

CHAPTER Rab 300 APPRENTICE CLASSIFICATION, CERTIFICATE AND LICENSE REQUIREMENTS

PART Rab 301 APPLICATION FOR APPRENTICE CLASSIFICATION, LICENSE OR CERTIFICATE

Rab 301.01 Application Process and Classification Overview.

(a) A person wishing to become licensed shall submit an application form provided by the board containing the information specified in Rab 301.02, including the application fee specified in Rab 306.01 and the fee required by 12 U.S.C. 3338.

(b) An application, which is not signed by the applicant, and is not accompanied by cash, a valid check or a valid credit card for the application fee, shall not be accepted and shall be returned to the applicant.

(c) If the application is denied, the applicant shall be provided an opportunity to request a hearing for reconsideration pursuant to Rab 208 on the deficiency issues identified by the board. Any such request shall be made in writing and received by the board within 30 days of the receipt of the notification of denial.

(d) An application for which there has been no communication by the applicant to the board for one year shall be destroyed.

(e) Individuals may apply for the following types of classification, licenses, and certificates issued by the board:

- (1) Apprentice classification;
- (2) Licensed residential real estate appraiser;
- (3) Certified residential real estate appraiser and;
- (4) Certified general real estate appraiser.

Rab 301.02 Application. An applicant for real estate appraiser licensure or certification shall present the following on or with the application provided by the board:

- (a) Name and date of birth;
- (b) Mailing and electronic address;
- (c) Principal business address and all other addresses at which the applicant is currently engaged in the business of preparing real estate appraisal reports;
- (d) State and county of legal residency;

- (e) Business telephone number;
- (f) Appraiser licenses or certificates currently or previously held, including:
 - (1) State issuing the license or certificate;
 - (2) License or certificate number, if applicable; and
 - (3) Effective dates;
- (g) Other names by which the applicant has been or is known, and applicable dates;
- (h) A statement regarding whether any appraiser license or certificate has ever been refused, revoked, suspended or other disciplinary action taken against the applicant for appraisal activity in any state, including all material details relative to such action;
- (i) A statement that explains all the material details relative to any conviction, whether by verdict or any plea, for a felony or misdemeanor as set forth in RSA 310-B:5-a that has not been annulled by a court of competent jurisdiction, including:
 - (1) The specific statute(s) violated;
 - (2) The court in which such conviction occurred;
 - (3) The date of the conviction;
 - (4) The sentence imposed by the court; and
 - (5) Whether the sentence has been fully served;
- (j) Statement of any previous applications for a New Hampshire appraiser license or certificate, including full details relative to such applications;
- (k) The applicant's social security number required pursuant to RSA 161-B:11, VI-a;
- (l) A completed qualifying education course matrix documenting completion of the required core curriculum as specified in Rab 302.09, including written documentation issued by the course provider that a passing grade was achieved on each course;
- (m) List of appraisal experience, on separate sheets for residential and commercial appraisals, including the following for each appraisal listed:

- (1) File number, or other reference information used by the applicant to retrieve the file in question;
 - (2) Date of the appraisal;
 - (3) Address of the property that was the subject of the appraisal;
 - (4) The type of appraisal performed, from the following list:
 - a. Residential, single family;
 - b. Residential, 2 to 4 family;
 - c. Residential building lot;
 - d. Undeveloped commercial/industrial land;
 - e. Single occupant commercial/industrial property;
 - f. Multiple occupant commercial/industrial property;
 - g. Other property types, providing a short description of each such type;
 - h. Feasibility study;
 - i. Market analysis;
 - j. Cash flow; and
 - k. Investment analysis;
 - (5) The estimated value stated in the appraisal report;
 - (6) The client;
 - (7) The credit hours requested to be granted toward the experience requirement; and
 - (8) Whether the applicant requests credit hours as a reviewer or co-signer of the appraisal report;
- (n) Separately signed and dated affirmations by the applicant that he or she:
- (1) Understands and accepts that the application shall be of a continuing nature;

(2) Shall notify the board of and supply all changes in information submitted as part of the application prior to the issuance of a license or certificate; and

(3) Understands the types of misconduct for which disciplinary action can be initiated against him/her as set forth in RSA 310-B:5-a and RSA 310-B:18, and will comply with the standards set forth in RSA 310-B:18-a;

(o) Non-resident applicants shall submit to the board a signed and dated irrevocable consent for service of process, as required by RSA 310-B:11, I; and

(p) The applicant shall sign and date the application form, thereby indicating that the application in its entirety is accurate and complete to the best of his or her knowledge and belief; and

(q) Applicants shall pay the application fee specified in Rab 306.01.

Rab 301.03 Apprentice Application.

(a) To be considered for an apprentice classification, the applicant shall present the following on or with the application provided by the board:

(1) Name and date of birth;

(2) Mailing and electronic address;

(3) State of legal residency;

(4) Daytime telephone number;

(5) Other names by which the applicant has been or is known, and applicable dates;

(6) A statement regarding any apprentice credential, appraiser licenses or certificates that have been refused, revoked, suspended or other disciplinary action for appraisal activity in any state, including all material details relative to such action;

(7) The material details relative to any conviction, whether by verdict or any plea, for a felony or misdemeanor as set forth in RSA 310-B:5-a that has not been annulled by a court of competent jurisdiction, including:

a. The specific statute(s) violated;

- b. The court in which such conviction occurred;
- c. The date of the conviction;
- d. The sentence imposed by the court; and
- e. Whether the sentence has been fully served;

(8) A completed qualifying education course matrix documenting completion of the required core curriculum as specified in Rab 302.09, including written documentation issued by the course provider that a passing grade was achieved on each course;

(9) The name of the certified individual who will agree to serve as the apprentice's supervising appraiser;

(10) A written, signed, and dated acknowledgement from the supervising appraiser; and

(11) Separately signed and dated affirmations by the applicant that he or she:

- a. Understands and accepts that the application shall be of a continuing nature;
- b. Shall notify the board of and supply all changes in information submitted as part of the application prior to the issuance of a license or certificate; and
- c. Understands the types of misconduct for which disciplinary action can be initiated against him/her as set forth in RSA 310-B:5-a and RSA 310-B:18, and will comply with the standards set forth in RSA 310-B:18-a.

(b) Non resident applicants shall submit to the board a signed and dated irrevocable consent for service of process form, as required by RSA 310-B:11, I.

(c) The applicant shall sign and date the application form, thereby indicating that the application in its entirety is accurate and complete to the best of his or her knowledge and belief.

(d) Applicants shall pay the application fee specified in Rab 306.01.

Rab 301.04 Additional Requirements.

(a) Each application for classification, licensure, or certification shall be of a continuing nature and it shall be the responsibility of the applicant to provide changes in information to the board at any point up to the issuance of the classification, license, or certificate.

(b) Holders of classification, licenses and certificates shall comply with the standards of practice and standards of conduct set forth in RSA 310-B. Disciplinary action shall be initiated by the board for misconduct by such persons as set forth in Rab 402 and RSA 310-B.

(c) Each applicant shall submit to the department of safety, division of state police, a notarized criminal record release authorization along with any required fee, with the board identified as the recipient of the record or records.

PART Rab 302 QUALIFICATIONS

Rab 302.01 Experience Required.

(a) Candidates shall meet the experience requirements established by the AQB, in the “The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria”, adopted January 1, 2008 as published on January 1, 2012. This shall include the appendix containing the appraiser qualifications criteria adopted in December 2011, which appraisers shall comply with on and after January 1, 2015, This document shall be available as noted in Appendix A.

(b) Each person who seeks to become a licensed or certified real estate appraiser shall accrue at least the minimum number of hours of experience within the minimum time period as specified below. No person who has accrued less than the minimum number of hours of experience or who has accrued experience in less than the minimum time period shall apply for licensure or certification. However, there shall be no maximum time period during which a candidate may accrue experience.

