THIS DOCUMENT IS A COPY OF THE OKLAHOMA CERTIFIED REAL ESTATE APPRAISERS ACT WITH THE CHANGES MANDATED BY HB 2911 EFFECTIVE NOVEMBER 1, 2006 POSTED BY BOARD STAFF.

§ 858-700. Short Title.

This act shall be known and may be cited as the "Oklahoma Certified Real Estate Appraisers Act".

§ 858-701. Legislative Intent - Purpose of Act.

It is the intent of the Legislature to develop a real estate appraiser certification process which meets the federal guidelines set forth in the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. The purpose of the Oklahoma Certified Real Estate Appraisers Act is to provide appraisers within the state a process for certification which will allow them to participate in a federally related transaction and real estate-related financial transactions of the agencies, instrumentalities and federally recognized entities as defined and recognized in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. It is not the intent of this legislation to prevent any person who is currently conducting business as an appraiser from continuing such action unless such action involves a federally related transaction or a real estate-related financial transaction as defined in Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

§ 858-702. Application of Act.

A. This act shall only apply to:

1. Any appraisal or appraiser involving the following:

a. a federally related transaction,

b. real estate-related financial transactions of the agencies, instrumentalities, and federally recognized entities covered by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and

c. any real estate-related transactions where an appraisal report was made under a written agreement that the appraisal report would follow the Uniform Standards of Professional Appraisal Practice guidelines or where a written appraisal states that it is in compliance with the Uniform Standards of Professional Appraisal Practice; and

2. Appraisers certified or licensed pursuant to the Oklahoma Certified Real Estate Appraisers Act or representing themselves as such, whether such license or certification is active, inactive, expired, suspended, or revoked as set forth in this act and the rules and regulations promulgated pursuant thereto, to the extent that the appraisers and any real property valuation and any real property valuation activity performed by them shall conform to the code of ethics as set forth in this act.

B. Certified public accountants, licensed in the states or other U.S. jurisdictions, who perform appraisals of real estate incidental to the performance of professional services they provide to clients are excluded from the licensing and certification provisions of the Oklahoma Certified Real Estate Appraisers Act unless the appraisal is a federally related transaction or a real estate-related financial transaction of the agencies, instrumentalities and federally recognized entities covered by the Financial Institutions, Reform, Recovery and Enforcement Act of 1989.

§ 858-703. Definitions.

As used in the Oklahoma Certified Real Estate Appraisers Act:

1. "Appraisal" or "real estate appraisal" means an analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate other than oil, gas, coal, water, and all other energy and nonfuel mineral and elements or the value of underground space to be used for storage of commodities or for the disposal of waste unless they are appraised as part of a federally related transaction covered by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989. An appraisal may be classified by subject matter into either a valuation or an analysis. A "valuation" is an estimate of the value of real estate or real property. An "analysis" is a study of real estate or real property other than estimating value;

2. "Appraisal report" means any written or oral communication of an appraisal;

3. "Appraisal Subcommittee" means the subcommittee created by Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989;

4. "Appraiser Qualifications Board" (AQB) means the independent board appointed by the Board of Trustees of the Appraisal Foundation. The AQB establishes educational, experience, and examination criteria for appraisers. Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989 requires that state certified appraisers must meet the minimum qualifications set by the AQB;

5. "Board" means the Real Estate Appraiser Board established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

6. "Certification" shall refer to either a trainee appraiser, a state licensed appraiser, a state certified residential appraiser or a state certified general appraiser;

7. "Certified appraisal or certified appraisal report" means an appraisal or appraisal report given or signed and certified as such by a trainee appraiser, a state licensed, state certified residential or state certified general real estate appraiser. When identifying an appraisal or appraisal report as "certified", the trainee, state licensed, state certified residential or state certified general real estate appraiser must indicate which type of certification is held. A certified appraisal or appraisal report represents to the public that it meets the appraisal standards defined in the Oklahoma Certified Real Estate Appraisers Act;

8. "Chairperson" means the chairperson of the Real Estate Appraiser Board;

9. "Department" means the Oklahoma Insurance Department;

10. "Real estate" means an identified parcel or tract of land, including improvements, if any;

11. "Real property" means one or more defined interests, benefits, and rights inherent in the ownership of real estate;

12. "Trainee, state licensed, state certified residential or state certified general real estate appraiser" means a person who develops and communicates real estate appraisals and who holds a current, valid certificate issued to such person for either general or residential real estate pursuant to provisions of the Oklahoma Certified Real Estate Appraisers Act;

13. "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested third party in rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, identified real estate; and

14. "Specialized services" means those appraisal services which do not fall within the definition of appraisal assignment. The term "specialized services" may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or

the public as acting as a disinterested third party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not "specialized services".

