



STATE OF UTAH  
DEPARTMENT OF COMMERCE  
DIVISION OF REAL ESTATE

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APPRAISER ADMINISTRATIVE RULES

June 22, 2011

**R162-101. Authority and Definitions.**

**R162-101-1. Authority.**

101.1 The following administrative rules, applicable to the Division of Real Estate, Department of Commerce, have been established under the authority granted by Section 61-2b-6(1). *03/17/1994*

101.2 The authority to establish and collect fees is granted by Section 61-2b-37. *03/17/1994*

101.3 The authority to exempt specific persons from complying with USPAP standards is granted by Section 61-2b-8(5)(c) within certain limitations as imposed by Section 61-2b-27(1)(c). *01/27/2010*

**R162-101-2. Definitions. 10/08/2010**

101.2.1 "Affiliation" means an ongoing business association

- (a) between:
  - (i) two individuals registered, licensed, or certified under Section 61-2b; or
  - (ii) an individual registered, licensed, or certified under Section 61-2b and:
    - (A) an appraisal entity; or
    - (B) a government agency;
- (b) for the purpose of providing an appraisal service; and
- (c) regardless of whether an employment relationship exists between the parties.

101.2.2 The acronym "AQB" stands for the Appraiser Qualifications Board of The Appraisal Foundation.

101.2.3 "Board" means the Utah Real Estate Appraiser Licensing and Certification Board.

101.2.4 "Business day" means a day other than:

- (a) a Saturday;
- (b) a Sunday; or
- (c) a federal or state holiday.

101.2.5 "Classification" means the type of license or certification held by an appraiser.

101.2.6 "Day" means calendar day unless specified as "business day."

101.2.7 "Division" means the Division of Real Estate of the Department of Commerce.

101.2.8 "Entity" means:

- (a) a corporation;
- (b) a partnership;
- (c) a sole proprietorship;
- (d) a limited liability company;
- (e) another business entity; or

(f) a subsidiary or unit of an entity described in Subsections (a) through (e).

101.2.9 "Person" means an individual or an entity.

101.2.10 "Reinstatement" means renewing a license or certification for an additional period after its expiration date has passed but prior to 12 months after the expiration date.

101.2.11 "Renewal" means extending a license or certification for an additional period upon its expiration.

101.2.12 "Trainee" means a person who is working under the direct supervision of a State-certified residential appraiser or a State-certified general appraiser to earn hours for licensure, and who meets the requirements of R162-110.

101.2.13 The acronym "USPAP" stands for The Uniform Standards of Professional Appraisal Practice published by The Appraisal Foundation.

**R162-102. Application Procedures.** *10/08/2010*

102.1.1 Initial Review - An applicant for licensure or certification as an appraiser will be required to submit, on forms provided by the Division, documentation indicating successful completion of the education and experience required by the State of Utah. Until January 1, 2008, an applicant may submit education documentation and experience documentation to the Division for approval separately. Effective January 1, 2008, an applicant shall submit education documentation and experience documentation to the Division at the same time.

102.1.1.1 Education documentation may be reviewed by an Appraiser Education Review Committee appointed by the Real Estate Appraiser Licensing and Certification Board to determine if the education requirement has been met.

102.1.1.1.1 As a prerequisite to sitting for either the licensing examination or the certification examination, the applicant shall submit proof of successful completion of the 15-hour National USPAP Course or its equivalent from an instructor or instructors, at least one of whom is a State-Certified Residential or State-Certified General Appraiser and has been certified by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency to the 15-hour National USPAP Course will be determined through the Course Approval Program of the Appraiser Qualifications Board (AQB) of the Appraisal Foundation.

102.1.1.2 The applicant shall provide evidence of meeting the experience requirement by completing the form required by the Division. The Division and the Board shall not award experience credit toward qualification as a state-licensed appraiser for any work performed at a time when the applicant was not registered with the Division as a trainee.

102.1.1.3 The candidate shall submit the appropriate license or certification fee at the time

of application.

102.1.1.4 If an applicant has submitted education or experience documentation to the Division prior to January 1, 2008 and has obtained approval of only the education component or only the experience component required for licensure or certification, the applicant must submit proper documentation of the remaining component to the Division prior to January 1, 2011 or any approval of a component shall lapse.

## 102.1.2 Exam Application

102.1.2.1 Upon determining the candidate has completed the education and experience requirements, the Division will issue to the candidate a form permitting the candidate to register to sit for the examination. The permission to register to sit for the examination shall be valid for twenty-four months after issuance.

102.1.2.2 The candidate shall make application to take the examination by returning the application form and the appropriate testing fee to the testing service designated by the Division. If the applicant fails to take the examination, the fee will be forfeited. 102.1.3  
Final Application

102.1.3.1 Within 90 days after successful completion of the exam, the appraiser applicant shall return to the Division each of the following:

102.1.3.1.1 A report from the testing service indicating successful completion of the exam.

102.1.3.1.2 The application form required by the Division shall include:

- (a) the applicant's business and home addresses;
- (b) the name and business address of any appraisal entity or government agency with which the applicant is affiliated; and
- (c) the fee for the federal registry if the applicant is applying for certification.

102.1.3.2 A post office box without a street address is unacceptable as a business or home address. The applicant may designate either address to be used as a mailing address.

## **R162-102-2. Status Change.**

### 102.2.1

- (a) A licensed appraiser, certified appraiser, or trainee shall notify the Division within ten business days of any status change, including a change in affiliation. Status changes are effective on the date the properly executed forms and appropriate fees are received by the Division. Notice shall be made in writing on the forms required by the Division.
- (b) A licensed appraiser, certified appraiser, or trainee is not required to report an affiliation that:
  - (i) is created to facilitate a single transaction; and
  - (ii) is not part of an ongoing business association.
- (c) If a deadline for notification falls on a day when the Division is closed, the deadline shall be

extended to the next business day.

102.2.1.1 Change of name requires submission of official documentation such as a marriage or divorce certificate, or driver's license.

102.2.1.2 Change of business, home address or mailing address requires written notification. A post office box without a street address is unacceptable as a business or home address. Any address may be designated as a mailing address.

102.2.2 State-licensed Appraisers, upon meeting the appropriate requirements for certification and upon filing a completed application within six months from their last renewal, will be allowed to transfer to the categories of either Certified Residential or Certified General by paying only a transfer fee.

102.2.2.1 Transfer to a certified category will not change the individual's expiration date.

### **R162-102-3. Renewal.**

102.3.1 At least 30 days before expiration, a renewal notice shall be sent by the Division to the licensed appraiser, certified appraiser, or trainee at the mailing address shown on the Division records. The applicant for renewal shall return the completed renewal notice and the applicable renewal fee to the Division on or before the expiration shown on the notice.

102.3.1.1 The licensed appraiser, certified appraiser, or trainee shall return proof of completion of the following continuing education taken during the preceding two years:

- (a) the 7-hour National USPAP Update Course; and
- (b) 21 additional hours of Division-approved continuing education.

102.3.1.1.4 All appraisers and trainees must take the 7-hour National USPAP Update Course or its equivalent once for each renewal in order to maintain a license, certification, or registration. In order to qualify as continuing education for renewal, the course must have been taken from an instructor or instructors, at least one of whom is a State-Certified Residential or State-Certified General Appraiser and has been certified by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation. Equivalency to the 7-hour National USPAP Update Course will be determined through the Course Approval Program of the Appraiser Qualifications Board (AQB) of the Appraisal Foundation.

102.3.2 If the renewal fee and documentation are not received within the prescribed time period, the license, certification, or registration shall expire.

102.3.2.1 A license, certification, or registration may be renewed for a period of 30 days after the expiration date upon payment of a late fee in addition to the requirements of Section 102.3.1.

102.3.2.2 Reinstatement.

- (a) After the 30-day period described in Subsection 102.3.2.1 and until six months after the expiration date, an individual may reinstate an expired license, certification, or registration by
  - (i) complying with Subsection 102.3.1;
  - (ii) paying a late fee; and
  - (iii) paying a reinstatement fee.
- (b) After the six-month period described in Subsection (a) and until one year after the expiration date, an individual may reinstate an expired license, certification, or registration by
  - (i) complying with Subsection 102.3.1;
  - (ii) paying a late fee;
  - (iii) paying a reinstatement fee; and
  - (iv) completing 24 hours of additional continuing education.
- (c) (i) An individual who does not reinstate an expired license, certification, or registration within 12 months of the expiration date must:
  - (A) reapply with the Division as a new applicant;
  - (B) retake and pass the 15-hour USPAP course; and
  - (C) retake and pass any applicable licensing or certification examination.
- (ii) An individual reapplying under Subsection (i) shall receive credit for previously credited prelicensing education if:
  - (A) it was completed within the five-year period prior to the date of reapplication; and it was either
  - (B) completed after January 1, 2008; or
  - (C) certified by the Division and the AQB prior to January 1, 2008, as approved, qualified prelicensing education.

102.3.3 If the Division has received renewal documents in a timely manner but the information is incomplete, the appraiser or trainee may be extended a 15-day grace period to complete the application.

102.3.4 Renewal while on active military service. An appraiser or trainee who is unable to renew a license or certification because active military service has prevented the completion of the appraiser's or trainee's required continuing education may submit a timely application for renewal that is complete, except for proof of continuing education, and may request that the application for renewal be held in suspense pending the completion of the continuing education requirement.

102.3.4.1 The appraiser or trainee shall have 120 days after completion of active military service to complete the continuing education required for the renewal and submit proof of the continuing education to the Division.

102.3.4.2 An appraiser may not act as an appraiser in Utah after the expiration of the appraiser's current license while the appraiser's application for renewal is held in suspense by the Division pending the completion of military service and the completion of the continuing education required for renewal. The appraiser may not act as an appraiser in Utah until the appraiser submits proof of completion of the required continuing education and the

appraiser's application for renewal is processed by the Division.

#### **R162-102-4. Six-Month Temporary Permits.**

102.4.1 A non-resident of this state may obtain a six-month temporary permit to perform one or more specific appraisal assignments in Utah. In order to qualify for a temporary permit, the specific appraisal assignments must be covered by a contract to provide appraisals. In order to obtain a temporary permit, an applicant must:

102.4.1.1 Submit an application in writing requesting temporary licensure or certification. The application shall include the name of the client, the specific property address(es) to be appraised, the type of property being appraised, and the estimated time to complete the assignment;

102.4.1.2 Answer and submit a "Utah Appraiser Qualifying Questionnaire" in the form designated by the Division;

102.4.1.3 Sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.4.1.4 Pay an application fee in the amount established by the Division; and

102.4.1.5 Provide the starting date of the appraisal assignment for which the temporary permit is being obtained.

102.4.2 A non-resident is limited to two temporary permits per calendar year, each of which may be extended one time for an additional six month period if the assignments have not been completed within the original six-month term of the temporary permit. A temporary permit may be extended by submitting any forms required by the Division.