(c) Each person who seeks to become a licensed residential real estate appraiser shall accrue at least 2,000 hours which shall be accrued in no fewer than 18 months. However, experience hours in excess of the 2000 may be accrued, but shall not be applied toward licensure until the person has reached the end of the minimum 18-month period.

(d) Each person who seeks to become a certified residential real estate appraiser shall accrue at least 2500 hours of appraisal experience in no fewer than 24 months. Experience hours in excess of the 2500 may be accrued, but shall not be applied toward licensure until the person has reached the end of the minimum 24-month period.

(e) Each person who seeks to become a certified general real estate appraiser shall accrue at least 3000 hours of appraisal experience, of which at least 1,500 hours shall have been in non-residential appraisal work, obtained in no fewer than 30 months. Experience hours in excess of the 3000 total hours and 1,500 hours of nonresidential appraisal work may be accrued, but shall not be applied toward licensure until the person has reached the end of the minimum 30-month period.

Rab 302.02 General Criteria for Experience.

(a) Experience shall consist of verifiable time spent in performing tasks in accordance with:

(1) “The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria”, adopted January 1, 2008 as published on January 1, 2012. This shall include the appendix containing the appraiser qualifications criteria adopted in December 2011, which appraisers shall comply with on and after January 1, 2015, This document shall be available as noted in Appendix A.; and

(2) The requirements of the then-current “Uniform Standards of Professional Appraisal Practice” (USPAP) adopted by the ASB, as required by RSA 310-B:18-a.

(b) Acceptable appraising experience shall include appraisal, appraisal review and appraisal consulting that:

(1) Was obtained after January 30, 1989;

(2) Conforms to Standards 1, 2, 3, 4 and/or 5, of USPAP; and

(3) Demonstrates proficiency in appraisal principles, methodology, procedures, and reporting conclusions.

(c) Appraisal experience may include, but shall not be limited to, the following types of appraisal activities:

(1) Real property appraisals;

(2) Real property appraisal review; and

(3) Appraisal consulting assignments as defined by USPAP.

Rab 302.03 General Educational Requirements for Certification.

(a) Each applicant for certification as a residential real estate appraiser shall hold an associate’s degree, or higher, from a college, junior college, community college, or university accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(b) On and after January 1, 2015, each applicant for certification as a residential real estate appraiser shall hold a bachelor’s degree, or higher, from a college, junior college, community college, or university accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(c) In lieu of the associate's degree required pursuant to (a) above, an applicant shall successfully pass all of the following collegiate subject matter courses from an accredited college, junior college, community college, or university for at least 21 semester credit hours or its equivalent:

- (1) English composition;
- (2) Principles of economics, micro or macro;
- (3) Finance;
- (4) Algebra, geometry, or higher mathematics;
- (5) Statistics;
- (6) Computer science;
- (7) Business or real estate law;
- (8) Green building; and
- (9) Seller concessions.

(d) If the accredited college or university accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam showing its approval, the board shall consider such examination result to be the equivalent of credit for the college course.

(e) Each applicant for certification as a general real estate appraiser shall hold a bachelor's degree, or higher, from a college, junior college, community college, or university accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(f) In lieu of the bachelor's degree required pursuant to e above, an applicant shall successfully pass all of the following collegiate subject matter courses from an accredited college, junior college, community college, or university for at least 30 semester credit hours or its equivalent:

- (1) English Composition;
- (2) Micro Economics;
- (3) Macro Economics
- (4) Finance;

- (5) Algebra, Geometry, or higher mathematics;
- (6) Statistics;
- (7) Computer science;
- (8) Business or Real Estate Law;
- (9) Green building;
- (10) Seller concessions; and
- (11) At least 2 elective courses in accounting, geography, agricultural economics, business management, or real estate.

(g) If the accredited college or university accepts the College-Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam showing its approval, the board shall consider such examination result to be the equivalent of credit for the college course.

(h) Notwithstanding (f) above, on and after January 1, 2015 each applicant for certification as a general real estate appraiser shall hold at least a bachelor’s degree, or higher, from a college, junior college, community college, or university accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education.

(i) On and after January 1, 2015 each applicant for licensure as a residential real estate appraiser shall have 30 semester credit hours of college level education from a college, junior college, community college, or university accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education or an associates degree or higher in any field.

Rab 302.04 Experience Hour Standards.

(a) The number of hours of experience that a licensed or certified residential real estate appraiser applicant can claim shall be the actual number of hours required to complete each assignment, up to the maximum number of hours as indicated in Table 3.2.1 “Appraisal Type and Maximum Experience Hours For Licensed Or Certified Residential Real Estate Appraiser” below for each appraisal type:

Table 3.2.1 Appraisal Type and Maximum Experience Hours
For Licensed Or Certified Residential Real Estate Appraiser Applicants

<u>Appraisal Type</u>	<u>Maximum Hours</u>
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Residential report, single family	8 hours
Residential report, 2 to 4 family	12 hours
Residential report, building lot	6 hours
Any written narrative appraisal report of a residential property	20 Hours

(b) Reports prepared pursuant to (a) above shall, unless they are narratives, be on forms such as those developed by Fannie Mae, provided that all reports are made to comply with USPAP.

(c) The number of hours of experience that a certified general real estate appraiser applicant can claim shall be the actual number of hours required to complete each assignment, up to the maximum number of hours as indicated in Table 3.2.2 “Appraisal Type and Credit Hours For Certified General Real Estate Appraiser Applicants” below for each appraisal regardless of value:

Table 3.2.2 Appraisal Type and Maximum Credit Hours For Certified General Real Estate Appraiser Applicants

<u>Appraisal Type</u>	<u>Maximum Hours</u>
Undeveloped land	24 hours
Single occupant Commercial / industrial property	32 hours
Multi occupant Commercial / industrial property	40 hours
Add for absorption analysis	+10 hours
Add for performing both “as is” and “value upon completion”	+10 hours

(d) For any appraisal that requires valuation “before-and-after” such as in condemnation work or in the valuation of easements, 150% of the hours cited in 302.04(a) – (c) may be claimed.

(e) Applicants shall be awarded credit for the actual hours, up to a maximum of 40, spent in the preparation of feasibility studies, market analysis, cash flow analysis, investment analysis and other appraisal consulting assignments provided the reports conform to USPAP Standards 4 and 5, if applicable, and if such work demonstrates proficiency in appraisal principles, techniques, or skills used by appraisers practicing

under USPAP Standard 1.

(f) It shall not be necessary that there be a client for an appraisal to qualify for experience, but experience gained for work without a client shall not exceed 50% of the total experience requirement.

Rab 302.05 Limitation for Certified General Real Estate Appraiser Applicants. For certified general real estate appraiser applicants, 1500 hours of the experience requirement may be credited from the types of appraisals set forth in Rab 302.04 (a). However, a minimum of 1500 hours shall be from the types of appraisals set forth in 302.04 (c). Certified general real estate appraiser applicants who claim experience for residential property types as set forth in Rab 302.04 (a) shall demonstrate appraisal proficiency in appraising those property types to satisfy the experience requirements for general certification.

Rab 302.06 Review Experience. Applicants may claim the actual time spent for reviews of appraisals prepared in compliance with USPAP Standard 3. However, such time claimed shall not exceed 50 percent of the credit hours listed in Rab 302.04 (a) - (c), for the type of appraisal reviewed.

Rab 302.07 Assessor Experience. Experience as a real estate assessor shall not be substituted for real estate appraisal experience as required under this part.

Rab 302.08 Reports, Documentation and Criteria.

(a) Experience shall be documented in the form of appraisal reports. Applicants presenting such experience documents shall be prepared to provide further substantiation to verify appraisal experience documentation, and its conformity to USPAP.

(b) To be credited with the hours outlined in Rab 302.04 (a) – (c) appraisal reports shall conform to USPAP.

Rab 302.09 Real Estate Appraiser Educational Requirements.

(a) “Classroom hour” for the purposes of this section, means at least 50 minutes of instruction or examination out of each 60 minute course segment.