§ 858-704. Use of term “state certified”.

A. No person, other than a trainee, state licensed, state certified residential or state certified general real estate appraiser, shall assume or use that title or any title, designation, or abbreviation likely to create the impression of certification as a real estate appraiser by this state. A person who is not certified pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act shall not describe or refer to any appraisal or other evaluation of real estate located in this state by using the term "state certified".

B. Violation of subsection A of this section, including using or attempting to use the seal, certificate, or license of another as their own, or falsely impersonating any duly licensed appraiser, or using or attempting to use an inactive, expired, suspended, or revoked license, is declared to be adverse to the public welfare, to constitute a public nuisance, and to cause irreparable harm to the public welfare. The Real Estate Appraisal Board, through the Attorney General, or the local district attorney may maintain an action for injunctive relief in the district court in the county in which a violation of this section is alleged to have occurred to enjoin any person from engaging in such practice.

C. Upon the filing of a verified petition in a district court, the court, if satisfied by affidavit or otherwise that a person has been engaged in the practice of real estate appraisal without a valid license, may enter a temporary restraining order without notice or bond enjoining the defendant from further practice. The showing of the absence of a valid, active, unexpired license, by affidavit or otherwise, is sufficient for the issuance of a temporary injunction. If it is established that the defendant has been or is engaged in violation of subsection A of this section, the court may enter an order or judgment perpetually enjoining the defendant from further unlawful acts. In all proceedings under this section, the court, in its discretion, may apportion the costs among the parties interested in the action, including the cost of filing the complaint, service of process, witness fees and expenses, court-reported charges, and reasonable attorney fees. These injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided in the Oklahoma Certified Real Estate Appraisers Act.

D. This act is hereby deemed to be voluntary on the part of those who apply to become trainee, state licensed, state certified residential or state certified general real estate appraisers. Users of appraisals may determine, by their own discretion or by guidelines, whether or not to use a trainee, state licensed, state certified residential or state certified general real estate appraiser.

§ 858-705. Real Estate Appraiser Board - Members - Appointment - Qualifications - Terms – Removal - Meetings - Chairperson - Quorum.

A. There is hereby established as an adjunct to the Department an independent Real Estate Appraiser Board which shall consist of seven (7) regular members and one ex officio member. The ex officio member shall be the Insurance Commissioner. The seven regular members shall be as follows: one from the commercial banking industry; one of whom shall be a layperson; one of whom shall be in the real estate sales industry; and four of whom shall be real estate appraisers with no nationally recognized real estate appraisal organization having more than two members on the Board.

B. The Governor shall appoint the members of the Real Estate Appraiser Board.

C. Each real estate appraiser member of the Board appointed after July 1, 1991, or within twenty-four (24) months of the effective date of this act, whichever occurs first, must be a state licensed, state certified residential or state certified general real estate appraiser.

D. The term of each member shall be five (5) years; except that of the members first appointed, two shall serve for one (1) year, two shall serve for two (2) years, one shall serve for three (3) years, one shall serve for four (4) years, and one shall serve for five (5) years.

E. Members of the Board shall hold office until the appointment and qualification of their successors. No person shall serve as a member of the Board for more than two consecutive terms. The Governor may remove a member for inefficiency, neglect of duty, or malfeasance in office. The member shall be given notice and an opportunity to be heard prior to removal.

F. The Board shall meet at least once each calendar quarter to conduct its business. Written notice shall be given to each member of the time and place of each meeting of the Board at least ten (10) days before the scheduled date of the meetings.

G. The members of the Board shall elect a vice-chairperson from among the members to preside at Board meetings when the chairperson is absent.

H. A quorum of the Board shall be five members.

§ 858-705.1. Board - Ex-officio chairperson - Duties.

A. In addition to the seven (7) appointed members of the Board, the Insurance Commissioner shall serve as ex-officio Chairperson of the Board, voting only in case of a tie.

B. As Chairperson, the Insurance Commissioner, in addition to his duties prescribed by law as Insurance Commissioner on the effective date of this act, shall be required to perform the following duties, for which duties he shall be paid an additional Twelve Thousand Dollars ($12,000.00) annually, payable monthly from appropriations made to the Insurance Department:

1. Keep records of the proceedings of the Board;

2. Call special meetings of the Board when in the judgment of the chairperson it is necessary or proper to do so;

3. Procure appropriate examination questions and answers which shall meet criteria established by the Appraisal Subcommittee and approved by the Board;

4. Develop guidelines for administration of and grading of the examinations in accordance with standards promulgated by the Appraisal Subcommittee and approved by the Board;

