

September 30, 1997

Mr. Ben Henson, Executive Director
The Appraisal Subcommittee
VIA FAX: 202.634.6555

Stephen Williams, the Chairman of the Appraiser Qualifications Board, suggested I contact you, as he indicated the situation I am facing would be of great interest to you. I have been a certified general real estate appraiser in Idaho for nearly five years and am in good standing with the Idaho State Appraiser Board [redaction] I received my [redaction] designation from the [redaction] in May 1996, and my [redaction] designation from the [redaction] (one of the six affiliates of the [redaction]) in June of this year. This is not meant to impress you one way or the other, except to note that I am diligently and continuously pursuing means of furthering my level of professionalism in my chosen career.

Because we live in a small metropolitan area, national caliber courses do not come to [redaction] (or [redaction] for that matter), very often. As such, I have had to complete much of my education by challenge examination (even for that, I have often had to travel 500 miles to [redaction] just to sit for a challenge exam). Challenge examinations were acceptable to my State Appraiser Board, the [redaction] and [redaction]. (In fact, the case can strongly be made that failing to accept challenge examinations is discriminatory in favor of residents of metropolitan areas, at the expense of those in rural western states.)

In June 1993, prior to obtaining either of my professional designations, I applied for general certification in [redaction]. All my challenge courses were denied save for one I took in 1990, and as a consequence, my application *was* denied. I was told that only 60 of my credit hours were accepted which put me 105 hours short by their accounting.

Since then, I have taken another 53 hours in classroom attendance (ranging from 7 to 40 hours per), had comprehensive examinations totaling another 14 hours, and have challenged another 160 hours' worth of [redaction] (40 hours) and [redaction] (120 hours) courses. I am scheduled to take the [redaction] next month, for an additional 15 hours in attendance.

I would like to make another run at getting certified in my surrounding states. However, I don't want to go through what I went through before with [redaction]. Moreover, time is of the essence. If I don't get certified by the end of this year, the minimum education requirement goes up from 165 to 160 hours; at least in [redaction] the AQB-approved certification exam has a life of 5 years—my five years will be up on this coming November 12; and courses have to be a minimum of 15 hours, where several of mine are 7 to 14 hour seminars for continuing ed—essentially all that is offered in my area on a regular basis, (and all that I needed for continuing education for both my [redaction] certification and the [redaction]).

I know ASB/AQB wanted to set up a system whereby affiliations with professional organizations had no (direct) weight, but most if not all the standing members of the AQB are [redaction] designated members of [redaction]. As such, I thought that perhaps they would appreciate the irony that an [redaction] with current education could be turned down because he challenged all the [redaction] courses. If the [redaction] examinations are held to be an acceptable measure of achievement toward certification (as they apparently are), successfully challenging them ought to be taken as an indicator that the guy is not someone looking to cut corners, but one who is perhaps a little ahead of the curve. (Some of the best universities in the country have long been on the credit by examination bandwagon.)

What I learned from Steve Williams was that AQB has indeed changed their interpretation of its certification guidelines, and are making a big push for acceptance of distance learning, including challenge examinations from sponsors deemed have quality educational offerings. Mr. Williams, though not able to speak for the AQB offered the personal opinion that with my educational background, I ought to be eligible for certification in any state In the U.S.

The problem could be addressed through reciprocity, but my state board and those of surrounding states each have taken the position that their standards are higher than the other states and that as such, acceptance of general certified appraisers from other states would be discriminatory to applicants from their own state who are held to this (perceived) higher standard. Am told this is only going to get worse, as in 1996, my state is going to add the requirement of a college degree. (At present, [redaction] only has reciprocity with [redaction]).

Before going on, I want to be clear, on my state board, I applied for certification [redaction] in 1993, and was turned down solely on the basis of my credits by challenge examination. I have recently written the [redaction] certification administrator a letter, asking if their policies have changed. (I have taken this route rather than formally applying for certification because the latter would simply waste a couple of hundred dollars in application fees If the policies have not changed.) I wrote a similar letter to [redaction] and have already heard back from her (that no correspondence course education will be accepted). I am awaiting an application from [redaction], and depending on the language contained therein, I may or may not face the same problem with them. The point of all this is that I don't want you to mistakenly assume I have made recent, formal applications for certification or reciprocity with any of these states. Rather, I have determined that she nature of my coursework is not allowed by [redaction] and per their administrative guidelines, and that my application for certification, had I made one, would never get past the administrator in the respective bureaus of occupational licenses (or their equivalent) to get a hearing before the folks on the state appraiser boards.

I have been in contact with the president of my state board, and that of [redaction] and I have encouraged them to be a bit more creative in setting up a reciprocity program; I suggested what I call "conditional reciprocity": After a review of each other's licensing requirements, all the requirements that are held to be at parity would be waived for applicants holding certification in a cooperating state (e.g., the ASB/AQB-approved test, number experience hours, and number of education hours [but not where/ how those hours were obtained—leave that up to the state of original certification]); the applicant for reciprocity would than simply be held responsible for proving the additional state-specific requirements (e.g., the possession of a collage degree blanket acceptance of service of process, attendance at a state real estate law seminar. fingerprinting, etc.). This sort of thing must happen all the time.

But even were they to take my suggestion end develop it Into something, that will take months if not years. (I had heard the same issues back in 1993 when I was applying an appealing to [redaction], it was always the other states fault that nothing was being done.)

It would seem to me that my potential pounds fore lawsuit are numerous, ranging from discrimination based on the part of the country we are in (access to any acceptable educational offerings other than occasional continuing education courses), to discrimination against [redaction] and the [redaction] I am told some of the States in question feel the [redaction] designation has been forced upon them as sacred, and there is some adverse bias as a result), to restriction of trade opportunities. However, before I escalate this to litigation, I would like to ask for your advice and your assistance.

The facts as I know them are that we have an applicant (me) whose total education far exceeds the appraiser certification educational requirements of any state, but the form of the education is not one that was originally sanctioned by AQB. We have the current chairman of the AQB suggesting that this recommendation against distance learning modalities Is dated, and is now acknowledged to be biased

against those of us in rural states; and moreover a chairman who said that if necessary, he would have the AQB write letters on my behalf to the individual states suggesting that they do not recommend discrimination against my challenge examinations from the [redaction] or the [redaction]. And we have government clerks representing state appraiser licensing/certification bureaus who are rejecting otherwise (and sometimes highly) qualified applicants not because of what course they took or from whom(which sponsor), but how they took it (challenge examination as evidence of mastery of the course content) —not because there is any evidence that this education is lesser in quality, but simply because old AQB guidelines had suggested that this form of education not be accepted. It seems to me that this literal interpretation is not serving the function it was intended to (and it would appear that the current chairman of the AQB is in agreement with my assessment).

Given this set of circumstances, how would you suggest I should best go about prevailing in my cause? More importantly, how can we remove this potential source of discrimination against others in the future?

I appreciate your time very much, and trust that you can help me resolve this matter. Toward that end, [am attaching a summary of my educational background. Please contact me after you have had a chance to review it, as I would value your suggestions, and welcome your intervention on my behalf.

Sincerely,

[redaction]