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# Appraisal Subcommittee

*Federal Financial Institutions Examination Council*

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

December 27, 1999

Lonnie Elliott, Chairperson  
Wyoming Certified Real Estate Appraiser Board  
2020 Carey Avenue, Suite 100  
Cheyenne, WY 82002-0180

Dear Mr. Elliott:

This letter follows up our previous correspondence regarding Wyoming's failure to provide temporary practice as required by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended ("Title XI").

In our July 24, 1998 field review letter, we noted that no Wyoming statute, regulation or policy authorized temporary practice. We directed the Wyoming Certified Real Estate Appraiser Board ("Board") to take the necessary actions to ensure that Wyoming's Certified Real Estate Appraiser Act ("Act") is amended to provide for temporary practice as required by Section 1122(a) of Title XI, 12 U.S.C. 3351(a), and Appraisal Subcommittee ("ASC") Policy Statement 5. In your July 31, 1998 response, you stated that legislation was being proposed, among other things, to resolve our temporary practice concerns. We understand that, because the temporary practice provisions were included in a broader package with provisions relating to making Wyoming a "fully mandatory" State, the bill, earlier this year, was killed in committee. This longstanding deficiency still remains unresolved, and your legislature does not meet until 2001.

Section 1122(a) of Title XI requires Wyoming to recognize on a temporary basis the certification or license of an appraiser from another State provided: (1) the property to be appraised is part of a federally related transaction; (2) the appraiser's business is of a temporary nature; and (3) the appraiser registers with the State appraiser regulatory agency in the State of temporary practice. That subsection also requires Wyoming not to impose excessive fees for, or burdensome requirements on, temporary practice, as determined by the ASC. ASC Policy Statement 5, in pertinent part, sets out, the following fees, acts, and practices, among others, as "excessive fees" or "burdensome requirements":

- Prohibiting temporary practice;
- Requiring temporary practitioners to obtain a permanent certification or license in the State of temporary practice;
- Taking more than five business days (after receipt of a complete temporary practice registration request) to issue a temporary practice permit (if issuance is required under State law) or to provide effective notice to the out-of-State appraiser regarding the status of his or her temporary practice request;
- Limiting the valid time period of a temporary practice permit to less than six months after its issuance date and not providing a temporary practitioner with an effortless method of obtaining an extension of the time period; and
- Charging a temporary practice fee exceeding \$150.

Wyoming must provide temporary practice, as that term is defined in Title XI and interpreted in ASC Policy Statement 5, to non-resident certified or licensed appraisers performing appraisals in connection with federally related transactions within Wyoming. Satisfaction of that requirement should not be delayed until some time in 2001, if other remedies are available.

Towards that end, Wyoming must take all necessary steps to provide temporary practice as expeditiously as possible. Within 60 days from your receipt of this letter, provide us a written report describing and analyzing any and all methods to attain conformance with Title XI's temporary practice requirements. At a minimum, that report should:

- Analyze ways to expedite curative legislation, including convening a special legislative session and initiating any "fast track" legislative remedy;
- Analyze possible amendments to your current reciprocity regulations and fees to enable them to meet, in practice, Title XI's temporary practice requirements, at least on an interim basis; and
- Address any other methods or combinations of methods to remedy this situation.

We look forward to receiving your response within 60 days. Please contact us if you have any questions.

Sincerely,

Herbert S. Yolles  
Chairman

Cc: The Honorable Jim Geringer, Governor, Wyoming  
Constance K. Anderson, Executive Director, Wyoming Certified Real  
Estate Appraiser Board