TITLE 600. REAL ESTATE APPRAISER BOARD

Chapter

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Edition effective: **July 27, 2012**

CHAPTER 10. LICENSURE AND CERTIFICATION REQUIREMENTS

Section

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[**Authority**: 59 O.S. § 858-706(A)]
[**Source**: Codified 5-15-92]

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600:10-1-1. Purpose

The purpose of this chapter is to define the qualifying education, experience, and examination prerequisites necessary to obtain a real estate appraiser license or certification and continuing education requirements to maintain the license or certification.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1539, eff 5-1-93**]**

600:10-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Board" means the Oklahoma Real Estate Appraiser Board.

"Certificates of course completion" means a document acceptable to the Board which signifies satisfactory completion of the course and reflects the hours of credit earned.

"Classroom hour" is equal to fifty (50) minutes out of each sixty (60) minute segment.

"Continuing education" means education that is creditable toward the education requirements that must be satisfied to renew licensure or certification as a Trainee, State Licensed Appraiser, State Certified Residential Appraiser, and State Certified General Appraiser.

"Instructor" means a person who meets the qualifications as set out at Section 10-1-8(a)(6).

"Provider" means a person, corporation, professional association or its local affiliates, or any other entity which is approved by the Board and provides approved qualifying and continuing education to real estate appraisers.

"Qualifying education" means education that is creditable toward the education requirements for initial licensure or certification or upgrade of existing licensure or certification under one or more of the four real estate appraiser classifications (Trainee Appraiser, State Licensed Appraiser, State Certified Residential Appraiser, and State Certified General Appraiser).

"Standards of professional appraisal practice" as referred to in the Oklahoma Certified Real Estate Appraisers Act, 59 O.S. §§858-700 et seq. means the Uniform Standards of Professional Appraisal Practice.

"State Certified General Appraiser" means a person who meets the requirements for certification pursuant to 59 O.S. § 858-710.

"**State Certified Residential Appraiser**" means a person who meets the requirements for certification pursuant to 59 O.S. § 858-710.

"**State Licensed Appraiser**" means a person who meets the requirements for certification pursuant to 59 O.S. § 858-710.

"Trainee Appraiser" means a person who meets the requirements for certification pursuant to 59 O.S. § 858-710.

"Uniform standards" means the Uniform Standards of Professional Appraisal Practice, as authorized by the Appraisal Subcommittee pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which are the standards rules that meet the minimum requirements adopted by the Appraisal Foundation, and which are incorporated by reference.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1539, eff 5-1-93; Amended at 19 OK Reg 1489 eff 7-14-02; Amended at 22 OK Reg 1503 eff 7-14-05]

600:10-1-3. Licensed Appraiser and Certified Residential Appraiser Classification [REVOKED]

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Revoked at 10 OK Reg 1539, eff 5-1-93**]**

600:10-1-4. Examination

(a) To be certified as a State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser the applicant must pass the examination that is appropriate for the applicable classification or certificate.

(b) Prior to taking the appraiser examination, an individual must make application for Trainee, State Licensed, State Certified Residential or State Certified General Appraiser and shall satisfy all licensing and certification requirements as set forth by the Appraiser Qualification Criteria promulgated by the Appraiser Qualification Board of the Appraisal Foundation, which are incorporated by reference.

(c) Applicants for State Licensed, State Certified Residential and State Certified General Appraiser must complete the required hours in both education and experience before making application to take the appraiser examination.

(d) If requirements are satisfactorily met by applicants for State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser, notification shall be sent to the applicant allowing that applicant to take the examination on the next available test date.

(e) There shall be no examination required to be certified as a Trainee Appraiser; however, applicants for Trainee Appraiser must provide the identification of a qualified supervisory appraiser in the manner described by 600:10-1-16(a).

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1539, eff 5-1-93; Amended at 12 OK Reg 1807, eff 7-1-95; Amended at 13 OK Reg 3517, eff 9-1-96; Amended at 19 OK Reg 1489 eff 7-14-02; Amended at 22 OK Reg 1503 eff 7-14-05**;** Amended eff 11-1-06 emergency]; Amended at 24 OK Reg 2316 eff 7-14-07]

600:10-1-5. Qualifying education prerequisites

Classroom hours shall be approved by the Board pursuant to the guidelines set forth in the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation. Copies of official transcripts of college records or certificates of course completion will be considered as satisfactory evidence for qualifying education requirements.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1539, eff 5-1-93; Amended at 12 OK Reg 1807, eff 7-1-95; Amended at 23 OK Reg 1110, eff 7-14-06**]**

600:10-1-6. Experience prerequisite

(a) An original certification as a State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser shall not be issued to any person who does not possess the minimum experience criteria set forth by the Appraiser Qualifications Board of the Appraisal Foundation provided any state licensed appraiser who becomes state licensed prior to July 1, 2001, shall not be required to attain the minimum requirements of experience promulgated by the Appraiser Qualifications Board to maintain certification as a state licensed appraiser.

(b) Applications for certification as a State Licensed Appraiser or State Certified Residential Appraiser must be accompanied by a One Hundred Fifty Dollar ($150.00) non-refundable application fee. Applications for certification as a State Certified General Appraiser must be accompanied by a Two Hundred Twenty Five Dollar ($225.00) non-refundable application fee.

(c) Experience credit shall be allowed in accordance with the guidelines set forth by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation.

(d) Each applicant for certification shall furnish under oath on forms prescribed by the Board a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant.

(e) Applicants for the State Licensed, State Certified Residential, or State Certified General classifications are required to submit, in addition to the approved application form, properly completed experience log forms according to the basic form approved by the Board. Additionally, applicants for either the State Licensed, State Certified Residential, or State Certified General classifications shall submit the following:

(1) A letter of verification from a third party (or parties, i.e., employer, appraiser supervisor, etc.) stating and confirming direct knowledge that the applicant has achieved the stated hours of real estate appraisal experience, and

(2) Copies of at least three actual written real estate appraisal reports that exemplify the type of appraisal work experience that credit is being applied for. Reports

submitted must be self-contained or summary reports of appraisals. Applicants for Certified General Appraiser must submit reports of at least two non-residential appraisals.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1539, eff 5-1-93; Amended at 11 OK Reg 1883, eff 5-15-94; Amended at 12 OK Reg 1807, eff 7-1-95; Amended at 19 OK Reg 1489 eff 7-14-02; Amended eff 11-1-06 emergency; Amended at 24 OK Reg 2316 eff 7-14-07]

600:10-1-7. Continuing education

(a) All Trainee, State Licensed, State Certified Residential and State Certified General Appraisers shall complete the minimum classroom hours set forth in the Appraiser Qualification promulgated by the Appraiser Qualifications Board of the Appraisal Foundation for the three (3) year period preceding renewal. These hours may be obtained any time during the three year term which concludes on the expiration date printed on the certificate.