5. Prepare and file a annual report with the Speaker of the House, the President Pro Tempore of the Senate, and the Governor detailing the number of applicants for the examination and the pass/fail rate;

6. Formulate a study to evaluate the number of appraisers licensed or certified by the state on a countywide basis and report to the Speaker of the House, the President Pro Tempore of the Senate, and the Governor concerning whether there is a shortage of qualified appraisers in the state;

7. Establish and maintain a recordkeeping system approved by the Board to monitor compliance with the continuing education requirements imposed by law;

8. Make recommendations to the Board concerning the establishment of administrative procedures for conducting disciplinary proceedings pursuant to the provisions of this act;

9. Develop a procedure approved by the Board whereby persons aggrieved by the actions of a licensed or certified appraiser may file complaints with the Board;

10. Annually compile and file a report with the Speaker of the House, President Pro Tempore of the Senate, and the Governor detailing the number of complaints received by the Board, the resulting number of investigations and hearings conducted and the final disposition of these matters;

11. Prepare and file a report with the Speaker of the House, the President Pro Tempore of the Senate, and the Governor evaluating the impact of the voluntary licensure/certification program on future appraisers and recommend whether an appraiser trainee or apprenticeship program should be instituted; and

12. Submit to the Speaker of the House, the President Pro Tempore of the Senate, and the Governor on or before January 1, 1994, a report evaluating the impact of the licensure/certification requirements imposed by this act on the appraiser and banking industry and include in the report any recommendations for amendments to the Oklahoma Certified Real Estate Appraisers Act.

§ 858-706. Powers and Duties of Board.

A. The Board shall promulgate rules and regulations to implement the provisions of the Oklahoma Certified Real Estate Appraisers Act.

B. The Board shall have the following powers and duties:

1. To further define by regulation and with respect to each category of Oklahoma certified real estate appraisers the type of educational experience, appraisal experience, and equivalent experience that will meet the requirements of the Oklahoma Certified Real Estate Appraisers Act, as approved by the Appraisal Subcommittee;

2. To establish the examination specifications for each category of Oklahoma certified real estate appraiser;

3. To approve or disapprove applications for certification and issue certificates;

4. To further define by regulation and with respect to each category of Oklahoma certified real estate appraiser, the continuing education requirements for the renewal of certification that will meet the requirements of the Oklahoma Certified Real Estate Appraisers Act as approved by the Appraisal Subcommittee;

5. To review from time to time the standards for the development and communication of real estate appraisals provided in the Oklahoma Certified Real Estate Appraisers Act and to adopt regulations explaining and interpreting the standards;

6. To establish administrative procedures for disciplinary proceedings conducted pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

7. To censure, suspend and revoke certificates pursuant to the disciplinary proceedings provided in the Oklahoma Certified Real Estate Appraisers Act;

8. To perform such other functions and duties as may be necessary in carrying out the provisions of the Oklahoma Certified Real Estate Appraisers Act.

In the exercise of all powers and the performance of all duties provided in this act, the Board shall comply with the procedures provided in the Administrative Procedures Act.

C. Actions of the Board shall not be subject to review by the Department.

D. The members of the Board shall not be held civilly liable for any action taken in good faith by the Board in its official capacity pursuant to law unless such action is arbitrary and capricious.

§ 858-707. Powers and Duties of Insurance Department.

The Insurance Department shall have the following powers and duties:

1. To receive application for Oklahoma certification;

2. To establish the administrative procedures for processing applications for Oklahoma certification;

3. To maintain a registry of the names and addresses of people certified pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act and transmit such registry to the Appraisal Subcommittee;

4. To retain records and all application materials submitted to it; and

5. To assist the Board in such other manner as may be requested.

§ 858-708. Fees.

A. The Insurance Department shall charge and collect fees not to exceed the following:

1. Trainee Appraiser Certificate (annually)	$300.00
2. State Licensed Appraiser Certificate (annually)	$300.00
3. State Certified General Appraiser Certificate (annually)	$300.00
4. State Certified Residential Appraiser Certificate (annually)	$300.00
5. State Licensed Appraiser Examination	$150.00
6. State Certified General Appraiser Examination	$150.00
7. State Certified Residential Appraiser Examination	$150.00
8. Reexamination Fee	$150.00
9. Late Fee	$50.00
10. Reinstatement Fee	$50.00
11. Duplicate for Lost or Destroyed Certificate	$5.00
12. Temporary Practice Fee Per Appraisal	$50.00
13. Maximum Temporary Practice Fee Per Assignment	$150.00

B. The Department shall charge and collect such fees as may be promulgated by administrative rule by the Real Estate Appraisal Board for the conduct of experience reviews required in the licensing process.

C. The Department shall charge and collect such fees as may be promulgated by administrative rule by the Real Estate Appraisal Board for review of submissions by course providers and instructors.

