

WEST VIRGINIA
SECRETARY OF STATE
Ken Hechler
ADMINISTRATIVE LAW DIVISION



FILED

MAY 9 10 20 AM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #6

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NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.

Agency: West Virginia Real Estate Appraiser Licensing & Certification Board

Title Number: 190

Amendment To An Existing Rule: Yes No

If Yes, Series Number of Rule Being Amended: 3

Title of Rule Being Amended: Renewal of Licensure or Certification

If No, Series Number of New Rule Being Proposed: _____

Title of Rule Being Proposed: _____

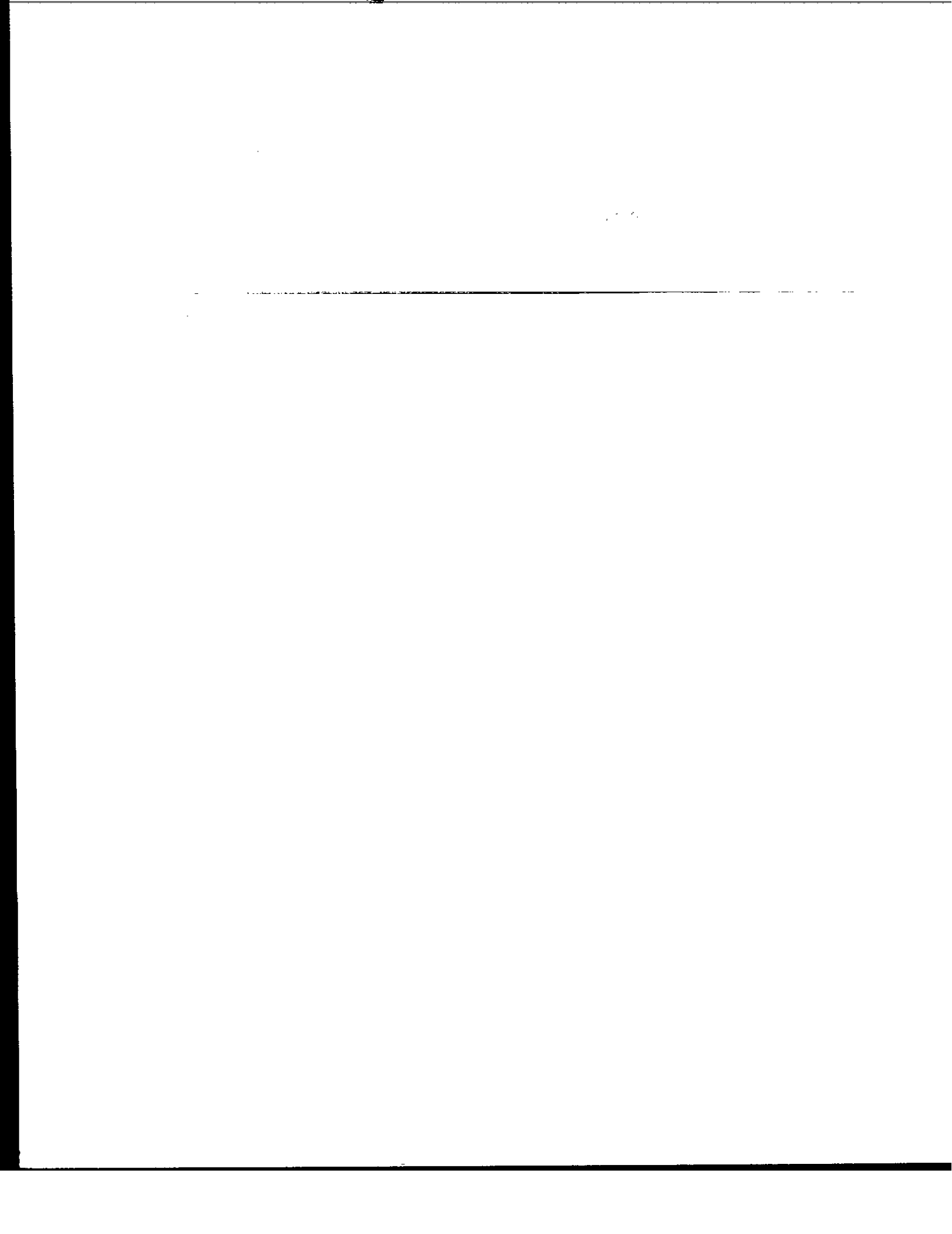
THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN SENATE BILL 209

