



Notice of Intent to Adopt Rules

Revised October 2014

1. General Information

a. Agency/Board Name		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Contact Person	f. Contact Telephone Number	
g. Contact Email Address		
h. Date of Public Notice	i. Comment Period Ends	
j. Program		

2. Rule Type and Information: For each chapter listed, indicate if the rule is New, Amended, or Repealed.

a. If "New," provide the Enrolled Act numbers and years enacted:

b. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed
Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.

Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

c. The Statement of Reasons is attached to this Notice and, in compliance with *Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council*, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.

Complete all that apply:

The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):
_____ (Provide chapter numbers)

These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Reasons).
_____ (Provide chapter numbers)

N/A These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).

d. N/A In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Section 5 of the Rules on Rules).

e. A copy of the proposed rules* may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

* If Item "d" above is not checked, the proposed rules shall be in strike and underscore format.

3. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. Yes No

	If "Yes:"	Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:
 To the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Contact Person listed in Section 1 above.

4. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. Yes No

	If "Yes:"	Applicable Federal Law or Regulation Citation:
		Indicate one (1): <input type="checkbox"/> The proposed rules meet, but do not exceed, minimum federal requirements. <input type="checkbox"/> The proposed rules exceed minimum federal requirements.
		Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to: <input type="checkbox"/> To the Agency at the physical and/or email address listed in Section 1 above. <input type="checkbox"/> At the following URL: _____

5. State Statutory Requirements

a. Indicate one (1):
 The proposed rule change *MEETS* minimum substantive statutory requirements.
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):
 The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:
 By contacting the Agency at the physical and/or email address listed in Section 1 above.
 At the following URL: _____
 Not Applicable.

6. Authorization

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	
<i>Title of Authorized Individual</i>	
<i>Date of Authorization</i>	

Distribution List:

- Attorney General and LSO: Hard copy of Notice of Intent; Statement of Reasons; clean copy of the rules; and strike-through and underline version of rules (if applicable). Electronic copies (PDFs) of all items noted (in addition to hard copies) may be emailed to LSO at Criss.Carlson@wyoleg.gov.
- Secretary of State: Electronic version of Notice of Intent sent to Rules@wyo.gov.



Wyoming Certified Real Estate Appraiser Board

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MARLON SCHLUP, VICE-CHAIRMAN, DOUGLAS
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JIM HURSH, RIVERTON
JEANNE TOMB, CASPER
WAYNE VOSS, WORLAND

MEMBER - ASSOCIATION OF APPRAISER REGULATORY OFFICIALS

Regular Rules Filing Statement of Reasons

The Wyoming Certified Real Estate Appraiser Board (CREAB) operates with the authority established in W.S. § 33-39-101 through 33-39-225. This Board also functions under the federal direction of the Appraisal Subcommittee (ASC) of the Federal Financial Institutions Examination Council granted authority through Title XI of the Federal Institutions Reform, Recovery and Enforcement Act (FIRREA).

New Appraiser and Trainee Criteria

Since 2011, the Appraiser Qualifications Board (AQB) of the ASC has discussed new criteria, to be effective January 1, 2015, for the licensing/regulation of real estate appraisers. This new criteria is attached to this Statement of Reasons, along with a memo from the AQB to the Appraisal Foundation summarizing the 18-month period in which the AQB published exposure drafts and gathered public comment for implementation of these new criteria. These rules are respectfully submitted so that the State of Wyoming shall be in compliance with these federal requirements, created and enforced by the ASC, effective January 1, 2015. The Wyoming Certified Real Estate Appraiser Board is audited biannually by the ASC to ensure that our regulatory board is in full compliance.

Primarily, these rule amendments will place trainees under the regulation of the Board throughout their training process. Per guidance by the ASC, all new appraiser trainees must be qualified and registered as Certified Trainees so that, prior to application for a Certified General or Residential Permit, any experience accrued under the supervision of a Supervisory Certified Appraiser will count toward certification hours. As proposed in Section 4 of Chapter One, the \$400 fee for trainees is removed in order to encourage an entry level appraiser to become a certified trainee. Under this new structure, the Board will be aware of the status of the every Supervisor's permit and may ensure that a Certified Trainee's experience will qualify when it is submitted for a Certified General or Residential Permit.

Other changes incorporated into these rules uphold the new criteria for regulating real estate appraisers. In Chapter One, the following changes are applied by section:

- Section 5: These deletions uphold new ASC standards concerning attainment of a college degree for real estate appraisers
- Section 6: Specifies the new timeline for appraiser examination scores
- Section 7: Is reworded to clarify examination eligibility and the submission of work experience

- Section 8: Amended to include requirements for appraisers not certified in Wyoming or another jurisdiction
- Section 14: Incorporates new language allowing the CREAB to enact discipline per new criteria concerning criminal history and dishonesty in appraising
- Section 16: Specifies new criteria for appraisers serving as supervisory appraisers
- Section 17: Specifies new criteria for new certified real estate appraiser trainees

Temporary Work Orders

The Certified Real Estate Appraiser Board allows appraisers credentialed in other states to acquire a Temporary Permit so they may conduct real estate appraisal work in Wyoming without obtaining a standing Certified General or Residential Permit. Chapter One, Section 15 is amended to enhance the issuance of Temporary Work Permit and encourage more regulated appraiser work in Wyoming.

Currently, Temporary Permits allow appraisers to complete one assignment in the state after their application is approved by the Board. As mandated by administrative rules, Temporary Permit applications require a finger print background check. These finger print check can take up to six (6) weeks to complete. Most appraisal assignments require the appraiser to begin, if not finish, the assignment in less than six (6) weeks. Since Wyoming is considered to be a “voluntary state,” appraisers do not have to be Certified nor work under the scope of a Temporary Permit to complete an assignment. In order to prevent delays and attempt to minimize unregulated appraiser work in Wyoming, the Board recommends that the Temporary Permit be renamed a “Temporary Work Order.” This change will allow the Board to bypass fingerprint background checks and process applications within five (5) business days.

Appraisers may only apply for a Temporary Work Order if they hold a credential in another state and they are in good standing with that state as verified by the federal Appraisal Subcommittee’s Official Registry which tracks discipline nationally. Applicants will also be required to fill out an application for a work order, which will require the applicant to disclose the status of their current credential along with any possible past or pending discipline.

Fees

The CREAB has proposed two new fees, in Chapter One, Section 4. The first is a \$25 paper processing fee that may be charged to individuals completing a paper pert application instead of processing their applications and forms through the new GL Suite electronic licensing system developed and utilized by the Board in 2013. The second is a \$0.50/page fee for public information requests requiring the Board and/or its staff to produce paper copies of records. Public information requests that produce electronic records, or records scanned into electronic format will not incur a fee.

House Bill 62 (HEA0040)

Amendments to Chapter One, are recommended for compliance with House Bill 62 (HEA0040), adopted by the Wyoming Legislature and effective July 1, 2014. These changes include citing where rules and regulations for the Board may be found, as well as, establishing an annual meeting of the Board every July in Chapter One, Section 1.

Office of Administrative Hearings Rules

Chapter Three, sections 6 through 11 are amended to strike language that may now be included through an incorporation by reference. The incorporated rules in Chapter Three, Section 7 are the State of Wyoming Office of Administrative Hearings Uniform Rules for Contested Case Practice and Procedure, effective October 17, 2014. This new incorporation by reference decreases the length of Chapter 3 substantially and allows the Board to be fully compliant with the Office of Administrative Hearings.



UPCOMING CHANGES TO REAL PROPERTY APPRAISER QUALIFICATIONS

On December 9, 2011, the Appraiser Qualifications Board of The Appraisal Foundation adopted changes to the *Real Property Appraiser Qualification Criteria* that will become effective January 1, 2015. These changes represent minimum national requirements that each state must implement no later than January 1, 2015.

OVERVIEW OF CHANGES

National Uniform Licensing and Certification Examinations	Education <u>and</u> experience must be completed prior to taking the AQB-approved <i>National Uniform Licensing and Certification Examination</i> .
Background Checks*	All candidates for a real property appraiser credential must undergo background screening. State appraiser regulatory agencies are <i>strongly</i> encouraged to perform background checks on <i>existing</i> credential holders as well.
College Degree Acceptance and Core Curriculum Requirements	Credit towards qualifying education requirements may be obtained via the completion of a degree program in Real Estate from an accredited degree-granting college or university provided the college or university has had its curriculum reviewed and approved by the AQB.
Deletion of the Segmented Approach to Criteria Implementation	States had the option to implement the 2008 <i>Real Property Appraiser Qualification Criteria</i> via the “segmented approach.” This implementation option will no longer be valid effective January 1, 2015.
Restriction on Continuing Education Course Offerings	Aside from complying with the requirements to complete the <i>7-Hour National USPAP Update Course</i> (or its AQB-approved equivalent), appraisers may not receive credit for completion of the same continuing education course offering within an appraiser’s continuing education cycle.
Distance Education Requirements	A <i>written, proctored</i> examination is required for all qualifying education distance course offerings. The term <i>written</i> refers to an examination that might be written on paper or administered electronically on a computer workstation or other device.
Revisions to Subtopics in Guide Note 1 (GN-1) and Continuing Education Topics	Added topics on green building (qualifying and continuing education), seller concessions (qualifying and continuing education) and developing opinions of real property value in appraisals that also include personal property and/or business value (continuing education only).

***At its April 11, 2014 Public Meeting, the AQB voted to delay implementation of Section VI, Background Checks, until January 1, 2017.**

COLLEGE LEVEL EDUCATION REQUIREMENT CHANGES*

CLASSIFICATION	CURRENT REQUIREMENTS	1/1/15 REQUIREMENTS
Trainee Appraiser	None	None
Licensed Residential Appraiser	None	30 semester credit hours of college-level education from an accredited college, junior college, community college, or university OR an Associate's degree or higher (in any field).
Certified Residential Appraiser	21 semester credit hours in specified collegiate subject matter courses from an accredited college or university OR an Associate's degree or higher.	Bachelor's degree or higher (in any field) from an accredited college or university.
Certified General Appraiser	30 semester credit hours in specific collegiate subject matter courses from an accredited college or university OR a Bachelor's degree or higher.	Bachelor's degree or higher (in any field) from an accredited college or university.

*These requirements are effective for individuals seeking a real property appraiser credential *after* January 1, 2015. However, in some cases, the requirements may also apply to *existing* real property appraisers (for example, a state may require a credentialed appraiser to meet the new Criteria if he or she moves from a state that does not have reciprocity with that state. Or some states may require appraisers seeking to change their credential level to meet all of the 2015 Criteria prior to obtaining the new credential). **Credentialed appraisers are urged to contact the applicable state appraiser regulatory agencies if they are contemplating relocation or changing credential levels.**

SUPERVISORY APPRAISER AND TRAINEE APPRAISER REQUIREMENT CHANGES

SUPERVISORY APPRAISER	TRAINEE APPRAISER
State-certified Supervisory Appraiser shall be in good standing with the training jurisdiction and not subject to any disciplinary action within the last three (3) years that affects the Supervisory Appraiser's legal ability to engage in appraisal practice. Shall have been state certified for a minimum of three (3) years prior to being eligible to become a Supervisory Appraiser.	All qualifying education must be completed within the five (5) year period prior to the date of submission of an application for a Trainee Appraiser credential.
A Supervisory Appraiser may not supervise more than three Trainee Appraisers at one time, unless a state program in the licensing jurisdiction provides to progress monitoring, supervising certified appraiser qualifications, and supervision oversight requirements for Supervisory Appraisers.	A Trainee Appraiser is permitted to have more than one Supervisory Appraiser.
Shared responsibility to ensure the appraisal experience log for the Trainee Appraiser is accurate, current, and complies with the requirements of the Trainee Appraiser's credentialing jurisdiction.	
Both the Trainee Appraiser and Supervisory Appraiser shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB. The course will be oriented toward the requirements and responsibilities of Supervisory Appraisers and expectations for Trainee Appraisers. The course must be completed by the Trainee Appraiser prior to obtaining a Trainee Appraiser credential, and completed by the Supervisory Appraiser prior to supervising a Trainee Appraiser.	



