

# ARKANSAS

## APPRAISER LICENSING & CERTIFICATION BOARD

### SUBCHAPTER 1 -- GENERAL PROVISIONS

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#### **17-14-101 Title.**

Section 17-14-101 et seq., §17-14-201 et seq. and §17-14-301 et seq. shall be known and may cited as "The Arkansas Appraiser Licensing & Certification Act."

#### **17-14-102. Necessity for registration, license or certificate.**

(a) (1) The Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq, §17-14-201 et seq. and §17-14-301 et seq. is created in response to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and specifies three (3) classes of appraisers: state-licensed, state-certified residential, and state-certified general appraisers for federally related transactions.

(2) A fourth class is created for nonfederally related transactions, which shall be known as "state registered appraisers".

(3) A fifth class is created for an appraiser who is subject to direct control and supervision by a qualified state-certified appraiser supervisor as part of upgrading his or her classification to state-licensed or state-certified, which shall be known as "registered apprentice appraiser".

(b) It is the intent of the General Assembly that this law be no more restrictive than required under the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

#### **17-14-103. Definitions.**

As used in the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 and §17-14-301 et seq.:

(1) "Appraisal":

(A) As a noun, means the act or process of estimating value or an estimate of value; and

(B) As an adjective, means of or pertaining to appraising and related functions, i.e., appraisal practice and appraisal services;

(2) "Appraisal Foundation" and "foundation" mean the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois;

(3) "Appraisal practice" and "appraisal services" mean the work or services performed by appraisers for clients;

(4) "Appraisal Standards Board" means the board created under Article XI, sections 11.01 - 11.13 inclusive, of the bylaws of the Appraisal Foundation, as amended April 22, 1990;

(5) " Appraisal Subcommittee" means the subcommittee of the Federal Financial Institutions

Examination Council established under Title XI, the Real Estate Appraisal Reform Amendments of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, section 1102, by amendment to the Federal Financial Institutions Examination Council Act of 1978, 12 U.S.C § 3301 et seq., through the addition of new section 1011, "Establishment of Appraisal Subcommittee";

- (6) "Appraiser" or "real estate fee appraiser", means any person who, for a fee or other consideration, develops and communicates a real estate appraisal or otherwise gives an opinion of the value of real estate or any interest in real estate;
- (7) "Appraiser Qualifications Board" means the board created under Article XII, sections 12.01 – 12.08 inclusive, of the bylaws of the Appraisal Foundation, as amended April 22, 1990;
- (8) "Board" means the Arkansas Appraiser Licensing and Certification Board established under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq. and §17-14-301 et seq.;
- (9) "Client" means any person for whom an appraiser performs a service;
- (10) "Federal financial institutions regulatory agencies" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration;
- (11) "Federally related transaction" means any real estate-related financial transaction which:
  - (A) A financial institution, a federal financial institutions regulatory agency, or the Resolution Trust Corporation engages in, contracts for, or regulates; and
  - (B) In accordance with any federal law, rule, or regulation, as the same may be amended, requires the services of an appraiser:
- (12) "Financial institution" means an insured depository institution as defined in the Federal Deposit Insurance Act, 12 U.S.C. §1813 (c) (2), or an insured credit union as defined in section 101 of the Federal Credit Union Act, 12 U.S.C. 1751 et seq.;
- (13) "Independent appraisal assignment" means any engagement, for which an appraiser is employed or retained to act or to be perceived by third parties or the public as acting as a disinterested third party in rendering an unbiased analysis, opinion, evaluation, or conclusions relating to the nature, quality, value, or utility identified as real estate or real property.
- (14) "Market analysis" or "broker's price opinion" means a proposed sale price opinion or recommended listing price given by a licensed real estate broker, sales person, or other to a potential seller, purchaser, or third party;
- (15) "Personal property" means identifiable portable and tangible objects which are considered by the general public as being "personal", e.g., furnishings, artwork, antiques, gems and jewelry, collectibles, machinery and equipment; all property that is not classified as real estate;
- (16) "Real estate" means an identified parcel or tract of land, including improvements, if any;
- (17)(A) "Real estate appraisal" means an unbiased estimate of the nature, quality, value, or utility of an interest in, or aspect of, identified real estate and related personalty;
  - (B)(i) "A real estate appraisal may be classified by subject matter into either a valuation or an evaluation.
  - (ii) Valuation is the process of estimating the market value, investment value, insurable value, or other properly defined value of an identified interest or interests in a specific parcel or parcels of real estate as of a given date.
  - (iii) Evaluation or analysis is the study of the nature, quality, or utility of a parcel of real estate, or interests in or aspects of real property, in which a value estimate is not necessarily required, i.e., a study of real estate or real property other than estimating value;

