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DIVISION 1

RULEMAKING AUTHORITY

161-001-0005
Model Rules of Procedure

(1) The Model Rules of Procedure, OAR 137-003-0501 to 137-003-0700, as promulgated by the Attorney General of the State of Oregon, apply to all contested case hearings conducted by a hearing officer from the Hearing Officer Panel on behalf of the Board.

(2) The Board adopts the current edition of the Model Rules of Procedure, OAR chapter 137, division 001, as promulgated by the Attorney General of the State of Oregon and effective January 1, 2008.

[ED. NOTE: The full text of the Attorney General's Model Rules of Procedure are available from the office of the Attorney General or the Appraiser Certification and Licensure Board.]

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 6-1991, f. & cert. ef. 12-4-91; 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 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 3-2008, f. & cert. ef. 8-13-08

161-001-0010
Notice of Proposed Rulemaking

Prior to adoption, amendment or repeal of any rule, the Board shall give notice of the intended action as required by ORS Chapter 183 and by mailing or furnishing a copy of the notice to:

(1) The Associated Press;
(2) Capitol Press Room;
(3) The following associations and organizations:
(a) American Society of Appraisers — Oregon Chapter;
(b) American Society of Farm Managers and Rural Appraisers — Oregon Chapter;
(c) Appraisal Foundation;
(d) Oregon Federal Housing Agency;
(e) Greater Oregon Chapter of the Appraisal Institute;
(f) International Association of Assessing Officers — Oregon Chapter;
(g) International Society of Appraisers — NW Chapter;
(h) International Right-of-Way Appraisers Association — Oregon Chapter 3;
(i) National Association of Independent Fee Appraisers — Oregon Chapter;
(j) National Association of Master Appraisers;
(k) Oregon Association of Realtors;
(l) Oregon Bankers Association;
(m) Oregon League of Financial Institutions;
(n) Oregon Mortgage Bankers Association;
(o) The Appraisal Subcommittee of the Federal Financial Institutions Examinations Council;
(p) The Appraiser Qualifications Board of the Appraisal Foundation;
(q) The Appraisal Standards Board of the Appraisal Foundation;
(r) Veterans' Administration;
(s) Federal Housing Administration;
(t) Oregon Department of Transportation;
(u) Oregon Department of Veteran's Affairs;
(v) Oregon Department of Revenue;
(w) Oregon Association of Mortgage Brokers.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 1-1991(Temp), f. & cert. ef. 5-15-91; ACLB 7-1991, f. & cert. ef. 12-23-91; 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 3-2003, f. & cert. ef. 5-1-03

161-001-0025
Policies and Procedures

The Board may establish, and may direct the Administrator to establish, policies and procedures to implement ORS Chapter 674 and these rules.

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

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) "Administrator" means the administrator of the Board appointed by the Board.

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

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

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

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

(6) "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 or licensed appraiser.

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

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

(9) "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.

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

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

(12) "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) Limited readily available comparable sales data; or
(i) Other unusual factors.

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

(14) "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.

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

(16) "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;

(d) The Office of Thrift Supervision; or

(e) The National Credit Union Administration.

(17) "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.

(18) "Good Standing" means the status of a person whose license, certificate or registration is not currently suspended or been revoked.

(19) "Issuance" means the act of communicating the opinion of value either in writing or orally.

(20) "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.

(21) "Licensee" means any person who holds an active or inactive Oregon appraiser license, certified residential appraiser certificate, or certified general appraiser certificate.

(22) "Mortgage banker" has the meaning defined in ORS 59.840.

(23) "Non-residential" appraising means to render a value on real property other than one-to-four family residential properties.

(24) "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.

(25) "Preparation" means compiling data, including reviewing and adopting such compiled data as one's own.

(26) "Prerequisite education" means the initial qualifying educational requirements to become licensed or certified with the Board.

(27) "Professional real estate activity" has the meaning defined in ORS 696.010.

(28) "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.

(29) "Real estate appraisal activity" has the meaning defined in ORS 674.100.

(30) "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.

(31) "State Certified General Appraiser or "SCGA" means an individual who has been certified as a state certified general appraiser by the Board.

(32) "State Certified Residential Appraiser or "SCRA" means an individual who has been certified as a state certified residential appraiser by the Board.

(33) "State Licensed Appraiser or "SLA" means an individual who has been licensed as a state licensed appraiser by the Board.

(34) "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.

(35) "Supervising Appraiser" means a licensee who is directly supervising appraiser assistants pursuant to OAR 161-025-0025.

(36) "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.

(37) "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.

(38) "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, 2008.

(39) "Workfile" means "workfile" as defined in USPAP.

[Publications: Publications referenced are available from the agency.]

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

DIVISION 3

FEES

161-003-0020
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 $10;

(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) $50;

(10) Fee for Temporary Registration $100;

(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) FBI Criminal Background Check Actual Fee;

(15) Fee for a certified copy of a certificate-of-good-standing $20.

(16) Application Fee for Qualifying Education Course $100

(17) Application Fee for Continuing Education Course $50.

Stat. Auth.: ORS 674.305 & 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; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 4-2007, f. 11-1-07, cert. ef. 1-1-08; ACLB 1-2008, f. & cert. ef. 5-13-08

DIVISION 6

ORGANIZATION, ADMINISTRATION AND PROCEDURES

161-006-0000
The Agency and Its Purpose

The Appraiser Certification and Licensure Board was created by the 1991 Oregon Legislative Assembly to implement Title XI of the Federal Act in Oregon:

(1) Its purpose is to represent the broad public interest while it implements its functions to license, supervise and regulate appraisers in Oregon, and to develop and establish appraisal education and experience standards.

(2) The Appraiser Certification and Licensure Board is a regulatory agency and Board members shall avoid conflicts of interest in implementing appraiser licensing, certification and supervision functions. The Board is to provide adequate safeguards to ensure that the appraisal regulatory function is insulated from the influence of any industry or organization whose members have a direct or indirect financial interest in the outcome of the Board's decisions. The regulatory functions of the Board are independent of other realty related regulatory agencies.

(3) In accordance with subsection (1)(c) of Section 49 of Chapter 5, Oregon Laws 1991, the Appraiser Certification and Licensure Board implemented Chapter 5, Oregon Laws 1991 and Title IX of the Federal Act on December 31, 1991.

Stat. Auth.: ORS 674.010, 674.305(8) & 674.310

Stats. Implemented: ORS 674.305

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

161-006-0025
Budget

The Board hereby adopts by reference the Board's 2007-2009 Biennium Budget of $1,426,474 covering the period from July 1, 2007 through June 30, 2009. The Board will amend budgeted accounts as necessary within the approved budget of $1,426,474 for the effective operation of the Board. The Board will not exceed the approved 2007-2009 Biennium Budget without amending this rule, notifying holders of licenses, 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

161-006-0030
Officers of the Board

By July 1 of each year, the board shall select one of its members as Board Chair and another as Board Vice Chair.

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

Stats. Implemented: ORS 674.305

Hist.: ACLB 8-1991(Temp), f. & cert. ef. 12-31-91; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 1-2002, f. & cert. ef. 2-26-02

161-006-0050
Agency Personnel

The Board shall appoint an Administrator subject to the approval of the Board who shall be in the unclassified service and shall fix the compensation of the administrator.

Stat. Auth.: ORS 674.305

Stats. Implemented: ORS 674.305

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 1-2002, f. & cert. ef. 2-26-02

161-006-0060
Administrator

(1) The Administrator shall not be actively engaged in the appraisal business or in any other realty related business for the individual's term of appointment or employment.