TO: All Interested Parties

FROM: Wayne R. Miller, Chair
Appraiser Qualifications Board

RE: Third Exposure Draft of a **Proposed Revision to the 2015 Real Property
Appraiser Qualification Criteria and Guide Note 9 (GN-9)**

DATE: September 3, 2014

After an 18-month period during which five exposure drafts were released for public comment, the Appraiser Qualifications Board (AQB) adopted changes to the *Real Property Appraiser Qualification Criteria (Criteria)* in December 2011. The effective date of the overall *Criteria* change is January 1, 2015.

In recent months, as states have worked to make the necessary revisions to laws and regulations to implement the changes in the *Criteria*, the AQB has received additional feedback on the language in the *Criteria* surrounding Background Checks.

Please see the rationale for the proposed change to the 2015 *Criteria* on page 3 of this document and the proposed changes to the *Criteria* language and Guide Note 9 beginning on page 4.

All interested parties are encouraged to comment in writing to the AQB before the deadline of October 15, 2014. Respondents should be assured that each member of the AQB will thoroughly read and consider all comments. In addition, the AQB will hear public comments during its September 19, 2014 public meeting in Memphis, Tennessee.

Written comments on this exposure draft can be submitted by mail, email and facsimile.

Mail: Appraiser Qualifications Board
The Appraisal Foundation
1155 15th Street, NW, Suite 1111
Washington, DC 20005

Email: aqbcomments@appraisalfoundation.org

Facsimile: (202) 347-7727

IMPORTANT NOTE: All written comments will be posted for public viewing, exactly as submitted, on the website of The Appraisal Foundation. Names may be redacted upon request.

The Appraisal Foundation reserves the right not to post written comments that contain offensive or inappropriate statements.

If you have any questions regarding the attached exposure draft, please contact Magdalene Vasquez, Qualifications Administrator at The Appraisal Foundation, via e-mail at magdalene@appraisalfoundation.org or by calling (202) 624-3074.

**Third Exposure Draft of a Proposed Revision to the 2015
Real Property Appraiser Qualification Criteria (Criteria)
and Guide Note 9 (GN-9)**

Issued September 3, 2014

Comment Deadline: October 15, 2014

This exposure draft begins with a rationale for the proposed changes. The rationale is identified as such and does not have line numbering. Where proposed changes to the *Criteria* are noted, the exposure draft contains line numbers. This difference is intended to distinguish for the reader those parts that explain the changes from the proposed changes themselves.

When commenting on the exposure draft, it is very helpful to reference the line numbers, fully explain the reasons for concern or support, provide examples or illustrations, and suggest any alternatives or additional issues the AQB should consider.

Where text is to be deleted from what currently appears in the 2015 *Real Property Appraiser Qualification Criteria*, that text is shown as ~~strikeout~~. For example: ~~This is strikeout text proposed for deletion.~~ Text added to what currently appears in the 2015 *Real Property Appraiser Qualification Criteria* is underlined. For example: This is text proposed for insertion.

Proposed Revisions Regarding Background Checks

RATIONALE

In December 2011, the AQB adopted language setting forth a requirement that new applicants for a real property appraiser credential must undergo an FBI (or similar) state and national background check. The language the AQB adopted was derived verbatim from the Secure and Fair Enforcement for Mortgage Licensing Act of 2008, otherwise known as the S.A.F.E. Act, which mandates minimum standards, in part, for licensing and registration as a state-licensed loan originator.

The AQB received feedback regarding the language adopted, which set forth specific tasks for the state appraiser regulatory agencies to perform. The feedback suggested the background check requirements placed obligations on the state appraiser regulatory agencies, instead of applicants for a real property appraiser credential, as the balance of the *Criteria* sets forth.

As a result of this feedback, the AQB issued a First Exposure Draft proposing to adopt changes to the language of the background check provision.

The AQB received written comments from interested parties and verbal testimony at its public meeting in San Francisco, California on April 11, 2014.

Feedback generally centered on the following concerns:

- The perception that the Federal background check had to be conducted by the FBI;
- The inconsistent usage of the term, “new applicant,” within various sections of the background check provision;
- The exclusion of an applicant with *any* type of felony conviction (or plea) over the preceding five years; and
- The lack of flexibility afforded licensing/certifying officials in determining whether sufficient rehabilitation had occurred or time had passed since a prior conviction (or plea) occurred in an applicant’s past.

As a result of the additional feedback, the AQB issued the Second Exposure Draft of changes to the background check provision of the 2015 *Real Property Appraiser Qualification Criteria*.

NOTE: As stated in the Second Exposure Draft, at its public meeting in San Francisco on April 11, 2014, the AQB voted to delay the implementation of the background check provision *only* of the 2015 *Real Property Appraiser Qualification Criteria* until January 1, 2017. All other provisions of the *Criteria* remain unaffected by this implementation delay, and go into effect as scheduled on January 1, 2015.

Comments received in response to the Second Exposure Draft reflected some of the same concerns expressed in response to the First Exposure Draft. Additional comments reflected continuing concerns with a credentialing jurisdiction’s authority to require background checks, particularly in light of some concerns with the authority of the AQB to impose such requirements.

Given these concerns, the AQB is proposing a more generic approach to the background check issue in this Third Exposure Draft. The AQB is proposing to replace many of the specific background requirements for applicants seeking a real property appraiser credential. However, the AQB, in recognizing its obligation to maintain and promote public trust in promulgating qualifications for real property appraisers, believes it is imperative that all applicants for a real property appraiser credential are able to satisfy minimum background qualifications. This belief is bolstered by recent trends whereby real property appraisers are being required to undergo background screening by many users of appraisal services and Appraisal Management Companies (AMCs).

The AQB recognizes that some state appraiser regulatory agencies might seek additional guidance in the area of background screening. As a result, the AQB is also proposing the creation of a new Guide Note, which would constitute non-binding guidance for jurisdictions when evaluating applicants for a real property appraiser credential.

If adopted, these changes would go into effect January 1, 2017.

CRITERIA APPLICABLE TO ALL APPRAISER CLASSIFICATIONS

1 VI. Background Checks

2 A. ~~All candidates for a real property appraiser credential must undergo background screening. State appraiser regulatory agencies shall, at a *minimum*, obtain fingerprints of the individual, in digital form if practicable, and any appropriate identifying information for submission to the Federal Bureau of Investigation and/or any governmental agency or entity authorized to receive such information in connection with a State and national background check.~~

7 B. ~~In addition to all applicants for new credentials, state appraiser regulatory agencies are strongly encouraged to perform background checks on *existing* credential holders as well.~~

9 C. ~~State appraiser regulatory agencies must ensure that all candidates for a real property appraiser credential do not possess a background that could call into question public trust. State appraiser regulatory agencies must take proper steps to ensure those applicants found to possess a background which calls into question the applicant's ability to maintain public trust are not issued a real property appraiser credential. State appraiser regulatory agencies shall not issue a real property appraiser credential if:~~

15 ~~1. The applicant has had an appraiser license or certification revoked in any governmental jurisdiction within the five (5) year period immediately preceding the date of application.~~

17 ~~2. The applicant has been convicted of, or pled guilty or *nolo contendere* to, a felony in a domestic, or foreign court:~~

19 ~~a. during the five (5) year period immediately preceding the date of the application for licensing or certification; or~~

21 ~~b. at any time preceding the date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering.~~

23 ~~3. The applicant has failed to demonstrate character and general fitness such as to command the confidence of the community and to warrant a determination that the appraiser will operate honestly, fairly, and efficiently within the purposes of these *Criteria*.~~

26 D. ~~Additional background issues that a state appraiser regulatory agency shall evaluate and consider prior to issuing (or taking disciplinary action against) a real property appraiser credential include, but are not limited to:~~

29 ~~1. Convictions of any criminal offense involving dishonesty, breach of trust, or money laundering against the individual or organizations controlled by the individual, or agreements to enter into a pretrial diversion or similar program in connection with the prosecution for such offense(s);~~

33 ~~2. Civil judicial actions against the individual in connection with financial services related activities, dismissals with settlements, or judicial findings that the individual violated financial services related statutes or regulations, except for actions dismissed without a settlement agreement;~~

37 ~~3. Actions or orders by a State or Federal regulatory agency or foreign financial regulatory authority that:~~

- 39 a. ~~Found the individual to have made a false statement or omission or been dishonest,~~
40 ~~unfair or unethical; to have been involved in a violation of a financial services related~~
41 ~~regulation or statute; or to have been a cause of a financial services related business~~
42 ~~having its authorization to do business denied, suspended, revoked, or restricted;~~
- 43 b. ~~Are entered against the individual in connection with a financial services related~~
44 ~~activity;~~
- 45 e. ~~Denied, suspended, or revoked the individual's registration or license to engage in a~~
46 ~~financial services related activity; disciplined the individual or otherwise by order~~
47 ~~prevented the individual from associating with a financial services related business or~~
48 ~~restricted the individual activities; or~~
- 49 d. ~~Barred the individual from association with an entity or its officers regulated by the~~
50 ~~agency or authority or from engaging in a financial services related business;~~
- 51 4. ~~Final orders issued by a State or Federal regulatory agency or foreign financial regulatory~~
52 ~~authority based on violations of any law or regulation that prohibits fraudulent,~~
53 ~~manipulative, or deceptive conduct;~~
- 54 5. ~~Revocation or suspension of the individual's authorization to act as an attorney,~~
55 ~~accountant, or State or Federal contractor;~~
- 56 6. ~~Customer initiated financial services related arbitration or civil action against the~~
57 ~~individual that required action, including settlements, or which resulted in a judgment.~~
- 58 A. All applicants for a real property appraiser credential shall possess a background that would
59 not call into question public trust.
- 60 B. Applicants shall provide state appraiser regulatory agencies with all of the information and
61 documentation necessary for the jurisdiction to determine the applicant's fitness for
62 licensure.
- 63 i. An applicant shall not be eligible for a real property appraiser credential if, during the
64 two (2) year period immediately preceding the date of the application for licensing or
65 certification, the applicant has been convicted of, or pled guilty or *nolo contendere* to
66 a crime that would call into question the applicant's fitness for licensure.
- 67 D. Additional guidance related to background checks for applicants for a real property appraiser
68 credential may be found in Guide Note 9 (GN-9).