- (18) "Real estate related financial transaction" means any transaction involving:
- (A) The sale, lease, purchase, investment in, or exchange of real property, including interests in property, or the financing thereof;
  - (B) The refinancing of real property or interests in real property; and
  - (C) The use of real property or interests in property as security for a loan or investment, including mortgage-backed securities;
- (19) "Real property" means interest, benefits, and rights inherent in the ownership of real estate;
- (20) (A) "Registered apprentice appraiser" means an individual who has satisfied the requirements for apprentice appraiser by the Appraiser Qualifications Board and who is subject to direct control and supervision by a qualified state-certified appraiser supervisor as a part of upgrading his or her classification to state-licensed or state-certified.
- (B) The scope of practice for a registered apprentice appraiser is the appraisal of properties that the state-certified appraiser supervisor is permitted by his or her current credential and competent to appraise;
- (21) "Report" means:
- (A) Any communication, written or oral, of an appraisal, review, or analysis;
  - (B) The document that is transmitted to the client upon completion of an assignment; or
  - (C) The tangible expression of an appraiser's service;
- (22) "Review" means the act or process of critically studying a report prepared by another;
- (23) "State-certified general appraiser" means any individual who has satisfied the requirements for state certification in the State of Arkansas and who is qualified to perform appraisals of all real property types of any monetary size and complexity;
- (24) "State-certified residential appraiser" means any individual who has satisfied the requirements for state certification in the State of Arkansas and who is qualified to perform appraisals of all property types up to a monetary size and complexity as prescribed by the Appraiser Qualifications Board and the federal financial institutions regulatory agencies;
- (25) "State-licensed appraiser" means any individual who has satisfied the requirements for state licensing in the State of Arkansas and who is qualified to perform appraisals of all property types up to a monetary size and complexity as prescribed by the Appraiser Qualifications Board and the federal financial institutions regulatory agencies;
- (26) "State-registered appraiser" means any person who has satisfied the requirements for a state-registered appraiser credential as set forth in §17-14-307 or requirements as may have been determined by the Board and who may perform appraisals on any type of property except when the purpose of the appraisal is for use in federally related transactions.
- (27) "Uniform Standards of Professional Appraisal Practice" means the entire body of rules, definitions, binding requirements, guidelines, explanatory comments, and ethical conduct provisions, as promulgated by the Appraisal Standards Board of the Appraisal Foundation, which provide the basis for an individual to conduct the practice of professional appraisal with integrity, objectivity, and independent judgment and in an ethical manner; and
- (28) "Written appraisal" means the conclusions of an appraiser's valuation analysis communicated to the client in writing.

#### **17-14-104. Exceptions to registration, licensing, or certification.**

- (a)(1) (A) Except when an interstate transaction or a federally related transaction is involved, the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq. and §17-14-301 et seq., does not apply to a real estate broker or sales person licensed by this state who:

- (i) In the ordinary course of his or her business, gives to a potential seller or third party, a written report called a market analysis or a broker's price opinion as to the recommended listing price of real estate or an opinion to a potential purchaser or third party as to the recommended price of real estate; or
  - (ii) Provides testimony regarding an opinion of the value of real property pursuant under §28-51-302.
- (B) A broker's price opinion or a market analysis issued in this state in connection with an interstate transaction or a federally related transaction shall not contain the term "appraisal" or the term "market value".
- (C) The prohibition of subdivision (a)(1)(B) of this section does not apply to an intrastate, non-federally related broker's price opinion or market analysis.
- (2)(A) The listing price, purchase price, market analysis, or broker's price opinion may be treated as an appraisal solely for the purposes of Section 28-51-302.
- (B) A real estate broker who provides testimony regarding an opinion of the value of real property that may be treated as an appraisal for purposes of §28-51-302 shall nonetheless be exempt from registration as an appraiser under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq. and §17-14-301 et seq.
- (b)(1)(A) The Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq. and §17-14-301 et seq., does not apply to any state, county, or municipal public officer or employee while the officer or employee is performing appraisal or appraisal-related duties as the officer or employee.
- (B) Appraisals performed by state, county, or municipal officers or employees outside the scope of their employment are subject to the provisions of the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq.
- (2) The Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., does not apply to:
- (A) Persons performing appraisals as officers or staff of a bank, savings and loan, or credit union;
  - (B) Company foresters in the ordinary course of their duties; or
  - (C) Staff appraisers performing ad valorem tax appraisals for county assessors or employees of contractors performing county-wide reappraisals.
- (c)(1) Except as provided in subsection (b) of this section, appraisers, when providing appraisal reports or appraisal services in nonfederally related transactions, who become licensed or certified by the Arkansas Appraiser Licensing & Certification Board are subject to the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., in all matters involving appraisal services, including transactions below the federally established threshold.
- (2) If an appraiser does not make appraisals for any federal agency, any federally insured lending institution, the Federal Housing Administration, the Federal National Mortgage Association, the Federal Deposit Insurance Corporation, the United States Federal Bankruptcy Courts, the Federal Highway Administration, the Federal Aviation Administration, the Department of Veterans Affairs, the Internal Revenue Service, or any other federal or quasi-federal authority, including appraisal work that is distributed via interstate commerce or appraisals involving transactions above the threshold established by a federal financial institutions regulatory agency, the appraiser is only required to be a state-registered appraiser under the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq. and §17-14-301 et seq.
- (d) The Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., shall not preclude any person from testifying as an expert witness in any judicial

