



# Certification Page Regular and Emergency Rules

Revised September 2016

**Emergency Rules** *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

**Regular Rules**

## 1. General Information

a. Agency/Board Name <b>Wyoming Real Estate Commission</b>		
b. Agency/Board Address <b>2617 E. Lincolnway, Suite H</b>	c. City <b>Cheyenne</b>	d. Zip Code <b>82002</b>
e. Name of Agency Liaison <b>Nicole Novotny Smith</b>		f. Agency Liaison Telephone Number <b>307-777-7141</b>
g. Agency Liaison Email Address <b>nicole.novotnysmith@wyo.gov</b>		h. Adoption Date <b>July 9, 2019</b>
i. Program <b>Real Estate Appraiser Board</b>		

## 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: **SEA0036 (2019)**

## 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 checked="" type="checkbox"/> New <input checked="" type="checkbox"/> Amended <input type="checkbox"/> Repealed
<b>One</b>	<b>General Provisions</b>	
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
		<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

**3. State Government Notice of Intended Rulemaking**

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **July 12, 2019**

- approved as to form by the Registrar of Rules; and
- provided to the Legislative Service Office and Attorney General:

**4. Public Notice of Intended Rulemaking**

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  No.  Yes.  N/A

b. A public hearing was held on the proposed rules.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

**5. Final Filing of Rules**


a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: **July 12, 2019**

b. Date on which final rules were approved as to form by the Secretary of State and sent to the Legislative Service Office: **July 12, 2019**

c.  The Statement of Reasons is attached to this certification.

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Nicole Novotny Smith
Signatory Title	Executive Director
Date of Signature	July 12, 2019

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**STATEMENT OF PRINCIPAL REASONS**  
**Certified Real Estate Appraiser Board**  
**Regular Rules Promulgation**  
**Original: May 1, 2019**  
**Amended: July 12, 2019**

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**Overview**

Statutory authority regulating the practice of Wyoming Certified Real Estate Appraisers is established in Wyoming Statutes §§ 33-39-101 through 33-39-225. Rule changes to Chapter 1 of the Wyoming Certified Real Estate Appraiser Board administrative rules are in order to comply with the Wyoming Legislature’s adoption of SEA0036, which amended several sections of the Certified Real Estate Appraiser Act. In revising the rules to comply with SEA0036, the Board also decided to update language relating to regulatory enforcement and address general housekeeping in the way of proper context, grammar, and punctuation.

Throughout the amended Chapter, the following changes are made to comply with statute:

1. The term “temporary work order” is changed to “temporary permit” as defined by law; and,
2. The term “trainee” or “certified real estate appraiser trainee” is changed to “certified appraiser trainee” as defined by law.

Below, the Board provides further explanation of the rule changes by section.

**Chapter One – General Provisions**

**Section 1. Authority and Board Meetings.**

Section 1(a) is amended to reference all statutes encompassed in Title 33, Chapter 39.

**Section 2. Definitions**

Generally, this section is modified with renumbering for consistency.

1. Section 2(a) – Amended to correct grammar
2. Section 2(c) – This definition is deleted as the “Appraisal Standards Board” is only referenced once, in Chapter 4
3. Section 2(e) – Amended to correct punctuation
4. Section 2(f) – Amended to state that the Board, not the director, has the authority to certify
5. Section 2(g) – This definition is deleted as certified appraiser trainees are now defined in statute
6. Section 2(h) – The term “director” is changed to “Board” as it is the Board that certifies appraisers, not the director

7. Section 2(j) – This definition is deleted as the term “Client” is only used once in Chapter 1, Section 16(b) and stands alone without the need for the term to be explicitly defined
8. Section 2(k) – “Director” is amended to refer to the “Director of the Board”
9. Section 2(n) – This definition is deleted as the term “Permit Number” is not a term used in these rules
10. Section 2(o) – The word “appraiser” is added for consistency
11. Section 2(q) – This definition is deleted as temporary permits are now defined in statute.

#### **Section 4. Fees**

Section 4(a)(vii) is amended to delete “or pocket card” as pocket cards are no longer printed and distributed by the Board.