(b) Experience accrued pursuant to Rab 302.02 – Rab 302.08 shall not be substituted for education.

(c) Applicants for apprentice classification, licensure, or certification shall complete formal instruction in real estate appraisals and appraisal ethics and standards for the total number of hours indicated below, pursuant to AQB’s core curriculum requirements as described below in this section. In addition, applicants for certification shall also meet the general education requirements in Rab 302.03.

(d) Applicants for classification as an apprentice shall complete a minimum of 75 classroom hours in the subject areas and in the number of hours for each subject area as set forth in Table 3.2.4 “Apprentice 75-Hour Core Curricular Requirements” below:

Table 3.2.4 Apprentice 75-Hour Core Curricular Requirements

Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
The 15-Hour National USPAP Course or its Equivalent	15 Hours

(e) All qualifying education shall be completed within the 5 year period prior to the date of submission of an application for an apprentice credential.

(f) Applicants for licensure as a real estate appraiser shall complete a minimum of 150 classroom hours in the subject areas and in the number of hours for each subject area as set forth in Table 3.2.5 “Licensed Real Estate Appraiser 150-Hour Core Curricular Requirements” below:

Table 3.2.5 Licensed Real Estate Appraiser 150-Hour Core Curricular Requirements

Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
The 15-Hour National USPAP Course or its Equivalent	15 Hours
Residential Market Analysis and Highest & Best Use	15 Hours
Residential Appraiser Site Valuation and Cost Approach	15 Hours
Residential Sales Comparison and Income Approaches	30 Hours
Residential Report Writing and Case Studies	15 Hours

(g) Applicants for certification as a certified residential real estate appraiser shall complete a minimum of 200 classroom hours in the subject areas and in the number of hours for each subject area as set forth in Table 3.2.6 “Certified Residential Real Estate Appraiser 200-Hour Core Curricular Requirements” below:

Table 3.2.6 Certified Residential Real Estate Appraiser 200-Hour Core Curricular Requirements

Basic Appraisal Principles	30 Hours
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Basic Appraisal Procedures	30 Hours
The 15-Hour National USPAP Course or its Equivalent	15 Hours
Residential Market Analysis and Highest & Best Use	15 Hours
Residential Appraiser Site Valuation and Cost Approach	15 Hours
Residential Sales Comparison and Income Approaches	30 Hours
Residential Report Writing and Case Studies	15 Hours
Statistics, Modeling, and Finance	15 Hours
Advanced Residential Applications and Case Studies	15 Hours
Appraisal Subject Matter Electives (may include hours over minimums shown above)	20 Hours

(h) Applicants for certification as a certified general real estate appraiser shall complete a minimum of 300 classroom hours in the subject areas and in the number of hours for each subject area as set forth in Table 3.2.7 “Certified General Real Estate Appraiser 300-Hour Core Curricular Requirements” below:

Table 3.2.7 Certified General Real Estate Appraiser 300-Hour Curricular Requirements

Basic Appraisal Principles	30 Hours
Basic Appraisal Procedures	30 Hours
The 15-Hour National USPAP Course or its Equivalent	15 Hours
General Appraiser Market Analysis and Highest & Best Use	30 Hours
General Appraiser Site Valuation and Cost Approach	30 Hours
General Appraiser Sales Comparison Approaches	30 Hours
General Appraiser Income Approach	60 Hours
General Appraiser Report Writing and Case Studies	30 Hours
Statistics, Modeling, and Finance	15 Hours
Appraisal Subject Matter Electives (may include hours over minimums shown above)	30 Hours

(i) Classroom hours shall be credited only for educational offerings with content that follows the Required Core Curriculum.

(j) Courses taken to satisfy the qualifying education requirements shall not be repetitive.

(k) Each applicant shall take the 15-Hour National USPAP Course, or its equivalent, and pass the associated 15-Hour National USPAP Course Examination. At least one of the course instructors shall be an AQB Certified USPAP Instructor who is also a state certified appraiser. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

Rab 302.10 Documentation of Formal Instruction Required.

(a) Evidence of formal instruction shall be submitted to the board, and shall consist of written documentation issued by the course provider, such as an official transcript, that a passing grade was achieved.

(b) Applicants shall submit, in addition to the materials required in Rab 302.10 (a), a completed qualifying education course matrix, which shall be available from the board.

Rab 302.11 College Credit. Notwithstanding the provisions of Rab 302.09 (a), appraisal courses completed at a college, university, junior college or community college shall receive 15 hours of credit for each credit hour granted for the course by the college, university, junior college, or community college.

Rab 302.12 Qualified Course Credit. For the purposes of meeting the requirements of Rab 302.09:

(a) Each course of instruction shall be for a duration of at least 15 hours;

(b) To receive credit for a course taken, the applicant shall achieve a passing score on an examination that tests the subject area of the course of instruction;

(c) Where the qualifying education course includes multiple topics identified within the Required Core Curriculum, testing of each component shall be required and the applicant shall comply with (b) above for each such component; and

(d) Each course of instruction shall be approved by the board pursuant to the criteria set forth in Rab 302.17.

Rab 302.13 Course Providers. For the purposes of meeting the requirements of Rab 302.09 formal instruction shall be provided by any of the following:

(a) Colleges or universities;

(b) Community or junior colleges;

(c) Real estate appraisal or real estate related organizations, including but not limited to the appraisal sponsors of the Appraisal Foundation, or the National Association of Realtors® and its affiliates;

(d) State or federal agencies or commissions;

(e) Proprietary schools; or

(f) Providers offering courses approved by the board pursuant to Rab 302.16.

(g) The Appraisal Foundation or its Boards.

Rab 302.14 Time Limitation. Each applicant shall have obtained at least 50% of their qualifying formal appraisal instruction within the 10 years prior to the submission of their application.

Rab 302.15 Course Content. The content of course instruction shall meet the minimum requirements of the AQB's Core Curriculum as detailed in their Guide Note 1: AQB Guidance for Curriculum Content in the Real Property Appraiser Qualification Criteria and Interpretations of the Criteria, adopted January 1, 2008, available as noted in Appendix A.

Rab 302.16 Standards for Approval of Courses. A course to be approved by the board shall comply with the following criteria:

(a) The content of the course of instruction shall be within those subject areas set forth in Rab 302.15;

(b) The course shall have been approved by the AQB's Course Approval Program (CAP).

(c) Courses of instruction shall test competency in the subject area of the course through the use of a final examination;

(d) Final examinations shall consist of at least one hour of examination time for each 15 classroom hours of instruction; and

(e) Final examinations shall include questions that test the student's knowledge of the subject area of the course of instruction. Course providers shall submit sample examination questions to the board that indicate such examinations test knowledge.

Rab 302.17 Criteria for Course Approval.

(a) Course outlines, syllabi and examinations shall be reviewed by the board for appraisal content and approved if the instruction indicated conforms to AQB standards.

(b) The board shall waive the requirement for CAP approval for good cause including but not limited to financial impracticability of applying for CAP approval if the course provider submits a written request to the board that includes the provider's explanation of why the course should be approved by NH without CAP approval.

(c) If the board grants the waiver from CAP approval, the course provider shall submit to the board:

- (1) Sufficient materials to demonstrate that the course complies with Rab 302.16 and all other AQB requirements; and
- (2) An explanation of which portions of the required curriculum their course is intended to satisfy.

(d) A course provider seeking to offer a course that has already been approved by the board shall submit evidence that it has the course owner's permission to teach that course and evidence that the instructor's qualifications meet or exceed those required to teach the course.

Rab 302.18 Distance Education. Distance education shall not be used for qualifying education.

PART Rab 303 EXAMINATIONS

Rab 303.01 Prerequisite Educational Requirements. Each applicant for licensure, or certification shall meet the prerequisite educational requirements set forth in Rab 302.09 to be qualified to sit for the uniform state certification or licensing examination approved by the AQB, offered and administered by the testing provider approved by the AQB, and graded according to AQB standards.