D. The Insurance Department shall charge and collect a Federal Registry Fee of Twenty-five Dollars ($25.00) for all state licensed, state certified residential, and state certified general appraisers. Said fee shall be transmitted to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

§ 858-709. Application for Certification, Renewal and Examination - Fees – Pledge of Compliance with Board Standards – Temporary Appraisers - Consent to Suits and Actions

A. Applications for original certification, renewal certification and examinations shall be made in writing to the Oklahoma Insurance Department on forms approved by the Real Estate Appraiser Board.

B. Appropriate fees, as fixed by the Department pursuant to Section 858-708 of this title, must accompany all applications for renewal certification.

C. At the time of filing an application for certification, each applicant shall sign a pledge to comply with the standards set forth in the Oklahoma Certified Real Estate Appraisers Act, and state that such applicant understands the types of misconduct for which disciplinary proceedings may be initiated against an Oklahoma certified real estate appraiser, as set forth in the Oklahoma Certified Real Estate Appraisers Act.

D. In accordance with Section 3351 of Title 12 of the United States Code, the Board shall recognize, on a temporary basis, the certification or license of an appraiser issued by another state if:

1. The property to be appraised is part of a federally related transaction, as defined in the federal real estate appraisal reform amendments;

2. The appraiser's business is of a temporary nature and certified by the appraiser;

3. The appraiser registers the temporary practice with the Board and pays fees as provided herein; and

4. The appraiser resides in or is working out of a state that is also in compliance with Section 3351 of Title 12 of the United States Code, that recognizes, on a temporary basis, the certification or license of an Oklahoma appraiser in their state; or

5. As otherwise approved by the Board.

E. The applicant or any person registering with the Board for temporary practice shall file an irrevocable consent that suits and actions may be commenced against such person:

1. In the proper court of any county of this state in which a cause of action may arise due to the person's actions as a state licensed or certified real estate appraiser; or

2. In the county in which the plaintiff may reside.

The consent also shall stipulate and agree that service of process or pleadings on the person shall be made by service upon the Board as the person's agent and held in all courts to be as valid and binding as if personal service had been made upon the applicant in Oklahoma. In case any processes or pleading mentioned in the case is served upon the Board, it shall be by duplicate copies, one of which shall be filed with the Board administrator and the other immediately forwarded by registered mail to the nonresident state licensed or certified real estate appraiser to whom the processes or pleadings are directed.

§ 858-710. Classes of Certification.

A. There shall be four classes for Oklahoma certified real estate appraisers:

1. State Licensed Appraiser as defined by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation;

2. State Certified Residential Appraiser as defined by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation;

3. State Certified General Appraiser as defined by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation; and

4. Trainee Appraiser as defined by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation.

B. The application for original certification, renewal certification and examination shall specify the classification of certification being applied for and previously granted.

§ 858-711. Areas of Knowledge Required for Initial Certification.

A. An original certification as a state licensed, state certified residential or state certified general real estate appraiser shall not be issued to any person who has not made application with the Real Estate Appraiser Board within ninety (90) days of having demonstrated through a written examination process that such person possesses the following:

1. Appropriate knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate;

2. Understanding of the principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing of data in carrying out appraisal disciplines;

3. Understanding of the standards for the development and communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act;

4. Knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the classification of certificate applied for;

5. Knowledge of other principles and procedures as may be appropriate for the respective classifications;

6. Basic understanding of real estate law; and

7. Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a trainee, state licensed, state certified residential or state certified general real estate appraiser, as set forth in the Oklahoma Certified Real Estate Appraisers Act.

B. As long as the Board contracts with a private testing firm in the administration of the written examination process, the Board shall not require passing test scores which deviate from the recommendations of such private testing firm.

§ 858-712. Examination for Certification – Prerequisites.

A. State Certified General Appraiser - As a prerequisite to taking the examination for certification as a State Certified General Appraiser, an applicant shall present satisfactory evidence to the Real Estate Appraiser Board that such applicant has successfully completed the minimum educational requirement specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or college or university

or technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout the State of Oklahoma prior to the required examination date which must include classroom hours related to standards of professional practice.

B. State Certified Residential Appraiser - As a prerequisite to taking the examination for certification as a State Certified Residential Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed the minimum educational requirement specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or college or university or technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout this state prior to the required examination date which must include classroom hours related to standards of professional practice.

C. State Licensed Appraiser - As a prerequisite to taking the examination for certification as a State Licensed Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed the minimum education requirement specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university or technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout the State of Oklahoma prior to the required examination which must include classroom hours related to standards of professional practice. Provided, that any appraiser who becomes state licensed prior to July 1, 2001, shall not be required to complete any additional classroom hours necessary to meet the minimum requirements of the Appraiser Qualifications Board of the Appraisal Foundation in order to maintain certification as a state licensed appraiser.

