

Mark-up version of Section IX of Arkansas Appraiser Licensing and Certification Board (ALCB) 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. ~~A failure to renew or petition for reinstatement within twelve (12) months of expiration and/or the date a credential is surrendered will result in a new application that meets current AQB criteria and a retake of the exam.~~ 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 – ~~Licensure Expiration, Renewal, Upgrade, and Inactive Status~~

~~A. Each license or certificate issued and each license or certificate renewal shall expire on June 30th each year following the date of issuance. State registered appraisers' certificates of registration will expire on December 31 of each calendar year. The expiration date of a license or certificate shall appear on the pocket card accompanying each license or certificate. No other notice of this expiration need be given to its holder except as provided in the requirements for continuing education.~~

~~B. Each application for renewal of a registration, license or certificate shall be accompanied by evidence on forms prescribed by the Board of the applicant having completed the continuing education requirement for renewal as prescribed in these regulations. Each application for renewal shall also be accompanied by an appropriate fee. The Board may mail to each licensee or certificate holder, at least sixty (60) days prior to the expiration date of each renewal year, a notice of the expiration and application for renewal of the registration, license or certificate to the licensee's or certificate holders address on file with the Board. The Board may issue a new registration, license or certificate for each renewal application only after including proof of completion of the continuing education requirements pursuant to these regulations and only after receipt of the appropriate fee. Delinquent renewal applications must be accompanied by a delinquent fee of fifty dollars (\$50) per month or partial month elapsed since the expiration date. Any registrant, licensee or certificate holder who fails to complete continuing education requirements will not be eligible for registration, license or certificate renewal.~~

~~C. Failure of a registrant, licensee or certificate holder to receive the notice and application to renew from the Board shall not excuse the registrant, licensee or certificate holder from the requirements for renewal contained in these regulations. Any registrant, licensee or certificate holder who fails to renew within~~

twelve (12) months of the expiration of their registration, license or certificate must re-apply and where appropriate, take and pass an examination equivalent that required for pre-licensing as designated by the Board in order to show current knowledge of real property appraisal practices, techniques and procedures before the license or certificate may be renewed.

In regards to the foregoing B. & C., Unless notice of intent to place a license/certification on inactive status or intent to not renew (including State Registered) is received prior to expiration, the monthly penalties will continue for a maximum of twelve (12) months or until notice is received. After a one (1) year hiatus, the State Registered appraiser will be required to submit a new application, satisfy any deficiencies that may have been outstanding at the time registrant failed to renew or notify the Board, plus a maximum penalty of \$600.

D. A licensed or certified Arkansas appraiser who wishes to temporarily retire from appraisal practice shall notify the Board in writing at least 30 days before expiration of a current license or certification. A state registered appraiser will not be permitted to place their registration on inactive or retired status.

E. **INACTIVE STATUS** may be initiated by the payment of \$100 fee on or before June 30th and may **NOT** be continued for more than six (6) years. The failure to remit the applicable annual renewal fee of \$100 on or before June 30th will result in a lapsed license. To reinstate an appraiser's lapsed inactive license, the monthly delinquent fee will be applicable for a maximum of twelve (12) months. The appraiser who elects Inactive Status must, within six (6) years from the date the active license or certification expired, notify the Board of his/her desire to resume active practice. Otherwise, the license becomes null and void.

An appraiser who wishes re-instatement after an inactive period shall make application to the Arkansas Appraiser Licensing and Certification Board. The application will be reviewed by the Board and if the applicant for re-instatement has satisfied all requirements, the Board shall re-activate the applicant's license or certificate.

The application for re-instatement shall be accompanied with sufficient documentation that the appraiser has taken, prior to reinstatement, a minimum of fourteen (14) hours for each year of inactivity (the equivalent that would have been required if the license was on active status) in refresher courses PLUS any continuing education hours which were delinquent before the Inactive Status. Also, any appraiser who has been inactive for more than three (3) years must show evidence of having taken the most recent 7 hour National USPAP Update course during the preceding year in addition to other continuing education requirements.

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.

~~Failure to provide the Board with evidence of hours completed shall constitute grounds for not renewing a license or certificate.~~ 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 ~~has lapsed and they have thirty (30) days to become reinstated by payment of the appropriate fees and penalties and/or evidence of having met the CE requirements~~ 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. ~~Previously Licensed and certified appraisers who fail to apply for reinstatement within the grace period may apply within twelve months of expiration without retaking the examination provided they submit the appropriate fees and penalties and satisfy any additional requirements that may be assessed by the Board.~~

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