#### **Section 6. Education Requirements**

1. Section 6(b) and 6(c) – Amended to comply with the minimum education criteria adopted by the Appraisal Qualifications Board (AQB), the federal entity responsible for establishing qualification minimums, on May 1, 2018
2. Section 6(e) – Amended to explain that the supervisor/trainee course required by the AQB does not need to be completed before submission of an application

#### **Section 7. Experience Requirements**

Section 7(b) and 7(c) are amended to comply with the experience criteria minimums adopted by the AQB, the federal entity responsible for establishing qualifications minimums, on May 1, 2018.

#### **Section 9. Making Application**

1. Section 9(a)(i) is amended to clarify that the Board, not the director, certifies appraiser trainees
2. Section 9(h)(i) is amended for consistency purposes with the proposed changes to the definition of “director”

#### **Section 10. Permit renewals; continuing education.**

Section 10(a) is amended to reflect the minimum number of hours (28 hours) required for renewal federally. This section was also amended to state that repetitious course hours completed within one renewal cycle are not accepted.

#### **Section 15. Regulatory Enforcement Grounds**

1. Section 15(a) – Amended to properly reference Certified Real Estate Appraisers and include Certified Appraiser Trainees

2. Section 15(a)(ii) – Amended to encompass the requirement that an appraisal assignment be accepted by a permittee and subsequent actions, or lack thereof, are grounds for enforcement of the Certified Real Estate Appraiser Act and Board rules
3. Section 15(a)(iv)(B) – Amended to encompass the role of the trainee in the appraisal and reporting process
4. Section 15(b) – The term “Real Estate Review” is changed to “Real Estate Commission newsletter” as the newsletter is no longer called the “Real Estate Review.”

#### **Additional Formatting Changes Added July 12, 2019**

At the request of the Attorney General, the following formatting changes were requested before the final filing of these rules:

1. Section 6(b) – Delete the singular subsection (b)(i) and reformat Section 6(b) to correct punctuation and spacing
2. Section 9(a) – Delete the singular subsection (a)(i) and reformat Section 9(a) to correct spacing

#### **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](mailto:nicole.novotnysmith@wyo.gov).

## **SUMMARY OF PUBLIC COMMENTS**

### **Real Estate Appraiser Board**

### **Regular Rules Promulgation**

### **July 9, 2019**

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#### **Summary**

The Wyoming Real Estate Certified Appraiser Board received one public comment regarding proposed changes to its Administrative Rules. This comment was written and submitted on May 22, 2019, by Mr. Mark Isakson of Sheridan, Wyoming. In summary, Mr. Isakson expressed his strong opposition to reducing the time frame in which experience hours may be completed for a Certified Appraiser Trainee to apply to become a Certified General Appraiser.

The Board received a copy of these comments and formally considered them during an open, public meeting on July 9, 2019. The Board voted to proceed in promulgating all chapters with no changes to the drafts that were circulated for public comment. A full copy of this public comment is attached to this summary.



BJ Jibben &lt;bj.jibben@wyo.gov&gt;

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## Proposed Amendments to Admin Rules

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**Mark Isakson** <isakson.mark@gmail.com>  
To: rec-appraiserboard@wyo.gov

Wed, May 22, 2019 at 9:56 AM

Dear Sirs and Madams,

Please accept the following as my comments regarding the proposed rule change for Certified General Real Estate Appraisers. I would like to state my strong opposition to the experience reduction from 36 months to 18 months as well as the elimination of the maximum period of 60 months.

I have trained or am in the process of training certified general appraisers in Wyoming as well as Colorado. I can unequivocally state that no new general appraiser will be adequately qualified in 18 months.

In my opinion the reduction in experience requirement will lead to a significant increase in substandard work product, if not outright unacceptable work product, which will lead to an increased erosion in public trust regarding our profession.

It is my opinion, that not only will the reduction in experience requirement lead to more legal issues and general substandard work, but elimination of the maximum period will also lead to individuals, who did not have the desire or motivation, to achieve accreditation within a reasonable period of time, now becoming certified. If someone can not get through 300 hours of education and 3,000 hours of experience in 60 months, they don't belong in this profession. That level of dedication equates to an individual spending less than 1/3 of the time working in the profession.

I do not believe that a Certified General Appraisal is a "Part Time" profession; why would we want part time appraisers in a field that requires knowledge and dedication to the valuation process.

It appears to me that the Board has erred in trying to make our profession similar to a realtor profession, which is full of "part-time" professionals.

In my humble opinion, this is a tremendous mistake and one which will need to be rectified by the board in particular and the profession in general at some point in the near future.

Thank you for your time.

