

CHAPTER 40A

STATE BOARD OF REAL ESTATE APPRAISERS

Authority

N.J.S.A. 45:14F et seq., specifically 45:14F-8(n), and 45:1 et seq.

Source and Effective Date

R.2002 d.205, effective June 7, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

Chapter Expiration Date

Chapter 40A, State Board of Real Estate Appraisers, expires on June 7, 2007.

Chapter Historical Note

Chapter 40A, State Board of Real Estate Appraisers, was adopted as R.1991 d.598, effective December 16, 1991. See: 23 N.J.R. 2628(a), 23 N.J.R. 3763(b).

Subchapter 2A, Certification of Residential Real Estate Appraisers, was adopted as R.1993 d.125, effective March 15, 1993. See: 24 N.J.R. 3489(a), 25 N.J.R. 1222(b).

Subchapter 7, Apprentice Permits, was adopted as R.1993 d.177, effective April 19, 1993. See: 25 N.J.R. 267(a), 25 N.J.R. 1773(a).

Notice of Receipt of Petitions for Rulemaking and Action thereon. See: 25 N.J.R. 3032(b).

Pursuant to Executive Order No. 66(1978), Chapter 40A, State Board of Real Estate Appraisers, was readopted as R.1997 d.23, effective December 13, 1996. See: 28 N.J.R. 4724(a), 29 N.J.R. 369(a). As part of R.1997 d.23, effective January 21, 1997, Subchapter 4, Continuing Professional Education, was recodified to Subchapter 5, and a new Subchapter 4, Apprentice Permits, was recodified from Subchapter 7; Subchapter 5, Standards for Appraisals, was recodified to Subchapter 6, and a new Subchapter 5, Continuing Professional Education, was recodified from Subchapter 4; Subchapter 6, General Provisions, was recodified to Subchapter 7, and a new Subchapter 6, Standards for Appraisals, was recodified from Subchapter 5; Subchapter 7, Apprentice Permits, was recodified to Subchapter 4, and a new Subchapter 7, General Provisions, was recodified from Subchapter 6; and Subchapter 8, Certification or Licensure by Endorsement, was adopted as new rules.

Chapter 40A, State Board of Real Estate Appraisers, was readopted as R.2002 d.205, effective June 7, 2002. See: Source and Effective Date. See, also, section annotations.

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“State certified residential real estate appraiser” (“SCRREA”) means an individual who has satisfied the experience and education requirements as set forth in this chapter, has successfully completed the Board approved examination, and holds a current, valid certificate as a certified residential real estate appraiser.

SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS

13:40A-1.1 Purpose and scope

(a) The rules in this chapter implement the provisions of P.L. 1991, c.68, N.J.S.A. 45:14F-1 et seq., the “Real Estate Appraisers Act.”

(b) This chapter shall apply to all persons applying for licensure as a licensed real estate appraiser or certification as a certified residential real estate appraiser or as a certified general real estate appraiser and to persons licensed or certified by the Board of Real Estate Appraisers in the State of New Jersey.

Amended by R.1993 d.125, effective March 15, 1993.

See: 24 N.J.R. 3489(a), 25 N.J.R. 1222(b).

Revised text.

Repeal and New Rule, R.2002 d.205, effective July 1, 2002.

See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

Section was “Purpose and scope”.

13:40A-1.2 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Appraisal Foundation” means the Appraisal Foundation incorporated in the State of Illinois as a nonprofit corporation on November 30, 1987, as denominated in Title XI of Publ. L. 101-73 (12 U.S.C. section 3331 et seq.).

“Appraisal Qualification Board (AQB)” means the independent board of the Appraisal Foundation which under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification or license. The address and phone number of the AQB is 1029 Vermont Avenue, NW, Suite 900, Washington, DC 20005-3517, (202) 347-7722. The website for the AQB is www.appraisalfoundation.org.

“Board” means the State Real Estate Appraiser Board in the Division of Consumer Affairs.

“State certified general real estate appraiser” (“SCGRE”) means an individual who has satisfied the experience and education requirements as set forth in this chapter, has successfully completed the Board approved examination, and holds a current, valid certificate as a certified general real estate appraiser.

