Secretary of State
Certificate and Order for Filing

PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies are true, full and correct copies of the PERMANENT Rule(s) adopted on 01/28/2013 by the

Appraiser Certification and Licensure Board	161
Agency and Division	Administrative Rules Chapter Number
Karen Turnbow	(503) 485-2555
Rules Coordinator	Telephone
3000 Market St. NE, Suite 541, Salem, OR 97301	
Address	

To become effective 01/31/2013 Rulemaking Notice was published in the December 2012 Oregon Bulletin.

RULE CAPTION

Revisions to appraiser licensing and AMC registration requirements, and appraiser and AMC enforcement

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

ACLB 1-2013

RULEMAKING ACTION

Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

161-006-0155, 161-010-0065, 161-520-0035, 161-570-0025, 161-570-0055, 161-570-0060

AMEND:

161-002-0000, 161-003-0020, 161-006-0025, 161-006-0160, 161-010-0010, 161-010-0020, 161-010-0035, 161-010-0045, 161-010-0080, 161-015-0000, 161-015-0010, 161-015-0025, 161-015-0030, 161-020-0005, 161-020-0055, 161-020-0110, 161-025-0025, 161-025-0030, 161-025-0050, 161-050-0000, 161-050-0040, 161-050-0050, 161-510-0010, 161-520-0010, 161-520-0030, 161-520-0045, 161-520-0050, 161-530-0010, 161-570-0030

REPEAL:

161-510-0030, 161-570-0045

RENUMBER:

AMEND AND RENUMBER:

Statutory Authority:

ORS 183.355, ORS 674.305(7), ORS 674.310

Other Authority:

Title XI of the Federal Financial Reform, Recovery & Enforcement Act of 1989 (12 USC 3310 et seq.), Title XIV of the Dodd-Frank Wall Street Reform & Consumer Protection Act of 2010

Statutes Implemented:

ORS 674

RULE SUMMARY

Permanently adopts Oregon Administrative Rule 161, Division 06, Rule 0155 regarding allegation reports, Division 010, Rule 0065 regarding prerequisite experiece and education requirements for state licensed appraiser; Division 520, Rule 0035 regarding form of application; Division 570, Rule 0025 regarding allegation reports, Rule 0055 regarding enforcement, and Rule 0060 regarding rules of procedure in contested cases: Permanently Amends Oregon Administrative Rules 161, Division 002, Rule 0000 regarding definitions; Division 003, Rule 0020 regarding fees; Division 006, Rule 0025 regarding licensee notification, and Rule 0160 regarding complaints, investigations and audits; Division 010, Rule 010 regarding renewal procedures, Rule 0020 regarding qualifying appraiser experience, Rule 0035 regarding experience and education requirements for state certified general appraisers, Rule 0045 regarding experience and education requirements for state certified residential appraisers, and Rule 0080 regarding appraiser assistant registration; Division 015, Rule 0000 regarding the application process, Rule 0010 regarding form of application, Rule 0025 regarding application from out-of-state credential holder, and Rule 0030 regarding submission of application; Division 020, Rule 0005 regarding scope, Rule 0055 regarding criteria for approval of continuing education course, and Rule 0110 regarding qualifying education course content guidelines; Division 025, Rule 0025 regarding supervising appraiser, Rule 0030 regarding appraiser assistant, and Rule 0050 regarding appraisal report retention requirements; Division 050, Rule 0000 regarding temporary non-resident registration, Rule 0040 regarding changes in application and renewal information, and Rule 0050 regarding reciprocity; Division 510, Rule 0010 regarding fees; Division 520, Rule 0010 regarding registration requirements, Rule 0030 regarding renewal or reactivation of registration, Rule 0045 regarding change in business name, and Rule 0050 regarding change of individual ownership; Division 530, Rule 0010 regarding criminal records check; and Division 570, Rule 0030 regarding complaints, investigations and audits: and Permanently Repeals Oregon Administrative Rule 161, Division 510, Rule 0030 regarding miscellaneous fees, and Division 570, Rule 0045

regarding appraisal management company investigations and audits.

Karen Turnbow	karen@oregonaclb.org
Rules Coordinator Name	Email Address

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PERMANENT ADMINISTRATIVE RULES

Appraiser Certification and Licensure Board	161
Agency and Division	Administrative Rules Chapter Number
Karen Turnbow	karen@oregonaclb.org
Rules Coordinator	Email Address
3000 Market St. NE, Suite 541, Salem, OR 97301	503-485-2555
Address	Telephone
01/28/2013	
Adopted on	
01/31/2013	
Effective date	

RULE CAPTION

Revisions to appraiser licensing and AMC registration requirements, and appraiser and AMC enforcement

Not more than 15 words

RULEMAKING ACTION

ADOPT: 161-006-0155,161-010-0065,161-520-0035,161-570-0025,161-570-0055,161-570-0060

AMEND:

161-002-0000,161-003-0020,161-006-0025,161-006-0160,161-010-0010,161-010-0020,161-010-0035,161-010-0045,161-010-0080,161-015-0000,161-015-0010,161-015-0025,161-015-0030,161-020-0005,161-020-0055,161-020-0110,161-025-0025,161-025-0030,161-025-0050,161-050-0000,161-050-0040,161-050-0050,161-510-0010,161-520-0010,161-520-0030,161-520-0045,161-520-0050,161-530-0010,161-570-0030

REPEAL: 161-510-0030,161-570-0045

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.:: ORS 183.355, ORS 674.305(7), ORS 674.310

Other Auth.:: Title XI of the Federal Financial Reform, Recovery & Enforcement Act of 1989 (12 USC 3310 et seq.), Title XIV of the Dodd-Frank Wall Street Reform & Consumer Protection Act of 2010

Stats. Implemented:: ORS 674

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Robert A. Keith	Robert A. Keith	01/30/2013
Authorized Signer	Printed Name	Date

Authorization Page replaces the ink signature on paper filings. Have your authorized signer sign and date, then scan and attach it to your filing. You must complete this step before submitting your Permanent and Temporary filings.

DIVISION 2
DEFINITIONS

161-002-0000 Definitions

As used in OAR 161-01-005 to 161-50-050, the following terms (whether capitalized or not) shall have the following meanings:

(1) **"Accredited College or University"** means a college or university that is accredited by the Commission on Colleges, or by an accrediting agency that is recognized by the U.S. Department of Education.

(2) **"Administrator"** means the administrator of the Board appointed by the Board.

(3) **"Affiliate"** means a business organization sharing with a financial institution or insurance company some aspect of common ownership and control.

(4) **"Appraisal"** or **"Real Estate Appraisal"** means "appraisal" as defined in USPAP.

(5) **"Appraisal Foundation"** means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois.

(6) **"Appraisal Report"** means "report" as defined in USPAP.

(7) **"Appraiser Assistant"** or **"AA"** means a person who is not licensed or certified as an appraiser, but is registered as an appraiser assistant under ORS 674.310, and who assists with real estate appraisal activity under the direct supervision of a certified appraiser.

(8) **"Appraisal Subcommittee" or "ASC"** means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (FFIEC) established pursuant to the Federal Act.

(9) **"Board"** or **"ACLB"** means the Appraiser Certification and Licensure Board established under ORS Chapter 674.

(10) **"Certificate"** means the document issued by the Board indicating that the person named thereon has satisfied the requirements for certification as a state certified residential or state certified general appraiser.

(11) **"Classroom hour"** as used in reference to qualifying and continuing education means 50 minutes out of each 60 minute segment.

(12) **"Completion"** means interpreting, analyzing and reconciling data or compiled data, including reviewing and adopting another person's interpretations and reconciliations as one's own.

(13) **"Complex one-to-four family residential property appraisal"** means an appraisal in which the property to be appraised, market conditions, or form of ownership is atypical. For example, atypical factors may include, but are not limited to:

(a) Architectural style;

(b) Age of improvements;

(c) Size of improvements;

(d) Size of lot;

(e) Neighborhood land use;

(f) Potential environmental hazard liability;

(g) Property interests;

(h) Property Conditions

(i) Limited readily available comparable sales data; or

(j) Other unusual factors.

(14) **"Continuing Education"** means education that is creditable toward the education requirements that must be satisfied to renew a license, certificate or appraiser assistant registration.

(15) **"Direct Supervision"** of an appraiser assistant means:

(a) disclosing in the appraisal report that the supervising appraiser has inspected the subject property both inside and out, and has made an exterior inspection of all comparables relied upon in the appraisal or disclose that the supervising appraiser did not inspect the subject property both inside and out, and did not inspect the exterior of comparables relied upon in the appraisal; and

(b) reviewing the appraiser assistant's appraisal report(s) to ensure research of general and specific data has been adequately conducted and properly reported, application of appraisal principles and methodologies has been properly applied, that any analysis is sound and adequately reported, and that any analysis, opinions, or conclusions are adequately developed and reported so that the appraisal report is not misleading; and

(c) reviewing the appraiser assistant's work product and discussing with the appraiser assistant any edits, corrections or modifications that need to be made to that work product to satisfy OAR 161-002-0000(14)(b); and

(d) accepting sole and total responsibility for the appraisal report by signing the appraisal report and certifying that the appraisal report has been prepared in compliance with the current edition of the Uniform Standards of Professional Appraisal Practice.

(16) **"Federal Act"** means Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C 3310 et seq.).