#### **R162-102-5. Reciprocity.**

102.5.1 An individual who is licensed or certified as an appraiser by another state may be licensed or certified in Utah by reciprocity on the following conditions:

102.5.1.1 The other state must have required the applicant to satisfactorily complete classroom hours of appraisal education approved by that state which are substantially equivalent in number to the hours required for the class of licensure or certification for which he is applying in Utah;

102.5.1.2 The education must have included a course in the Uniform Standards of Professional Appraisal Practice. The course must either be the 15-hour National USPAP Course or its equivalent. Equivalency to the 15-hour National USPAP Course will be determined through the Course Approval Program of the Appraiser Qualifications Board

(AQB) of the Appraisal Foundation;

102.5.1.3 The applicant shall obtain and study the Utah Real Estate Appraiser Licensing and Certification Act and the rules promulgated thereunder and shall sign an attestation that he understands and will abide by them;

102.5.1.4 The applicant shall provide evidence of having passed an examination that has been approved by the AQB for the class of licensure or certification for which he is applying;

102.5.1.5 If the applicant resides outside of the state of Utah, the applicant shall sign an irrevocable consent to service authorizing the Division to receive service of any lawful process on his behalf in any noncriminal proceeding arising out of his practice as an appraiser in this state;

102.5.1.6 The applicant shall provide a complete licensing history sent directly to the Division by his home state and any other state in which he has been licensed, which shall include the applicant's full name, home and business addresses and telephone numbers, the date first licensed, the type or types of licenses or certifications held, the date the current license or certification expires, and a statement concerning whether disciplinary action has ever been taken, or is pending, against the individual;

102.5.1.7 The applicant shall not have been convicted of a criminal offense involving moral turpitude relating to his ability to provide services as an appraiser; and

102.5.1.8 The applicant shall agree, as a condition of licensure or certification, to furnish to the Division upon demand all records requested by the Division relating to the applicant's appraisal practice in Utah. Failure to do so will be considered grounds for revocation of license or certification.

## **RULE 103**

### **Rule R162-103. Appraisal Education Requirements.**

#### **R162-103-1. Definitions.**

103.1.1 For the purposes of this rule, "school" includes: *05/31/1994*

(a) An accredited college, university, junior college or community college; *07/08/1997*

(b) Any state or federal agency or commission; *03/03/1994*

(c) A nationally recognized real estate appraisal or real estate related organization, society, institute, or association; *12/08/2008*

(d) Any school or organization approved by the Board. *12/08/2008*

103.1.2 "School director" means an authorized individual in charge of the educational program at a school. *05/31/1994*

103.2.1 Each school requesting certification shall make application for approval on the form prescribed by the Division, and shall submit the applicable fees. The application shall include, and the Board may consider, the following information in determining the school's eligibility for certification:

103.2.1.1 Name, phone number, and address of the school, school director and all owners of the school.

103.2.1.2 Attestation to upstanding moral character by individuals who are school directors or owners of the school, and whether any individual:

(a) has had an appraiser license or certification, or any other professional license or certification, denied, restricted, suspended, or revoked.

(b) has been permitted to resign or surrender an appraiser license or certification, or any other professional license or certification.

(c) has ever allowed an appraiser license or certification or any other professional license or certification to expire while the individual was under investigation, or while action was pending against the individual by an appraiser licensing or any other agency.

(d) has any action now pending by any appraiser licensing or other agency.

(e) is currently under investigation for, or charged with, or has ever pled guilty or no contest to, been convicted of, or agreed to a plea in abeyance or diversion agreement for a misdemeanor or felony, excluding minor traffic offenses.

(f) has ever been placed on probation in connection with any criminal offense or a licensing action.

103.2.1.3 A description of the type of school and a description of the school's physical facilities. All courses shall be taught in an appropriate classroom facility and not in any private residence, except for courses approved for specific home-study purposes;

103.2.1.4 A copy of the statement which shall be provided for each student outlining the days, times and locations of classes; the number of quizzes and examinations; the grading system, including methods of testing and standards of grading; the requirements for attendance; and the school's refund policy.

103.2.2 A public school may schedule its courses within the criteria of its regular schedule, for example, quarter, semester, or similar schedule. A quarter hour of college credit is the equivalent of 10 classroom hours, and a semester hour of college credit is the equivalent of 15 classroom hours.

103.2.3 Upon approval by the Board, a school shall be issued certification. A school certification shall be issued for a two-year term and expire twenty-four months from the date of issuance. School certifications may be renewed by submitting a properly completed application for renewal prior to the expiration date of the school's current certification, using the form required by the Division, and paying the applicable fee. The term of a renewed school certification shall be twenty-four months. Conditions of certification include the following:

- (a) A school shall teach the approved course of study as outlined in the State Approved Course Outline;
- (b) A school shall require each student to attend the required number of hours and pass a final examination;
- (c) A school shall maintain a record of each student's attendance for a minimum of five years after his enrollment;
- (d) A school shall not make any misrepresentation in its advertising about any course of instruction, and shall be able to provide substantiation of any claim made. All advertising and public notices shall be free of statements or implications which do not enhance the dignity and integrity of the appraisal profession. A school shall refrain from disparaging a competitor's services or methods of operation;
- (e) Within 15 calendar days after the occurrence of any material change in the school which could affect its approval, including the events listed in R162-103.2.1.2, the school shall give the Division written notice of that change; and
- (f) A school shall not attempt by any means to obtain or use the questions on the state licensure or certification exam unless those questions have been dropped from the current exam bank.
- (g) A school shall provide to all students at the time of registration a copy of the qualifying questionnaire the student will be required by the Division to answer as part of the preclicensing or precertification examination.

**R162-103-3. Course Certification.**

103.3.1 Each school requesting approval of a course designed to meet the education requirements of licensure or certification shall make application for approval on a form prescribed by the Division and shall pay the applicable fee. The application shall include, and the Board may consider, the following information in determining eligibility for approval:

- (a) A course outline including a description of the course, the length of time to be spent on each subject area broken into segments of no more than 30 minutes each, and three to five learning objectives for every three hours;
- (b) Indication of any method of instruction other than lecture method including: a slide presentation, CD, DVD, webinar, satellite broadcast, cassette, video tape, movie, or other.
- (c) A copy of the three final examinations of the course and the answer keys which are used to determine if the student has passed the course;
- (d) An explanation of what the school procedure is for maintaining the security of the final exams and the answer keys;
- (e) A list of the titles, authors and publishers of all required textbooks;
- (f) A list of the instructors and evidence of their certification by the Division, and a list of any guest lecturers to be used and evidence of their qualifications as an instructor for a specific course;
- (g) Days, times, and location of classes; and
- (h) A commitment to give no more than eight credit hours per day to any student.

103.3.2 Upon approval by the Board, a course shall be issued certification. All original course certifications and all renewed course certifications shall be issued with an expiration date of twenty-four months after issuance.

103.3.3 Each course of study shall meet the minimum standards set forth in the State Approved Course Outline provided for each approved course and be approved by the AQB Course Approval Program. The school may alter the sequence of presentation of the required topics.

103.3.4 All courses of study shall meet the minimum hourly requirement of that course. A credit hour is defined as 50 minutes of supervised contact by a certified instructor within a 60-minute time period. A 10-minute break shall be given for each 50 minutes in class. Registration or certification credit shall be limited to a maximum of eight credit hours per day. The limitation applies only to the credit a student may receive and is not intended to limit the number of classroom hours offered.

103.3.5 A public school or institution may use any faculty member to teach an approved course provided the individual demonstrates to the satisfaction of the Division and the Board academic training or appraisal experience qualifying the faculty member to teach the course.

103.3.6 Distance education is defined as any educational process based on the geographical separation of instructor and student (e.g., CD ROM, On-line learning, correspondence courses, video conferencing, etc.). Distance education courses must provide interaction between the learner and instructor and must include testing. A distance education course may be acceptable to meet the classroom hour requirement or its equivalent providing each course meets the following conditions:

(a) The course:

(i) (A) has been presented by an accredited college or university which offers distance education programs in other disciplines and where accreditation has been made by the Commission on Colleges or a regional accreditation association; or

(B) has received approval by the International Distance Education Certification Center, also known as IDECC; and

(ii) has been approved under the AQB Course Approval Program.

(b) The learner must successfully complete a written examination personally proctored by an official approved by the presenting entity; and

(c) The course must meet the requirements established by the AQB and be equivalent to the minimum of 15 classroom hours.

103.3.7 A maximum of 10% of the required class time may be spent in testing, including review test and final examination. A student cannot challenge a course or any part of a course of study by taking an exam in lieu of attendance.

103.3.7.1 If a student fails a school final examination, he shall not be allowed to retest for a minimum of three days. The student shall not be allowed to retake the same final exam, but shall be given a new exam with different questions.

103.3.7.2 If the student fails the final exam a second time, the student shall not be allowed to retest for a minimum of two weeks at which time the student shall be given an entirely new exam with completely new questions. If the student fails this third exam, the student shall fail the course.

103.3.8 All texts, workbooks, supplement pamphlets and any other materials shall be appropriate and current in their application to the required course outline.

103.3.9 Within 15 calendar days after the occurrence of any material change in a course which could affect approval, the school shall give the Division written notice of the change.

**R162-103-4. Education Credit for Noncertified Courses.**

103.4.1 Education credit shall be granted towards licensure or certification for an appraisal education course which has been taken and which has not been previously certified in Utah for prelicensing education credit, and has been provided by a school which meets the criteria as outlined in 103.1.

103.4.1.1 The course content shall have met the minimum standards set forth in the Utah State Approved Course Outline and be approved by the AQB Course Approval Program.

103.4.1.2 A course must be at least 15 hours in duration, including the examination. An hour is defined as 50 minutes of supervised contact by a certified instructor within a 60-minute time period.

103.4.1.3 A final examination shall be administered at the end of each course pertinent to that education offering.

103.4.2 Credit shall not be granted for a course taken in which the applicant obtained credit from the course provider by challenge examination without having attended the course.

103.4.3 Credit shall not be given for duplicate or highly comparable classes. Each course must represent a progression in the appraiser's knowledge.

103.4.4 Except as provided in R162-105.3.3, there is no time limit regarding when education credit must have been obtained.

103.4.5 Hourly credit for a course taken from a professional appraisal organization shall be granted based upon the Division approved list which verifies hours for these courses.

103.4.6 Credit shall only be granted for a course that has been successfully completed. Successful completion of a course means that the applicant has attended 100% of the scheduled class hours, has completed all required exercises and assignments, and has achieved a passing score on a course final examination. The final examination shall not be an open book examination.

103.4.7 Submission for Education Approval.

103.4.7.1 Courses that have not been previously certified for prelicensing credit shall be reviewed by the Education Review Committee. It is the responsibility of the applicant to establish that a particular education offering shall qualify to meet the education requirement for licensing or certification.

103.4.7.2 The applicant shall submit on a form provided by the Division a list of the courses that documents the course title, the name of the sponsoring organization, the number of classroom hours, and the date the course was completed.

103.4.7.3 The applicant shall attest on a notarized affidavit that the courses have been completed as documented.

103.4.7.4 The applicant shall support the claim for education credit if requested by the

Division by providing proof of completion of the courses in the form of certificates, transcripts, report cards, letters of verification, or similar proof.