D. Trainee Appraiser – There shall be no examination for certification as a Trainee Appraiser. As a prerequisite to certification as a Trainee Appraiser, an applicant shall present satisfactory evidence to the Board that such applicant has successfully completed not less than seventy-five (75) classroom hours of courses in subjects related to real estate appraisal from a nationally recognized appraisal organization or a college or university or area technology center school or private school approved by the Board and such classes shall be made available on a regional basis throughout the State of Oklahoma prior to the required examination date with the cost of the classes being established by the Board which must include classroom hours related to standards of professional practice the minimum educational requirement specified by the Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation.

§ 858-713. Experience Required for Certification.

A. An original certification as a state certified general or a state certified residential, or state licensed appraiser shall not be issued to any person who does not possess the equivalent of the minimum requirements of experience promulgated by the Appraisal Qualifications Board of the Appraisal Foundation in real property appraisal supported by adequate written reports or file memoranda. Provided, there shall be no experience requirement for a trainee appraiser. Provided, that any 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. Each applicant for certification as a state certified general or a state certified residential appraiser or state licensed appraiser shall furnish under oath a detailed listing of the real estate appraisal reports or file memoranda for each year for which experience is claimed by the applicant. Upon request, the applicant shall make available to the Board for examination, a sample of appraisal reports which the applicant has prepared in the course of that applicant's appraisal practice.

§ 858-714. Term of Certificate - Expiration.

The term of a certificate issued under the authority of this act shall be three (3) years from the date of issuance. The expiration date of certificate shall appear on the certificate and no other notice of its expiration need be given to its holder.

§ 858-715. Nonresident Applicants – Consent of Service of Process – Reciprocity Agreement Required.

A. Every applicant for certification pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act who is not a resident of this state shall submit, with the application for certification, an irrevocable consent that service of process upon the applicant may be made by delivery of the process to the Secretary of State if, in an action against the applicant in a court of this state arising out of the applicant's activities as an Oklahoma certified real estate appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.

B. Nonresidents of this state may make certified appraisals in this state only if the appraiser is certified in a state with a reciprocity agreement to recognize the certification of appraisers from Oklahoma.

§ 858-716. Applicant Certified under Laws of States with Substantially Equivalent Certification Requirements.

If, in the determination by the Board, another state is deemed to have substantially equivalent certification requirements, an applicant who is certified under the laws of such other state may obtain a certificate as an Oklahoma certified real estate appraiser upon such terms and conditions as may be determined by the Board provided they are in good standing with the state in which they hold a current certification and have become a resident of Oklahoma.

§ 858-717. Denial of Certificate.

The Board may, in accordance with the provisions of the Oklahoma Certified Real Estate Appraisers Act relating to hearings, deny the issuance of a certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser to an applicant on any of the grounds enumerated in the Oklahoma Certified Real Estate Appraisers Act.

§ 858-718. Address of Appraiser’s Principal Place of Business – Notification of Change – Residence Addresses.

A. Each trainee, state licensed, state certified residential or state certified general real estate appraiser shall advise the Real Estate Appraiser Board of the address of that appraiser's principal place of business and all other addresses at which such appraiser is currently engaged in the business of preparing real property appraisal reports.

B. Whenever a trainee, state licensed, state certified residential or state certified general real estate appraiser changes a place of business, that appraiser shall immediately give written notification of the change to the Board.

C. Every trainee, state licensed, state certified residential or state certified general real estate appraiser shall notify the Board of that appraiser's current residence address. Residence addresses on file with the Board are exempt from disclosure as public records.

§ 858-719. Certificate Signatures and Numbers.

A. A certificate issued pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act shall bear the signatures or facsimile signatures of the members of the Board and a certificate number assigned by the Board.

B. Each trainee, state licensed, state certified residential or state certified general real estate appraiser shall place that appraiser's certificate number adjacent to or immediately below the title Trainee Appraiser, State Licensed Appraiser, State Certified Residential Appraiser or State Certified General Appraiser when used in an appraisal report or in a contract or other instrument used by the certificate holder in conducting real property appraisal activities.

§ 858-720. Issuance of Certificate to Corporation, Partnership, Firm or Group Prohibited.

A. The terms "Trainee, State Licensed, State Certified Residential or State Certified General Real Estate Appraiser" may only be used to refer to individuals who hold the license or certificate and may not be used following or immediately in connection with the name or signature of a firm, partnership, corporation, or group; or in such manner that it might be interpreted as referring to a firm, partnership, corporation, group, or anyone other than an individual holder of the certificate.