(17) **"Federal Financial Institution Regulatory Agency"** means:

(a) The Board of Governors of the Federal Reserve System;

(b) The Federal Deposit Insurance Corporation;
(c) The Office of the Comptroller of the Currency; or
(d) The National Credit Union Administration.
(18) **"Financial Institution"** means an insured depository institution as defined in section 3 of the Federal Deposit Insurance Act or an insured credit union as defined in section 101 of the Federal Credit Union Act.
(19) **"Good Standing"** means the status of a person whose license, certificate or registration is not currently suspended or been revoked.
(20) **"Issuance"** means the act of communicating the opinion of value either in writing or orally.
(21) **"License"** means the document issued by the Board indicating that the person named thereon has satisfied all requirements for licensure as a state licensed appraiser.
(22) **"Licensee"** means any person who holds an active or inactive Oregon appraiser license, certified residential appraiser certificate, or certified general appraiser certificate.
(23) **"Mortgage banker"** has the meaning defined in ORS 59.840.
(24) **"Non-residential"** appraising means to render a value on real property other than one-to-four family residential properties.
(25) "**One-to-four family residential property**" means a property that includes one to four residential units and is residential in character, i.e., zoning, land use.
(26) **"Preparation"** means compiling data, including reviewing and adopting such compiled data as one's own.
(27) **"Prerequisite education"** means the initial qualifying educational requirements to become licensed or certified with the Board.
(28) **"Professional real estate activity"** has the meaning defined in ORS 696.010.
(29) **"Qualifying Education"** means education that is creditable toward the education requirements for initial licensure or certification under one or more of the three real estate appraiser classifications.
(30) **"Real estate appraisal activity"** has the meaning defined in ORS 674.100.
(31) **"Real Estate"** or **"Real Property"** means an identified parcel or tract of land, together with any improvements, that includes easements, rights-of-way, undivided or future interests or similar rights in a tract of land, but does not include mineral rights, timber rights, growing crops, water rights or similar interests severable from the land when the transaction does not involve the associated parcel or tract of land.
(32) **"State Certified General Appraiser** or **"SCGA"** means an individual who has been certified as a state certified general appraiser by the Board.
(33) **"State Certified Residential Appraiser** or **"SCRA"** means an individual who has been certified as a state certified residential appraiser by the Board.
(34) **"State Licensed Appraiser** or **"SLA"** means an individual who has been licensed as a state licensed appraiser by the Board.
(35) **"Subdivision"** means either an act of subdividing land or an area or a tract of land subdivided to create four or more lots within a calendar year.
(36) **"Supervising Appraiser"** means a licensee who is directly supervising appraiser assistants pursuant to OAR 161-025-0025.
(37) **"Supervising Appraiser Endorsement"** means the document issued by the Board indicating that the licensee named thereon has satisfied all requirements of OAR 161-010-0085 to be a Supervising Appraiser.
(38) **"Transaction Value"** means:
(a) For loans or other extensions of credit, the amount of the loan or extension of credit; and
(b) For sales, leases, purchases and investments in or exchange of real property, the market value of the real property interest involved; and
(c) For the pooling of loans or interest in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each such loan or interest in real property.
(d) For determinations of the transaction value of real property or interests in real property in circumstances other than described in the proceeding (a) to (c) of this section, the market value of the real property interest involved.
(e) In condemnation or partial taking actions, the transaction value is deemed to be the value of the larger parcel before the taking.
(39) **"Uniform Standards of Professional Appraisal Practice"** or **"USPAP"** means the standards adopted and published by the Appraisal Standards Board of the Appraisal Foundation dated April 27, 1987, as amended January 1, 2012.
(40) **"Workfile"** means "workfile" as defined in USPAP.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1993(Temp), f. & cert. ef. 3-3-

93; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-010-0000; ACLB 4-1994, f. & cert. ef. 7-27-94; ACLB 4-1994, f. & cert.e f. 7-27-94; ACLB 2-1996, f. & cert. ef. 2-13-96; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-1999, f. 1-28-99, cert. ef. 3-31-99; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 1-2001(Temp), f. & cert. ef. 1-26-01 thru 7-25-01; ACLB 2-2001, f. 4-11-01, cert. ef. 4-12-01; ACLB 3-2001(Temp), f. & cert. ef. 7-12-01 thru 1-8-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 1-2004, f. & cert. ef. 2-3-04; ACLB 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 1-2005, f. & cert. ef. 1-12-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2006(Temp), f. 6-29-06, cert. ef. 7-1-06 thru 12-28-06; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 5-2007(Temp), f. 11-1-07, cert. ef. 1-1-08 thru 6-27-08; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 2-2009(Temp), f. 1-28-09, cert. ef. 1-30-09 thru 7-28-09

DIVISION 3
FEES

161-003-0020 Fees

The Board shall charge and collect the following fees:

(1) Examination Fee	Actual Fee;
(2) Application Fee	$75;
(3) Fee for Certificate or License Issued (two years)	$550;
(4) Fee for Certificate of License Renewed (two years)	$500;
(5) Fee for Duplicate Certificate/License	$35;
(6) Fee for Inactive Certificate or License (two years)	$100;
(7) Fee for Renewal of Inactive Certificate or License (two years)	$100;
(8) Fee for Reactivation of Inactive Certificate or License	$60;
(9) Fee for Late License/Certificate Renewal (in addition to renewal fee)	$100;
(10) Fee for Temporary Registration	$150;
(11) Annual Federal Registry Fee (set by the ASC of the FFIEC)	Actual Fee;
(12) Appraiser Assistant Registration	$75;
(13) Appraiser Assistant Registration Renewal	$75;
(14) Supervising Appraiser Endorsement	$75
(15) FBI Criminal Background Check	Actual Fee;
(16) Fee for License History	$40;
(17) Qualifying Education Course	$125;
(18) Continuing Education Course	$75

Stat. Auth: ORS 674.305 & ORS 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 3-1991(Temp), f. & cert. ef. 8-29-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94; Renumbered from 161-001-0020; ACLB 4-1994, f. & cert. ef. 7-27-94; ACLB 3-1996, f. & cert. ef. 2-13-96; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02

DIVISION 6
ORGANIZATION, ADMINISTRATION AND PROCEDURES

161-006-0025 Budget

The Board hereby adopts by reference the Board's 2011-2013 Biennium Budget of $1,725,041 covering the real estate appraiser program for the period July 1, 2011 through June 30, 2013, and the appraisal management program for the period January 1, 2012 through June 30, 2013. The Board will amend budgeted accounts as necessary within the approved budget of $1,725,041 for the effective operation of the Board. The Board will not exceed the approved 2011-2013 Biennium Budget without amending this rule, notifying licensees, and holding a public hearing thereon as required by ORS Chapter 182.462(1)(2). Copies of the budget are available from the Board's office.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 4-2001(Temp), f. & cert. ef. 9-12-01 thru 3-1-02; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 1-2003(Temp), f. & cert. ef. 1-14-03 thru 7-11-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 4-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03; ACLB 5-2003, f. & cert. ef. 11-10-03; ACLB 2-2005(Temp), f. 6-16-05, cert. ef. 7-1-05 thru 12-28-05; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2007(Temp), f. 6-6-07, cert. ef. 7-1-07 thru 11-30-07; BOC 1-2007, f. 10-31-07, cert. ef. 11-1-07; ACLB 3-2009(Temp), f. 5-15-09, cert. ef. 7-1-09 thru 11-30-09

161-006-0155 Allegation Reports

(1) All allegation reports must be in writing.
(2) Any person may file an allegation report.
(3) A member of the Board may initiate an allegation report.
(4) The Board will accept anonymous allegation reports.
(5) The allegation report will be reviewed by the Administrator or the Administrator's designee to determine whether there are reasonable grounds to believe that a violation of ORS Chapter 674 and/or OAR Chapter 161 may have occurred that constitutes grounds for discipline under ORS 674.140. Reasonable grounds means a set of facts or circumstances which would cause a person of ordinary and prudent judgment to believe beyond a mere suspicion.
(6) An allegation report may be dismissed if the evidence or facts fail to establish proof of a violation. The Board shall notify the grievant in writing of any formal action taken on the allegation report.

161-006-0160 Complaints, Investigations and Audits

(1) If the Administrator or Administrator's designee determines that there are reasonable grounds to believe that a violation of ORS Chapter 674 and/or OAR Chapter 161 occurred, the allegation report shall become a complaint, the Board will initiate the complaint process and the complaint will be investigated.
(2) The Administrator may also initiate a complaint.
(3) A Notice of Complaint, together with a true copy of the allegation report as submitted to the Board's office, including all supporting documentation, shall be promptly sent by certified mail, return receipt requested, to the last known address of the person against whom the complaint is filed. The Notice of Complaint shall require, and the Respondent must produce:
(a) true copies of records within a specific time period to which no extension will be granted; and
(b) a written response to the allegations set forth in the complaint within a specified time period.
(A) A respondent may request an extension to file a response to a notice of complaint. An extension of up to 30 days will be approved provided that the extension request:
(i) substantiates that good cause exists to grant such an extension and that circumstances beyond the reasonable control of the respondent prevent a response within 30 days;
(i) is submitted to the Board Administrator in writing on or before the response due date; and
(iii) does not ask for an extension of time in excess of 30 days.
(B) The Administrator may grant one additional extension of no more than 30 days only upon showing of good cause.
(4) The investigation may include all inquiries deemed appropriate to ensure that each complaint is processed in accordance with ORS Chapter 183.
(5) The Board may initiate an audit or other type of inquiry or investigation to verify an individual's compliance with ORS 674 and OAR 161.
(6) Every licensed or certified appraiser or registered appraiser assistant must cooperate with the Board and must respond fully and truthfully to Board inquiries and comply with any requests from the Board, subject only to the exercise of any applicable right or privilege. Failure to cooperate with the Board is unethical and is grounds for discipline including revocation or suspension of a license, certificate or registration, imposition of a civil penalty, or denial of a license, certificate, or registration, or any combination thereof.

Stat. Auth.: ORS 674.170, 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1993(Temp), f. & cert. ef. 3-3-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 6-2003, f. & cert. ef. 11-24-03

DIVISION 10
LICENSURE AND CERTIFICATION AND ENDORSEMENT REQUIREMENTS

161-010-0010 Appraisers in Oregon and Renewal Procedures

(1) There are three categories of appraisers in Oregon; state licensed appraiser, state certified residential appraiser, and state certified general appraiser.

(2) Unlicensed/Uncertified individuals may assist in the preparation of an appraisal, but are not allowed to sign the appraisal report.

(3) Appraisers in Oregon must demonstrate competency by meeting prerequisite and continuing education, testing, and experience requirements established by the Board.

(4) All licenses and certificates are subject to renewal every two years on or before the last day of the license or certificate holder's birth month.

(5) Each license or certificate may be renewed upon receipt of the renewal fee specified in OAR 161-003-0020, a complete renewal application that includes a current, recognizable, passport style color photograph of the applicant (taken within 30 days preceding receipt of the application), evidence of the completion of continuing education requirements as provided in OAR 161-020-0150, and the fee. The completed application, fee, and evidence of continuing education requirements must be received in the Board office on or before the expiration date of the license to be considered timely. If the expiration date falls on a weekend or legal holiday, the renewal application must be received no later than 5:00 p.m. on the next business day following the date of expiration.

(6) Renewal applications received after the expiration date and within one (1) year of the date of expiration shall be assessed a late fee in addition to the renewal fee. It is unlawful for any appraiser to engage in, carry on, advertise or purport to engage in or carry on real estate appraisal activity within this state after a license or certificate has expired and prior to properly renewing the expired license or certificate.

(7) If an appraiser fails to renew their license or certificate within one year from the date of expiration, the status of the license or certificate becomes terminated and they must reapply pursuant to OAR 161-010-0020 through 161-010-0065.