AQB GUIDE NOTE 9 (GN-9)

69 THIS GUIDE NOTE RELATES TO THE BACKGROUND CHECK REQUIREMENTS AS
70 SPECIFIED IN THE REAL PROPERTY APPRAISER QUALIFICATION CRITERIA THAT
71 BECOME EFFECTIVE ON JANUARY 1, 2017.

72 Under “Criteria Applicable to All Appraiser Classifications” in the *Real Property Appraiser*
73 *Qualification Criteria*, Section VI. Background Checks, reads as follows:

74 *All applicants for a real property appraiser credential shall not possess a background that*
75 *could call into question public trust.*

76 Some jurisdictions have been performing background checks since the implementation of real
77 property appraiser credentialing, while others have not. This Guide Note is intended to provide
78 additional guidance, in particular to those jurisdictions with little to no experience in evaluating
79 an applicant’s background as part of the applicant’s overall fitness for licensure.

80 Examples of Issues to Consider

81 Some of the types of background issues that state appraiser regulatory agencies might consider
82 include, but are not limited to, applicants who have:

83 (1) Had an appraiser license or certification revoked in any governmental jurisdiction within
84 the five (5) year period immediately preceding the date of application for licensure or
85 certification.

86 (2) Been convicted of, or pled guilty or *nolo contendere* to, a crime involving moral turpitude
87 not specifically identified in Section VI, C. 1 of the *Criteria*, during the five (5) year
88 period immediately preceding the date of the application for licensing or certification.

89 (3) Been convicted of any crime which is *substantially related* to the qualifications,
90 functions, or duties of the profession of real estate appraisal.

91 (4) Performed any act which if done by the holder of a real property appraiser credential
92 would be grounds for revocation or suspension of such a credential.

93 (5) Knowingly made a false statement of material fact required to be disclosed in an
94 application for any professional license or certification.

95 (6) Been prohibited from participating in the affairs of an insured depository institution
96 pursuant to Section 19(a) of the Federal Deposit Insurance Act (12 U.S.C. Section 1829).

97 Substantial Relationship

98 A crime or act may be deemed substantially related to the qualifications, functions or duties of an
99 appraiser if, to a substantial degree, it evidences present or potential unfitness of a person
100 holding a real property appraiser credential to perform the functions authorized by the credential.
101 Examples of the types of crimes or acts include, but are not limited to, the following:

102 (1) Taking, appropriating or retaining the funds or property of another.

- 103 (2) Forging, counterfeiting or altering any instrument affecting the rights or obligations of
104 another.
- 105 (3) Evasion of a lawful debt or obligation, including but not limited to tax obligations.
- 106 (4) Traffic in any narcotic or controlled substance in violation of law.
- 107 (5) Violation of a relation of trust or confidence.
- 108 (6) Theft of personal property or funds.
- 109 (7) Crimes or acts of violence or threatened violence against persons or property.
- 110 (8) The commission of any crime or act punishable as a sexually related crime, if that crime
111 or act was performed in relation to the duties and functions of an appraiser.
- 112 (9) Misrepresentation of facts or information on the appraisal license or certification
113 application.
- 114 (10) Cheating on an examination for a real property appraiser credential.

115 **Rehabilitation**

116 Upon a determination that a substantial relationship exists between particular crimes, acts or
117 omissions and the qualifications, functions or duties of an appraiser, state appraiser regulatory
118 agencies should consider all evidence related to the extent an applicant is rehabilitated, including
119 testimony or other documentation demonstrating things such as:

- 120 (1) The effect of the passage of time since the most recent act or crime.
- 121 (2) Restitution by the applicant to any person who has suffered monetary losses.
- 122 (3) Judicial relief from the consequences of criminal convictions resulting from immoral or
123 antisocial acts, including but not limited to release from probation, finding of factual
124 innocence, a completed program of diversion, or other comparable orders of a court.
- 125 (4) Successful completion or early discharge from probation or parole.
- 126 (5) Abstinence from the use of controlled substances or alcohol for not less than two years if
127 the crime or offense is attributable in part to the use of controlled substances or alcohol.
- 128 (6) Payment of any fine or other imposed monetary penalty.
- 129 (7) Stability of family life and fulfillment of parental and familial responsibilities
130 subsequent to the act or conviction.
- 131 (8) Completion of, or sustained enrollment in, formal education or vocational training
132 courses for economic self-improvement.
- 133 (9) Discharge of, or bona fide efforts toward discharging, adjudicated debts or monetary
134 obligations to others.
- 135 (10) Mitigating facts or circumstances that reasonably indicate that an applicant will perform
136 appraisal-related activities honestly, fairly, and ethically.
- 137 (11) Correction of business practices resulting in injury to others or with the potential to
138 cause such injury.

139 (12) Significant or conscientious involvement in community, church or privately-sponsored
140 programs designed to provide social benefits.

141 (13) New and different social and business relationships from those which existed at the time
142 of the act or crime.

143 (14) Change in attitude from that which existed at the time of the act or crime, as evidenced
144 by any or all of the following:

145 a) Testimony of applicant.

146 b) Evidence from family members, friends or other persons familiar with applicant's
147 previous conduct and his or her subsequent attitudes and behavioral patterns.

148 c) Evidence from probation or parole officers or law enforcement officials competent to
149 testify as to applicant's social adjustments.

150 d) Evidence from psychiatrists or other persons competent to testify with regard to
151 psychiatric or emotional disturbances.

152 The above is intended to be illustrative, not exhaustive. State appraiser regulatory agencies, in
153 performing their due diligence when examining an applicant's qualifications for a real property
154 appraiser credential, may elect to include additional items not identified in this Guide Note.
155 Likewise, state appraiser regulatory agencies may determine, based on their own experience and
156 history, that some of the items identified in this Guide Note may not be applicable to an applicant
157 seeking a real property appraiser credential in that jurisdiction.

CHAPTER 1
CERTIFIED REAL ESTATE APPRAISER BOARD
GENERAL PROVISIONS

Section 1. Authority and Board Meetings.

(a) Pursuant to the authority vested in the Certified Real Estate Appraiser Board by virtue of W. S. 16-3-101 through 16-3-115 and W. S. 33-39-101 through 33-39-130 (the Act), the following rules and regulations are hereby promulgated. All rules and regulations for the Board can be found at:

<https://sites.google.com/a/wyo.gov/rec/appraisers-and-amcs/rules-and-regulations>

(b) The Board shall hold its annual meeting the second Thursday in July at the Board Office located at 2020 Carey Ave, Ste 702, Cheyenne, WY 82001 at 9:00 am.

Section 2. Definitions. Terms defined in the act shall have the same meanings when used in these rules unless the context or subject matter clearly requires a different interpretation.

(a) “Applicant” means a person or Appraisal management company (AMC) who submits an application for a permit or registration to the Board. This definition does not include temporary work orders;

(b) “Appraiser Qualifications Board” “AQB” is the independent board of the Appraisal Foundation which sets the qualification standards for appraisers;

(c) “Appraisal Standards Board” “ASB” is the independent board of the Appraisal Foundation which sets the appraisal standards for appraisers;

(d) “Appraisal Subcommittee “ASC” is the Appraisal Subcommittee of the Federal Financial Institutions Examination Council;

(e) “Board” means the Wyoming certified real estate appraiser board;

(f) “Certified general real estate appraiser” means a person certified by the director to develop and communicate real estate appraisals of all types of property;

(g) “Certified real estate appraiser trainee” means a person certified by the director to develop and communicate real estate appraisals under the immediate and personal direction of a certified real estate appraiser;

(h) “Certified residential real estate appraiser” means a person certified by the director to develop and communicate real estate appraisals of all types of residential

property of one-to-four units and vacant or unimproved land that is utilized for one-to-four residential unit purposes or for which the highest and best use is for one-to-four residential units, not to include the appraisal of subdivisions for which a development analysis/appraisal is necessary;

(k) "Client" means any person or entity that contracts with, or otherwise enters into an agreement with, an appraisal management company for the performance of appraisal management services and real estate appraisal services;

(m) "Director" means the director of the Wyoming Real Estate Commission who serves on the Board as a non-voting ex-officio member;

(n) "In good standing" means maintaining an active certification in this state pursuant to the Certified Real Estate Appraiser Act, which certification is not subject to any disciplinary or probationary restrictions;

(o) "Jurisdiction" includes all fifty states and the commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, the District of Columbia and the Virgin Islands as recognized by the United States of America.

(p) "Permit number" means the permit number, which appears on the permit issued to an appraiser or certified real estate trainee by the Board. The Appraiser's permit number and type of certification shall appear on all appraisal reports, i.e., "Certified General Real Estate Appraiser, Wyoming Permit No. _____," or "Certified Residential Real Estate Appraiser, Wyoming Permit No. _____," or "Certified Real Estate Appraiser Trainee, Wyoming Permit No. _____."

(q) "Proof of completion" is a certified transcript or certificate from the entity offering the course/seminar which states the name of the appraiser, certified real estate trainee, the title of the course/seminar, and the date of completion.

(r) "Registration number" means the specific number issued to each individual AMC.

(s) "Temporary work order" means work of a temporary nature, not to exceed one (1) appraisal assignment which shall be completed within six (6) months from date of issuance of the temporary permitwork order.

(t) "USPAP" means the Uniform Standards of Professional Appraisal Practice.

Section 3. Exemptions. These Rules and Regulations shall not apply to a real estate broker, associate broker or salesman who, in the ordinary course of business, gives an opinion of the price of real estate for the purpose of a prospective listing or sale, provided, this opinion of the price shall not be referred to as or construed to be an appraisal.

Section 4. Fees.

(a) The following non-refundable fees shall be charged by the Board:

(i)	Examination f Fee	\$100
(ii)	Certified General, or Residential or Trainee permit	\$400
(iii)	AMC registration	\$1,800
(iv)	Certified General, or Residential or Trainee renewal	\$400
(v)	AMC renewal – (annual)	\$1,800
(vi)	Change of address or Change of business name	\$20
(vii)	Duplicate permit or pocket card.....	\$20
(viii)	Education account.....	\$20
(ix)	Permit for t Temporary work <u>order</u>	\$150 <u>\$200</u>
(x)	Course or Instructor Approval	\$50
(xi)	Federal Registry Fee (annual).....	\$40
(xii)	Work Product Report Review Fee	\$275
(xiii)	Late Renewal f Fee	\$100
<u>(xiv)</u>	<u>Certified Documents</u>	<u>\$10</u>
(xiv) <u>(xv)</u>	<u>Paper Processing Fee</u>	<u>\$25</u>
(xv) <u>(xvi)</u>	<u>Public Information Requests.....</u>	<u>\$.50/page</u>

(b) The AMC's registration and renewal fees cover any changes made during the year such as, change of address and change of contact person. Forms for required changes must be submitted to the Board. All changes shall be submitted to the Board within ~~T~~thirty (30) days.

(c) There will be no fee for certified real estate appraiser trainee permits or certified real estate appraiser trainee renewals.

Section 5. Education requirements.

(a) All applicants shall attend a fifteen (15) hour national USPAP course covering the most recent edition of USPAP or its equivalent taught by an AQB-certified USPAP instructor, and pass the associated fifteen (15) hour national USPAP course examination.