(2) The Administrator shall be responsible for the administration of Board policy and applicable state and federal laws and regulations.

(3) The Administrator is designated as agent for the Board for service of legal process upon the Board.

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674.305

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 1-2002, f. & cert. ef. 2-26-02

161-006-0070
Rules of Order

All meetings of the Board shall be governed by **Roberts Rules of Order**, except as otherwise provided by law or these rules.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674.305

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 1-2002, f. & cert. ef. 2-26-02

161-006-0080
Agenda

The order of business for a meeting shall be as directed by the Board Chair.

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

Stats. Implemented: ORS 674.305

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

161-006-0110
Voting

(1) All members of the Board are entitled to vote and to make or second motions.

(2) The Board Chair shall participate in all discussion and vote as a member of the Board.

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

Stats. Implemented: ORS 674.305

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 1-2002, f. & cert. ef. 2-26-02

161-006-0120
Use of Forms

All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Forms and instructions are available from the Board office or the Board website

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

Stats. Implemented: ORS 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 1-2002, f. & cert. ef. 2-26-02

161-006-0140
Registry

The Board shall, no less than monthly, compile and publish on the Board website a registry of the names and addresses of all persons both licensed and certified to perform federally related real estate appraisals. Copies of the directory shall be furnished monthly to the FFIEC Appraisal Subcommittee (ASC). The annual registry shall be available for purchase at a fee set by rule of the Board.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 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 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2008, f. & cert. ef. 8-13-08

161-006-0160
Complaints, Investigations and Audits

(1) All complaints must be in writing and submitted to the Board's office.

(2) Any person may file a complaint.

(3) A member of the Board or the Administrator may also initiate a complaint or request an investigation.

(4) The Board will accept anonymous complaints.

(5) The Board will take no action on frivolous complaints. The Board will evaluate the content of each complaint. Factors such as, but not limited to, the following may cause a complaint to be classified as "frivolous":

(a) A complaint alleging that the appraised value is too high or too low that does not include supporting documentation to substantiate the allegation;

(b) A complaint that appears to be filed to gain a competitive advantage over or in retaliation against another appraiser; or

(c) A complaint filed by a person with a history of filing complaints that have no merit.

(6) A Notice of Complaint, together with a true copy of the complaint 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:

(a) The production of 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;

(ii) 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.

(7) The Administrator shall ensure that each non-frivolous complaint is investigated to determine if violations of ORS Chapter 674 and/or OAR chapter 161 have occurred. The investigation may include all inquiries deemed appropriate to ensure that each complaint is processed in accordance with ORS Chapter 183.

(8) 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.

(9) 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; ACLB 3-2005, f. & cert. ef 7-22-05

161-006-0170
Separate Offense and Violation

(1) Each act of "real estate appraisal activity" performed without a license or certification is a separate violation of ORS 674.100.

(2) Any and each violation of ORS 674.100, 674.130 to 674.150, 674.310 and 674.330, or any rule or final order of the Board, or any final judgment or decree made by any court upon application of the Board, may be deemed a separate offense for which a separate penalty may be imposed.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: 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

161-006-0175
Enforcement Guidelines

The primary objective of the enforcement guidelines is to fairly and consistently apply appropriate sanctions for violations of Oregon Revised Statutes and Oregon Administrative Rules governing real estate appraisal activity.

(1) Sanction Guidelines Grid: [Grid not included. See ED. NOTE.]

(2) A notice of proposed disciplinary action shall propose the presumptive sanction(s) provided by the guidelines in OAR 161-006-0175(1) unless there are substantial and compelling reason(s) to propose a departure. If the Notice departs from the presumptive sanctions, the Notice shall state the substantial and compelling reason(s) for the departure.

(3) The Administrator or the Administrator's designee shall have the authority to negotiate and approve a stipulated settlement at any time prior to review of a Proposed Order by the Board. If the parties stipulate to depart from the guidelines, the Administrator or the Administrator's designee shall consider the purpose and principles of the guidelines and may agree to sanctions that are proportionate to the seriousness of the violations.

(4) Departure from the guidelines shall also be allowed in issuance of a Proposed Order by an Administrative Law Judge and/or a Final Order by the Board upon a showing of substantial and compelling reason(s) for said departure. Substantial and compelling reason(s) shall be stated in the Proposed Order and/or Final Order.

(5) In the event of second or subsequent violations of ORS 674.140(2) and/or 674.140(7), 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.

[ED NOTE: Grid referenced is available from the agency.]
Stat. Auth.: ORS 674.140 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2002, f. & cert. ef. 2-26-02; ALCB 2-2002, f. & cert. ef. 5-30-02; 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

161-006-0180
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 license or certificate.

(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. 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.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 1-1995, 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 8

PUBLIC RECORDS

161-008-0000
Applicability of Rules

OAR 161-008-0000 to 161-008-0040 apply to all public records of the Board.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-2002, f. & cert. ef. 2-26-02

161-008-0010
Access to Records

Board public records are available for inspection by any party at the Board office during regular business hours.

(1) Any person wishing to obtain copies of specific public records may request these records from the Administrator. Copies of these records will be supplied upon payment of the cost of copying, handling and postage, set by rule of the Board.

(2) Access to and disclosure of public records is subject to ORS 192.410 to 192.505.

(3) Personal inspection of public records must be arranged by appointment with the Administrator.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 192.420 & 674.310
Hist.: ACLB 7-1991, f. & cert. ef. 12-23-91; 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, Renumbered from 161-006-0130; ACLB 1-2002, f. & cert. ef. 2-26-02

161-008-0020
Requests to Inspect or Obtain Copies of Public Records

A request to inspect or obtain copies of a public record or information from public records shall be made in writing and shall include:

(1) The name of the requester;

(2) Identification of the specific public record being requested, and the type and format of needed public record information, if known to the requester; and

(3) The number of copies requested, if applicable.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 192.420 & 674.310
Hist.: ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-2002, f. & cert. ef. 2-26-02

161-008-0030
Payment for Inspection and Copies of Public Records

(1) A person receiving a copy of a public record or information from a public record shall pay for the Board's actual cost for:

(a) Staff time necessary to locate and handle the records, to delete material exempt from disclosure and to supervise the inspection by the requester;

(b) Producing the copy or the information; and

(c) Other supplies or services necessary to furnish the copy or information.

(2) The requester shall pay all fees for access to a public record in advance.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 192.440 & 674.310
Hist.: ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-2002, f. & cert. ef. 2-26-02

161-008-0040
Fees and Miscellaneous Charges

(1) The Board establishes the following fees for producing copies of records:

(a) For copying and certification of documents containing five pages or less, a charge of $5, and $5 for certification, plus an hourly rate of $25 for staff time to copy the documents;

(b) For copying each page of a certified document in excess of five pages, a charge of $0.25 per page, plus an hourly rate of $25 for staff time to copy the documents;

(c) Copies of each page of an uncertified document made on a standard office copy machine, a charge of $0.25 per page;

(d) Copies of microfilm, $0.25 per image;

(e) Copies of the Oregon Registry: $15 per copy.

(f) If the estimated cost to provide a copy of the requested records is greater than $25, the Board will provide written notification of the estimated amount of the fee. The Board will provide the requested record only if the requester confirms that the agency should proceed with the records request.

(2) The Administrator shall charge the actual cost for other materials and staff time not specifically identified in this rule.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 7-1991, f. & cert. ef. 12-23-91; 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 3-2008, f. & cert. ef. 8-13-08

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, 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 for licensure or certification pursuant to OAR 161-010-0020 through 161-010-0055.