**R162-103-5. Instructor Application for Certification.**

103.5.1 Each instructor requesting approval to be certified as an instructor to teach the education requirements of appraisal licensure or certification shall make application for approval on a form prescribed by the Division and shall submit the applicable fees. The application shall include, and the Board may consider, the following information in determining the instructor's eligibility for approval:

103.5.1.1 Attestation to upstanding moral character, including whether the individual:

(a) has had an appraiser license or certification, or any other professional license or certification, denied, restricted, suspended, or revoked.

(b) has been permitted to resign or surrender an appraiser license or certification, or any other professional license or certification.

(c) has ever allowed an appraiser license or certification or any other professional license or certification to expire while the individual was under investigation, or while action was pending against the individual by an appraiser licensing or any other agency.

(d) has any action now pending by any appraiser licensing or other agency.

(e) is currently under investigation for, or charged with, or has ever pled guilty or no contest to, been convicted of, or agreed to a plea in abeyance or diversion agreement for a misdemeanor or felony, excluding minor traffic offenses.

(f) has ever been placed on probation in connection with any criminal offense or a licensing action.

103.5.2 The instructor shall demonstrate evidence of knowledge of the subject matter by the following:

103.5.2.1 A minimum of five years active experience in appraising, or

103.5.2.2 Evidence of having completed college or other appropriate courses specific to the topic the instructor proposes to teach, or

103.5.2.3 Evidence of other qualifications of experience, education, or credentials which are acceptable to the Board; and

103.5.2.4 Evidence of having passed an examination designed to test knowledge of the subject matter he proposes to teach.

103.5.3 An applicant to teach the course on USPAP shall conform to all of the above criteria and in addition shall have been certified by the AQB as an AQB Certified USPAP instructor.

103.5.4 Upon approval by the Board, an applicant shall be issued certification. Instructor certifications shall be issued for a term that expires twenty-four months from the date of issuance. Conditions of renewal of certification include providing proof of the following:

103.5.4.1 The instructor must have taught at least 20 hours of in-class instruction in a certified course during the preceding two years; and

103.5.4.2 The instructor must have attended a real estate instructor development workshop sponsored or approved by the Division during the preceding two years.

103.5.4.3 Instructor certifications may be renewed by submitting a properly completed

application for renewal prior to the expiration date of the instructor's current certification, using the form required by the Division. Renewed instructor certifications shall be issued for a term of twenty-four months. If the instructor does not submit a properly completed renewal form, renewal fee, and any required documentation prior to the expiration date of the current certification, the certification shall expire. When a certification expires, the certification may be reinstated for a period of thirty days after the expiration date upon payment of a late fee in addition to completing the requirements for a timely renewal. After this thirty day period, and until three months after the expiration date, an instructor certification may be reinstated upon payment of a non-refundable late fee and submission of proof of completion of six classroom hours of education related to real estate appraisal or teaching techniques in addition to completing the requirements for a timely renewal. Following the three month period, an instructor shall be required to apply as an original applicant in order to obtain a new certification.

103.5.5 Within 15 calendar days after the occurrence of any of the events listed in Section 103.5.1, an applicant or instructor shall give written notice to the Division of that event.

#### **R162-103-6. Education Review Committee.**

103.6 A committee may be appointed by the Board to review submissions for education credit for license or certification applicants and also to review submissions for certification of appraiser courses and instructors. *05/03/1999*

103.6.1 The Education Review Committee shall: *05/31/1994*

103.6.1.1 Review all applications for adherence to the education credit required for licensure or certification and make recommendations to the Division and the Board for approval or disapproval of the education claimed. *05/03/1999*

103.6.1.2 Review all submissions requesting certification of appraiser courses and instructors for prelicensing education purposes and make recommendations to the Division and the Board for approval or disapproval. *05/31/1994*

103.6.2 The Committee shall be composed of appraisers from the following categories: residential appraisers; commercial appraisers; farm and ranch appraisers; right-of-way appraisers; and ad valorem appraisers. *05/31/1994*

103.6.2.1 The chairperson of the committee shall be appointed by the Board. *05/31/1994*

103.6.2.2 Meetings may be called upon the request of the chairperson or upon the written request of a quorum of committee members. *05/31/1994*

103.6.3 If the review of an application has been performed by the Education Review Committee, and the Board has denied the application based on insufficient education or an inability to meet the certification of education requirements, the applicant may request that the Board review the

issue again by making a request in writing to the Board within thirty days after the denial stating specific grounds upon which relief is requested. The Board shall thereafter consider the request and issue a written decision. *05/03/1999*

### **R162-103-7. Continuing Education Course Certification.**

103.7 As a condition of renewal, all appraisers shall complete the equivalent of 28 classroom hours of appraisal education during the two-year term preceding renewal. *12/08/2008*

103.7.1 Except as provided in R162-103.7.6, continuing education credit shall be given to students only for courses that are certified by the Division at the time the courses are taught. Course sponsors shall apply for course certification by submitting all forms and fees required by the Division not less than 30 days prior to the course being taught. Applications shall include the following information which shall be used in determining approval:

- (a) name and contact information of the course sponsor and the entity through which the course will be provided;
- (b) a description of the physical facility where the course will be taught;
- (c) the proposed number of credit hours for the course;
- (d)
  - (i) identification of whether the method of instruction will be traditional education or distance education;
  - (ii) if distance education, the course shall meet the requirements for distance learning outlined in R162-103.3.6, except that:
    - (A) testing for continuing education course competency need not be a proctored examination if the course mechanisms require a student to demonstrate mastery and fluency;
    - (B) the course may be approved by the Division, rather than by the AQB Course Approval program; and
    - (C) a course need not be a minimum of 15 classroom hours;
- (e) the title of the course;
- (f) a statement defining how the course will meet the objectives of continuing education by increasing the licensee's knowledge, professionalism, and ability to protect and serve the public;
- (g) a course outline including, for each segment of no more than 15 minutes, a description of the subject matter;
- (h) a minimum of one learning objective for every hour of class time;
- (i) the name and certification number of each certified instructor who will teach the course;
- (j) copies of all materials that will be distributed to the participants;
- (k) the procedure for pre-registration, the tuition or registration fee and a copy of the cancellation and refund policy;
- (l) except for courses approved for distance education, the procedure for taking and maintaining control of attendance during class time, which procedure shall be more extensive than having the student sign a class roll;
- (m) a sample of the completion certificate which shall bear the following information:

- (i) space for the licensee's name, type of license and license number, and date of course;
  - (ii) The name of the course provider, course title, hours of credit, certification number, and certification expiration date; and
  - (iii) Space for signature of the course sponsor and a space for the licensee's signature;
- (n)
- (i) a signed statement agreeing to upload the following, within 10 days after the end of a course offering, to the database specified by the Division:
    - (A) course name;
    - (B) course certificate number assigned by the Division;
    - (C) date the course was taught;
    - (D) number of credit hours; and
    - (E) names and license numbers of all students receiving continuing education credit;
  - (o) a signed statement agreeing not to market personal sales products;
  - (p) a commitment to give no more than eight credit hours per day to any student; and
  - (q) other information the Division may require. *12/08/2008*

103.7.2 Real estate appraisal related field trips are acceptable for continuing education credit; however, transit time to or from the field trip location may not be included when awarding credit if instruction does not occur. *12/08/2008*

103.7.3 Prelicensing education credit awarded to individuals seeking a different classification than that held, can also be used to satisfy a continuing education requirement. *05/03/1999*

103.7.4 Alternative Continuing Education Credit - continuing education credit may be granted for participation, other than as a student, in an appraisal practicum course. *12/08/2008*

103.7.4.1 Up to one-half of an individual's continuing education credit requirement may be granted on a case by case basis for teaching, program development, authorship of textbooks, or similar activities which are determined by the Board to be equivalent to obtaining continuing education.

103.7.4.2 The Education Review Committee shall review claims of equivalent education and also alternative continuing education proposed to be used for continuing education purposes. *12/08/2008*

103.7.4.3 The Board may award continuing education credit to members of the Education Review Committee, the Experience Review Committee, and the Technical Advisory Panel if approved by the Board and offered as a practicum course under R162-103.7.4 or as a course under R162-103.7.4.1 in accordance with AQB standards.

103.7.4.4 The Division may award continuing education credit to Board Members for participation on the Board in accordance with AQB standards. *12/08/2008*

103.7.5 Courses that are approved for continuing education credit for real estate sales agents, real estate brokers, or mortgage officers licensed by the Division are not acceptable for appraiser continuing education credit unless the courses have been previously approved by the Division for appraiser continuing education. *12/08/2008*

103.7.6

- (a) The Division may grant continuing education credit for non-certified courses submitted by a renewal applicant in the form required by the Division if:
  - (i) the course was not required by these rules to be certified and the Division determines that the course meets the continuing education objectives listed in this rule; or
  - (ii) the course was taught outside the state of Utah.
- (b) A licensee shall retain original course completion certificates for three years following renewal and produce those certificates when audited by the Division. *12/08/2008*

103.7.7 The Division may only certify course topics approved as continuing education topics by the AQB. *12/08/2008*

103.7.8

- (a) A course sponsor is not responsible for uploading information for students who fail to provide an accurate name or license number registered with the Division. *12/08/2008*
- (b) Continuing education credit shall not be given to any student who fails to provide to a course sponsor an accurate name or license number registered with the Division within 7 days of attending the course *12/08/2008*

103.7.9 A course sponsor shall upon completion of a course offering, provide a certificate of completion, in the form required by the Division, to those students who attend 100% of the required class time.

103.7.10 Except for distance education courses, a course may only be approved if taught in an appropriate classroom facility and not in a private residence *12/08/2008*

1

03.7.11 (a) For purposes of this rule, a credit hour is defined as 50 minutes within a 60 minute segment. A course may not be approved for fewer than two credit hours. *12/08/2008*

### **R162-103-8. Administrative Proceedings.**

The Division may deny certification or renewal of certification to any course, school or instructor that does not meet the standards required by this chapter. *03/03/1994*

### **R162-103-9. Continuing Education Instructor Certification.**

103.9.1

- (a) Except for courses exempted from certification under R162-103.7.6, continuing education credit shall be given to students only for courses that are taught by an instructor who is certified by the Division at the time the courses are taught.
- (b) Applicants for instructor certification shall submit all forms and fees required by the Division not less than 30 days prior to the course being taught.
- (c) Applications shall include at a minimum the following information:
  - (i) name and contact information of the applicant;
  - (ii) Evidence of graduation from high school or its equivalent;
  - (iii) evidence of any combination of at least three years of full time experience or college-level education related to the course subject;
  - (iv) evidence of at least twelve months of full time teaching experience or an equivalent number of months of part time teaching experience, or attendance at the Division's Instructor Development Workshop;
  - (v) a signed statement agreeing to allow the instructor's courses to be randomly audited on an unannounced basis by the Division or its representative;
  - (vi) a signed statement agreeing not to market personal sales products; and
  - (vii) any other information the Division may require. *12/08/2008*

103.9.2 The Division shall certify instructors based on the applicant's honesty, integrity, truthfulness, reputation, and competency. *12/08/2008*

103.9.3 Instructor certifications are valid for two years. A certification may be renewed by submitting all forms and fees required by the Division prior to the expiration date of the current certification. *12/08/2008*

103.9.4 Certifications not properly renewed shall expire on the expiration date. *12/08/2008*

103.9.4.1 A certification may be reinstated for a period of thirty days after expiration by complying with all requirements for a timely renewal and paying a non-refundable late fee.

