

R162-2e-401. Unprofessional Conduct.

- (1) An AMC commits unprofessional conduct if the AMC:
 - (a) requires an appraiser to modify any aspect of the appraisal report, unless the modification complies with Section 61-2e-307;
 - (b) unless first prohibited by the client or applicable law, prohibits or inhibits an appraiser from contacting:
 - (i) the client;
 - (ii) a person licensed under Section 61-2c or Section 61-2f; or
 - (iii) any other person with whom the appraiser reasonably needs to communicate in order to obtain information necessary to complete a credible appraisal report;
 - (c) requires the appraiser to do anything that does not comply with:
 - (i) USPAP; or
 - (ii) assignment conditions and certifications required by the client;
 - (d) makes any portion of the appraiser's fee or the AMC's fee contingent on a favorable outcome, including but not limited to:
 - (i) a loan closing; or
 - (ii) a specific dollar amount being achieved by the appraiser in the appraisal report;
 - (e) requests, for the purpose of facilitating a mortgage loan transaction,
 - (i) a broker price opinion; or
 - (ii) any other real property price or value estimation that does not qualify as an appraisal; or
 - (f) charges an appraiser:
 - (i) for a service not actually performed; or
 - (ii) for a fee or cost that:
 - (A) is not accurately disclosed pursuant to Subsection R162-2e-304(1)(a)(ii);
or
 - (B) exceeds the actual cost of a service provided by a third party.
- (2) An AMC commits unprofessional conduct and creates a violation by the appraiser of R162-107.1.6 if the AMC requires the appraiser to:
 - (a) accept full payment; and
 - (b) remit a portion of the full payment back to the AMC.