proceeding in which the value of real estate is in issue unless that person holds himself or herself out as a practicing real estate fee appraiser.

- (e) Nothing in the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., prohibits any person who is licensed to practice in this state under any law from engaging in the practice for which he or she is licensed.

**17-14-105. Right and privileges of appraisers.**

- (a) A state-registered appraiser or state-licensed appraiser as defined in §17-14-103 may appraise real property for compensation if the use of a state-certified appraiser is not required under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., or by federal or state law, rule, or policy.
- (b) An appraiser shall not sign an appraisal report or be cited within the report as having provided “significant real property appraisal assistance” in the development of the appraisal without having been state-registered, state-licensed, registered apprentice, or state-certified.
- (c) An appraiser shall not perform or be employed to perform an appraisal where the property that is subject to the assignment lies within the borders of the State of Arkansas without first being state-registered, state-licensed, registered apprentice, or state-certified by the Arkansas Appraiser Licensing and Certification Board.

**17-14-106. Absence of liability.**

- (a) Financial institutions or affiliates hiring the services of appraisers registered, licensed or certified by the Arkansas Appraiser Licensing & Certification Board in nonfederally related transactions, including transactions below the federally established threshold, shall not be liable to any party asserting damages due to the alleged actions of the appraiser, nor shall the financial institution or affiliate be subject to any requirements to report to the Board regarding such transactions other than as may be required by the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., and the rules promulgated by the Board.
- (b) This section does not limit the investigative or subpoena powers of the Board.

**SUBCHAPTER 2 - ARKANSAS APPRAISER LICENSING AND CERTIFICATION BOARD**

<b>SECTION.</b>	<b>SECTION.</b>
<b>17-14-201. Composition, membership chairman.</b>	<b>17-14-204. Meetings, quorum, and voting.</b>
<b>17-14-202. Powers and duties-reporting standards Qualification Standards.</b>	<b>17-14-205. Hearings, Review, Access to records.</b>
<b>17-14-203. Powers and duties, In general.</b>	<b>17-14-206. Complaints and Disciplinary Procedures</b>

**17-14-201. Composition - Membership - Chair.**

- (a) There is created the Arkansas Appraiser Licensing and Certification Board, to be composed of ten (10) members as follows:

(1) Seven (7) practicing certified or licensed appraisers as follows:

(A) At least five (5) of the appraiser members of the board shall be state-certified appraisers;

(B) No more than two (2) appraiser members shall reside in the same congressional district of the four (4) Arkansas congressional districts; and

(C) The seven (7) practicing appraiser members shall be representative of the various disciplines found in the appraisal profession, including without limitation residential appraisal, commercial and industrial appraisal, forestry and timberland appraisal, rural appraisal, and any other appraisal discipline that may be affected by the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq. and §17-14-301 et seq.;

(2) One (1) board member shall be a representative of financial institutions familiar with the appraisal process;

(3) One (1) senior citizen representative; and

(4) One (1) consumer representative.

(b)(1) The Governor shall appoint the members of the board subject to confirmation by the Senate and may remove a member for cause.

