

ARTICLE 101-02
APPRAISER APPRENTICE, LICENSURE, AND CERTIFICATION

Chapter

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CHAPTER 101-02-01
APPLICATION AND FEES FOR APPRENTICE, LICENSURE, AND CERTIFICATION

Section

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101-02-01-01. Application to take the examination.

Any person who wishes to file an application to take the examination to qualify as a licensed or certified appraiser may contact the board office.

History: Effective October 1, 1992; amended effective January 1, 2008; July 1, 2019.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-07

101-02-01-02. Application for apprentice, licensure, or certification.

A person who wishes to file an application for a permit to be an apprentice appraiser, a licensed appraiser, or a certified appraiser may contact the board office.

History: Effective October 1, 1992; amended effective October 1, 1998; January 1, 2008; July 1, 2019.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-05

101-02-01-02.1. Denial of application.

If an application is denied, the board will notify the applicant of the denial and specify the basis for the denial.

History: Effective July 1, 2012.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-03

101-02-01-03. Filing fees.

Fees will not be prorated.

1. The following application fees will be charged:

a. Apprentice appraiser permit	\$300
b. Licensed appraiser permit	\$400
c. Certified residential appraiser permit	\$400

- | | |
|---------------------------------------|-------|
| d. Certified general appraiser permit | \$400 |
|---------------------------------------|-------|
2. The following ~~annual~~ biennial renewal fees will be charged:
- | | |
|---------------------------------|---|
| a. Apprentice appraiser permit | \$350 <u>\$700</u> |
| b. Licensed appraiser permit | \$350 <u>\$700</u> + national registry fee |
| c. Certified residential permit | \$350 <u>\$700</u> + national registry fee |
| d. Certified general permit | \$350 <u>\$700</u> + national registry fee |
| e. Inactive status | \$100 <u>\$200</u> |
| f. Late filing fee (per month) | \$100 |
3. Other fees:
- | | |
|---|-------------------------------|
| a. Temporary practice permit-per contract | \$250 |
| b. Education review for nonpermitted appraisers | \$300 |
| c. Approval of prelicensing or precertification educational courses <u>offerings</u> | \$150 <u>\$100</u> |
| d. Approval of continuing educational courses: | |
| (1) Courses two to eight hours in length | \$50 |
| (2) Courses over eight hours in length | \$150 |

History: Effective October 1, 1992; amended effective January 1, 1995; October 1, 1998; February 1, 2003; January 1, 2008; July 1, 2012; January 1, 2015; July 1, 2019.

General Authority: NDCC 43-23.3-20

Law Implemented: NDCC 43-23.3-05

101-02-01-04. Payment of permit fees.

Unpaid fees may be considered cause for denial, suspension, or revocation.

History: Effective October 1, 1992; amended effective January 1, 2008; July 1, 2019.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-03, 43-23.3-20

101-02-01-05. Replacement license or certificate fee.

Repealed effective February 1, 2003.

CHAPTER 101-02-02 DEFINITIONS, CRITERIA, AND QUALIFICATIONS

101-02-02-01	Statutory Definitions
101-02-02-02	Appraiser Permit Definitions, Criteria, and Qualifications
101-02-02-03	Apprentice Appraiser
101-02-02-04	Transitionally Licensed Real Property Appraiser [Repealed]
101-02-02-05	Licensed Appraiser
101-02-02-05.1	Certified Residential Appraiser
101-02-02-06	Certified General Appraiser
101-02-02-07	Inactive Status

101-02-02-01. Statutory definitions.

Unless otherwise defined, or made inappropriate by context, all terms defined in North Dakota Century Code chapter 43-23.3 have the same meanings in this chapter.

1. Criteria means the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective January 1, 2026", adopted and promulgated by the appraiser qualifications board of the appraisal foundation, unless otherwise specified.

History: Effective October 1, 1992.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-03

101-02-02-02. Appraiser permit definitions, criteria, and qualifications.

To apply for and maintain any appraiser permit an individual must meet all of the following requirements:

- ~~1. Be at least eighteen years of age.~~
- ~~2. Have a high school education or its equivalent.~~
- ~~3. Possess good character.~~
- ~~4. All applicants for permits of apprentice appraiser, licensed appraiser, certified residential appraiser, and certified general appraiser agree to follow the uniform standards of professional appraisal practice and must satisfy the qualification requirements listed in chapter 101-02-02.~~

Repealed effective _____.

