

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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FILED
1991 MAY 23 AM 10:55
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

Board: Real Estate Appraiser Licensing and Certification Board
AGENCY: _____ TITLE NUMBER: 190

RULE TYPE: Legislative; CITE AUTHORITY W. Va. Code 37-14-1 et seq as amended (1991)

AMENDMENT TO AN EXISTING RULE: YES ___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 3

TITLE OF RULE BEING PROPOSED: _____

RENEWAL OF LICENSE OR CERTIFICATION

DATE OF PUBLIC HEARING: July 10, 1991 TIME: 10:00 a.m.

LOCATION OF PUBLIC HEARING: 814 Virginia St. East
Charleston, W.Va. 25301
Fourth Floor Conference room

COMMENTS LIMITED TO: ORAL ___, WRITTEN ___, BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: West Virginia Real Estate
Appraiser Licensing and
Certification Board

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

814 Virginia Street, East
Suite 212
Charleston, West Virginia 25301

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

Albert C. ...
Council for Board

3.00

OFFICE OF THE ATTORNEY GENERAL
MARIO J. PALUMBO

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1991 MAY 23 AM 10:56

MEMORANDUM

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TO: W. Va. Secretary of State

DATE: 05/23/91

FROM: West Virginia Real Estate Appraiser Licensing and Certification Board.

RE: Title 190 Legislative Rules, Series 1 through 4 Summary of Proposed Rules.

The legislative rules that are proposed by the Real Estate Appraiser Licensing and Certification Board are rules which establish policies, standards and provisions that will enable the Board to accept applications from individuals wishing to become either licensed or certified as real estate appraisers in the State of West Virginia. In order for real estate appraisers to practice their profession after December 31, 1991; the date in which the Board has determined that the Real Estate Appraiser Licensing and Certification Act will take effect; the Board must follow the provisions that they have developed in these rules for the licensing and certifying of those applicants.

These legislative rules also establish definitions and procedures for the Board to operate in its day to day activities as a professional licensing board. These rules establish the procedures, policies and grounds by which real estate appraiser licenses' and certifications may be renewed; procedures for the Board to follow when it is in receipt of complaints; when it needs to conduct hearings or investigations; or when the Board needs to take some disciplinary action regarding the activity of a real estate appraiser under its jurisdiction who has violated established ethical and/or professional standards.



Agency Head or Authorized Representative

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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1991 MAY 23 AM 10:56

Rule Title: 190

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Type of Rule: Legislative Interpretive Procedural

Agency WV Real Estate Appraiser
Licensing and Certification Board Address Suite 212, 814 Virginia St. E.
Charleston, WV 25301

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	157,000.	117,000.00
Personal Services				43,000.	48,500.00
Current Expense				63,000.	48,000.00
Repairs and Alterations				0.	0.0
Equipment				2,000.	2,000.00
Other				48,500.0	18,500.00

2. Explanation of above estimates:

Next year will be the first full year of operation. All funds are generated by fees that are received from applications from the board for licensure or certification. The expenses are estimates of the cost incurred in the operation of the board through meetings, equipment purchases such as a computer, expense reimbursements, printing fees, and attorneys fees.

3. Objectives of these rules:

The objective is to allow the board to fulfill its statutorily created obligation of licensing and certifying real estate appraisers pursuant to W. Va. Code Section 34-14-1 et seq. as amended (1991). These duties include the issuance of licenses and certifications, charging of fees, investigations and hearings.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries;
Specific groups of citizens.

The citizens of this State who will require real estate appraisal services will be required to engage only licensed real estate appraisers for all real estate appraising. Those licensed to perform appraisal work will be required to submit an application fee, annual fees for renewal and examination fees to the board. Financial institutions, as of January 1, 1992, will no longer be able to approve real estate mortgages without the utilization of licensed real estate appraisers.

C. Economic Impact on Citizens/Public at Large.

The annual fees which are to be paid by licensed or certified real estate appraisers will in all likelihood be passed on the public in the price of appraisals.

Date: 5/23/91

Signature of Agency Head or Authorized Representative

Albert C. Quinn
Assistant Attorney General
Council for Board.

TITLE 190
LEGISLATIVE RULES
WEST VIRGINIA REAL ESTATE APPRAISER
LICENSING AND CERTIFICATION BOARD

SERIES 3

FILED

1991 MAY 23 AM 10:56
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§ 190-3-1. General.

1.1. Scope - These legislative rules establish the procedures and qualifications for the renewal of a Licensed Residential Real Estate Appraiser license and a Certified General Real Estate Appraiser certification by the West Virginia Real Estate Appraiser Licensing and Certification Board.