Rab 303.02 Prerequisite Experience Requirements.

(a) Each applicant for licensure, or certification shall possess the prerequisite amount of experience as set forth in Rab 302.01 to sit for the uniform state certification or licensing examination approved by the AQB, offered and administered by the provider approved by the AQB and graded according to AQB standards.

(b) There shall be no maximum time limit during which experience may be obtained however at least 25% of the experience requirement shall have been met in the 3 years prior to the submission of the application.

Rab 303.03 Examination Required.

(a) A passing score on the uniform state certification or licensing examination shall be achieved in order to qualify for any classification, license, or certificate described in Rab 301.01(e).

(b) The examination shall be the Uniform State Appraiser Examination developed by the Appraiser Foundation or approved by the AQB.

Rab 303.04 Notification of Examination Date; Identification.

(a) Applicants meeting the prerequisite educational and experience requirements in Rab 302 shall be notified in writing by the board or its agents of their status to sit for the certification or licensing examinations.

(b) The notification pursuant to (a) above shall include a validation card with information concerning testing and fees.

(c) The notification and validation card in (a) and (b) above shall be sent to each applicant upon approval of his or her application to sit for the examination.

(d) To gain admittance to the examination, applicants shall present the following to the examination administrators at the time of the examination administration:

- (1) A validation card; and
- (2) Picture identification of the applicant, including but not limited to a valid:
 - a. Driver's license;
 - b. Non-driver identification card issued by any state's division of motor vehicles or analogous agency;
 - c. Student identification card; or
 - d. Passport.

Rab 303.05 Examination Deadlines. A new applicant not currently licensed or certified in another jurisdiction, shall have up to 24 months, after approval by the board, to take and pass an AQB approved qualifying examination for licensure or certification. Successful completion of the examination shall be valid for a period of 24 months.

PART Rab 304 RECIPROCITY

Rab 304.01 Reciprocal Licensing and Certification.

(a) A person licensed or certified as a real estate appraiser in another state and whose license or certificate is in good standing may obtain a New Hampshire license or certificate through reciprocity if:

- (1) The person submits a completed application for a license or certificate and pays the required fees; and

(2) The person is listed as being active and AQB compliant in the ASC's National Appraiser Registry.

(b) Each applicant for a certificate or license applying for reciprocity under (a) above shall be exempt from the examination requirements of Rab 303.03, provided that the applicant submits:

(1) An executed irrevocable consent for service of process form as required by RSA 310-B:11, I and Rab 301.02(o); and

(2) A photocopy or similar evidence of the current out-of-state license or certificate held that clearly displays:

- a. The name and address of the holder;
- b. The name and address of the out-of-state licensing or certification agency or authority;
- c. The license or certificate number, and
- d. Applicable expiration dates.

(c) A license or certificate shall be issued if the applicant meets all requirements of this section.

PART Rab 305 APPRENTICE CLASSIFICATION

Rab 305.01 Responsibilities of Apprentice.

(a) The holder of an apprentice classification document issued by the board and identifying the person as a real estate appraiser apprentice shall work only under the direct supervision of a supervising appraiser. Only an individual who meets the requirements of Rab 305.02(e) and who has acknowledged in writing his or her agreement to perform the responsibilities of a supervisor set forth in Rab 305.02 shall be accepted by the board as a supervising appraiser.

(b) Prior to commencing any work as an apprentice, the holder of an apprentice classification shall inform the board in writing of the identity of any individuals who have agreed to serve as a supervising appraiser for the apprentice. The holder of an apprentice classification shall inform the board in writing within 7 days of any individual previously designated as a supervising appraiser ceasing to agree to perform the responsibilities of a supervising appraiser, or if any individual not previously designated as a supervising appraiser agreeing to supervise the work product of the apprentice.

(c) The holder of an apprentice classification shall have the following duties and responsibilities:

- (1) The apprentice shall maintain and submit to the board upon application for classification renewal a log which meets the requirements set forth in Rab 305.03;
- (2) The apprentice shall ensure that the log is available during normal work hours for immediate inspection by the board or its agent;
- (3) When performing appraisal assignments, the apprentice shall carry on his or her person the classification document issued by the board identifying the holder as a real estate appraiser apprentice; and
- (4) To comply with the Competency Rule of USPAP.

(d) In the event a supervising appraiser can no longer provide direct supervision to an apprentice and the apprentice does not have another supervising appraiser, the apprentice shall return the classification document within 30 days to the board. However, the board shall reissue the classification document to the apprentice when the apprentice has obtained a new supervising appraiser.

(e) The apprentice appraiser shall not have no more than 2 supervising appraisers.

(f) The apprentice shall complete an AQB approved course specifically oriented to the responsibilities of supervisory and apprentices commencing on and after January 1, 2015.

Rab 305.02 Responsibilities of Supervising Appraiser.

(a) An appraiser who agrees to serve as a supervising appraiser to an apprentice shall acknowledge in writing to the board that he or she agrees to perform all responsibilities set forth in (b) below.

(b) A supervising appraiser shall have the following duties and responsibilities in directly supervising the apprentice:

- (1) The supervisor shall at all times be responsible for and provide direct supervision of the work performed by the apprentice by:
 - a. Accepting responsibility for the appraisal report by signing and certifying that the report complies with USPAP;
 - b. Reviewing and signing the apprentice appraiser's appraisal report(s);
 - c. Personally inspecting each appraised property with the apprentice appraiser until the supervising appraiser determines the apprentice appraiser is competent, in accordance with the Competency Rule of USPAP for the property being appraised; and

d. The supervising appraiser shall be able to demonstrate that he or she has sufficient geographic competence to appraise the subject property until such time that the supervising appraiser determines that the apprentice appraiser is competent;

(2) The supervisor shall, at least once a month, sign the log required to be kept by the apprentice pursuant to Rab 305.03;

(3) The supervisor shall set forth on the signed log his or her certification number;

(4) The supervisor shall make available to the apprentice copies of any appraisal report in which the apprentice's work product has been utilized or in which the apprentice made professional contribution;

(5) The supervisor shall immediately notify the board, in writing, in the event that he or she ceases to perform the responsibilities set forth in this section;

(6) The supervising appraiser shall complete an AQB approved course specifically oriented to the responsibilities of supervisory and apprentices commencing on and after January 1, 2015; and

(7) The supervisor shall keep copies of all apprentice appraiser reports for the longer of:

a. A period of at least 5 years; or

b. At least 2 years after final disposition of any judicial proceeding in which testimony was given, whichever period expires last.

(c) "Directly supervise" for purposes of this section, means to:

(1) Personally review the work product of the apprentice;

(2) Approve and sign each appraisal report including work product prepared by the apprentice or in which the apprentice has made a professional contribution and to sign all such reports and certify that all such reports have been independently and impartially prepared in compliance with USPAP, these rules, and RSA 310-B; and

(3) Identify the apprentice by name in the certification section and summarizing within the report the extent of the assistance provided by the apprentice appraiser if he or she does not sign the appraisal report.

(d) A supervising appraiser shall be a New Hampshire certified appraiser in good standing for the preceding 3 years in any jurisdiction in which he or she holds licensure or certification, with a minimum of 3 years experience as a certified appraiser.

(e) For the purpose of (d) above, being in good standing shall require that all of the following are true:

(1) The certified appraiser is not currently subject to a board-approved consent agreement, order or any other State or jurisdiction imposed sanction that affects the certified appraiser's eligibility to practice and that results in prohibition of supervision within the last 3 years;

(2) The certified appraiser is not subject to a summary order or final order that includes terms that affect the certified appraiser's eligibility to practice and that results in prohibitions of supervision; and

(3) The appraiser's certificate or license is not suspended or revoked.

(f) No supervising appraiser shall supervise more than 3 apprentices at one time.

Rab 305.03 Real Estate Appraiser Apprentice Log.