History: Effective October 1, 1992; amended effective October 1, 1998; January 1, 2008; July 1, 2019.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-08, 43-23.3-18

101-02-02-03. ~~Apprentice appraiser~~ Appraiser permits.

1. **Permit.** An apprentice, licensed, certified residential or certified general appraiser permit must be issued to an individual who successfully meets all of the requirements for such a permit. ~~An apprentice is the equivalent to a trainee under the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria", appraiser qualifications board, appraisal foundation.~~

~~Education, experience, and examination requirements for apprentice are all set by the appraisal foundation, appraiser qualifications board the Criteria. The board adopts these as its requirements for apprentices. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018, appraiser qualifications board, appraisal foundation the Criteria by reference.~~

In addition to the requirements set by the Criteria, an applicant for an apprentice, licensed, certified residential or certified general appraiser permit must be familiar with North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.

2. ~~**Scope of practice.** The apprentice appraiser shall assist a certified appraiser in appraisal work, provided the certified appraiser accepts full responsibility for the appraisal performed. The scope of practice for the apprentice appraiser is the appraisal of those properties that the supervising appraiser is permitted and qualified to appraise. The apprentice appraiser shall be subject to the uniform standards of professional appraisal practice.~~
3. ~~**Examination.** An applicant for an apprentice permit shall pass an open-book examination covering North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.~~
4. ~~**Education.** An applicant for the apprentice appraiser permit shall meet all of the education requirements set by the appraiser qualifications board of the appraisal foundation. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board, appraisal foundation.~~

~~In addition to the requirements set by the appraiser qualifications board of the appraisal foundation, an applicant for the apprentice appraiser permit must be familiar with North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.~~

5. ~~**Apprentice appraiser responsibilities.** Prior to issuance of an apprentice appraiser permit the applicant for the apprentice level and supervisory appraiser is are required to register the name, office, and address of each supervising supervisory appraiser with the board on a form prescribed by the board. Registration of a supervising appraiser is effective the day the registration forms from both the supervising appraiser and apprentice appraiser are received and approved. These forms can be obtained by contacting the board office.~~

~~The apprentice and supervising appraiser shall notify the board in writing within ten days of terminating supervision.~~

6. ~~**Supervisor responsibilities. Supervisory Appraiser.** A supervising supervisory appraiser must meet the requirements set by the appraiser qualifications board of the appraisal foundation. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018, appraiser qualifications board, appraisal foundation Criteria. The board adopts the Criteria by reference.~~

~~A certified appraiser who wishes to supervise an apprentice must register with the board on a form prescribed by the board. Registration of a supervising appraiser is effective the day the registration forms from both the supervising appraiser and from the apprentice appraiser are received and approved. These forms can be obtained by contacting the board office.~~

- a. ~~The apprentice and supervising supervisory appraiser shall notify the board in writing within ten days of terminating supervision.~~
- b. ~~The apprentice supervising and supervisory appraiser must either have or must complete an open-book examination covering North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.~~

History: Effective October 1, 1992; amended effective October 1, 1998; February 1, 2003; January 1, 2008; July 1, 2012; January 1, 2015; July 1, 2019; _____.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-03, 43-23.3-06, 43-23.3-08, 43-23.3-09, 43-23.3-17, 43-23.3-18

101-02-02-04. Transitionally licensed real property appraiser.

Repealed effective October 1, 1998. May 1, 2018

101-02-02-05. Apprentice, Licensed licensed, certified residential and certified general appraiser.