(8) Licensees on active duty with the United States Armed Forces at the time of renewal may, upon written request to the Board, be provided a military deferral allowing for their otherwise complete application, including fee and evidence of continuing education, to be considered timely if received by the Board within 180 days of release from active duty.

(9) Each licensee shall notify the Administrator within thirty (30) days of any disciplinary action imposed in any other state in which the person holds a license or certificate.

Stat. Auth.: ORS 674.305(8) & ORS 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 4-1991(Temp), f. & cert. ef. 8-29-91; ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02

161-010-0020 Qualifying Appraiser Experience for Certification and Licensure

(1) Areas of acceptable appraisal experience, as described in OAR 161-010-0025, may include but are not limited to the following:

(a) Fee Appraisal prepared by a state licensed or certified appraiser in conformance with USPAP;

(b) Staff Appraisal prepared in conformance with USPAP;

(c) Review Appraisal prepared in conformance with USPAP;

(d) Real Property Appraisal Consulting prepared in conformance with USPAP;

(e) Highest and Best Use Analysis prepared in conformance with USPAP;

(f) Assistance in preparation of appraisals as a registered appraiser assistant performing tasks as provided in OAR 161-025-0030.

(2) All experience must have been obtained after January 30, 1989.

(3) Experience being claimed as set forth in paragraphs (1)(c), (d) and (e) above, individually or combined, may not exceed more than 25 percent of the total required experience hours.

Stat. Auth.: ORS 674.305(8) & 674.310
Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1995 f. & cert. ef. 2-1-95

161-010-0035 Prerequisite Experience and Education Requirements for State Certified General Appraisers

As a prerequisite to taking the examination for certification as a state certified general appraiser, an applicant shall present evidence satisfactory to the Administrator that the applicant has:

(1) At least 3,000 cumulative hours of acceptable appraisal experience, including at least 1,500 hours of appraisal experience in non-residential appraising. "Cumulative" is defined as meaning that experience may be acquired over any time period of at least thirty (30) months.
(a) Applicants whose initial State Licensed Appraiser or State Certified Residential Appraiser credential was issued by the Board, and not by another state licensing agency, are only required to submit an experience log that documents completion of an additional 1,500 hours of non-residential appraisal experience.
(b) Applicants who hold an active Oregon State Licensed Appraiser or a State Certified Residential Appraiser credential obtained through reciprocity or in accordance with OAR 161-015-0025, are only required to submit an experience log that documents completion of an additional 1,500 hours of non-residential appraisal experience. Additionally, the applicant must provide evidence to the Board, from the State issuing the applicant's initial credential, documenting that the initial credential was approved and issued to the applicant based upon an experience log rather than an experience-related affidavit.
(c) Applicants who cannot fulfill the requirements in paragraph (1)(a) or (b) above, must complete an experience log documenting at least 3,000 cumulative hours of acceptable appraisal experience as set forth in paragraph (1) above.
(2) Successfully completed not less than 300 class hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(c)), with the following exceptions as noted in paragraphs (2)(a), (2)(b) or (2)(c) below. Each applicant shall have successfully completed the 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, within four (4) years preceding the date of application and have successfully passed an examination thereon.
(a) Applicants holding a valid Oregon Appraiser Assistant registration may satisfy the educational requirements for the State Certified General Appraiser credential by completing the following additional education hours:
(A) Course(s) on General Appraiser Market Analysis and Highest and Best Use (30 hours in not less than 15 hour increments);
(B) Course(s) on Statistics, Modeling and Finance (15 hours);
(C) Course(s) on General Appraiser Sales Comparison Approach (30 hours in not less than 15 hour increments);
(D) Course(s) on General Appraiser Site Valuation and Cost Approach (30 hours in not less than 15 hour increments);
(E) Course(s) on General Appraiser Income Approach (60 hours in not less than 15 hour increments);
(F) Course(s) on General Appraiser Report Writing and Case Studies (30 hours in not less than 15 hour increments);
(G) Electives (30 hours in not less than 15 hour increments).
(b) Applicants holding a valid Oregon State Licensed Appraiser credential may satisfy the educational requirements for the State Certified General Appraiser credential by completing the following additional education hours:
(A) Course(s) on General Appraiser Market Analysis and Highest and Best Use (15 hours);
(B) Statistics, Modeling and Finance (15 hours);
(C) Course(s) on General Appraiser Sales Comparison Approach (15 hours);
(D) Course(s) on General Appraiser Site Valuation and Cost Approach (15 hours);
(E) Course(s) on General Appraiser Income Approach (45 hours in not less than 15 hour increments);
(F) Course(s) on General Appraiser Report Writing and Case Studies (15 hours).
(G) Electives (30 hours in not less than 15 hour increments).
(c) Applicants holding a valid Oregon State Certified Residential Appraiser credential may satisfy the educational requirements for the State Certified General Appraiser credential by completing the following additional education hours:
(A) Course(s) on General Appraiser Market Analysis and Highest and Best Use (15 hours);
(B) Course(s) on General Appraiser Sales Comparison Approach (15 hours);
(C) Course(s) on General Appraiser Site Valuation and Cost Approach (15 hours);
(D) Course(s) on General Appraiser Income Approach (45 hours in not less than 15 hour increments);
(E) Course(s) on General Appraiser Report Writing and Case Studies (15 hours).
(3) A Bachelors degree or higher from an accredited college or university, unless the requirements of paragraph (4) below are satisfied.
(4) In lieu of the Bachelors degree, an applicant for state certified general appraiser shall successfully pass all of the following collegiate level subject matter courses from an accredited college, junior college, community college or university:
(a) English Composition;
(b) Micro Economics;
(c) Macro Economics;
(d) Finance;
(e) Algebra, Geometry, or higher mathematics;
(f) Statistics;
(g) Computer Science;
(h) Business or Real Estate Law; and
(i) Two elective courses in accounting, geography, agricultural economics, business management, or real estate.

Total hours of equivalent college courses in lieu of a Bachelors degree: 30 semester credit hours or its equivalent for the state certified general appraiser. Any applicant using the in-lieu-of degree courses, must complete a minimum of 3 semester (4.5 quarter) credit hours in each collegiate level subject matter course noted above. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-010-0030 & 161-010-0040; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 2-2009(Temp), f. 1-28-09, cert. ef. 1-30-09 thru 7-28-09

161-010-0045 Prerequisite Experience and Education Requirements for State Certified Residential Appraisers

As a prerequisite to taking the examination for certification as a state certified residential appraiser, an applicant shall present evidence satisfactory to the Administrator that the applicant has:
(1) At least 2,500 cumulative hours of acceptable appraisal experience. "Cumulative" is defined as meaning that experience may be acquired over any time period of at least twenty-four (24) months.
(a) Applicants whose initial State Licensed Appraiser credential was issued by the Board, and not by another state licensing agency, are only required to submit an experience log that documents completion of an additional 500 hours of appraisal experience.
(b) Applicants who hold an active Oregon State Licensed Appraiser credential obtained through reciprocity or in accordance with OAR 161-015-0025, are only required to submit an experience log that documents completion of an additional 500 hours of appraisal experience. Additionally, the applicant must provide evidence to the Board, from the State issuing the applicant's initial credential, documenting that the initial credential was approved and issued to the applicant based upon an experience log rather than an experience-related affidavit.
(c) Applicants who cannot fulfill the requirements in paragraph (1)(a) or (b) above, must complete an experience log documenting at least 2,500 cumulative hours of acceptable appraisal experience as set forth in paragraph (1) above.
(2) Successfully completed not less than 200 class hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(b), with the following exceptions as noted in paragraphs (2)(a) or (2)(b) below. Each applicant shall have successfully completed the 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, within four (4) years preceding the date of application and have successfully passed an examination thereon.
(a) Applicants holding a valid Oregon Appraiser Assistant registration may satisfy the educational requirements for the State Certified Residential Appraiser credential by completing the following additional education hours:
(A) Course(s) on Residential Market Analysis and Highest and Best Use (15 hours);
(B) Course(s) on Residential Appraiser Site Valuation and Cost Approach (15 hours);
(C) Course(s) on Residential Sales Comparison and Income Approaches (30 hours in no less than 15 hour increments);
(D) Course(s) on Residential Report Writing and Case Studies (15 hours);
(E) Course(s) on Statistics, Modeling and Finance (15 hours);
(F) Course(s) on Advanced Residential Applications and Case Studies (15 hours);
(G) Electives (20 hours).
(b) Applicants holding a valid Oregon State Licensed Appraiser credential may satisfy the educational requirements for the State Certified Residential Appraiser credential by completing the following additional education hours:
(A) Course(s) on Statistics, Modeling and Finance (15 hours);
(B) Course(s) on Advanced Residential Applications and Case Studies (15 hours);
(C) Electives (20 hours).
(3) An Associate degree or higher from an accredited college or university, unless the requirements of paragraph (4) below are satisfied.
(4) In lieu of the Associate degree, an applicant for state certified residential appraiser shall successfully pass all of the following collegiate level subject matter courses from an accredited college, junior college, community college or university:
(a) English Composition;
(b) Principles of Economics (Micro or Macro);
(c) Finance;
(d) Algebra, Geometry, or higher mathematics;
(e) Statistics;

(f) Computer Science; and
(g) Business or Real Estate Law.
Total hours of equivalent college courses in lieu of an Associate degree: 21 semester credit hours or its equivalent for the state certified residential appraiser. Any applicant using the in-lieu-of degree courses, must complete a minimum of 3 semester (4.5 quarter) credit hours in each collegiate level subject matter course noted above. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 3-2005, f. & cert. ef 7-22-05; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 2-2009(Temp), f. 1-28-09, cert. ef. 1-30-09 thru 7-28-09

161-010-0065 Prerequisite Experience and Education Requirements for State Licensed Appraisers
As a prerequisite to taking the examination for licensure as a State Licensed Appraiser, an applicant shall present evidence satisfactory to the Administrator that the applicant has:
(1) At least 2,000 cumulative hours of acceptable appraisal experience. Cumulative hours must be acquired over at least twelve (12) months.
(2) Successfully completed not less than 150 classroom hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(b), with the following exceptions as noted in paragraphs (2)(a) below. Each applicant shall have successfully completed the 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, within four (4) years preceding the date of application and have successfully passed an examination thereon.
(a) Applicants holding a valid Oregon Appraiser Assistant Registration may satisfy the educational requirements for the State Licensed Appraiser credential by completing the following additional education hours:
(A) Course(s) on Residential Market Analysis and Highest and Best Use (15 hours);
(B) Course(s) on Residential Appraiser Site Valuation and Cost Approach (15 hours);
(C) Course(s) on Residential Sales Comparison and Income Approaches (30 hours in no less than 15 hour increments);
(D) Course(s) on Residential Report Writing and Case Studies (15 hours).

