

UNITED STATES OF AMERICA  
BEFORE THE FEDERAL TRADE COMMISSION



COMMISSIONERS: Joseph J. Simons, Chairman  
Maureen K. Ohlhausen  
Noah Joshua Phillips  
Rohit Chopra  
Rebecca Kelly Slaughter

\_\_\_\_\_)  
In the Matter of )  
 )  
Louisiana Real Estate Appraisers Board, ) Docket No. 9374  
Respondent )  
\_\_\_\_\_)

**LOUISIANA REAL ESTATE APPRAISERS BOARD’S RESPONSE TO  
COMPLAINT COUNSEL’S MOTION REGARDING SCHEDULING**

Louisiana Real Estate Appraisers Board (“LREAB”) has no issue with the Commission’s currently scheduled date for oral argument on Complaint Counsel’s motion for partial summary decision regarding LREAB’s good faith regulatory compliance defense. Nevertheless, LREAB informed Complaint Counsel it could accept any of the proposed alternative dates *upon one important condition* omitted from Complaint Counsel’s motion.

If rescheduling the hearing causes the Commission to also move the deadline for its opinion and order, then the Commission should grant at minimum an equivalent extension of the date for commencement of the hearing. The Commission’s ruling on the good faith regulatory compliance defense will affect LREAB’s presentation of its case, from the arguments in the pretrial brief to the introduction of exhibits and testimony of

witnesses at the hearing. LREAB will need sufficient time to study the Commission's opinion and order, research its implications, review the evidence and testimony in light of those implications, and potentially revise its case in ways that LREAB cannot now predict. Reducing further the already-compressed schedule would prejudice LREAB's ability to prepare for hearing and, accordingly, would deprive Chief Administrative Law Judge Chappell and this Commission of a full record to consider important issues raised in this proceeding,

The risk of inconveniencing witnesses' holiday plans does not outweigh the prejudice to LREAB. Potential for interference with Thanksgiving plans already exists under the current schedule, and counsel can cooperate effectively with ALJ Chappell to accommodate the reasonable needs of witnesses.

Therefore, if the Commission, in granting Complaint Counsel's scheduling motion, also reschedules the deadline by which it must issue its opinion and order regarding the good faith regulatory compliance defense, LREAB requests as a matter of fundamental fairness that the Commission issue at minimum an equivalent postponement of the date upon which the Hearing would commence.<sup>1</sup>

---

<sup>1</sup> LREAB has filed in the U.S. Court of Appeals for the Fifth Circuit a Motion to Stay Administrative Proceedings Pending Appeal, and requested a decision by July 16. Should the Court of Appeals grant LREAB's Motion, Complaint Counsel's scheduling motion becomes moot.

Date: July 12, 2018

Respectfully submitted,

/s/ W. Stephen Cannon

W. Stephen Cannon

Seth D. Greenstein

Richard O. Levine

James J. Kovacs

Allison F. Sheedy

J. Wyatt Fore

**Constantine Cannon LLP**

1001 Pennsylvania Avenue, NW

Suite 1300 N

Washington, DC 20004

Phone: 202-204-3500

scannon@constantinecannon.com

*Counsel for Respondent, Louisiana*

*Real Estate Appraisers Board*