

September 26, 2003

**BEN HENSON, EXECUTIVE DIRECTOR**  
Appraisal Subcommittee  
2000 "K" Street  
Washington, DC 20006

Dear Sir:

Enclosed is a copy of a letter I've sent to the Washington DOL, along with supporting documentation. This letter may be destined for File 13, however, you may wish to clear a large space for more letters which may be forthcoming from other appraisers as I'm sure you've received from other states. It would help us appraisers greatly if you would require states to hire experienced appraisers with first hand real estate backgrounds to staff the various Departments of Licensing.

Thank you.

Sincerely,



Terry R. Rudd, MAI

TRR:jk

**\*\*\* REGULAR & CERTIFIED MAIL – RETURN RECEIPT REQUESTED \*\*\***

**DENISE HOAGE, INVESTIGATOR**  
Real Estate Appraiser Investigations  
PO Box 2445  
Olympia, WA 98507-2445

RE: DOL File #2001-12-0005-00APP

Dear Denise:

This letter is in response to your request September 16, 2003. I feel like I'm corresponding with you like a wife talking to her husband who is "hard of hearing". You never answer the questions at hand and continue to insist on actions that appear to be illegal. This has caused me to begin investigation of DOL in general. I've already uncovered numerous similar stories regarding lack of honesty and good faith. I've therefore contacted the Appraisal Subcommittee and the Executive Ethics Board. I understand you often don't answer these types of questions and keep files open to pressure appraisers with intimidating sanctions and unfair proceedings later.

So as not to be guilty of the same deaf ear that you have turned towards me, I'm addressing the present issue of your concern, which appears to be the appraisal log. If you will review RCW 18.235.030, it explains that you have the power to: "(6) conduct practice reviews in the course of investigating a complaint or report of unprofessional conduct, UNLESS the disciplinary authority is authorized to audit or inspect applicants or licensees under the chapter specified in RCW 18.235.020." However, RCW 18.235.020 already gives you the authority to investigate "(xiii) Real estate appraisers under Chapter 18.140 RCW." 18.140 RCW gives you the authority to "(10) to investigate all complaints or reports of unprofessional conduct as defined in this chapter and to hold hearings as provided in this chapter;" which comes back to your original authority to investigate the Good's case which you appear to be avoiding. Why are you not proceeding with this case? Also, note that RCW 18.235.020 does not authorize you to conduct practice reviews as well. Note that RCW 18.140.040 states, "The director or individuals acting on behalf of the director are immune from suit in any action, civil or criminal based on any acts performed in the course of their duties EXCEPT for their intentional or willful misconduct."

Jana indicates that I may challenge the department's authority to investigate or conduct practice reviews, or challenge whether it is legally justified, at a formal hearing. PLEASE CONSIDER THIS LETTER AS A REQUEST FOR SUCH.

Actually, you already have two reviews to practice on; the Good's case and Kersey's which you do not appear to have closed. Note that Jana Jones in her memo September 15, 2003 indicates that the Notice of Correction issued may not be appealed but may be requested by way of public disclosure request. She refers me to Mr. Wagner, but I don't need to contact him since he already informed me by way of his memo July 11, 2000 (attached) and I quote: "...My (Wagner) only communication on this matter has been my Notice of Correction which was sent to you and YOU ONLY. I have never had any contact with the complainant, Kersey, nor have I ever sent any communications about this matter to anyone other than you."

Wagner further explains that the Investigations Manager sent the Notice of Correction to Mr. Kersey in closing the file. The correspondence from both Sandra Spencer and Mr. Wagner is on letterhead from the Department of Licensing and both state the same address. I doubt the law would expect me to differentiate between those acting on behalf of the director. My experience with such is that all those acting on behalf of the director are accountable collectively to the sum of all actions. The complainant proceeded to send the DOL letter to all the Realtors and lenders in the Lewiston-Clarkston Valley, damaging our business!

Did the DOL have the authority to release the document to the complainant? Jana indicates that public documents may be requested by way of a public disclosure request. I'm investigating to determine if DOL ever received such a request. According to Mr. Wagner, the DOL did not. If I can prove this was intentional, then RCW 18.140.040 could be negated.

Further, I believe attorney Wagner to be incorrect in his findings. I hereby request a hearing on the validity of his findings regarding reporting the repair costs. I realize you claim the Notice of Correction may not be appealed, but I believe the facts of the issues are in question.

Returning to the Good's issue, I am formally requesting that you first complete that investigation. I have furnished everything you have asked for on this file and heard nothing back from you. You need to continue with your investigations and inform me of your findings. You should inspect the subject property. Let me know when and I'll make the appropriate appointments. I can go with you. I am offering you my assistance in any and every way in this analysis. This cooperation meets all the requirements of RCW.

Sincerely,

---

Terry R. Rudd, MAI

TRR:jk