SECTION 64-9-16(b) PASSED ON APRIL 12, 1997

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: MAY 27, 1997

BY: Si Galperin, Executive Director
Si Galperin





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MAY 9 10 21 AM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

PROMULGATION HISTORY

Agency: West Virginia Real Estate Appraiser Licensing & Certification Board Title Number: 190

Amendment To An Existing Rule: Yes No

If Yes, Series Number of Rule Being Amended: 3

Title of Rule Being Amended: Renewal of Licensure or Certification

Filed for Public Comment: May 10, 1996
Public Comment Period Ended: July 1, 1996
Agency Approved Rule Filed Following the Comment Period: July 31, 1996
Notice of Rule Modification Filed: December 23, 1996
SB 209 Authorizing The Rule Passed Legislature: April 12, 1997

LH Geller

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TITLE 190
LEGISLATIVE RULE
WEST VIRGINIA REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD

MAY 9 10 24 AM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 3
RENEWAL OF LICENSURE OR CERTIFICATION

§190-3-1. General.

1.1. **Scope.** -- This legislative rule establishes the procedures and qualifications for the renewal of a Licensed Residential Real Estate Appraiser license, a Certified Residential Real Estate Appraiser certification 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 § 37-14-6; § 37-14-36

1.3. **Filing Date.** --

1.4. **Effective Date.** --

1.5. **Repeal.** -- This legislative rule repeals and replaces the Board's rule "Renewal of Licensure or Certification" 190 CSR 3 filed in the Secretary of State's office April 9, 1992, and effective April 10, 1992.

§190-3-2. Definitions.

2.1. A "Course Provider" means any of the following: Accredited colleges or universities; Community or junior colleges; Real estate appraisal or real estate related organizations; Local, state or federal agencies, boards or commissions; Proprietary schools; Adult distributive or marketing education programs; and any other entity which has received prior approval by the Board.

2.2. "Accredited colleges, universities, junior and community colleges" means those institutions of higher learning under the West Virginia State College System Board of Directors or University System Board of Trustees, or listed in the Transfer Credit Practices of Designated Educational Institutions, published by the American Association of Collegiate Registrars and Admissions Officers.

2.3. "Adult distributive or marketing education programs" means those programs offered at schools approved by the West Virginia Board of Directors or Board of Trustees, or any other local, state, or federal government agency, board or commission to teach adult education or marketing courses.

2.4. "Local, state or federal government agency, board or commission" means an entity

established by any local, federal or state government to protect or promote the health, safety and welfare for the citizens of its domain.

2.5. "Proprietary School" means a privately owned school, under the authority of a local, state or federal government agency, board or commission, offering appraisal or appraisal related courses.

2.6. "Classroom hour" means 50 minutes out of each 60 minute segment of classroom instruction. A "classroom hour" does not include time spent in the performance of a home study program or correspondence course.

2.7. "Licensee" means a person who holds a current valid license as a state licensed residential real estate appraiser or a person who holds a current valid certification as a state certified residential real estate appraiser or a state certified general real estate appraiser issued under the provisions of the W. Va. Code §37-14-1 et seq.;

§190-3-3. Renewal Term

3.1 Licenses and certifications are renewed for the period from October 1 to September 30 of the following year.

§190-3-4. Qualifications for Renewal.

Continuing education requirements.

4.1 As a condition of renewal, all licensees must satisfactorily complete continuing education courses or seminars offered by Board approved course providers of not less than fourteen (14) classroom hours during each licensing or certification term.

4.1.a. Effective January 1, 1998, as a condition of renewal, the required continuing education hours shall include completion of a fourteen (14) hour Uniform Standards of Professional Appraisal Practice (USPAP) course every five (5) years. The first required submission shall be in the year 2002, by those persons who are licensees on January 1, 1998.

4.1.b. For the licensing or certification term beginning October 1, 1998, as a condition of renewal, a minimum of four (4) hours of the fourteen (14) hours of the continuing education required by subsection 4.1 of this section, shall consist of training in the application of Uniform Standards of Professional Appraisal Practice (USPAP).