(a) An apprentice real estate appraiser shall maintain an appraisal log that includes the following information concerning each appraisal assignment in which the apprentice participates:

(1) The name and address of the client;

(2) The type of appraisal report;

(3) The address of the appraised property;

(4) A description of work performed; and

(5) The number of hours claimed for the assignment.

(b) Appraisal logs submitted to the board shall indicate the nature of the apprentice's participation in each assignment.

(c) The apprentice shall set forth within the log, for each assignment, information indicating whether the apprentice was involved in obtaining, calculating or preparing the following:

(1) Land/site inspections and descriptions;

(2) Building inspections and descriptions;

(3) Neighborhood descriptions and analysis;

(4) Highest and best use analysis;

- (5) Research of comparable sales and analysis;
- (6) Cost analysis;
- (7) Income analysis for income properties;
- (8) Meaningful sales analysis;
- (9) Correlation of data into final value; and
- (10) Any other components of the appraisal process.

PART Rab 306 FEE SCHEDULE

Rab 306.01 Maintenance of a Fee Schedule. Application, classification, certification, renewal and license fees shall be as follows:

- (a) The application fee shall be \$150.00;
- (b) The apprentice classification fee shall be \$150.00 per year;
- (c) The fee for licenses shall be \$400.00 for a 2 year term;
- (d) The fee for certificates shall be \$400.00 for a 2 year term;
- (e) The application fee for registration of appraisal management companies shall be \$900.00 per year;
- (f) The renewal fee for registration of appraisal management companies shall be \$800.00 per year;
- (g) The temporary permit practice fee shall be \$150.00;
- (h) The biennial renewal fee for a license or certification shall be \$400.00, unless (i) applies;
- (i) The renewal fee for individuals licensed less than 24 months in a biennial renewal period shall be the federal registration fee required pursuant to RSA 310-B:5, II and \$13.34 for each month licensed; and
- (j) The licensee shall pay a late fee of \$50, in addition to the regular renewal fee, for renewal of a license up to 6 months after license expiration.

Rab 306.02 Fees.

(a) All fees shall be paid in the form of cash, money order, bank draft, credit card or check payable to: "Treasurer, State of New Hampshire" and shall be non-refundable.

(b) Whenever any check is returned to the board as uncollectible, the board shall, pursuant to RSA 6:11-a, I, charge a fee of \$25 or 5 percent of the face amount of the check, whichever is the greater, plus all protest and bank charges in addition to the amount of the check.

PART Rab 307 TEMPORARY PRACTICE

Rab 307.01 Purpose. The purpose of this part is to permit appraisers certified or licensed in another state but not certified or licensed in this state to engage in limited temporary appraisal practice in this state when the properties to be appraised are part of federally-related transactions as defined in RSA 310-B:2, IX.

Rab 307.02 "Assignment" means one or more real estate appraisals and resulting written appraisal reports that are the subject of a single contract to provide an appraisal.

Rab 307.03 Issuance of Temporary Practice Permit. The board shall issue a temporary practice permit as described in Rab 307.04 to an appraiser who is not certified or licensed in this state but is currently certified or licensed in another state when:

(a) The property or properties to be appraised under the temporary practice permit are part of a federally-related transaction;

(b) The appraiser's business is of a temporary nature; and

(c) The appraiser is personally eligible for and applies for such a permit pursuant to Rab 307.06.

Rab 307.04 Temporary Practice Permits.

(a) A temporary practice permit shall confer on the appraiser to whom it issued the right to perform a specific appraisal assignment.

(b) Temporary practice permits shall be issued with the following limitations:

(1) The appraisal or appraisals shall be limited to the class of licensure or certification from among the classes listed in RSA 310-B:6, I (b), (c) and (d) which is the same as, or closest to, the class of the out-of-state license or certificate which is the basis for the issuance of the temporary permit;

(2) Each temporary practice permit shall be valid for a single assignment; and

(3) Each temporary practice permit shall be valid for an initial duration of 6 months, renewable one time upon notice to the board.

(c) No more than 2 temporary practice permits shall be issued to the same appraiser within a single calendar year.

Rab 307.05 Rights and Obligations of Holders of Temporary Practice Permits.

(a) Holders of temporary practice permits shall comply with RSA 310-B, the rules of the board and all other applicable laws while engaged in appraisal practice within the state.

(b) Holders of temporary practice permits shall develop their appraisals and issue their appraisal reports in conformance with USPAP.

(c) The board shall take disciplinary action against a holder of a temporary practice permit for any act or omission for which the board would take action against an appraiser licensed or certified by the board.

(d) Following disciplinary action against a holder of a temporary practice permit, the board shall forward to the regulatory body of the state that issued the underlying certification or license a copy of the evidence upon which the disciplinary action was based and a copy of the decision and order of the board.

Rab 307.06 Temporary Practice Permit Application Procedure.

(a) Application for a temporary practice permit shall be made by submitting prior to beginning any appraisal in New Hampshire:

(1) A completed Temporary Practice Permit Application as further described in Rab 307.07;

(2) The documents specified in Rab 307.08; and

(3) The permit fee in the amount and form specified in Rab 306.01.

(b) Within 5 business days of its receipt of the materials described in and submitted pursuant to (a) above, the board shall either deny the permit application in writing or issue a temporary practice permit bearing a temporary practice number.

(c) A temporary practice permit shall be granted only if:

(1) The application was timely and complete; and

(2) The applicant paid the required fee.

Rab 307.07 Application Form. The applicant shall provide the following on or with the Temporary Practice Permit application form obtained from the board:

- (a) Whether the applicant is a state licensed appraiser, state certified residential appraiser, or state certified general appraiser;
- (b) The name of the applicant;
- (c) The applicant's residential address;
- (d) The applicant's business address;
- (e) The applicant's business and residence telephone numbers;
- (f) The applicant's fax number;
- (g) The applicant's date of birth;
- (h) The applicant's tax identification number;
- (i) The applicant's drivers license number;
- (j) The state that issued the applicant's appraiser license or certification;
- (k) The telephone number of the state regulatory body that issued the applicant's appraiser license or certification;
 - (l) The license or certificate number;
- (m) Whether the applicant has ever been found guilty, whether by verdict or pursuant to a plea of any kind, of a misdemeanor or felony described in RSA 310-B:5-a or an analogous provision in any other state;
- (n) Whether the applicant or any partnership or corporation in which the applicant was a legal or financial participant has ever been disciplined, sanctioned, or fined or had a license, certificate or registration suspended, revoked, surrendered or resigned by the board or agency issuing the license, certificate or registration;
- (o) Whether the applicant has ever been denied a real estate appraiser license or certification or a non-resident temporary practice registration or permit;
 - (p) The name of the applicant's client;
 - (q) The name of the contact person for the client;
- (r) The addresses, including city, county, and state, of the properties to be appraised;

(s) The types, whether industrial building, farmland or the like, of the properties to be appraised;

(t) Whether the properties to be appraised are part of a federally-related transaction;

(u) Whether the appraisals sought to be permitted are under a single contract with a single client; and

(v) The estimated time required to complete the applicant's assignment.

(w) Applicants shall pay the application fee specified in Rab 306.01.

Rab 307.08 Documents Required to Accompany Application Form. The following documents shall be submitted with the completed application form:

(a) In the case of an affirmative response to Rab 307.07(m), (n) and (o), a written explanation addressing all material facts and copies of all official documents relating to the explanation;

(b) A copy of the applicant's current out-of-state appraiser license or certification;

(c) A copy of the engagement letter or contract covering the appraisals sought to be permitted which shows:

(1) The name and address of the appraiser;

(2) The name, address and telephone number of the appraiser's client; and

(3) A list of the properties to be appraised by description of the properties and their addresses; and

(d) A fully executed irrevocable consent for service of process as required pursuant to RSA 310-B:11, I.

PART Rab 308 REGISTRATION OF APPRAISAL MANAGEMENT COMPANIES

Rab 308.01 Appraisal Management Company Requirements.