161-010-0080 Appraiser Assistant Registration – Application and Renewal Requirements
(1) A person desiring to participate in an appraiser training program must register with the Board and work under the direct supervision of one or more licensees who are in good standing with the Board, has been certified with the Board for a minimum of 24 months, and has a supervising appraiser endorsement. Experience gained prior to registration will be not accepted.
(2) Prior to registering with the Board, an Appraiser Assistant applicant must:
(a) complete 75 hours of qualifying education in the following categories and successfully pass the applicable final examinations:
(A) 15-hour Appraisal Foundation's National USPAP course, or its equivalent, within two (2) years preceding the date of application;
(B) 30-hour Basic Appraisal Principles course within five (5) years preceding the date of application. The five-year requirement does not apply to licensees that register as an Appraiser Assistant to upgrade their license or certificate;
(C) 30-hour Basic Appraisal Procedures course within five (5) years preceding the date of application. The five-year requirement does not apply to licensees that register as an Appraiser Assistant to upgrade their license or certificate; and
(b) make arrangements with one or more licensees who agree to directly supervise their real estate appraisal activities.
(c) attend a four hour Board approved Supervising Appraiser/Appraiser Assistant Training Course and successfully pass the final exam.
(3) The applicant must submit an Appraiser Assistant Registration Application that meets the requirements of OAR 161-015-0010(1) through (5) and includes a non-refundable application fee and a copy of their supervising appraiser's endorsement as described on the application form.
(4) An applicant must be at least 18 years of age.
(5) An applicant must be a citizen of the United States or have the legal authority to work in the United States.
(6) The Appraiser Assistant Registration must be renewed on an annual basis. The renewal application must be submitted on the prescribed form and include the following:
(a) Verification of successful completion of the Appraisal Foundation's National USPAP Update course or its equivalent, if applicable (required during their second year and every two years thereafter);

(b) For applicants who have been registered two years or more, verification of successful completion of no less than fourteen hours of qualifying or continuing education. The fourteen education hours may include the USPAP Update course and must be obtained after the date their last registration was issued.
(7) During the period beginning on the day following the expiration date of the registration, and ending on the date of the renewal of the registration, an Appraiser Assistant will not receive experience credit for any experience accrued during the lapse in registration. If the Appraiser Assistant fails to renew the registration within one year from the expiration date, the registration is terminated and a new application must be submitted pursuant to ORS 161-010-0080.
(8) Appraiser Assistants on active duty with the United States Armed Forces at the time of renewal may, upon written request to the Board, be provided a military deferral allowing for their otherwise complete application, including fee and evidence of continuing education, to be considered timely if received by the Board within 180 days of release from active duty.
(9) An applicant may submit a written request to withdraw their application at any time prior to an official action being taken by the Board.

Stat. Auth.: ORS 674.305(8) & ORS 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-1996, f. & cert. ef. 2-13-96; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 2-2004, f. 5-25-04, cert., ef. 6-1-04

DIVISION 15
APPLICATION AND EXAMINATION PROCESS

161-015-0000 Application Process

Any person desiring to take an appraiser examination, must submit a completed pre-printed application evidencing completion of the required qualifying education and experience.

(1) Applicants must list qualifying education courses by date, course provider, and classroom hours.

(2) Applicants must submit documentation of course completion in the form of official college transcripts, signed letters, or signed certificates of completion. Course outlines or other items may be requested to verify the prerequisite education.

(3) Applicants must submit a pre-printed experience log which details hours of appraisal experience claimed for credit. Such hours must meet the requirements of OAR 161-010-0035, 161-010-0045, or 161-010-0065 as applicable.

(4) The applicant may be required to submit an affidavit from an employer to verify experience claimed.

(5) The applicant may also be required to submit some or all written reports or file memoranda claimed on the experience log.

Stat. Auth.: ORS 674.305(8) & 674.310

Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 3-1991(Temp), f. & cert. ef. 8-29-91; ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94

161-015-0010 Form of Application

All appraiser and appraiser assistant applications must be submitted as prescribed in OAR 161-010-0080 or OAR 161-015-0000.

(1) Where space does not permit an applicant to present her or his complete record of experience or education on the application forms, the applicant may duplicate the forms or attach appropriate addendum. Both physical and mailing addresses are required for home and business. All questions must be answered. All forms must be signed and dated.

(2) An application shall be accompanied by a current, recognizable passport style color photograph of the applicant taken within 30 days preceding receipt of the application.

(3) Withholding information, misrepresentation, or submission of untrue or false statements as part of the application are deemed to demonstrate untrustworthiness and are cause for a civil penalty under ORS 674.850 and either denial of an application or subsequent disciplinary action.

(4) The application must include the applicant's Social Security number for identification purposes as authorized by ORS 25.785 and will remain on file with the Board. Failure to provide a Social Security Number is grounds to deny an application.

(5) An application and the application fee shall be valid for six (6) months from receipt by the Board. After six (6) months, the applicant must submit a new application with the appropriate fee.

(6) An applicant for license or certificate shall have 6 months from the date of written notification of application approval to successfully pass the examination or the application shall be denied.

Stat. Auth.: ORS 674.305(8) & 674.310

Hist.: ACLB 4-1991(Temp), f. & cert. ef. 8-29-91; ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 4-1993(Temp), f. & cert. ef. 6-25-93; ACLB 1-1994, f. & cert. ef. 2-1-94

161-015-0025 Application from out-of-state credential holder

(1) The Board may recognize and accept the education and experience of applicants who hold an active license or certificate obtained from another state. The out-of-state license or certificate must be active and the applicant must be in good standing in all states in which they are licensed and/or certified.

(2) All applicants shall be subject to a criminal background check.

(3) The application must be submitted on a form prescribed by the Board.

Stat. Auth.: ORS 674.305(8) & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 3-2008, f. & cert. ef. 8-13-08; ACLB 1-2010(Temp), f. 1-29-10, cert. ef. 2-1-10 thru 7-27-10

161-015-0030 Submission of License or Certificate Application

(1) Each application must be accompanied by a non-refundable application fee.

(2) An application that is not properly completed, does not contain all the required information, or is not accompanied by the required fee will be deferred. An application will also be considered incomplete if the check for payment of the required fees is dishonored;

(3) The application will be reviewed to determine whether the applicant has sufficient education and experience and is otherwise qualified to sit for the examination;
(4) An applicant who is not a resident of the State of Oregon must submit with the application, an irrevocable consent to service form appointing the Administrator of the Board as agent for service of process as provided in these rules, if, in an action against the applicant in a court of this state arising out of the applicant's activities as a licensed or certified appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.
(5) An applicant must be a citizen of the United States or have the legal authority to work in the United States.
(6) An applicant who is actively licensed or certified in another state(s) must have successfully passed an AQB approved examination subsequent to January 1, 2008 or they will be required to take and pass the examination. The examination must be at a level consistent with the appraiser category applied for in the State of Oregon. The examination results must be sent directly from an AQB approved examination provider to the Board office.
(7) Applicants for licensure or certification must have a license history submitted directly to the Board office from each state in which he or she has ever been licensed or certified, or the Board may obtain a National Registry Appraiser License History report. License histories must be received by the board within thirty (30) days of receipt of application. Applicants must be in good standing in all states in which they are licensed or certified or the application will be denied.
(8) Upon application approval, if applicable, the applicant is notified that they are approved to sit for the examination. Upon successful completion of the examination, the Board will notify the appraiser and within one year of the notification, the applicant must submit the ACLB License/Certificate Request form with the appropriate certification and national registry fees, requesting that their license/certificate be issued. The Administrator issues the license/certificate to the applicant. The appraiser's name is submitted to the FFIEC Appraisal Subcommittee for inclusion on the Federal Registry.
(9) Upon issuance of a license or certificate, consistent with the scope of practice as provided in OAR 161-025-0000 and 161-025-0005, the appraiser is authorized to conduct real estate appraisal activity between the date of the issuance of the license or certificate, and the expiration date of the license or certificate, unless sooner revoked or suspended. No more than one license or certificate shall be issued and outstanding to, or in favor of, any appraiser at one time.
(10) An applicant may submit a written request to withdraw their application at any time prior to an official action being taken by the board. An official action may include, but is not limited to, a notice of proposed denial of application.

Stat. Auth.: ORS 674.305(8) & ORS 674.310
Hist.: ACLB 4-1991(Temp), f. & cert. ef. 8-29-91; ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 2-1999, f. & cert. ef. 4-20-99

DIVISION 20
EDUCATIONAL COURSES, REQUIREMENTS AND PROVIDERS

161-020-0005 Scope

This division outlines the requirements for qualifying education for state licensed, state certified residential and state certified general appraisers, continuing education for state licensed, state certified residential and state certified general appraisers, and the education course and course provider requirements. Course providers that have obtained approval of their course(s) under the Appraisal Qualifications Board of the Appraisal Foundation (AQB) Course Approval Program may be recognized by the Administrator as having satisfied the requirements of this rule. The Administrator retains the right to review, modify, or reject a course which has received AQB approval.

Stat. Auth.: ORS 674.305(8) & 674.310
Hist.: ACLB 4-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; Renumbered from 161-020-0000

161-020-0055 Criteria for Approval of Course as Continuing Education

In order to be approved as continuing education, the course must satisfy all criteria described in this rule.

(1) Current Classroom Offering - The course shall be a current offering of the course owner/affiliated entity that is presented by traditional classroom methods. Courses presented online, or by Compact Disc (CD), correspondence, videotape or remote television are eligible for approval only as provided in OAR 161-020-0140.

(2) Course Length and Content - The course shall involve a minimum of two classroom hours with the "Continuing Education Course Content Guidelines" in these rules.

(3) Course Description - The course materials or syllabus shall include a course description which clearly describes the content of the course.

(4) Summary Outline - If more than one major topic is to be covered in the course, the course materials or syllabus shall include a summary outline of major topics to be covered and the number of classroom hours devoted to each major topic.

(5) Learning Objectives - The course materials or syllabus shall include specific learning objectives which:

(a) are appropriate for a continuing education course;

(b) clearly state the specific knowledge and/or skills students are expected to acquire by completing the course;

(c) are consistent with the course description;

(d) are consistent with the instructional materials; and

(e) are reasonably achievable within the number of classroom hours allotted for the course.

