



Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised November 2016

1. General Information

a. Agency/Board Name*		
b. Agency/Board Address	c. City	d. Zip Code
e. Name of Agency Liaison	f. Agency Liaison Telephone Number	
g. Agency Liaison Email Address		
h. Date of Public Notice	i. Comment Period End Date	
j. Public Comment URL or Email Address:		
k. Program		

* By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
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 Repealed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 Repealed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 Repealed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 Repealed
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 Repealed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 Repealed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 Repealed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 Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed

4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:
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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 Agency Liaison listed in Section 1 above.

5. Federal Law Requirements

a. These rules are created/amended/revoked to comply with federal law or regulatory requirements. No. Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:
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Indicate one (1):

The proposed rules meet, but do not exceed, minimum federal requirements.

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:

To the Agency at the physical and/or email address listed in Section 1 above.

At the following URL: _____

6. 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.

7. Additional APA Provisions

a. Complete all that apply in regards to uniform rules:

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

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 Principal Reasons).

_____ (Provide chapter numbers)

b. Checklist

The Statement of Principal 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.

If applicable: 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 (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

8. 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>	

STATEMENT OF REASONS
Certified Real Estate Appraiser Board
Regular Rules Promulgation
January 23, 2018

Overview

Statutory authority regulating the practice of Wyoming Certified Real Estate Appraisers is established in Wyoming Statute § 33-39-101 through 33-39-225. These rule changes include necessary amendments for the Wyoming Certified Real Estate Appraiser Board to maintain federal compliance with the Appraisal Subcommittee and their recognition of the Uniform Standards of Professional Appraisal Practice (USPAP), as published by the Appraisal Foundation. Other changes to these rules include overall formatting and housekeeping changes, as well as a substantial change deleting the requirement that certified appraisers in Wyoming must complete the most current USPAP class by April 1 of every year it is updated.

The Board has provided an explanation chapter-by-chapter for easy reference.

Proposed Rule Changes by Chapter

Chapter One – General Provisions

The title has been modified to delete “Certified Real Estate Appraiser Board” as it is considered redundant in the titles of rule chapters. This chapter has been formatted to meet the rules on administrative rules as enforced by the Wyoming Secretary of State and most sections of the chapter have been renumbered to accommodate draft changes.

1. Section 1(a) – Housekeeping changes are added to properly site Wyoming Statute
2. Section 2 – The definitions in this section have been properly renumbered to correct a numbering error
3. Section 3 – The term “salesman” has been changed to “salesperson” to properly reflect the current name of the license per the Wyoming Real Estate Commission
4. Section 4(a)(xi) – The word “Appraiser” is added to “Federal Registry Fee (annual)” to articulate that the fee listed is that paid by individually permitted appraisers
5. Section 4(a)(xvi) – This fee is amended to reflect the current rate as prescribed by the Department of Administration and Information which is duly incorporated into the rules by the newly added Section 5. Public Records Authority and Adoption of Uniform Rules.
6. Section 4(a)(xvii) – A fee is added to the Board’s fee schedule in order for the Board to collect fees for the Federal Registry from Appraisal Management Companies (AMCs). The collection and payment of fees for the Federal Registry are prescribed in federal guidance and enforced by the Appraisal Subcommittee. The Board does not keep this fee, it is passed-through the agency and paid to the Appraisal Subcommittee via monthly invoice.