(a) Appraisal management companies offering appraisal services in New Hampshire shall meet the requirements established pursuant to RSA 309-B:12.

(b) Each appraisal management company shall designate one controlling person who is an employee of the appraisal management company that will be the designated contact for all communication between the board and the appraisal management company.

(c) No appraisal management company applying for a certificate of registration shall:

(1) Be owned by or employ any person to perform job functions related to the ordering, preparation, performance or review of appraisals who has had an appraiser license or certificate in this state or in any other state, refused, denied, cancelled, surrendered in lieu of revocation, or revoked, unless such license or certificate was subsequently granted or reinstated; and

(2) Be more than 10 percent owned by a person who has been convicted of, or entered a plea of nolo contendere to, a felony relating to the practice of appraisal, banking, mortgage lending or the provision of financial services, or any crime involving fraud, misrepresentation or moral turpitude.

(d) Applicants for appraisal management company registration shall provide, or cause to be provided, the following on or with a form supplied by the board:

(1) The applicant's name, including any names previously used;

(2) The fictitious name or names listed as doing business (dba) under which it does business in any state;

(3) The applicant's business addresses and telephone numbers;

(4) The name and address of the company's agent if the person is not a corporation that is domiciled in this state for service of process in this state;

(5) The names, and address, of any individual or any corporation, partnership, or other business entity that owns 10 percent or more of the appraisal management company;

(6) Names and addresses of one controlling person designated as the main contact for all communication between the appraisal management company and the board;

(7) A statement indicating that the appraisal management company has a system and process in place to verify that an individual being added to the appraiser panel of the appraisal management company holds a license in good standing in this state;

(8) A statement that the person requires appraisers completing appraisals at its request to comply with USPAP including the requirements for geographic and product competence;

(9) A statement indicating that the person has a system in place to verify that only licensed or certified appraisers are used for federally related transactions;

(10) A statement indicating that the person has a system or process to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(11) A statement indicating that the person maintains a detailed record of each service request that it receives and the appraiser that performs the residential real estate appraisal services for the appraisal management company;

(12) An irrevocable uniform consent to service of process, required pursuant to RSA 310-B:12-d; and

(13) The application fee specified in Rab 306.01.

(e) Each applicant shall submit to the department of safety, division of state police, a notarized criminal record release authorization along with any required fee, with the board identified as the recipient of the record or records.

CHAPTER Rab 400 CONTINUED STATUS

PART Rab 401 RENEWALS

Rab 401.01 Renewal Requirements.

(a) Pursuant to RSA 310-B:10, licenses and certificates issued by the board shall expire biennially on the last day of the license holder's birth month.

(b) Biennially, the board shall issue a pocket card upon receipt of the biennial renewal form and fee. The card shall certify that the appraiser holds a license in good standing and is authorized to perform appraisals to the date of expiration as shown on the card.

(c) The following requirements shall be met for renewal of an apprentice classification, a license or a certificate:

(1) The applicant shall apply for renewals on a renewal form provided by the board;

(2) The applicant for renewal shall have completed the applicable continuing education requirements set forth in Rab 403 prior to submitting a renewal application; and

(3) The applicant shall submit the applicable fee set forth in Rab 306.01 with the application for renewal.

Rab 401.02 Renewal Application. The applicant shall supply the following on or with the application form for license renewal:

- (a) The applicant's full name;
 - (b) The applicant's license number;
 - (c) The applicant's mailing and electronic address;
 - (d) Principal business address and all other addresses at which the applicant is currently engaged in the business of preparing real estate appraisal reports;
 - (e) State and county of legal residency;
 - (f) A statement indicating that the applicant has complied with the continuing education requirements of Rab 403;
 - (g) A log showing the type and date of continuing education activity claimed, sponsoring provider, and continuing education hours earned;
 - (h) A statement indicating whether the applicant has been convicted of any felony or misdemeanor since the last renewal that has not been annulled by a court pursuant to RSA 651:5 and, if not annulled, the name of the court in which the conviction occurred, the details of the offense, the date of conviction, and the sentence imposed;
 - (i) A statement indicating any disciplinary or legal action brought against the applicant by any appraiser board of licensing authority;
 - (j) A statement indicating that the applicant has adhered to the ethical and professional standards of Rab 500;
 - (k) Acknowledgment that the provision of materially false information in the application knowingly provided is a basis for denial;
 - (l) Acknowledgement that, if the applicant provided false information that is discovered after the license is renewed, it shall be a basis for disciplinary action by the board;
 - (m) The applicant's signature under penalty of unsworn falsification and date;
- and

(n) The application fee specified in Rab 306.01.

Rab 401.03 Denial of Renewal.

(a) Renewal applicants shall be investigated for the purpose of verifying all application materials.

(b) The board shall notify the applicant of any deficiencies in the renewal application within 60 days of receipt. Failure to remedy the deficiencies within 60 days thereafter shall result in denial of the renewal application. An application shall be considered complete when all deficiencies are corrected.

(c) Renewal shall be denied if, after notice and an opportunity for hearing, there is a finding of:

(1) Noncompliance with the continuing education requirements of Rab 403;

(2) Any unethical or unprofessional act for which discipline shall be imposed under Rab 500;

(3) Reasons for which an initial application would have been denied; or

(4) Failure to furnish complete or accurate information on a renewal license application.

Rab 401.04 Appraisal Management Company Renewal. Appraisal management company registrations shall expire on December 31 each year. A renewal notification shall be sent to all registered appraisal management companies at least one month prior to expiration.

Rab 401.05 Appraisal Management Company Renewal Application. Each applicant for annual renewal of the appraisal management company registration shall provide the completed form required pursuant to Rab 308.01 (d).

PART Rab 402 REVOCATION, SUSPENSION, AND OTHER SANCTIONS

Rab 402.01 Initiation of Disciplinary Action. The board shall undertake misconduct investigations, settlements of misconduct allegations, or disciplinary hearings, when warranted, in response to any information which reasonably suggests that a licensee has engaged in professional misconduct.

Rab 402.02 Disciplinary Sanctions.

(a) Other than immediate license suspensions authorized by RSA 541-A:30, III, the board shall impose disciplinary sanctions on an appraiser only:

(1) After prior notice and an opportunity to be heard; or

(2) Pursuant to a mutually agreed upon settlement.

(b) After a finding that an appraiser has committed misconduct, the board shall impose one or more of the disciplinary sanctions authorized by RSA 310-B:18, III.

(c) When a person subject to the board's disciplinary authority is found, after notice and opportunity for hearing, to have committed misconduct, the board shall impose sanctions after considering aggravating and mitigating factors including, as specified in Rab 402.02 (d) and (e):

(d) The following shall be considered aggravating circumstances:

- (1) The seriousness of the offense;
- (2) The licensee's prior disciplinary record;
- (3) Lack of willingness to cooperate with the board;
- (4) Potential harm to the consumer; and
- (5) The purpose of the rule or statute violated.

(e) The following shall be considered mitigating circumstances:

- (1) Absence of a prior disciplinary record;
- (2) Willingness to cooperate with the board;
- (3) Acknowledgment of his or her wrongdoing; and
- (4) The purpose of the rule or statute violated.

(f) Copies of board orders imposing disciplinary sanctions and copies of all settlement agreements shall be sent to the licensing body of each state in which the appraiser is licensed and to such other entities, organizations, associations, or boards as are required to be notified under applicable state or federal law.

Rab 402.03 Revocation.

(a) "Revocation" means the permanent and complete cancellation of any specially-conferred rights, authority, or privileges that were granted to an appraiser through RSA 310-B.

(b) The most severe sanction, revocation, shall be imposed only for those cases in which:

- (1) An appraiser has made a third false claim of inspecting a property;
- (2) An appraiser has committed a third major violation of USPAP; or
- (3) An appraiser's license to practice real estate appraisal in any other state has been revoked.

(c) The minimum period for revocation shall be 3 years commencing from the latter of:

- (1) The date that the revocation goes into effect; or
- (2) The date on which no further appeal may be taken.