(b) Copies of official transcripts of college records or certificates of course completion will be considered as satisfactory evidence for continuing education requirements.

(c) Up to one-half the required hours of continuing education may be Board-approved courses offered by distance education as defined by the Appraiser Qualification Criteria of the Appraiser Qualifications Board of the Appraisal Foundation.

(d) As a part of the continuing education requirement, all Trainee, State Licensed, State Certified Residential and State Certified General Appraisers must successfully complete the seven (7) hour National USPAP Update Course, or an approved equivalent, every two calendar years, commencing on January 1, 2005.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1539, eff 5-1-93; Amended at 12 OK Reg 1807, eff 7-1-95; Amended at 19 OK Reg 1489 eff 7-14-02; Amended at 23 OK Reg 1110, eff 7-14-06**]**

600:10-1-8. Course approval requirements

(a) Any person or entity seeking to conduct an approved course for qualifying or continuing education credits shall make application and submit documents, statements and forms as may reasonably be required by the Board. All providers shall provide to the Board:

(1) Name and address of the provider;

(2) Contact person and his or her address and telephone number;

(3) The location of the courses or programs, if known;

(4) The number and type of education credit hours requested for each course;

(5) Topic outlines which list the summarized topics covered in each course and upon request, a copy of any course materials. If a prior approved course has substantially changed, a summarization of those changes.

(6) The names and qualifications of instructors. An instructor shall have a minimum of one (1) of the following qualifications:

(A) A baccalaureate degree in any field and three (3) years of experience directly related to the subject matter to be taught; a masters degree in any field and one (1) year of experience directly related to the subject matter to be taught; a masters or higher degree in a field that is directly related to the subject matter to be taught; five (5) years of real estate appraisal teaching experience directly related to the subject matter to be taught; seven (7) years of real estate appraisal experience directly related to the subject matter to be taught; or

(B) Possess other educational, teaching, or professional qualifications determined by the Board to constitute an equivalent to one or more of the qualifications in the previously stated paragraphs (A), (B), or (C) of this paragraph.

(b) Approval of courses and instructors shall be for a three year period. Courses and instructors may be renewed for an additional period on application to the Board.

(c) Applications for course approvals and instructor approvals shall be accompanied by application fees as provided for below:

(1) Applications for approval of qualifying education courses that have not been approved by the Course Approval Program of the Appraiser Qualifications Board must be accompanied by a Two Hundred Dollar ($200.00) non-refundable application fee.

(2) Applications for approval of qualifying education courses that have been approved by the Course Approval Program of the Appraiser Qualifications Board must be accompanied by a Fifty Dollar ($50.00) non-refundable application fee.

(3) Applications for approval of continuing education courses that have not been approved by the Course Approval Program of the Appraiser Qualifications Board must be accompanied by a Fifty Dollar ($50.00) non-refundable application fee.

(4) Applications for approval of continuing education courses that have been approved by the Course Approval Program of the Appraiser Qualifications Board must be accompanied by a Twenty Dollar ($20.00) non-refundable application fee.

(5) Applications for approval of instructors shall be accompanied by a Fifty Dollar ($50.00) non-refundable application fee.

(6) Applications for renewal of any course or instructor shall be accompanied by a Twenty Dollar ($20.00) non-refundable application fee.

(d) Course providers shall provide written notice of date, time, place, and title of courses to be presented not less than seven (7) days in advance of the beginning date of the course.

Courses presented shall be subject to unannounced compliance inspection by a representative of the Board.

(e) In addition to accepting courses approved as described in this section, qualifying and continuing education credits may be granted to an individual in such case that said individual supplies acceptable documentation showing that the offering meets applicable Board requirements for the category of credit applied for, including proof that said individual attended and successfully completed the offering. Said individual shall make application and submit documents, statements and forms as may reasonably be required by the Board.

(1) Applications by individuals for qualifying or continuing education credits must be submitted on a form prescribed by the Board at least seven (7) days in advance of the beginning date of the course except as provided in 600:10-1-8(e)(3) below and must be accompanied by a non-refundable application fee of $50.00.

(2) All applications shall include:

(A) Name and address of the provider;

(B) Contact person and his or her address and telephone number;

(C) The location of the courses or programs, if known;

(D) Time schedule (brochure, course outline, course description);

(E) Total minutes of instruction, not including breaks, meals or introductions

(F) Faculty name(s) and credentials (if not in brochure or description);

(G) The number and type of education credit hours requested for each course;

(H) Credit will not be finally approved until the Board receives a certificate of course completion or equivalent proof that said individual attended and successfully completed the course. The Board may also request additional information, including, but not limited to, a copy of the complete set of course materials, before finally approving credit.

(3) Applications by individuals for qualifying or continuing education credits not submitted at least seven (7) days in advance of the beginning date of the course must be submitted no later than sixty (60) days after the ending date of the course and must be accompanied by a non-refundable application fee of $50.00. In addition to the requirements in OAC 600:10-1-8(e)(2) above, applications submitted pursuant to this subsection must include:

(A) Whether there has been approval by another Oklahoma state agency, agency of another state, or federal agency, and hours of credit approved by any such agency(ies);

(B) A specific statement detailing the manner in which each hour and/or topic of instruction of the course satisfies the standards of the Appraisal Qualifications Board regarding acceptable continuing or qualifying education;

(C) A copy of the complete set of course materials.

(D) A certificate of course completion or equivalent proof that said individual attended and successfully completed the course.

(f) The Board may automatically accept without further review, courses pre-approved by the Appraiser Qualifications Board of the Appraisal Foundation.

(g) The Board may withhold or withdraw approval of any provider for violation of or non-compliance with any provision of this chapter.