1. ~~**Permit.** A licensed appraiser permit must be issued to an individual who successfully meets all of the requirements for such a permit.~~

~~Education, experience, and examination requirements for licensure are all set by the appraiser qualifications board. The board adopts these as its requirements for licensure. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board, appraisal foundation.~~

2. **Scope of practice.** The scope of practice for an apprentice, licensed, certified residential and certified general appraiser ~~is allowed to appraise noncomplex, one to four family residential properties that have a transaction value of up to one million dollars and complex one to four family residential properties that have a transaction value of up to two hundred fifty thousand dollars. In addition, a licensed appraiser is allowed to appraise noncomplex, nonresidential properties, that have a transaction value of up to two hundred fifty thousand dollars. set by the Criteria. The board adopts the Criteria by reference. The licensed appraiser is bound by the competency provisions of the uniform standards of professional appraisal practice.~~

3. **Education.** ~~An applicant for a licensed appraiser permit shall meet all of the following education requirements set by the appraiser qualifications board of the appraisal foundation. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board of the appraisal foundation.~~

~~In addition to the requirements set by the appraiser qualifications board of the appraisal foundation, an applicant for a licensed appraiser permit must be familiar with North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.~~

4. **Experience.** ~~The An applicant for licensure~~ a licensed, certified residential, or certified general appraiser permit must submit a log from which a selection of reports will be reviewed. The reports must meet the current uniform standards of professional appraisal practice ~~as of the effective in effect of the~~ date of submission of the appraisal report and must reflect that the applicant has an acceptable level of competency and understanding of the principles, practices, and procedures consistent with the body of knowledge for the licensed respective level.

- a. ~~Adequate experience will be determined by the actual hours spent on an assignment, subject to a maximum established by the board.~~

- (1) ~~Maximum hours are based on the types of appraisals performed and the types of properties appraised.~~

- (2) ~~The number of allowable hours assigned for each appraisal type are assigned by the board as detailed in the following table:~~

Licensed and Certified Residential				
Type of Property Appraised	Full Appraisals	Review Appraisals (With Field Review and Separate Report)	Review Appraisals (Without Field Review and Separate Report)	Condemnation Appraisals

Single family	8	4	2	12
Multifamily (two to four units)	16	8	3	24
Vacant lot (one to four units)	4	2	4	6
Farm (homestead less than one hundred acres)	16	8	3	24

Certified- General				
Type of Property Appraised	Full Appraisals	Review- Appraisals (with Field Review and Separate Report)	Review- Appraisals (Without Field- Review and- Separate Report)	Condemnation Appraisals
Land point value may be doubled if all three approaches to value are used	24	12	5	36
Residential- multifamily (five to twelve units)	48	24	10	72
Residential- multifamily (add sixteen hours for proposed project)	64	32	13	96
Commercial- Single-tenant	48	24	10	72
Commercial- Multitenant (add twenty-four hours for proposed project)	80	40	32	120
Industrial or institutional	64	32	13	96

(3) ~~The board may grant exceptions for good cause.~~

- ~~ba.~~ after After accumulating a minimum of fifty percent of the required appraisal experience, an applicant for licensure or certification may voluntarily submit work product to the board to be reviewed by a board reviewer for educational purposes only. One report may be submitted for review. The board will not initiate a complaint for violations identified in this review.

If the board determines the reviewed report meets the minimum requirements set forth in the uniform standards of professional appraisal practice and the applicant has an acceptable level of competency and understanding of the principles, practices, and procedures consistent with the body of knowledge for the ~~licensed~~ respective level, the board may allow the applicant to use the educational review as part of the application process ~~for licensure~~.

History: Effective October 1, 1992; amended effective January 1, 1995; October 1, 1998; February 1, 2003; January 1, 2008; July 1, 2012; January 1, 2015; July 1, 2019,_____.

General Authority: NDCC 43-23.3-03, 43-23.3-09

Law Implemented: NDCC 43-23.3-03, 43-23.3-06, 43-23.3-07, 43-23.3-08, 43-23.3-09, 43-23.3-17, 43-23.3-18

~~101-02-02-05.1. Certified residential appraiser.~~

- ~~1. **Permit.** A certified residential appraiser permit must be issued to an individual who successfully meets all of the requirements set by the appraiser qualifications board of the appraisal foundation for such a permit.~~

~~Education, experience, and examination requirements for certified residential are all set by the appraiser qualifications board. The board adopts these as its requirements for certified residential. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board, appraisal foundation.~~

~~2. **Scope of practice.** The certified residential appraiser may appraise one family to four-family family residential properties without regard to value or complexity. In addition, a certified residential appraiser may appraise noncomplex, nonresidential properties, that have a transaction value of up to two hundred fifty thousand dollars. The certified residential appraiser is bound by the competency provision the uniform standards of professional appraisal practice.~~

