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STATE OF DELAWARE
DIVISION OF PROFESSIONAL REGULATION
CANNON BUILDING,
861 SILVER LAKE BLVD., STE. 203
DOVER, DELAWARE 19904-2467

JUN 21 1999

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TELEPHONE: (302) 739-4522
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June 15, 1999

Mr. Herbert S. Yolles
Chairman
Appraisal
Subcommittee
2000 K Street NW
Suite 3 10
Washington, DC 20006

RE: Delaware Council on Real Estate Appraisers

Dear Mr. Yolles:

Please consider this my response to your letter of April 21, 1999. We appreciate your suggestions that may enable us to better serve the public. There are issues described in your letter that may be the product of some misunderstanding. Each of your concerns is addressed below.

1. Complaint Investigation and Resolution Practices

The Council on Real Estate Appraisers (Council) has no investigators. Complaints are investigated by the investigators in the Division of Professional Regulation. The complaint, investigation, and resolution practices are found in 29 Del. C. Section 8807 (formerly section 881 Bush) as noted in 24 Del. C. Section 2983), a copy of which is enclosed. Technical assistance by a contact person from the Council is available to the investigator. The investigator, the Council contact person, and a Deputy Attorney General all have input in determining whether the facts and available evidence warrant prosecution. The Attorney General has the absolute discretion to file or not file a formal complaint. When a prosecution is initiated by the Office of the Attorney General, it may

Mr. Herbert S. Yolles
June 15, 1999
Page 2

be resolved by consent order prior to an evidentiary hearing. The Council then accepts or rejects that agreement and enters an appropriate order.

A record review indicates that there were 21 complaints filed between 1994 and 1998. Thirteen were closed by the Division of Professional Regulation with the concurrence of the Council contact person. Complaints closed without prosecution are reported to Council at regular meetings by the contact person. In 1995, four complaints were referred to the Attorney General for prosecution. One was closed by that office and three resulted in discipline by consent order approved by the Council. In 1996, a complaint resulted in a consent order prepared by the Office of the Attorney General and approved by the Council. A complaint filed in 1998 is pending. Two complaints in 1994 involved unlicensed practice which is outside the jurisdiction of the Council. These matters were handled by the Office of the Attorney General. All of this information is available in the files of the Division maintained by the investigative unit.

2. National Registry Data

The National Registry data is a matter that should be resolved by pending House Bill 65 requiring all certified and licensed appraisers to register. We will keep the Subcommittee informed of the status of that legislation.

3. File Documentation

The filing system of the Division was a source of some concern to the reviewers. Separate investigative files are necessary since they are entitled to confidentiality under the Freedom of Information Act. There are paper files maintained by the Administrative Assistants relating to records of the meetings of the Council. There are also individual paper applications for each license maintained by the Administrative Assistants and a computerized data base of licensing information. The records are complete but it may take some guidance by support personnel to locate a specific item of information. Improved communication will ensure that the paper files maintained by the investigative unit contain the same consent order that closes a complaint that is now part of a licensee's individual file.

4. Temporary Practice

Temporary practice permits are freely issued for the length of the job in Delaware as provided by 24 Del. C. Section 2937 (a) (2). The language in the application will be modified to include the necessary time periods as follows: The permit is approved until completion of the job or six months. After six months the permit can be extended by contacting the Division of Professional Regulation.

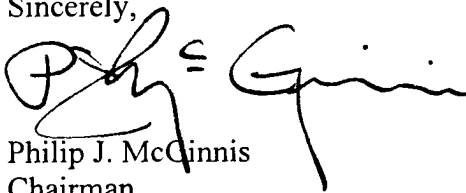
Mr. Herbert S. Yolles
June 15, 1999
Page 3

5. Reciprocity

The Council shares the concerns of the Subcommittee with respect to the reciprocity agreements. We have been advised by the Office of the Attorney General that we have no authority to enter into such agreements. We will keep the Subcommittee informed as to the status of pending House Bill 69 proposed to provide That authority to the Council. Notwithstanding the inability to enter into reciprocity agreements, the Council does regularly approve applications for licensure by reciprocity pursuant to 24 Del. C. Section 2937 Abu.

I hope these comments have been helpful. The proposed legislation, if enacted, should resolve some issues. Please advise if you have any questions about the information we have provided.

Sincerely,

A handwritten signature in black ink, appearing to read "PJM/Ginnis". The signature is fluid and cursive, with the first part being "PJM" and the second part being "Ginnis".

Philip J. McCinnis
Chairman
Council on Real Estate Appraisers

PJM/glm

Enclosure