“State licensed real estate appraiser” (“SLREA”) means an individual who has satisfied the experience and education requirements as set forth in this chapter, has successfully completed the Board approved examination, and holds a current, valid license for real estate appraisal.

“Trainee” means an individual in the process of acquiring the hours of appraisal experience and qualifying education required for certification or licensure under the direct supervision of a licensed or certified appraiser pursuant to this chapter.

“Uniform Standards of Professional Appraisal Practice (USPAP)” means the published standards set forth by the Appraisal Standards Board of the Appraisal Foundation (1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005-3517) annually with an effective date of January 1 of the current year. Said standards include the generally accepted standards of appraisal practice; a history of changes to those standards for the prior year; all statements on Appraisal Standards; all Advisory Opinions issued for general distribution; a Glossary and an Index. The Uniform Standards of Professional Appraisal Practice are hereby incorporated by reference in the established rules for the review and interpretation of the competency and practice of appraisers licensed or certified by the Board.

Amended by R.1993 d.125, effective March 15, 1993.

See: 24 N.J.R. 3489(a), 25 N.J.R. 1222(b).

Revised definitions “State certified general real estate appraiser”; added definitions “State certified residential real estate appraiser”; moved definition “Residential”.

Amended by R.1997 d.23, effective January 21, 1997.

See: 28 N.J.R. 4724(a), 29 N.J.R. 369(a).

Added “Apprentice” and “Uniform Standards of Professional Appraisal Practice (USPAP)”; and deleted “Market value” and “Residential”.

Amended by R.2002 d.205, effective July 1, 2002.

See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

Inserted “Appraisal Qualification Board (AQB)” and “Trainee”; deleted “Apprentice” and “Classroom hour”; in “State certified general real estate appraiser (SCGRE)”, “State certified residential real estate appraiser (SCRREA)” and “State licensed real estate appraiser (SLREA)”, substituted “approved” for “sponsored” following “Board”.

SUBCHAPTER 2. CERTIFICATION OF GENERAL REAL ESTATE APPRAISERS

Subchapter Historical Note

“General” added to Subchapter 2 title by R.1993 d.125, effective March 15, 1993. See: 24 N.J.R. 3489(a), 25 N.J.R. 1222(b).

Added (c).

13:40A-5.7 Sources of continuing education

(a) The licensee or certificate holder may obtain continuing education credits for the following:

1. Training programs offered by State or Federal agencies or commissions;
2. Educational programs provided during trade organization conferences;
3. Colleges or universities accredited by the New Jersey Commission on Higher Education or any state accrediting agency approved by the Board; community or junior colleges accredited by the New Jersey Commission on Higher Education; proprietary schools;
4. Seminars offered by real estate appraisal or real estate related organizations;
5. Seminars offered by vendors of commercial products, provided that at least one other commercial vendor from a different company participates in the seminar;
6. Participation, other than as a student, in appraisal education processes and programs, as approved by the Board.
 - i. Examples of activities for which credit may be granted include teaching appraisal courses, developing appraisal programs, authoring appraisal textbooks or articles, or participating in other like activities deemed by the Board to be equivalent to obtaining continuing education;
 - ii. No more than one-half of the total hours of credit required per biennial renewal cycle may be awarded for activities qualifying under this paragraph; and
7. Courses approved for initial certification and licensing.

(b) The award of credit is subject to Board approval of the course offering either prior to filing the renewal application or upon submission of documentation required pursuant to N.J.A.C. 13:40A-5.8 at the time of license or certification renewal.

New Rule, R.1994 d.251, effective May 16, 1994.
 See: 26 N.J.R. 903(a), 26 N.J.R. 2137(a).
 Amended by R.1997 d.23, effective January 21, 1997.
 See: 28 N.J.R. 4724(a), 29 N.J.R. 369(a).
 Amended by R.2002 d.205, effective July 1, 2002.
 See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

In (a), substituted "one-half of the total hours of credit required" for "10 hours of credit" in 6ii and rewrote 7.