103.9.4.2 A certification may be reinstated after thirty days and within six months after expiration by complying with all requirements for a timely renewal and paying a nonrefundable reinstatement fee.

103.9.4.3 A certification that has been expired for more than six months may not be reinstated and an applicant must apply for a new certification following the same procedure as an original certification. *12/08/2008*

103.9.5 To renew an instructor certification, an instructor must have taught a minimum of 12 continuing education credit hours during the previous renewal period. *12/08/2008*

103.9.5.1 If the instructor has not taught a minimum of 12 hours during the previous renewal period, written explanation outlining the reason for not meeting the requirement

and satisfactory documentation of the applicant's present level of expertise shall be provided to the Division. *12/08/2008*

### **R162-103-10. Marketing of Continuing Education Courses.**

103.10.1 A course sponsor may not advertise or market a continuing education course where Division continuing education course credit will be offered or provided to a licensed attendee unless the course:

- (a) is approved and has been issued a current continuing education course certification number by the Division; and
- (b) is advertised with the continuing education course certification number issued by the Division displayed in all advertising materials.

103.10.2 A course sponsor may not advertise, market, or promote a continuing education course with language which indicates Division continuing education course approval is "pending" or otherwise forthcoming. *12/08/2008*

### **R162-104. Experience Requirement.**

#### **R162-104-1. Measuring Experience.**

104.1.1 Except for those applicants who qualify under Section 104-14, appraisal experience shall be measured in hours according to the Appraisal Experience Hours Schedule in Section R162-104-15 of this rule. *01/27/2010*

104.1.1.1 Experience for state-licensed applicants shall have been accrued in no fewer than 12 months. Experience for the certified residential applicants shall have been accrued in no fewer than 24 months, as required by the AQB. Experience for the certified general applicants shall have been accrued in no fewer than 30 months, as required by the AQB. *11/26/2003*

104.1.1.2 Applicants shall submit proof of experience as follows:

- (a) State-licensed appraiser: at least 2,000 hours of appraisal experience.
- (b) Certified residential appraiser: 500 hours accrued after state-licensed status was obtained, for a minimum of 2,500 hours of appraisal experience.
- (c) Certified general appraiser: 1,000 hours accrued after state-licensed status was obtained, for a minimum of 3,000 hours of appraisal experience. *01/27/2010*

#### **R162-104-2. Maximum Hours Per Year.**

104.2 An applicant may not accrue more than 2,000 experience hours in any 12-month period. *01/27/2010*

#### **R162-104-3. Time Allowed for Meeting Experience Requirement.**

104.3 Credit will be given for appraisal experience earned only within five years immediately preceding the licensure or certification application. *05/03/1999*

**R162-104-4. Proof of Experience.**

104.4 The Division shall require the applicant to substantiate the experience claimed using the form required by the Division. *05/29/2007*

**R162-104-5. Compliance with USPAP and Licensing Requirements; Local Experience Requirement.**

104.5 No experience credit will be given for appraisals which were performed in violation of Utah law, the law of another jurisdiction, or the administrative rules adopted by the Division and the Board. *05/29/2007*

104.5.1 No experience credit will be given for appraisals unless the appraisals were done in compliance with USPAP. *05/16/1997*

104.5.2 In order to qualify as experience credit toward certification, the additional hours for certification required by Subsection R162-104.1.1.2 must have been accrued while the applicant was licensed as an appraiser in Utah, or in another state if licensure was required in that state, at the time the appraisal was performed. *01/27/2010*

104.5.3 Except for experience hours claimed under Subsection R162-104.15.3, appraisals where only an exterior inspection of the subject property is performed shall be granted 25% of the credit awarded an appraisal which includes an interior inspection of the subject property. Not more than 25% of the total experience required for licensure or certification may be earned from appraisals where the interior of the subject property is not inspected. *01/27/2010*

104.5.4 At least 50% of the appraisals submitted for experience credit shall be appraisals of properties located in Utah. *09/27/2007*

**R162-104-6. State-Licensed and State-Certified Applicants.**

104.6.1 Except for those applicants who qualify under Section R162-104-14, applicants applying for licensure as State-Licensed Appraisers shall be awarded hours from the Hours Schedules in Section R162-104-15 for their experience prior to licensure only if the experience claimed was gained in compliance with Subsection R162-105-3. *01/27/2010*

104.6.2 Applicants applying for certification as State-Certified Residential Appraisers must document at least 75% of the hours submitted from the Residential Experience Hours Schedule or the residential portion of the Mass Appraisal Hours Schedule. No more than 25% of the total hours submitted may be from the General Experience Hours Schedule or from assignments listed on the Mass Appraisal Hours Schedule other than 1 to 4 unit residential properties. *01/27/2010*

104.6.3 Applicants applying for certification as State-Certified General Appraisers may claim hours for experience from any of the Hours Schedules in Section R162-104-15, so long as at least 50% of the total hours has been earned from the General Experience Hours Schedule or from assignments listed on the Mass Appraisal Hours Schedule other than 1 to 4 unit residential properties. *01/27/2010*

#### **R162-104-7. Review or Supervision of Appraisals.**

104.7 Review appraisals will be awarded experience credit when the appraiser has performed technical reviews of appraisals prepared by either employees, associates or others, provided the appraiser complied with Uniform Standards of Professional Appraisal Practice Standards Rule 3 when the appraiser was required to comply with the rule. The following hours shall be awarded for review or supervision of appraisals: *01/27/2010*

104.7.1 Review of an appraisal which includes verification of the data, but which does not include a physical inspection of the property, commonly known as a desk review, shall be worth 30% of the hours awarded to the appraisal if a separate written review appraisal report is prepared. Except as provided in Subsection R162-104.7.5, a maximum of 500 hours may be earned by desk review of appraisals. *01/27/2010*

104.7.2 Review of appraisals which includes a physical inspection of the property and verification of the data, commonly known as a field review, shall be worth 50% of the hours awarded to the appraisal if a separate written review appraisal report is prepared. Except as provided in Subsection R162-104.7.5, a maximum of 500 hours may be earned by field review of appraisals. *01/27/2010*

104.7.3 Supervision of appraisers shall be worth 20% of the hours awarded to the appraisal. A maximum of 500 hours may be earned by supervision of appraisers. *01/27/2010*

104.7.4 Except as provided in Subsection R162-104.7.5, not more than 50% of the total experience required for certification may be granted under Subsections R162-104.7.1 through R162-104.7.3 and R162-104.9.1 and R162-104.9.3 combined. *05/29/2007*

104.7.5 Applicants whose experience was earned through review of appraisals with no opinion of value developed as part of the review performed in conjunction with investigation by government agencies are not subject to the hour limitations in Subsection R162-104.7.1, R162-104.7.2, and R162-104.7.4. *01/27/2010*

#### **R162-104-8. Condemnation Appraisals.**

104.8 Condemnation appraisals shall be worth an additional 50% of the hours normally awarded for the appraisal if the condemnation appraisal included a before and after appraisal because of a partial taking of the property. *01/27/2010*

#### **R162-104-9. Preliminary Valuation Estimates, Comparative Market Analysis, Real Estate Consulting Services, and Other Real Estate Experience.**

104.9.1 Preliminary valuation estimates, range of value estimates or similar studies, and other real estate related experience gained by bankers, builders, city planners and managers, or other individuals may be granted credit for up to 50% of the experience required for certification in accordance with Section R162-104-14, so long as the experience demonstrates to the Board that the applicant has the ability to arrive at a fair market value of property and to properly document value conclusions. *05/29/2007*

104.9.2 Comparative market analysis by real estate licensees may be granted up to 100% experience credit toward certification in accordance with Section R162-104-14, when the analysis is prepared in conformity with USPAP Standards Rules 1 and 2 and the individual can demonstrate to the Board that he is using similar techniques as appraisers to value properties and effectively utilize the appraisal process. *05/29/2007*

104.9.3 Appraisal analysis, real estate counseling or consulting services, and feasibility analysis/study will be awarded experience credit in accordance with Section R162-104-14 for up to 50% of the experience required toward certification so long as the services were performed in accordance with USPAP Standards Rules 4 and 5. *05/29/2007*

104.9.4 Not more than 50% of the total experience required for certification may be granted under Subsections R162-104.9.1 and R162-104.9.3 and R162-104.7.1 through R162-104.7.3 combined. *05/29/2007*

#### **R162-104-10. Experience Participation.**

104.10 An applicant for certification must be able to prove more than 50% participation in the data collection, verification of data, reconciliation, analysis, identification of property and property interests, compliance with USPAP standards, and preparation and development of the appraisal report in order to count the appraisal for experience credit. With the exception of experience claimed under Subsection R162-104.15.3, experience credit will be granted to only one licensed appraiser per completed appraisal even though more than one may have participated in the development of the appraisal. *05/29/2007*

#### **R162-104-11. Unacceptable Experience.**

104.11 An applicant will not receive hours toward satisfying the experience requirement for licensure or certification for performing the following: *01/27/2010*

- (a) Appraisals of the value of a business as distinguished from the appraisal of commercial real estate; or *03/04/1991*
- (b) Personal property appraisals. *06/15/1993*

#### **R162-104-12. Verification of Experience.**

104.12 The Board, at its discretion, may verify the claimed experience by any of the following methods: verification with the clients; submission of selected reports to the Board; and field

inspection of reports identified by the applicant at the applicant's office during normal business hours. *11/01/1996*

**R162-104-13. Experience Review Committee.**

104.13 There may be a committee appointed by the Board to review the experience claimed by applicants for licensure or certification. *05/03/1999*

104.13.1 The Committee shall:

- 104.13.1.1 Review all applications for adherence to the experience required for licensure or certification; *05/03/1999*
- 104.13.1.2 Correspond with applicants concerning submissions, if necessary; and *3/4/91*
- 104.13.1.3 Make recommendations to the Division and the Board for licensure or certification approval or disapproval. *05/03/1999*

104.13.2 Committee composition. The Committee shall be composed of appraisers from the following categories: residential appraisers; commercial appraisers; farm and ranch appraisers; right-of-way appraisers; and mass appraisers. *05/29/2007*

- 104.13.2.1 The chairperson of the committee shall be appointed by the Board. *05/15/1991*
- 104.13.2.2 Meetings may be called upon the request of the chairperson or upon the written request of a quorum of committee members. *05/015/1991*

104.13.3 New Review. If the review of an application has been performed by the Experience Review Committee, and the Board has denied the application based on insufficient experience, the applicant may request that the Board review the issue again by making a written request within thirty days after the denial stating specific grounds upon which relief is requested. The Board shall thereafter consider the request and issue a written decision. *05/03/1999*

**R162-104-14. Special Circumstances.**

104.14 Applicants having experience in categories other than those shown on the Appraisal Experience Hours Schedules and applicants who believe the Experience Hours Schedules do not adequately reflect their experience or the complexity or time spent on an appraisal may petition the Board on an individual basis for evaluation and approval of their experience as being substantially equivalent to that required for licensure or certification. Upon a finding that an applicant's experience is substantially equivalent to that required for licensure or certification, the Board may accept the alternate experience and award the applicant an appropriate number of hours for the alternate experience.