B. No certificate shall be issued pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act to a corporation, partnership, firm or group. This shall not be construed to prevent a trainee, state licensed, state certified residential or state certified general real estate appraiser from signing an appraisal report on behalf of a corporation, partnership, firm or group practice.

§ 858-721. Renewal Certificate – Late Renewal Fee.

A. To obtain a renewal certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser, the holder of a current, valid certificate shall make application and pay the prescribed fee to the Board not earlier than one hundred twenty (120) days nor later than thirty (30) days after the expiration date of the certificate then held. With the application for renewal, the trainee, state licensed, state certified residential or state certified general real estate appraiser shall present evidence in the form prescribed by the Board of having completed the continuing education requirements for renewal specified pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act.

B. If a person fails to renew a certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser prior to its expiration, the person may obtain a renewal certificate by satisfying all of the requirements for renewal and by the payment of a late renewal fee.

§ 858-722. Continuing Education Requirements – Rules and Regulations – Requirements for Reinstatement.

A. As a prerequisite to renewal of certification, a trainee, state licensed, state certified residential or state certified general real estate appraiser shall present evidence satisfactory to the Real Estate Appraiser Board of having met the continuing education requirements of this section.

B. The basic continuing education requirement of renewal of certification shall be the completion by the applicant, during the immediately preceding term of certification, of the minimum number of classroom hours of instruction in courses or seminars according to the guidelines promulgated by the Appraiser Qualifications Board.

C. The Board shall adopt regulations for implementation of the provisions of this section assuring that persons renewing their certifications as trainee, state licensed, state certified residential or state certified general real estate appraisers have current knowledge of real property appraisal theories, practices, and techniques which will provide a high degree of service and protection to those members of the public with whom they deal in a professional relationship under authority of the certification. The regulations shall prescribe the following:

1. Policies and procedures for obtaining Board approval of courses of instruction pursuant to subsection B of this section; and

2. Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors as a prerequisite to Board approval of courses for credit.

D. No amendment or repeal of a regulation adopted by the Board pursuant to this section shall operate to deprive a trainee, state licensed, state certified residential or state certified general real estate appraiser of credit toward renewal of certification for any course of instruction completed by the applicant prior to the amendment or repeal of the regulation which would have qualified for continuing education credit under the regulation as it existed prior to the repeal or amendment.

E. Commencing thirty (30) days after the effective date of this act, a certification as a trainee, state licensed, state certified residential or state certified general real estate appraiser that has been revoked as a result of disciplinary action by the Board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required pursuant to the provisions of the Oklahoma Real Estate Appraisers Act. This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete the examination for trainee, state licensed, state certified residential or state certified general real estate appraiser as a condition to reinstatement of certification.

§ 858-723. Disciplinary Proceedings – Grounds - Civil Judgment as Basis - Complaints.

A. The Real Estate Appraiser Board, after notice and opportunity for a hearing, pursuant to Article II of the Administrative Procedures Act, may issue an order imposing one or more of the following penalties whenever the Board finds, by clear and convincing evidence, that a certificate holder has violated any provision of the Oklahoma Certified Real Estate Appraisers Act, or rules promulgated pursuant thereto:

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, either public or private;
7. Satisfactory completion of an educational program or programs;
8. Administrative fines as authorized by the Oklahoma Certified Real Estate Appraisers Act; and
9. Payment of costs expended by the Board for any legal fees and costs and probation and monitoring fees including, but not limited to, administrative costs, witness fees and attorney fees.

B. 1. Any administrative fine imposed as a result of a violation of the Oklahoma Certified Real Estate Appraisers Act or the rules of the Board promulgated pursuant thereto shall not:

a. be less than Fifty Dollars ($50.00) and shall not exceed Two Thousand Dollars ($2,000.00) for each violation of this act or the rules of the Board, or

b. exceed Five Thousand Dollars ($5,000.00) for all violations resulting from a single incident or transaction.

2. All administrative fines shall be paid within thirty (30) days of notification of the certificate holder by the Board of the order of the Board imposing the administrative fine, unless the certificate holder has entered into an agreement with the Board extending the period for payment.
3. The certificate may be suspended until any fine imposed upon the licensee by the Board is paid.
4. Unless the certificate holder has entered into an agreement with the Board extending the period for payment, if fines are not paid in full by the licensee within thirty (30) days of the notification by the Board of the order, the fines shall double and the certificate holder shall have an additional thirty-day period. If the double fine is not paid within the additional thirty-day period, the certificate shall automatically be revoked.
5. All monies received by the Board as a result of the imposition of the administrative fine provided for in this section shall be deposited in the Oklahoma Certified Real Estate Appraisers Revolving Fund created pursuant to Section 858-730 of this title.