(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) & 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; ACLB 3-2005, f. & cert. ef 7-22-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

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
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 1-1994, 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 2-2003, f. & cert. ef. 1-27-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0025
Requirements for Acceptable Appraisal Experience

As a prerequisite to taking the applicable appraisal examination, the applicant shall present evidence of satisfactory completion of acceptable appraisal experience. An hour of experience is defined as verifiable time spent performing tasks in accordance with acceptable appraisal experience, as defined in OAR 161-010-0020, and does not include travel time. Each hour of experience is equivalent to one (1) "point" for purposes of OAR 161-010-0025(5). Education cannot be substituted for experience. Acceptable appraisal experience must meet the following criteria:

(1) Review appraisals shall be awarded experience credit when the appraiser performs review(s) in accordance with USPAP.

(2) An appraiser who signs a real property appraisal report prepared by another, even under the label of "review appraiser", must accept full responsibility for the contents of the report. This will appropriately be considered as appraisal experience.

(3) Maximum allowable experience points: [Table not included. See ED. NOTE.]

[ED NOTE: Tables referenced are available from the agency.]
Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; 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 4-1999, f. 11-8-99, cert. ef. 1-1-00; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 3-2008, f. & cert. ef. 8-13-08

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.

(2) Successfully completed not less than 300 class hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(d). Included within that requirement, 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.

(3) A Bachelors degree or higher from an accredited college or university, unless the following requirements are satisfied: In lieu of the Bachelors degree, an applicant for State Certified General Appraiser shall successfully complete the following collegiate level subject matter courses from an accredited college, junior college, community college or university, totaling a minimum of 30 semester credit hours, 45 quarter hours, or 450 classroom hours:

(a) English Composition;

(b) Micro Economics;

(c) Macro Economics;

(d) Finance;

(e) Algebra, Geometry, or higher mathematics;

(f) Statistics;

(g) Introduction to Computers-Word Processing/Spreadsheets;

(h) Business or Real Estate Law; and

(i) Two elective courses in accounting, geography, ageconomics, business management, or real estate.

[Publications: Publications referenced are available from the agency.]
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

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.

(2) Successfully completed not less than 200 class hours of acceptable appraisal courses as set forth in OAR 161-020-0110(2)(c). Included within that requirement, 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.

(3) An Associate degree or higher from an accredited college or university, unless the following requirements are satisfied: In lieu of the Associate degree, an applicant for State Certified Residential Appraiser shall successfully complete the following collegiate level subject matter courses from an accredited college, junior college, community college or university, totaling a minimum of 21 semester credit hours, 31.5 quarter hours, or 315 classroom hours:

(a) English Composition;

(b) Principles of Economics (Micro or Macro);

(c) Finance;

(d) Algebra, Geometry, or higher mathematics;

(e) Statistics;

(f) Introduction to Computers-Word Processing/Spreadsheets; and

(g) Business or Real Estate Law.

[Publications: Publications referenced are available from the agency.]

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

161-010-0055

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). Included within these requirements, 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.

(3) Effective January 1, 2010 the Board will no longer accept new applications for State Licensed Appraiser. Therefore, the education and experience requirements for State Licensed Appraiser will be moot.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 674.305 & 674.310

Stats. Implemented: ORS 674

Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 5-1991(Temp), f. & cert. ef. 11-18-91; ACLB 7-1991, f. & cert. ef. 12-23-91; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-010-0050 & 161-010-0060; 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 4-2007, f. 11-1-07, cert. ef. 1-1-08; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 3-2008, f. & cert. ef. 8-13-08

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, and have been licensed or certified with the Board for a minimum of 24 months. 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.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 674.305(8) & 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; ACLB 3-2005, f. & cert. ef 7-22-05; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08; ACLB 2-2008(Temp), f. & cert. ef. 8-6-08 thru 2-1-09; ACLB 3-2008, f. & cert. ef. 8-13-08

161-010-0085

Pre-Requisite Experience and Education for Supervising Appraiser

Any licensee wishing to supervise a new appraiser assistant must first apply for and receive a Supervising Appraiser Endorsement. In order to receive a Supervising Appraiser Endorsement, the applicant must:

(1) be licensed or certified for a minimum of 24 months, be in good standing, and not be otherwise prohibited from supervising appraiser assistants. Effective January 1, 2010, State Licensed Appraisers may not supervising registered appraiser assistants and, therefore, are not eligible for a supervising appraiser endorsement.

(2) Attend a Board approved Supervising Appraiser/Appraiser Assistant Training Course and successfully pass the final exam prior

to making application. A prior Supervising Appraiser/Appraiser Assistant Training Course and exam completed for purposes of registering as an appraiser assistant will not count towards obtaining a Supervising Appraiser Endorsement.

(3) Submit a completed Supervising Appraiser Endorsement application that includes the following:

(a) Non-refundable application fee as described on the application form; and

(b) Supervising Appraiser/Appraiser Assistant Training Course completion certificate.

(4) Upon application approval, the Board will issue the applicant a Supervising Appraiser Endorsement that authorizes the applicant to act as a Supervising Appraiser pursuant to OAR 161-025-0025. The endorsement is valid from the date of issuance.

(5) A Supervising Appraiser Endorsement may be suspended or revoked if the Board determines that the applicant has failed to directly supervise an Appraiser Assistant as required by OAR 161-025-0025.

(6) The Board may also conduct assessments of appraisal work product after the Supervising Appraiser Endorsement is issued.

(7) Any 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 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 4-2007, f. 11-1-07, cert. ef. 1-1-08; ACLB 2-2008(Temp), f. & cert. ef. 8-6-08 thru 2-1-09

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 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 detail hours of appraisal experience claimed for credit. Such hours must meet the requirements of OAR 161-010-0035, 161-010-0045, or 161-010-0055, 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
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 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; ACLB 3-2003, f. & cert. ef. 5-1-03

161-015-0010
Form of Application

All appraiser and appraiser assistant applications must be submitted as prescribed in OAR 161-010-0080 or 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. All questions must be answered. All forms must be signed and dated.

(2) An application shall be accompanied by a current, recognizable passport style photograph of the applicant.

(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/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.

[ED NOTE: Forms referenced are available from the agency.]
Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
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; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 2-2000, f. & cert. ef. 10-23-00; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2007, f. & cert. ef. 2-9-07

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 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.

(4) Effective January 1, 2010, new applications for State Licensed Appraiser will no longer be accepted 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

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. 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 Certificate or License Request form with the appropriate licensing/certification and national registry fees, requesting that their license/certificate be issued. The Administrator issues the certificate or license 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, 161-025-0005 and 161-025-0010, the appraiser is authorized to conduct real estate appraisal activity between the date of the issuance of the license or certificate, and the renewal 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) Effective January 1, 2010, new applications for State Licensed Appraiser will no longer be accepted by the Board.

(11) 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) & 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 2-1999, f. & cert. ef. 4-20-99; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 6-2003, f. & cert. ef. 11-24-03; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 4-2007, f. 11-1-07, cert. ef. 1-1-08; ACLB 3-2008, f. & cert. ef. 8-13-08

Examination Process

161-015-0050
Qualifications to Take Examination

To qualify to take any examination, an applicant must meet the education and experience requirements set forth in these rules.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: 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 1-2002, f. & cert. ef. 2-26-02

161-015-0060
Examinations

(1) The Board may administer its own appraiser examinations or it may contract with an examination service to provide and conduct the examinations. The examinations shall be endorsed by the Appraiser Qualifications Board of the Appraisal Foundation.

(2) Examination and re-examination fees, set by the testing agent, shall be paid by the applicant directly to the testing agent.