(6) Instructional Materials - Instructional materials for students shall be provided unless the applicant demonstrates to the satisfaction of the Administrator that such materials are not needed to accomplish the stated course learning objectives. Any such instructional materials shall:

(a) be appropriate in view of the stated course learning objectives;

(b) reflect current knowledge and practice;

(c) contain no significant errors;

(d) reflect correct grammatical usage and spelling;

(e) effectively communicate and explain the information presented;

(f) be suitable in layout and format; and

(g) be suitably bound or packaged, and be produced in a quality manner.

(7) Instructor Qualification - Course provider shall keep written records documenting that their instructors meet the Board qualifications as set forth below:

(a) three years of experience directly related to the subject matter to be taught; or

(b) a baccalaureate or higher degree in a field directly related to the subject matter to be taught; or

(c) three years of experience teaching the subject matter to be taught; or

(d) a combination of education and experience equivalent to (a), (b) or (c) of this section

(e) For those instructing the Appraisal Foundation's National USPAP Course, and/or the seven-hour Appraisal Foundation's National USPAP Update Course:

(A) At least one instructor must be a certified residential or certified general appraiser and;

(B) The instructor must be an AQB certified USPAP instructor.

(f) For those instructing courses equivalent to either the Appraisal Foundation's National USPAP Course or the seven-hour Appraisal Foundation's National USPAP Update course:

(A) At least one instructor must be a certified residential or certified general appraiser.

(g) For those instructing the Supervising Appraiser/Appraiser Assistant Course:

(A) The instructor must be a certified residential or certified general appraiser; and

(B) The instructor must have completed a Board sponsored Supervising Appraiser/Appraiser Assistant Course and passed the final exam.
(8) Attendance Policy - The course owner/affiliated entity shall have a written attendance policy that requires student attendance to be verified. Policy must:
(a) stipulate as to a percentage of attendance required by the student;
(b) include on the attendance records form the Instructor(s) name and the criteria under which they qualified;
(c) provide that non-members of the association or organization may apply for the course without membership in the association;
(d) provide for retention of attendance records for a minimum of five years.
(9) Course Scheduling Policy - If the course involves more than eight classroom hours, the course owner/affiliated entity shall have an established policy on course scheduling that provides for a maximum of eight (8) classroom hours of instruction in any given day and for appropriate breaks during each class session.
(10) Course Completion Certificate Policy - The course owner/affiliated entity shall have an established policy assuring prompt issuance of signed course completion certificates to attendees which should include information regarding the number of classroom hours, and whether there was successful passage of the course examination (if applicable).
(11) Audit Policy - The course owner/affiliated entity shall permit the Administrator or the Administrator's representative to audit the course and course materials at no cost to the Administrator or the Administrator's representative in order to evaluate the instruction. The course owner/affiliated entity shall permit the Administrator or the Administrator's representative to review their records appropriate to selected course offerings.

Stat. Auth.: ORS 674-305(8) & 674.310
Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 3-1992(Temp) f. & cert. ef. 11-25-92; ACLB 4-1992(Temp), f. & cert. ef. 12-2-92; ACLB 1-1994, f. & cert. ef. 2-1-94; Renumbered from 161-020-0020 & 161-020-0060

161-020-0110 Qualifying Education Course Content Guidelines
(1) General Guidelines:
(a) The course must be a real estate appraisal course that involves a minimum of fifteen classroom hours of instruction (including examination time) on acceptable topics;
(b) The course must generally be broad in scope and must cover various principles, concepts, standards, practices and/or methods that are applicable generally to the performance of a wide range of appraisal assignments that will commonly be encountered by licensed or certified appraisers. The course must be intended to provide the student with a broad-based foundation of knowledge and skills in real estate appraising;
(c) Coverage in a course of additional specific topics not listed as typical specific topics under the categories of acceptable courses will not exclude that course from consideration provided that:
(A) the principal focus of the course is not on such additional topics;
(B) the additional topics covered are appropriate (consistent with course learning objectives); and
(C) the course contains not less than fifteen classroom hours of instruction on acceptable topics. However, the course must still be consistent with the parameters described in these rules.
(d) The section titled "Unacceptable Courses" in these rules describes specifically the categories of courses that are not acceptable as qualifying education under these rules;
(e) Courses will be evaluated based on their content without regard to the course title;
(f) The following factors shall be used to convert university, college, junior college and community college course credits into classroom hours:
(A) One (1) semester credit equals fifteen (15) classroom hours
(B) One (1) quarter credit equals ten (10) classroom hours.
(2) Qualifying Education Requirements for Licensure and/or Certification:
(a) Only courses approved by the Administrator will be credited toward the education requirements. Approved courses have been assigned to curricula as follows:
(A) Basic Appraisal Principles;
(B) Basic Appraisal Procedures;
(C) Residential Market Analysis and Highest and Best Use;
(D) Residential Appraiser Site Valuation and Cost Approach;
(E) Residential Sales Comparison and Income Approaches;
(F) Residential Report Writing and Case Studies;
(G) Statistics, Modeling and Finance;
(H) Advanced Residential Applications and Case Studies;

(I) General Appraiser Market Analysis and Highest and Best Use;
(J) General Appraiser Sales Comparison Approach;
(K) General Appraiser Site Valuation and Cost Approach;
(L) General Appraiser Income Approach;
(M) General Appraiser Report Writing and Case Studies;
(N) The Appraisal Foundation's National USPAP Course or its equivalent;
(O) Elective courses.
(b) For state licensed appraisers, courses in the following categories and credit hours must be completed with the successful passage of an examination, as specified in these rules:
(A) Course(s) on Basic Appraisal Principles (30 hours in not less than 15 hour increments);
(B) Course(s) on Basic Appraisal Procedures (30 hours in not less than 15 hour increments);
(C) Course(s) on Residential Market Analysis and Highest and Best Use (15 hours);
(D) Course(s) on Residential Appraiser Site Valuation and Cost Approach (15 hours);
(E) Course(s) on Residential Sales Comparison and Income Approaches (30 hours in no less than 15 hour increments);
(F) Course(s) on Residential Report Writing and Case Studies (15 hours)
(G) The Appraisal Foundation's National USPAP Course or its equivalent (15 hours).
(c) For state certified residential appraisers, courses in the following categories and credit hours must be completed with the successful passage of an examination, as specified in these rules:
(A) Course(s) on Basic Appraisal Principles (30 hours in not less than 15 hour increments);
(B) Course(s) on Basic Appraisal Procedures (30 hours in not less than 15 hour increments);
(C) Course(s) on Residential Market Analysis and Highest and Best Use (15 hours);
(D) Course(s) on Residential Appraiser Site Valuation and Cost Approach (15 hours);
(E) Course(s) on Residential Sales Comparison and Income Approaches (30 hours in no less than 15 hour increments);
(F) Course(s) on Residential Report Writing and Case Studies (15 hours);
(G) Course(s) on Statistics, Modeling and Finance (15 hours);
(H) Course(s) on Advanced Residential Applications and Case Studies (15 hours);
(I) Electives (20 hours);
(J) The Appraisal Foundation's National USPAP Course or its equivalent (15 hours).
(d) For state certified general appraisers, courses in the following categories and credit hours must be completed with the successful passage of an examination, as specified in these rules:
(A) Course(s) on Basic Appraisal Principles (30 hours in not less than 15 hour increments);
(B) Course(s) on Basic Appraisal Procedures (30 hours in not less than 15 hour increments);
(C) Course(s) on General Appraiser Market Analysis and Highest and Best Use (30 hours in not less than 15 hour increments);
(D) Course(s) on Statistics, Modeling and Finance (15 hours);
(E) Course(s) on General Appraiser Sales Comparison Approach (30 hours in not less than 15 hour increments);
(F) Course(s) on General Appraiser Site Valuation and Cost Approach (30 hours in not less than 15 hour increments);
(G) Course(s) on General Appraiser Income Approach (60 hours in not less than 15 hour increments);
(H) Course(s) on General Appraiser Report Writing and Case Studies (30 hours in not less than 15 hour increments);
(I) Electives (30 hours in not less than 15 hour increments);
(J) The Appraisal Foundation's National USPAP Course or its equivalent (15 hours).
(3) Acceptable Courses. Listed below are the categories of courses that are acceptable under these rules:
(a) Courses on Basic Appraisal Principles (30 hours). A course(s) in this category must be broad in scope and focus on basic real estate appraisal concepts, principles, and methods that are applicable generally to the appraisal of most types of real estate. Basic Appraisal Principles courses would substantially include the following specific topics:
(A) Real Property Concepts and Characteristics:
(i) Basic Real Property Concepts;
(ii) Real Property Characteristics;
(iii) Legal Description.
(B) Legal Consideration:
(i) Forms of Ownership;
(ii) Public and Private Controls;
(iii) Real Estate Contracts;
(iv) Leases.
(C) Influences on Real Estate Values:
(i) Governmental;
(ii) Economic;

(iii) Social;
(iv) Environmental, Geographic and Physical.
(D) Types of Value:
(i) Market Value;
(ii) Other Value Types.
(E) Economic Principles:
(i) Classical Economic Principles;
(ii) Application and Illustrations of the Economic Principles.
(F) Overview of Real Estate Markets and Analysis:
(i) Market Fundamentals, Characteristics, and Definitions;
(ii) Supply Side Analysis;
(iii) Demand Analysis;
(iv) Use of Market Analysis;
(G) Ethics and How They Apply in Appraisal Theory and Practice

(b) Courses on Basic Appraisal Procedures (30 hours). A course(s) in this category must be broad in scope and focus on basic real estate appraisal procedures that are applicable generally to the appraisal of most types of real estate. Basic Appraisal Procedures courses would substantially include the following specific topics:

(A) Overview of Approaches to Value;
(B) Valuation Procedures:
(i) Defining the Problem;
(ii) Collecting and Selecting Data;
(iii) Analyzing;
(iv) Reconciling and Final Value Opinion;
(v) Communicating the Appraisal.
(C) Property Description:
(i) Geographic Characteristics of the Land/Site;
(ii) Geologic Characteristics of the Land/Site;
(iii) Location and Neighborhood Characteristics;
(iv) Land/Site Considerations for Highest and Best Use;
(v) Improvements- Architectural Styles and Types of Construction.
(D) Residential Applications.