13:40A-5.8 Required documentation

(a) A licensee or certificate holder shall retain documentation for at least four years of the continuing education hours which the licensee or certificate holder completes in order to verify program attendance and/or activity comple-

tion. Each licensee or certificate holder shall submit such documentation to the Board upon request. The Board shall review the records of the licensees and/or certificate holders from time to time, on a random basis, to determine compliance with continuing education requirements.

(b) Documentation of continuing education requirements shall consist of the following:

1. For courses, seminars and training programs approved by the Board, the licensee shall be required to maintain a "Uniform Continuing Education Form" or other form acceptable to the Board signed and dated by both the applicant and the course instructor(s), attesting that the licensee attended an approved continuing education offering. The licensee shall list the continuing education completed during the biennial licensing period on the Board-provided renewal application.
2. For participation other than as a student in appraisal education processes or programs:
 - i. A written request for continuing education credit which shall include at least the following information:
 - (1) A description of the activities for which credit is sought;
 - (2) The number of credits sought;
 - (3) The time spent on such activities;
 - (4) The reasons the applicant believes such activities meet the Board's continuing education requirements; and
 - (5) Any further information as may be requested by the Board;
 - ii. For publication of a book or an article in a professional journal, submission of the book or article;
 - iii. For teaching or research appointments, a statement of appropriate school authority verifying the appointment and a statement of the subject matter to be taught or the nature of the research to be performed.

(c) For courses, seminars or training programs which have not been pre-approved by the Board:

1. A copy of the course description and/or outline; and
2. A completed "Uniform Continuing Education Form" or other certified form acceptable to the Board or a signed and dated certification, from both the applicant and course instructor(s), attesting that the applicant attended the course listed and satisfactorily completed all course requirements.

(d) Falsification of any information submitted with the renewal application may result in penalties and/or the suspension or revocation of a license or certification.

(e) A licensed and certified appraiser shall be required to maintain records pertaining to his or her continuing education for at least four years from the date the course or seminar was taken.

New Rule, R.1994 d.251, effective May 16, 1994.
See: 26 N.J.R. 903(a), 26 N.J.R. 2137(a).
Amended by R.1997 d.23, effective January 21, 1997.
See: 28 N.J.R. 4724(a), 29 N.J.R. 369(a).
Substantially amended (a)1; and added (d).
Amended by R.2002 d.205, effective July 1, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

Added a new (a) and recodified former (a) through (d) as (b) through (e).

13:40A-5.9 Responsibilities of continuing education providers

(a) All providers of continuing education courses shall:

- 1. Secure Board approval prior to advertising or otherwise representing that any course is approved for continuing education credit in New Jersey;
- 2. Submit, on forms provided by the Board, for each course for which appraisal is sought, the following for evaluation by the Board:
 - i. A detailed description of course content and estimated hours of instruction;
 - ii. Any printed material describing the course;
 - iii. A description of the method used to monitor attendance and the policy for making up missed classes;
 - iv. A curriculum vitae of the instructor(s), including information concerning the specific background which qualifies the instructor to teach the particular course offering;
 - v. Any additional information as may be requested by the Board; and
 - vi. The name of the instructor(s) proposed to teach the course or seminar; and
- 3. Monitor the attendance at each approved course and provide the Board with a roster of attendees within 30 days of the conclusion of the program.

(b) All continuing education courses shall be taught in public facilities.

New Rule, R.1994 d.251, effective May 16, 1994.
See: 26 N.J.R. 903(a), 26 N.J.R. 2137(a).
Amended by R.1997 d.23, effective January 21, 1997.
See: 28 N.J.R. 4724(a), 29 N.J.R. 369(a).
Inserted (a)2vi.
Amended by R.2002 d.205, effective July 1, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

In (a)2, inserted "on forms provided by the Board," in the introductory paragraph; added (b).

13:40A-5.10 Extensions

(a) An applicant for biennial renewal may request in writing an extension of time to satisfy continuing education requirements.

