

SUBCHAPTER 57C – ADMINISTRATIVE LAW PROCEDURES

SECTION .0100 – APPRAISAL BOARD HEARINGS

21 NCAC 57C .0101 FORM OF COMPLAINTS AND OTHER PLEADINGS

- (a) Complaints shall be in writing and contain the following information:
- (1) name of the trainee, appraiser, or appraisal management company;
 - (2) name of the complainant;
 - (3) physical address and contact information of the complainant; and
 - (4) the facts that form the basis of the complaint.
- (b) When a complaint is received by the Board it shall be considered an allegation. The Board staff shall review the allegation to determine whether it shall be investigated, including examination of the appraisal report, if applicable, which shall be requested from the appraiser, and if based on this information there appears to be no violations of USPAP or any of the Board rules or statutes, then the allegations shall not be further investigated and will be dismissed. A three-panel committee of the Board shall review this decision.
- (c) If the three-panel committee determine that further investigation is required, then a formal complaint shall be opened, and the Board staff shall request a response and the entire workfile from the appraiser and shall proceed to investigate the matter.
- (d) After the review as set forth above, when the Board staff investigates a complaint, the scope of the investigation shall not be limited to the persons or transactions described or alleged in the complaint.
- (e) Complainants are not parties to contested cases heard by the Board, but may be witnesses in the cases.
- (f) There is no specific form required for answers, motions, or other pleadings submitted prior to the hearing relating to contested cases before the Board, except they shall be in writing. The document shall identify the file number and state the matters it alleges, answers, or requests. Motions may be made on the record during the course of the hearing before the Board.
- (g) After the review as set forth above, during the course of an investigation of a complaint, the Board, through its legal counsel or staff, may send a trainee, appraiser, or appraisal management company one or more letters of inquiry requesting a response from the trainee, appraiser, or appraisal management company. The initial letter of inquiry, or attachments thereto, shall set forth the subject matter being investigated. Upon receipt of a letter of inquiry, the trainee, appraiser, or appraisal management company shall respond within 30 calendar days. The response shall include copies of all documents requested in a letter of inquiry.
- (h) Hearings in contested cases before the Board shall be governed by the provisions of Article 3A of Chapter 150B of the General Statutes.
- (i) A complaint shall not be accepted if the applicable time period for retention of the work file for that appraisal assignment pursuant to the Recordkeeping Rule of the Uniform Standards of Professional Appraisal Practice has expired. This Section does not apply to complaints involving the actions outlined in G.S. 93E-1-12(b)(1),(2),(4), and (5).

History Note: Authority G.S. 93E-1-10; 93E-1-12; 93E-2-3; 93E-2-8;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2011; July 1, 2003; August 1, 2002;
Readopted Eff. July 1, 2018;
Amended Eff. May 1, 2020.