(d) Upon receipt of a revocation order from the board, the apprentice or appraiser shall immediately cease holding him or herself out to the public as an appraiser. Further, such appraiser shall immediately cease engaging in any act for which licensure or certification issued pursuant to RSA 310-B is required.

(e) Failure to comply with (d) above, shall constitute separate grounds for further disciplinary action.

(f) A subsequent license or certification shall be obtained only after:

- (1) The passage of the amount of time specified in the revocation order;
- (2) Complying with all of the requirements of RSA 310-B and Rab 300 regarding application for an initial license or certification;
- (3) Demonstrating that the cause for revocation does not exist at the time of the subsequent application; and
- (4) Demonstrating that any corrective actions that were ordered by the board have been fully implemented.

Rab 402.04 Suspension.

(a) "Suspension" means the temporary withdrawal of any specially-conferred rights, authority, or privileges that were granted to an appraiser through RSA 310-B.

(b) The sanction of suspension shall be imposed only after notice and opportunity for a hearing in those cases in which the board determines that at least one of the following is true:

- (1) An appraiser has, for a third time, engaged in willful acts that are intended to:

- a. Mislead someone who has a right to rely upon the appraisal; or
- b. Influence the value of the subject property in such a way as to favor the client's interests;

- (2) An appraiser has, for the third time, violated a competency requirement;
- (3) An appraiser has, for the second or subsequent time, failed to disclose assistance provided by others; or
- (4) An appraiser's license to practice real estate appraisal in any other state has been suspended;

(c) The minimum period for suspension shall be that amount of time necessary for the appraiser to take corrective action ordered by the board and return to compliance. Suspension shall have no effect upon the expiration of licensure or certification. Specifically, suspension shall not cause expiration to be advanced or delayed.

(d) Upon receipt of a suspension order from the board, the appraiser shall immediately cease holding him or herself out to the public as an appraiser. Further, such appraiser shall immediately cease engaging in any act for which licensure or certification is required until the board grants reinstatement pursuant to (f), below.

(e) Failure to comply with (d) above, shall constitute separate grounds for further disciplinary action.

(f) An appraiser seeking reinstatement shall petition the board, providing documentation of all corrective actions taken. The board shall review the petition and supporting documentation and grant the petition if it determines that all corrective action ordered by the board has, in fact, been taken and the appraiser has returned to compliance.

Rab 402.05 Administrative Fines.

(a) Adjudicative procedures seeking the assessment of administrative fines shall be commenced against any person subject to such penalties under any provision of RSA 310-B when the board possesses evidence indicating that a violation has occurred.

(b) When persons subject to the board's disciplinary authority are directed to pay administrative fines in accordance with Rab 402.02, such penalties shall be assessed in accordance with the factors stated in Rab 402.02 (d) and (e) and the following additional considerations:

- (1) The cost of any investigation or hearing conducted by the board; and
- (2) The licensee's ability to pay an administrative fine assessed by the board.

(c) Administrative fines shall not exceed the following amounts:

- (1) When no violation of the same type has occurred within the 3 years preceding the board's notice to the respondent, the penalty assessed shall not exceed \$100.00 per day or \$1,000.00 per offense whichever is greater;
- (2) When a single disciplinary infraction of the same type has occurred within the 3 years preceding the board's notice to the respondent, the penalty assessed shall not exceed \$100.00 per day or \$1,500.00 per offense whichever is greater; and
- (3) When more than one disciplinary infraction of the same type has occurred within the 3 years preceding the board's notice to the respondent the penalty assessed shall not exceed \$100.00 per day or \$2,000.00 per offense whichever is greater.

(d) In the case of continuing violations, a separate penalty shall be assessed for each day the violation continues.

(e) A single course of continuing conduct shall be treated as a single violation for purposes of Rab 402.05 (c).

Rab 402.06 Procedures for Assessing and Collecting Administrative Fines.

(a) Payment of administrative fines shall be included among the options available for settling disciplinary allegations, and shall be included among the types of disciplinary sanctions imposed after notice and hearing.

(b) In cases where the board initially intends to limit disciplinary sanctions to an administrative fine, the board shall issue a "notice of apparent liability" describing the alleged offense, stating the amount of the assessed fine, and notifying the alleged offender that he or she shall pay the fine by a certain date or request that an administrative hearing be held. If a hearing is requested, the notice of apparent liability shall be withdrawn and a notice of hearing shall be issued. In such hearings, the board's disciplinary options shall not be limited to the assessment of an administrative fine.

(c) Nonpayment of an administrative fine by a licensee or respondent in contravention of an order, agreement or promise to pay, shall be grounds for discipline by the board and a basis for judicial action seeking to collect the fine.

Rab 402.07 Disciplinary Continuing Education.

(a) "Disciplinary continuing education" means any course or seminar that an apprentice or appraiser is ordered, by the board, to take for the purpose of addressing a finding of misconduct based upon deficient appraisal skills, and which is in addition to and does not count toward meeting the continuing education requirements set forth in Rab 403.

(b) The sanction of disciplinary continuing education shall be imposed only after notice and opportunity for a hearing in those cases in which the board determines that the apprentice or appraiser's misconduct arose, at least in part, through deficient skills necessary for some aspect of conducting an appraisal.

(c) The failure by an appraiser to take the disciplinary continuing education ordered by the board shall be grounds for further discipline by the board and a basis for judicial action seeking to collect the penalty.

PART Rab 403 CONTINUING EDUCATION

Rab 403.01 Purpose. The purpose of continuing education requirements for the renewal of apprentice classifications, appraiser licenses and certificates is to ensure that the appraiser participates in a program that maintains and increases his or her skill, knowledge and competency in real estate appraising.

Rab 403.02 Specific Renewal Requirements. To be eligible for renewal of an apprentice classification, appraiser license or certificate, the applicant shall meet the continuing education requirement for renewals developed by the AQB and the requirements of these rules:

(a) The apprentice or appraiser shall take the equivalent of at least 14 class hours of instruction in courses or seminars for each year of practice during the period preceding the renewal;

(b) Appraisers shall successfully complete the 7-Hour National USPAP Update Course, or its equivalent, every 2 calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB;

(c) USPAP continuing education credit shall be awarded only when the course is taught by at least one AQB certified instructor who is in good standing as a certified residential appraiser or a certified general appraiser, or through any USPAP courses meeting the AQB distance education criteria;

(d) Continuing education credit shall not be recognized for any repeat program attended or completed within an appraiser's 2 year continuing education cycle; and

(e) Instructors under (c) above shall meet the requirements established by the AQB in "The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria" 1-1-2008 Edition, and these rules.

Rab 403.03 Credit.

(a) Credit toward meeting the continuing education requirement for renewal shall be granted only for:

(1) Courses provided by any of the organizations or individuals outlined in Rab 302.13 which meet the requirements for board approval; and

(2) Courses which include instruction in any one or more of the following subject areas:

- a. Ad valorem taxation;
- b. Arbitration and dispute resolution
- c. Courses related to practice of real estate appraisal or consulting;
- d. Development cost estimating;
- e. Ethics and standards of professional practice, USPAP;
- f. Land use planning, zoning;
- g. Management, leasing, timesharing;
- h. Property development, partial interests;
- i. Real estate law, easements and legal interests;
- j. Real estate litigation, damages, condemnation;
- k. Real estate financing and investment;
- l. Real estate appraisal related computer applications;
- m. Real estate securities and syndication;
- n. Green building;
- o. Seller concessions;
- p. Developing opinions of real property value in appraisals that also include personal property; and
- q. Business value.

(b) Up to one half of an individual's continuing education requirement may also be granted for participation, other than as a student, in appraisal educational processes and programs. Credit for instructing any given course or seminar shall be awarded only once during a continuing education cycle.

(c) Educational offerings taken by an individual in order to fulfill the class hour requirement for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement of his/her current classification.