- ~~3. **Education.** An applicant for a certified residential appraiser permit shall meet all of the education requirements set by the appraiser qualifications board of the appraisal foundation. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board, appraisal foundation.~~

~~In addition to the requirements set by the appraiser qualifications board of the appraisal foundation, an applicant for a certified residential appraiser permit must be familiar with North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.~~

- ~~4. **Experience.** The applicant for certified residential appraiser must submit a log from which a selection of reports will be reviewed. Collectively the reports must include and demonstrate competence and a working knowledge of all three approaches to value. The reports submitted must meet the current uniform standards of professional appraisal practice as of the effective date of the appraisal and must reflect that the applicant has an acceptable level of competency and understanding of the principles, practices, and procedures consistent with the body of knowledge for the certified residential level.~~

~~a. Adequate experience will be determined by the actual hours spent on an assignment, subject to a maximum established by the board.~~

~~(1) Maximum hours awarded are based on the types of appraisals performed and the types of properties appraised.~~

~~(2) The number of allowable hours assigned for each appraisal type are assigned by the board and referenced in paragraph 2 of subsection a of subsection 4 of section 101-02-02-05.~~

~~b. After accumulating a minimum of fifty percent of the required appraisal experience, an applicant for certified residential may voluntarily submit work product to the board to be reviewed by a board reviewer for educational purposes only. One report may be submitted for review. The board will not initiate a complaint for violations identified in this review.~~

~~If the board determines the reviewed report meets the minimum requirements set forth in the uniform standards of professional appraisal practice and the applicant has an acceptable level of competency and understanding of the principles, practices, and~~

~~procedures consistent with the body of knowledge for the certified residential level, the board may allow the applicant to use the educational review as part of the application process for certified residential.~~

~~Repealed effective _____.~~

History: Effective January 1, 2008; amended effective July 1, 2012; January 1, 2015; July 1, 2019, ____.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-03, 43-23.3-06, 43-23.3-07, 43-23.3-08, 43-23.3-09, 43-23.3-17, 43-23.3-18

101-02-02-06. Certified general appraiser.

- ~~1. **Permit.** A certified general appraiser permit must be issued to an individual who successfully meets all of the requirements for such a permit.~~

~~Education, experience, and examination requirements for certified general are all set by the appraiser qualifications board. The board adopts these as its requirements for certified general. These requirements may be found in the "Real Property Appraiser Qualification Criteria and Interpretation of the Criteria, Effective May 1, 2018", appraiser qualifications board, appraisal foundation.~~

- ~~2. **Scope of practice.** The certified general appraiser may appraise all types of properties real property. The certified general appraiser is bound by the competency provision of the uniform standards of professional appraisal practice.~~

- ~~3. **Education.** An applicant for a certified general appraiser permit shall meet all of the education requirements set by the appraiser qualifications board of the appraisal foundation.~~

~~In addition to the requirements set by the appraiser qualifications board of the appraisal foundation, an applicant for a certified general appraiser permit must be familiar with North Dakota Century Code chapter 43-23.3 and North Dakota Administrative Code title 101.~~

- ~~4. **Experience.** The applicant for certification must submit a log from which a selection of reports will be reviewed. Collectively the reports must include and demonstrate competence and a working knowledge of all three approaches to value. The reports submitted must meet the current uniform standards of professional appraisal practice as of the effective date of the appraisal and must reflect that the applicant has an acceptable level of competency and understanding of the principles, practices, and procedures consistent with the body of knowledge for the certified general level.~~

- ~~a. Adequate experience will be determined by the actual hours spent on an assignment, subject to a maximum established by the board.~~

~~(1) Maximum hours awarded are based on the types of appraisals performed and the types of properties appraised.~~

~~(2) The number of allowable hours assigned for each appraisal type are assigned by the board and referenced in paragraph 2 of subdivision a of subsection 4 of section 101-02-02-05.~~

- ~~b. After accumulating a minimum of fifty percent of the required appraisal experience, an applicant for certified general may voluntarily submit work product to the board to be reviewed by a board reviewer for educational purposes only. One report may be submitted for review during the experience portion of the certification process. The board will not initiate a complaint for violations identified in this review.~~

~~If the board determines the reviewed report meets the minimum requirements set forth in the uniform standards of professional appraisal practice and the applicant has an~~

~~acceptable level of competency and understanding of the principles, practices, and procedures consistent with the body of knowledge for the certified general level, the board may allow the applicant to use the educational review as part of the application process for certified general.~~

Repealed effective _____.