(2) At least five (5) real estate appraiser members appointed to the board shall be members in good standing of:

(A) A state or regional chapter of nationally recognized real estate appraisal organization that requires an individual to have qualified appraisal experience, education, and testing in order to become a designated member and to adhere to standards of professional practice in order to retain such a designation; or

(B) The Association of Consulting Foresters of America, Inc., Arkansas Chapter.

(c)(1)(A) The term of each appraiser board member shall be three (3) years.

(B) The financial member representative, the senior citizen representative, and the consumer representative shall have three-year terms.

(2) Upon expiration of their terms, members of the board shall continue to hold office until the appointment and qualification of their successors.

(3) No person shall serve as a member of the board for more than two (2) consecutive terms.

(d) The members of the board will select a state-certified appraiser chair.

(e) Each member of the board may receive expense reimbursement and stipends in accordance with § 25-16-901 et. seq.

### **17-14-202. Powers and duties – Reporting standards – Qualification standards.**

(a) The Arkansas Appraiser Licensing and Certification Board may establish, maintain, report, and periodically update meaningful qualification standards for state-licensed, registered apprentice, and state-certified appraisers practicing in the state of Arkansas, including testing, experience, and educational requirements that:

(1) Are adequate to demonstrate knowledge and competency; and

(2) Will further demonstrate the continued compliance with:

- (A) All applicable federal law and regulations, including Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, related requirements of the federal financial institutions regulatory agencies; and
  - (B) The minimum standards and qualifications as promulgated by the Appraisal Standards Board and the Appraiser Qualifications Board of the Appraisal Foundation.
- (b) The Arkansas Appraiser Licensing and Certification Board may adopt, maintain, report, and periodically update minimum reporting standards for state-registered, state-licensed, registered apprentice, and state-certified appraisers practicing in the state of Arkansas. The reporting standards shall:
- (1) Be equivalent to the "Uniform Standards of Professional Appraisal Practice" as promulgated by the Appraisal Standards Board of the Appraisal Foundation; and
  - (2) At all times seek compliance with:
    - (A) All applicable federal law and regulations, including Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and related requirements of the federal financial institutions regulatory agencies; and
    - (B) The minimum standards as promulgated by the Appraisal Standards Board of the Appraisal Foundation.

#### **17-14-203. Powers and duties -- In general.**

In accordance with these general powers and duties, the Arkansas Appraiser Licensing & Certification board shall:

- (1) Perform all duties and functions necessary to carry out this chapter;
- (2) (A) Receive applications for registering, licensing and certification.
  - (B) The application shall include the applicant's consent to a state criminal background check and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations;
- (3) Establish administrative procedures for processing applications;
- (4) (A) Approve and issue registration, licenses and certificates to qualified applicants or disapprove applications for registering, licensing and certification for applicants who do not meet the minimum requirements as prescribed in this chapter.
  - (B) All application materials and records submitted to the Arkansas Appraiser Licensing and Certification Board shall be retained by the Arkansas Appraiser Licensing and Certification Board;
- (5) (A) Maintain a roster of the names, addresses, email addresses, and telephone numbers of all persons licensed and certified under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., and in accordance with sections 1103(a)(3) and 1109(a)(1) of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, shall submit this roster monthly to the Appraisal Subcommittee.
  - (B) This roster may be published and periodically updated and provided to all interested parties at cost;
- (6) (A) Establish by rule the minimum examination, education, experience, and continuing education requirements for state-registered, state-licensed, registered apprentice, and state-certified appraisers.
  - (B) (i) The criteria for a state-registered appraiser shall be less rigorous than the criteria for a state-licensed appraiser.
    - (ii) The criteria for a state-licensed appraiser shall be less rigorous than the criteria for a state-certified appraiser. However, the criteria will ensure that licensed appraisers have sufficient experience and training to perform appraisals for transactions within and in compliance

with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

(C) These rules shall at all times be equivalent to the minimum appraiser qualification criteria as promulgated by the Appraiser Qualifications Board of the Appraisal Foundation for state-licensed, registered apprentice, and state-certified appraisers performing federally related transactions.

(D) With respect to examinations, these rules shall at all times require minimum examination contents that are equivalent to the national uniform examination content as promulgated by the Appraiser Qualifications Board of the Appraisal Foundation and shall provide for the selection and utilization of a testing service acceptable to the Appraiser Qualifications Board of the Appraisal Foundation.

(E)(i) Every application for registering, licensing, and certifying shall be accompanied by an application fee, and a criminal background check fee that the Arkansas Appraiser Licensing and Certification Board may establish by rule.