4.1.c. The Board shall award credit for various continuing education courses relating to real estate appraising, including but not limited to, the topics listed below:

4.1.c. 1. Ad valorem taxation;

- 4.1.c.2. Arbitration;
- 4.1.c.3. Business courses related to practice or real estate appraisal;
- 4.1.c.4. Construction estimating;
- 4.1.c.5. Ethics and standards of professional practice;
- 4.1.c.6. Land use planning, zoning and taxation;
- 4.1.c.7. Management, leasing, brokerage, timesharing;
- 4.1.c.8. Property development;
- 4.1.c.9. Real estate appraisal; (valuations/evaluations)
- 4.1.c.10. Real estate law,
Fair Housing;
- 4.1.c.11. Real estate litigation;
- 4.1.c.12. Real estate financing and investment;
- 4.1.c.13. Real estate appraisal related computer applications;
- 4.1.c.14. Real estate securities and syndication;
- 4.1.c.15. Real property exchange.

4.1.d. An appraiser is not required to complete the required amount of 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 first renewal term is less than nine (9) months.

4.2 A course provider shall issue notice of a satisfactory course completion to any licensee who attended a minimum of 90% of the classroom hours of approved course instruction. The applicant for renewal is responsible for submitting a certificate stating that they have satisfactorily completed the course to the Board with his or her application for renewal.

4.3. The course provider shall fully inform each student of the standards and requirements at the commencement of the course. The course provider shall monitor the attendance of students and submit the attendance records to the Board. Said attendance records shall be used to verify documentation submitted with an applicant's application for renewal.

§190-3-5. Policies and Procedures of the Board for Approving Courses, Seminars and Educational Programs of Continuing Education.

5.1. The Board shall evaluate and approve courses and seminars that meet the standards of the Board for the purpose of accepting hours for continuing education of an applicant for the renewal of a licensure or certification .

5.2. The Board may only grant credit towards the classroom hour requirement only when the length of the educational offering is a minimum of two (2) hours.

5.3. In order for a course or seminar to be approved by the Board, the instructor shall present a written plan of the class including, but not limited to, a syllabus of the subject areas covered by the course and attendance requirements.

5.4. The Board shall determine whether the subject matter covered by the course or seminar is an approved topic listed in the Board's rule, "Requirements for Licensure and Certification", 190 CSR 2, subdivisions 6.1.g., 7.1.h, or 7.1.i., subdivision 4.1.c. of this rule, or other appropriate topic relating to the area of real estate appraisal activity.

5.5. The Board shall approve or disapprove courses, seminars and instructors after a determination that the course provider does or does not meet the standards of the Board. The Board shall maintain a list of courses and seminars which it has approved in order for licensees to have access to approved offerings.

5.6. 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. This determination shall be based upon the topic of the program as it relates to the area of real estate appraisal and the amount of time which the program uses for instruction. The applicant has the responsibility of providing to the Board the information on the subject matter, the instructor and length of the program. The Board shall make a case by case determination of the equivalency value of the program.

5.7. The Board shall consider for approval those courses, seminars or programs under the auspices of organizations or associations of professional real estate appraisers which are used for the purpose of awarding real estate designations or indicating compliance with the continuing education requirements of the organizations or associations.

§190-3-6. Procedures for renewal.

6.1. Prior to the expiration date of the license or certification, the board shall mail a renewal application form to the address on file. Failure to receive the renewal application form shall not relieve the applicant of the obligation to renew if he or she desires to retain his or her license or certification.

§190-3-7. Board Discretion to Deny Renewal.

7.1. The Board may deny the renewal of a license or certification on any grounds enumerated in this rule or in the Board's rule, "Requirements for Licensure and Certification", 190 CSR 2. The Board may deny renewal for the same reasons as it may refuse an initial license or certification. The Board may also deny renewal consistent with the provisions of Section 5 of this rule.

7.2 The Board shall approve or deny each application within ninety (90) days of receipt of the application. Any applicant whose application for renewal is denied may demand and shall be afforded a hearing pursuant to WV Code 37-14-7.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

CATHERINE FREROTTE
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May 21 1 01 PM '97

STATE OF WEST VIRGINIA

SECRETARY OF STATE
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

(Plus all the volunteer
help we can get)

received
5/19/97

TO: SI GALPERIN

AGENCY: REAL ESTATE APPRAISER LIC & CERT

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 16, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 2 TITLE: 190 REAL ESTATE APPRAISER LIC & CERT

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: SM Galperin
TITLE OF PERSON SIGNING: Executive Director
DATE: 5/21/97

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____
TITLE OF PERSON SIGNING: _____
DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.