(h) No person or entity sponsoring, conducting, or teaching a course of study shall advertise that it is endorsed, recommended or accredited by the Board. Such person or entity may indicate that a course of study has been approved by the Board if that course of study has been pre-approved by the Board before it is advertised or held. Any such statement regarding Board approval shall specify the number of classroom hours approved, and whether the course is approved for qualifying education hours, continuing education hours, or both.

(i) At the completion of each course, the provider shall provide to the Board a list of all licensees and those attending qualifying courses who completed the course on a Course Completion Form approved by the Board.

(j) Providers shall maintain course records for at least five (5) years. The Board may order an examination of a provider for good cause shown.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1539, eff 5-1-93; Amended at 19 OK Reg 1489 eff 7-14-02; Amended at 23 OK Reg 1110, eff 7-14-06; Amended eff 11-1-06, emergency; Amended at 24 OK Reg 2316 eff 7-14-07; Amended at 23 OK Reg ____, eff 7-14-08]

600:10-1-9. Address Change

It is the responsibility of each applicant and each Trainee, State Licensed, State Certified Residential and State Certified General Real Estate Appraiser to notify the Board of a change of business address, residence address, or mailing address. Change of address notification shall be made, in writing, by mail, fax or e-mail, within ten (10) days of the change of address. Failure to do so may result in administrative action against the appraiser.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1539, eff 5-1-93; Amended at 12 OK Reg 1807, eff 7-1-95; Amended at 19 OK Reg 1489 eff 7-14-02**]**

600:10-1-10. Standards of practice

The standards of practice governing real estate appraisal activities will be the Uniform Standards of Professional Appraisal Practice as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92**]**

600:10-1-11. Severability provision

If any provision of this chapter, or application of such provision to any person or circumstances, shall be held invalid, the remainder of the chapter, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92**]**

600:10-1-12. Inactive status – annual fee payment

(a) If an appraiser no longer wishes to pay the annual fee payment and registry fee to retain the license or certification, prior to the expiration date printed on the certificate, the appraiser must surrender his/her license or certification by returning his/her certificate and pocket card to the Oklahoma Real Estate Appraiser Board.

(b) If an appraiser wishes to reinstate a surrendered credential, the appraiser may do so by applying for reinstatement, remitting any required fees, and complying with any applicable continuing education requirements as set forth in 600:10-1-14.

[Source: Added at 13 OK Reg 3517, eff 9-1-96; Amended at 19 OK Reg 1489 eff 7-14-02; Amended at 23 OK Reg ____, eff 7-14-08]**]**

600:10-1-13. Renewals

At the end of the license/certification cycle, the license or certification of an appraiser who does not renew will automatically terminate upon the expiration date.

[Source: Added at 13 OK Reg 3517, eff 9-1-96; Amended at 19 OK Reg 1489 eff 7-14-02**]**

600:10-1-14. Reinstatement of license or certification

(a) An appraiser may reactivate his/her license or certification within ninety (90) days following its expiration date by paying required fees in addition to a late fee. With the application for a renewal, the trainee, the state licensed, state certified residential or state certified general real estate appraiser shall present evidence of having completed the continuing education requirements for renewal.

(b) Ninety-one (91) days to twenty-four (24) months after expiration, an appraiser may reinstate his/her license or certification, upon approval by the Oklahoma Real Estate Appraisal Board, by applying for reinstatement of licensure or certification, paying the annual fee, registry fee and a reinstatement fee. In addition, the appraiser must complete the continuing education requirements for renewal and the continuing education requirements for reinstatement as described by the Appraiser Qualification Criteria promulgated by the Appraiser Qualification Board of The Appraisal Foundation.

(c) Once an appraiser has been expired for twenty-four (24) months, he/she must re-apply by completing Board education, experience and testing requirements in addition to paying all applicable fees.

[Source: Added at 13 OK Reg 3517, eff 9-1-96; Amended at 19 OK Reg 1489 eff 7-14-02; Amended at 23 OK Reg ____, eff 7-14-08]**]**

600:10-1-15. Scope of practice.

The authorized scope of practice for Trainee, State Licensed, State Certified Residential and State Certified General Appraisers shall be the scope of practice specified by the corresponding section of the Real Property Appraiser Qualification Criteria promulgated by the Appraiser Qualification Board of the Appraisal Foundation. For the purpose of scope of practice considerations, a complex residential property is defined as a property consisting of one to four residential units that exhibits one or more atypical factors such as size, design characteristics, locational characteristics, physical condition characteristics, or ownership; or exhibits non-conforming zoning, landmark or historical place designation, lack of appraisal data or other similar unusual or atypical factors.

[Source: Added at 19 OK Reg 1489 eff 7-14-02**]**

600:10-1-16. Supervision of trainee appraisers.

(a) Trainee Appraisers shall report to the Board, on a form prescribed by the Board, the identity of any supervisory appraiser. Trainee Appraisers may have more than one supervisory appraiser. When a Trainee Appraiser has more than one supervisory appraiser, each shall be reported to the Board as indicated above.

(1) The supervisor-trainee relationship shall become effective on the date of receipt of the original required form with original signatures in the administrative office of the Board.

(2) A supervisory appraiser shall notify the Board in writing immediately when supervision of a Trainee Appraiser has been terminated by the supervisory appraiser or the Trainee Appraiser.

(b) Trainee Appraisers shall maintain an appraisal log on a form prescribed by the Board. Separate appraisal logs shall be maintained for work performed with each supervisory appraiser. This appraisal log shall record the following information:

(1) Client name and date of report,

(2) Address or legal description of the real property appraised,

(3) Description of the work performed by the trainee appraiser and the scope of review and supervision of the supervisory appraiser,

(4) Number of actual hours worked,

(5) Type of property appraised,

(6) Form number or description of report rendered, and

(7) The signature and state certificate number of the supervisory appraiser.

(c) Experience credit for the purpose of upgrading will not be given unless:

(1) a properly completed trainee-supervisory report form is on file in the administrative office of the Board, and

(2) the Trainee Appraiser either signs the certification required by Standards Rule 2-3 of the Uniform Standards of Professional Appraisal Practice, or the supervisory appraiser gives credit to the Trainee Appraiser in the certification and complies with the requirements of Standards Rule 2-2(a)(vii), 2-2(b)(vii), or 2-2(c)(vii) as applicable.

(d) Both supervisory and trainee appraisers shall maintain complete workfiles as required by the Uniform Standards of Professional Appraisal Practice and the Oklahoma Certified Real Estate Appraisers Act.