(3) The applicant may be required to pay a separate fee directly to the proctor.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: 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; ALCB 2-2002, f. & cert. ef. 5-30-02

161-015-0080
Rescheduling and Excused Absences

An applicant must reschedule examinations and request excused absences directly with the testing agent.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: 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 1-2002, f. & cert. ef. 2-26-02

161-015-0090
Re-examination

An applicant may take the exam up to three times within six months of the date of approval. Any applicant who has taken and failed three examinations shall be required to furnish the ACLB Administrator with evidence of additional study as determined by the Administrator before submitting a new application and being approved for subsequent examinations.

Stat. Auth.: ORS 674.305(8) & 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; ACLB 2-2006, f. & cert. ef. 7-26-06

DIVISION 20

EDUCATIONAL COURSES, REQUIREMENTS AND PROVIDERS

161-020-0005
Scope

This division outlines the requirements for qualifying and continuing education for state licensed, state certified residential and state certified general appraisers, and the 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 & 674.310
Stats. Implemented: ORS 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, Renumbered from 161-020-0000; ACLB 1-2002, f. & cert. ef. 2-26-02

161-020-0015
Course Approval

(1) Courses shall be reviewed and approved under these rules as either Qualifying Education or Continuing Education. A course approved for Qualifying Education may also be used for continuing Education if the course meets the requirements of this section. An appraiser does not need to take or pass an examination for Continuing Education credit.

(a) A Qualifying Education Course must include an examination, provide at least 15 classroom hours of instruction, and be consistent, in terms of content, with the qualifying education course content guidelines in these rules;

(b) A Continuing Education Course must include a minimum of 2 hours of instruction and be consistent, in terms of content, with the Continuing Education course content guidelines in these rules.

(2) Course approval commences on the date initial approval is granted by the Administrator:

(a) Course approval by the Administrator is not retroactive (applicable prior to the date approval is initially granted) because previous offerings of an approved course have not been reviewed under these rules.

(b) Previous offerings of a Board approved course may be approved at the discretion of the Administrator.

(3) Each approved course shall be assigned to one specific category as outlined in 161-020-0110(2)(a-o) and 161-020-0110(3).

(4) Each approved course shall be assigned a maximum number of classroom hours of instruction (including examination time if applicable).

(5) Each approved course shall have an index number assigned to indicate approval.

(6) Upon receipt of course approval, the course owner/affiliated entity (such as a state or local chapter of a national organization that owns a course) may represent in any advertising or other materials that the course is a Board approved course, provided that the number of classroom hours credit awarded by the Administrator is also clearly indicated when the number of credit hours awarded is less than the actual number of scheduled classroom hours.

(7) Course approval granted to a course owner shall apply to any affiliated entity subject to the following conditions:

(a) The course owner requires the affiliated entity to conduct the course:

(A) Utilizing the owner's course materials (including textbook and examinations, if any); and

(B) Allowing the same number of classroom hours as the course owner;

(C) In accordance with the course owner's policies relating to instructor qualifications, student attendance, course scheduling and course prerequisites (if applicable).

(b) The course owner assumes full responsibility in the event the affiliated entity violates any of the provisions of these rules.

(8) The Administrator reserves the right to conduct a full review of any approved course for any reason in connection with any course approval or at any other time. Further, the Administrator may establish a system of periodic course review.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 3-2008, f. & cert. ef. 8-13-08

161-020-0025
Eligibility for Course Approval

Any school, organization, person or other entity that owns the proprietary rights to a course is eligible to apply for course approval under these rules. For purposes of these rules, the following are considered to be a "course owner":

(1) An entity that owns a course and that conducts the course directly and/or through affiliated entities.

(2) An affiliated entity of a course owner having Board approval where such affiliated entity conducts the same course, under the auspices of the course owner as described in OAR 161-020-0045.

(3) An entity that has purchased or otherwise lawfully acquired from the course owner of a Board approved course, the course materials for such course and that has the right to independently conduct a course using such acquired course materials.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 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, Renumbered from 161-020-0030; ACLB 1-2002, f. & cert. ef. 2-26-02

161-020-0035
Application for Course Approval

Course owners seeking initial Board approval shall make application on a form prescribed by the Administrator, and submit all information required by the application form along with a nonrefundable application fee. Course owners seeking Board approval for a qualifying education course shall specify on the application form which category of qualifying education they seek course approval for as outlined in 161-020-0110(2)(a)(A-O) and 161-020-0110(3). An application must be complete before it will be assigned for review by course reviewers.

(1) The Board shall exercise its best efforts, in accordance with applicable law, to protect the confidentiality of course examinations or other proprietary material submitted by applicants as part of their course materials.

(2) Course providers shall not misrepresent Board approval status of their course in advertising. If an applicant violates this provision, the Administrator may suspend the review of the course in question.

(3) State or Federal agencies or commissions are approved providers.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 3-2008, f. & cert. ef. 8-13-08

161-020-0045
Criteria for Approval of Course as Qualifying Education

In order to be approved as qualifying education, the course shall be found to satisfy all the criteria described in this rule:

(1) Current Classroom Offering — The course shall be a current offering of the course owner/affiliated entity that is generally presented by traditional classroom methods. Courses presented by 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 be a real estate appraisal course that provides a minimum of 15 classroom hours of instruction (including examination time when applicable) and must comply with the "Qualifying Education Course Content Guidelines" in these rules.

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

(4) Summary Outline — The course materials or syllabus shall include a summary outline of major topics 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 qualifying 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 textbook and/or other instructional materials; and

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

(6) Work Assignments — The course materials or syllabus shall provide for in-class work assignments and/or out-of-class work/reading assignments, if necessary, to accomplish the stated learning objectives.

(7) Instructional Materials — Instructional materials to be used by students in the course shall:

(a) Cover the subject matter in sufficient depth to achieve the stated course learning objectives;

(b) Provide appropriately balanced coverage of the subject matter in view of the stated course learning objectives;

(c) Reflect current knowledge and practice;

(d) Contain no significant errors;

(e) Reflect correct grammatical usage and spelling;

(f) Effectively communicate and explain the information presented;

(g) Be suitable in layout and format; and

(h) Be suitably bound/packaged and be produced in a quality manner.

(8) Examination(s) — Course examinations shall consist of either a series of examinations or a comprehensive final examination or both. The course examination(s) shall comply with the following criteria:

(a) The examination(s) contains a sufficient number of questions to adequately test the subject matter covered in the course;

(b) The amount of time devoted to the examination(s) is appropriate for the course;

(c) The examination questions, individually and collectively, test at a difficulty level appropriate to measure student achievement of the stated course learning objectives;

(d) The subject matter tested by examination questions is adequately addressed in the course instructional materials;

(e) The examination questions are written in a clear and unambiguous manner; and

(f) The examination questions are accurate and the intended correct answer is clearly the best answer choice.

(9) Prerequisites — The course owner/affiliated entity must have established appropriate prerequisites for any course other than an introductory course on Basic Real Estate Appraisal Principles and Practices or a course on Appraisal Standards and Ethics.

(10) Instructor Qualifications — The course owner/affiliated entity shall keep records documenting that their instructors meet the Board qualifications as follows:

(a) A baccalaureate degree in any field and three years of experience directly related to the subject matter to be taught; or

(b) A masters degree in any field and two years of experience directly related to the subject matter to be taught; or

(c) A baccalaureate degree in a field that is directly related to the subject matter to be taught and one year of experience directly related to the subject matter to be taught; or

(d) An associate degree in a field that is directly related to the subject matter to be taught and three years of experience directly related to the subject matter to be taught; or

(e) A masters or higher degree in a field that is directly related to the subject matter to be taught; or

(f) Five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or

(g) Seven years of real estate appraisal experience directly related to the subject matter to be taught.