104.14.1 Fulltime elected county assessors and any person performing an appraisal for the purposes

of establishing the fair market value of real estate for the assessment roll are not subject to the scope of authority limitations in Subsection R162-105.3.

104.14.2

- (a) If an applicant's education was approved prior to January 1, 2008, and his or her experience was approved prior to January 1, 2011 (under a system referred to by the division and industry as a segmented application), but the applicant did not pass the applicable examination required for licensure or certification by December 31, 2010, the applicant shall, by December 31, 2011:
  - (i) complete all additional education as required under the AQB standards;
  - (ii) pass the required examination applicable to the license or certification sought by the individual; and
  - (iii) submit a complete application to the division.
- (b) An applicant who fails to comply with the December 31, 2011 deadline established in Subsection (a) shall:
  - (i) complete all additional education as required under the AQB standards;
  - (ii) pass the required examination applicable to the license or certification sought by the individual;
  - (iii) submit recent appraisals that meet the requirements of all applicable statutes and rules for review by the experience review committee; and
  - (iv) submit a complete application to the division according to deadlines established in Subsection R162-102.1.3.1.

**R162-104-15. Appraisal Experience Hours Schedule.**

104.15.1 Residential Experience Hours Schedule. The following hours shall be awarded to form appraisals. Fifteen hours may be added to the hours shown if the appraisal was a narrative appraisal instead of a form appraisal. *12/15/1993*

TABLE 1 *01/27/2010*

(a) One-unit dwelling, above-grade living area less than 4,000 square feet, including a site	5 hours
(1) One-unit dwelling, above-grade living area 4,000 square feet or more, including a site	7.5 hours
(b) Multiple one-unit dwellings in the same subdivision or condominium project which are substantially similar	
(1) 1-25 dwellings	5 hours per dwelling up to a maximum of 30 hours
(2) Over 25 dwellings	A total of 50 hours
(c) Two to four-unit dwelling	20 hours
(d) Employee Relocation Counsel reports completed on currently accepted Employee Relocation Counsel form	10 hours

(e) Residential lot, 1-4 unit	5 hours
(f) Multiple lots in the same subdivision which are substantially similar	
(1) 1-25 lots	5 hours per lot up to a maximum of 30 hours
(2) Over 25 lots	A total of 50 hours
(g) Small parcel up to 5 acres	5 hours
(h) Vacant land, 20-500 acres	20-40 hours, as determined by the Board
(i) Recreational, farm, or timber acreage suitable for a house site, up to 10 acres	10 hours
Over 10 acres	15 hours
(j) All other unusual structures or acreages, which are much larger or more complex than typical properties	5-35 hours as determined by the Board
(k) Review of residential appraisals with no opinion of value developed as part of the review performed in conjunction with investigations by government agencies	10-50 hours

104.15.1.1 Government Agency Experience. Applicants whose experience was earned primarily through review of residential appraisals with no opinion of value developed as part of the review that were performed in conjunction with investigations by government agencies will be required to submit proof of having performed at least the following number of one-unit dwelling appraisals conforming USPAP Standards 1 and 2: 05/29/2007

104.15.1.1.1 Applicants for State-Licensed Appraiser: five. 05/29/2007

104.15.1.1.2 Applicants for State-Certified Residential Appraiser: eight.  
05/29/2007

104.15.1.2 A maximum of 250 experience hours may be earned from appraisal of vacant land. 01/27/2010

104.15.2 General Experience Hours Schedule. All appraisal reports claimed in the following areas must be narrative appraisal reports unless specified otherwise. Experience hours listed in Table 2 may be increased by 50% for unique and complex properties if the applicant notes the number of extra hours claimed on the Appraiser Experience Log submitted by the applicant and maintains in the workfile for the appraisal an explanation about why the extra hours are claimed. 01/27/2010

TABLE 2 01/27/2010

(a) Apartment buildings, 5-100 units	40 hours
Over 100 units	50 hours
(b) Hotel or motels, 50 units or fewer	30 hours
51-150 units	40 hours
Over 150 units	50 hours
(c) Nursing home, rest home, care facilities,	

Fewer than 80 beds	40 hours	
Over 80 beds	50 hours	
(d) Industrial or warehouse building, Fewer than 20,000 square feet	30 hours	
Over 20,000 square feet, single tenant	40 hours	
Over 20,000 square feet, multiple tenants	50 hours	
(e) Office buildings		
Fewer than 10,000 square feet	30 hours	
Over 10,000 square feet, single tenant	40 hours	
Over 10,000 square feet, multiple tenants	50 hours	
(f) Entire condominium projects, using income approach to value		
5- to 30-unit project	30 hours	
31- or more-unit project	50 hours	
(g) Retail buildings		
Fewer than 10,000 square feet	30 hours	
More than 10,000 square feet, single tenant	40 hours	
More than 10,000 square feet, multiple tenants	50 hours	
(h) Commercial, multi-unit, industrial, or other nonresidential use acreage		
1 to 99 acres	20-40 hours	
100 acres or more, income approach to value	50-60 hours	
(i) All other unusual structures or assignments which are much larger or more complex than the properties described in (a) to (h) herein.	5 to 100 hours as determined by Board	
(j) Entire Subdivisions or Planned Unit Developments (PUDs)		
1- to 25-unit subdivision or PUD	30 hours	
Over 25-unit subdivision or PUD	50 hours	
(k) Feasibility or market analysis, maximum 500 hours	5 to 100 hours as determined by Board	
Farm and Ranch appraisals	Form	Narrative
(l) Separate grazing privileges or permits	20 hrs.	25 hrs.
(m) Irrigated cropland, pasture other than rangeland, 1 to 10 acres	10 hrs.	15 hrs.
11-50 acres	12.5 hrs.	20 hrs.
51-200 acres	15 hrs.	25 hrs.
201-1000 acres	25 hrs.	40 hrs.
More than 1000 acres	40 hrs.	50 hrs.
(n) Dry farm, 1 to 1000 acres	15 hrs.	25 hrs.
More than 1000 acres	20 hrs.	40 hrs.
(o) Improvements on properties other than a rural residence, maximum 10 hours:		
Dwelling	5 hrs.	5 hrs.
Sheds	2.5 hrs.	2.5 hrs.
(p) Cattle ranches		
0-200 head	15 hrs.	20 hrs.
201-500 head	25 hrs.	30 hrs.
501-1000 head	30 hrs.	40 hrs.
More than 1000 head	40 hrs.	50 hrs.
(q) Sheep ranches		
0-2000 head	25 hrs.	30 hrs.
More than 2000 head	35 hrs.	45 hrs.
(r) Dairies, includes all improvements		

except a dwelling		
1-100 head	20 hrs.	25 hrs.
101-300 head	25 hrs.	30 hrs.
More than 300 head	30 hrs.	35 hrs.
(s) Orchards		
5-50 acres	30 hrs.	40 hrs.
More than 50 acres	40 hrs.	50 hrs.
(t) Rangeland/timber		
0-640 acres	20 hrs.	25 hrs.
More than 640 acres	30 hrs.	35 hrs.
(u) Poultry		
0-100,000 birds	30 hrs.	40 hrs.
More than 100,000 birds	40 hrs.	50 hrs.
(v) Mink		
0-5000 cages	30 hrs.	35 hrs.
More than 5000 cages	40 hrs.	50 hrs.
(w) Fish farms	40 hrs.	50 hrs.
(x) Hog farms	40 hrs.	50 hrs.
(y) Review of Table 2 appraisals with no opinion of value developed as part of the review performed in conjunction with investigations by government agencies		20-100 hours

104.15.2.1 Government Agency Experience. Applicants for certification as a State-Certified General Appraiser whose experience was earned primarily through review of appraisals that are listed on Table 2 with no opinion developed as part of the review that were performed in conjunction with investigations by government agencies will be required to submit proof of having performed at least eight Table 2 appraisals conforming to USPAP Standards 1 and 2. *05/29/2007*

104.15.2.2 Appraisals on commercial or multi-unit form reports shall be worth 75% of the hours normally awarded for the appraisal. *01/27/2010*

### 104.15.3 Mass Appraisal Experience Hours Schedule. *01/27/2010*

TABLE 3 *01/27/2010*

(a) One-unit dwelling, above-grade living area less than 4,000 square feet	
(1) Exterior inspection, highest and best use analysis, data collection only	.5 hours
(2) Interior and exterior inspection, highest and best use analysis, data collection only	1 hour
(3) Inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	3.75 hours
(b) One-unit dwelling, above-grade living area 4,000 square feet or more	
(1) Exterior inspection, highest and best use analysis, data collection only	.75 hours
(2) Interior and exterior inspection, highest and best use analysis, data collection only	1.5 hours
(3) Inspection, highest and best use analysis, data collection, valuation	

analysis, conclusion, report	5 hours
(c) Two to four unit dwelling	
(1) Exterior inspection, highest and best use analysis, data collection only	1.5 hours
(2) Interior and exterior inspection, highest and best use analysis, data collection only	3 hours
(3) Inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	15 hours
(d) Commercial and industrial buildings, depending on complexity	
(1) Exterior inspection, highest and best use analysis, data collection only	1 to 5 hours
(2) Interior and exterior inspection, highest and best use analysis, data collection only	2 to 10 hours
(3) Inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	3 to 37.5 hours
(e) Agricultural and other improvements, depending on complexity	
(1) Exterior inspection, highest and best use analysis, data collection only	.5 to 2.5 hours
(2) Interior and exterior inspection, highest and best use analysis, data collection only	1 to 5 hours
(3) Inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	3.75 to 20 hours
(f) Vacant land, depending on complexity	
(1) Inspection, highest and best use analysis, data collection only	.5 to 2.5 hours
(2) Inspection, highest and best use analysis, data collection, valuation analysis, conclusion, report	2.5 to 25 hours
(3) Land segregation (division) analysis and processing, no field inspection	.25 hours
(4) Land segregation (division) analysis and processing, field inspection	.5 hours
(g) Data input and review for experience hours claimed under Subsections R162-104-15.3(a) through (f)	.25 hours
(h) Land valuation guideline	
(1) 25 or fewer parcels	10 hours
(2) 26 to 500 parcels	30 hours
(3) Over 500 parcels	25 additional hours for each 500 parcels, up to a maximum of 125 hours
(i) Assessment/sales ratio study, data collection, verification, sample inspection, analysis, conclusion, and implementation	
(1) Base study of 100 reviewed sales	125 hours
(2) Additional increments of 100	

sales	Add 25 hours for each 100 additional sales, up to a maximum of 375 hours
(j) Multiple Regression Model, Development and Implementation	
(1) Less than 5,000 parcels	100 hours
(2) Additional increments of 500 parcels	Add 5 hours for each additional 500 parcels, up to a maximum of 375 hours
(k) Depreciation study and analysis	100 hours
(l) Reviews of "Land Value in Use" in accordance with U.C.A. Section 59-2-505	
(1) Office review only	.25 hours
(2) Field review	.5 hours
(m) Natural Resource Properties, depending on complexity	
(1) Sand and Gravel, per site	7.5 to 20 hours
(2) Mine	7.5 to 110 hours
(3) Oil and Gas, per site	1.65 to 50 hours
(n) Pipelines and gas distribution properties, depending on complexity	10 to 40 hours
(o) Telephone and electric properties, depending on complexity	5 to 80 hours
(p) Airline and railroad properties, depending on complexity	10 to 80 hours
(q) Appraisal review/audit, depending on complexity	2.5 to 125 hours
(r) Capitalization rate study	80 hours