History: Effective October 1, 1992; amended effective January 1, 1995; October 1, 1998; February 1, 2003; January 1, 2008; July 1, 2012; January 1, 2015; July 1, 2019, _____.

General Authority: NDCC 43-23.3-03, 43-23.3-09

Law Implemented: NDCC 43-23.3-03, 43-23.3-06, 43-23.3-07, 43-23.3-08, 43-23.3-09, 43-23.3-17, 43-23.3-18

101-02-02-07. Inactive status.

1. A licensed or certified appraiser may be assigned to inactive status ~~upon written request by~~ making application.
2. A licensed or certified appraiser on inactive status may not directly or indirectly engage in, advertise, conduct the business of, or act in any capacity as a licensed or certified appraiser.
3. A licensed or certified appraiser on inactive status must renew a permit as required by North Dakota Century Code section 43-23.3-12 and section 101-02-04-01, except a licensed or certified appraiser on inactive status is not required to complete the continuing education required by North Dakota Century Code sections 43-23.3-12 and 43-23.3-19 and North Dakota Administrative Code section 101-04-01-01.
4. A licensed or certified appraiser on inactive status may be removed from inactive status upon ~~written request~~ proof of completion of all the continuing education that would have been required if the licensed or certified appraiser was not on inactive status, ~~including the most recent edition of the seven-hour national uniform standards of professional appraisal practice update course or its equivalent~~ as specified in the Criteria.

History: Effective October 1, 1992; amended effective January 1, 2008; July 1, 2012.

General Authority: NDCC 43-23.3-03, 43-23.3-12

Law Implemented: NDCC 43-23.3-12, 43-23.3-19, 43-23.3-20

CHAPTER 101-02-02.1 NONRESIDENT AND TEMPORARY PERMITS

Section

- 101-02-02.1-01 Issuance of Permits to Applicants Licensed or Certified by Another State
- 101-02-02.1-02 Temporary Permit
- 101-02-02.1-03 Nonresident Consent to Service of Process [Repealed]
- 101-02-02.1-04 Denial of an Application

101-02-02.1-01. Issuance of permits to applicants licensed or certified by another state.

1. The board shall issue a permit to an applicant who is licensed or certified in good standing by another state if the other state's current requirements to be licensed or certified are at least substantially equivalent to the current requirements imposed by this state, and if grounds for denial of the applications under North Dakota Century Code section 43-23.3-18 do not exist.
2. To qualify, the applicant must meet all of the following requirements:
 - a. ~~Submit an~~ Make application ~~on a form provided by the board and pay the application fee.~~
 - b. Certify that the applicant is licensed or certified in good standing in another state.
 - c. Certify that disciplinary proceedings are not pending against the applicant in any jurisdiction.
 - d. ~~Provide documentation of the current requirements of the state in which the applicant was originally licensed or certified.~~
 - e. ~~Pay the application fee.~~
3. The board may request work product from an applicant if the applicant has a history of disciplinary action.

History: Effective January 1, 1995; amended effective October 1, 1998; January 1, 2008; July 1, 2012; January 1, 2015.

General Authority: NDCC 43-23.3-03, 43-23.3-11

Law Implemented: NDCC 43-23.3-04.1

101-02-02.1-02. Temporary permit.

1. A nonresident of this state ~~who has submitted an irrevocable consent to service of process~~ may obtain a temporary permit to perform a contract relating to the appraisal of real estate in this state.
2. To qualify, the applicant must meet all of the following requirements:
 - a. ~~Submit an~~ Make application ~~on a form provided by the board and pay the application fee.~~
 - b. Certify that the applicant is licensed or certified in good standing in another state.
 - c. Certify that disciplinary proceedings are not pending against the applicant in any jurisdiction.
 - d. Submit a copy of the contract for appraisal services.
 - e. ~~Sign an irrevocable consent to service of process form.~~
 - f. ~~Pay the application fee.~~

3. A temporary permit issued under this section is expressly limited to the grant of authority to perform the appraisal work required by the contract for appraisal services.
4. An applicant may not complete more than six assignments per calendar year.
5. Each temporary permit expires upon the completion of the appraisal work required by the contract for appraisal services.