(b) In order to qualify for a permit to practice as a certified general real estate appraiser, an applicant shall furnish proof of having successfully completed three-hundred (300) creditable classroom hours of courses in subjects related to real estate appraisal which meet the required core curriculum established and published by the Board. In addition, the applicant shall ~~either~~:

(i) Hold a bachelor's or higher degree from an accredited college/university acceptable to the Board, ~~or in lieu of a bachelor's degree:~~

~~(ii) Successfully complete thirty (30) semester equivalent credit hours as established and published by the Board from an accredited college or university acceptable to the Board. Repetitious course work in the same curriculum will not be accepted.~~

(c) In order to qualify for a permit to practice as a certified residential real estate appraiser, an applicant shall furnish proof that they have successfully completed two-hundred (200) creditable classroom hours of courses in subjects related to real estate appraisal which meet the required core curriculum established and published by the Board, and, in addition, the applicant must ~~either~~:

(i) Hold an ~~associate's~~ bachelor's or higher degree from an accredited ~~community~~ college/university/~~college~~ acceptable to the Board, ~~or in lieu of an associate's degree:~~

~~(ii) Successfully complete twenty one (21) semester equivalent credit hours as established and published by the Board from an accredited college or university~~

~~acceptable to the Board. Repetitious course work in the same curriculum will not be accepted.~~

(d) Distance education may be used as qualifying education if the course is approved by the Board, meets AQB criteria and has a proctored final exam at the completion.

(e) In order to qualify for a permit to practice as a certified real estate appraiser trainee, an applicant shall furnish proof of having successfully completed seventy-five (75) creditable classroom hours which meet the required core curriculum established and published by the Board. All qualifying education shall be completed within the five (5) year period prior to the date of submission of a certified real estate appraiser trainee permit.

Section 6. Examination requirements.

~~———— (a) Prior to taking the exam for a permit to practice as a certified real estate appraiser, the applicant shall furnish proof to the Board that the applicable education required by Section 56 and experience required by Section 7 have been completed.~~

~~———— (b) The applicant shall pass the examination and furnish proof of work experience prior to a person submitting an application for certification. Examination fees will not be refunded if the Board does not approve the applicant for certification.~~

~~———— (c) Every applicant seeking certification as an appraiser shall register for the Board approved examination with the testing service under contract with the Board.~~

~~———— (i) Failure to complete the examination on the scheduled date will result in forfeiture of the examination fee.~~

~~———— (ii) To re-write the examination, any applicant who does not attain a passing score shall register with the testing service under contract with the Board and submit the examination fee.~~

~~———— (d) A notice to an applicant that they have received a passing score on the Board approved examination does not constitute a permit to practice.~~

~~———— (e) An applicant who does not complete the experience requirement within the time frame required by AQB criteria shall retake and pass the examination. Examination scores more than twenty four (24) months old will not be accepted.~~

Section 67. Experience requirements.

(a) To be eligible to take the examination for certification~~certified~~ as a certified residential real estate appraiser or a certified general real estate appraiser, an applicant shall present evidence to the Board that the experience requirement has been satisfied.

(b) In order to be certified as a residential real estate appraiser, the total experience shall consist of two-thousand five-hundred (2,500) hours of experience obtained during no fewer than twenty-four (24) months and no more than the sixty (60) months immediately preceding the filing of the application for certification. While the number of hours may be cumulative, the required number of months must accrue before an individual may be certified.

(i) Where the experience claimed is in the capacity of a reviewing appraiser, the total experience shall consist of three-thousand five-hundred (3,500) hours of experience reviewing residential reports. A reviewing appraiser is one who reviews appraisals as a reviewing appraiser in compliance with W.S. 33-39-107.

(ii) In the event the experience claimed consists of a combination of performing appraisals and reviewing appraisals, the experience claimed shall consist of a minimum of one-thousand five-hundred (1,500) hours experience completing residential appraisal reports and a minimum of one-thousand five-hundred (1,500) hours reviewing residential appraisals in compliance with W.S. 33-39-107.

(c) In order to be certified as a general real estate appraiser, the total experience shall consist of three-thousand (3,000) hours of experience obtained during no fewer than thirty (30) months and no more than the sixty (60) months immediately preceding the filing of the application for certification. While the number of hours may be cumulative, the required number of months shall accrue before an individual may be certified. At least fifty (50) percent of the appraisal experience shall be in non-residential appraisal work.

(i) Where the experience claimed is in the capacity of a reviewing appraiser, the total experience shall consist of four-thousand five-hundred (4,500) hours of experience reviewing appraisal reports of which at least fifty (50) percent must be non-residential. A reviewing appraiser is one who has reviewed the report as a reviewing appraiser in compliance with W.S. 33-39-107.

(ii) Where the experience claimed consists of a combination of performing appraisals and reviewing appraisals, the experience shall consist of a minimum of two-thousand (2,000) hours of reviewing appraisal reports and two-thousand (2,000) hours of completing appraisal reports, of which at least fifty (50) percent must be non-residential in compliance with W. S. 33-39-107.

Section 7. Examination requirements.

(a) Prior to taking the exam for a permit to practice as a certified real estate appraiser, the applicant shall furnish proof to the Board that the applicable education required by Section 5 and experience required by Section 7 have been completed.

(b) The applicant shall pass the examination and furnish proof of work experience prior to a person submitting an application for certification. Examination fees will not be refunded if the Board does not approve the applicant for certification.

(c) Every applicant seeking certification as an appraiser shall register for the Board approved examination with the testing service under contract with the Board.

(i) Failure to complete the examination on the scheduled date will result in forfeiture of the examination fee.

(ii) To re-write the examination, any applicant who does not attain a passing score shall register with the testing service under contract with the Board and submit the examination fee.

(d) A notice to an applicant that they have received a passing score on the Board approved examination does not constitute a permit to practice.

(e) Examination scores more than twenty-four (24) months old will not be accepted.

Section 8. Making application.

(a) The applicable requirements of Sections 5, 6 and 7 shall be complete prior to submitting an application for ~~certification~~ certified residential real estate appraiser or certified general real estate appraiser to the Board. ~~The applicable requirements of Section 5 shall be completed prior to submitting an application for a certified real estate appraiser trainee permit to the Board.~~

(i) All those who are not certified in Wyoming or another jurisdiction and who intend to become a certified residential real estate appraiser or a certified general real estate appraiser in Wyoming shall first be certified by the director as a certified real estate appraiser trainee after the completion of the applicable requirements of Section 5 and before any required experience will accrue toward the experience requirements as set forth in Section 7.

(b) Each person desiring to become certified as a real estate appraiser shall execute an application.

(i) Applications which are not complete and which are not accompanied by the correct fee will not be accepted and will be returned to the applicant.

(ii) Applicants must be at least eighteen (18) years of age.

(iii) All permits currently held by the applicant are in good standing and all permits previously held by the applicant were in good standing at the time of expiration and there is no discipline currently pending against the applicant in any jurisdiction; and

(iv) The applicant has not been subject to discipline in any jurisdiction in the past five (5) years.

(c) At the time of application for general or residential certification, an applicant who is not currently certified in Wyoming or another jurisdiction at the level of certification applied for shall submit the appraisal log referred to in (f) below. An Application Review Committee (ARC) of not more than two (2) board members, including one (1) board member certified in the level of certification applied for, selected by board staff will select two (2) appraisals from the appraisal log and conduct or arrange for a review of the selected appraisals to insure all requirements of the appropriate version of USPAP are met. Should the ARC determine either of the selected appraisals does not meet the requirements of the appropriate version of USPAP, it may require request the applicant submit of the applicant any or all of the following:

(i) ~~a~~A third appraisal selected from the appraisal log;

(ii) ~~a~~A demonstration report; ~~or~~

(iii) ~~a~~Any other further information it deems appropriate; or

(iv) Attendance of appraisal course(s) covering subject matter relative to the deficiencies in the selected appraisal(s).

(d) If, after reviewing all submissions from the applicant, the ARC determines the submissions do not meet the requirements of the appropriate version of USPAP, it shall recommend the Board deny the application.

(e) All applicants shall submit complete and legible fingerprint cards, if applicable, a Certificate of License History.

(f) All applicants not currently certified in Wyoming or another jurisdiction at the level of certification applied for shall submit an appraisal log signed by both the applicant and the supervising appraiser on a form developed by the Board and posted on the Board web site in order to verify the applicant's experience. All appraisals included on the log shall be done under the direct supervision of the supervising appraiser who signs the log. The appraisal reports shall disclose the participation of both the supervising appraiser and the applicant.

(g) No permit will be issued prior to the criminal record background check required by W.S. 33-39-106(a)(vii) being received by the Board.

(h) Applicants who are not residents of Wyoming shall submit:

(i) The written designation required by W.S. 33-39-115(a) appointing the Director as his/her licensed agent upon whom all judicial and other process or legal notices directed to the applicant may be served: and

(ii) The written agreement to abide by all the provisions of the Certified Real Estate Appraiser Act required by W.S. 33-39-115(b).

(j) A permittee whose permit is held by the Board on inactive status shall apply for activation of such inactive permit and shall submit proof of having successfully completed all continuing education required for an active permittee during the period the permit was inactive, including the most current seven (7) hour National USPAP Update Course.

Section 9. Permit renewals; continuing education.

(a) A renewal application shall include proof that the permittee, including a certified real estate appraiser trainee, has completed at least thirty (30) hours of continuing education, which meets the curriculum established and published by the Board. Repetitious course work will not be accepted. An inactive permittee will not be required to furnish proof of continuing education until such time as they request activation of the permit.

(b) All permittees shall submit proof of completion of one (1) AQB-approved seven (7) hour National USPAP update course before April 1st of the year a new edition of USPAP becomes effective to renew a permit. USPAP update courses may be included in the required continuing education hours.

(c) Distance education may be used as continuing education if the course/seminar meets the AQB criteria and is approved by the Board. A proctored exam is not required but an applicant shall successfully complete all prescribed course requirements.

(d) Up to fifteen (15) hours of a permittee's continuing education requirement may be granted for participation, other than as a student, in appraisal educational processes and programs.

(i) Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education.

(ii) Credit for instructing any course or seminar can only be awarded once during a continuing education cycle.

(e) Failure to remit renewal fees when due will cause an active or inactive permit to lapse.

(i) –A lapsed permit may be reinstated within sixty (60) days upon payment of the renewal fee and late renewal fee.

(ii) Any permittee whose permit, active or inactive, has not been renewed within the sixty (60) day grace period must comply with all requirements of a new applicant.

Section 10. Appraisal courses/seminars.

(a) Any entity or individual requesting approval of a course/seminar or an instructor requesting approval by the Board shall submit an application on forms prescribed by the Board which require information concerning the course/seminar being offered, course/seminar outline, examination, grading system and instructor qualifications.

(b) The Board may accept the following courses/seminars as meeting standards for appraiser education:

(i) Any appraisal course/seminar approved by the AQB and the Board.

(ii) Any appraisal course/seminar approved by the Board or by an appraiser regulatory body in any jurisdiction or province with approval standards equal to those established by the Board.

(c) The Board may approve courses/seminars by other schools, professional societies or organizations if they meet the Board standards.

(d) The Board will automatically approve Appraisal Qualifications Board (AQB) Course Approval Program (CAP) approved courses.