(c) Courses on Residential Market Analysis and Highest and Best Use (15 hours) that would substantially include the following specific topics:

(A) Residential Markets and Analysis:
(i) Market Fundamentals, Characteristics and Definitions;
(ii) Supply Side Analysis;
(iii) Demand Analysis;
(iv) Use of Market Analysis.
(B) Highest and Best Use:
(i) Test Constraints;
(ii) Application of Highest and Best Use;
(iii) Special Considerations;
(iv) Market Analysis;
(v) Case Studies.

(d) Courses on Residential Appraiser Site Valuation and Cost Approach (15 hours) that would substantially include the following specific topics:

(A) Site Valuation:
(i) Methods;
(ii) Case Studies.
(B) Cost Approach:
(i) Concepts and Definitions;
(ii) Replacement/Reproduction Cost New;
(iii) Accrued Depreciation;
(iv) Methods of Estimating Accrued Depreciation;
(v) Case Studies.

(e) Courses on Residential Sales Comparison and Income Approaches (30 hours) that would substantially include the following specific topics:

(A) Valuation Principles & Procedures - Sales Comparison Approach;
(B) Valuation Principles & Procedures - Income Approach;
(C) Finance and Cash Equivalency;
(D) Financial Calculator Introduction;
(E) Identification, Derivation and Measurement of Adjustments;
(F) Gross Rent Multipliers;
(G) Partial Interests;
(H) Reconciliation;
(I) Case Studies and Applications.
(f) Courses on Residential Report Writing and Case Studies (15 hours) that would substantially include the following specific topics:
(A) Writing and Reasoning Skills;
(B) Common Writing Problems;
(C) Form Reports;
(D) Report Options and USPAP Compliance;
(E) Case Studies.
(g) Courses on Statistics, Modeling and Finance (15 hours) that would include the following specific topics:
(A) Statistics;
(B) Valuation Models (AVM's and Mass Appraisal);
(C) Real Estate Finance.
(h) Courses on Advanced Residential Applications and Case Studies (15 hours) that would substantially include the following specific topics:
(A) Complex Property, Ownership and Market Conditions;
(B) Deriving and Supporting Adjustments;
(C) Residential Market Analysis;
(D) Advanced Case Studies.
(i) Courses on General Appraiser Market Analysis and Highest and Best Use (30 hours) that would substantially include the following specific topics:
(A) Real Estate Markets and Analysis:
(i) Market Fundamentals, Characteristics and Definitions;
(ii) Supply Side Analysis;
(iii) Demand Analysis;
(iv) Use of Market Analysis.
(B) Highest and Best Use
(i) Test Constraints;
(ii) Application of Highest and Best Use;
(iii) Special Considerations;
(iv) Market Analysis;
(v) Case Studies.
(j) Courses on General Appraiser Sales Comparison Approach (30 hours) that would substantially include the following specific topics:
(A) Value Principles;
(B) Procedures;
(C) Identification and Measurement of Adjustments;
(D) Reconciliation;
(E) Case Studies.
(k) Courses on General Appraiser Site Valuation and Cost Approach (30 hours) that would substantially include the following specific topics:
(A) Site Valuation:
(i) Methods;
(ii) Case Studies.
(B) Cost Approach:
(i) Concepts and Definitions;
(ii) Replacement/Reproduction Cost New;
(iii) Accrued Depreciation;
(iv) Methods of Estimating Accrued Depreciation;
(v) Case Studies.

(l) Courses on General Appraiser Income Approach (60 hours) that would substantially include the following specific topics:
(A) Overview;
(B) Compound Interest;
(C) Lease Analysis;
(D) Income Analysis;
(E) Vacancy and Collection Loss;
(F) Estimating Operating Expenses and Reserves;
(G) Reconstructed Income and Expense Statement;
(H) Stabilized Net Operating Income Estimate;
(I) Direct Capitalization;
(J) Discounted Cash Flow;
(K) Yield Capitalization;
(L) Partial Interests;
(M) Case Studies.
(m) Courses on General Appraiser Report Writing and Case Studies (30 hours) that would substantially include the following specific topics:
(A) Writing and Reasoning Skills;
(B) Common Writing Problems;
(C) Report Options and USPAP Compliance;
(D) Case Studies.
(n) Courses eligible for approval as elective courses for Qualifying Education.
These courses are considered more appropriate for Continuing Education than for Qualifying Education under these rules, but can qualify as elective if they are at least 15 hours in duration and an exam is required. Courses must focus primarily on advanced concepts/methods, a specialized aspect of real estate appraising, or appraising one specific type of property. Examples of course topics may include, but are not limited to the following:
(A) Real Estate Investment Analysis;
(B) Feasibility Analysis;
(C) Condemnation Appraising/Right of Way Appraising;
(D) Review Appraising;
(E) Mass Appraisal;
(F) Subdivision Analysis;
(G) Litigation/Testifying as Expert Witness;
(H) Appraising Condominiums;
(I) Appraising Manufactured Housing;
(J) Appraising Multi-Family Housing;
(K) Appraising Office Buildings;
(L) Appraising Farms;
(M) Appraising Land;
(N) Appraising Machinery and Equipment.
(o) Courses on the Uniform Standards of Professional Appraisal Practice (USPAP):
(A) The Appraisal Foundation's National USPAP Course or its equivalent are the only acceptable courses for this category.
(4) Courses not eligible for approval as Qualifying Education. These types of courses are considered more appropriate for Continuing Education than for Qualifying Education under these rules. Courses which focus all or a vast majority of their instruction on only one comparatively narrow aspect of real estate appraising and which examine that one aspect in depth. These types of courses focus on the following topics:
(a) Estimating Building Costs;
(b) Estimating Accrued Depreciation;
(c) Cash Equivalency;
(d) Ellwood Mortgage-Equity Analysis;
(e) Use of Financial Calculators in Appraising;
(f) Valuation of Partial Interests.

Stat. Auth.: ORS 674.305 & ORS 674.310
Stats. Implemented: ORS 674
Hist.: ALCB 2-1994(Temp), f. & cert. ef. 5-2-94; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 4-1994, f. & cert. ef. 7-27-94; ACLB

3-1996, f. & cert. ef. 2-13-96; ACLB 1-1997(Temp), f. 10-13-97, cert. ef. 1-1-98; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-00; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 3-2003, f. & cert. ef. 5-1-03

DIVISION 25
SCOPE OF PRACTICE AND PROCEDURES

161-025-0025 Supervising Appraiser (SA)

(1) Only qualified State Certified Residential Appraisers and State Certified General Appraisers may supervise Registered Appraiser Assistants.

(2) The supervising appraiser must directly supervise the registered appraiser assistant in each assignment to ensure that the results of each assignment comply with USPAP and all applicable appraisal laws and rules. To do so, the supervising appraiser must:

(a) ensure that the appraiser assistant gains sufficient knowledge, skills and abilities that will enable them to do all of the following:

(A) Define the appraisal problem.

(i) identify and locate the real estate;

(ii) identify the property rights to be valued;

(iii) identify the use of the appraisal

(iv) define value(s) to be estimated;

(v) establish date(s) of value estimate(s);

(vi) identify and describe the scope of the appraisal; and

(vii) identify and describe limiting conditions or limitations.

(B) Conduct preliminary analysis, select and collect applicable data.

(i) identify general data (regional, city and neighborhood) – social, economic, governmental and environmental factors;

(ii) identify specific data (subject and comparables) – site and improvement, cost and depreciation, income/expense and capitalization rate, history of ownership and use of property; and

(iii) identify competitive supply and demand (the subject market) – inventory of competitive properties, sales and listings, vacancies and offerings, absorption rates, demand studies.

(C) Conduct an analysis of the subject property which includes:

(i) site/improvements;

(ii) size;

(iii) costs;

(iv) elements of comparison; and

(v) units of comparison.

(D) Conduct highest and best use analysis (specified in terms of use, time and market participants).

(i) land as if vacant and available; and

(ii) property as improved (existing or proposed).

(E) Estimate land value, including on-site improvements.

(F) Estimate value of the property using each of the three approaches to value – cost, sales comparison and income capitalization.

(G) Reconcile each value indication and reconcile the final value estimate.

(H) Report estimate(s) of value(s) as defined.

(b) review each appraisal report the appraiser assistant prepares to ensure accuracy and reliability;

(c) ensure that the appraisal report includes proper disclosure regarding the inspection of the subject and the comparable sales as required by OAR 161-025-0060(3).

(d) make a clear and prominent disclosure of real estate appraisal assistance in each appraisal report by identifying each individual category of experience that the appraiser assistant provided as outlined in OAR 161-025-0025(2)(a)(A through H); and

(e) accept responsibility for the appraisal report by signing and certifying that the report has been prepared in compliance with USPAP.

(f) ensure that the appraiser assistant will be granted experience credit by doing the following:

(A) verifying that the appraiser assistant is currently registered with the Board. Experience gained prior to registration or after a registration has lapsed will not be credited toward the experience hours required to become licensed or certified.

(B) verifying that all appraisal experience is properly documented on the Appraiser Assistant Experience Log on an ongoing basis by ensuring that the Appraiser Assistant:

(i) Make entries when each assignment is completed to ensure that the log is complete and accurate.

(ii) Maintain a separate experience log for each supervising appraiser.

(C) reviewing documentation on a monthly basis - reviewing the log, approve or disapprove log entries and edit as required, sign the log, have the appraiser assistant sign the log, and have the appraiser assistant maintain the ongoing log for any future application.

(D) allowing the appraiser assistant to obtain copies of any appraisal reports on which they provided assistance.
(3) Any licensee who has been disciplined by the Board for violation(s) of ORS Chapter 674 and/or OAR Chapter 161 pursuant to a final order of the Board issued after June 1, 2004, may not supervise appraiser assistants as provided by the following presumptive guidelines unless substantial and compelling reasons exist to depart from these guidelines as determined by the Administrator or the Board:
(a) First Board Action: No restriction unless the first board action results in suspension or revocation or the final order in the action otherwise restricts the licensee's eligibility to act as a supervising appraiser.
(b) Second Board Action: Restricted from acting as a supervising appraiser for 24 months immediately following the date of the final order except as otherwise provided in the order.
(c) Third Board Action or any Board action resulting in suspension or revocation: Permanently restricted from acting as a supervising appraiser immediately following the date of the final order except as otherwise provided in the order.