History: Effective January 1, 1995; amended effective October 1, 1998; January 1, 2008; July 1, 2012.

General Authority: NDCC 43-23.3-03, 43-23.3-11

Law Implemented: NDCC 43-23.3-11

101-02-02.1-03. Nonresident consent to service of process.

Repealed effective January 1, 2008.

101-02-02.1-04. Denial of an application.

If an application is denied, the board will notify the applicant of the denial and specify the basis for the denial.

History: Effective July 1, 2012.

General Authority: NDCC 43-23-03

Law Implemented: NDCC 43-23-03

CHAPTER 101-02-04 RENEWAL

Section

101-02-04-01 Permit Renewal

101-02-04-02 Denial of an Application

101-02-04-01. Permit renewal.

1. All permits expire ~~on~~ biennially on December thirty-first of ~~each year~~.
2. A holder of an appraiser permit desiring the renewal of such permit shall, during the month preceding of the expiration date of such permit, make application and pay the required fee.
3. Permits may be renewed up to ninety days after the date of expiration, with payment of late fee. The applicant who does not file a renewal application by the ninety-day deadline is subject to all requirements governing new applicants.
4. A person who, in any way, acts as an apprentice, licensed, or certified appraiser while that individual's permit is expired will be subject to disciplinary action and penalties as described in North Dakota Century Code chapter 43-23.3.

History: Effective October 1, 1992; amended effective February 1, 2003; January 1, 2008; July 1, 2012; January 1, 2015; July 1, 2019.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-12, 43-23.3-23

101-02-04-02. Denial of an application.

If an application is denied, the board will notify the applicant of the denial and specify the basis for the denial.

History: Effective July 1, 2012.

General Authority: NDCC 43-23-03

Law Implemented: NDCC 43-23-03

**ARTICLE 101-03.1
DISCIPLINARY MATTERS**

Chapter

- 101-03.1-01 Unprofessional Conduct
- 101-03.1-02 Disciplinary Actions
- 101-03.1-03 Complaint Procedures

**CHAPTER 101-03.1-01
UNPROFESSIONAL CONDUCT**

Section

- 101-03.1-01-01 Unprofessional Conduct
- 101-03.1-01-02 Reporting Requirements
- 101-03.1-01-03 Conflict of Interest
- 101-03.1-01-04 Application of Standards

101-03.1-01-01. Unprofessional conduct.

Any of the following acts and omissions constitute a violation of the standards of professional appraisal practice and are grounds for disciplinary action or denial of an application:

1. Violation or attempted violation of North Dakota Century Code chapter 43-23.3 or the rules adopted by the board.
2. Failure to comply with the standards of professional appraisal practice and ethical rules specified by the uniform standards of professional appraisal practice and all other standards and ethical requirements adopted by the appraisal foundation.
3. Engaging in the business of real estate appraising under an assumed or fictitious name.
4. Paying a finder's fee or referral fee to any person in connection with the appraisal of real estate, but an intracompany payment for business development is not unethical.
5. Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualification.
6. Violation of the confidential nature of individual, business, or governmental records to which a permittee gained accesses through employment or engagement as an appraiser.
7. Performance of appraisal services beyond the permittee's level of competence.
8. Having been disciplined in another state, territory, or country relating to a permit or the authorization to practice as an appraiser.
9. Negligence, refusal, or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal.
10. Failing as a licensed or certified appraiser to actively and personally supervise an apprentice appraiser when serving as the apprentice appraiser's supervisory appraiser under the applicable appraiser qualifications board criteria, or failing to appropriately supervise or any person not licensed or certified under the provisions of North Dakota Century Code chapter 43-23.3 who assists the licensed or certified appraiser in performing real estate appraisals appraisal services.