(d) A certificate of completion shall be delivered to the student upon successful completion of the course and, if applicable, confirmation of a satisfactory score on the final examination. The certificate shall state at a minimum, the student's name, the course name, the name of the provider, the completion date and the credit hours awarded.

Rab 403.04 Record Keeping.

- (a) The licensee shall maintain records to be used to support credits claimed.
- (b) Records required shall contain a log showing the type of activity claimed, sponsoring organization, location, instructor's or speaker's name, and continuing education credits earned.
- (c) Attendance verification records shall be in the form of completion certificates or other documents supporting evidence of attendance such as:
 - (1) Signed attendance completion certificates; or
 - (2) Completed continuing education transcript from a board approved provider.
- (d) The licensee shall retain attendance verification records for a period of at least 4 years. Such documentation shall be made available to the board for random audit and/or verification purposes. Documentation shall support continuing education hours claimed. Failure to provide documentation for audit verification shall result in disciplinary action.
- (e) Not less than 10% of the licensees shall be randomly selected each year by the board for compliance with the continuing education requirements of Rab 403.

Rab 403.05 Extension of Continuing Education Deadlines.

(a) No waiver or deferral shall be granted to a licensee who fails to meet the continuing education requirements. Instead, pursuant to RSA 310-B:13-a, the appraiser's license shall be considered to have lapsed.

(b) Notwithstanding (a) above, deferrals shall be granted to individuals returning from active military duty. Such individuals shall be permitted to be placed on active status for up to 90 days pending completion of all continuing education requirements.

Rab 403.06 Distance Education.

(a) No more than 50% of a renewing appraiser's required continuing education hours may be obtained via distance education.

(b) Distance education activities shall include a verifiable written proctored examination which tests the licensee's comprehension of the content of that course or program.

Rab 403.07 Standards for Approval of Continuing Education Courses.

(a) Continuing education credit shall be granted only for courses approved by the board. A list of currently approved courses shall be provided by the board upon request.

(b) The content of the course of instruction shall be within those subject areas set forth in Rab 403.03(a)(2);

(c) Credit towards the continuing education hour requirements for each appraiser classification shall be granted only where the length of the educational offering is at least 2 hours.

(d) Course providers shall submit an application for approval provided by the board, including as attachments all additional materials listed in that application.

(e) The board shall approve continuing education courses if it determines that:

(1) The application demonstrates compliance with (b) – (d) above;

(2) The course is led by an instructor with sufficient experience in and mastery of the subject matter of the course;

(3) The course is sponsored by a group or individual possessing the intent and ability to produce a course of sufficient quality to improve or establish an appraiser's competence; and

(4) The course is organized in such a way as to fulfill the objectives of the course and the overall purpose of continuing education.

Rab 403.08 Additional Standards for Approval of Distance Education Courses.

(a) A distance education course provider shall not seek board approval pursuant to Rab 403.07 until the distance education course has been approved by the AQB Course Approval Program and the course design and delivery method has been approved by an organization authorized by the AQB to provide such approval. Distance education courses that are currently approved by the board but not by the AQB shall continue to be accepted for credit only until such approval expires.

(b) An approved distance education course/seminar shall be subject to random review by the board at any time. If the results of that review indicate that the approval criteria in Rab 403.07(e) are no longer being met, the board shall, after notice and opportunity for hearing, revoke approval for that distance education course. The provider shall be notified of the board's decision in writing. Revocation of the previously granted approval shall become effective 45 days from the date of decision. Appraisers having taken that offering prior to the revocation's effective date shall still be granted credit for completing that course.

PART Rab 404 ONGOING REQUIREMENTS

Rab 404.01 Change of Address. All apprentices, appraisers, and applicants shall notify the board in writing of any change in home or business address within 10 days of such change. Failure to provide a written notification of change of address shall not be exculpatory grounds for failing to respond to governing board inquiries or timelines and shall be grounds for disciplinary actions.

Rab 404.02 Compliance with USPAP. Each apprentice and appraiser shall, pursuant to RSA 310-B:18-a, comply with the then-current requirements of "Uniform Standards of Professional Appraisal Practice," when performing any appraisal service. Failure to adhere to USPAP shall be misconduct and shall subject the apprentice or appraiser to the imposition of discipline pursuant to Rab 402 after notice and opportunity for hearing.

PART Rab 405 VOLUNTARY LICENSE SURRENDER

Rab 405.01 Procedure for Surrendering a License Any person holding a license may voluntarily surrender that license by returning it to the board accompanied by a signed letter stating that he/she intends to surrender his/her license.

Rab 405.02 Effect of Voluntary License Surrender.

(a) A licensee who voluntarily surrenders a license shall retain no right or privilege to practice real estate appraising in New Hampshire unless specifically set forth in a board order or settlement agreement authorizing the voluntary surrender. Unless otherwise provided by the board, a licensee who reapplies for licensure in New Hampshire after a voluntary surrender shall have the burden of proving compliance with all of the requirements then in effect for new applicants, including professional character requirements.

(b) Surrender or non-renewal of a license shall not preclude the board from investigating or completing a disciplinary proceeding based upon the licensee's professional conduct while the license was still in effect. Such investigations and proceedings shall be handled in the same manner as other disciplinary investigations and proceedings.

Rab 405.03 Voluntary Surrender When Misconduct Allegations are Pending.

(a) A licensee who wishes to surrender his/her license as part of a settlement of pending misconduct allegations shall make a written settlement offer to the board before the close of the record in a disciplinary hearing.

(b) Any settlement agreement reached under (a), above, shall include the following concessions:

(1) That the license surrender has occurred in settlement of pending disciplinary charges; and

(2) That the pending disciplinary allegations shall be issues to be resolved in any future application the licensee may submit in New Hampshire.

(c) The board shall decline to accept a settlement agreement under (a), above, if the board believes the licensee has unreasonably declined to disclose material information concerning the alleged misconduct or has refused to stipulate to the truth of specific material facts concerning the alleged misconduct which would be necessary to protect the public interest in the event the licensee subsequently reapplies for a license.

(d) A licensee's stipulation of facts shall be exempt from public disclosure to the extent permitted by RSA 91-A and if the public portion of the settlement agreement or surrender document expressly states that a separate, confidential stipulation of facts is on file with the board.

(e) The fact of license surrender and the terms of any settlement agreement pertaining thereto shall be distributed to all relevant licensing authorities and professional societies in the same manner as a final decision containing specific finding of professional misconduct.

CHAPTER Rab 500 ETHICAL STANDARDS

PART Rab 501 CODE OF ETHICS

Rab 501.01 Purpose. The purpose of this chapter is to establish a New Hampshire code of ethics in accordance with RSA 310-B:18-a and USPAP by which all licensed and certified real estate appraisers shall abide.

Rab 501.02 Obligation To Obey

(a) The ethical standards set forth in this part shall bind all apprentice, licensed or certified real estate appraisers or appraisal management companies, and violation of any such standard shall result in disciplinary sanctions.

(b) All persons licensed or certified under RSA 310-B shall be considered to have knowledge of the existence of these code of ethics, and shall be deemed to be familiar with their several provisions. Such knowledge shall encompass the understanding that the practice of appraisal is a privilege, as opposed to a right, and the apprentice, licensed or certified real estate appraiser or appraisal management companies shall be forthright and candid in the licensee's statements or written response to the board or its representatives on matters pertaining to professional conduct.

(c) All persons licensed or certified under RSA 310-B shall submit only truthful and correct information in any application or other document filed with or statement made to the board.

Rab 501.03 Articles.

(a) An appraiser shall constantly remain informed regarding laws, and administrative rules pertaining to his/her profession whether mandated by the state or the federal government or any agency thereof.

(b) An appraiser shall not deny equal professional services to any persons for reasons of age, race, creed, sex or country of national origin.

(c) The appraiser shall be careful at all times to present a truthful image in his or her advertisements and representations to the public. Neither the appraiser nor his or her employees shall advertise without disclosing his or her name and license or certificate number, in any and all such advertisements.