(b) An extension may be granted at the sole discretion of the Board if the applicant provides evidence satisfactory to the Board that he or she was unable to obtain the required education because of an incapacitating illness, military assignment or other extraordinary circumstance.

(c) Whether to grant an extension request and the length of time of any extension shall be discretionary determinations made on a case-by-case basis by the Board.

(d) The licensee or certificate holder granted an extension of time to satisfy continuing education requirements will be permitted to renew his or her license or certificate for the period of time for which the extension is granted.

New Rule, R.1994 d.251, effective May 16, 1994.
See: 26 N.J.R. 903(a), 26 N.J.R. 2137(a).

SUBCHAPTER 6. STANDARDS FOR APPRAISALS

13:40A-6.1 General requirements

(a) The appraiser shall ensure that all appraisals shall, at a minimum conform to the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on the date on which the appraisal was prepared, which standards are incorporated herein by reference.

(b) An appraiser's failure to comply with the provisions of USPAP may be construed to be professional misconduct in violation of N.J.S.A. 45:1-21(e).

Amended by R.1997 d.23, effective January 21, 1997.
See: 28 N.J.R. 4724(a), 29 N.J.R. 369(a).
Substantially amended (a); deleted (b); and recodified former (c) as (b).
Amended by R.2002 d.205, effective July 1, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).
In (a), inserted "on" preceding "the date"; in (b), substituted "USPAP" for "this subchapter".

SUBCHAPTER 7. GENERAL PROVISIONS

13:40A-7.1 Fee schedule

(a) Charges for credentialing, certification, licensure and other services are as follows:

- 1. Application fee:
 - i. Certified General Real Estate Appraiser \$125.00

- ii. Certified Residential Real Estate Appraiser \$100.00
- iii. Licensed Real Estate Appraiser..... \$ 75.00
- 2. Credentialing fee:..... \$125.00
- 3. Initial certification fee, general real estate appraiser
 - i. During the first year of a biennial renewal period \$550.00
 - ii. During the second year of a biennial renewal period \$275.00
- 4. Initial certification fee, residential real estate appraiser:
 - i. During the first year of a biennial renewal period \$550.00
 - ii. During the second year of a biennial renewal period \$275.00
- 5. Initial license fee:
 - i. During the first year of a biennial renewal period \$550.00
 - ii. During the second year of a biennial renewal period \$275.00
- 6. Certification renewal fee for general real estate appraiser, biennial \$550.00
- 7. Certification renewal fee for residential real estate appraiser, biennial \$550.00
- 8. License renewal fee, biennial \$550.00
- 9. Late renewal fee: \$100.00
- 10. Temporary visiting registration fee \$150.00
- 11. Reciprocity Application fee: \$ 75.00
- 12. Reinstatement fee: \$150.00
- 13. Duplicate wall certificate fee: \$ 40.00
- 14. Duplicate registration certificate fee: \$ 25.00
- 15. Change of name or address fee:..... \$ 25.00
- 16. Verification of certification/licensure: \$ 40.00
- 17. Verification of continuing education credits: \$ 40.00
- 18. Federal surcharge, biennial: \$ 50.00
- 19. Trainee permit fee; annual \$100.00

Amended by R.2000 d.20, effective January 18, 2000.

See: 31 N.J.R. 2870(a), 32 N.J.R. 321(a).

In (a), increased fees in 3 through 8 and 19.

Amended by R.2001 d.378, effective October 15, 2001.

See: 33 N.J.R. 2407(a), 33 N.J.R. 3649(b).

In (a), increased fees in 3 through 8, 10 and 19.

Amended by R.2002 d.205, effective July 1, 2002.

See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

In (a)19, substituted "Trainee" for "Apprentice".

13:40A-7.2 Disclosure of title and certificate or license number

An appraiser shall include on all appraisal reports, at the place wherever the appraiser's signature appears, the appraiser's designation and state license or certification number. The appraiser shall use only the designations permitted pursuant to N.J.A.C. 13:40A-7.3.

Amended by R.2002 d.205, effective July 1, 2002.

See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

Inserted "at the place" following "appraisal reports," substituted "the appraiser's" for "his or her" and amended the N.J.A.C. reference.