(h) For those instructing the Appraisal Foundation's National USPAP 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. For those instructing a course equivalent to the Appraisal Foundation's National USPAP Course: At least one instructor must be a certified residential or certified general appraiser.

(11) Attendance Policy — The course owner/affiliated entity shall have a written attendance policy that requires student attendance to be verified. Policy must:

(a) Stipulate the 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 course provider's 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.

(12) Course Scheduling Policy — The course owner/affiliated entity shall have an established policy on course scheduling that provides a maximum of eight (8) classroom hours of instruction in any given day and appropriate breaks during each class session.

(13) 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 shall include information regarding the number of classroom hours, and whether there was successful passage of the course examination.

(14) Audit Policy — The course owner/affiliated entity shall permit the Administrator, or the Administrator's representative, to audit the course and course material, 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 records appropriate to selected course offerings.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 2-1991(Temp), f. & cert. ef. 7-1-91; ACLB 3-1991(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 2-1993(Temp), f. & cert. ef. 4-28-93; ACLB 1-1994, f. & cert. ef. 2-1-94, Renumbered from 161-020-0010 & 161-020-0040; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-2000; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2003, f. & cert. ef. 1-27-03; 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 6-2003, f. & cert. ef. 11-24-03

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 by 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 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
Stats. Implemented: ORS 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 and 161-020-0060; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-00; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; 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 6-2003, f. & cert. ef. 11-24-03; ACLB 2-2006, f. & cert. ef. 7-26-06

161-020-0065
Denial of Approval by the Administrator

If an application for course approval is accepted for consideration, but the course if subsequently not approved by the Administrator, the course owner/affiliated entity shall be notified in writing by the Administrator. The Administrator will also notify the course owner/affiliated entity of the reasons for the denial of the application and also inform the course owner/affiliated entity of its right to appeal the decision to deny the application by requesting a contested case hearing in accordance with ORS Chapter 183 within 60 days of the notice of denial.

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

161-020-0070
Withdrawal of Approval by the Administrator

(1) The Administrator may withdraw approval at any time upon finding any of the following:

(a) That the course owner/affiliated entity provided to the Administrator any false or misleading information in connection with an application for course approval or renewal;

(b) That a course is not being conducted in the manner represented to the Administrator at the time approval was granted or that a course no longer complies with the criteria for approval or renewal;

(c) That the course owner/affiliated entity does not enforce policies relating to course prerequisites, instructor qualifications, student attendance or course scheduling;

(d) That the course owner/affiliated entity misrepresents approval of a course by the Board in any manner, including failure to indicate in any advertising or other material claiming Board approval the number of classroom hours credit awarded by the Administrator when the credit hours awarded are less than the actual number of scheduled classroom hours;

(e) That the course owner/affiliated entity misrepresents any material fact relating to a course;

(f) That the course owner/affiliated entity has failed to maintain for a period of at least five years accurate records of students' course completion and to fill, within a reasonable period of time, requests for course completion letters or certificates from former students who satisfactorily completed a course;

(g) That the course owner/affiliated entity has failed to comply with any provisions of these rules.

(2) The Administrator shall notify the course owner/affiliated entity in writing of the reasons for the withdrawal of approval. The Administrator will also notify the course owner/affiliated entity that they shall have a period of sixty days following the date of such notice during which the course owner/affiliated entity may appeal the decision to withdraw course approval by requesting a contested case hearing in accordance with ORS Chapter 183.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 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, Renumbered from 161-020-0050; ACLB 1-2002, f. & cert. ef. 2-26-02

161-020-0090
Optional Advance Approval of Revisions for Courses Which Have Been Approved

(1) Course owners/affiliated entities have the option of having advanced approval of revisions related to course renewal as described in OAR 161-020-0080.

(2) After a course has been approved, reasonable course revisions and updates that improve courses or keep them current may be made without approval of the Administrator. This type of revision must not alter the course content as originally approved.

(3) Revisions that are so extensive that they substantially alter the course scope and effectively create a new and different course or diminish the content must be resubmitted as a new course as provided in OAR 161-020-0030.

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

161-020-0100
Amendments to Program

Course owners/affiliated entities are required to comply with Board rules and procedures at all times. The Board may amend these rules at any time after giving notice as required by state law. These rules are effective when filed and will apply whether or not any course owner/affiliated entity has received notice of the rule.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-2002, f. & cert. ef. 2-26-02

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 Licensing 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.
[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 674.305 & 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; ACLB 3-2005, f. & cert. ef 7-22-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08

161-020-0120
Continuing Education Course Content Guidelines

This rule contains the course content guidelines which courses must satisfy in order to be approved under these rules as Continuing Education as defined in these rules:

(1) General Guidelines:

(a) The course must involve a minimum of two classroom hours of instruction on acceptable real estate appraisal or related topics;

(b) The course must contribute to the goal of maintaining or increasing the knowledge, skill and competence of real estate appraisers with regard to the performance of real estate appraisals in a manner that best serves the public interest;

(c) Any course that covers a real estate appraisal topic may be acceptable if it does not present information so basic in nature that the stated goal of continuing education will not be satisfied by the course;

(d) In order to be an acceptable real estate appraisal related topic, the education provided in the course must directly contribute to increasing or maintaining the appraiser's ability to perform real estate appraisals;

(A) Courses are not acceptable if they would merely contribute to the appraiser's personal development rather the to his/her ability to perform real estate appraisals;

(B) Courses are not acceptable if they would contribute only generally to the appraiser's knowledge of the business field, rather than specifically to operating an appraisal business.

(2) Acceptable Topics — This list is to assist education providers in understanding the course content requirements under these rules. Topics may include, but are not limited to, the following:

(a) Real Estate Appraisal Topics:
(A) Appraisal Arbitration;
(B) Appraisal Laws, Standards and Ethics (review/update/applications);
(C) Appraising Any Specific Type of Property (for example: single-family residences, condominiums, manufactured housing, apartment complexes, office buildings, warehouses, farms, rural properties, etc.);
(D) Appraising from Blueprints and Specifications;
(E) Case Study of a Particular Type of Property;
(F) Cash Equivalency;
(G) Cash Flow Forecasting;
(H) Computer Applications in Appraising;
(I) Condemnation/Right of Way Appraising;
(J) Estimating Accrued Depreciation;
(K) Estimating Building Costs;
(L) Feasibility Analysis;
(M) Federal Agency Appraisal Regulations/Requirements;
(N) Highest and Best Use Analysis;
(O) Litigation (involving appraisal issues/appraiser testimony);
(P) Mass Appraisal;
(Q) Mortgage-Equity Analysis (Ellwood Formula);
(R) Real Estate Investment Analysis;
(S) Real Estate Market Analysis (advanced or specialized application);
(T) Review Appraising;
(U) Sales Comparison Techniques (advanced or specialized application);
(V) Special Techniques in Appraising for Ad Valorem Taxation Purposes;
(W) State Agency Appraisal Regulations/Requirements;
(X) Subdivision Analysis;
(Y) The Appraisal Foundation's National USPAP Course, the Appraisal Foundation's National USPAP Update Course, or their equivalents;
(Z) URAR Form Preparation;
(AA) UCIAR Form Preparation;
(BB) Use of Financial Calculators in Appraising;
(CC) Valuation of Partial (special) Interests;
(DD) Writing an Effective Narrative Report.
(b) Real Estate Topics:
(A) Real Estate Development;
(B) Real Estate Finance;
(C) Real Estate Investments;
(D) Real Estate (property) Law;
(E) Real Estate Property or Asset Management;
(F) Real Estate Mathematics;
(G) Real Estate Syndication;
(H) Real Estate Taxation;
(I) Federal/State Taxation of Real Estate Investments;
(J) Land Use Controls/Zoning.
(c) Business Topics:
(A) Accounting;
(B) Corporate Finance;
(C) Economics (macro and micro);
(D) Investments;
(E) Statistics.
(d) Other Topics:
(A) Appraising Machinery and Equipment;
(B) Business Valuation;
(C) Construction;
(D) Surveying.