(e) A supervisory appraiser shall meet the following requirements:

(1) have been a State Licensed or Certified Appraiser for a period of at least three (3) years;

(2) be a State Certified General Appraiser, State Certified Residential Appraiser, or State Licensed under AQB Criteria Appraiser on a credential issued by the Oklahoma Real Estate Appraiser Board, provided however, that trainee-supervisor relationships between State Licensed under AQB Criteria Appraisers shall only be permissible until January 1, 2008;

(3) be in good standing with the Board and not subject to any disciplinary action within the last two years that affects the supervisor's legal eligibility to engage in appraisal practice; and

(4) accept responsibility for training, guidance, and direct supervision of the Trainee Appraiser by signing the form referenced in (a), above.

(f) A supervisory appraiser shall:

(1) accept responsibility for a Trainee Appraiser's appraisal reports by signing each report and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice, and

(2) personally inspect each appraised property with the Trainee Appraiser until the supervisory appraiser determines that the Trainee Appraiser is competent, in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, for the property type.

(g) A supervisory appraiser shall notify the Board immediately when supervision of a Trainee Appraiser has been terminated by the supervisory appraiser or the Trainee Appraiser.

(h) Prior to assuming duties as a supervisory appraiser, an appraiser who has been disciplined by the Board must receive approval from the Board.

(i) A supervisory appraiser may assume responsibility for more than three Trainee Appraisers under the following terms and conditions:

(1) The supervisor must apply for authority to supervise more than three Trainee Appraisers with the Board on forms approved by the Board for this purpose. This approval shall extend to the supervisor or supervisors, the facility and the training plan. Any approval issued hereunder shall specify a maximum number of trainees authorized.

(2) The supervisor must specify the location of the facility to be used for this purpose, which may not be a residence. The facility must have posted hours, approved by the Board, during which the facility will be open and a qualified supervisor present. During the operating hours, the facility and all records specified herein shall be subject to unannounced compliance inspection by a representative of the Board.

(3) The supervisor must prepare a training plan, based on the Core Curriculum and the Real Property Appraiser Body of Knowledge promulgated by the Appraiser Qualification Board of The Appraisal Foundation, appropriate to the level of licensure to which the trainee aspires and for which the supervisor is qualified. This training plan should, as a minimum, include learning objectives for the experience to be gained, a planned time line for further qualifying and continuing education required to bring the trainee to a fully qualified status, and a checklist for monitoring progress by the trainee toward meeting these objectives.

(4) Records maintained in the training facility must include the training plan, an appraisal log, a workfile for each appraisal assignment, and a progress checklist, each maintained on a contemporaneous basis, for each Trainee Appraiser. In addition, appropriate reference materials should be on hand, which must include the current edition of the USPAP.

(5) Approval of any supervisor or supervisors under this paragraph may be conditioned upon an interview of such supervisors by a representative of the Board.

(j) Trainee appraisers must successfully complete a Board-sponsored course for trainees and supervisors; provided, however, that trainee appraisers credentialed as of the effective date of this rule must successfully complete this course within one(1) year following the effective date of this rule.

Trainee-supervisor relationships existing as of July 13, 2005 that do not otherwise qualify under this paragraph shall remain permissible until January 1, 2008.

[Source: Added at 19 OK Reg 1489 eff 7-14-02; Amended at 22 OK Reg 1503 eff 7-14-05; Amended at 23 OK Reg 1110, eff 7-14-06; Amended eff 11-1-06 emergency; amended at 24 OK Reg 2316 eff 7-14-07**]**

600:10-1-17 Application for upgrade.

Should an appraiser applying for upgrade of an existing licensure status to a higher status have an active complaint in the disciplinary process, the application for upgrade shall be held in abeyance until such time as the disciplinary process is concluded.

[Source: Added at 19 OK Reg 1489 eff 7-14-02**]**

600:10-1-18. National Registry Fee

(a) Pursuant to 59 O.S. 858-708, the Board will collect the National Registry Fee on an annual basis from each appraiser, at such time each appraiser renews their license.

Said fee will be in whatever amount is currently required by the Appraisal Subcommittee. Notification of the Appraisal Subcommittee's then-current National Registry Fee will be transmitted to the appraiser on each year's renewal statement and provided to each appraiser approximately six weeks in advance of their renewal date.

(b) Payment of the National Registry Fee by the Board will be made to the Appraisal Subcommittee on a monthly basis, upon invoice from such amounts as are actually paid to the Board by each appraiser.

[Source**:** Added ____, eff 7-20-12 (emergency)]

CHAPTER 15. DISCIPLINARY PROCEDURES

Section

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[**Authority**: 59 O.S. § 858-706(A)]
[**Source**: Codified 5-15-92]

600:15-1-1. Purpose

The purpose of this chapter is to set forth the administrative procedures for disciplinary proceedings conducted pursuant to the Oklahoma Certified Real Estate Appraisers Act and the Administrative Procedures Act, Title 75, §§250 et seq.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93**]**

600:15-1-2. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Certified Real Estate Appraisers Act, cited as 59 Oklahoma Statutes, Sections 858-700 et seq.

"Administrator" means the Commissioner of the State Insurance Department.

"Board" means the Oklahoma Real Estate Appraiser Board.

"Certified Real Estate Appraiser" means those persons meeting the requirements for certification as set forth in the Oklahoma Certified Real Estate Appraisers Act.

"Clear and convincing evidence" means that considering all the evidence in the case, the proposition in question is highly probable and free from serious doubt.

"Department" means the State Insurance Department.

"Director" means the person designated by the Administrator as Director of the Real Estate Appraiser Division of the Oklahoma Insurance Department.

"Geographic area" means the county of an individual appraiser as determined by the mailing address most recently reported to the Board.

"Hearing Panel" means the three member panel selected by the Board to conduct a disciplinary hearing. Hearing Panel is selected from the Standards and Disciplinary Procedures Committee.

"Licensed Real Estate Appraiser" means those persons meeting the requirements for licensure as set forth in the Oklahoma Certified Real Estate Appraisers Act.

"Person" means an individual, company, association, organization, society, partnership, trust, corporation or estate.

"Probable Cause Committee" will be Board selected and will be comprised of four (4) members: a current member of the Board, and three (3) members selected by the Board from past members of the Board and the members of the Standards and Disciplinary Procedures Committee. Provided, at all times, at least two (2) members of the Committee shall be certified appraisers, of the two (2) certified appraisers, at least one (1) shall be a certified general appraiser. Provided further, that members shall be selected from four (4) different geographic areas.

