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**OFFICE OF BANKS AND REAL ESTATE**

November 18, 2002

Ben Henson  
Executive Director  
Appraisal Subcommittee  
2000 K Street, NW  
Suite 310  
Washington, DC 20006

Dear Mr. Henson:

I am replying to your September 30, 2002 letter to Patrick Brady. As you may know, Mr. Brady has left OBRE to pursue a career in the private sector. I intend to fully address the concerns outlined in your letter and provide you with a detailed explanation.

Accompanying this letter is a list of all open files for the years 1993 through 2001. As you requested, the list does identify all cases merged into open files. I have personally reviewed the case log previously submitted to you dated 8/15/02. I was able to discover a number of errors, most involving staff failure to add the proper close date on the electronic case tracking system known as RAES. By way of example, you correctly noted that our reports indicated an open complaint in investigations from the years 1993-1999. I discovered that when complaint 1999-00054 was closed on October 17, 2001, the date 10/01/0700 was entered by mistake. OBRE's IS administrators have programmed the system not to recognize closing or opening dates in centuries other than the 1900s or 2000s. Likewise, the system will not accept a closing or opening if the date has yet to occur. As you may be aware, RAES is not an intuitive system and staff occasionally encounters difficulties with the system. This has been an ongoing issue within the agency since the procurement of the system. I am confident that the issue is resolved and I do not anticipate further glitches in that regard. Furthermore, OBRE has contracted for a new data base system which is scheduled to be installed by the middle of next year. The new system is web based and its licensing and enforcement records are fully integrated, which will obviate some of the aforementioned issues.

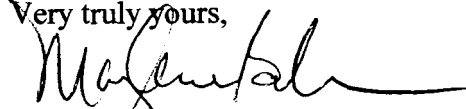
With respect to the years 1993-2001, no complaint files remain open. There are twenty-five open cases for the years 1997-2001. In all but five, evidentiary proceedings have been instituted and those cases are awaiting hearing. Of the five, one is a 1999, one is a 2000 and three are 2001 cases. One of the 2001 cases is

pending resolution and awaiting a recommendation of the Board at its next regularly scheduled meeting. OBRE is aware that ASC Policy Statement 10 provides that "Absent special documented circumstances, final agency administrative decisions *should* occur within one year of complaint filing date." First, I understand the word `should' to indicate a preference rather than a requirement. Secondly, resolution within one year is not feasible if a licensee opts not to accept a proposed consent resolution. In that instance, additional investigation is often necessary, including the retention of an expert. Evidentiary proceedings generally involve lengthy, contentious legal proceedings that span months, if not years.

As to your request that the log sheet information be provided in electronic format, I regretfully inform you that is not possible with OBRE's system. I trust, however, that as the existent open files are much reduced, your staff will have an easier time tracking.

Please feel free to contact me directly if you have further questions or concerns.

Very truly yours,



Mary Anne Benden  
Chief of Prosecutions

- c. Norm Willoughby, Deputy Assistant Commissioner  
Mike Brown, Director of Real Estate Appraisal Division  
Christopher Kachiroubas, Chair of Real Estate Appraisal Board