(3) Unacceptable Topics — This list is to assist education providers in understanding the course content requirements under these rules. Topics may include, but are not limited to, the following:

(a) Real Estate Topics:
(A) Real Estate Practices:
(B) Real Estate Sales (and related topics);
(C) Real Estate License Law;
(D) Agency Law;
(E) Real Estate Office Management.
(b) Business Topics:
(A) Advertising/Marketing;
(B) Bookkeeping;
(C) Business Administration;
(D) Business Law;
(E) Computer Principles/Programming/Systems;
(F) Office Management/Systems;
(G) Personnel Management;
(H) Principles of Management;
(I) Typing/Word Processing.
(c) Personal Development Topics:
(A) Communications (oral or written);
(B) Interpersonal Communications;
(C) Memory Improvement;
(D) Public Speaking;
(E) Speed Reading;
(F) Stress Management;
(G) Time Management.
(d) Other Topics: Appraiser Examination Preparation
[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-00; ACLB 3-2003, f. & cert. ef. 5-1-03

161-020-0130
Approval Requirements for Non Pre-Approved Courses for Qualifying and Continuing Education

(1) The following courses are subject to the review and approval of the Administrator or designee and may be acceptable for approval as Qualifying Education and Continuing Education:

(a) Course work approved by the AQB which also meets the requirements of these rules;

(b) Courses approved for credit hours at a community college, college or university in the State of Oregon shall be approved by the Board if said courses are substantially the same as required in the rules and procedures. The applicant for licensure/certification shall submit documentation to show equivalency, i.e. course description, outlines, etc., to the satisfaction of the Board.

(2) Courses from providers located outside the State of Oregon may be acceptable as Qualifying Education and Continuing Education:

(a) If the course has been pre-approved by the licensure/certification board of that state and the procedures of that state board for approving Qualifying Education are equivalent to those of the State of Oregon;

(b) If the rules and procedures of the state of origin are not equivalent to those of the State of Oregon, the applicant may still submit the course for approval by the Administrator by submitting documentation to show equivalencies with OAR 161-020-0045, i.e. course description, outlines, etc.;

(c) If the state where the course was taken allows Qualifying Education courses to have a duration of less than 15 hours, as required in Oregon, but at least 30 hours with an examination, then the Administrator shall determine whether or not the course content is acceptable, is substantially the same as approval for new courses, and will be reviewed on a case by case basis for as long as such need exists. The burden of proof remains with the applicant to demonstrate the equivalency of the course work.

(3) For courses taken prior to the adoption of this program, the criteria for approval shall be based upon the requirements set forth in OAR 161-020-0045, i.e. course descriptions, outlines, etc.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 3-2008, f. & cert. ef. 8-13-08

161-020-0140
Distance Education Courses (On-line/Compact Disc (CD)), Correspondence Courses and Video Remote TV Educational Offerings

In order to be approved, the course must satisfy all criteria described in this rule and meet current requirements as defined by OAR 161-020-0110 and 161-020-0120.

(1) Distance education courses offered on-line via the internet must be pre-approved by both the Appraiser Qualifications Board and the International Distance Education Certification Center (IDECC), with the exception of courses offered by a community college or university. In addition:

(a) The course length must be equivalent to a minimum of 15 classroom hours for qualifying education and 2 hours for continuing education.

(b) For qualifying education courses, the individual must successfully pass a written final examination.

(2) Distance education courses offered via CD:

(a) The course length must be equivalent to a minimum of 15 classroom hours for qualifying education and 2 hours for continuing education.

(b) For qualifying education courses, the individual must successfully pass a written final examination.

(3) Correspondence courses:

(a) The course is presented by an accredited college or university which also offers correspondence programs in other disciplines or has received the American Council on Education's Programs on Non-collegiate Sponsored Instruction (PONSI) approval for college credit;

(b) For qualifying education courses, a written final examination is administered at a location and by an official approved by the college or university; and

(c) The course length must be equivalent to a minimum of 15 classroom hours for qualifying education and 2 hours for continuing education.

(4) Video and remote TV educational offerings are acceptable to meet the education classroom hour requirements provided each offering is approved by the Administrator and meets the following conditions:

(a) The offering is presented by an accredited college or university which offers similar programs in other disciplines. The course length must be equivalent to a minimum of 15 classroom hours for qualifying education and 2 hours for continuing education.

(b) For qualifying education courses, a written final examination is administered at a location and by an official approved by the college or university. An examination is not necessary for continuing education credit.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 4-2003(Temp), f. 6-25-03, cert. ef. 7-1-03 thru 12-28-03; ACLB 6-2003, f. & cert. ef. 11-24-03

161-020-0150
Time Requirements for Qualifying Education and Continuing Education

(1) Qualifying Education:

(a) If approved by the Administrator as meeting the requirements of these rules, audio educational offerings taken prior to July 1, 1990, shall be acceptable to meet the Qualifying Education requirements for certification and licensure;

(b) There is no time limit regarding when qualifying education credit must be obtained, with the following exceptions:

(A) The 15-hour Appraisal Foundation's National USPAP Course, or its equivalent, must be obtained within four (4) years preceding the date of application; and

(B) All other qualifying education for applicants applying to be a registered appraiser assistant must be obtained within five (5) years preceding the date of application, with the exception of licensed or certified appraisers registering as an appraiser assistant to upgrade their license.

(c) The Administrator may grant credit for courses where the applicant obtained credit from the course provider by challenge examination without attending the courses, provided that such credit was granted by the course provider prior to July 1, 1990, and provided further that the Administrator is satisfied with the quality of the challenge examination that was administered by the course provider.

(2) Continuing Education:

(a) Continuing education hours shall be reported as part of the renewal application process. Reporting shall be on a form prescribed by the Board which includes the name of the educational provider, course subject matter, location, number of hours, course name, date of course and appraiser's name. The appraiser shall also submit a copy of the certificate of completion, URCEC form or grade report issued by the course provider;

(b) "Carry over" of hours from past to future years will not be allowed;

(c) The same or like course can not be repeated for use as continuing education within consecutive license cycles, with the exception of USPAP;

(d) Extension of time to satisfy continuing education hour requirements will not be permitted;

(e) USPAP:

(A) The Appraisal Foundation's National USPAP Update Course, or its equivalent, is required for renewal of all licensed and certified appraisers every two year license cycle.

(B) Registered Appraiser Assistants must successfully complete the Appraisal Foundation's National USPAP Update Course, or its equivalent, at a minimum of every two years.

(f) Fourteen hours of classroom instruction for each year preceding the license or certification renewal is required. Continuing education hours may be obtained any time during the term. Credit towards the classroom hour requirements shall be granted only where the length of the educational offering is at least two hours.

(g) Appraisers may receive up to eight (8) hours of continuing education credit for course instruction of a Board approved course per two year license cycle. However, the appraiser cannot receive credit for course instruction of the same course in consecutive license cycles.

