

Consumer's Guide: Filing A Complaint and The Investigation Process



**OFFICE OF REAL ESTATE
APPRAISERS**

OREA's mission is to protect public safety by continuously improving and promoting the integrity and professionalism of the real estate appraisal industry.

OREA protects public safety by:

- ▶ Investigating complaints against licensees and persons acting in a capacity that requires a license;
- ▶ Investigating the background and conduct of applicants and licensees; and
- ▶ Investigating complaints against educational course providers.

There are four types of investigations commonly conducted by OREA:

- ▶ Complaints
- ▶ Background Investigations
- ▶ Questionable Applications
- ▶ Delinquent Child Support

When Do I File A Complaint?

A complaint may be filed anytime you have a legitimate complaint against a licensed appraiser. Please keep in mind that when a complaint is filed, evidence supporting your allegations should be included along with a signed OREA complaint form (REA 4001). Complaints received with no accompanying support for the allegations made will be screened out of the complaint process and not pursued by OREA.

How Do I File A Complaint?

To obtain a complaint form, visit our web site:

www.orea.ca.gov

Or contact us by phone/fax:

TELEPHONE (916) 552-9020

FAX (916) 552-9008

Then, simply complete the form and send it, along with all relevant documents, to :

**OREA, Enforcement Unit
1102 Q Street, Suite 4100
Sacramento, CA 95811**

How Long Will It Take OREA To Complete The Investigative Process?

Many factors impact the length of an investigation, including: the complexity of the case, the availability and cooperation of witnesses and whether or not a field review of the property is necessary.

Since OREA must investigate complaints in order of their priority based on the seriousness of the allegations, likelihood of continuing harm to the public and other factors, it is not possible to estimate how long it will take to complete the investigative process. For this reason, OREA encourages you not to wait for the completion of the investigative process before seeking legal advice or pursuing other appropriate remedies.

How Will I Know When The Complaint Process Has Been Completed?

You will be notified when OREA has closed the case associated with your complaint and appropriate action, if any, has been taken.

Will The Appraiser Be Told Who Filed The Complaint?

OREA will make every effort to keep your identity confidential. However, OREA cannot guarantee your anonymity and will probably be required to reveal your identity if the matter is filed with the Office of Administrative Hearings (OAH).

What Is The Function Of OREA's Enforcement Unit?

OREA investigates the background of applicants and licensees with convictions for criminal violations of law or who have engaged in other conduct that calls into question their fitness for licensure. OREA also investigates complaints of unlawful or unethical activities filed against licensed appraisers, educational course providers and persons acting in a capacity that requires a license.

Please note that OREA cannot act as a court of law, order the refund of monies, award damages, enforce contractual agreements or give legal advice. If any of these actions are your goal, you may wish to contact an attorney for assistance.

What Is OREA's Complaint Process?

Once a complaint is submitted, OREA will send you an acknowledgment letter. The Enforcement Unit will then review

the complaint and the evidence provided, the seriousness of the allegations and the potential harm to the public. Assuming the complaint falls within the jurisdiction of OREA and there is sufficient evidence to proceed, the complaint will then be prioritized and assigned to an investigator.

The appraiser, or AMC in question may be contacted for additional information and/or invited to attend an Office conference to explain his or her actions. OREA will then review all available information, determine if a violation has occurred, and impose disciplinary sanctions where appropriate. If the appraiser, or AMC wishes to contest OREA's determination or sanctions, a hearing will be held before an Administrative Law Judge of the OAH. If necessary, you may be subpoenaed to testify at this hearing.

Please remember that the OREA complaint process, as defined by sections 3726 and 3728 of the California Code of Regulations is confidential in nature. Our investigatory records, as well as certain disciplinary actions, are designated as confidential under state law, and thus exempt from Public Records Act disclosure under Government Code section 6254(k).

Enforcement Investigations

TYPE OF INVESTIGATION	SOURCES	TYPICAL ALLEGATIONS
<ul style="list-style-type: none"> Complaints (Licensees) 	<ul style="list-style-type: none"> Clients Homeowners Lenders Other Regulators (local, state and federal) Appraisers/Review Appraisers 	<ul style="list-style-type: none"> Violations of USPAP and/or OREA Regulations Technical Errors Unsupported Value Conclusion Fraud
<ul style="list-style-type: none"> Background Investigations 	<ul style="list-style-type: none"> Law Enforcement Other Regulatory Agencies (local, state and federal) 	<ul style="list-style-type: none"> Criminal Conviction Discipline Imposed by Other Agencies Other Conduct Relating to Fitness for Licensure
<ul style="list-style-type: none"> Questionable Applications 	<ul style="list-style-type: none"> OREA's Licensing Unit 	<ul style="list-style-type: none"> USPAP Violations in Work Samples Failure to Properly Acknowledge Professional Assistance of Others Falsified Information on an Application
<ul style="list-style-type: none"> Delinquent Child Support 	<ul style="list-style-type: none"> Department of Social Services Statewide Licensing Match System 	<ul style="list-style-type: none"> Delinquent Child Support

TYPE OF INVESTIGATION	SOURCES	TYPICAL ALLEGATIONS
<ul style="list-style-type: none"> Complaints on AMC's 	<ul style="list-style-type: none"> Appraisers Review Appraisers Homeowners Real Estate Agents/Brokers Other Regulators (local, state and federal) 	<ul style="list-style-type: none"> Improperly influencing the value and outcome of an appraisal Basing an appraisal fee on an assignment with a pre-determined Value Improperly pressuring the appraiser into violating USPAP ethics and standards <p>Please note that complaints concerning fees paid by the AMC to appraisers will not be considered.</p>

OREA imposes disciplinary sanctions, when appropriate, which may include:

- ▶ Published reproof;
- ▶ Additional education requirements;
- ▶ Fine;
- ▶ Probation;
- ▶ Suspension;
- ▶ Revocation and/or
- ▶ Special conditions on a license.

For additional information,
contact OREA at:

www.orea.ca.gov

TELEPHONE (916) 552-9020

FAX (916) 552-9008

or write:

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