(e) Pre-certification education courses shall be at least fifteen (15) classroom hours in duration.

(f) Seminars for continuing education shall be at least three (3) classroom hours in duration.

(g) An approved course/seminar may be monitored by a representative of the Board.

(h) Each course/seminar approval is good for three (3) years, after which the provider shall request approval for another three (3) year period and submit the prescribed fee.

Section 11. Instructor qualifications. Course/seminar instructors shall have forty (40) hours of teaching appraisal course/seminar experience within the past two (2) years and shall meet at least one of the following qualifications, unless granted an exemption by the Board:

(a) A bachelor's degree in the field in which the person is instructing; or

(b) Five (5) years of current experience in the subject instructed.

Section 12. Withdrawal of approval. If the Board determines that an instructor, or course previously approved, no longer meets the prescribed standards, a written notice of withdrawal of approval shall be given stating the reasons for the withdrawal. The withdrawal becomes effective twenty (20) days from the date of the notice unless the person or entity giving the course/seminar files a written request for a hearing prior to the effective date. If a request for a hearing is timely filed, the withdrawal of approval will not become effective except upon order of the Board issued within ninety (90) days after the hearing.

Section 13. Disputes between permittees. The Board shall not entertain complaints between permittees concerning matters of fees or the earning, splitting or nonpayment thereof.

Section 14. Regulatory enforcement grounds.

(a) Appraisers. In addition to the statutory grounds for disciplinary action against an appraiser (W.S. 33-39-123), the Board may deny a permit or impose any disciplinary action authorized by W.S. 33-39-123(a) or combination thereof for any of the following:

(i) An act or omission involving dishonesty, fraud or misrepresentation;

(ii) Failure or refusal, without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal; or

(iii) Failure to notify the Board of a change of address within thirty (30) days.

(iv) ~~Appraising a property type that is outside the scope of a Certified Residential Permit. However, appraisers holding a Certified Residential Permit may obtain the experience necessary to upgrade to a Certified General Permit by appraising properties outside the allowed scope of a Certified Residential Permit by associating with an appraiser holding a Wyoming Certified General Permit, provided that:~~

(A) The appraiser holding the Certified General Permit shall review, sign, and accept responsibility for the appraisal and report, and

(B) The report shall fully disclose each appraiser's role in the appraisal and reporting process, and

(C) The Certified Residential Permit holder shall not make any representations regarding the value analysis to a third party.

(v) Failure to produce documents and records concerning an appraisal under investigation by the Board.

(vi) Failure to appear and to testify under oath at a hearing held by the Board.

(vii) Failure to pay a fine imposed pursuant to W.S. 33-39-123 within thirty (30) days of the date of the Order.

(viii) In addition to noncompliance with standards prescribed by the Uniform Standards of Professional Appraisal Practice ("USPAP"), as adopted by the Board, any failure to conform to the conduct prescribed by or requirements contained in the Ethics Rule, the Competency Rule, the Scope of Work Rule and the Jurisdictional Exception Rule of USPAP shall constitute a separate ground for discipline under these rules.

(ix) Violation of any provision of W.S. 33-39-101 through 33-39-130, Board Rules and Regulations, or USPAP.

(x) Failure to complete the seven (7) hour national USPAP update course before April 1st of the year a new edition of USPAP becomes effective.

(xi) A summary of all final discipline, whether imposed by settlement or following a contested case hearing, will be published in the Real Estate Review, posted on the Board website, and such information as is mandated by federal law for various purposes, including such information that may be subject to a national clearinghouse maintained by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, and in furtherance of Title XI of the Federal Financial Institutions Examination Act (“FIRREA”) Real Estate Appraisal Reform [12 U.S.C. §§3331-3351], as amended by the Dodd-Frank Reform Act will be reported.

(xii) The Board retains jurisdiction over persons issued a permit pursuant to the Act and these rules, regardless of whether the permit expired, lapsed or was relinquished during or after the alleged occurrence of conduct proscribed by the Act or these rules.

(xiii) The applicant has had an appraiser license or certification revoked in any governmental jurisdiction within the five (5) year period immediately preceding the date of application;

(xiv) The applicant has been convicted of, or pled guilty or *nolo contendere* to, a felony in a domestic or foreign court:

(A) during the five (5) year period immediately preceding the date of the application for licensing or certification; or

(B) at any time preceding the date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

(xv) The applicant has failed to demonstrate character and general fitness such as to command the confidence of the community and to warrant a determination that the appraiser will operate honestly, fairly, and efficiently within the purposes of these criteria.

(b) AMCs. The Board may impose any disciplinary action authorized by W.S. 33-39-224 for any violation of W.S. 33-39-224(a)(i) through (v) by an AMC, its representatives or employees.

Section 15. ~~Permit for t~~Temporary work orders. An appraiser certified in another jurisdiction and in good standing in all jurisdictions in which he/she currently holds or has previously held a permit may apply for a ~~permit~~ temporary work order in Wyoming for temporary work for one (1) appraisal assignment to be completed within six (6) months from date of issuance of a temporary permit ~~work order~~.

(a) The appraiser shall submit to the Board a copy of the engagement agreement for the assignment and pay the fee for the ~~permit for~~ temporary work order.

(b) A single appraisal assignment may include one (1) or more properties under one (1) contract for a single client.

(c) One six (6) month extension of the temporary ~~practice permit~~ work order may be granted.

Section 16. Responsibilities of a Certified Appraiser acting as a supervisory appraiser.

(a) A supervising appraiser shall be responsible for and provide direct supervision of the work performed by a certified real estate appraiser trainee under his/her supervision. The supervising appraiser shall:

(i) Notify the Board of the name(s) and other Board required information for each certified real estate appraiser trainee under his/her supervision.

(ii) Sign and review the appraisal and assume full responsibility for it; and

(iii) Not allow the certified real estate appraiser trainee to make any representations regarding the appraisal to a third party; and

(iv) Disclose in the appraisal report the name of the certified real estate appraiser trainee and the scope of the certified real estate appraiser trainee's contribution to the report.

(v) Maintain an appraisal log jointly with the certified real estate appraiser trainee using the form available on the Board website.

(b) Upon request, the supervising appraiser shall provide the Board with a copy of any appraisal report that a certified real estate appraiser trainee signed under his/her supervision.

(c) The certified real estate appraiser trainee is entitled to copies of appraisal reports he/she prepares.

(d) The supervising appraiser shall physically inspect each property that the certified real estate appraiser trainee is appraising until such time as he/she deems the certified real estate appraiser trainee satisfies the competency provision of USPAP.

~~(e) The supervising appraiser shall hold a permit from and be in good standing in the training jurisdiction. The supervising appraiser shall have been certified for a minimum of two (2) years. The supervising appraiser shall not have been subject to any probation, suspension or revocation by an appraiser regulatory agency within the previous two (2) years. Supervisory appraisers shall be state-certified and “in good standing” in the jurisdiction in which the trainee appraiser practices for a period of at least three (3) years. Supervisory appraisers shall not have been subject to any disciplinary action within any jurisdiction within the last three (3) years that affects the supervisory appraiser’s legal eligibility to engage in appraisal practice. A supervisory appraiser subject to a disciplinary action would be considered to be “in good standing” three (3) years after the successful completion/termination of the sanction imposed against the appraiser. Supervisory appraisers shall have been state-certified for a minimum of three (3) years prior to being eligible to become a Supervisory Appraiser.~~

(f) The certified real estate appraiser trainee shall be permitted to work under more than one (1) supervising appraiser; however, no supervising appraiser may supervise more than three (3) certified real estate appraiser trainees at any one time.

(g) The supervising appraiser shall be within reasonable geographic proximity to the certified real estate appraiser trainee.

~~(h) The supervising appraiser shall attend a Supervisor/Trainee course or seminar approved by the Board with each certified real estate appraiser trainee. A course or seminar must be satisfactorily completed within six (6) months of establishing the Supervisor/Trainee relationship. Supervisory appraisers shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers. The course is to be completed by the supervisory appraiser prior to supervising a trainee appraiser.~~

Section 17. Responsibilities of a certified real estate appraiser trainee.
Certified real estate appraiser trainees shall:

(a) Register their name, address and phone number with the Board office.

(b) Work under the direct supervision of a certified appraiser. A certified real estate appraiser trainee is permitted to work under more than one (1) supervising appraiser.

(c) Notify the Board of each supervising appraiser’s name.

(d) Maintain an experience log on a form provided by and approved by the Board which shall be reviewed and signed by the supervising certified real estate appraiser.

(e) Maintain separate appraisal logs for each supervising appraiser using the form available on the Board web site.

(f) Participate in the appraisal process in order to receive credit for hours spent and appraisals completed.

(g) Comply with the USPAP competency rule.

(h) Not make representations regarding an appraisal they are involved with to any third party.

(i) Ensure that the supervising appraiser has notified the Board of all pertinent Board required information relative to their status as an appraiser trainee.

(j) Indicate the word “certified real estate appraiser trainee” prominently after their signature on all appraisal reports, reviews or correspondence signed by the certified real estate appraiser trainee.

(k) ~~Attend a Supervisor/Trainee course or seminar approved by the Board with each supervising appraiser. A course or seminar shall be satisfactorily completed within six (6) months of establishing the Supervisor/Trainee relationship. Trainee appraisers shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers. The course shall be completed by the trainee appraiser prior to obtaining a certified real estate appraiser trainee permit. Further, the trainee appraiser course is not eligible towards the 75 hours of qualifying education required.~~

CHAPTER 3
CERTIFIED REAL ESTATE APPRAISER BOARD
APPLICATION REVIEW, COMPLAINTS,
AND
HEARING PROCEDURES

Section 1. Application Review Process.

- (a) Upon receipt of a complete application submitted by an applicant who holds a current permit to practice at the level of certification applied for issued by another jurisdiction, the Board Office shall review the application and if it is complete and there are no known grounds for denial of the requested permit, the Board office may issue the permit. If there are grounds for denial reasonably apparent on the face of the completed application, the Board office shall forward the application to the Application Review Committee (ARC).
- (b) Upon receipt of a complete application submitted by an applicant who does not hold a current permit at the level of certification applied for (new applicant), the Board office shall forward the application to the ARC.
- (c) The ARC shall review the applications it receives and for new applicants conduct or arrange for a USPAP Standard 3 review of appraisal reports selected from the submitted appraisal log.
- (d) Following the review the ARC may:
 - (i) Approve the application if the applicant meets all requirements; or
 - (ii) If either the application or the Standard 3 review raises questions as to whether denial is appropriate, forward the application and the ARC report to the Assistant Attorney General assigned to the Board for prosecution for review.
- (e) If after review the ARC, following consultation with the Assistant Attorney General, concludes that grounds exist to recommend denial of an application.
 - (i) A preliminary denial letter shall be sent to applicant. The letter shall:
 - (A) State the basis for the denial including relevant statutes and rules;
and
 - (B) Advise the applicant of the right to request reconsideration.

- (ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.
 - (iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.
 - (iv) Following a reconsideration conference, the ARC shall either approve or deny the application and notify the applicant.
 - (v) If denied, the applicant shall submit a written request for a hearing before the Board within thirty (30) days of the date of the denial letter or the denial is final.
- (f) Application denial hearings
- (i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.
 - (ii) The applicant has the burden of proving that he/she meets all requirements for the permit requested.
- (g) The ARC may attend hearings, but shall not take part in the consideration of any contested case.