1.2. Authority. - W.Va.Code § 37-14-1 et seq, as amended (1991).

1.3. Filing date. - _____.

1.4. Effective date. - _____.

§ 190-3-2. Renewal required.

2.1. Licenses and certifications issued under these regulations for licensed residential real estate appraisers and certified general real estate appraisers shall expire one year from the last day of the month in which they were issued, as indicated on the license or certification: Provided that, following the effective date of these rules, the licenses and certifications issued within the first year by the Board under the provisions of West Virginia Code 37-14-1 et seq. (1991), and these rules, shall be valid until September 31, 1992. Thereafter, all licenses and certifications shall be issued for the period of October to October of the following year. Fees for licensure or certification shall not be pro-rated by the Board until April 1, 1992, thereafter, all application fees shall be paid by the applicant in full.

§ 190-3-3. Qualifications for renewal.

Continuing education requirements.

3.1. As a condition of renewal, all licensed residential real estate appraisers, resident or non-resident, and all certified general real estate appraisers shall be required to complete continuing education courses satisfactorily within each licensing or certification term.

3.1.1. Continuing education requirements for both licensed real estate appraisers and certified general real estate appraisers.

a. Licensed residential real estate appraisers or certified general real estate appraisers must

- a. Licensed residential real estate appraisers or certified general real estate appraisers must satisfactorily complete continuing education courses or seminars offered by accredited colleges, universities, junior and community colleges; adult distributive or marketing education programs; local, state or federal government agencies, boards or commissions; proprietary schools; or real estate appraisal or real estate related organizations of not less than ten (10) classroom hours during each licensing or certification term.
- b. Credit for continuing education shall be awarded for but not limited to the coverage of topics as listed below:
 1. Ad valorem taxation;
 2. Arbitration;
 3. Business courses related to practice or real estate appraisal;
 4. Construction estimating;
 5. Ethics and standards of professional practice;
 6. Land use planning, zoning and taxation;
 7. Management, leasing, brokerage timesharing;
 8. Property development;
 9. Real estate appraisal (valuations/evaluations)
 10. Real estate law;
 11. Real estate litigation;
 12. Real estate financing and investment;
 13. Real estate appraisal related computer applications;
 14. Real estate securities and syndication;
 15. Real property exchange.
- c. Licensed real estate appraisers or certified general real estate appraisers may also satisfy continuing education requirements by participation other than as a student in educational processes and programs approved by the Board as substantially equivalent to courses and seminars which have been approved by the Board for continuing education purposes, to including but not limited to, teaching, program development, or authorship of textbooks.

- d. An appraiser is not required to complete the ten (10) classroom hours of continuing education as a condition for initial license or certification renewal if the time between the effective date on the initial license or certification as an appraiser and the beginning of the initial renewal of license or certification is less than nine (9) months.

3.2. Credit awarded for continuing education may not also be awarded for the classroom hour requirement when an individual seeks a different classification other than that currently held.

3.3. Notice of a satisfactory course completion shall not be issued to any licensee or certified appraiser not attending a minimum of 90% of each of the classroom hours of proscribed course instruction. The applicant for renewal shall be responsible for seeing that his record of attendance and grade received from an approved course be submitted to the Board with his/her application for renewal.

3.4. The institution, organization, licensed real estate school or Board approved entity offering these approved courses, shall fully inform each student of the standards and requirements at the commencement of the course. Said entity shall also maintain and monitor the attendance and grades of students taking its respective offering by an appropriate system of record keeping; submitting to the Board the guidelines utilized by the entity in evaluating and grading the work of the applicant for renewal of license or certification.

3.5. Applicants for renewal of a license or certification shall continue to meet the standards for entry as set forth in § 190-2-5 of these rules.

§ 190-3-4. Policies and procedures of the Board for approving courses, seminars and educational programs of continuing education.

4.1. The Board shall have the authority and duty to evaluate and approve; for the purpose of accepting hours for continuing education of applicants for the renewal of licensure or certification; courses, seminars and their equivalent, taken by the applicant to meet the required number of hours of continued education by his attendance and passing of said course, seminar or its equivalent.

4.2. Credit towards the classroom hour requirement may be granted by the Board only when the length of the educational offering is a minimum of two (2) hours.

