

# **Appraisal Subcommittee Advisory Committee for Development of Regulations**

## **By-Laws and Operating Procedures**

The following By-Laws and Operating Procedures (By-Laws) will govern the operations of the Appraisal Subcommittee's Advisory Committee for Development of Regulations (ASCAC).

### **Section I: Functions, Objective, Organization and Operation**

The functions of ASCAC are advisory only. Its objective is to provide independent advice and recommendations to the ASC from the points of view of industry participants, including appraisers, lenders, consumer advocates, real estate agents, and government agencies regarding the development of regulations which may be prescribed by the ASC concerning: (1) temporary practice; (2) national registries; (3) information sharing; and (4) enforcement. The ASC is primarily seeking independent advice from ASCAC concerning sanctions ASCAC deems advisable for purposes of enforcement of regulations promulgated by the ASC to State appraiser regulatory programs. ASCAC shall provide its advice and recommendations, analysis and information directly to the ASC Executive Director. ASCAC has been formed by the authority vested in § 1106 of Title XI as amended by the 2010 Dodd-Frank Wall Street Reform and Consumer Protection Act. The Federal Advisory Committee Act, 5 U.S.C. App. 2 §§ 1-16, as amended (FACA), governs the creation and operation of advisory committees within the Executive Branch of the Federal Government. In the event of any inconsistencies between the By-Laws and FACA (including its implementing regulations), ASCAC will carry out its Charter in accordance with FACA (including its implementing regulations).

### **Section II: Members**

ASCAC will not exceed 17 members. Membership of ASCAC will represent a balance of expertise across the broad range of industry participants, including appraisers, lenders, consumer advocates, real estate agents, and government agencies. All ASCAC members will have extensive experience concerning the appraiser regulatory framework for federally related transactions. ASCAC members are nominated by the ASC Executive Director and approved by the Chairman of the ASC in consultation with ASC members. The term of the appointment to ASCAC is for two years. The ASCAC Chairperson and Vice Chairperson will be nominated by the ASC Executive Director and selected by the ASC Chairman in consultation with ASC members to serve in that capacity for two years, and may be reappointed. The ASC Chairman has appointed the Designated Federal Officer (DFO) in accordance with FACA.

Each member who is not a regular government employee shall serve on ASCAC as the representative of an organization or identifiable group of persons with interests affected by the work of ASCAC, unless it is specified at the time of appointment that the member is appointed to serve as a special government employee. Representative members serve on ASCAC primarily to convey the views and interests of the organizations or groups they represent. To the extent permitted by FACA

and other laws, membership should also be consistent with achieving the greatest impact, scope and credibility among diverse stakeholders. Federally registered lobbyists shall not be appointed.

### **Section III: Meetings**

**(A) In General.** ASCAC shall meet at the call of the DFO in consultation with ASCAC's Chairperson. The estimated number of meetings by ASCAC is four per calendar year. Given the ASC's need to promulgate rules in the near future, ASCAC shall do its best to complete its work soon after the fourth meeting. Not later than 60 days after its final meeting, the Chairperson of ASCAC shall submit to the ASC Executive Director a written report containing ASCAC's recommendations regarding the development of rulemaking for the State appraiser regulatory programs.

Members of ASCAC serve without compensation. However, members traveling from beyond the Washington, DC, metro commuting area may be reimbursed in accordance with Federal Travel Regulations for per diem and travel expenses incurred in order to attend ASCAC meetings.

An official meeting consists of a quorum of the members then serving on ASCAC. The DFO shall approve ASCAC's meetings and ensure compliance with the requirements of FACA and its implementing regulations. The Chairperson will preside at all meetings of ASCAC and may specify the use of rules of parliamentary procedure consistent with the By-Laws. Subject to such reasonable guidelines and procedures as the Chairperson may adopt, members may participate in a meeting by means of conference telephone or similar communications equipment if all Members can hear one another at the same time and members of the public entitled to hear them can do so.

**(B) Notice.** ASCAC will publish notice of each meeting in the *Federal Register* at least 15 calendar days before the meeting, unless there are exceptional circumstances in which case the reason will be included in the *Federal Register* notice. The notice will include (1) the name of the Committee; (2) the time, date, place, and purpose of the meeting; (3) a summary of the agenda and/or the topics to be discussed; (4) a statement as to whether all or part of the meeting will be open to the public and, if any part is closed, a statement as to why, citing the specific statutory provision that serves as a basis for closure; and (5) the name and telephone number of the DFO or other official who may be contacted for additional information concerning the meeting.