Section 2. Complaints.

- (a) A disciplinary action is initiated against a permit holder by submitting a sworn written complaint to the Board office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member or member of the Board staff. The sworn written complaint should provide as much of the following information as may be available and applicable:
- (i) The name and address of the complainant;
 - (ii) The name, address, place of employment, and telephone number of the permit holder against whom the charges are made;
 - (iii) The specific conduct alleged to constitute the violation;
 - (iv) The name and address of any other witnesses; and

- (v) The signature of the complainant.

Section 3. Review of Written Complaint. Sworn written complaints shall be sent to the permit holder complained against and be referred to the investigator for the Board, the Assistant Attorney General, and a liaison selected by Board staff. The liaison, following consultation with the investigator and Assistant Attorney General, shall determine whether the complaint merits further investigation. If the complaint does not evidence conduct which violates the Act or Board Rules, it does not merit further investigation and the liaison shall dismiss it. If the complaint merits further investigation, the permit holder against whom the complaint was filed will be advised of the investigation, the names of the investigator and the liaison, the nature of the complaint, and given an opportunity to respond to the complaint.

- (a) The liaison shall not take part in the consideration of any contested case.
- (b) The liaison shall not, by this rule, be barred from attending any disciplinary hearing.

Section 4. Investigations and Board Action. The investigator for the Board shall investigate those sworn written complaints received which the liaison has determined merit further investigation.

- (a) Upon completion of the investigation, the investigator for the Board shall prepare an investigative report and submit it to the liaison. The report shall include:
 - (i) The findings;
 - (ii) A list of statutes and/or Board rules believed to have been violated; and
 - (iii) Any relevant additional information.
- (b) The liaison shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.
- (c) Following consultation with the Assistant Attorney General, the liaison may:
 - (i) Send the notice required by Section 6;
 - (ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;
 - (iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

- (iv) Dismiss the complaint.
- (d) The Board may resolve a complaint at any time by:
 - (i) Accepting a voluntary surrender of a permit;
 - (ii) Accepting conditional terms for settlement;
 - (iii) Dismissal.

Section 5. Service of Notice and Opportunity to Show Compliance.

(a) Prior to commencement of a formal hearing, the liaison shall give notice by mail to the permit holder of the facts or conduct which warrant his/her intended action. The notice shall give the permit holder an opportunity to show compliance with all lawful requirements for retention of the permit within twenty (20) days of the mailing of the notice. Such notice shall be sent to the permit holder's last known address both by certified mail with return receipt requested and by first class mail. Service shall be deemed complete when mailed.

~~**Section 6. Formal Hearing Prerequisites.** Formal proceedings for a hearing before the Board regarding a denied application or an action against a permit holder shall be commenced by notice of hearing for applicants or petition and notice of hearing for permit holders, served in person, or by both certified mail and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:~~

~~(a) — The name and address of the applicant or permit holder;~~

~~(b) — A statement, in ordinary and concise language, of the reasons for denial or the nature of the complaint filed with the Board, the facts upon which the denial or complaint is based, as well as the specific statute(s) or Board rules and regulations alleged to have been violated;~~

~~(c) — The time, place, and nature of the hearing;~~

~~(d) — That the hearing is being held pursuant to the authority provided by W.S. 3339-118 or W.S. 33-39-124; and~~

~~(e) — The applicant or permit holder shall file an Answer or Notice of Appearance, which shall be received by the Board at least ten (10) working days prior to the date set for hearing, or the applicant or permit holder will be in default.~~

Section 76. Default. The Board may enter an order based on the allegations in a notice of hearing or petition and notice of hearing in any case where the applicant or permit holder has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or permit holder or his/her representative has not appeared at a scheduled hearing for which they had notice.

Section 7. Formal Contested Case Hearing Incorporation by Reference.

(a) When required, Formal Contested Case Hearings shall be held in accordance with rules administered by the Office of Administrative Hearings.

(b) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section.

(c) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at <https://sites.google.com/a/wyo.gov/rec/appraisers-and-amcs/rules-and-regulations>.

Section 8. Contested Case Hearings.

~~(a) The Office of Administrative Hearings shall act as the hearing officer and shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and the Office of Administrative Hearings' rules concerning contested case proceedings.~~

~~(b) At the Board's discretion, contested case hearings shall either be conducted in the presence of a quorum of Board Members or a committee of one (1) or more Board Members.~~

~~(c) During the formal contested case hearing, Board Members may ask questions of the witnesses and/or the parties including their attorneys.~~

~~(d) A court reporter shall be present during the hearing and report the entire proceeding.~~

Section 9. Decisions.

~~(a) Proposed Decisions:~~

~~(i) _____ At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.~~

~~(ii) _____ At the discretion and direction of the Board, the hearing officer or the Assistant Attorney General assigned to advise the Board shall prepare proposed findings of fact, conclusions of law, and order following deliberations by the Board or its committee.~~

~~(b) _____ Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.~~

~~**Section 10. Appeals.** A Petition for Judicial Review of the Board decision may be filed in the district court in accordance with the Wyoming Rules of Appellate Procedure.~~

~~**Section 11. Transcripts.** If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.~~

CHAPTER 1
CERTIFIED REAL ESTATE APPRAISER BOARD
GENERAL PROVISIONS

Section 1. Authority and Board Meetings.

(a) Pursuant to the authority vested in the Certified Real Estate Appraiser Board by virtue of W. S. 16-3-101 through 16-3-115 and W. S. 33-39-101 through 33-39-130 (the Act), the following rules and regulations are hereby promulgated. All rules and regulations for the Board can be found at:

<https://sites.google.com/a/wyo.gov/rec/appraisers-and-amcs/rules-and-regulations>

(b) The Board shall hold its annual meeting the second Thursday in July at the Board Office located at 2020 Carey Ave, Ste 702, Cheyenne, WY 82001 at 9:00 am.

Section 2. Definitions. Terms defined in the act shall have the same meanings when used in these rules unless the context or subject matter clearly requires a different interpretation.

(a) “Applicant” means a person or Appraisal management company (AMC) who submits an application for a permit or registration to the Board. This definition does not include temporary work orders;

(b) “Appraiser Qualifications Board” “AQB” is the independent board of the Appraisal Foundation which sets the qualification standards for appraisers;

(c) “Appraisal Standards Board” “ASB” is the independent board of the Appraisal Foundation which sets the appraisal standards for appraisers;

(d) “Appraisal Subcommittee “ASC” is the Appraisal Subcommittee of the Federal Financial Institutions Examination Council;

(e) “Board” means the Wyoming certified real estate appraiser board;

(f) “Certified general real estate appraiser” means a person certified by the director to develop and communicate real estate appraisals of all types of property;

(g) “Certified real estate appraiser trainee” means a person certified by the director to develop and communicate real estate appraisals under the immediate and personal direction of a certified real estate appraiser;

(h) “Certified residential real estate appraiser” means a person certified by the director to develop and communicate real estate appraisals of all types of residential

property of one-to-four units and vacant or unimproved land that is utilized for one-to-four residential unit purposes or for which the highest and best use is for one-to-four residential units, not to include the appraisal of subdivisions for which a development analysis/appraisal is necessary;

(k) "Client" means any person or entity that contracts with, or otherwise enters into an agreement with, an appraisal management company for the performance of appraisal management services and real estate appraisal services;

(m) "Director" means the director of the Wyoming Real Estate Commission who serves on the Board as a non-voting ex-officio member;

(n) "In good standing" means maintaining an active certification in this state pursuant to the Certified Real Estate Appraiser Act, which certification is not subject to any disciplinary or probationary restrictions;

(o) "Jurisdiction" includes all fifty states and the commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, the District of Columbia and the Virgin Islands as recognized by the United States of America.

(p) "Permit number" means the permit number, which appears on the permit issued to an appraiser or certified real estate trainee by the Board. The Appraiser's permit number and type of certification shall appear on all appraisal reports, i.e., "Certified General Real Estate Appraiser, Wyoming Permit No. _____," or "Certified Residential Real Estate Appraiser, Wyoming Permit No. _____," or "Certified Real Estate Appraiser Trainee, Wyoming Permit No. _____."

(q) "Proof of completion" is a certified transcript or certificate from the entity offering the course/seminar which states the name of the appraiser, certified real estate trainee, the title of the course/seminar, and the date of completion.

(r) "Registration number" means the specific number issued to each individual AMC.

(s) "Temporary work order" means work of a temporary nature, not to exceed one (1) appraisal assignment which shall be completed within six (6) months from date of issuance of the temporary work order.

(t) "USPAP" means the Uniform Standards of Professional Appraisal Practice.

Section 3. Exemptions. These Rules and Regulations shall not apply to a real estate broker, associate broker or salesman who, in the ordinary course of business, gives an opinion of the price of real estate for the purpose of a prospective listing or sale, provided, this opinion of the price shall not be referred to as or construed to be an appraisal.

Section 4. Fees.

(a) The following non-refundable fees shall be charged by the Board:

(i)	Examination Fee	\$100
(ii)	Certified General or Residential permit	\$400
(iii)	AMC registration	\$1,800
(iv)	Certified General or Residential renewal.....	\$400
(v)	AMC renewal – (annual)	\$1,800
(vi)	Change of address or Change of business name	\$20
(vii)	Duplicate permit or pocket card.....	\$20
(viii)	Education account.....	\$20
(ix)	Temporary work order	\$200
(x)	Course or Instructor Approval	\$50
(xi)	Federal Registry Fee (annual).....	\$40
(xii)	Work Product Report Review Fee	\$275
(xiii)	Late Renewal Fee.....	\$100
(xiv)	Certified Documents	\$10
(xv)	Paper Processing Fee	\$25
(xvi)	Public Information Requests.....	\$.50/page

(b) The AMC's registration and renewal fees cover any changes made during the year such as, change of address and change of contact person. Forms for required changes must be submitted to the Board. All changes shall be submitted to the Board within thirty (30) days.

(c) There will be no fee for certified real estate appraiser trainee permits or certified real estate appraiser trainee renewals.

Section 5. Education requirements.

(a) All applicants shall attend a fifteen (15) hour national USPAP course covering the most recent edition of USPAP or its equivalent taught by an AQB-certified USPAP instructor, and pass the associated fifteen (15) hour national USPAP course examination.

(b) In order to qualify for a permit to practice as a certified general real estate appraiser, an applicant shall furnish proof of having successfully completed three-hundred (300) creditable classroom hours of courses in subjects related to real estate appraisal which meet the required core curriculum established and published by the Board. In addition, the applicant shall:

(i) Hold a bachelor's or higher degree from an accredited college/university acceptable to the Board.

(c) In order to qualify for a permit to practice as a certified residential real estate appraiser, an applicant shall furnish proof that they have successfully completed two-hundred (200) creditable classroom hours of courses in subjects related to real estate appraisal which meet the required core curriculum established and published by the Board, and, in addition, the applicant must:

(i) Hold a bachelor's or higher degree from an accredited college/university acceptable to the Board.

(d) Distance education may be used as qualifying education if the course is approved by the Board, meets AQB criteria and has a proctored final exam at the completion.