104.15.3.1 Single-property appraisals performed under USPAP Standards 1 and 2 by mass appraisers will receive the same number of hours shown in Tables 1 and 2. *01/27/2010*

104.15.3.2 Review and supervision of appraisals by mass appraisers will receive hours in accordance with Subsection R162-104.7. *01/27/2010*

104.15.3.3 Mass appraisers and mass appraisal trainees who perform 60% or more of the appraisal work will receive 100% of the hours shown on Table 3. Mass appraisers and mass appraisal trainees who perform between 25% and 59% of the appraisal work will receive 50% of the hours shown on Table 3. Mass appraisers and mass appraisal trainees who perform less than 25% of the appraisal work will receive no credit for the appraisal assignment. *01/27/2010*

104.15.3.4 Applicants for State-Licensed Appraiser whose experience was earned primarily through mass appraisal will be required to submit proof of having performed at least five appraisals conforming to USPAP Standards 1 and 2. Applicants for certification as a State-

Certified Residential Appraiser whose experience was earned primarily through mass appraisal will be required to submit proof of having performed at least eight one-unit residential appraisals conforming to USPAP Standards 1 and 2. Applicants for certification as a State-Certified General Appraiser whose experience was earned primarily through mass appraisal will be required to submit proof of having performed at least eight Table 2 appraisals conforming to USPAP Standards 1 and 2. *05/29/2007*

104.15.3.5 No more than 60% of the total hours submitted for licensure or certification may have been earned from Subsections R162-104.15.3(a)(1) and (2), R162-104.15.3(b)(1) and (2), R162-104.15.3(c)(1) and (2), R162-104.15.3(d)(1) and (2), R162-104.15.3(e)(1) and (2), and R162-104.15.3(f)(1) combined. *01/27/2010*

104.15.3.6 No more than 25% of the total hours submitted for licensure or certification may have been earned from Subsections R162-104.15.3(f)(3) and (4) combined. *01/27/2010*

104.15.3.7 No more than 20% of the total hours submitted for licensure or certification may have been earned from Subsection R162-104.15.3(g). *01/27/2010*

104.15.3.8 Mass appraisal of property with a personal property component of less than 50% of value will be allowed the full experience hours shown on Table 3 for the category of property appraised. Mass appraisal of property with a personal property component of 50% to 85% of value will be allowed 50% of the experience hours shown on Table 3 for the category of property appraised. Mass appraisal of property with a personal property component greater than 85% will be awarded no experience hours. *01/27/2010*

## **R162-105. Scope of Authority.**

### **R162-105-1. Scope of Authority.**

105.1 Transaction value. "Transaction value" means: *05/03/1999*

105.1.1 For loans or other extensions of credit, the amount of the loan or extension of credit; *05/03/1999*

105.1.2 For sales, leases, purchases, and investments in or exchanges of real property, the market value of the real property interest involved; and *05/03/1999*

105.1.3 For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property. *05/03/1999*

### **105.2 State-Licensed Appraisers.**

In federally-related transactions, the Utah Real Estate Appraiser Licensing Act and the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and related federal regulations allow

State-Licensed Appraisers to perform the appraisal of non-complex one to four residential units having a transaction value of less than \$1,000,000 and complex one to four residential units having a transaction value of less than \$250,000. *04/23/2003*

105.2.1 Subject to the transaction value limits in Section 105.2, State-Licensed Appraisers may also perform appraisals in federally-related transactions of vacant or unimproved land that is utilized for one to four family purposes, or for which the highest and best use is 1-4 family purposes, so long as net income capitalization analysis is not required by the terms of the assignment. *05/03/1999*

105.2.2 State-Licensed Appraisers may not perform appraisals of subdivisions in federally-related transactions for which a development analysis/appraisal is necessary or for which discounted cash flow analysis is required by the terms of the assignment. *05/03/1999*

### **105.3 Trainees.** *09/10/2004*

105.3.1 For the purposes of these rules, "trainee" means a person who is working under the direct supervision of a State-Certified Appraiser to earn hours for licensure. *01/27/2010*

105.3.2 Appraisal-related duties by unlicensed persons. Unlicensed persons who have not qualified as trainees as provided in Subsection 110 may perform only clerical duties in connection with an appraisal. For the purposes of this rule, appraisal-related clerical duties include typing an appraiser's research notes or an appraiser's report, taking photographs of properties, and obtaining copies of public records. Only those persons who have properly qualified as trainees as provided in Subsection 110 may perform the following appraisal-related duties: participating in property inspections, measuring or assisting in the measurement of properties, performing appraisal-related calculations, participating in the selection of comparables for an appraisal assignment, making adjustments to comparables, and drafting or assisting in the drafting of an appraisal report. The supervising appraiser shall be responsible to determine the point at which a trainee is competent to participate in each of these activities. *01/27/2010*

105.3.2.1 A trainee may not solicit an assignment or accept an assignment on behalf of anyone other than the trainee's supervisor or the supervisor's appraisal firm. All engagement letters shall be addressed to the supervisor or the supervisor's appraisal firm, not to the trainee. In all appraisal assignments, the supervisor shall delegate only such duties as are appropriate to the trainee and shall directly supervise the trainee in the performance of those duties. *09/29/2005*

105.3.4 Supervising Appraisers. A trainee may have more than one state-certified supervising appraiser. A supervising an appraiser may supervise a maximum of 3 trainees at one time. *01/27/2010*

105.3.5 Residential Property Inspections. A trainee, including a trainee who was previously a state-registered appraiser, shall be accompanied by a supervising State-Certified Appraiser on all inspections of residential property until the trainee has performed 100 inspections of residential properties in which both the interior and the exterior of the properties are inspected. All reports in appraisals in which a trainee participated in the inspection of the subject property shall comply with

the requirements of Section 106.9. *04/21/2009*

105.3.6 Non-Residential Property Inspections. A trainee, including a trainee who was previously a state-registered appraiser, shall be accompanied by a supervising State-Certified General Appraiser on all inspections of non-residential property until the trainee has performed 20 inspections of non-residential properties in which both the interior and the exterior of the properties are inspected. All reports in appraisals in which a trainee participated in the inspection of the subject property shall comply with the requirements of Section 106.9. *09/29/2005*

105.3.7 Hours for Licensure. A trainee may accumulate experience hours for each duty listed below with the respective percentages, not to exceed the maximum number of hours awarded by the Appraisal Experience Hour Schedule under Sections 104-15.1, 104-15.2, and 104.15.3. No more than one-third of the experience hours submitted toward licensure may come from any one of the following categories:

- (a) participation in highest and best use analysis - 10% of total hours;
- (b) participation in neighborhood description and analysis - 10% of total hours;
- (c) as provided in Sections 105.3.5 and 105.3.6, inspecting the interior and exterior, including measurement of the exterior of a property that is the subject of an appraisal and inspection of the exterior of a property that may be used as a comparable in an appraisal. No hours will be granted for inspections that do not include both an interior and exterior inspection of the subject property - 20% of total hours;
- (d) participation in land value estimate - 20% of total hours;
- (e) participation in sales comparison property selection and analysis - 30% of total hours;
- (f) participation in cost analysis - 20% of total hours;
- (g) participation in income analysis - 30% of total hours;
- (h) participation in the final reconciliation of value - 10% of total hours;
- (i) participation in report preparation - 20% of total hours. *01/27/2010*

105.3.8 Credit will be given for appraisal experience earned only within five years immediately preceding the licensure or certification application. *04/21/2009*

105.3.9 All trainees are prohibited from signing an appraisal report or discussing an appraisal assignment with anyone other than the appraiser responsible for the assignment, state enforcement agencies and such third parties as may be authorized by due process of law, or a duly authorized professional peer review committee. *09/10/2004*

105.3.10 A state-certified appraiser who supervises a trainee shall be responsible for the training and direct supervision of the trainee. *04/21/2009*

105.3.10.1 Direct supervision shall consist of critical observation and direction of all aspects of the appraisal process and accepting full responsibility for the appraisal and the contents of the appraisal report. The supervising appraiser shall be responsible to personally inspect each residential property that is appraised with a trainee until the trainee has performed 100 residential inspections as provided in Subsection 105.3.5 and

20 non-residential inspections as provided in Subsection 105.3.6. The supervising appraiser shall actively supervise those inspections and the resulting appraisals. In addition, the supervising appraiser shall personally inspect all property when the appraisal report scope of work or certification requires appraiser inspection. *07/27/2010*

105.3.11 A supervising appraiser shall require the trainee to maintain a log in a form satisfactory to the Board which shall contain, at a minimum, the following information for each appraisal. *01/27/2010*

- (a) file number;
- (b) report date;
- (c) subject address;
- (d) client name;
- (e) type of property;
- (f) report form number or type; and
- (g) number of work hours.

