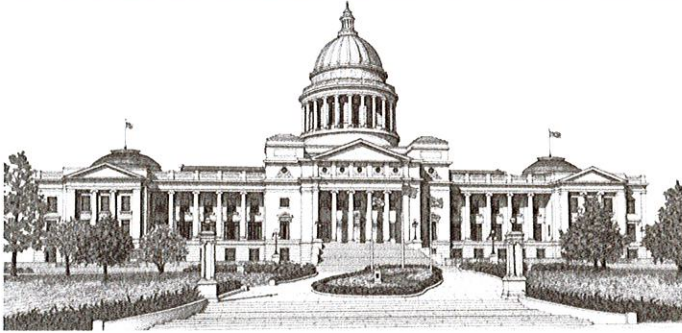


ARKANSAS REGISTER

Transmittal Sheet

Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

500 Woodlane, Suite 026

Little Rock, Arkansas 72201-1094

(501) 682-5070

www.sos.arkansas.gov



For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Appraiser Licensing and Certification Board

Department _____

Contact Diana Piechocki E-mail diana.piechocki@arkansas.gov Phone 501-296-1843

Statutory Authority for Promulgating Rules _____

Rule Title: Reinstatement Rule

Intended Effective Date

(Check One)

☐ Emergency (ACA 25-15-204)

☒ 10 Days After Filing (ACA 25-15-204)

☐ Other _____
(Must be more than 10 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

11/21/2016

12/19/2016

5/19/2017

12/20/2016

Electronic Copy of Rule e-mailed from: (Required under ACA 25-15-218)

Kelli Black kelli.black@arkansas.gov

5/24/2017

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with the Arkansas Administrative Act. (ACA 25-15-201 et. seq.)

Diana Piechocki

Signature

501-683-3775

Phone Number

diana.piechocki@arkansas.gov

E-mail Address

Executive Director

Title

5-24-2017

Date

Clean version of Section IX of Arkansas Appraiser Licensing and Certification Board (AALCB) Rules and Regulations

These proposed rules are to implement Act 1066 of the 90th General Assembly and to comply with the Appraiser Qualifications Board (AQB) reinstatement requirements. *This act pertains to reinstatement of an appraiser's credential.* Reviewed and adopted by the ALCB Rules, Regulations, and Policy Committee on August 17, 2016. Reviewed and adopted by the ALCB at its regular meeting on August 17, 2016.

Arkansas Appraiser Licensing and Certification Board proposed changes to its rules:

Section I – General (Q) Complaint Adjudication and Publication of Action

A. Any appraiser who fails to timely renew their registration, license, certification or elects to surrender their license/certification while a complaint is pending, will be unable to have their license re-instated until the complaint has been resolved. If a disciplinary hearing or informal conference is pending at the time of surrender, the scheduled hearings will proceed with or without the appraiser's participation and any disciplinary action resulting from the hearing shall be placed in the appraiser's file and addressed prior to any reinstatement of their credentials. Appraisers who have their license suspended or revoked are prohibited from performing any and all duties and responsibilities (researching data, and/or assisting associates with the development and reporting of real property appraisals).

Section IX – Credential Renewal and Reinstatement

A. Appraiser credentials must be renewed each year or they will be placed on an inactive status. Each State Licensed (SL), Certified Residential (CR) and Certified General (CG) credential renewal is June 30th of each year. Each State Registered (SR) credential renewal is December 31st of each year.

B. An application to renew a credential shall be submitted on a form obtained from the Board office or on the Board's website. Applicants may renew electronically through a Board established electronic process, as available.

C. It is the policy of the Board to mail or send electronically a renewal notice to credential holders at the last mailing address or email address on file with the Board at least sixty (60) days prior to the expiration date of the credential. Neither the failure of the Board to send such a notice nor the credential holder's failure to receive such a notice shall excuse the requirement to timely renew and pay the renewal fee. Credential holders must ensure that the address on file with the Board office is current and that the Board is notified within thirty (30) days of any mailing address or email address change.