(e) In order to qualify for a permit to practice as a certified real estate appraiser trainee, an applicant shall furnish proof of having successfully completed seventy-five (75) creditable classroom hours which meet the required core curriculum established and published by the Board. All qualifying education shall be completed within the five (5)

year period prior to the date of submission of a certified real estate appraiser trainee permit.

Section 6. Experience requirements.

(a) To be eligible to take the examination for certification as a certified residential real estate appraiser or a certified general real estate appraiser, an applicant shall present evidence to the Board that the experience requirement has been satisfied.

(b) In order to be certified as a residential real estate appraiser, the total experience shall consist of two-thousand five-hundred (2,500) hours of experience obtained during no fewer than twenty-four (24) months and no more than the sixty (60) months immediately preceding the filing of the application for certification. While the number of hours may be cumulative, the required number of months must accrue before an individual may be certified.

(i) Where the experience claimed is in the capacity of a reviewing appraiser, the total experience shall consist of three-thousand five-hundred (3,500) hours of experience reviewing residential reports. A reviewing appraiser is one who reviews appraisals as a reviewing appraiser in compliance with W.S. 33-39-107.

(ii) In the event the experience claimed consists of a combination of performing appraisals and reviewing appraisals, the experience claimed shall consist of a minimum of one-thousand five-hundred (1,500) hours experience completing residential appraisal reports and a minimum of one-thousand five-hundred (1,500) hours reviewing residential appraisals in compliance with W.S. 33-39-107.

(c) In order to be certified as a general real estate appraiser, the total experience shall consist of three-thousand (3,000) hours of experience obtained during no fewer than thirty (30) months and no more than the sixty (60) months immediately preceding the filing of the application for certification. While the number of hours may be cumulative, the required number of months shall accrue before an individual may be certified. At least fifty (50) percent of the appraisal experience shall be in non-residential appraisal work.

(i) Where the experience claimed is in the capacity of a reviewing appraiser, the total experience shall consist of four-thousand five-hundred (4,500) hours of experience reviewing appraisal reports of which at least fifty (50) percent must be non-

residential. A reviewing appraiser is one who has reviewed the report as a reviewing appraiser in compliance with W.S. 33-39-107.

(ii) Where the experience claimed consists of a combination of performing appraisals and reviewing appraisals, the experience shall consist of a minimum of two-thousand (2,000) hours of reviewing appraisal reports and two-thousand (2,000) hours of completing appraisal reports, of which at least fifty (50) percent must be non-residential in compliance with W. S. 33-39-107.

Section 7. Examination requirements.

(a) Prior to taking the exam for a permit to practice as a certified real estate appraiser, the applicant shall furnish proof to the Board that the applicable education required by Section 5 and experience required by Section 7 have been completed.

(b) The applicant shall pass the examination and furnish proof of work experience prior to a person submitting an application for certification. Examination fees will not be refunded if the Board does not approve the applicant for certification.

(c) Every applicant seeking certification as an appraiser shall register for the Board approved examination with the testing service under contract with the Board.

(i) Failure to complete the examination on the scheduled date will result in forfeiture of the examination fee.

(ii) To re-write the examination, any applicant who does not attain a passing score shall register with the testing service under contract with the Board and submit the examination fee.

(d) A notice to an applicant that they have received a passing score on the Board approved examination does not constitute a permit to practice.

(e) Examination scores more than twenty-four (24) months old will not be accepted.

Section 8. Making application.

(a) The applicable requirements of Sections 5, 6 and 7 shall be complete prior to submitting an application for certified residential real estate appraiser or certified general real estate appraiser to the Board.

(i) All those who are not certified in Wyoming or another jurisdiction and who intend to become a certified residential real estate appraiser or a certified general real estate appraiser in Wyoming shall first be certified by the director as a certified real estate appraiser trainee after the completion of the applicable requirements of Section 5 and before any required experience will accrue toward the experience requirements as set forth in Section 7.

(b) Each person desiring to become certified as a real estate appraiser shall execute an application.

(i) Applications which are not complete and which are not accompanied by the correct fee will not be accepted and will be returned to the applicant.

(ii) Applicants must be at least eighteen (18) years of age.

(iii) All permits currently held by the applicant are in good standing and all permits previously held by the applicant were in good standing at the time of expiration and there is no discipline currently pending against the applicant in any jurisdiction; and

(iv) The applicant has not been subject to discipline in any jurisdiction in the past five (5) years.

(c) At the time of application for general or residential certification, an applicant who is not currently certified in Wyoming or another jurisdiction at the level of certification applied for shall submit the appraisal log referred to in (f) below. An Application Review Committee (ARC) of not more than two (2) board members, including one (1) board member certified in the level of certification applied for, selected by board staff will select two (2) appraisals from the appraisal log and conduct or arrange for a review of the selected appraisals to insure all requirements of the appropriate version of USPAP are met. Should the ARC determine either of the selected appraisals does not meet the requirements of the appropriate version of USPAP, it may require of the applicant any or all of the following:

(i) A third appraisal selected from the appraisal log;

(ii) A demonstration report;

(iii) Any other further information it deems appropriate; or

(iv) Attendance of appraisal course(s) covering subject matter relative to the deficiencies in the selected appraisal(s).

(d) If, after reviewing all submissions from the applicant, the ARC determines the submissions do not meet the requirements of the appropriate version of USPAP, it shall recommend the Board deny the application.

(e) All applicants shall submit complete and legible fingerprint cards, if applicable, a Certificate of License History.

(f) All applicants not currently certified in Wyoming or another jurisdiction at the level of certification applied for shall submit an appraisal log signed by both the applicant and the supervising appraiser on a form developed by the Board and posted on the Board web site in order to verify the applicant's experience. All appraisals included on the log shall be done under the direct supervision of the supervising appraiser who signs the log. The appraisal reports shall disclose the participation of both the supervising appraiser and the applicant.

(g) No permit will be issued prior to the criminal record background check required by W.S. 33-39-106(a)(vii) being received by the Board.

(h) Applicants who are not residents of Wyoming shall submit:

(i) The written designation required by W.S. 33-39-115(a) appointing the Director as his/her licensed agent upon whom all judicial and other process or legal notices directed to the applicant may be served: and

(ii) The written agreement to abide by all the provisions of the Certified Real Estate Appraiser Act required by W.S. 33-39-115(b).

(j) A permittee whose permit is held by the Board on inactive status shall apply for activation of such inactive permit and shall submit proof of having successfully completed all continuing education required for an active permittee during the period the permit was inactive, including the most current seven (7) hour National USPAP Update Course.

Section 9. Permit renewals; continuing education.

(a) A renewal application shall include proof that the permittee, including a certified real estate appraiser trainee, has completed at least thirty (30) hours of continuing education, which meets the curriculum established and published by the Board. Repetitious course work will not be accepted. An inactive permittee will not be required to furnish proof of continuing education until such time as they request activation of the permit.

(b) All permittees shall submit proof of completion of one (1) AQB-approved seven (7) hour National USPAP update course before April 1st of the year a new edition of USPAP becomes effective to renew a permit. USPAP update courses may be included in the required continuing education hours.

(c) Distance education may be used as continuing education if the course/seminar meets the AQB criteria and is approved by the Board. A proctored exam is not required but an applicant shall successfully complete all prescribed course requirements.

(d) Up to fifteen (15) hours of a permittee's continuing education requirement may be granted for participation, other than as a student, in appraisal educational processes and programs.

(i) Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education.

(ii) Credit for instructing any course or seminar can only be awarded once during a continuing education cycle.

(e) Failure to remit renewal fees when due will cause an active or inactive permit to lapse.

(i) A lapsed permit may be reinstated within sixty (60) days upon payment of the renewal fee and late renewal fee.

(ii) Any permittee whose permit, active or inactive, has not been renewed within the sixty (60) day grace period must comply with all requirements of a new applicant.

Section 10. Appraisal courses/seminars.

(a) Any entity or individual requesting approval of a course/seminar or an instructor requesting approval by the Board shall submit an application on forms prescribed by the Board which require information concerning the course/seminar being offered, course/seminar outline, examination, grading system and instructor qualifications.

(b) The Board may accept the following courses/seminars as meeting standards for appraiser education:

(i) Any appraisal course/seminar approved by the AQB and the Board.

(ii) Any appraisal course/seminar approved by the Board or by an appraiser regulatory body in any jurisdiction or province with approval standards equal to those established by the Board.

(c) The Board may approve courses/seminars by other schools, professional societies or organizations if they meet the Board standards.

(d) The Board will automatically approve Appraisal Qualifications Board (AQB) Course Approval Program (CAP) approved courses.

(e) Pre-certification education courses shall be at least fifteen (15) classroom hours in duration.

(f) Seminars for continuing education shall be at least three (3) classroom hours in duration.

(g) An approved course/seminar may be monitored by a representative of the Board.

(h) Each course/seminar approval is good for three (3) years, after which the provider shall request approval for another three (3) year period and submit the prescribed fee.

Section 11. Instructor qualifications. Course/seminar instructors shall have forty (40) hours of teaching appraisal course/seminar experience within the past two (2) years and shall meet at least one of the following qualifications, unless granted an exemption by the Board:

- (a) A bachelor's degree in the field in which the person is instructing; or
- (b) Five (5) years of current experience in the subject instructed.

Section 12. Withdrawal of approval. If the Board determines that an instructor, or course previously approved, no longer meets the prescribed standards, a written notice of withdrawal of approval shall be given stating the reasons for the withdrawal. The withdrawal becomes effective twenty (20) days from the date of the notice unless the person or entity giving the course/seminar files a written request for a hearing prior to the effective date. If a request for a hearing is timely filed, the withdrawal of approval will not become effective except upon order of the Board issued within ninety (90) days after the hearing.

Section 13. Disputes between permittees. The Board shall not entertain complaints between permittees concerning matters of fees or the earning, splitting or nonpayment thereof.

Section 14. Regulatory enforcement grounds.

(a) Appraisers. In addition to the statutory grounds for disciplinary action against an appraiser (W.S. 33-39-123), the Board may deny a permit or impose any disciplinary action authorized by W.S. 33-39-123(a) or combination thereof for any of the following:

(i) An act or omission involving dishonesty, fraud or misrepresentation;

(ii) Failure or refusal, without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal; or

(iii) Failure to notify the Board of a change of address within thirty (30) days.

(iv) Appraising a property type that is outside the scope of a Certified Residential Permit. However, appraisers holding a Certified Residential Permit may obtain the experience necessary to upgrade to a Certified General Permit by appraising properties outside the allowed scope of a Certified Residential Permit by associating with an appraiser holding a Wyoming Certified General Permit, provided that:

(A) The appraiser holding the Certified General Permit shall review, sign, and accept responsibility for the appraisal and report, and

(B) The report shall fully disclose each appraiser's role in the appraisal and reporting process, and

(C) The Certified Residential Permit holder shall not make any representations regarding the value analysis to a third party.

(v) Failure to produce documents and records concerning an appraisal under investigation by the Board.

(vi) Failure to appear and to testify under oath at a hearing held by the Board.

(vii) Failure to pay a fine imposed pursuant to W.S. 33-39-123 within thirty (30) days of the date of the Order.