12. Having become permanently or temporarily unfit to engage in appraisal activity because of physical, mental, emotional, or other causes. Suspension of a permit in cases where the permittee is temporarily unfit to conduct appraisal activity shall only be for the period of unfitness. Commission of any act involving moral turpitude or dishonesty, whether the act is committed in the course of the individual's activities as an appraiser or otherwise.
13. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.
14. Filing a frivolous complaint against a permitted appraiser.

History: Effective January 1, 1995; amended effective February 1, 2003; January 1, 2008; July 1, 2012.

General Authority: NDCC 43-23.3-03, 43-23.3-22

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-01-02. Reporting requirements.

1. A permittee having direct knowledge that any permittee has violated any provision of North Dakota Century Code chapter 43-23.3 or the rules adopted by the board shall report such knowledge to the board.
2. Upon being convicted of any act which is or would be punishable as a felony in this state, or upon being disciplined by the authority that regulates apprentice, licensed, or certified appraisers in another jurisdiction, an apprentice, licensed, or certified appraiser in this state shall notify the board of that fact within thirty days.

History: Effective January 1, 1995; amended effective January 1, 2008.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-01-03. Conflict of interest.

Any board member having an immediate personal, private, or financial interest in any matter pending before the board shall disclose the fact to the board and shall not vote upon such matter.

History: Effective January 1, 1995.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-01-04. Application of standards.

The requirements of the uniform standards of professional appraisal practices shall not apply to the board, its agents, and employees when reviewing appraisals as part of the application or disciplinary processes.

History: Effective July 1, 2012.

General Authority: NDCC 43-23-03

Law Implemented: NDCC 43-23-22

CHAPTER 101-03.1-02 DISCIPLINARY ACTION

Section

- 101-03.1-02-01 Types of Disciplinary Action
- 101-03.1-02-02 Consideration [Repealed]
- 101-03.1-02-03 Modification of Disciplinary Action
- 101-03.1-02-04 Notice of Disciplinary Action
- 101-03.1-02-05 Notice of Status

101-03.1-02-01. Types of disciplinary action.

Disciplinary action by the board may consist of the following:

1. **Revocation.** Revocation terminates an individual's status as an apprentice, licensed, or certified appraiser. When a permit has been revoked the permittee shall surrender the permit immediately to the board. When a permit has been revoked the permittee may not directly or indirectly engage in, advertise, conduct the business of, or act in any capacity as an apprentice, licensed, or certified appraiser.
2. **Suspension.** Suspension is the removal of a permittee's privilege to act as an apprentice, licensed, or certified appraiser for a specified minimum period of time. When a permit has been suspended the permittee shall surrender the permit to the board for the period of suspension. When a permit has been suspended the permittee may not directly or indirectly engage in, advertise, conduct the business of, or act in any capacity as an apprentice, licensed, or certified appraiser, but must maintain the permit by properly renewing it and complying with continuing education requirements.
3. **Monetary fine.** A monetary fine must be reasonable in light of the conduct of the permittee. A monetary fine may include an amount sufficient to reimburse the board for the cost of a disciplinary action, or to prevent the permittee from obtaining a financial benefit as a result of the permittee's unprofessional or improper conduct.
4. **Issuance of letter of reprimand.** Reprimand is a form of discipline which declares the conduct of the permittee improper, but does not limit the permittee's right to act as an apprentice, licensed, or certified appraiser. Letters of reprimand shall be sent to the permittee. The letter of reprimand shall be placed in the permittee's file.
5. **Probation.**

History: Effective January 1, 1995; amended effective January 1, 2008.

General Authority: NDCC 43-23.3-03, 43-23.3-22

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-02-02. Consideration.

Repealed effective January 1, 2008.

101-03.1-02-03. Modification of disciplinary action.

The board, on its own motion or upon application, at any time after the imposition of any discipline may reconsider its prior action and reinstate or restore such permit or reduce the severity of its prior disciplinary action. The taking of any such further action or the holding of a hearing with respect thereto shall rest in the sole discretion of the board.

History: Effective January 1, 1995; amended effective January 1, 2008.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-22

101-03.1-02-04. Notice of disciplinary action.