4.3. In order for a course, seminar, or other educational program to be approved by the Board, the instructor of that course, seminar or program shall present to the Board a written plan of the class, including but not limited to, a syllabus of the subject areas covered by the course, the attendance requirements, and the method of evaluating the student's knowledge of the subject matter.

4.4. The Board shall determine whether the subject matter covered by the course, seminar or educational program includes those topics listed in sections 190-2-6.6.1.7, 190-2-7.7.1.7, or 190-3-3.3.1.1.b respectively, or any other appropriate topic relating to the area of real estate appraisal activity, determined by the Board to be worthy of hours toward continuing education.

4.5. The Board shall approve or disapprove courses, seminars, educational programs, or instructors, after a determination by the Board that said entity or subject matter does or does not meet the standards of the Board. A list of all approved courses, seminars or educational programs shall be maintained by the Board for the purpose of providing to the applicants for renewal of licensure or certification, notice of whether said course, seminar or educational program's hours will qualify for the requirements of continuing education for the renewal of licensure or certification.

4.6. The Board shall determine whether or not an educational program meets the equivalency standard of an approved course or seminar, pursuant to W. Va. Code § 37-14-36 as amended (1991), by looking at the topic of the program as it relates to the area of real estate appraisal, the amount of time in which the program uses for instruction, and the method by which the applicant for licensure or certification is evaluated during or at the end of the program. The Applicant shall have the responsibility of providing to the Board information on the subject matter, instructor and time of the program, in order for the Board to make a case by case determination of the equivalency value of the program.

4.7. In making a determination concerning the approval of a course, seminar or educational program, the Board shall give consideration to those courses, seminars or programs under the auspices of organizations or associations of professional real estate appraisers which are utilized by such organizations or associations for the purpose of awarding real estate designations or indicating compliance with the continuing education requirement of such organizations or associations.

§ 190-3-5. Procedures for renewal.

5.1. The board will mail a renewal application form to the applicant at the last known home address. This form shall outline the procedures for renewal. Failure to receive the renewal

application form shall not relieve the applicant of the obligation to renew.

5.2. Prior to the expiration date shown on the license or certification, each licensee or certified appraiser desiring to renew his/her license or certification, shall return to the Board the completed renewal application form and the appropriate renewal and registry fees as outlined in § 190-3-6 of these regulations, no earlier than one-hundred and twenty (120) days nor later than thirty (30) days prior to the expiration date of the license or certification held. Each applicant shall submit, on forms provided by the Board, satisfactory evidence of the applicant's conformity with the continuing education requirements as described in § 190-3-3.

5.3. If a applicant for a renewal of a license fails to apply for a renewal within the period prescribed in subsection 5.2, said applicant may, within a period of two (2) years following the expiration of said license, obtain a renewal by satisfying all the requirements of renewal and paying the applicable late renewal fee. The board may refuse to renew said applicant's license if during the two (2) year period, the applicant has continued to perform real estate appraisal activities in this state.

5.4. If the Board determines that the applicant for renewal of certification has failed to meet the requirements for renewal of certification through a mistake, misunderstanding, or circumstances beyond the applicant's control, the Board may extend the term of the applicant's certification for a period not to exceed six (6) months upon payment by the applicant of the prescribed fee. If a state certified real estate appraiser fails to renew his/her certification prior to the expiration date or within any period approved by the board, such person may obtain a renewal of his/her certification by satisfying all of the requirements for renewal and filing an application accompanied by a late renewal fee, within two (2) years of the date of his/her certification expiration. The Board may refuse to issue said certification if, during the two (2) year period, the applicant has continued to perform real estate appraiser activities in this state.

5.5. The Board may deny the issuance of a license as a licensed residential real estate appraiser, or a certificate as a state certified real estate appraiser, on any ground enumerated in these rules. Any applicant whose application for renewal of licensure or certification which is denied may demand and shall be afforded a hearing pursuant to § 190-4-3 of these rules.

§ 190-3-6. Fees for renewal.

6.1. Renewal fees are established as follows;

Certified general real estate appraiser	\$525.00;
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Licensed residential real estate appraiser	\$325.00;
Registry fee	\$ 25.00.

§ 190-3-7. Board discretion to deny renewal.

7.1. The board may deny renewal of a license or certification within the Board's discretion, upon the same reasons as it may refuse initial licensure or certification. The Board may also deny renewal of a license or certification consistent with the provisions of § 190-3-5.5.3 or § 190-3-5.5.4. The board shall approve or deny each application within ninety days of receipt.