(ii) However, the Arkansas Appraiser Licensing and Certification Board, at its discretion, may direct each applicant to pay the actual cost of the examination fee directly to a testing service engaged by the Arkansas Appraiser Licensing and Certification Board to administer the examination.

(F) (i) The application fee to upgrade a credential from registered apprentice to state-licensed or to state-certified shall not exceed one hundred dollars (\$100).

(ii) The application fee to upgrade a credential from state-licensed to state-certified shall not exceed fifty dollars (\$50).

(G) The total annual resident registering, licensing, certification, and application fees established by the Arkansas Appraiser Licensing and Certification Board shall not exceed three hundred dollars (\$300) excluding fees for:

(i) Applicable examination and federal pass through fees; and

(ii) Criminal background check fees.

(H) Courses, schools, seminars, and any other educational programs must be recognized by the Arkansas Appraiser Licensing and Certification Board as acceptable to satisfy registration, licensing, and certification standards and continuing education requirements under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq.;

(7) Establish administrative procedures for disciplinary proceedings conducted under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq.

(B) The administrative procedures shall include provisions for the suspension and revocation of registration, licenses and certificates and the enforcement of civil penalties concurrent with existing statutes regarding civil procedures;

(8) Subpoena and issue subpoena duces tecum and to bring before it any person in this state, and to take testimony by deposition, in the same manner as prescribed by law in judicial proceedings in the courts of this state or to require production of any records relevant to any inquiry or hearing by the Arkansas Appraiser Licensing and Certification Board;

(9) Recommend procedures necessary to assure the ready availability to appraisers in the state of adequate and reliable information regarding property prices and the terms and conditions of real estate and real property transactions and related financing;

(10) Establish administrative procedures for the setting, charging, and collection of fees necessary for the operation of the Arkansas Appraiser Licensing and Certification Board and to concurrently collect and submit to the proper agency as prescribed under section 1109(a)(2) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 and any other related federal law, any additional fees that may from time to time be required to be paid by appraisers whose practices



include the appraisal of properties included in federally related transactions;

(11) Be authorized to adopt and enforce such administrative rules and regulations as may be necessary to comply with state law and federal law with specific reference to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 as it exists today and as it may be amended and adopted by the Appraisal Subcommittee; and

(12) (A) (i) Obtain a state criminal background check performed by the Identification Bureau of the Department of Arkansas State Police and a national fingerprint-based criminal background check performed by the Federal Bureau of Investigation in compliance with federal law and regulations for all applicants for a real property appraiser registration, license, or certification to determine if the applicant possesses a background that does not call into question public trust or the applicant's fitness for registration, licensure, or certification.

(ii) Subdivision (12) (A) (i) of this section applies to an application for a state registered appraiser credential, an application for a registered apprentice appraiser credential, an application to upgrade an existing appraiser credential, an application to reinstate an appraiser credential that has been inactive for more than twelve (12) months, and an application for a new reciprocal appraiser credential.

(iii) Subdivision (12) (A) (i) of this section does not apply to an application for a temporary practice permit.

(B) An applicant shall provide all information requested by the Arkansas Appraiser Licensing and Certification Board to assist in making the determination.

(C) Factors to consider in making the determination include without limitation whether or applicant:

(i) During the five (5) years immediately preceding the date of application was convicted of, or pled guilty or nolo contendere to, a crime that would call into question the applicant's fitness for registration, licensure, or certification, including without limitation a crime involving:

(a) (1) An act substantially related to the qualifications, functions, or duties of an appraiser.

(2) A crime or act may be deemed substantially related to the qualifications, functions, or duties of an appraiser if, to a substantial degree, the crime or act evidences present or potential unfitness of a person applying for or holding a real property appraiser credential to perform the functions authorized by the credential;

(b) Taking, appropriating, or retaining the funds or property of another;

(c) Forging, counterfeiting, or altering an instrument affecting the rights or obligations of another;

(d) Evasion of a lawful debt or obligation, including without limitation a tax obligation;

(e) Trafficking in narcotics or controlled substances;

(f) Violation of a relation of trust or confidence;

(g) Theft of personal property or funds;

(h) An act of violence or threatened violence against persons or property; or

- (i) A sexually related crime or act under § 5-14-101 et seq.;
- (ii) Has had an appraiser registration, license, certification, or credential of any type revoked in any governmental jurisdiction;
- (iii) Performed any act which if done by an appraiser would be grounds to revoke or suspend the appraiser's license or certification;
- (iv) Knowingly made a false statement of material fact required to be disclosed in an application for any professional license or certification.
- (v) Has been prohibited from participating in the affairs of an insured depository institution under Section 19 (a) of the Federal Deposit Insurance Act, 12 U.S.C. § 1829;
- (vi) Misrepresented facts or information on the appraiser registration, license, or certification application; or
- (vii) Cheated on an examination for real property appraiser registration, license, or certification.