D. Credential holders shall file a timely and sufficient renewal application with the Board by the renewal date each year. An application shall be deemed filed on the date received by the Board, the date of electronic submission or, if mailed, the date postmarked, but not the date metered.

E. The Board will issue a new pocket card indicating the new expiration date after receiving evidence of completion of the required continuing education and appropriate fee. Any credential holder who fails to complete continuing education requirements will not be eligible to renew their credential.

F. The credential of a SR, SL, CR and CG shall be placed on inactive status unless the appraiser submits a timely and sufficient renewal application by the expiration date.

G. During the first 184 days of inactive status a credential holder may renew their credential by submitting the appropriate renewal form. This includes the payment of renewal fees, a late fee of fifty dollars (\$50) per month or partial month elapsed since the renewal date and submitting the required continuing education completion certificates.

H. After 185 days up to twelve (12) months of inactive status a credential holder may renew their credential by submitting the appropriate renewal form. This includes the payment of renewal fees and submitting the required continuing education completion certificates. This includes evidence of completion of the most recent edition of a *7-Hour National USPAP Update Course* (or its AQB approved equivalent).

I. A credential holder who fails to reinstate their appraiser credential within twelve (12) months of the expiration date of the credential may reinstate their credential by submitting the appropriate reinstatement form. This includes payment of the appropriate renewal fee and evidence of the completion of the required continuing education hours. Credential holders in an inactive status must complete all required continuing education that would have been required if the credential holder was in an active status. The required hours must also include the most recent edition of a *7-Hour National USPAP Update Course* (or its AQB approved equivalent). Continuing education hours required are 14 hours per year for each year or partial year the credential was inactive plus any continuing education hours required at the time the credential was placed on inactive status. For example: Number of years inactive x 14 hours + number of hours due when credential was placed on inactive status = Total number of continuing education hours that must be submitted. Evidence of completion of the most recent edition of a *7-Hour National USPAP Update Course* (or its AQB approved equivalent) must be included in those hours.

J. After January 1, 2017 a credential holder whose appraiser credential has been in an inactive status for more than twelve (12) months shall be required to consent to a background check as described below. Prior to reinstatement the credential holder is required to obtain a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulation to determine if the applicant possesses a background that does not call into question public trust or the applicant's fitness for registration, licensure, or certification.

K. Credential holders are not authorized to practice or to hold themselves out to the public as appraisers during the period of time that his or her appraiser credential is inactive. Any violation of this shall be grounds for discipline.

L. These renewal and reinstatement rules do not apply to a person who has had his or her appraiser credential revoked or suspended.

Section X - Continuing Education

A. The purpose of continuing education is to insure that the appraiser participates in a program that maintains and increases his/her skill, knowledge and competency in real estate appraising.

B. Each licensee or certificate holder shall have completed during the two year period, prior to renewal of their license or certification, in an even numbered year, (i.e. 2006, 2008, etc.) a minimum of twenty-eight (28) hours of real estate appraisal instruction approved for continuing education credit by the Board.

Individuals who take advantage of out of state continuing education seminars may request consideration for credit on an individual basis. They shall submit a request on forms provided by the Board along with documents outlining the course content and evidence of having attended the course.

Section XII – Fees and Payment of Fees

C. Delinquency Provision (Fees and Continuing Education)

Registered, Licensed or Certified appraisers who fail to pay their annual or biennial renewal fees or meet the required continuing education on or before the renewal deadline, shall be notified immediately that their registration, license or certificate is inactive.

The notice shall also advise where applicable that:

- (1) No FRT appraisal work may be performed during the interim;
- (2) Their names will be removed from the Federal Registry; and,
- (3) The appraisal community be apprised of their loss of registration or licensed status.
- (4) Any and all appraisal experience claimed by a trainee during a period(s) without being State Registered will not be considered toward meeting the minimum hourly requirements or in which a State Registered appraiser has a lapsed registration.

If an appraiser has not made application for reinstatement within sixty days of termination, a demand will then be made on the certificate holder to surrender their seal or stamp, pocket card, and wall certificate, to the Board office.

* * *