7. Section 4(b) – This section is amended to explain that Federal Registry fees must be paid at the time of application at the rate and manner prescribed by the Appraisal Subcommittee.
8. Section 5 – This new section is added to incorporate by reference the Department of Administration and Information’s uniform rules relating to public records
9. Section 9 (previously Section 8) – Grammar is amended in sections (a) through (h) for housekeeping purposes
10. Section 9(j) (previously Section 8) – The requirement that the most current version of USPAP must be completed by a certified appraiser before April 1 is removed. The Board felt that this was a cumbersome requirement for all appraisers, especially non-residents that may abide by different requirements in their home state.
11. Section 10(b) (previously Section 9) – As reflected in changes to Section 9(j), the requirements relating to the April 1st deadline for the completion of the most current version of USPAP for permit renewal are removed. Again, the April 1 deadline has been deemed obsolete by the Appraiser Board.
12. Section 15 (previously Section 14) – Grammar and abbreviations are amended in sections (a)(viii), (a)(vix), (a)(x), and renumbered (c)(xii). This section has also been renumbered to create subsections (b), (c), and a renumbered (d) for proper formatting.
13. Section 17 (previously Section 16) – Section 17(e) is amended to correct grammar
14. Section 18 (previously Section 17) – This section is renumbered to omit use of the letter “i” in the section numbering sequence

Chapter Two – Appraisal Management Companies (renamed)

The title has been modified to delete “Certified Real Estate Appraiser Board” as it is considered redundant in the titles of rule chapters. This chapter has been formatted to meet the rules on administrative rules as enforced by the Wyoming Secretary of State.

1. Section 1(a)(vii) – Housekeeping changes are made for proper punctuation and use of parentheses
2. Section 2(b)(ii) – Housekeeping changes are made for proper punctuation

Chapter Three – Application Review, Complaints, and Hearing Procedures

The title has been modified to delete “Certified Real Estate Appraiser Board” as it is considered redundant in the titles of rule chapters. This chapter has been formatted to meet the rules on administrative rules as enforced by the Wyoming Secretary of State. Punctuation corrections are also made throughout the chapter.

1. Section 1(a) – Housekeeping changes are made to correct grammatical errors
2. Section 7 – This section has been comprehensively modified to better engage the incorporation by reference relating to contested case hearings. These changes include the addition of Section 7(a)(i), Section 7(b)(i) and 7(b)(ii), and the deletion of the previous section (c) as its contents were added to section (a).

Chapter 4 – USPAP

The title has been modified to delete “Certified Real Estate Appraiser Board” as it is considered redundant in the titles of rule chapters. This chapter has been formatted to meet the rules on administrative rules as enforced by the Wyoming Secretary of State.

Every two years, the Appraisal Foundation’s Appraisal Standards Board (ASB) publishes an updated version of the Uniform Standards of Professional Appraisal Practice. The USPAP are upheld by the Appraisal Subcommittee, the federal agency charged with enforcing federal laws, rules, and standards. The Wyoming Certified Real Estate Appraiser Board is granted authority to certify real estate appraisers by the Appraisal Subcommittee.

A new version of USPAP became effective on January 1, 2018. This means all federally certified appraisers must comply with the standards set forth in USPAP in completing federally recognized appraisal assignments. To enforce this requirement, the Wyoming Certified Real Estate Appraiser Board must formally adopt the most current version of USPAP in its administrative rules. This formal adoption is reflected in Sections 1(a) and Section 2 of the chapter.

Contact Information:

Questions regarding this Statement of Reasons regarding the Certified Real Estate Appraiser Board’s request to promulgate rules can be directed to the agency by phone at 307-777-7141 or sent in writing to nicole.novotnysmith@wyo.gov.

CHAPTER 1 GENERAL PROVISIONS

Section 1. Authority and Board Meetings.

(a) Pursuant to the authority vested in the Certified Real Estate Appraiser Board by virtue of Wyoming Statutes § 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 2617 E Lincolnway, Suite H, Cheyenne, WY 82002 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;

(j) "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;

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

(l) "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;

(m) "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.

(n) "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. ."

(o) "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.

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

(q) "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.

(r) "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 salesperson 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) Appraiser 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.....	Current Rate
(xvii) AMC Federal Registry Fee (annual).....	\$25/Appraiser

(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. All AMC Federal Registry Fees must be paid at the time of AMC Application or Renewal in the rate and manner prescribed by the ASC.