**(C) Agenda.** The DFO will distribute the agenda to the members before each meeting and will make available copies of the agenda to members of the public attending the meeting. Items for the agenda may be submitted by any member of ASCAC or by any member of the public.

**(D) Quorum.** A quorum will consist of a majority of members currently serving on ASCAC.

**(E) Voting.** A member must attend a meeting either in person or by telephone to cast a vote. When a decision or recommendation of ASCAC is required, the Chairperson will request a motion for a vote. Any member may make a motion for a vote. No second after a proper motion will be required to bring any issue or recommendation to a vote. The issuance of a final report of ASCAC shall also require approval of a majority of the members; however that vote may be by notation vote of ASCAC members.

**(F) Open Meetings.** Unless otherwise determined in advance, all meetings of ASCAC will be open

to the public. Once an open meeting has begun, it may not be closed for any reason. If, during the course of an open meeting, matters inappropriate for public disclosure arise during discussion, the Chairperson will order such discussion to cease and will schedule the matter for closed session in accordance with FACA. All materials brought before, or presented to ASCAC during an open meeting will be made available to the public for review during the meeting. All such materials also will be made available on the ASC website as soon as practicable afterwards. The Chairperson of ASCAC may decide in advance to exclude oral public statements during a meeting. The meeting notice published in the *Federal Register* will invite written statements. The public may submit written statements to ASCAC at any time through the ASC website or as directed by the *Federal Register* notice.

**(G) Activities Not Subject to Notice and Open Meeting Requirements.** Consistent with FACA regulations, the following activities are excluded from the procedural requirements contained in §§ 111(B) and 111(F): (a) Preparatory work (meetings of two or more ASCAC members convened solely to gather information, conduct research or analyze relevant issues and facts in preparation for a meeting of ASCAC, or to draft position papers for deliberation by ASCAC); and (b) Administrative work (meetings of two or more ASCAC members convened solely to discuss administrative matters of ASCAC or to receive administrative information from a Federal officer or agency).

**(H) Closed Meetings.** All or parts of meetings of ASCAC may be closed in limited circumstances in accordance with applicable law. Requests for closed meetings will be submitted in accordance with the Government in the Sunshine Act, and applicable FACA guidelines. ASC General Counsel must determine that closing the meeting is consistent with the provisions of the Government in the Sunshine Act. The notice of the ASCAC meeting published in the *Federal Register* must include information on the closure.

**(I) Information Gathering.** ASCAC may devote portions of its meetings to receive oral comments, recommendations, and expressions of concern from the public. The Chairperson of ASCAC may specify reasonable guidelines and procedures for conducting such portions of the meetings, such as requirements for submitting requests to appear, written statements in advance and placing limitations on the number of persons who may appear and the duration of their appearance.

**(J) Minutes.** The DFO will assure the preparation of minutes of each meeting of ASCAC from either notes taken at the meeting itself or from the transcript of the meeting, and submit them to the Chairperson of ASCAC for certification of their accuracy. The minutes must be certified by the Chairperson of ASCAC within 90 calendar days of the meeting. The DFO will distribute copies of the certified minutes to each member. Minutes of open or closed meetings will be made available to the public consistent with FACA requirements. The minutes will include a list of the persons who were present at the meeting, and a full description of the matters discussed and the resolution, if any, made by ASCAC regarding such matters, and copies of all reports or other documents received, issued or approved by the Commission at the meeting.

#### **Section IV: Records**

The records of ASCAC shall be handled in accordance with General Records Schedule 26, Item 2 or other approved agency records disposition schedule. These records shall be available for public inspection and copying, subject to the Freedom of Information Act, 5 U.S.C. 552.

**Section V: Expenses and Administrative Support**

Expenses related to the operation of the ASCAC in accordance with applicable law will be borne by the ASC. Administrative support will be provided by the ASC.

**Section VI: Amendments**

The By-Laws may be amended from time to time by review of the Chairperson and the DFO as representative of the ASC.

April 16, 2014