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Real Estate Commissioner

August 23, 1999

Mr. Herbert S. Yolles, Chairman
Appraisal Subcommittee
c/o National Credit Union Administration
1775 Duke Street
Alexandria, Virginia 223 14

Dear Mr. Yolles

Recently, the Board received a copy of the July 22, 1999, letter that the Subcommittee sent to Acting Comptroller General James F. Hinchman regarding whether Georgia's initial Registry fee collection practice is consistent with the provisions of Title XI. That letter incorporated most of the suggestions that the board made in its June 4 response to your agency's initial draft. While the Board appreciates those inclusions, we have several concerns with the process of drafting the letter and with the final letter as submitted to Mr. Hinchman. Those include:

1. The Board was not afforded the opportunity to review a final draft before it was sent to Mr. Hinchman. We do not agree with the statement of several positions in the final letter even though it implies that we reviewed it and concur.
2. The Board disagreed with the assertion in the letter's first paragraph that the California decision is a "similar issue" and had suggested striking it. While language we suggested was included, retaining the incorrect "similar issue" assertion conveys to us an impression of an attempt to obscure or minimize the actual issue to be determined.
3. On page 3, paragraph 13. Description of National Registry asserts that Georgia's systems meets the requirements of the National Registry "in most respects." The Board disagrees. After the

letter was sent to the Comptroller General, Mr. Weinberg told us that Mr. Henson believed we complied only "in most respects" because we had some record submission problems.¹ Problems in records submissions do not constitute "not meeting National Registry requirements."

The ASC frequently sends its computerized billings with errors (unrelated to our database transmissions). Do such errors mean the Subcommittee is only meeting National Registry requirements "in most respects?"

4. In footnote number 3 on pages 3 and 4, the Board suggested adding two sentences. One of our sentences was altered without our agreement, Both sentences were added as parenthetical matter. A third sentence was added in that parenthetical matter and gratuitously asserted "The question regarding Georgia's process is whether it collects the correct fees." First, that statement may be an argument the Subcommittee wants to make. If so, it is not an appropriate statement for a footnote. Second, it should not be bracketed with our statements as though it were a part of them. Third, we do collect the correct fee (\$25). The issue is whether the Subcommittee's definition of a year is the only way to comply with Title XI.
5. The sentence we suggested adding on page 4 in Section D. was not added as we requested. The addition made was consistent with our idea, but again it is another example of altering without agreement.
7. The July 22 letter makes reference to various enclosures. None of those enclosures were sent to us. How do we know what the Comptroller General got?

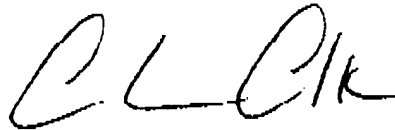
¹ Our system does not have a field for "previous license type." That information is nonessential in our system and thus has no separate "field." It is retained in history records. Apparently, "previous license type" is essential in the ASC system since the complexity of that system makes knowledge of "previous license type" the only way the ASC system can determine fees due from an appraiser who changes classifications. (Why such complexity? When a license type change occurs, why not just check to see if the ASC received a fee within the last year?) In addition, the "effective date" field in our system contains different data than the ASC system needs. However, "effective date" was not defined in the information the ASC gave us originally beyond a description that it must include M/D/Y. Thus, we sent to the Subcommittee copies of our database with our "effective date" record, a date that means original classification date in our system. Mr. Henson has now told us what he wants, and we are preparing to expend more resources to give him that.

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Assuming the Comptroller General got the correct enclosures, the Board does not believe that these problems create sufficient grounds for us to rescind our agreement to have this issue submitted to the Comptroller General for final determination. However, the Board wanted to put its disagreement with the process and content of the letter on the record. In addition, if the Comptroller General's decision is adverse to our interests and appears to be based in any way on the distortions of our positions and arguments, we will have to insist on an appeal and a separate presentation of our case.

The Board appreciates the role you have played in attempting to reach an impartial resolution of our dispute. Because of that role and the fact that you signed the July 22 letter prepared by your agency's legal counsel, the Board wanted to let you know directly of its concerns. Please let me know if I may supply further information or assistance to you regarding this matter.

FOR THE BOARD

A handwritten signature in black ink, appearing to read 'C. L. Clark', written in a cursive style.

Charles Clark
Real Estate Commissioner

CC: wjs