

Appraisal Subcommittee

Federal Financial Institutions Examination Council

October 12, 2011

Ms. Londa Hillyard, Chairman
Wyoming Certified Real Estate Appraiser Board
2020 Carey Avenue, Suite 702
Cheyenne, WY 82002-0184

RE: ASC Compliance Review of Wyoming's appraiser regulatory program

Dear Ms. Hillyard:

The Appraisal Subcommittee (ASC) staff conducted an ASC Compliance Review (Review) of Wyoming's appraiser regulatory program (Program) on June 13-15, 2011. This is the final ASC Compliance Review Report (Report) on that Review.

The ASC has considered the preliminary findings regarding the Review and the State's response. The ASC has determined the Program is not in substantial compliance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, as amended. The ASC identified the following area of non-compliance:

- States should resolve all complaints filed against appraisers within one year, except for special documented circumstances.¹

In its response, the State indicated corrective actions were taken. During the next Review, ASC staff will confirm these corrective actions have taken place and are appropriate. Please also be advised this letter and the attached Report are public record and available on the ASC website in accordance with the Freedom of Information Act.

Please contact us if you have any questions.

Sincerely,



Deborah S. Merkle
Chairman

Attachment

cc: Mr. Trenton Hogg, Executive Director

¹ Title XI § 1118 (a), 12 U.S.C. 3347; ASC Policy Statement 10E.

ASC Compliance Review Report

Finding: Not In Substantial Compliance

Report Issue Date: October 12, 2011

Wyoming Appraiser Regulatory Program (Program)		
Wyoming Certified Real Estate Appraiser Board (Board) / Decision Making	PM: V. Lebetter Metcalf	ASC Compliance Review Date: June 13-15, 2011
Umbrella Agency: Real Estate Commission	Number of State Credentialed Appraisers on National Registry: 334	Review Period: April 2009 to June 2011
Issue: FINAL		

Requirement/Guidance	ASC Finding			ASC Staff Observations	State Response	Required State Actions	Recommended State Actions	General Comments
	Compliance (YES/NO)	Areas of Concern (AC)						
	YES	NO	AC					
Wyoming Statutes, Regulations, Policies and Procedures:			X					
States must adopt and/or implement all relevant AQB Real Property Appraiser Qualification Criteria. (Title XI § 1116 (a), 12 U.S.C. 3345; Title XI § 1118 (a), 12 U.S.C. 3347; AQB Real Property Appraiser Qualification Criteria.)				<p>A review of the Wyoming Certified Real Estate Appraiser Board's State regulations revealed the following inconsistency with the Appraiser Qualifications Board's Real Property Appraiser Qualification Criteria (AQB Criteria):</p> <p>AQB Criteria specifies that up to one half of an appraiser's continuing education requirement may be granted for participation, other than as a student, in such activities as teaching appraisal courses or authoring a textbook on appraisal issues. Nothing in Wyoming's statute, regulations, and/or written policies limit the amount of continuing education that may be acquired from these types of activities.</p> <p>Despite the conflicting provision, ASC staff found no incidences where these types of activities were claimed for continuing education.</p>	In its August 3, 2011 response to ASC staff, the Board reported it will amend its regulation to limit the amount of continuing education hours granted for participation other than as a student in the performance of any of the activities specified in AQB Criteria. The amendment will be added to an existing regulatory proposal currently in the adoption process.	None	To strengthen the Program, Wyoming should continue the process of amending its regulations to ensure compliance with AQB Criteria.	Upon adoption, please provide ASC staff with copies of the adopted regulation changes.
Temporary Practice:	X							
				No compliance issues noted.	N/A	None	None	None
National Registry:	X							
				No compliance issues noted.	N/A	None	None	None
Application Process:	X							
				No compliance issues noted.	N/A	None	None	None

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Wyoming Appraiser Regulatory Program (Program)

Wyoming Certified Real Estate Appraiser Board (Board) / Decision Making
PM: V. Lebetter Metcalf

ASC Compliance Review Date: June 13-15, 2011

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Requirement/Guidance	ASC Finding Compliance (YES/NO) Areas of Concern (AC)			ASC Staff Observations	State Response	Required State Actions	Recommended State Actions	General Comments
	YES	NO	AC					
Reciprocity:	X			No compliance issues noted.	N/A	None	None	None
Education:	X			No compliance issues noted.	N/A	None	None	None
Enforcement:		X						
States should resolve all complaints filed against appraisers within one year, except for special documented circumstances. (Title XI § 1118 (a), 12 U.S.C. 3347; ASC Policy Statement 10E.)				Wyoming had 11 outstanding complaints; three of the complaints were unresolved for more than one year. None of the cases fell under the exception for special documented circumstances per ASC Policy Statement 10E. Of the three cases, one was investigated and is now in the Attorney General's office awaiting a stipulated settlement and/or hearing. The other two complaints were still under investigation.	In its August 3, 2011 response to ASC staff, the Board reported that to achieve compliance in this area, the Board, in conjunction with the Attorney General's office, implemented a new comprehensive plan to achieve complaint resolution within one year of receipt. This will be accomplished through: (1) initiating an early-stage, initial triage system; (2) establishing a goal of completing investigations within four months; and (3) completing the remainder of the complaint resolution process within the subsequent eight months. In addition, a Letter of Intent for a hearing will accompany all proposed settlement agreements sent to appraiser respondents. This will "start the clock running" on the official hearing process. The letter will position the agency for a hearing, if required, early enough in the process to finalize most cases within the 1-year time requirement.	None	None	During the next Review in 2013, ASC staff expects to see an improvement in Wyoming's enforcement program as a result of the new complaint investigation and resolution process.