"Respondent" means a Trainee, State Licensed, Certified Residential, or Certified General Real Estate Appraiser against whom a complaint has been received and not been finally resolved.

"Trainee Appraiser" means those persons meeting the requirements for licensure as a Trainee Appraiser as set forth in the Oklahoma Certified Real Estate Appraisers Act.

"Uniform standards" means the Uniform Standards of Professional Appraisal Practice, as authorized by the Appraisal Subcommittee pursuant to the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, which are the standards rules that meet the minimum requirements adopted by the Appraisal Foundation, and which are incorporated by reference.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 14 OK Reg 3030, eff 7-14-97**;** Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 20 OK Reg 557 eff 7-14-03; Amended at 22 OK Reg 1505 eff 7-14-05; Amended at 25 OK Reg 91, eff 11-1-07 (emergency); Amended at 23 OK Reg ____ eff 7-14-08**]**

600:15-1-3. Screening officers and hearing officers [REVOKED]

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93**;** Amended at 19 OK Reg 1493 eff 7-14-02**;** Revoked at 20 OK Reg 557 eff 7-14-03]

600:15-1-4. Grievance procedure

(a) A grievance may be filed with the Board against a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser on a form prepared by the Board. In addition, where reasonable cause exists, a grievance may be brought against a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser directly by the Board.

(b) All complaints will be deemed grievances until the Board votes it a formal complaint.

(c) The Probable Cause Committee will review all grievances.

(d) The Probable Cause Committee will be selected by the Board, to serve, at the pleasure of the Board for a minimum of one quarter. The Board selected Prosecuting Attorney may be advisor to the Probable Cause Committee.

(e) The Probable Cause Committee is an advisory body to the Board whose function is to summarize the grievance and to make an informed recommendation regarding disposition of the grievance.

(f) The Probable Cause Committee will meet as needed depending on the volume of grievances to be reviewed. Any Board member acting as a member of the Probable Cause Committee shall be recused from all Board decisions relating to the grievance.

(g) The Board may direct the Department to turn over any or all grievances to the Probable Cause Committee for disposition in accordance with procedures found in 600:15-1-4 and 600:15-1-5.

(h) Probable Cause Committee members shall recuse from consideration, including both voice and vote, of any grievance concerning a Respondent from the same geographic area as the member.

(i) Board staff shall prepare and maintain records of attendance and individual votes on each matter presented to the PCC.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95**;** Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 20 OK Reg 557 eff 7-14-03**;** Amended at 22 OK Reg 1505 eff 7-14-05; Amended at 25 OK Reg 91, eff 11-1-07 (emergency) ; Amended at 23 OK Reg ____ eff 7-14-08**]**

600:15-1-5. Issuance of formal complaint: setting date for formal hearing

(a) If the grievance and/or summary and recommendations of the Probable Cause Committee appear to the Board to warrant and support such action, the Board shall file a formal complaint and the Director shall set the date, time and place for a formal hearing.

(b) The Prosecuting Attorney may select from the Standards and Disciplinary Procedures Committee a certified appraiser to assist in the presentation before the Hearing Panel.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95**;** Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 20 OK Reg 557 eff 7-14-03**;** Amended at 22 OK Reg 1505 eff 7-14-05**]**

600:15-1-6. Notice of disciplinary proceedings

(a) Where the Board deems the Probable Cause Committee's response to the grievance warrants disciplinary proceedings, the Respondent shall be served with Notice of Disciplinary Proceedings which shall specify the rule, statute, or standard(s) of professional conduct allegedly violated by the Respondent. Service of such notice shall be by Certified Mail, Return Receipt Requested to the last address reported to the Board by the Respondent.

(b) No less than ten (10) days prior to the scheduled hearing, written notice shall be provided to the parties stating which individual Hearing Officers will comprise the Panel conducting the disciplinary proceedings. Upon a showing of good cause, any Hearing Panel member selected may be removed by either party. If the parties cannot agree upon a Hearing Panel, either party may make written application to the Board which shall then make an appointment.

(c) Following selection and acceptance of the three (3) member Hearing Panel, the three members shall elect one member to serve as Chairman of the Hearing Panel, to preside over the hearing for which they have been selected.

(d) By mutual agreement of the parties the hearing may be rescheduled by the Director at a different time, date or location with proper written notice of such change given to all parties.

(e) Disciplinary proceedings shall be conducted by a Hearing Panel.

(f) Hearing Officers shall be appointed by Board order. All such persons must be State Certified Residential or State Certified General Appraisers. All hearing officers shall be selected by the Board.
(g) The Board or the Hearing Panel may utilize as a hearing officer counsel to the Board to hear prehearing matters specified by the Board. The duties assigned to Board counsel may include, but are not limited to, any of the following:
(1) to hear and rule on pretrial discovery disputes;
(2) to hear and rule on Motions in Limine;
(3) to review Motions to Dismiss in order to advise the Board or the Hearing Panel on questions of law arising therein;
(4) to hear and rule on Motions for Continuance of a hearing;
(5) to hear and rule on other preliminary motions;
(6) to hear and rule on motions to have a panel member recused from a hearing;
(7) to mark, identify, and admit or deny exhibits; and
(8) to rule upon objections made during the hearing.
(h) Any pretrial motions, discovery motions, Motions to Dismiss, Motions for Continuance, must be submitted to the Director or to Board Counsel no less than ten (10) days before the date of any hearing in the proceeding is scheduled before a Hearing Panel or the Board.
(i) The Hearing Panel shall complete the case and issue any rulings, findings, conclusions or recommendations.
(j) Any person subject to the jurisdiction of the Board, who shall attempt to pressure, coerce, intimidate, or otherwise influence or affect the opinion of a board member, hearing officer, witness or complainant regarding a disciplinary matter, shall be subject to disciplinary action by the Board.
(k) In the event any hearing officer has any personal, social, or economic relationship with the complainant, appraiser named in any complaint, or any attorney involved in the proceedings, the hearing officer shall make full disclosure of that relationship to the Board who shall take appropriate administrative action to assure objectivity in the proceedings including, if necessary, replacement of any Hearing Panel member.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95**;** Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 20 OK Reg 557 eff 7-14-03; Amended at 22 OK Reg 1505 eff 7-14-05; Amended at 23 OK Reg 1113, eff 7-14-06**]**