Stat. Auth.: ORS 674.305(8) & 674.310
Hist.: ACLB f. & cert. ef. 11-2005

161-025-0030 Appraiser Assistant
The appraiser assistant must register with the Board in order to receive experience credit towards obtaining a real estate appraiser license or certificate.
(1) An appraiser assistant must work under the direct supervision of an Oregon certified appraiser.
(2) The appraiser assistant, before performing an assignment for a supervising appraiser, must have the knowledge and experience to complete the assignment competently.
(3) All appraisal work completed by an appraiser assistant shall be prepared in compliance with USPAP and these administrative rules.
(4) An appraiser assistant may assist in the preparation of any and all components of the appraisal.
(5) An appraiser assistant may sign an appraisal report, provided their supervising appraiser co-signs the appraisal report and accepts full responsibility for the contents of the appraisal report.
(6) The extent of the assistance provided by an appraiser assistant to a supervising appraiser must be disclosed in the appraisal report as described in OAR 161-025-0025(2)(d).
(7) When inspecting a property, the appraiser assistant must not misrepresent their status and at all times clearly identify themselves as a registered appraiser assistant.
(8) The scope of practice for the appraiser assistant is the appraisal of those properties which the supervising appraiser is permitted to appraise.
(9) An appraiser assistant will only be granted experience credit if they have demonstrated that they have provided substantial professional real estate appraisal assistance in all categories of experience as outlined in OAR 161-025-0025(2)(a)(A through H).
(10) The appraiser assistant is entitled to obtain copies of any appraisal reports on which they provided professional real estate appraisal assistance.
(11) The appraiser assistant may have more than one supervising appraiser, each of whom must sign the Appraiser Assistant Registration Application. If the appraiser assistant subsequently adds or changes a supervising appraiser, the appraiser assistant must submit a Change or Add Supervising Appraiser form, signed by the new supervising appraiser(s) along with a copy of the Supervising Appraiser's Endorsement. Any experience gained with a new supervising appraiser prior to confirmation from the Board that the registration has been amended to include the new supervising appraiser(s) will not count as experience credit towards obtaining a real estate appraiser license or certificate.
(12) Appraiser Assistance Logs must be prepared and maintained as described in OAR 161-025-0025(2)(f)(B) and (C). Separate appraisal logs must be maintained for each supervising appraiser.

Stat. Auth.: ORS 674.305(8) & 674.310
Hist.: ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1995, f. & cert. ef. 8-1-95.

161-025-0050 Records and Appraisal Report Retention Requirements
(1) Every state certified appraiser and every state licensed appraiser shall maintain and have custody of records of all real estate appraisal activity conducted by the appraiser or make appropriate work file retention and/or retrieval arrangements with the party having custody of such records. Such records shall be maintained by the appraiser for a period of at least five years after the date of completion of the appraisal to which the record pertains, or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last.
(2) Such records shall at all times be open for inspection by the Board or it's duly authorized representatives.

(3) A chronological log of all real estate appraisal activity must be provided by each individual state certified appraiser or state licensed appraiser upon request by the Administrator.

Stat. Auth.: ORS 674.150, 674.305(8) & 674.310
Hist.: ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f & cert. ef. 4-30-92; ACLB 1-1994, f. & cert. ef. 2-1-94

DIVISION 50
MISCELLANEOUS PROVISIONS

161-050-0000 Temporary Non-Resident Registration of Out-of-State Appraisers

(1) The Board will recognize temporarily the license or certificate of an appraiser issued by another state if:
(a) the appraiser is a non-resident of Oregon;
(b) the appraiser's business is of a temporary nature; and
(c) the appraiser registers with the Board.
(2) Any out-of-state appraiser desiring to conduct real estate appraisal activity within the State of Oregon, must submit an application for temporary registration on a form prescribed by the Board. The application must include:
(a) the required registration fee, and
(b) an irrevocable consent to service form appointing the Board Administrator as agent for service of process as provided in these rules, if, in an action against the applicant in a court of this state arising out of the applicant's activities as a licensed or certified appraiser, the plaintiff cannot, in the exercise of due diligence, effect personal service upon the applicant.
(3) The applicant must also request a license history from the applicant's resident state indicating applicant is currently in good standing. This verification must be submitted directly to the Board office by the applicant's resident state licensing authority. The license history must be received by the Board within 30 days of receipt of the application. Alternatively, the Board may obtain a National Registry Appraiser License History Report.
(4) The non-resident registration is only valid for a single appraisal assignment within the state.
(5) A single appraisal assignment may include one or more properties under one contract for a single client.

Stat. Auth.: ORS 674.305(8) & 674.310
Hist.: ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f & cert. ef. 4-30-92; ACLB 3-1993, f. & cert. ef. 4-28-93: ACLB 1-1994, f. & cert. ef. 2-1-94

161-050-0040 Changes in Application/Renewal Information

(1) Every licensee, registered appraiser assistant or applicant must notify the Board, in writing or by e-mail, of a change in any of the following information within ten business days of the change:
(a) Name;
(b) Business or Employer physical and mailing address;
(c) Home physical and mailing address;
(d) Work telephone;
(e) Home telephone;
(f) Facsimile;
(g) Social Security Number; or
(h) E-mail address.
(2) Additionally, any licensee who is not currently a resident of the State of Oregon or who subsequently moves out of the state must submit an irrevocable consent to service of process form within ten business days of a change of business or employer physical and mailing addresses, and the address where records of their Oregon real estate appraisal activity are kept.

Stat. Auth.: ORS 674.305 & 674.310
ACLB 1-1994, f. & cert. ef. 2-1-94

161-050-0050 Reciprocity

(1) The Administrator of the Board may enter into reciprocal agreements with other states in accordance with the following procedures:
(a) The Administrator shall determine that the standards, qualifications and examinations for the licensing and certifying of real estate appraisers in the other states are substantially similar to those in Oregon;
(b) The Administrator shall obtain the approval of the Board before entering into the agreement.
(2) Reciprocal agreements shall provide that the two states may issue licenses or certificates without examination, to license or certificate holders of the other state, upon payment of a mutually agreed upon fee, proof of current certificate and a certified letter of good standing from the other state.
(3) A reciprocal licensee shall comply with all statutes and rules governing licensed and certified appraisers in Oregon. Each reciprocal licensee shall immediately notify the Administrator of any disciplinary action taken in any other state in which the person holds a license or certificate.

(4) The Administrator may terminate a reciprocal agreement, with approval of the Board, if the administrator finds that the other state:
(a) Is not assisting the Administrator in enforcement activity for the protection of Oregon consumers;
(b) Is not maintaining and enforcing standards, qualifications, and examinations substantially similar to those of this state.
(5) Upon termination of a reciprocal agreement with another state, the Administrator may deny the issuance of a reciprocal license or certificate, or revoke a current reciprocal license or certificate from that state. Applicants, license and certificate holders from that state must then apply for a license or certificate in the same manner as other Oregon applicants.
(6) Reciprocal certificates are issued at the same level of certification as in the applicant's state.
(7) For purposes of this rule, "substantially similar" means that the other state's minimum standards qualifications for appraisal experience and education, and examinations meet the standards established by the Board as set forth in OAR 161, Division 10.
(8) Applications for a reciprocal license or certificate shall be processed in accordance with the written reciprocal agreement between the Board and the applicant's resident state.

Stat. Auth.: ORS 183.341, 674.305 & 674.310
Hist.: ACLB 3-1994, f. & cert. ef. 5-2-94

DIVISION 510
FEES

161-510-0010 Fees

The Board shall charge and collect the following non-refundable fees:

(1)	Application fee	$1,000;
(2)	Registration fee (two years)	$1,500;
(3)	Fee for Registration Renewed (two years)	$3,000;
(4)	Fee for Late Renewal	$100;
(5)	Fee for Duplicate Registration	$10;
(6)	Annual Appraisal Subcommittee (ASC) Fee	Actual Fee;
(7)	Fingerprint and Background Checks	Actual Fee;
(8)	Fee for Change or Addition of Subject Individual	$100;
(9)	Fee for Change of Business Name	$100;
(10)	Fee for Registration History	$40;
(11)	Fee for Late Annual Report	$100.

DIVISION 520
REGISTRATION REQUIREMENTS

161-520-0010 Registration Requirements

An appraisal management company applying for registration as an appraisal management company in Oregon shall submit to the Board all of the following:

(1) A completed application form listing the information required by ORS 674.205 as follows:

(a) The name, address, website address, phone and fax numbers of the appraisal management company. The name on the application form must match the name registered with the Oregon Secretary of State;

(b) The name, address, email and phone contact information of an individual that will be the initial point of contact for all communications with the Board;

(c) The name, address, email and phone contact information of controlling person(s) of the appraisal management company;

(d) The name, address, email and phone contact information of any subject individual that owns 10 percent or more of the appraisal management company;

(e) For all subject individuals, the license, certificate or registration numbers issued by any state to do business as an appraiser.

(f) For appraisal management companies, the license, certificate or registration numbers issued by any state to do business as an appraisal management company;

(g) If the appraisal management company is not domiciled in Oregon, the name and phone contact information for the entity's agent for service of process in this state;

(2) For subject individuals, a disclosure and documentation of any administrative action taken by any state to refuse, deny, cancel or revoke a license, certificate or registration to act as an appraiser;

(3) For the appraisal management company, a disclosure and documentation of any administrative action taken by any state to refuse, deny, cancel or revoke a license, certificate or registration to act as an appraisal management company;

(4) A signed certification on a form prescribed by the Board:

(a) That the appraisal management company complies with the minimum requirements in OAR 161-520-0020 regarding appraiser competency;

(b) That the appraisal management company maintains for at least five years:

(A) A record of each appraisal management services request the company receives and the appraiser who performs the real estate appraisal activity contained in the request;

(B) A copy of each written complaint received by the appraisal management company, along with proof of documentation showing the complaint was forwarded to the appraisal management company's client for the appraisal assignment.

(c) That the appraisal management company provides training to employees who select appraisers for an appraisal panel, select appraisers to perform real estate appraisal activity, or perform quality control examinations, and that the training complies with the requirements set forth in OAR 161-540-0010;

(d) That the appraisal management company requires each appraiser to provide the appraiser's certificate or license number issued by the Board and competency information required by OAR 161-520-0020;

(e) That the appraisal management company has written policies and procedures demonstrating compliance with ORS 674.220;

(f) That the appraisal management company has a system in place to require that appraisals are conducted independently and without inappropriate influence or coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including any implementing regulations; and

(g) That the appraisal management company requires appraisers completing appraisals at the company's request to comply with the Uniform Standards of Professional Appraisal Practice.

(h) That any employee of the appraisal management company that performs the act or process of developing and communicating a reviewer's own opinion of value as part of the appraisal review for a property located in this state, is an Oregon licensed/certified real estate appraiser.