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 3-1999, f. 9-23-99, cert. ef. 1-1-00; ALCB 2-2002, f. & cert. ef. 5-30-02; ACLB 2-2003, f. & cert. ef. 1-27-03; ACLB 3-2003, f. & cert. ef. 5-1-03; ACLB 3-2005, f. & cert. ef 7-22-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 3-2008, f. & cert. ef. 8-13-08

DIVISION 25

SCOPE OF PRACTICE AND PROCEDURES

161-025-0000
State Certified General Appraiser

A State Certified General Appraiser (SCGA) is authorized to perform appraisals for all types of real property.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 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 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 4-2005, f. & cert. ef. 11-2-05

161-025-0005
State Certified Residential Appraiser

(1) A state certified residential appraiser (SCRA) is authorized to appraise:

(a) All types of one-to-four family residential real property without regard to complexity or transaction value, which includes the appraisal of vacant or unimproved land that is utilized for one-to-four family residential purposes, and where the highest and best use is for one-to-four family residential purposes;

(b) All other types of real property having a transaction value of less than $250,000.

(2) The certified residential classification does not include the appraisal of subdivisions.

(3) A state certified residential appraiser may appraise rural properties with one or more of the following:

(a) One to four unit single family residential properties:

(b) Other rural properties primarily used for recreation or other non-income producing purposes.

(4) A state certified residential appraiser may not appraise rural properties with one or more of the following:

(a) Primary use for production of agricultural income which is included in the value:

(b) Commercially valuable timber and/or mineral interests which is included in the value;

(c) Development potential for commercial or industrial improvements;

(d) Commercial/industrial improvements;

(e) Land or properties with environmental hazards.

(5) The state certified residential appraiser may appraise properties involving partial taking or where the value of the larger parcel is within the scope of practice for the state certified residential appraiser. If, during the course of a condemnation or partial taking appraisal assignment, the appraiser could reasonably expect the before value of the larger parcel to exceed the allowable transaction value for the state certified residential appraiser, the appraiser shall inform the client for whom the appraisal is being performed that the assignment exceeds the scope of their appraiser's practice.

(a) In condemnation, "larger parcel" is defined as that portion of a property which has unity of ownership, contiguity, and unity of use. These are the three conditions which must be present to establish the larger parcel for the purpose of considering the extent of severance. Condemnation means:

(A) The process by which property is acquired for public purposes through legal proceedings under the power of eminent domain;

(B) The act of a federal, state, county, or city government or district or public utility corporation vested with the right of eminent domain to take private property for public use when a public necessity exists;

(C) Upon payment of just compensation, the act of a sovereign in substituting itself in the place of the owner and taking all or part of the rights of the owner.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: 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 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 3-2008, f. & cert. ef. 8-13-08

161-025-0010
State Licensed Appraiser

(1) A state licensed appraiser (SLA) is authorized to appraise:

(a) Non-complex, one-to-four family residential units having a transaction value of less than $1,000,000;

(b) Complex one-to-four family residential units having a transaction value of less than $250,000.

(2) If, during the course of an appraisal assignment of a one-to-four family residential property, the state licensed appraiser identifies factors that would result in the property, market conditions, property characteristics, or form of ownership, to be a complex one-to-four family residential property appraisal having a transaction value of $250,000 or more, they must inform the client that the assignment is outside the scope of their license, decline the assignment, and advise the client that a state certified residential or certified general appraiser must complete the assignment. The same is true for all other types of real property found to have a transaction value of $250,000 or more.

(3) A state licensed appraiser may appraise rural properties with one or more of the following:

(a) One to four unit single family residential properties:

(b) Other rural properties primarily used for recreation or other non-income producing purposes.

(4) A state licensed appraiser may not appraise rural properties with one or more of the following:

(a) Primary use for production of agricultural income which is included in the value:

(b) Commercially valuable timber and/or mineral interests which is included in the value;

(c) Development potential for commercial or industrial improvements;

(d) Commercial/industrial improvements;

(e) Land or properties with environmental hazards.

(5) The state licensed appraiser classification does not include the appraisal of subdivisions.

(6) The state licensed appraiser may appraise properties involving partial taking or condemnation actions where the value of the larger parcel is within the scope of practice for the state licensed appraiser. If, during the course of a condemnation or partial taking appraisal assignment, the appraiser could reasonably expect the before value of the larger parcel to exceed the allowable transaction value for the state licensed appraiser, the appraiser shall inform the client for whom the appraisal is being performed that the assignment exceeds the scope of their appraiser's license.

(a) In condemnation, "larger parcel" is defined as that portion of a property which has unity of ownership, contiguity, and unity of use. These are the three conditions which must be present to establish the larger parcel for the purpose of considering the extent of severance. Condemnation means:

(A) The process by which property is acquired for public purposes through legal proceedings under the power of eminent domain;

(B) The act of a federal, state, county, or city government or district or public utility corporation vested with the right of eminent

domain to take private property for public use when a public necessity exists;

(C) Upon payment of just compensation, the act of a sovereign in substituting itself in the place of the owner and taking all or part of the rights of the owner.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: 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; ACLB 3-1995, 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 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 3-2008, f. & cert. ef. 8-13-08

161-025-0025
Supervising Appraiser (SA)

(1) A State Licensed Appraiser may have no more than one registered appraiser assistant at a time. Effective January 1, 2010, 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/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
Stats. Implemented: ORS 674
Hist.: ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 2-2006, f. & cert. ef. 7-26-06; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 4-2007, f. 11-1-07, cert. ef. 1-1-08; ACLB 1-2008, f. & cert. ef. 5-13-08

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 licensee.

(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 must not sign, co-sign or issue an appraisal report.

(6) Any appraiser assistant who has provided professional assistance to a supervising appraiser who is signing and issuing the appraisal report must be identified in the report and the extent of the assistance provided must be disclosed in the 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(4)(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
Stats. Implemented: ORS 674
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 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 1-2002, f. & cert. ef. 2-26-02; ACLB 2-2004, f. 5-25-04, cert. ef. 6-1-04; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08

161-025-0040
Advertising Practices

A licensee advertising through any media may be identified as a state certified general appraiser, state certified residential appraiser or state licensed appraiser by listing the appropriate designated licensed or certified status and the appraiser's license or certificate number. No advertising may be misleading in characterizing the category of licensure or certification possessed by a licensee. A registered appraiser assistant shall not represent, nor advertise in any manner or through any media, which may mislead the public into believing that they are a licensee or that they are authorized to perform the functions of a licensee, and at all times clearly identify themselves as a registered appraiser assistant. For purposes of this section, "media" includes, but is not limited to, newspapers, magazines, business cards, and directories, including all listings in telephone directories.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 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 1-2007, f. & cert. ef. 2-9-07

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 not less than five years after the date of completion of the appraisal to which the record pertains.

(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
Stats. Implemented: ORS 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 1-2002, f. & cert. ef. 2-26-02; ACLB 6-2003, f. & cert. ef. 11-24-03

161-025-0060
Appraisal Standards and USPAP

(1) All licensees must develop and communicate each appraisal assignment in compliance with these administrative rules and USPAP.

(2) A licensee employed by a group or organization that conducts itself in a manner that does not conform to USPAP Standards must take steps that are appropriate under the circumstances to ensure compliance with the Standards.

(3) All licensees must certify to what extent they personally inspected the property that is the subject of the appraisal assignment. Each report must clearly state that the subject property was: inspected both inside and out; inspected from the exterior only; or was not personally inspected by the licensee.