600:15-1-7. Subpoenas and subpoenas duces tecum

(a) In all cases where a party desires to have subpoenas or subpoenas duces tecum issued to compel the attendance of witnesses, or production of documents, a written request shall be made by such party or his attorney, and directed to the Director or the Director's designee. The request shall specify the witness by name and address; and also identify any documents to be subpoenaed. The request shall acknowledge that any expense associated with the subpoena process shall be paid by the party requesting the subpoena, including travel expense and daily attendance fees, in the amount as set by statute for other civil matters, at the time of the service of such subpoena.
(b) The Department will cause subpoenas to be issued and mailed in conformity with said written requests; provided, that in said subpoena the witnesses names therein shall be advised that they may demand their travel fees and daily attendance fees from the party, or his representative, that neither the Board nor the State of Oklahoma will be responsible for any traveling fees, daily attendance fees, or other expenses incurred by such witness in attending any hearing before the Panel or Board.
(c) All requests for subpoenas and subpoenas duces tecum must be received by the Director or the Director's designee, by mail or otherwise, no later than ten (10) days prior to the date of the hearing at which the presence of any such witness or documents would be required.
(d) A party requesting issuance of subpoenas and subpoenas duces tecum shall be responsible for obtaining service and for the cost of that service.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-8. Public hearings

All hearings shall be open to the public. Witness may be excluded upon proper invocation of the witness exclusion rule by either party or the Panel.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92**]**

600:15-1-9. Burden of proof

(a) The burden of proof shall be on the Board in all hearings.
(b) The standard of proof applicable shall be by clear and convincing evidence.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 14 OK Reg 3030, eff 7-14-97**]**

600:15-1-10. Right to counsel.

(a) At all times during a disciplinary proceeding any party shall have the right to counsel provided that such counsel must be duly licensed to practice law by the Supreme Court of Oklahoma, and provided further that such counsel shall have the right to appear and act for and on behalf of the party he represents.
(b) In order to be recognized as counsel for respondent, such counsel shall file a written entry of appearance with the Director.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-11. Rules of evidence

(a) The Panel may admit and give probative effect to evidence which possesses probative value commonly

accepted by reasonably prudent people in the conduct of their affairs.

(1) The panel shall give effect to the rules of privilege recognized by law in respect to:

(A) self-incrimination;

(B) confidential communications between husband and wife during the subsistence of the marriage relation;

(C) communication between attorney and client, made in that relation;

(D) confessions made to a clergyman or priest in his professional capacity in the course of discipline enjoined by the church to which he belongs;

(E) communications made by a patient to a licensed practitioner of one of the healing arts with reference to any physical or supposed physical disease or of knowledge gained by such practitioner through a physical examination of a patient in a professional capacity;

(F) records and files of any official or agency of any state or of the United States which, by any statute of such state or of the United States are made confidential and privileged.

(2) No greater exclusionary effect shall be given any such rule or privilege than would obtain in action in court. The Panel may exclude incompetent, irrelevant, immaterial and unduly repetitious evidence. Objections to evidentiary offers may be made and shall be noted in the record. Subject to these requirements, when a hearing will be expedited and the interest of the parties will not be prejudiced substantially, any part of the evidence may be received in written form.

(b) Documentary evidence may be received in the form of copies, if the original is not readily available, or excerpts if such originals contain voluminous, irrelevant or extraneous material. Upon request, parties shall be given an opportunity to compare the copy with the original.

(c) A party may conduct cross-examinations required for a full and true disclosure of the facts.

(d) Notice may be taken of judicially cognizable facts. In addition, notice may be taken of generally recognized technical or scientific facts within the Panel's specialized knowledge. Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material noticed, including any staff memoranda or data, and they shall be afforded an opportunity to contest the material so noticed. The Panel's experience, technical competence, and specialized knowledge may be utilized in the evaluation of the evidence.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 12 OK Reg 1811, eff 7-1-95**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-12. Failure to appear

If either the Respondent or the Board fails or refuses to appear without good cause, the Panel may, if no continuance is granted, either enter a default decision or proceed with the formal hearing and determine the matter in the absence of the party.

(1) Default decision.

(A) Any party may move for default against a party who has failed to appear after proper service.

(B) As a consequence of the default, the allegations against a non-appearing Respondent may be deemed admitted and an appropriate sanction recommended, within the Panel's discretion. If the non-appearing Party is the Board, the Panel may recommend that the complaint be dismissed with prejudice.

(C) A motion to vacate a default decision may be filed with the Board along with or in lieu of a request for oral argument before the Board within the time period specified for requests for oral argument in Board Rule 600:15-1-17.

(D) Timely filed motions to vacate shall be granted only for good cause shown. The burden of proof is on the moving party.

(E) "Good cause" for the purpose of this rule means lack of notice in accordance with the Administrative Procedures Act, the Oklahoma Certified Real Estate Appraisers Act, or the rules promulgated pursuant thereto, excusable neglect or unavoidable casualty.

(F) A decision by the Board denying a motion to vacate and the Board's ground(s) therefor shall be included with its final order on the merits issued in accordance with 600:15-1-17 and is subject to review in accordance with the Administrative Procedures Act and Oklahoma Certified Real Estate Appraisers Act and the rules promulgated pursuant thereto.

(2) If the Panel decides to proceed with the formal hearing in the absence of any party, the Panel will make its decision based upon presentation and consideration of evidence and argument on all issues involved, and its recommendation shall not be considered a default decision.

