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November 1, 2004

Ben Henson
Executive Director
Appraisal Subcommittee
Federal Financial Institution Examination Council
200 K Street, N.W. Suite 310
Washington, D.C. 20006

Re: *Appraisal Subcommittee's Interpretation of Criteria of Puerto Rico Appraisers*

Dear Mr. Henson:

I have being retained by a group of appraisers whose certifications are being revoked and/or held in abeyance by the Puerto Rico Board of Examiners of Professional Real Estate Appraisers (the "Board"), pending the re-taking of an examination, which was previously approved by them. These appraisers are: [DELETION] (hereinafter referred to as the "Group").

As you must be aware, the Appraisal Subcommittee (the "ASC") through letter dated June 7, 2004, advised the Board that supposedly there were 33 appraisers whose license was issued in violation with the ASC's interpretation of a criterion, which requires appraisers to be certified within a 24-month period after taking the examination. After several letters from the Board requesting reconsideration, the ASC reaffirm its position through letter dated August 30, 2004, wherein it was stated:

"[i]t appears that the most expedient remedy would be for the appraiser to take and pass the appropriate examination. Passage of the examination would restore his or her legal eligibility to perform appraisals in connection with federally related transactions. Only **if the appraiser refuses** to take

the examination or fails to pass the examination would additional action become necessary." (Emphasis ours)

Evidently, the Board never gave the affected appraisers the choice of refusing to take the examination. As such, the Board failed to comply with the recommendations of the ASC. If the ASC had given the appraisers a choice, the unanimous selection would have been refusing to take an examination, which was previously passed by all of them. At least, we can assure you that each member of the Group would have opted not to take the examination again. Since no option was made available, the affected appraisers had no option but to apply for the examination, and a number of them solicited the examination under written protest.

Instead, the Board opted to require each of the affected appraisers to re-take the examination with the threat of revoking their certifications without providing them with a prior hearing and an opportunity to contest alleged findings of the ASC. Said action is contrary to the constitutional due process that the Group is entitled to. Furthermore, the members of the Group have a valuable property interest in their licenses and in their profession of appraisers. The Board's actions, if not stayed, will have a devastating effect on the Group and will have the effect of denying each member of the Group their right to due process of law, in violation of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

No emergency or public risk exists that could possibly warrant deprivation of the Group's rights without a hearing. Said action violates the Group's right not to be deprived of their liberty or property without due process of law.

Any suspension, revocation or denial of the Group's certifications will cause immediate, substantial and irreparable harm. In addition to being faced with the loss of their jobs, the members of the Group will be severely and permanently damaged in their relationships with members of the industry and customers.

We hereby request that the ASC issue within the next 72 hours an order vacating the Board's prior requirement to re-take the examination in order to resolve the instant situation. In the alternative, it is hereby requested that the ASC issue within the next 72 hours a final written notice of its intention not to recognize Puerto Rico's certified or licensed appraisers, and/or the appraisers who complied with all the requirements and whose licenses are currently being held in abeyance by the Board, notifying the same not only to the Board but to all the affected parties in order to proceed with the judicial review remedy provided in 12 U.S.C. § 3347.

If you have any questions or comments, please do not hesitate to contact me.

Cordially,

ALEXIS FUENTES-HERNANDEZ

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