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

Section 5. Public Records Authority and Adoption of Uniform Rules. The Commission is required under W.S. 16-3-103(j)(ii) to adopt the Department of Administration and Information’s uniform rules pertaining to procedures, fees, costs, and charges for inspecting, copying, and producing public records. The Commission hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://realestate.wyo.gov/real-estate-professionals/rules-and-regulations>.

(b) For these rules incorporated by reference:

(i) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length and nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section, and;

(iii) The incorporated rules are maintained at the Commission's office and are available for public inspection and copying at that same location.

Section 6. Education requirements.

(a) All applicants shall attend a fifteen (15) hour national USPAP course covering the most recent edition of USPAP or its equivalent, approved by the AQB of the Appraisal Foundation, taught by an AQB-certified USPAP instructor, and pass the associated fifteen (15) hour national USPAP course examination. The USPAP Instructor shall also be an active certified residential or certified general appraiser.

(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 AQB. 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 AQB, as well as, a supervisor/trainee course. 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 7. 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 8. 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 6 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 examination with a testing service approved by the AQB.

(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 a testing service approved by the AQB and submit the examination fee.

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

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

Section 9. Making application.

(a) The applicable requirements of Sections 6, 7, and 8 shall be completed 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 6 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 complete 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) Completion 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 Board receiving a criminal record background check required by W.S. § 33-39-106(a)(vii).

(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 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 required continuing education hours that would have been required if the credential holder was in an active status. The required hours must also include the most recent edition of a 7-Hour National USPAP Update Course.

Section 10. 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 the most current AQB-approved seven (7) hour National USPAP update course at the time of renewal. 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 11. 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 12. 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 13. 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 14. Disputes between permittees. The Board shall not entertain complaints between permittees concerning matters of fees or the earning, splitting or nonpayment thereof.

Section 15. 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 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 most current version of the seven (7) hour national USPAP update course.

(b) 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.

(c) 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.

(i) 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;

(ii) 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;

(iii) 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.

(d) 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 16. Temporary work orders. An appraiser certified or licensed in another jurisdiction and in good standing in all jurisdictions in which he/she currently holds a permit,

certificate, or license 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 17. 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 "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 18. 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.
- (j) Ensure that the supervising appraiser has notified the Board of all pertinent Board required information relative to their status as an appraiser trainee.

(k) 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.

(l) 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 2
APPRAISAL MANAGEMENT COMPANY

Section 1. Registration process.

(a) AMC applicants shall submit to the Board on forms which shall be prescribed by the Board and shall include:

- (i) Completed application form with appropriate fee;
- (ii) Fingerprint cards for the designated contact person and any person owning more than ten percent (10%) of the AMC;
- (iii) Recent snapshot or photograph of the designated contact person;
- (iv) Current appraisal panel list. Changes to the appraisal panel shall be submitted via email to the Board within thirty (30) calendar days;
- (v) Engagement Document;
- (vi) Wyoming Secretary of State Certificate of Good Standing;
- (vii) Certificate of Incorporation, Partnership Agreement or Articles of Organization from your domestic state; and
- (viii) Copy of a surety bond in an amount not less than Twenty-Five Thousand Dollars (\$25,000.00).

(b) Every Registration shall be valid for a period of one (1) year.

Section 2. Renewal process.

(a) Registrations shall be renewed for a period of one (1) year.

(b) Applications for renewal of Registrations shall be submitted to the Board on forms which shall be prescribed by the Board and shall include:

- (i) Copy of the Renewal form and the appropriate fee(s);
- (ii) A copy of the Continuation Certificate showing the surety bond in the amount not less than twenty five thousand dollars (\$25,000.00) was renewed; and
- (iii) A current snapshot or photograph of the Designated Contact person.

(c) AMC's may renew expired Registrations up to sixty (60) calendar days following expiration of the Registration by submitting a Renewal Form, remitting all required fees plus a late fee as described in Chapter 1 Section 4.

(d) After a Registration has been expired for a period of time in excess of sixty (60) calendar days, the Registration may not be renewed. In order to acquire a Registration, an AMC shall reapply as set forth in Section 1.