(3) In lieu of personally appearing, a Respondent, unless issued a subpoena to appear at the hearing, may submit a written statement, subject to the following requirements:

(A) The statement must be filed in the administrative office of the Board at least (7) days prior to the hearing date;

(B) The statement must be notarized;

(C) The Respondent must acknowledge in the statement that Respondent received notice of the hearing and, that by not personally appearing, the Respondent is waiving the right to cross-examine witnesses, rehabilitate his or her statement, or present further evidence on his or her own behalf.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95**;** Amended at 19 OK Reg 1493 eff 7-14-02; Amended at 23 OK Reg ____ eff 7-14-08**]]**

600:15-1-13. Decision of hearing panel

A decision of any two (2) of the three (3) hearing panel members shall be sufficient for making rulings or disciplinary recommendations to the Board. All such rulings by the hearing panel with respect to admission of evidence or on objections brought by any party before or during a disciplinary hearing shall be final.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-14. Disciplinary alternatives

(a) The Panel may make any of the following disciplinary recommendations with respect to a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser:

(1) Revocation of the certificate with or without the right to reapply;

(2) Suspension of the certificate for a period not to exceed five (5) years;

(3) Probation, for a period of time and under such terms and conditions as deemed appropriate by the Board;

(4) Stipulations, limitations, restrictions, and conditions relating to practice;

(5) Censure, including specific redress, if appropriate;

(6) Reprimand;

(7) Satisfactory completion of an educational program or programs;

(8) Administrative fines as authorized by the Oklahoma Certified Real Estate Appraisers Act;

(9) Payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including, but not limited to, staff time, salary and travel expense, witness fees and attorney fees;

(10) Recommend a dismissal of the complaint.

(b) Informal disposition may be made of any individual proceeding by stipulation, agreed settlement, consent order or default.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93**;** Amended at 19 OK Reg 1493 eff 7-14-02; Amended eff 11-1-06 emergency; Amended at 24 OK Reg 2319 eff 7-14-07**]**

600:15-1-15. Conditions during suspension

(a) When the Board orders the suspension of a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser, the suspended appraiser shall be subject to the following terms and conditions during the suspension period:

(1) Immediately following the final order of suspension, the suspended appraiser may not be identified as a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser. All reference to certification/licensure must be immediately removed from all letterheads, business cards, appraisal report covers and other printed materials under the reasonable control of the appraiser.

(2) Promptly following the final order of suspension, the suspended appraiser shall return his/her license or certificate to the Board.

(3) The term of suspension shall begin on the date the license or certificate and pocket card are received by the Director.

(b) Where the appraiser is identified as a Trainee, State Licensed, State Certified Residential or State Certified General in trade journals, professional directories, telephone books and industry listings, the appraiser shall promptly notify all such publications that he/she is now suspended and request future publications, listings and directories to not identify him/her as a Trainee, State Licensed, State Certified Residential or State Certified General Appraiser during the suspension period. A copy of such notification shall also be provided to the Board.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-16. Proposed findings of fact, conclusions of law and disciplinary recommendations

(a) When the record is closed and submitted for a proposed decision, the Panel will issue proposed Findings of Fact, Conclusions of Law and Disciplinary Recommendations to the Board for its consideration and final order. Interested parties will receive copies of the Panel's proposed decision by certified mail. The Findings of Fact, Conclusions of Law and Disciplinary Recommendations will include a statement of facts, the issues and contentions, conclusions based on the findings of fact and applicable law, and recommendation to the Board for issuance of the final order.

(b) Upon request of the parties, the Panel may permit the parties to submit proposed Findings of Fact, Conclusions of Law and Disciplinary Recommendations which may be adopted by the Panel.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-17. Oral argument before the Board

(a) Within fifteen (15) days following mailing of the Proposed Findings of Fact, Conclusions of Law and Recommendations of the Panel, the aggrieved party may file an application for oral argument before the Board. Oral argument shall be limited to the Recommended Discipline of the Hearing Panel.

(b) If such application for oral argument is received, the Director shall set a date, time and place for the hearing and notice shall be given to each side by certified mail no less than thirty (30) days prior to the hearing. Respondent's typewritten brief~~s~~ shall be submitted to the Board no less

than twenty (20) days prior to such hearing. Petitioner's typewritten brief shall be submitted to the Board no less than ten (10) days prior to the hearing. Deadlines may be extended by the Director upon good cause shown. If the respondent fails to apply for oral argument or file a brief in a timely manner, the Board may consider respondent to have waived the opportunity for oral argument. Time limits for oral arguments will be set by the Board at the time of the hearing.

(c) The Board will issue the final order in each case whether or not application for oral argument is made. The Board may, in its discretion, vacate, modify, or affirm, in part or whole, the proposed decision of the Panel.

(d) In the event no request for oral argument is made by the Respondent within the fifteen (15) day period, a final order consistent with the Panel's findings, conclusions and recommendations shall be presented to the Board for approval, or in its discretion, vacation or modification; and following approval, copies will be mailed to the Respondent. The Board may, on its own motion, require oral argument before the Board.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 12 OK Reg 1811, eff 7-1-95**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-18. Rehearing, reopening or reconsideration of Board decision

(a) An order issued by the Board shall be subject to rehearing, reopening or reconsideration by the Board within ten (10) days of the date of its entry. The grounds for such action shall be either:

(1) newly discovered or newly available evidence, relevant to the issues;

(2) need for additional evidence adequately to develop the facts essential for a proper decision;

(3) probable error committed by the Panel or Board in the proceeding or in its decision that would be grounds for reversal on judicial review of the order;

(4) need for further consideration of the issues and the evidence in the public interest; or

(5) a showing that issues not previously considered should be examined in order to properly dispose of the matter.

(b) The order of the Board granting rehearing, reconsideration or review, or the petition of a party therefore, shall set forth the grounds which justify such action. Nothing in the chapter shall prevent rehearing, reopening or reconsideration of a matter by the Board in accordance with other statutory provisions applicable to the Board, or, at any time, on the grounds of fraud practiced by the prevailing party or of procurement of the order by perjured testimony or fictitious evidence. On reconsideration, reopening or rehearing, the matter may be heard by the Board, or it may be remanded to the Hearing Panel. The hearing shall be confined to those grounds upon which the reconsideration, reopening or rehearing was ordered. If an application for rehearing shall be timely filed, the period within which judicial review, under the applicable statute, must be sought, shall run from the final disposition of such application.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 12 OK Reg 1811, eff 7-1-95**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-19. Record of hearing

(a) A record by means of electronic recording of the hearing will be made of all disciplinary hearings.

(b) A person affected by the hearing may cause, at such person's expense, a transcript of the proceedings to be prepared or a full stenographic record of the proceedings to be made by a competent court reporter.

(c) If transcribed such transcript shall be part of the record of the hearing and a copy shall be furnished to any third party having a direct interest therein at the request and expense of such party.

(d) The record of the hearing and the file containing the pleadings shall be maintained in a place designated by the Board. The tape recording of the proceedings shall be maintained until the time for appealing the final Board order has run.