(4) In addition to certifying as to the extent of the subject's inspection, all licensees must also certify to what extent each of the comparable sales relied upon in the appraisal were personally inspected.

(5) All licensees must prominently disclose in all appraisals:

(a) The source of comparable sale data confirmation; and

(b) Whether the comparable sales analyzed in the appraisal report were or were not confirmed by a party to the transaction or an agent or representative of a party to the transaction.

(6) All licensees testifying or presenting evidence in an administrative or judicial proceeding, must base their testimony or evidence only upon a written summary or self-contained appraisal report in compliance with USPAP, reflecting a report date that precedes the date of testimony, unless such testimony is being compelled by legal subpoena.

(7) The "Uniform Standards of Professional Appraisal Practice", 2008 Edition, approved and adopted by the Appraisal Standards Board of the Appraisal Foundation, dated April 27, 1987, as amended on January 1, 2008, are incorporated into the Administrative Rules of the Appraiser Certification and Licensure Board as the standards of professional conduct which shall guide the behavior of licensed and certified appraisers in the State of Oregon. Copies of the Uniform Standards of Professional Appraisal Practice may be obtained from the Appraisal Foundation located at 1029 Vermont Avenue, N.W., Suite 900, Washington D.C. 20005-3517.

(8) All licensees must list their certificate or license number and expiration date in each appraisal report.

(9) All licensees must comply with USPAP in all valuation activity, unless such valuation activity qualifies as an exclusion to real estate appraisal activity under ORS 674.100(2)(h).

(10) Notwithstanding any other provision of these rules, a licensee acting in one of the following capacities is not subject to the requirements of Standard 3 of USPAP when examining an appraisal report and workfile as part of an official investigation being conducted by the Board:

(a) Board member;

(b) Employee; or

(c) Volunteer serving at the request of the Board.

[Publications: Publications referenced are available from the agency.]
Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: 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; ACLB 4-1994, f. & cert. ef. 7-27-1994; 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. 7-1-89; ACLB 1-1999, f. 1-28-99, cert. ef. 3-31-99; ACLB 3-1999, f. 9-23-99, cert. ef. 1-1-00; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 3-2000(Temp), f. 11-9-00, cert. ef. 11-9-00 thru 5-8-01; 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 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

DIVISION 30

CRIMINAL BACKGROUND

161-030-0000
Criminal Background

(1) The Board may require fingerprints for the purpose of conducting a state or nationwide criminal records check.

(2) The Administrator, with the written consent of the person about whom information is being requested, may request the Department of State Police to furnish to the Administrator, information that the Department of State Police may have in its possession from its central bureau of criminal identification, including, but not limited to, manual or computerized information concerning any applicant or person regulated under ORS Chapter 674 and these rules. The Administrator may also request the Department of State Police to conduct nationwide criminal checks, including fingerprint identification, through the Federal Bureau of Investigation, of any applicant or person regulated under ORS Chapter 674 and Board Administrative Rules.

(3) Any applicant for a license, certificate, or registration under ORS Chapter 674 or any applicant for renewal of a license, certificate, or registration under ORS Chapter 674, shall be deemed, upon signing such application, to have given the written consent necessary for the Administrator to make inquiries described in this section.

(4) The information received by the Administrator, pursuant to this section, shall be disseminated only by Court Order and shall be exempt from disclosure to the public to the extent permitted by Oregon law.

(5) The applicant for a license, certificate, or registration or renewal of a license, certificate, or registration will be charged a fee for the criminal background check as set forth in OAR 161-003-0020.

Stat. Auth.: ORS 674.170, 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: 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 2-2006, f. & cert. ef. 7-26-06

DIVISION 40

INACTIVE STATUS

161-040-0000
Inactive Status

(1) A certified or licensed appraiser may, upon compliance with the provisions of this section, transfer his or her license or certificate from active to inactive status.

(2) The appraiser shall submit a written request to the Administrator, on a form prescribed by the Board, that he or she desires to be placed on inactive status and shall accompany the request with the appropriate fee and required continuing education.

(3) The Administrator shall, promptly after receipt of such request, provide written notice to the applicant that the applicant has been placed on inactive status.

(4) The applicant for inactive status shall not sign or issue any appraisal reports on and after the date he or she submits a request for conversion to inactive status to the Administrator.

(5) A person of inactive status may convert to active status as a state certified or state licensed appraiser, as applicable, upon submission of a renewal application, on a form prescribed by the Board, and upon that person's submission of all information required by that form and payment of the appropriate fees.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: 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

DIVISION 50

MISCELLANEOUS PROVISIONS

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

(1) The Board will recognize temporarily the certificate or license 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. 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.

[ED. NOTE: Forms referenced are available from the agency.]
Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674
Hist.: ACLB 1-1992(Temp), f. & cert. ef. 1-23-92; ACLB 2-1992, f. & cert. ef. 4-30-92; ACLB 3-1993(Temp), f. & cert. ef. 4-28-93; ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-1998, f. 6-24-98, cert. ef. 7-1-98; ACLB 1-2000, f. & cert. ef. 2-29-00; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 4-2005, f. & cert. ef. 11-2-05; ACLB 1-2007, f. & cert. ef. 2-9-07; ACLB 1-2008, f. & cert. ef. 5-13-08

161-050-0010
Grandfathering Not Permitted

No applicant shall be deemed exempt from meeting the criteria established for licensing or certification, or be otherwise "grandfathered" into the Oregon appraiser licensing and certification system.

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

161-050-0020
Discrimination

It is the policy of the Board to implement the provisions of ORS Chapter 674, impartially and fairly without regard to any membership in any particular appraisal organization or possession of certain professional designations.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 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 1-2002, f. & cert. ef. 2-26-02

161-050-0030
Display of Certificate or License

Each licensee, and each appraiser assistant registered in this state (other than those of inactive status), shall display prominently, his or her license or certificate or registration in their principal place of business.

Stat. Auth.: ORS 674.305(8) & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 2-2006, f. & cert. ef. 7-26-06

161-050-0040
Changes in Application/Renewal Information

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:

(1) Name;
(2) Business or Employer physical and mailing address;
(3) Home physical and mailing address;
(4) Work telephone;
(5) Home telephone;
(6) Facsimile;
(7) Social Security Number; or
(8) E-mail address.

Stat. Auth.: ORS 674.305 & 674.310
Stats. Implemented: ORS 674.310
Hist.: ACLB 1-1994, f. & cert. ef. 2-1-94; ACLB 1-2002, f. & cert. ef. 2-26-02; ACLB 6-2003, f. & cert. ef. 11-24-03; ACLB 4-2005, f. & cert. ef. 11-2-05

161-050-0050
Reciprocity

(1) The Administrator of the Board shall 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 certifying or licensing 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 licensees or certificate holders of the other state, upon payment of a mutually agreed upon fee, proof of current license or certificate and a certified letter of good standing from the other state.

(3) A reciprocal licensee or certificate holder shall comply with all statutes and rules governing licensed and certified appraisers in Oregon. Each reciprocal licensee or certificate holder shall immediately notify the Administrator of any disciplinary action taken in any other state in which the person holds a license of 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) Fails or refuses on two or more occasions to assist the Administrator in enforcement activity for the protection of Oregon consumers;

(c) 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, licensees and certificate holders from that state must then apply for a license or certificate in the same manner as other Oregon applicants.

(6) Reciprocal licenses and certificates are issued at the same level of licensing or 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 reciprocal licensing or certification 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
Stats. Implemented: ORS 674
Hist.: ACLB 3-1994, f. & cert. ef. 5-2-94; 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 6-2003, f. & cert. ef. 11-24-03