105.3.12 The trainee shall maintain a separate appraisal log for each supervising appraiser. *09/10/2004*

**105.4. Trainee Status after Revocation, Surrender, Denial, or Suspension of License or Certification.** *06/28/2006*

105.4.1 Trainee Status after Revocation or Surrender of License or Certification. Unless otherwise ordered by the Board, an appraiser whose appraiser certification or license has been revoked by the Board, or who has surrendered a certification or license as a result of an investigation by the Division, may not serve as a trainee for a period of four years after the date of the revocation or surrender, nor may a licensed or certified appraiser employ or supervise the former appraiser in the performance of the activities permitted trainees for that same period of time. *10/25/2006*

105.4.2 Trainee Status while License or Certification is Suspended. Unless otherwise ordered by the Board, any appraiser whose appraiser license or certificate has been suspended by the Board as a result of an investigation by the Division may not serve as a trainee during the period of suspension, While an appraiser is suspended, a licensed or certified appraiser may not employ or supervise the suspended appraiser in the performance of the activities permitted trainees. *06/28/2006*

**R162-106. Professional Conduct.**

**R162-106-1. Uniform Standards.**

(1) Unless exempted in Subsection 2, all appraisers and appraiser trainees must comply with the current edition of the Uniform Standards of Professional Appraisal Practice (USPAP). All persons licensed or certified under this chapter must also observe the Advisory Opinions of USPAP. *02/03/2010*

(2) An individual is exempt from complying with all provisions of USPAP when acting in an official

capacity as:

- (a) a Division staff member or employee;
- (b) a member of the experience review committee as appointed and approved by the Board;
- (c) a member of the technical review panel as appointed and approved by the Board;
- (d) a hearing officer;
- (e) a member of a county board of equalization;
- (f) an administrative law judge;
- (g) a member of the Utah State Tax Commission; or
- (h) a member of the Board. *02/03/2010*

### **R162-106-2. Use of Terms.**

106.2. The terms "State-Certified Residential Appraiser," "State-Certified General Appraiser," and State- Licensed Appraiser shall not be abbreviated or reduced to a letter or group of letters. If these terms are used on letterhead or in advertising, the appraiser's certificate number or license number must follow his name. *11/15/2001*

### **R162-106-3. Signatures and Use of Seal.** *09/29/2005*

106.3.1. State-Licensed Appraisers. State- Licensed appraisers may not place a seal on an appraisal report or use a seal in any other manner likely to create the impression that the appraiser is a state-certified appraiser. *11/15/2001*

106.3.2. Signatures. *07/14/1998*

106.3.2.1. Signature stamps. Appraisers may not affix their signatures to appraisal reports by means of a signature stamp. *07/14/1998*

106.3.2.2. Appraisers may not affix their signatures to blank or partially completed appraisal reports which will be filled in later by anyone other than the appraiser who has signed the reports. *12/18/2000*

106.3.2.3. If it is necessary for an appraiser to delegate authority to another individual to sign the appraiser's signature on an appraisal report, the other individual may sign the report for the appraiser only if: a) the report explicitly discloses that the other individual has been authorized to sign the report for the appraiser; b) the permission must have been granted in writing and limited to a specific property address; c) a copy of the written permission to sign must be attached to the report; and d) the appraiser who signs the other's signature must write the word "by" followed by his own name after the other's signature. *12/18/2000*

106.3.2.4. Digital signatures. A digital signature may be used in place of a handwritten signature only if: a) the software program which generates the digital signature has a security feature; and b) the appraiser ensures that his signature is protected and that no one other than the appraiser has control of that signature. *07/14/1998*

**R162-106-4. Testimony by an Appraiser.**

106.4. Testimony. An appraiser who testifies as to an appraisal opinion in a deposition or an affidavit, or before any court, public body, or hearing officer, shall prepare a written appraisal report or a file memorandum prior to giving such testimony. *06/01/1993*

106.4.1. File memoranda. For the purpose of this rule, a file memorandum shall include work sheets, data sheets, the reasoning and conclusions upon which the testimony is based, and other sufficient information to demonstrate substantial compliance with USPAP Standards Rule 2-2, or in the case of mass appraisal, Standards Rule 6-7. *06/01/1993*

**R162-106-5. Failure to Respond to Notice.** *10/08/2010*

- 106.5.(a) When the Division notifies an appraiser or registered expert witness of a complaint, or when the Division notifies an appraiser or registered expert witness that information is needed from the individual, the notified individual must respond to the notice in the manner specified in the notice within ten business days of receipt of the notice from the Division. Failure to respond within the required time period to a notice or any written request for information from the Division shall be considered a violation of these rules and separate grounds for disciplinary action against the appraiser or registered expert witness.
- (b) If a deadline for response under Subsection (a) falls on a day when the Division is closed, the deadline shall be extended to the next business day.

**R162-106-6. Recordkeeping Requirements.**

106.6. The true copy of an appraisal report which an appraiser is required by Section 61-2b-34(1) to retain shall be a photocopy or other exact copy of the report as it was provided to the client, including the appraiser's signature. *03/20/2000*

**R162-106-7. Sales and Listing History.**

In order to comply with Standard 1 of the Uniform Standards of Professional Appraisal Practice (USPAP), appraisers who are licensed or certified under this chapter shall analyze and report the sales and listing history of the subject property for the three years preceding the appraisal if such information is available to the appraiser from a multiple listing service, listing agent(s), or the property owner. *04/2/2010*

**R162-106-8. Draft Reports.**

For the purpose of this rule, a "draft report" is defined as an appraisal report that is a work in progress and that has not yet been finished by the Appraiser. *07/28/2004*

106.8.1. One to Four Unit Residential Real Property. An appraiser may not release a draft report to a client in the appraisal of one to four unit residential real property. *07/28/2004*

106.8.2. An appraiser may release a draft report to a client in the appraisal of other than one to four unit residential real property if: a) the first page of the report prominently identifies the report as a draft; b) the draft report has been signed by the appraiser; and c) the appraiser complies with USPAP in the preparation of the draft report. *07/28/2004*

### **R162-106-9. Inspections.**

All appraisal reports shall include a statement indicating whether or not the subject property was inspected as part of the appraisal process, and if any inspections were done, the following information concerning the inspections shall also be included: *09/29/2005*

- (a) the names of all appraiser and appraisal trainees who participated in each property inspection; *09/29/2005*
- (b) whether each inspection was an exterior inspection only or both an exterior and an interior inspection; and *09/29/2005*
- (c) the date that each inspection was performed. *09/29/2005*

### **R162-107-1. Unprofessional Conduct.**

107.1 Unprofessional conduct includes the following specific acts or omissions: *03/04/1998*

107.1.1 Violating or disregarding a disciplinary order of the Utah Appraiser Licensing and Certification Board or the division; *06/01/2000*

107.1.2 Signing an appraisal report containing a statement indicating that an appraiser has inspected a property if the appraiser has not inspected the property; *06/01/2000*

107.1.3 Signing an appraisal report as the supervising appraiser without having given adequate supervision to the registered appraiser or the unclassified assistant; *06/01/2000*

107.1.4 Allowing an appraiser in his employ, or an appraiser whom he is otherwise responsible to supervise, to: *06/01/2000*

- (a) exceed the authority of the subordinate appraiser's classification; *06/01/2000*
- (b) engage in conduct which is a violation of Title 61, Chapter 2b. *06/01/2000*

107.1.5 Allowing a non-appraiser to: *06/01/2000*

- (a) exceed the authority granted to an unclassified person by these rules; *06/01/2000*
- (b) engage in conduct which would be a violation of Title 61, Chapter 2b if done by an appraiser; or
- (c) accept an appraisal assignment *05/25/2005*

107.1.6 Splitting appraisal fees with any person who is not a State-Licensed Appraiser or a

State-Certified Appraiser, except that an appraisal trainee may be paid reasonable compensation proportionate to for lawful services actually performed in connection with appraisals. Such payment must be paid to the trainee by the trainee's supervisor or the supervisor's appraisal firm and not by any other person or entity. *11/23/2005*

107.2 The Board may appoint members of the appraisal industry to serve as a Technical Advisory Panel to provide advice to the Division concerning technical appraisal issues and conduct constituting unprofessional conduct. *05/3/1999*

**R162-109-1. Formal Adjudicative Proceedings.** Any proceedings conducted subsequent to the issuance of a cease and desist order or other emergency order shall be conducted as formal adjudicative proceedings. *07/27/2005*

**R162-109-2. Informal Adjudicative Proceedings.**

109.2.1 Proceedings in which the Division seeks disciplinary action pursuant to U.C.A. Section 61-2b- 29 against a licensed or certified appraiser shall be conducted as informal adjudicative proceedings. *07/27/2005*

109.2.2 Proceedings on original applications for licensure or certification, or renewal applications for licensure or certification, as an appraiser, or for certification of appraisal courses, schools, or instructors, and all proceedings on applications for a temporary permit or registration as an expert witness, shall be conducted as informal adjudicative proceedings. *07/27/2005*

109.2.3. All adjudicative proceedings as to any other matters not specifically designated as formal adjudicative proceedings shall be conducted as informal adjudicative proceedings. *07/27/2005*

109.2.4. A hearing will be held in an informal adjudicative proceeding only if required or permitted by the Appraiser Licensing and Certification Act or these rules. *07/27/2005*

109.2.5. Application forms which shall be filled out and submitted to the Division for registration as an expert witness, licensure or certification as an appraiser, or for certification of courses, schools, or instructors, and all applications for a temporary permit shall be deemed a request for agency action pursuant to the Utah Administrative Procedures Act, Section 63G-4-102 et seq. *05/14/08*

109.2.5.1. Upon receipt of an application, the Division shall: *07/27/2005*

(a) issue and mail a license, certification, temporary permit, or registration as an expert witness, which shall be deemed notification that the application is granted; *05/03/1999*

(b) notify the applicant that the application is incomplete and that further information is needed; *01/25/1996*

(c) notify the applicant that a hearing shall be scheduled before the Utah Appraiser Licensing and Certification Board for the purpose of determining the

applicant's fitness for appraiser licensure or certification, or issuance to the applicant of a temporary permit; or *07/27/2005*

(d) notify the applicant that the application is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial. *03/03/1994*

#### 109.2.6. Other Requests for Agency Action *09/14/1992*

109.2.6.1. Other requests for agency action shall be in writing and signed by the requestor, and shall contain the following: *07/27/2005*

(a) the names and addresses of all persons to whom a copy of the request for agency action is being sent; *09/14/1992*

(b) the agency's file number or other reference number, if known; *09/14/1992*

(c) the date of mailing of the request for agency action; *09/14/1992*

(d) a statement of the legal authority and jurisdiction under which the agency action is requested, if known; *09/14/1992*

(e) a statement of the relief or action sought from the Division; and *09/14/1992*

(f) a statement of the facts and reasons forming the basis for relief or agency action. *09/14/1992*

109.2.6.2. Upon receipt of a request for agency action other than an application for registration, licensure or certification, the Division shall: *05/03/1999*

(a) notify the requestor in writing that the request is granted; *09/14/1992*

(b) notify the requestor that the request is incomplete and that further information is needed before the Division is able to make a determination on the request; *09/14/1992*

(c) notify the requestor that the Division does not have the legal authority or jurisdiction to grant the relief requested or the action sought; or *09/14/1992*

(d) notify the requestor that the request is denied, and, if the proceeding is one in which a hearing is permitted, that he may request a hearing to challenge the denial. *09/14/1992*

109.2.6.3. A complaint against an appraiser or the holder of a temporary permit requesting that the Division commence an investigation or a disciplinary action is not a request for agency action. *07/27/2005*

#### **R162-109-3. Hearings Not Required.**

109.3. A hearing is not required and will not be held in the following informal adjudicative proceedings: *09/14/1992*

109.3.1. The issuance, renewal or reinstatement of an appraiser license or certification; *07/27/2005*

109.3.2. The issuance or renewal of an appraisal course, school, or instructor certification; *05/03/1999*

109.3.3. The issuance of any interpretation of statute, rule or order, or the issuance of any written opinion or declaratory order determining the applicability of a statute, rule or order, when enforcement or implementation of the statute, rule or order lies within the jurisdiction of the Division; or *03/03/1994*