(e) The record of an individual proceeding shall include:

(1) all pleadings, motions and intermediate rulings;

(2) evidence received or considered;

(3) a statement of matters officially noticed;

(4) questions and offers of proof, objections, and rulings thereon;

(5) proposed findings and exceptions;

(6) any decision, opinion, or report by the Panel presiding at the hearing;

(7) all disciplinary procedures, memoranda or data submitted to the Panel or members of the Board in connection with their consideration of the case.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93**;** Amended at 19 OK Reg 1493 eff 7-14-02**]**

600:15-1-20. Request for declaratory ruling

Any person who may be affected by the existence of any of these foregoing public rules may request in writing an interpretation or ruling regarding the application of such rule to the facts furnished with the inquiry. Any such request shall state fully the facts concerning the rule which may apply, and the particular rules about which the question exists. The request or inquiry will be assigned to the Board for review. Thereafter, the Board will make a final determination of the interpretation or ruling. The Board's interpretation of the rule will be furnished in writing to the person making the request, within a reasonable time.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93; Amended at 23 OK Reg ____ eff 7-14-08**]]**

600:15-1-21. Request for rule adoption, amendment or repeal

All interested persons may ask the Board to promulgate, amend or repeal a rule; such requests will be in writing and filed with the Department. The request shall specify reasons for its submission, the alleged need or necessity for the change, whether or not the proposed change will conflict with any existing rule, and what, if any, statutory provisions are involved. If the Board approves the proposed change, notice will be given that such proposal will be formally considered for adoption. If, however, the Board determines that the proposal or request is not appropriate, the change will be denied and the decision reflected in the records of the Board. A copy will be sent to the interested person who submitted the request.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92; Amended at 10 OK Reg 1545, eff 5-1-93**]**

600:15-1-22. Severability provision

If any provision of this chapter, or application of such provision to any person or circumstances, shall be held invalid, the remainder of the chapter, and the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

[Source: Added at 8 OK Reg 983, eff 3-14-91 (emergency); Added at 9 OK Reg 1653, eff 5-15-92**]**

CHAPTER 20. COMMITTEES

Section

600:20-1-1. Establishment of committees
600:20-1-2. Election of committee co-chairpersons
600:20-1-3. Appointment and removal of committee members

[**Authority**: 59 O.S. § 858-706(A)]
[**Source**: Codified 5-15-92]

600:20-1-1. Establishment of committees; duties

(a) The Board may establish committees for the purpose of advising and assisting the Board in its duties and function. The following committees shall serve the Board in an ongoing capacity:

(1) Education, Experience and Testing Committee
(2) Legislation and Rules Committee
(3) Standards and Disciplinary Procedures Committee

(b) The Board may establish additional committees of a permanent or temporary nature as it deems necessary.

(c) Duties of the Education, Experience and Testing Committee shall include, but are not limited to the following:

(1) Review submissions and documentation and make recommendations to the Board regarding approval of course providers, course instructors, and courses of study;
(2) Review experience documentation and make recommendations to the Board regarding approval for licensure or upgrade of appraisers to levels with experience requirements;
(3) Make recommendations to the Board regarding requirements for changes to statutes or rules with respect to appraiser qualifications;
(4) Monitor activities of the Appraiser Qualifications Board of the Appraisal Foundation and make recommendations to the Board as required; and
(5) Perform other duties which may be delegated to the committee by the Board.

(d) Duties of the Standards and Disciplinary Procedures Committee shall include, but are not limited to the following:

(1) Make recommendations to the Board regarding requirements for changes to statutes or rules with respect to the disciplinary process;
(2) Monitor activities of the Appraisal Standards Board of the Appraisal Foundation and make recommendations to the Board as required;
(3) Furnish individuals to serve as members of screening panels and disciplinary hearing panels; and
(4) Perform other duties which may be delegated to the committee by the Board.

(e) Duties of the Legislation and Rules Committee shall include, but are not limited to the following:

(1) Make recommendations to the Board regarding requirements for changes to statutes or rules;
(2) Assist the Board in promoting required legislation and rules; and
(3) Perform other duties which may be delegated to the committee by the Board.

[**Source**: Added at 13 OK Reg 3519, eff 9-1-96; Amended at 19 OK Reg 1498 eff 7-14-02]

600:20-1-2. Election of committee co-chairpersons

The chairperson and vice-chairperson shall nominate and present to the Board for approval, two Board members to co-chair each committee from January 1 through December 31 of each calendar year. The Board shall approve the committee co-chairs at the last regularly scheduled meeting of the calendar year, or as soon thereafter as possible. If committee co-chair vacancies arise, or for other good cause, the chairperson and vice-chairperson shall present a new nomination for Board approval at the next regularly scheduled board meeting.

[**Source**: Added at 13 OK Reg 3519, eff 9-1-96]

600:20-1-3. Appointment and removal of committee members

(a) Each Board member shall nominate two (2) persons to serve on each committee. Committee members shall serve from January 1 through December 31 of each calendar year. Committee members may be reappointed to a committee so as to serve for more than one (1) year.

(b) The Board shall approve all persons appointed to a committee. Committee appointments for the upcoming year shall be approved by the Board at its last regularly scheduled meeting during the calendar year. Subsequently, if there are committee vacancies, the Board shall approve persons to serve the remaining term of the vacancy.

(c) The names of persons being nominated for committee appointment shall be presented to the Board at least two (2) weeks before the Board meeting at which time they will be considered for appointment.

(d) The Board shall maintain a current listing of all committee members which shall include the Board members who nominated them. The Board shall also maintain a file containing current professional qualification information on each committee member. The Board may instruct the

Director of the Board to maintain this information on its behalf.

(e) Appraisers serving on the Standards and Disciplinary Procedures Committee must be either a State Certified Residential or State Certified General Appraiser.

(f) If circumstances warrant, the Board may provide for the appointment of additional persons to serve on any Committee. These additional persons shall be approved by the Board, and their terms shall expire on December 31 of the year in which they are appointed.

(g) Where good cause for removal is shown, and with proper notification having been given to the party in question, committee members may be removed by the Board at a regularly scheduled meeting.

(h) At no time shall a majority of persons serving on any Board committee be members or affiliates with any one or particular nationally recognized real estate appraisal trade association.

[Source: Added at 13 OK Reg 3519, eff 9-1-96; Amended at 23 OK Reg 1114, eff 7-14-06**]**