**17-14-204. Meetings, Quorum, and Voting.**

- (a) The Arkansas Appraiser Licensing and Certification Board shall not meet less frequently than twice each calendar year to conduct its business.
- (b) Places of future meetings shall be decided by the vote of members at meetings.
- (c) Written notice shall be given to each member of the time and place of each meeting of the board at least ten (10) days before the scheduled date of the meetings.
- (d) An administrative secretary shall be present at all meetings of the board and shall record the minutes of all meetings, the record of which shall be made a permanent part of the records of the board.
- (e) A quorum of the board shall be six (6) members, provided that four (4) must be state-licensed or state-certified appraisers. No binding decisions or regulatory changes may be made by the board in the absence of a quorum.

**17-14-205. Hearings - Review - Access to records.**

- (a) In fulfilling its duties under this chapter, the Arkansas Appraisal Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., the Arkansas Appraiser Licensing and Certification Board shall comply with the Arkansas Administrative Procedure Act, §25-15-201 et seq., and any person aggrieved by any rule or other actions of the board for which an appeal is not provided for in the Arkansas Administrative Procedure Act, §25-15-201 et seq., may appeal to the Pulaski County Circuit Court.
- (b) Disciplinary hearings conducted by the board for the purpose of determining whether to levy civil penalties under the Arkansas Appraiser Licensing and Certification Act., §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., and for the purpose of determining whether to revoke or suspend any registration, license, or certificate issued under the Arkansas Appraiser Licensing and Certification Act, §17- 14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., shall not be deemed open public meetings but shall be executive sessions conducted as provided for in the Freedom of Information Act of 1967, §25-19-101 et seq.

- (c) Sample appraisals and other work papers submitted to the board as partial fulfillment of the requirements for licensure or certification under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., shall not be deemed public records under the Freedom of Information Act of 1967, §25-19-101 et seq.

**17-14-206. Complaints and disciplinary procedures.**

- (a) Upon its own motion or upon written complaint of any persons and after notice and hearing as prescribed by the Administrative Procedures Act, §25-15-201 et. Seq., the Arkansas Appraiser Licensing and Certification Board may suspend or revoke the registration, license, or certification of any registrant, licensee, or certificate holder and issue a fine up to the amount of one thousand dollars (\$1,000) per violation occurrence or take any other appropriate disciplinary action for:
- (1) Violation of any provision of the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq.;
  - (2) Falsifying any application for licensure or certification or otherwise providing any false information to the Board;
  - (3) Repealed.
  - (4) Any actions demonstrating untrustworthiness, incompetence, dishonesty, gross negligence, material misrepresentation, fraud, or unethical conduct in any dealings subject to the Arkansas Appraiser Licensing and Certification Act., §17-14-101 et seq., §17-14-201 et seq., and §17-14- 301 et seq.;
  - (5) Adjudication of insanity;
  - (6) Use of advertising or solicitation which is false, misleading, or is otherwise deemed unprofessional by the board;
  - (7) Employing directly or indirectly any unlicensed person to perform any actions subject to the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq.;
  - (8) Habitual or excessive use of intoxicants or illegal drugs; or
  - (9) Failure to meet continuing education requirements within the proper time period.
- (b) Except in cases in which a licensee, registrant, or certificate holder has obtained a license by false or fraudulent representation, the board shall not investigate the actions of or conduct any disciplinary hearing regarding any licensee, registrant, or certificate holder unless the complaint is filed or the investigation is initiated within three (3) years from the date of the actions complained of or concerning which an investigation is initiated.
- (c) (1) An action in tort or contract, whether oral or written, to recover damages for malpractice, negligence, error, mistake, omission, or breach shall not be brought against a registered apprentice appraiser, a state-registered appraiser, a state-licensed appraiser, or a state-certified appraiser, including any agent, firm, employee, or employer thereof, after three (3) years from the date on which the appraisal or appraisal-related service giving rise to the action was completed or should have been completed.
- (2) The time for commencement of any action contained in subdivision (c) (1) of this section does not apply to any claim alleging that a state-registered appraiser, state-licensed appraiser, registered apprentice appraiser, or state-certified appraiser knowingly and intentionally:
- (A) Committed fraud; or
  - (B) Made misrepresentations when performing a real estate appraisal or when providing an appraisal-related service.