The board ~~shall notify the disciplinary enforcement agency of other jurisdictions in which the permittee is admitted about~~ must report any disciplinary action to the appraisal subcommittee national registry of licensed and certified appraisers. The board may cause a notice of disciplinary action to be published in the board's newsletter. The notice may clearly identify the permittee affected by the disciplinary action and contain a summary of the circumstances which resulted in the action taken, including a reference to the appropriate rule or statute.

History: Effective January 1, 1995; amended effective January 1, 2008.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-22

101-03.1-02-05. Notice of status.

Within ten days after the date of the order by which a permittee's license or certificate is revoked or suspended, the permittee may be required to cause notice to be given by registered or certified mail, return receipt requested, to all current clients.

The board may direct the issuance of notice to such financial institutions or others as may be necessary to protect the interest of clients and other members of the public.

History: Effective January 1, 1995; amended effective January 1, 2008.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-22

ARTICLE 101-03 STANDARDS OF APPRAISAL PRACTICE

Chapter	
101-03-01	Standards of Professional Practice Requirements
101-03-02	Permit Display
101-03-03	Name or Address Change

CHAPTER 101-03-01 STANDARDS OF PROFESSIONAL PRACTICE REQUIREMENTS

Section	
101-03-01-01	Copies of Uniform Standards of Professional Appraisal Practice
101-03-01-02	Standards of Appraisal Practice Requirements

101-03-01-01. Copies of uniform standards of professional appraisal practice.

Copies of the uniform standards of professional appraisal practice are available for purchase through the appraisal foundation.

History: Effective October 1, 1992; amended effective January 1, 1995; July 1, 2012.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-18

101-03-01-02. Standards of appraisal practice requirements.

The board adopts as its standards of appraisal practice requirements the standards of professional appraisal practice and ethical rules specified by the uniform standards of professional appraisal practice, ~~and all other~~ including all applicable standards and ethical rules requirements adopted by the appraisal foundation, effective January 1, 2020 in effect at the time the appraisal practice is completed.

History: Effective January 1, 1995; amended effective July 1, 2019; October 1, 2020.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-18

ARTICLE 101-04

CONTINUING EDUCATION

Chapter
101-04-01 Continuing Education

CHAPTER 101-04-01

CONTINUING EDUCATION

Section
101-04-01-01 Continuing Education Requirements

101-04-01-01. Continuing education requirements.

1. **Requirements.** ~~Continuing education shall be established by the appraisal foundation, appraiser qualifications board, real property appraiser qualification criteria and interpretation of the criteria, effective May 1, 2018, with the exception that the board has set the minimum level has been set at twenty eight hours over a two year education renewal period. Of the twenty eight hours, appraisers must complete the seven hour national uniform standards of professional appraisal practice update course, or its equivalent, every two years. Equivalency must be determined through the appraisal qualifications board course approval program or by an alternate method approved by the appraisal qualifications board. Fourteen hours of the twenty eight hours must include appraisal specific education related to the valuation of real estate, and seven hours may be comprised of appraisal related subject matter, approved as such by the board is set in the Criteria. The board adopts the criteria by reference.~~
 - ~~a. The necessary twenty eight hours may be obtained at any time during the two year renewal period, except for the required national uniform standards of professional appraisal practice requirement.~~
 - ba. Verification of the necessary twenty-eight hours must be submitted by the end of the two-year renewal period.
 - eb. All continuing education courses taken in this state must be approved by the board.
 - ec. Courses taken out of this state may be approved for credit, provided the state in which the course was taken has approved the course for appraiser education.
 - ed. A course which has not had prior approval may be approved on an individual basis.
 - fe. Four hours of continuing education credit, per continuing education cycle, may be granted for attendance at a face-to-face meeting of the board of at least four hours. The attendee must attend the meeting in its entirety.

- g~~f~~. Courses that have received approval by the appraiser qualifications board of the appraisal foundation through the appraiser qualifications course approval program may be accepted by the board without additional state review.

History: Effective October 1, 1992; amended effective October 1, 1998; February 1, 2003; January 1, 2008; July 1, 2012; January 1, 2015: July 1, 2019.

General Authority: NDCC 43-23.3-12, 43-23.3-19

Law Implemented: NDCC 43-23.3