(viii) In addition to noncompliance with standards prescribed by the Uniform Standards of Professional Appraisal Practice ("USPAP"), as adopted by the Board, any failure to conform to the conduct prescribed by or requirements contained in the Ethics Rule, the Competency Rule, the Scope of Work Rule and the Jurisdictional Exception Rule of USPAP shall constitute a separate ground for discipline under these rules.

(ix) Violation of any provision of W.S. 33-39-101 through 33-39-130, Board Rules and Regulations, or USPAP.

(x) Failure to complete the seven (7) hour national USPAP update course before April 1st of the year a new edition of USPAP becomes effective.

(xi) A summary of all final discipline, whether imposed by settlement or following a contested case hearing, will be published in the Real Estate Review, posted on the Board website, and such information as is mandated by federal law for various purposes, including such information that may be subject to a national clearinghouse maintained by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, and in furtherance of Title XI of the Federal Financial Institutions Examination Act ("FIRREA") Real Estate Appraisal Reform [12 U.S.C. §§3331-3351], as amended by the Dodd-Frank Reform Act will be reported.

(xii) The Board retains jurisdiction over persons issued a permit pursuant to the Act and these rules, regardless of whether the permit expired, lapsed or was relinquished during or after the alleged occurrence of conduct proscribed by the Act or these rules.

(xiii) The applicant has had an appraiser license or certification revoked in any governmental jurisdiction within the five (5) year period immediately preceding the date of application;

(xiv) The applicant has been convicted of, or pled guilty or *nolo contendere* to, a felony in a domestic or foreign court:

(A) during the five (5) year period immediately preceding the date of the application for licensing or certification; or

(B) at any time preceding the date of application, if such felony involved an act of fraud, dishonesty, or a breach of trust, or money laundering;

(xv) The applicant has failed to demonstrate character and general fitness such as to command the confidence of the community and to warrant a determination that the appraiser will operate honestly, fairly, and efficiently within the purposes of these criteria.

(b) AMCs. The Board may impose any disciplinary action authorized by W.S. 33-39-224 for any violation of W.S. 33-39-224(a)(i) through (v) by an AMC, its representatives or employees.

Section 15. Temporary work orders. An appraiser certified in another jurisdiction and in good standing in all jurisdictions in which he/she currently holds or has previously held a permit may apply for a temporary work order in Wyoming for temporary work for one (1) appraisal assignment to be completed within six (6) months from date of issuance of a temporary work order.

(a) The appraiser shall submit to the Board a copy of the engagement agreement for the assignment and pay the fee for the temporary work order.

(b) A single appraisal assignment may include one (1) or more properties under one (1) contract for a single client.

(c) One six (6) month extension of the temporary work order may be granted.

Section 16. Responsibilities of a Certified Appraiser acting as a supervisory appraiser.

(a) A supervising appraiser shall be responsible for and provide direct supervision of the work performed by a certified real estate appraiser trainee under his/her supervision. The supervising appraiser shall:

(i) Notify the Board of the name(s) and other Board required information for each certified real estate appraiser trainee under his/her supervision.

(ii) Sign and review the appraisal and assume full responsibility for it; and

(iii) Not allow the certified real estate appraiser trainee to make any representations regarding the appraisal to a third party; and

(iv) Disclose in the appraisal report the name of the certified real estate appraiser trainee and the scope of the certified real estate appraiser trainee's contribution to the report.

(v) Maintain an appraisal log jointly with the certified real estate appraiser trainee using the form available on the Board website.

(b) Upon request, the supervising appraiser shall provide the Board with a copy of any appraisal report that a certified real estate appraiser trainee signed under his/her supervision.

(c) The certified real estate appraiser trainee is entitled to copies of appraisal reports he/she prepares.

(d) The supervising appraiser shall physically inspect each property that the certified real estate appraiser trainee is appraising until such time as he/she deems the certified real estate appraiser trainee satisfies the competency provision of USPAP.

(e) Supervisory appraisers shall be state-certified and “in good standing” in the jurisdiction in which the trainee appraiser practices for a period of at least three (3) years. Supervisory appraisers shall not have been subject to any disciplinary action within any jurisdiction within the last three (3) years that affects the supervisory appraiser’s legal eligibility to engage in appraisal practice. A supervisory appraiser subject to a disciplinary action would be considered to be “in good standing” three (3) years after the successful completion/termination of the sanction imposed against the appraiser. Supervisory appraisers shall have been state-certified for a minimum of three (3) years prior to being eligible to become a Supervisory Appraiser.

(f) The certified real estate appraiser trainee shall be permitted to work under more than one (1) supervising appraiser; however, no supervising appraiser may supervise more than three (3) certified real estate appraiser trainees at any one time.

(g) The supervising appraiser shall be within reasonable geographic proximity to the certified real estate appraiser trainee.

(h) Supervisory appraisers shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers. The course is to be completed by the supervisory appraiser prior to supervising a trainee appraiser.

Section 17. Responsibilities of a certified real estate appraiser trainee.
Certified real estate appraiser trainees shall:

(a) Register their name, address and phone number with the Board office.

(b) Work under the direct supervision of a certified appraiser. A certified real estate appraiser trainee is permitted to work under more than one (1) supervising appraiser.

(c) Notify the Board of each supervising appraiser’s name.

(d) Maintain an experience log on a form provided by and approved by the Board which shall be reviewed and signed by the supervising certified real estate appraiser.

(e) Maintain separate appraisal logs for each supervising appraiser using the form available on the Board web site.

(f) Participate in the appraisal process in order to receive credit for hours spent and appraisals completed.

(g) Comply with the USPAP competency rule.

(h) Not make representations regarding an appraisal they are involved with to any third party.

(i) Ensure that the supervising appraiser has notified the Board of all pertinent Board required information relative to their status as an appraiser trainee.

(j) Indicate the word “certified real estate appraiser trainee” prominently after their signature on all appraisal reports, reviews or correspondence signed by the certified real estate appraiser trainee.

(k) Trainee appraisers shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB, which is specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers. The course shall be completed by the trainee appraiser prior to obtaining a certified real estate appraiser trainee permit. Further, the trainee appraiser course is not eligible towards the 75 hours of qualifying education required.

CHAPTER 3
CERTIFIED REAL ESTATE APPRAISER BOARD
APPLICATION REVIEW, COMPLAINTS,
AND
HEARING PROCEDURES

Section 1. Application Review Process.

- (a) Upon receipt of a complete application submitted by an applicant who holds a current permit to practice at the level of certification applied for issued by another jurisdiction, the Board Office shall review the application and if it is complete and there are no known grounds for denial of the requested permit, the Board office may issue the permit. If there are grounds for denial reasonably apparent on the face of the completed application, the Board office shall forward the application to the Application Review Committee (ARC).
- (b) Upon receipt of a complete application submitted by an applicant who does not hold a current permit at the level of certification applied for (new applicant), the Board office shall forward the application to the ARC.
- (c) The ARC shall review the applications it receives and for new applicants conduct or arrange for a USPAP Standard 3 review of appraisal reports selected from the submitted appraisal log.
- (d) Following the review the ARC may:
 - (i) Approve the application if the applicant meets all requirements; or
 - (ii) If either the application or the Standard 3 review raises questions as to whether denial is appropriate, forward the application and the ARC report to the Assistant Attorney General assigned to the Board for prosecution for review.
- (e) If after review the ARC, following consultation with the Assistant Attorney General, concludes that grounds exist to recommend denial of an application.
 - (i) A preliminary denial letter shall be sent to applicant. The letter shall:
 - (A) State the basis for the denial including relevant statutes and rules;
and
 - (B) Advise the applicant of the right to request reconsideration.

- (ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.
 - (iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General, and the applicant.
 - (iv) Following a reconsideration conference, the ARC shall either approve or deny the application and notify the applicant.
 - (v) If denied, the applicant shall submit a written request for a hearing before the Board within thirty (30) days of the date of the denial letter or the denial is final.
- (f) Application denial hearings
- (i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.
 - (ii) The applicant has the burden of proving that he/she meets all requirements for the permit requested.
- (g) The ARC may attend hearings, but shall not take part in the consideration of any contested case.

Section 2. Complaints.

- (a) A disciplinary action is initiated against a permit holder by submitting a sworn written complaint to the Board office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member or member of the Board staff. The sworn written complaint should provide as much of the following information as may be available and applicable:
- (i) The name and address of the complainant;
 - (ii) The name, address, place of employment, and telephone number of the permit holder against whom the charges are made;
 - (iii) The specific conduct alleged to constitute the violation;
 - (iv) The name and address of any other witnesses; and
 - (v) The signature of the complainant.

Section 3. Review of Written Complaint. Sworn written complaints shall be sent to the permit holder complained against and be referred to the investigator for the Board, the Assistant Attorney General, and a liaison selected by Board staff. The liaison, following consultation with the investigator and Assistant Attorney General, shall determine whether the complaint merits further investigation. If the complaint does not evidence conduct which violates the Act or Board Rules, it does not merit further investigation and the liaison shall dismiss it. If the complaint merits further investigation, the permit holder against whom the complaint was filed will be advised of the investigation, the names of the investigator and the liaison, the nature of the complaint, and given an opportunity to respond to the complaint.

- (a) The liaison shall not take part in the consideration of any contested case.
- (b) The liaison shall not, by this rule, be barred from attending any disciplinary hearing.

Section 4. Investigations and Board Action. The investigator for the Board shall investigate those sworn written complaints received which the liaison has determined merit further investigation.

- (a) Upon completion of the investigation, the investigator for the Board shall prepare an investigative report and submit it to the liaison. The report shall include:
 - (i) The findings;
 - (ii) A list of statutes and/or Board rules believed to have been violated; and
 - (iii) Any relevant additional information.
- (b) The liaison shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.
- (c) Following consultation with the Assistant Attorney General, the liaison may:
 - (i) Send the notice required by Section 6;
 - (ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;
 - (iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

- (iv) Dismiss the complaint.
- (d) The Board may resolve a complaint at any time by:
- (i) Accepting a voluntary surrender of a permit;
 - (ii) Accepting conditional terms for settlement;
 - (iii) Dismissal.

Section 5. Service of Notice and Opportunity to Show Compliance.

(a) Prior to commencement of a formal hearing, the liaison shall give notice by mail to the permit holder of the facts or conduct which warrant his/her intended action. The notice shall give the permit holder an opportunity to show compliance with all lawful requirements for retention of the permit within twenty (20) days of the mailing of the notice. Such notice shall be sent to the permit holder's last known address both by certified mail with return receipt requested and by first class mail. Service shall be deemed complete when mailed.

Section 6. Default. The Board may enter an order based on the allegations in a notice of hearing or petition and notice of hearing in any case where the applicant or permit holder has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or permit holder or his/her representative has not appeared at a scheduled hearing for which they had notice.

Section 7. Formal Contested Case Hearing Incorporation by Reference.

(a) When required, Formal Contested Case Hearings shall be held in accordance with rules administered by the Office of Administrative Hearings.

(b) Any code, standard, rule or regulation incorporated by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (b) of this section.

(c) Each rule incorporated by reference is further identified as follows:

(i) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on October 17, 2014, found at <https://sites.google.com/a/wyo.gov/rec/appraisers-and-amcs/rules-and-regulations>.