13:40A-7.3 Use of designations and abbreviations

(a) The following shall apply in connection with the use of designations and abbreviations on appraisal reports or in any advertisement or public representation:

1. Individuals holding a current valid real estate appraiser certificate or license may use only the following designations and abbreviations to indicate the type of certificate or license held:

Permissible Designation	Permissible Abbreviation
State Certified General Real Estate Appraiser	SCGREA
State Certified Residential Real Estate Appraiser	SCRREA
State Licensed Real Estate Appraiser	SLREA

2. Abbreviations shall appear in capital letters, without a period or space after each letter, and shall not be in type or lettering larger than the individual's name.

3. A certified or licensed appraiser shall use his or her designation or abbreviation only in conjunction with his or her name and not in conjunction with the name of a firm, corporation or partnership. For example, a firm, corporation or partnership shall not be identified as being certified or licensed.

4. An individual who is not certified or licensed pursuant to the Real Estate Appraisers Act, N.J.S.A. 45:14F-1 et seq., and this chapter shall not use the designations or abbreviations set forth in (a)1 above or any other designation or abbreviation using similar combinations of words or letters to imply that the individual is state certified or licensed.

5. A certified or licensed appraiser shall not permit his or her name and designation to be used on an appraisal where the appraiser has not participated in the appraisal pursuant to the Uniform Standards of Professional Appraisal Practice.

6. Trainee real estate appraisers shall use the full designation "trainee real estate appraiser" followed by their permit number. No abbreviation shall be permitted.

Amended by R.1997 d.23, effective January 21, 1997.

See: 28 N.J.R. 4724(a), 28 N.J.R. 369(a).

Added (a)6.

Amended by R.2002 d.205, effective July 1, 2002.

See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

In (a), inserted "and this chapter" preceding "shall not use" in 4 and substituted references to trainees for references to apprentices in 6.

13:40A-7.4 Criteria for qualifying education instructor and USPAP instructors

(a) An individual applying to be an instructor of qualifying education courses shall, at a minimum, have one of the following requirements:

1. A baccalaureate degree in any field and three years of experience directly related to the subject matter to be taught;

2. A masters degree in any field and one year of experience directly related to the subject matter to be taught;

3. A masters or higher degree in a field that is directly related to the subject matter to be taught;

4. Five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or
5. Seven years of real estate appraisal experience directly related to the subject matter to be taught.

(b) Instructors for qualifying education, with an appraisal license or certification, shall be in good standing.

(c) Approvals to teach as an instructor of qualifying education courses shall be issued by the Board for two year periods and shall be renewed biennially upon submission by the instructor of an application for re-approval.

(d) Instructors for qualifying education who teach either full time or part time as part of the faculty staff at colleges, universities, community colleges or junior colleges accredited by the Commission on Higher Education or any real estate appraisal or real estate related organizations that are members of the Appraisal Foundation need not satisfy the criteria set forth in (a) above. Adjunct instructors shall not qualify for this exemption and shall satisfy the criteria in (a) above in order to qualify as an instructor of education courses.

(e) Instructors for USPAP courses shall be required to satisfy the USPAP instructor criteria as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

New Rule, R.2002 d.205, effective July 1, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

13:40A-7.5 (Reserved)

New Rule, R.2002 d.205, effective July 1, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

13:40A-7.6 License or certification renewal

(a) Licenses and certifications shall be renewed biennially upon a form provided by the Board. Each applicant shall attest that the applicable continuing education requirements have been completed.

(b) The Board shall send a notice of renewal to each of its licensees or certificate-holders, as applicable, at least 60 days prior to the expiration of the license or certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) Every holder of a license or certificate, issued or renewed by the Board, who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license or certificate. If the holder does not renew the license or certificate prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license or certification not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d) Any individual who continues to practice with an expired license or certification after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of real estate appraising, even if no notice of suspension has been provided to the individual.

(e) Renewal applications for all licenses or certificates shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in real estate appraising within the State.