### SUBCHAPTER 3 - LICENSING RESTRICTIONS

**SECTION.**

**17-14-301. Business entities - Eligibility for licensing.**

**17-14-302. License required- Membership in other organizations**

**17-14-303. Unlicensed persons- Federally Related Transactions**

**17-14-304 Use of terms**

**SECTION.**

**17-14-305. Compliance with Uniform Standards and Code of Ethics-Seals-Licensing and certification documents.**

**17-14-306. Additional licenses – Non-residents**

**17-14-307. Minimum qualifying requirements for registered appraisers**

**17-14-308. Violation of Law - Civil Penalties, Injunctions, venue.**

**17-14-301. Business entities - Eligibility for licensing.**

A registration, license or certificate shall not be issued under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., to a firm, corporation, partnership, group, or other business entity.

**17-14-302. License required - Membership in other organizations.**

- (a) On or after December 31, 2001, it shall be a Class B misdemeanor for any individual to perform an appraisal or provide appraisal services as defined in the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., and §17-14-201 et seq., and 17-14-301 et. seq. without holding a registration, license or certificate except as provided in §17-14-104.
- (b) A person shall not be excluded from obtaining a registration, license or certification based solely upon membership or lack of membership in any particular appraisal organization.

**17-14-303. Unlicensed persons - Federally and non-federally related transactions.**

- (a) It is a Class B misdemeanor for any person who is not licensed, registered, or certified under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., to perform appraisal services as defined in the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., in connection with a federally related transaction.
- (b) An appraiser who does not hold an appraiser's classification which permits the performance of a particular appraisal assignment for use in federally related transactions must include in such an appraisal report a statement that the appraisal may not be eligible for use in a federally related transaction.

**17-14-304. Use of Terms.**

- (a) The terms "*certified real property appraiser*", "*certified real estate appraiser*", and "*certified appraiser*" shall only be used to refer to individuals who hold a current certificate and shall not be used in connection with or as part of the name or signature of an individual, a firm, a partnership, corporation, group, or other business entity, or anyone other than an individual holder of the certificate.

- (b) An appraiser practicing or providing appraisal services in this state as defined in 17-14-103 may not use the term “*registered*”, “*certified*” or “*licensed*” in conjunction with his or her appraisal practice, unless he or she holds a valid registration, license or certification issued under the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq.
- (c) The terms “*licensed real estate appraiser*”, “*licensed real property appraiser*”, or “*licensed appraiser*” shall only be used to refer to an individual who holds a current license and shall not be used in connection with or as part of the name or signature of an individual, firm, corporation, or group or in a manner that may be interpreted as referring to a firm, partnership, corporation, or group, or other business entity, or anyone other than an individual holder of the license.
- (d) A person other than a state-registered appraiser, state-licensed appraiser, registered apprentice appraiser, or state-certified appraiser, shall not assume or use that title or any title, designation, or abbreviation likely to create the impression of registration, licensing or certification as an appraiser by this state.
- (e) A person who is not registered, licensed, or certified under the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., shall not describe or refer to any appraisal report, written or oral, or other evaluation of real estate covered under the activities of appraisers, by the term “registered”, “licensed”, “certified”, or any other similar term that may be construed to imply qualification or competency recognized by the state.

**17-14-305. Compliance with Uniform Standards and Code of Ethics - Seals - Licensing and certification documents.**

- (a)(1) Each state-registered appraiser, each state-licensed appraiser, each registered apprentice appraiser, and each state-certified appraiser shall comply with the Uniform Standards of Professional Appraisal Practice and Code of Ethics adopted by the Arkansas Appraiser Licensing and Certification Board and shall authenticate all written appraisal reports with a seal which shall indicate the registration, license or certification number.
- (2) The seal and number shall also be used in all statements of qualifications, contracts or other instruments used by the registration, license, or certificate holder when reference is made to his or her status as a state-registered appraiser, state-licensed appraiser, registered apprentice appraiser, or a state-certified appraiser.
- (b) Registration, license and certificate documents, licenses, certificates, seals, and pocket cards shall remain the property of the state, and, upon any suspension, revocation, or other termination of a registration, license, or certification under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 the individual holding the related documents shall immediately return such documents to the board.