Sincerely,

Mark Isakson

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Mark Isakson  
Principal-Certified General Appraiser  
Carter-Isakson Appraisals  
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E-Mail to and from me, in connection with the transaction of public business, is subject to the Wyoming Public Records Act and may be disclosed to third parties.

## 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 ~~225~~ (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~~ that submits an application for a permit or registration to the Board. This definition does not include temporary ~~work orders~~ permit;

(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 eCertified rReal eEstate aAppraiser bBoard;~~

~~(f) “Certified general real estate appraiser” means a person certified by the director~~ Board 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~~ Board 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;~~

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

(lh) "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;

(mj) "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.    ."~~

(ok) "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~~ appraiser trainee, the title of the course/seminar, and the date of completion.

(pl) "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.~~

(rm) "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 <del>or pocket card</del> .....	\$20
(viii) Education account.....	\$20
(ix) Temporary <del>work order</del> <u>permit</u> .....	\$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 real estate appraiser.

(b) To qualify for a permit to practice as a certified general real estate appraiser, an applicant shall furnish proof of ~~having~~ successfully ~~completed~~ completing three-hundred (300) creditable classroom hours of courses, finished no more than sixty (60) months immediately preceding the filing of the application, in subjects related to real estate appraisal ~~which~~ that meet the required core curriculum established and published by the AQB. In addition, the applicant shall:

(i) ~~Hold~~ a Bachelor's, Masters or Doctorate degree from an accredited college/university acceptable to the Board.

(c) To qualify for a permit to practice as a certified residential real estate appraiser, ~~an Certified Trainee~~ applicant shall furnish proof that they have successfully completed ~~two-hundred (200)~~ one-hundred and twenty-five (125) creditable classroom hours of courses, finished no more than sixty (60) months immediately preceding the filing of the application, in subjects related to real estate appraisal which meet the required core curriculum established and published ~~by the Board, and, by the AQB.~~ In addition, the applicant must:

(i) Hold and provide proof of successful completion, via official transcript, of a Bachelor's, Masters or Doctorate degree from an accredited college/university acceptable to the Board; or,

(ii) Hold and provide proof of successful completion, via official transcript, of an Associate's Degree from an accredited college/university acceptable to the Board in a focused field of study; or,

(iii) Provide proof of successful completion, via official transcript, of thirty (30) semester credit hours in specified topics within an accredited college/university acceptable to the Board; or,

(iv) Provide proof of successful completion, via official transcript, of College-Level Examination Program (CLEP) examinations equivalent to a minimum of thirty (30) credit hours in a specified subject matter area attained at an accredited college/university acceptable to the Board; or,

(v) Provide proof of successful completion, via official transcript, of any combination of completed semester credit hours and College-Level Examination Program (CLEP) examinations attained at 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) 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, except the supervisor/trainee course prescribed in Section 18 (1) of these rules, shall be completed within the five (5) year period prior to the date of submission of a certified ~~real-estate~~ appraiser trainee permit application.

## **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) To be certified as a residential real estate appraiser, the total experience shall consist of ~~two thousand five hundred (2,500)~~ one thousand five hundred (1,500) hours of experience obtained during no fewer than ~~twenty-four (24)~~ twelve (12) 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.

(c) 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 eighteen (18) 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.

**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~~ Board 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 ~~D~~irector of the Board 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)~~ twenty-eight (28) hours of continuing education, which meets the curriculum established and published by the Board. Repetitious course work will not be accepted in the same renewal cycle. 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) Certified Real Estate Appraisers and Certified Appraiser Trainees. 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) After accepting an appraisal assignment, ~~Failure or refusal,~~ without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, ~~or communicating an appraisal,~~ or completing 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 or trainee'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 one seven (7) hour national USPAP update course-during the period of time when that USPAP course was adopted and in effect.

(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~~ Real Estate Commission newsletter, 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. §§ 33-39-202 through 33-39-225 by an AMC, its representatives or employees.

**Section 16. Temporary ~~work orders~~ permits.** 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~~ permit 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~~ permit.

(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~~ permit.

(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~~ permit may be granted.

**Section 17. Responsibilities of a Certified Real Estate 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 all jurisdictions where certified, and certified 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 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 real estate 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 seventy-five (75) hours of qualifying education required.