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status. As a precondition to return to active status, the applicant shall present satisfactory proof that he or she has maintained proficiency by completing the continuing education hours required for the renewal of an active license or certification.

New Rule, R.2002 d.205, effective July 1, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

13:40A-7.7 Reinstatement

Pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-1 et seq., the Board may reinstate the license or certification of an applicant whose license or certificate has been suspended for failure to renew provided that the applicant otherwise qualifies for licensure or certification.

New Rule, R.2002 d.205, effective July 1, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

13:40A-7.8 Denial or revocation of license or certification; record of conviction of certain crimes

(a) An applicant for licensure or certification shall not be eligible for licensure or certification and any holder of a license or certification shall have his or her license or certification revoked if the Board determines that criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being licensed or certified.

(b) An applicant or a holder of a license or certification shall be disqualified from licensure or certification if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

1. In New Jersey, any crime or disorderly persons offense:
 - i. Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., 2C:12-1 et seq., 2C:13-1 et seq., 2C:14-1 et seq., or 2C:15-1 et seq.;

ii. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or

iii. Involving any controlled dangerous substances or controlled dangerous substances analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except as set forth in paragraph (4) of subsection a of N.J.S.A. 2C:35-10.

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in (b) above. This is deemed to include convictions for bank fraud, wire fraud, or conspiracy to commit bank fraud or wire fraud.

(c) Notwithstanding the provisions of (b) above, no individual shall be disqualified from licensure or certification on the basis of any conviction disclosed by a criminal history record check if the individual has affirmatively demonstrated to the Board clear and convincing evidence of rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

1. The nature and responsibility of the position which the convicted individual would hold;
2. The nature and seriousness of the offense;
3. The circumstances under which the offense occurred;
4. The date of the offense;
5. The age of the individual when the offense was committed;
6. Whether the offense was an isolated or repeated incident;
7. Any social conditions which may have contributed to the offense; and
8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

(d) The Board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate or license issued by the Board upon proof that the applicant or holder of such certificate or license:

1. Has obtained a certificate, license or authorization to sit for an examination, as the case may be, through fraud, deception, or misrepresentation;

2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;

3. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;

4. Has engaged in repeated acts of negligence, malpractice or incompetence;

5. Has engaged in professional or occupational misconduct as may be determined by the Board;

6. Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to real estate appraising. For the purposes of this subsection a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;

7. Has had the authority to engage in real estate appraising revoked or suspended by any other state, agency, or certifying authority for reasons consistent with this section;

8. Has violated or failed to comply with the provisions of any statute or regulation administered by the Board;

9. Is incapable for medical or any other good cause, of discharging the functions of a licensee or certificate holder in a manner consistent with the public's health, safety and welfare;

10. Has violated any provision of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;

11. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;

12. Has permitted an unlicensed person or entity to perform an act for which a license or certification is required by the Board, or aided and abetted an unlicensed person or entity in performing such an act; or

13. Advertised fraudulently in any manner.

New Rule, R.2002 d.205, effective July 1, 2002.
See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

**SUBCHAPTER 8. CERTIFICATION OR
LICENSURE BY ENDORSEMENT****13:40A-8.1 Certification or licensure by endorsement**

(a) An individual possessing a certification to practice general real estate appraising or residential real estate appraising, or an individual possessing a license to practice residential real estate appraising in any state of the United States other than New Jersey, may apply for, and shall be granted, New Jersey certification by endorsement or licensure by endorsement provided that the individual's certification or license to practice is in good standing in all jurisdictions in which that individual holds a certification or licensure, and:

1. Undergoes a criminal history background check; and
2. The requirements for securing certification or licensure in any one state in which the individual holds a certification or license meet or exceed all minimum standards for certification or licensure set forth by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation.

(b) Appraisers licensed by endorsement shall be required to complete the continuing education requirements set forth in N.J.A.C. 13:40A-5.

Amended by R.2002 d.205, effective July 1, 2002.

See: 34 N.J.R. 435(a), 34 N.J.R. 2319(a).

Rewrote (a)1; in (b), deleted "and through the reciprocal licensing process".