**17-14-306. Additional licenses - Nonresidents.**

- (a)(1) Every applicant for registration, licensure or certification under the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., who is not a resident of this state shall submit with the application for registration, licensure or certification, an irrevocable consent that service of process upon him or her may be made by delivery of the process to the Secretary of State if, in an action against the applicant in a court of this state arising out of the applicant's activities as a state-registered appraiser, state-licensed appraiser, registered apprentice appraiser or state-certified appraiser, the plaintiff cannot effect personal service upon the applicant.
- (2) A nonresident of this state who has complied with this provision may obtain a license or

certification as a state-licensed appraiser or a state-certified appraiser by complying with the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., relating to state-registered appraisers, state-licensed appraisers or state-certified appraisers including the payment of a fee.

- (b)(1) If, in the determination by the Arkansas Appraiser Licensing and Certification Board, another state is deemed to have substantially equivalent licensing and certification requirements, an applicant who is licensed or certified under the laws of the other state may obtain a non-resident license or certificate as a state-licensed appraiser or a state-certified appraiser in this state upon such terms and conditions as may be determined by the board.
- (2) An appropriate fee is to be charged.

### **17-14-307. Minimum qualifying requirements for registered appraiser.**

In order to qualify as a *state registered appraiser*, an applicant must:

- (1) Make application to the Appraiser Licensing and Certification Board on approved forms which shall include an affidavit that states that the appraiser has read and understands:
  - (A) The current edition of the Uniform Standards of Professional Appraisal Practice;
  - (B) The Board's Statutes; and
  - (C) The Board's Rules and Regulations;
- (2) Attest in a statement to the verification of tenure and scope of practice as a fee appraiser making independent appraisal assignments; and
- (3) Meet any additional requirements which may from time to time be adopted by the Board under the Arkansas Administrative Procedure Act, §25-15-201 et. seq..

### **17-14-308. Violation of Law - Civil penalties, injunctions, venue.**

- (a)(1) It is unlawful for any person not registered, licensed, or certified under the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq. to perform an act or advertise to perform an act for which registration, licensure, or certification is required.
- (2) A person is guilty of a Class A misdemeanor if the person:
  - (A) Acts as an appraiser within the meaning of this chapter without an appraiser Classification;
  - (B)(i) With an interest in a real estate transaction involving an appraisal, improperly influences or attempts to improperly influence the development, reporting, result, or review of a real estate appraisal through intimidation, coercion, extortion, bribery, blackmail, threat of nonpayment or withholding payment for services, or threat of exclusion from future appraisal work.
    - (ii) Subdivision (a)(2)(B)(i) of this section does not prohibit a person from:
      - (a) Requesting an appraiser to:
        - (1) Consider additional information concerning the real estate appraisal;
        - (2) Provide further detail, substantiation, or explanation for the appraiser's value conclusion; or
        - (3) Correct errors in the appraisal report; or
      - (b) Withholding payment for an appraisal based upon a bona fide dispute concerning the appraiser's compliance with the appraisal standards adopted by the Arkansas Appraiser Licensing and Certification Board under this chapter.
    - (iii) A violation of this subdivision (a)(2)(B) is a ground for discipline against a person holding a license, certificate, or registration under this chapter; or
  - (C) Violates any other provision of this chapter.

(b)(1) Upon application by the board, a court may grant an injunction, restraining order, or other order as may be appropriate to enjoin a person from:

(A) Offering to engage or engaging in the performance of any acts or practices for which a registration, certificate or license is required by the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., upon a showing that the acts or practices were performed or offered to be performed without a registration, license, or certificate; or

(B) Engaging in any practice or business authorized by a certificate, license, or registration issued under the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq., upon a showing that the holder of the certificate, license, or registration presents a substantial probability of serious danger to the health, safety or welfare of any resident of this State or client of the certificate holder or licensee; or

(C) Violating subdivision (a)(2) of this section.

(2) Any person co-signing an appraisal with a state registered, licensed, registered apprentice, or state-certified appraiser becomes subject to the Arkansas Appraiser Licensing and Certification Act §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq.

(c) An action brought under this section shall be commenced in the county in which the conduct occurred, in the county in which the defendant resides, or in Pulaski County.

(d) An action brought under this section shall be in addition to and not in lieu of any penalty provided by §17-14-206 and may be brought concurrently with any other action to enforce the Arkansas Appraiser Licensing and Certification Act, §17-14-101 et seq., §17-14-201 et seq., and §17-14-301 et seq.