing on Appeal from Hearing Committee Decision. Prior to the date of the Hearing on Appeal from a Hearing Committee Decision, the Chair of the Appellate Division shall furnish every member of the Appellate Division with a copy of the Grievance Committee Complaint, the Hearing Committee Decision, the Brief of the Appellant, the Reply Brief of the Grievance Committee and the Answer to Reply Brief, if any. In addition, the Chair of the Appellate Division shall, upon request, make available to each member of the Appellate Division a copy of all documents introduced into evidence at the Hearing and a copy of the transcript of the Hearing. The Chair of the Appellate Division shall also arrange for a court reporter to be present at the Hearing on Appeal so that a verbatim stenographic record may be taken of the Hearing on Appeal.

If the Chair or any member of the Appellate Division ascertains that he or she has a conflict of interest with respect to the parties or subject matter of a Hearing on Appeal, or is biased in favor of or prejudiced against the Appellant, he or she shall take no part in the consideration of such matter.

PART B. PROCEEDINGS AT HEARINGS ON APPEAL RELATING TO HEARING COMMITTEE DECISIONS

Section 1. Individuals Present at Hearing on Appeal. The Appellate Division, sitting as an Appeal Board, 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 Grievance Committee 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 Appellate Division shall be Chair of the Appeal Board and shall preside at the Hearing on Appeal. In the event of the absence or inability of the Chair of the Appellate Division, the Vice Chair of the Appellate Division shall act as Chair of the Appeal Board.

At the commencement of a Hearing on Appeal, the Chair of the Appeal Board shall introduce all members of the Appeal Board and all individuals who are present at the Hearing on Appeal. The Chair shall then inquire as to whether any member of the Appeal Board has a conflict of interest with respect to the parties or subject matter of the Hearing on Appeal or is biased in favor of or prejudiced against the Appellant. The Appellant shall then be afforded the opportunity to question the Chair and other members of the Appeal Board with respect to any conflict of interest or prejudice. The Chair of the Appeal Board shall excuse from any further participation in the appeal any member of the Appeal Board who, in the judgment of the Chair, may have a conflict of interest or prejudice involving the Appellant, or may give the appearance of having a conflict of interest or prejudice.

The order of proceedings shall be as follows:

- (a) The Appellant shall have the opportunity to address the Appeal Board and present oral arguments relating to the matters raised in the 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.
- (b) The representative(s) of the Grievance Committee 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 Grievance Committee. These arguments may be

presented through legal counsel if the Grievance Committee has been authorized to retain legal counsel under the provisions of this Regulation.

(c) The Appellant (or, if authorized, legal counsel for such Member) shall have the opportunity to reply to the oral arguments of the Grievance Committee.

Subject to the general control of the Chair of the Appeal Board, any member of the Appeal Board may at any time ask questions of any member of the Grievance Committee who is present at the Hearing on Appeal, legal counsel for the Grievance Committee (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 Appeal Board, *provided*, *however*, that not less than thirty minutes shall be allowed for (a) above, not less than fifteen minutes shall be allowed for (b) above, and not less than five minutes shall be allowed for (c) above.

Section 3. Adjournment to Executive Session. Upon completion of a Hearing on Appeal, the Appeal Board shall, in Executive Session, discuss the matters raised by the Brief, the Reply Brief, the Answer to the Reply Brief and oral arguments. At the discretion of the Chair of the Appeal Board, the Executive Session may be adjourned and reconvened from time to time.

In Executive Session, the 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's Code of Professional Ethics. If the Appeal Board affirms any such determination, then the Appeal Board shall determine the appropriate disciplinary action to be taken.

PART C. PROCEDURE FOLLOWING HEARING ON APPEAL FROM HEARING COMMITTEE DECISIONS

Section 1. Required and Permitted Actions of the Appeal Board. The 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's 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's 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 Appeal Board deems appropriate.

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

If the Appeal Board takes action under (a) or (b) above and decides not to offer the Member an educational alternative, the Decision of the Appeal Board shall contain an order making such disciplinary

action a part of the record of the Member. A similar order shall become effective if the Member 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 an official national publication of the Appraisal Institute and the Chapter of the disciplined Member shall be notified for purposes of publication.

The Chair of the Appellate Division shall carry out an order of the Appeal Board relating to the publication of a disciplinary action.

If the Appeal Board takes an action described in items (a), (b), (c), or (d) above, the action of the Appeal Board shall be final and the Decision of the Appeal Board shall be reduced to writing. A copy of the Decision of the Appeal Board shall be delivered to the Member, the Chair of the Grievance Committee, and the Ethics and Counseling Department.

If the Decision of the Appeal Board orders expulsion or suspension, a copy of the transmittal letter advising the Member of such Decision and of the order to immediately transmit his or her indicia of membership to the Appraisal Institute shall also be delivered to the Executive Vice President of the Appraisal Institute.

Section 2. Procedure to be Followed if a Disciplinary Action is to be Taken and an Educational Alternative is Not Offered. If the 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 Member and the Chair of the Appeal Board shall deliver the complete file of the Appellate Division to the Ethics and Counseling Department. Upon receipt of a copy of the Decision of the Appeal Board, the Ethics and Counseling Department shall mark the file "CLOSED".

Section 3. Procedure to be Followed if a Disciplinary Action is to be Taken and an Educational Alternative is Offered. If the Appeal Board decides to offer an educational alternative in lieu of admonishment, reprimand, censure, or suspension, the Member shall be notified that, unless he or she accepts the educational alternative by a notice in writing to the Chair of the Appellate Division, mailed or delivered within twenty days after receipt of the Decision of the Appeal Board, the stated disciplinary action will become effective and will be made a part of the record of the Member.

If the Member fails to accept the educational alternative within the twenty day period allowed for such acceptance, the admonishment, reprimand, censure, or suspension shall become effective and shall be posted to the record of the Member. If the Member accepts the educational alternative, the file shall be placed in suspense and shall be reviewed by the Appellate Division at its first meeting following the expiration of the time period in which the educational alternative was to have been completed. If the Appellate Division finds that the Member failed to complete the educational alternative, the specified disciplinary action shall become effective and shall be posted to the record of the Member. If the Appellate Division finds that the Member 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 Member. If the Appellate Division finds that the Member completed the specified educational alternative in lieu of censure or suspension, the disciplinary action shall be reduced to admonishment, which shall be recorded in the file along with the fact that the Member successfully completed the educational alternative.

The Chair of the Appellate Division shall notify the Ethics and Counseling Department of the final action taken and shall deliver the complete file to the Department. Upon receipt of such notice from the Chair of the Appellate Division, the Department shall mark the file "CLOSED".

Section 4. Procedure to be Followed if the Appeal Board Reverses the Hearing Committee Decision and Dismisses the Case. If the Appeal Board reverses the Hearing Committee Decision and dismisses the case, the Chair of the Appeal Board shall deliver the complete file of the Appellate

Division to the Ethics and Counseling Department. Upon receipt of a copy of the Decision of the Appeal Board, the Department shall mark the file "CLOSED".

Section 5. Procedure to be Followed if the Appeal Board Remands the Matter to the Hearing Committee. Upon receipt of the Decision of the 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 Appeal Board. Subsequent proceedings shall be conducted in accordance with the procedural rules set forth in this Regulation; provided, however, that 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.

Section 6. Duty of Grievance Committee to Return File. Upon receipt of a copy of a Decision of the Appeal Board that does not remand the matter to the Hearing Committee, the Chair of the Grievance Committee shall deliver the complete file of the Grievance Committee to the Ethics and Counseling Department.

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