109.3.4. The denial of renewal or reinstatement of an appraiser license or certification for failure to complete any continuing education required by Section 61-2b-40. *05/03/1999*

#### **R162-109-4. Hearings Permitted.**

109.4.1. In the following informal adjudicative proceedings, a hearing will be held only if requested in writing by a party within 20 days from the date a notice of agency action or the Division's response to a request for agency action is mailed: *07/27/2005*

109.4.1.1. The denial of an application for certification as an instructor on the grounds that his attestation to upstanding moral character is false; *01/25/1996*

109.4.1.2. The denial of an application for an initial appraiser license or certification due to insufficient education or experience, as determined by the appropriate review committee appointed by the Appraiser Licensing and Certification Board; or *05/03/1999*

109.4.1.3 The denial of an application for a temporary permit. *01/25/1996*

109.4.2. A request by a party for a hearing shall include the grounds upon which relief is requested. *09/14/1992*

109.4.3. Hearings permitted by this rule will be before the Utah Appraiser Licensing and Certification Board. *05/03/1999*

#### **R162-109-5. Hearings Required.**

109.5.1 Hearings will be held in all proceedings in which the Division seeks to deny an application for original or renewed licensure or certification for failure of the applicant to meet the criteria of good moral character, honesty, integrity or truthfulness. *07/27/2005*

109.5.2 Hearings will be held in all proceedings conducted subsequent to the issuance of a cease and desist order or other emergency order. *07/27/2005*

109.5.3 Hearings will be held in all proceedings in which the Division seeks disciplinary action pursuant to U.C.A. Section 61-2b-29 against a licensed or certified appraiser. *07/27/2005*

#### **R162-109-6. Procedures for Hearings in Informal Adjudicative Proceedings.**

109.6.1 The procedures to be followed in all informal adjudicative proceedings shall be as set forth in Title 63G, Chapter 4, Utah Administrative Procedures Act, the Department of Commerce Administrative Procedures Act Rules, Utah Administrative Code Section R151-46b, and in this Section R162-109-6. *05/14/2008*

109.6.2 Notice of Agency Action and Petition. The Division shall commence a proceeding for disciplinary action pursuant to U.C.A. Section 61-2b-29 by the filing and service of a Notice of Agency Action and a Petition setting forth the allegations made by the Division. *07/27/2005*

109.6.3 Answer. The presiding officer may, upon a determination of good cause, require a person against whom a disciplinary proceeding has been initiated pursuant to U.C.A. Section 61-2b-29 to file an Answer to the Petition by ordering in the Notice of Agency Action that the respondent shall file an Answer with the Division. All Answers are required to be filed with the Division within thirty days of the mailing date of the Notice of Agency Action and Petition. *07/27/2005*

109.6.4 Assistance of Administrative Law Judge. In any proceeding under this subsection, the Board may delegate the hearing to an Administrative Law Judge or may request that an Administrative Law Judge assist the Board in conducting the hearing. *07/27/2005*

109.6.5 Notice of hearing. Upon the scheduling of a hearing by the Division or upon receipt of a timely request for a hearing where hearings are permitted, the Division shall mail written notice of the date, time, and place scheduled for the hearing at least ten days prior to the hearing. *07/27/2005*

109.6.6 Discovery is prohibited, but the Division may issue subpoenas or other orders to compel production of necessary evidence. All parties shall have access to the Division's files and to all materials and information gathered in any investigation to the extent permitted by law. *07/27/2005*

109.6.7 Intervention is prohibited. *07/27/2005*

109.6.8 Hearings shall be open to all parties, except that a hearing on an applicant's fitness for licensure or certification may be conducted in a closed session which is not open to the public if the presiding officer closes the hearing pursuant to Title 63G, Chapter 4, Utah Administrative Procedures Act or Title 52, Chapter 4, the Open and Public Meetings Act. The parties named in the Notice of Agency Action or the Request for Agency Action may be represented by counsel and shall have the opportunity to testify, present witnesses and other evidence, and comment on the issues. *05/14/2008*

109.6.9 Within a reasonable time after the hearing, the presiding officer shall cause to be issued and mailed to the parties a signed order in writing based on the facts appearing in the agency's files and on the facts presented in evidence at the hearing. The order shall state the decision and the reasons for the decision, and a notice of the right of administrative review and judicial review available to the parties including applicable time limits. *07/27/2005*

109.6.10 The Division may, but shall not be required to, record the hearing. If a record has been made, any party, at his own expense, may have a reporter approved by the Division prepare a transcript from the Division's record of the proceedings. 07/27/2005

**R162-110. Trainee Registration.** 10/08/2010

- (1) Registration Required.
  - (a) An individual who intends to obtain a license to practice as a state-licensed appraiser must first register with the Division as a trainee.
  - (b) The Division and the Board shall not award or recognize experience hours toward licensure for any appraisal work that is performed by an individual during a period of time when the individual is not validly and currently registered as a trainee.
  
- (2) Character. An individual registering with the Division as a trainee shall evidence honesty, integrity, and truthfulness.
  - (a) A trainee applicant shall be denied registration for
    - (i) Any felony that resulted in
      - (A) a conviction occurring within five years of the date of application; or
      - (B) a jail or prison release date falling within five years of the date of application.
    - (ii) Any misdemeanor involving fraud, misrepresentation, theft, or dishonesty that resulted in
      - (A) a conviction occurring within three years of the date of application; or
      - (B) a jail or prison release date falling within three years of the date of application.
  - (b) A trainee applicant may be denied registration upon consideration of the following:
    - (i) criminal convictions and pleas entered at any time prior to the date of application;
    - (ii) the circumstances that led to any criminal convictions or pleas under consideration;
    - (iii) past acts related to honesty or moral character, with particular consideration given to any such acts involving the business of appraising;
    - (iv) dishonest conduct that would be grounds under Utah law for sanctioning an existing licensee;
    - (v) civil judgments in lawsuits brought on grounds of fraud, misrepresentation, or deceit;
    - (vi) court findings of fraudulent or deceitful activity in civil lawsuits;
    - (vii) evidence of non-compliance with court orders or conditions of sentencing;
    - (viii) evidence of non-compliance with terms of a probation agreement, plea in abeyance, or diversion agreement; and
    - (ix) failure to pay taxes or child support obligations.
  
- (3) Competency. An individual registering with the Division as a trainee shall evidence competency. In evaluating an applicant for competency, the Division and Commission may consider any evidence, including the following:
  - (a) civil judgments, with particular consideration given to any such judgments involving the appraisal business;
  - (b) failure to satisfy a civil judgment that has not been discharged in bankruptcy;

- (c) the extent and quality of the applicant's training and education in appraising;
  - (d) the extent of the applicant's knowledge of the Utah Real Estate Appraiser Licensing and Certification Act;
  - (e) evidence of disregard for licensing laws;
  - (f) evidence of drug or alcohol dependency; and
  - (g) the amount of time that has passed since any incident under consideration.
- (4) Pre-registration Education. Within the five-year period preceding the date of application, an applicant must successfully complete 75 classroom hours of AQB-approved education as follows:
- (a) 30 hours of appraisal principles;
  - (b) 30 hours of appraisal procedures; and
  - (c) the 15-hour Uniform Standards of Professional Appraisal Practice (USPAP) course.
- (5) Examination. An applicant must pass the final examination in all pre-registration courses.
- (6) Application to the Division. An applicant shall submit the following to the Division:
- (a) a completed application as provided by the Division;
  - (b) course completion certificates for the 75 hours of pre-registration education;
  - (c) (i) two fingerprint cards in a form acceptable to the Division; or  
(ii) evidence that the applicant's fingerprints have been scanned at a testing center;
  - (d) all court documents related to any past criminal proceeding;
  - (e) complete documentation of any sanction taken against any license in any jurisdiction;
  - (f) a signed letter of waiver authorizing the Division to obtain the fingerprints of the applicant, review past and present employment records, review education records, and conduct a criminal background check;
  - (g) the fee for the criminal background check;
  - (h) the name of the state-certified appraiser(s) with whom the trainee is affiliated;
  - (i) the name and business address of any appraisal entity or government agency with which the trainee is affiliated; and
  - (j) the application fee.
- (7) Affiliation with a Certified Appraiser. Applicants shall affiliate with at least one supervising certified appraiser and evidence that affiliation by:
- (a) identifying each supervising certified appraiser on a form supplied by the Division; and
  - (b) obtaining each supervising certified appraiser's signature on the application.
- (8) Notification Requirements. A registered trainee must complete a change card and submit it to the Division within 10 business days whenever the trainee:
- (a) affiliates with a new supervising certified appraiser;
  - (b) terminates an affiliation with a supervising certified appraiser; or
  - (c) changes affiliation with an appraisal entity or government agency.
- (9) Re-registration of Existing Trainees.
- (a) Any trainee who registered with the Division without undergoing a background check

shall re-register with the Division according to the following schedule:

- (i) a trainee who registered prior to January 1, 2008 must re-register by January 1, 2011;
  - (ii) a trainee who registered during the 2008 calendar year must re-register in 2011 by the anniversary of the trainee's registration date;
  - (iii) a trainee who registered on or after January 1, 2009 must re-register on the two-year anniversary of the registration date.
- (b) To re-register, a trainee shall submit the following to the Division:
- (i) a completed application as provided by the Division;
  - (ii) (A) two fingerprint cards in a form acceptable to the Division; or  
(B) evidence that the applicant's fingerprints have been scanned at a testing center;
  - (iii) all court documents related to any past criminal proceeding;
  - (iv) complete documentation of any sanction taken against any license in any jurisdiction;
  - (v) a signed letter of waiver authorizing the Division to obtain the fingerprints of the applicant, review past and present employment records, review education records, and conduct a criminal background check;
  - (vi) the fee for the criminal background check;
  - (vii) evidence of having completed the 28 hours of continuing education or AQB qualifying education required for renewal under Subsection 162-102-3;
  - (viii) the name of the state-certified appraiser(s) with whom the trainee is affiliated;
  - (ix) the name and address of any appraisal entity or government agency with which the trainee is affiliated; and
  - (x) the application fee.
- (d) A Division hearing officer shall review the application of any trainee re-registering under Subsection (9) who fails to meet the character and competency requirements of Subsections (2) and (3). The hearing officer may:
- (i) approve the application with the concurrence of the Board;
  - (ii) approve the application subject to probation or restriction; or
  - (iii) refer the application to the Board for decision.
- (10) Registration Renewal.
- (a) A trainee registration is valid for two years and must be renewed according to Subsection R162-102-3 before the expiration date printed on the registration certificate.
  - (b) If the renewal fee and required documentation are not received by the expiration date, the registration shall expire. It shall be grounds for disciplinary sanction if, after the registration has expired, the trainee continues to perform work for which the trainee is required to be registered.
  - (c) An expired registration may be renewed or reinstated according to the same rules that govern the renewal and reinstatement of appraiser licenses and certifications, as outlined in Subsections R162-102.3.2 through R162-102.3.4.