

December 7, 2017

Mr. James R. Park
Executive Director
Appraisal Subcommittee
1401 H Street, N.W., Suite 760
Washington, D.C. 20005

Via Electronic Mail to jim@asc.gov

Re: Temporary Waiver Request of TriStar Bank

Dear Mr. Park:

The undersigned professional appraiser organizations are aware that the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council (FFIEC) received a request from TriStar Bank dated November 20, 2017 for a temporary waiver of certain requirements to utilize a certified appraiser under Title XI of FIRREA. This request is submitted by TriStar pursuant to 12 U.S.C. 3348(b). In response, we understand the ASC issued a letter to TriStar seeking clarification and information relating to the request.

The purpose of this letter is to strongly urge the ASC to consider the request with the utmost transparency and opportunity to gather market participant information. Specifically, we believe all correspondence between the ASC and TriStar Bank should be forwarded promptly to the Tennessee Real Estate Appraiser Commission, per the requirements of 12 CFR 1103.2. Such correspondence, particularly any supplemental information provided by TriStar Bank, should not be treated as private correspondence, but rather as part of the Bank's waiver request, as it is essential to evaluating whether the request satisfies the requirements established by the ASC.

Additionally, we urge the ASC hold a face-to-face meeting with proper notice published in the Federal Register where it is considering whether to exercise its authority to initiate a temporary waiver procedure. The ASC can hold emergency meetings without such notice and via conference call, but the potential precedent-setting nature of this request and its potential impact on safe and sound lending requires full and active in-person participation by the members of the ASC.

Based strictly on the partial information included in TriStar's November 20, 2017 letter to the ASC, the request does not appear to follow the regulations adopted by the FFIEC and ASC regarding the receipt, processing and consideration of temporary waiver requests (12 CFR, Part 1102, Subsection A).

Section 1102.2, "Requirements for Requests" states that, "A request will not be deemed received by the ASC unless it **fully and accurately** [emphasis added] sets out:

- (b) The requirement or requirements of State law from which relief is being sought;
- (c) A description of all significant problems currently being encountered in efforts to comply with title XI;
- (d) The nature of the scarcity of certified or licensed appraisers (including supporting documentation);
- (e) The extent of the delays anticipated or experienced in obtaining the services of certified or licensed appraisers (including supporting documentation);
- (f) The reasons why the requester believes that the requirement or requirements are causing the scarcity of certified or licensed appraisers and the service delays;"

While the TriStar waiver request includes anecdotal information related to their difficulty in obtaining appraisals, it does not "fully and accurately" set out and provide the information required by subsections (b) through (f) of Section 1102.2. The request does not describe all significant problems being encountered by TriStar, the nature of the scarcity of appraisers, nor the full extent of the delays anticipated or experienced in obtaining the services of appraisers. Most importantly, the waiver request does not include any "supporting documentation" regarding

the alleged difficulties in obtaining appraisals and evaluations being incurred by TriStar as is required by subsections (d) and (e).

Further, TriStar's request includes requests that fall outside of the authority of the ASC. Specifically, the TriStar request appears to be for a one-year waiver from FIRREA's requirements to obtain a written, USPAP-compliant appraisal. TriStar is requesting to utilize estimated market values that are not developed or reported as an appraisal. However, such a request could only be considered by a federal financial institution regulatory agency. Federal law limits the ability of the ASC only to grant a temporary waiver from "any requirement relating to certification or licensing of a person to perform **appraisals**" (12 U.S.C. 3348) [emphasis added]. If the ASC were to grant a temporary waiver from these requirements, TriStar would still be required to obtain written, USPAP-compliant appraisals when required by federal law, albeit those appraisals would be provided to TriStar by "individuals" who have not fully satisfied the state requirements to become a state-licensed or state-certified appraiser. Not obtaining appraisals, and obtaining appraisals from service providers that have not satisfied the minimum qualification criteria, are two entirely different requests.

We also note that the waiver request includes misleading and factually incorrect information regarding the number of certified general appraisers in Dickson County. According to the National Registry, there are at least 4 certified general appraisers that have indicated a mailing address in Dickson County. There are likely dozens more state certified general appraisers in Tennessee that include Dickson County within their service area.

In sum, in evaluating the request, we urge the ASC to conduct a fully transparent process that includes the entirety of TriStar's request and opportunity for market participant and stakeholder feedback. Based strictly on the November 20, 2017 letter, TriStar's request does not appear to satisfy the requirements for a received request by the ASC, and we urge it not be approved for publication in the Federal Register and formal public comment.

If you should have any questions or if you need further information, please do not hesitate to contact Bill Garber, Appraisal Institute Director of Government and External Relations, at (202) 298-5593 or bgarber@appraisalinstitute.org or John Russell, Senior Director of Government Relations, American Society of Appraisers, at 703-733-2103 or jrussell@appraisers.org.

Thank you for your consideration.

Regards,

American Society of Appraisers
American Society of Farm Managers and Rural Appraisers
Appraisal Institute
Appraisers Coalition of Washington
Coalition of Appraisers in Nevada
Collateral Risk Network
Foundation Appraisers Coalition of Texas
Greater Tennessee Chapter of the Appraisal Institute
Illinois Coalition of Appraisal Professionals
Massachusetts Board of Real Estate Appraisers
Maryland Association of Appraisers

Michigan Coalition of Appraisal Professionals
Mississippi Coalition of Appraisers
National Association of Appraisers
National Association of Independent Fee Appraisers
New York Coalition of Appraisers
North Carolina Real Estate Appraisers Association
Ohio Coalition of Appraisal Professionals
Oklahoma Coalition of Appraisal Professionals
Coalition of Pennsylvania Real Estate Appraisers
South Carolina Professional Appraisers Coalition
Tennessee Appraiser Coalition
Virginia Coalition of Appraisal Professionals
West Virginia Coalition of Appraisal Professionals