CHAPTER 3
APPLICATION REVIEW, COMPLAINTS, AND
HEARING PROCEDURES

Section 1. Application Review Process.

(a) Upon receipt of a complete application submitted by an applicant holding 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. 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. The Board hereby incorporates by reference the following uniform rules:

(i) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <https://sites.google.com/a/wyo.gov/rec/appraisers-and-amcs/rules-and-regulations>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length and nature of the rules; and

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section.

CHAPTER 4

USPAP

Section 1. Adoption of USPAP.

(a) The Uniform Standards of Professional Appraisal Practice (USPAP) 2018-2019 Edition promulgated by the Appraisal Foundation is adopted without modification, including related Appraisal Standards Board (ASB) Statements and Comments. This adoption does not include any later amendments or editions of USPAP.

(b) Copies of USPAP are available at the Board office, 2617 E. Lincolnway, Cheyenne, WY 82002, (307) 777-7141 for inspection. Copies of USPAP may also be purchased from the Appraisal Foundation (202) 289-2735, info@appraisalfoundation.org or the website www.uspap.org.

Section 2. Effective date. This Chapter is effective January 1, 2018.

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.~~ Wyoming Statutes § 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 2617 E Lincolnway, Suite H, Cheyenne, WY 82002 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;

(kj) "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;

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

(nl) "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;

(om) "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.

(pn) "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. _____."

(qo) "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.

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

(sq) "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.

(tr) "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~~salesperson 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)	<u>Appraiser</u> 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	<u>Current Rate</u>
(xvii)	<u>AMC Federal Registry Fee (annual)</u>	<u>\$25/Appraiser</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 thirty (30) days. All AMC Federal Registry Fees must be paid at the time of AMC Application or Renewal in the rate and manner prescribed by the ASC.

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

Section 5. Public Records Authority and Adoption of Uniform Rules. The Commission is required under W.S. 16-3-103(j)(ii) to adopt the Department of Administration and Information’s uniform rules pertaining to procedures, fees, costs, and charges for inspecting, copying, and producing public records. The Commission hereby incorporates by reference the following uniform rules:

(a) Chapter 2 – Uniform Procedures, Fees, Costs, and Charges for Inspecting, Copying, and Producing Public Records adopted by the Department of Administration and Information and effective on September 6, 2016, found at: <http://realestate.wyo.gov/real-estate-professionals/rules-and-regulations>.

(b) For these rules incorporated by reference:

(i) The Commission has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length and nature of the rules;

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section, and;

(iii) The incorporated rules are maintained at the Commission’s office and are available for public inspection and copying at that same location.

Section 56. Education requirements.

(a) All applicants shall attend a fifteen (15) hour national USPAP course covering the most recent edition of USPAP or its equivalent, approved by the AQB of the Appraisal Foundation, taught by an AQB-certified USPAP instructor, and pass the associated fifteen (15) hour national USPAP course examination. The USPAP Instructor shall also be an active certified residential or certified general appraiser.

(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 AQB. 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 AQB, as well as, a supervisor/trainee course. 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 67. 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 78. 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 6 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 examination with a testing service approved by the AQB.

(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 a testing service approved by the AQB and submit the examination fee.

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

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

Section 89. Making application.

(a) The applicable requirements of Sections ~~5, 6 and 7~~ 6, 7, and 8 shall be completed 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~~ 6 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~~ complete 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~~ Completion 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 Board receiving a 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 required continuing education hours that would have been required if the credential holder was in an active status. The required hours must also include the most recent edition of a 7-Hour National USPAP Update Course ~~taken before April 1st of the year a new edition of USPAP becomes effective.~~

Section 910. 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) the most current~~ 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~~ at the time of renewal. 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~~11. 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~~12. 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 1213. 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 1314. Disputes between permittees. The Board shall not entertain complaints between permittees concerning matters of fees or the earning, splitting or nonpayment thereof.