C. The rights of any holder under a certificate as a trainee, state licensed, state certified residential or state certified general real estate appraiser may be revoked or suspended, or the holder of the certificate may be otherwise disciplined pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act, upon any of the grounds set forth in this section. The Board may investigate the actions of a trainee, state licensed, state certified residential or state certified general real estate appraiser, and may revoke or suspend the rights of a certificate holder or otherwise discipline a trainee, state licensed, state certified residential or state certified general real estate appraiser for any of the following acts or omissions:

1. Procuring or attempting to procure a certificate pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act by knowingly making a false statement, knowingly submitting false information, refusing to provide complete information in response to a question in an application for certification or through any form of fraud or misrepresentation;

2. Failing to meet the minimum qualifications established pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act;

3. Paying money other than provided for by the Oklahoma Certified Real Estate Appraisers Act to any member or employee of the Board to procure a certificate pursuant to the Oklahoma Certified Real Estate Appraisers Act;

4. A conviction, including a conviction based upon a plea of guilty or nolo contendere, of a felony which is substantially related to the qualifications, functions, and duties of a person developing real estate appraisals and communicating real estate appraisals to others;

5. An act or omission involving dishonesty, fraud, or misrepresentation with the intent to substantially benefit the certificate holder or another person or with the intent to substantially injure another person;

6. Violation of any of the standards for the development or communication of real estate appraisals as provided in the Oklahoma Certified Real Estate Appraisers Act;

7. Failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

8. Negligence or incompetence in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

9. Willfully disregarding or violating any of the provisions of the Oklahoma Certified Real Estate Appraisers Act or the regulations of the Board for the administration and enforcement of the provisions of the Oklahoma Certified Real Estate Appraisers Act;

10. Accepting an appraisal assignment when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or where the fee to be paid is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

11. Violating the confidential nature of governmental records to which the appraiser gained access through employment or engagement as an appraiser by a governmental agency;

12. Entry of a final civil judgment against the person on grounds of deceit, fraud, or willful or knowing misrepresentation in the making of any appraisal of real property;

13. Violating any of the provisions in the code of ethics set forth in this act; or

14. Failing to at any time to properly identify themselves according to the specific type of certification held.

D. In a disciplinary proceeding based upon a civil judgment, the trainee, state licensed, state certified residential or state certified general real estate appraiser shall be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

E. 1. A complaint may be filed with the Board against a trainee, state licensed or state certified appraiser for any violations relating to a specific transaction of the Oklahoma Certified Real Estate Appraisers Act by any person who is the recipient of, relies upon or uses an appraisal prepared for a federally related transaction or real-estate-related financial transaction as described in Section 858-701 of this title.

2. Any person with knowledge of any circumstances surrounding an act or omission by a trainee, state licensed or state certified appraiser involving fraud, dishonesty or misrepresentation in any real property valuation-related activity, not limited to federally related transactions, may file a complaint with the Board setting forth all facts surrounding the act or omission.

3. A complaint may be filed against a trainee or state licensed or state certified appraiser directly by the Board, if reasonable cause exists for violations of the code of ethics set forth in this act.

4. Any complaint filed pursuant to this subsection shall be in writing and signed by the person filing same and shall be on a form approved by the Board. The trainee or state licensed or state certified appraiser shall be entitled to any hearings or subject to any disciplinary proceedings provided for in the Oklahoma Certified Real Estate Appraisers Act based upon any complaint filed pursuant to this subsection.

§ 858-724. Notice of Hearings – Subpoenas and Depositions.

A. Before suspending or revoking any certification, the Real Estate Appraiser Board shall notify the appraiser in writing of any charges made at least thirty (30) days prior to the date set for the hearing and shall afford the appraiser an opportunity to be heard in person or by counsel.

B. The written notice may be served either personally or sent by registered or certified mail to the last-known business and/or residence address of the appraiser.

C. The Board shall have the power to subpoena and issue subpoenas duces tecum and to bring before it any person in this state, or to take testimony by deposition, in the same manner as prescribed by law in judicial proceedings in the courts of this state.

§ 858-725. Findings of Fact - Final Decision and Order - Review.

A. The hearing on the charges shall be at a time and place prescribed by the Real Estate Appraiser Board and in accordance with the provisions of the Administrative Procedures Act.

B. If the Board determines that an Oklahoma certified appraiser is guilty of a violation of any of the provisions of the Oklahoma Certified Real Estate Appraisers Act, it shall prepare an order containing findings of fact, conclusions of law, and disciplinary penalties in accordance with Section 858-723 of this title. The decision and order of the Board shall be final.

