

The professional practice process

BY DAVE GABRUCH, AACI, P. APP – CHAIR OF THE INVESTIGATING COMMITTEE

There is little doubt members will experience various levels of anxiety and emotions when they receive a letter advising them that the Appraisal Institute of Canada (AIC) received a complaint about them. Only those who have truly experienced those feelings can tell you. The reality is that no one likes to be investigated.

However, the Investigating Committee (IC) is charged with the mandate to investigate serious complaints and referrals from the Counsellor, Professional Practice received

by the AIC. The most expedient way of doing so is through correspondence with the member. Typically, the IC will ask for a copy of the appraisal and all file contents relating to that appraisal/issue at hand.

A review of the file is completed and, following that, usually a series of questions is sent to the member to address. In some cases, a second letter will be necessary, depending on the answers and clarity the member gives in response to the first enquiry letter.

It has been the experience of many that the questions IC sends

out can feel intrusive, accusatory, and personal. That is not the intent. The intent is to determine if there is a basis to the complaint, or not, and to bring the investigation to a conclusion.

What the IC expects from a member under investigation is his or her full cooperation. Regardless of how angry or upset the member may feel, his or her cooperation is critical to the successful conclusion of an investigation. Delayed responses and intentional vagueness in responses only prolong the process.

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Professional practice – myths and realities

BY ROBERT PATCHETT, LL.B., CD, AIC COUNSELLOR, PROFESSIONAL PRACTICE

The Appraisal Institute of Canada (AIC) *Regulations* set out the process that the AIC has adopted to address professional practice complaints. This article aims to highlight the key elements and the key underlying principles of the Professional Practice process.

A formal complaint initiates the process and members are provided with notice and substance of

the complaint. Members are then given an opportunity to respond to the complaint. The Counsellor considers the complaint and the reply and decides what action to take.

Serious issues are referred to the Investigation Committee (IC). The IC completes an investigation and, in-camera, determines what action it will take.

A member may be suspended for non-cooperation with the

Counsellor, in the same manner that he or she can be suspended for non-cooperation with the IC.

Charges may be referred to the Adjudicating Committee (AC) which may consider a Conditional Guilty Plea or convene a formal hearing. After considering all of the evidence and submissions, the AC will issue a written decision.

Appeals to the action taken by the Counsellor and the decisions of the Adjudicating Committee are

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referred to the Appeal Committee. It considers the same material and also issues written decisions. The decisions of the Appeal Committee are final.

The AIC staff provides the administrative support to the process. Confidentiality is strictly maintained. The committees set their own procedures and determine independently what substantive action they take. The *Regulations* set out the substantive policies and procedures the AIC has adopted.

MYTH – It is a myth that only users may complain and that all others have no right to complain.

REALITY – A complaint can come from anyone. There are no restrictions or limitations. In addition, any committee may refer a matter for investigation. Formal complaints must be made in writing. However, many consumer complaints are initiated by phone or email, and are resolved before leading to a formal complaint.

A consumer inquiry is not a formal complaint. Consumers are often seeking assistance or clarification regarding an appraisal or the conduct of a member and these cases are immediately dealt with by the Counsellor, and/or are referred to the member to resolve.

MYTH – It is a myth that you must be provided with the opportunity to face your accuser. Complainants rarely participate in the process beyond submitting the initial complaint, unless it is considered necessary at the adjudicative or appeal level.

REALITY – Anonymous complaints are accepted and dealt with

confidentially, thus permitting a complainant to remain anonymous. In such cases, AIC (represented by the Counsellor or the Investigation Committee) stands in the place of the complainant, without advocating for the position of the complainant. AIC must have written consent to release the name of the complainant to the member, and, even then, it is discretionary. In cases where a complainant might have a history of conflict with a member, this process permits legitimate complaints to be dealt with on their own merits, unencumbered by any personal issues between the complainant and the member that may underlie the situation.

MYTH – It is a myth that the process is pro-active. The Counsellor reacts to complaints and does not otherwise initiate investigations.

REALITY – Members are provided with the nature and substance of complaints to give them the opportunity to respond to the complaint. No decisions or action are taken without giving members the opportunity to reply. In some instances, a copy of the complaint is provided to the member, depending on the extent of the circumstances. Members may, at any time, request that a complaint be referred directly to the Investigation Committee.

MYTH – It is a myth that the Professional Practice review process is a witch hunt. The process is, in fact, intended to provide public confidence in the AIC as a professional, self-regulating governing body.

REALITY – The Counsellor, Professional Practice will limit the initial

investigation to the complaint. However, where other issues not related to the complaint are uncovered, these issues are also addressed. The Investigation Committee will review the entire report to ensure compliance with *CUSPAP*, and its investigation is not limited to the complaint. 🐾

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