## **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 33-39-225 (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) that submits an application for a permit or registration to the Board. This definition does not include temporary permit;

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

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

(d) “Board” means the Wyoming Certified Real Estate Appraiser Board;

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

(f) “Certified residential real estate appraiser” means a person certified by the Board 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;

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

(h) “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;

(j) "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.

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

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

(m) "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 .....	\$20
(viii) Education account.....	\$20
(ix) Temporary permit .....	\$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 appraiser trainee permits or certified 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 real estate appraiser.

(b) To qualify for a permit to practice as a certified general real estate appraiser, an applicant shall furnish proof of successfully completing three-hundred (300) creditable classroom hours of courses, finished no more than sixty (60) months immediately preceding the filing of the application, in subjects related to real estate appraisal that meet the required core curriculum established and published by the AQB. In addition, the applicant shall hold a Bachelor's, Masters or Doctorate degree from an accredited college/university acceptable to the Board.

(c) To qualify for a permit to practice as a certified residential real estate appraiser, an applicant shall furnish proof that they have successfully completed one-hundred and twenty-five (125) creditable classroom hours of courses, finished no more than sixty (60) months immediately preceding the filing of the application, in subjects related to real estate appraisal which meet the required core curriculum established and published by the AQB. In addition, the applicant must:

(i) Hold and provide proof of successful completion, via official transcript, of a Bachelor's, Masters or Doctorate degree from an accredited college/university acceptable to the Board; or,

(ii) Hold and provide proof of successful completion, via official transcript, of an Associate's Degree from an accredited college/university acceptable to the Board in a focused field of study; or,

(iii) Provide proof of successful completion, via official transcript, of thirty (30) semester credit hours in specified topics within an accredited college/university acceptable to the Board; or,

(iv) Provide proof of successful completion, via official transcript, of College-Level Examination Program (CLEP) examinations equivalent to a minimum of thirty (30) credit hours in a specified subject matter area attained at an accredited college/university acceptable to the Board; or,

(v) Provide proof of successful completion, via official transcript, of any combination of completed semester credit hours and College-Level Examination Program (CLEP) examinations attained at 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) To qualify for a permit to practice as a certified 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, except the supervisor/trainee course prescribed in Section 18 (l) of these rules, shall be completed within the five (5) year period prior to the date of submission of a certified appraiser trainee permit application

## **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) To be certified as a residential real estate appraiser, the total experience shall consist of one-thousand five hundred (1,500) hours of experience obtained during no fewer twelve (12) months. While the number of hours may be cumulative, the required number of months must accrue before an individual may be certified.

(c) 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 eighteen (18) months. 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.

## **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. 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 Board as a certified 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 of the Board 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 appraiser trainee, has completed at least twenty-eight (28) hours of continuing education, which meets the curriculum established and published by the Board. Repetitious course work will not be accepted in the same renewal cycle. 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) Certified Real Estate Appraisers and Certified Appraiser Trainees. 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) After accepting an appraisal assignment, failure or refusal, without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, communicating an appraisal, or completing an appraisal;
- (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 or trainee'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 one seven (7) hour national USPAP update course-during the period of time when that USPAP course was adopted and in effect.

(b) A summary of all final discipline, whether imposed by settlement or following a contested case hearing, will be published in the Real Estate Commission newsletter, 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. §§ 33-39-202 through 33-39-225 by an AMC, its representatives or employees.

**Section 16. Temporary permits.** 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 permit in Wyoming for temporary work for one (1) appraisal assignment to be completed within six (6) months from date of issuance of a temporary permit.

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

(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 permit may be granted.

**Section 17. Responsibilities of a Certified Real Estate 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 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 appraiser trainee under his/her supervision.

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

(iii) Not allow the certified 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 appraiser trainee and the scope of the certified appraiser trainee's contribution to the report.

(v) Maintain an appraisal log jointly with the certified 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 appraiser trainee signed under his/her supervision.

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

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

(e) Supervisory appraisers shall be state-certified and “in good standing” in all jurisdictions where certified, and certified 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 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 appraiser trainees at any one time.

(g) The supervising appraiser shall be within reasonable geographic proximity to the certified 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 appraiser trainee.** Certified appraiser trainees shall:

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

(b) Work under the direct supervision of a certified real estate appraiser. A certified 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 appraiser trainee” prominently after their signature on all appraisal reports, reviews or correspondence signed by the certified 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 appraiser trainee permit. Further, the trainee appraiser course is not eligible towards the seventy-five (75) hours of qualifying education required.