C. Any final decision or order of the Board shall be reviewable by a court of appropriate jurisdiction in accordance with the provisions of the Administrative Procedures Act.

§ 858-726. Uniform Standards of Professional Appraisal Practice - Compliance Required.

An Oklahoma certified real estate appraiser must comply with the current edition of the Uniform Standards of Professional Appraisal Practice, as promulgated by the Appraisal Standards Board of the Appraisal Foundation when involved in a federally related transaction or a real estate-related financial transaction of the agencies, instrumentalities and federally recognized entities as defined and recognized by the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, or when both the appraiser and user of appraisal services agree in writing that the work product is an appraisal, or when a written appraisal states that it is in compliance with the Uniform Standards of Professional Appraisal Practice.

§ 858-727. Employment of Oklahoma Certified Real Estate Appraiser – Compliance with Act.

A client or employer may retain or employ an Oklahoma certified real estate appraiser to act as a disinterested third party in rendering an unbiased estimate of value or analysis. A client or employer may also retain or employ an Oklahoma certified real estate appraiser to provide specialized services to facilitate the client's or employer's objectives. In either case, the appraisal and the appraisal report must comply with the provisions of this act.

§ 858-728. Contingent Fees.

A. An Oklahoma certified real estate appraiser may not accept a fee for an appraisal assignment, as defined in the Oklahoma Certified Real Estate Appraisers Act, that is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion or is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment.

B. An Oklahoma certified real estate appraiser who enters into an agreement to perform specialized services, as defined in the Oklahoma Certified Real Estate Appraisers Act, may be paid a fixed fee or a fee that is contingent on the results achieved by the specialized services.

C. If an Oklahoma certified real estate appraiser enters into an agreement to perform specialized services for a contingent fee, this fact shall be clearly stated in each written and oral report. In each written report, this fact shall be clearly stated in a prominent location in such report and also in each letter of transmittal and in the certification statement made by the appraiser in such report.

§ 858-729. Retention of Records – Inspection by Board.

A. An Oklahoma certified real estate appraiser shall retain for five (5) years, originals or true copies of all written contracts engaging that appraiser's services for real property appraisal work, and all reports and supporting data assembled and formulated by the appraiser in preparing the reports.

B. This five-year period for retention of records is applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within such five-year period, the appraiser is notified that the appraisal or report is involved in litigation, in which event the five-year period for the retention of records shall commence upon the date of the final disposition of such litigation.

C. All records required to be maintained pursuant to the provisions of the Oklahoma Certified Real Estate Appraisers Act shall be made available by the Oklahoma certified real estate appraiser for inspection and copying by the Board on reasonable notice to the appraiser.

§ 858-730. Oklahoma Certified Real Estate Appraisers Revolving Fund.

There is hereby created the "Oklahoma Certified Real Estate Appraisers Revolving Fund". The fund shall consist of all monies, other than appropriated monies, received by the Department from fees collected. The fund shall be a continuing fund not subject to fiscal year limitations and shall be subject to the administrative direction of the Department. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims

made to the Director of State Finance. Monies may be expended for the operating expenses of the Department and the Board and shall be made pursuant to the laws of this state.

§ 858-731. Repealed by Laws 1992, c. 132, § 16, eff. Sept. 1, 1992.

§ 858-732. Code of Ethics.

A. All persons listed in paragraph 2 of subsection A of Section 858-702 of this title must conduct all real property valuations and any real property valuation-related activity in conformance with the following:

1. An appraiser must perform ethically and competently and not engage in conduct that is unlawful, unethical or improper. An appraiser who could reasonably be perceived to act as a disinterested third party in rendering an unbiased real property valuation must perform assignments with impartiality, objectivity and independence and without accommodation of personal interests;

2. The acceptance of compensation that is contingent upon the reporting of a predetermined value or a direction in value that favors the cause of the client, the amount of the value estimate, the attainment of a stipulated result or the occurrence of a subsequent event is unethical;

3. The payment of undisclosed fees, commissions or things of value in connection with the procurement of real property valuation assignments is unethical;

4. Advertising for or soliciting appraisal assignments in a manner which is false, misleading or exaggerated is unethical;

5. An appraiser must protect the confidential nature of the appraiser-client relationship; and

6. Using or attempting to use the seal, certificate, or license of another as their own; falsely impersonating any duly licensed appraiser; using or attempting to use an inactive, expired, suspended, or revoked license; or aiding or abetting any of the foregoing is unethical.

B. Although this code of ethics is based upon the ethics provisions of the Uniform Standards of Professional Appraisal Practice, it is not the intent of the Legislature to incorporate the standards set forth in the Uniform Standards of Professional Appraisal Practice.