(5) Applicable fees as established in OAR 161, Division 510;

(6) A completed surety bond required by ORS 674.210 in a form and format approved by the Board;

(7) A copy of the appraisal management company's business registration filed with the Oregon Secretary of State established in OAR 161-510-0005.

(8) A completed background check authorization form for all subject individuals.

(9) Sealed envelopes containing fingerprint cards for all subject individuals, containing information specified in OAR 161-530-0020.

161-520-0030 Renewal Or Reactivation Of Registration

(1) An appraisal management company renewing a registration as an appraisal management company shall submit to the Board all of the following information:
(a) A completed renewal application form listing the information required by ORS 674.205(2) as follows:
(A) The name, address, website address, phone and fax numbers of the appraisal management company;
(B) The name, address, email and phone contact information of an individual that will be the initial point of contact for all communications with the Board;
(C) The name, address, email and phone contact information of the controlling person(s) of the appraisal management company;
(D) The name, address, email and phone contact information of any subject individual that owns 10 percent or more of the appraisal management company;
(E) For all subject individuals, the license, certificate or registration numbers issued by any state to do business as an appraiser or an appraisal management company;
(F) If the appraisal management company is not domiciled in Oregon, the name, address and phone contact information for the entity's agent for service of process in this state;
(b) For subject individuals, a disclosure and documentation of any administrative action taken by any state to refuse, deny, cancel or revoke a license, certificate or registration to act as an appraiser;
(c) For appraisal management companies, a disclosure and documentation of any administrative action taken by any state to refuse, deny, cancel or revoke a license, certificate or registration to act as an appraisal management company;
(d) A signed certification on a form prescribed by the Board that the appraisal management company continues to:
(A) Maintain a system to verify the competency of appraisers on the appraisal management company's appraiser panel that meets the minimum requirements in OAR 161-520-0020;
(B) Maintain and have custody of the following records for a minimum of five years:
(i) Each appraisal management services request the appraisal management company receives and the appraiser who performs the real estate appraisal activity contained in the request;
(ii) A copy of each written complaint, along with documentation showing the complaint was forwarded to the client of the appraisal;
(iii) Documentation of the training provided to each employee who selects appraisers for an appraiser panel, selects appraisers to perform real estate appraisal activity, or performs quality control examinations, and that said training complies with the requirements set forth in OAR 161-540-0010;
(C) Require that each appraiser provide the appraiser's certificate or license number issued by the Board;
(D) Maintain written policies and procedures demonstrating compliance with ORS 674.220;
(E) Have a system in place to require that appraisals be conducted independently and without inappropriate influence or coercion as required by the appraisal independence standards established under section 129E of the Truth in Lending Act, including any implementing regulations; and
(F) That the appraisal management company requires appraisers completing appraisals at the appraisal management company's request to comply with the Uniform Standards of Professional Appraisal Practice.
(G) That any employee of the appraisal management company that performs the act or process of developing and communicating a reviewer's own opinion of value as part of the appraisal review for a property located in this state, is an Oregon licensed/certified real estate appraiser.
(e) The certificate or registration numbers issued by any state to do business as an appraisal management company;
(f) Renewal fees established in OAR 161-510-0010; and
(g) A completed surety bond required by ORS 674.210.
(2) Renewal applications received after the expiration date and within one year of the date of expiration of the registration shall be assessed a late fee in addition to the renewal fee.
(3) An appraisal management company whose registration has expired shall cease operating as an appraisal management company in Oregon.
(4) If an appraisal management company does not submit a complete renewal application within one year from the date of expiration of the registration, the status of the registration becomes terminated and the appraisal management company must reapply pursuant to OAR 161-520-0010 and pay all applicable fees.

161-520-0035 FORM OF APPLICATION
(1) All applications must be submitted as prescribed in OAR 161-520-0010 and OAR 161-520-0030 on forms prescribed by the Board.
(2) Where space does not permit, the applicant may attach appropriate addendum. All questions must be answered. All forms must be signed and dated by the controlling person.

(3) Withholding information, misrepresentation, or submission of untrue or false statements as part of the application are deemed to demonstrate untrustworthiness and are cause for a civil penalty under ORS 674.995 and either denial of an application or subsequent disciplinary action, including revocation of registration.
(4) An application and the application fee shall be valid for six (6) months from receipt by the Board. After six (6) months, the applicant must submit a new application with the appropriate fee.

161-520-0045 Change in Business Name
An appraisal management company must submit to the Board a notice of business name change within thirty (30) calendar days of the change. Such notification shall be in writing on a form prescribed by the Board along with the following:
(1) A corrected surety bond as required by ORS 674.210;
(2) A copy of the Secretary of State business registration with the company's new name; and
(3) Applicable fees as established in OAR 161-510-0010.

161-520-0050 Change of Individual Ownership
An appraisal management company with a change of individual ownership greater than fifty (50) percent interest in the appraisal management company, shall submit to the Board a notice of change of ownership. Such notification shall be in writing on a form prescribed by the Board, along with the following:
(1) A completed surety bond required by ORS 674.210;
(2) A copy of the Secretary of State business registration showing change of registered agent;
(3) A completed background check authorization form for the new subject individual, containing information specified in OAR 161-530-0020;
(4) A sealed envelope containing a fingerprint card for the subject individual;
(5) The application fee established in OAR 161-510-0010; and
(6) The fingerprint and background check fee established in OAR 161-510-0010.

DIVISION 530
CRIMINAL BACKGROUND

161-530-0010 Criminal Records Check

(1) The Board shall conduct a criminal records check on a subject individual as a condition of issuing a registration as an appraisal management company, or when there is a change or addition of a subject individual of an appraisal management company.

(2) The subject individual shall submit a completed criminal background authorization on a form prescribed by the Board, along with a fingerprint card.

(3) The subject individual shall provide additional information, as requested by the Board, to resolve any issue hindering the completion of a criminal background check and/or fitness determination.

(3) The Board shall request that the Oregon State Police conduct Oregon and nationwide criminal records checks through fingerprint identification. The Board may request or conduct a Law Enforcement Data System (LEDS) criminal records check, as part of any criminal background check and/or fitness determination, to meet the requirements of this rule.

(4) If a subject individual refuses to consent to a criminal records check, including fingerprint identification, the Board shall not issue a registration as an appraisal management company. A subject individual may not contest any determination made based on a refusal to consent.

(5) Withholding information, misrepresentation, or submission of untrue or false statements as part of the criminal background authorization are deemed to demonstrate untrustworthiness and are cause for a civil penalty under ORS 674.995 and either denial or subsequent disciplinary action, including revocation of registration.

DIVISION 570
ENFORCEMENT

161-570-0025 Allegation Reports

An allegation report may be filed against an appraisal management company and submitted to the Board's office.

(1) All allegation reports must be in writing.

(2) Any person may file an allegation report.

(3) A member of the Board may initiate an allegation report.

(4) The Board will accept anonymous allegation reports.

(5) The allegation report will be reviewed by the Administrator or the Administrator's designee to determine whether there are reasonable grounds to believe that a violation of ORS Chapter 674 and/or OAR Chapter 161 may have occurred that constitutes grounds for discipline under ORS Chapter 674.

(6) An allegation report may be dismissed if the evidence or facts fail to establish proof of a violation. The Board shall notify the grievant in writing of any formal action taken on the allegation report.

161-570-0030 Complaints, Investigations and Audits

(1) If the Administrator or Administrator's designee determines that there are reasonable grounds to believe that a violation of ORS Chapter 674 and/or OAR Chapter 161 occurred, the allegation report shall become a complaint, the Board will initiate the complaint process and the complaint will be investigated.

(2) The Administrator may also initiate a complaint.

(3) A Notice of Complaint, together with a true copy of the allegation report as submitted to the Board, including all supporting documentation, shall be promptly sent via certified mail, return receipt requested, to the last known address of each controlling person of the appraisal management company. A controlling person must produce:

(a) True copies of records as specified in the Notice of Complaint within a specific time period to which no extension will be granted; and

(b) A written response to the allegations set forth in the complaint within a specific time period. The controlling person may request an extension to file a response. An extension of up to thirty (30) days will be approved provided the extension request is submitted to the Board in writing on or before the response due date.

(4) The Board may initiate an audit or other type of inquiry or investigation to verify an appraisal management company's compliance with ORS Chapter 674 and OAR Chapter 161.

(5) The investigation may include all inquiries deemed appropriate to ensure that each complaint is processed in accordance with ORS Chapter 183.

161-570-0055 Enforcement

(1) The Board may issue a notice of proposed disciplinary action for violation(s) of ORS 674.200 to 674.250, or of rules adopted by the Board.

(2) The Administrator or the Administrator's designee shall have the authority to negotiate and approve a stipulated settlement at any time prior to issuance of a Final Order by the Board.

(3) In the event of second or subsequent violations of ORS 674.200 to 674.250, or of rules adopted by the Board, the Administrator shall not consider a prior Final Order that was issued more than five (5) years preceding the date of the second or subsequent notice of proposed sanctions.

161-570-0060 Rules of Procedure in Contested Cases

(1) In addition to the requirements of the Attorney General's Model Rules of Procedure adopted by the Board, a party in a contested case must submit a written answer to the assertions or charges in the notice, to the Administrator, within thirty (30) days of the date of mailing of the Notice of Proposed Action or within sixty (60) days of the date of mailing of a Notice of Proposed Action for a denied application for registration.

(a) A hearing request and answer shall be made in writing to the Administrator, by the party or the party's representative.

(b) An answer shall include the following:

(A) An admission or denial of each factual matter in the notice;

(B) A short and plain statement of each relevant affirmative defense the party may have.

(c) Except for good cause:

(A) Matters alleged in the notice and not denied in the answer shall be presumed admitted;

(B) Failure to raise a particular defense in the answer will be considered a waiver of such defense;

(C) New matter alleged in the answer (affirmative defenses) shall be presumed to be denied; and

(D) Evidence shall not be taken on any issue not raised in the Notice and answer.

(2) If a request for a hearing is not made within the thirty (30) day or sixty (60) day period specified in subsection (1) of this rule, the party's right to a hearing is waived, and a default order will be issued against the party. A default order will also be entered if the party withdraws a hearing request or fails to appear at a scheduled hearing.

(3) Answers:

(a) Requests for an extension in which to file an answer to the notice shall be made in writing and directed to the Administrator within thirty (30) days of the date of service of a notice of proposed action or within sixty (60) days of the date of service of a proposed notice of denied application for registration. Extensions for requesting a hearing are not allowed.

(b) Amendments to answers must be submitted in writing and filed with the Administrator no less than twenty-one (21) days prior to the contested case hearing.