Section 1415. 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")~~ 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 most current version of the seven (7) hour national USPAP update course ~~before April 1st of the year a new edition of USPAP becomes effective.~~

~~(xi)~~(b) 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)~~(c) 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) ~~d~~during the five (5) year period immediately preceding the date of the application for licensing or certification; or

(B) ~~a~~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)~~iii) 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)~~d) 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 1516. Temporary work orders. An appraiser certified or licensed in another jurisdiction and in good standing in all jurisdictions in which he/she currently holds a permit, certificate, or license 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 1617. 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 1718. 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.

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

(jk) 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.

(kl) 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 2
CERTIFIED REAL ESTATE APPRAISER BOARD
APPRAISAL MANAGEMENT COMPANY

Section 1. Registration process.

(a) AMC applicants shall submit to the Board on forms which shall be prescribed by the Board and shall include:

- (i) Completed application form with appropriate fee;
- (ii) Fingerprint cards for the designated contact person and any person owning more than ten percent (10%) of the AMC;
- (iii) Recent snapshot or photograph of the designated contact person;
- (iv) Current appraisal panel list. Changes to the appraisal panel shall be submitted via email to the Board within thirty (30) calendar days;
- (v) Engagement Document;
- (vi) Wyoming Secretary of State Certificate of Good Standing;
- (vii) Certificate of Incorporation~~(Inc.)~~, Partnership Agreement or Articles of Organization ~~(LLC)~~ from your domestic state; and
- (viii) Copy of a surety bond in an amount not less than Twenty-Five Thousand Dollars (\$25,000.00).

(b) Every Registration shall be valid for a period of one (1) year.

Section 2. Renewal process.

(a) Registrations shall be renewed for a period of one (1) year.

(b) Applications for renewal of Registrations shall be submitted to the Board on forms which shall be prescribed by the Board and shall include:

- (i) Copy of the Renewal form and the appropriate fee(s);
- (ii) A copy of the Continuation Certificate showing the surety bond in the amount not less than twenty five thousand dollars (\$25,000.00) was renewed; and
- (iii) A current snapshot or photograph of the Designated Contact person.

(c) AMC's may renew expired Registrations up to sixty (60) calendar days following expiration of the Registration by submitting a Renewal Form, remitting all required fees plus a late fee as described in Chapter 1 Section 4.

(d) After a Registration has been expired for a period of time in excess of sixty (60) calendar days, the Registration may not be renewed. In order to acquire a Registration, an AMC shall reapply as set forth in Section 1.

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~~ ~~holding~~ 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. The Board hereby incorporates by reference the following uniform rules:

(i) Chapter 2 – Uniform Rules for Contested Case Practice and Procedure, adopted by the Office of Administrative Hearings and effective on July 20, 2017, found at <https://sites.google.com/a/wyo.gov/rec/appraisers-and-amcs/rules-and-regulations>.

(b) For these rules incorporated by reference:

(i) The Board has determined that incorporation of the full text in these rules would be cumbersome or inefficient given the length and nature of the rules; and

(ii) The incorporation by reference does not include any later amendments or editions of the incorporated matter beyond the applicable date identified in subsection (a) of this section.

~~(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-ames/rules-and-regulations>.~~

CHAPTER 4
CERTIFIED REAL ESTATE APPRAISER BOARD
USPAP

Section 1. Adoption of USPAP.

(a) The Uniform Standards of Professional Appraisal Practice (USPAP) 2016~~8~~-2017~~9~~ Edition promulgated by the Appraisal Foundation is adopted without modification, including related Appraisal Standards Board (ASB) Statements and Comments. This adoption does not include any later amendments or editions of USPAP.

(b) Copies of USPAP are available at the Board office, 2617 E. Lincolnway, Cheyenne, WY 82002, (307) 777-7141 for inspection. Copies of USPAP may also be purchased from the Appraisal Foundation (202) 289-2735, info@appraisalfoundation.org or the website www.uspap.org.

Section 2. Effective date. This Chapter is effective January 1, 2016~~8~~.