

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

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

Rewrote the section.

Amended by R.2007 d.341, effective November 5, 2007.

See: 39 N.J.R. 2205(a), 39 N.J.R. 4849(b).

Rewrote (a)6.

Amended by R.2007 d.364, effective December 3, 2007.

See: 38 N.J.R. 4986(a), 39 N.J.R. 5088(a).

Added (b).

Amended by R.2014 d.122, effective August 4, 2014.

See: 46 N.J.R. 274(a), 46 N.J.R. 1747(c).

In the introductory paragraph of (a), inserted "for licensure as a residential real estate appraiser"; in (b), inserted "residential", and substituted the second occurrence of "licensure" for "certification"; and added (c).

13:40A-3.3 Education requirements for licensure

(a) In order to be eligible to take the examination for licensure as a licensed residential real estate appraiser, an applicant shall complete, by the time the application is submitted to the Board, the education requirements for a licensed residential real estate appraiser 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.

(b) All qualifying education taken on or after December 3, 2007, to satisfy the educational requirements for licensure as a licensed real estate appraiser shall be approved by the AQB's Course Approval Program.

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

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

In (a), inserted text "Prior to January 1, 1998" and amended completion period for professional standards course; inserted new (b); recodified former (b) through (f) as (c) through (g); and added (e)16.

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 "Educational requirements for licensure".

Amended by R.2007 d.364, effective December 3, 2007.

See: 38 N.J.R. 4986(a), 39 N.J.R. 5088(a).

Inserted designation (a); and added (b).

Amended by R.2014 d.122, effective August 4, 2014.

See: 46 N.J.R. 274(a), 46 N.J.R. 1747(c).

Section was "Educational requirements for licensure". In (a), inserted "residential" twice, and substituted "education" for "educational".

13:40A-3.4 Experience requirements for licensure

(a) Each applicant applying for licensure as a licensed residential real estate appraiser shall complete, by the time the application is submitted to the Board, the experience requirements for a licensed residential real estate appraiser 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.

(b) The experience requirement shall be completed in no fewer than 12 months.

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

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

In (a), inserted reference to forms provided by Board and amended the period in which to accumulate appraisal experience; and added (e).

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 "Experience requirements for licensure".

Amended by R.2007 d.364, effective December 3, 2007.

See: 38 N.J.R. 4986(a), 39 N.J.R. 5088(a).

Inserted designation (a); and added (b).

Amended by R.2014 d.122, effective August 4, 2014.

See: 46 N.J.R. 274(a), 46 N.J.R. 1747(c).

In (a), inserted "residential" twice.

13:40A-3.5 Credit towards licensure as a residential real estate appraiser for education, training, and experience received while serving as a member of the Armed Forces

(a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:40A-3 may apply to the Board for recognition of the applicant's training, education, and experience received while serving as a member of the Armed Forces, which the Board shall consider together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

(b) The Board shall issue a license as a residential real estate appraiser to the applicant if the applicant presents evidence to the Board that:

1. The applicant has been honorably discharged from active military service;

2. The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for certification under N.J.A.C. 13:40A-3.

i. An applicant seeking credit for military training and experience shall submit to the Board the applicant's Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented.

ii. An applicant seeking credit for education courses and/or training completed while in the military that are not approved by the AQB's Course Approval Program shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to those approved by the AQB Course Approval Program as required for certification under N.J.A.C. 13:40A-3.3. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those education courses and/or training relevant to the practice of real estate appraising that have been evaluated by the American Council on

Education for substantial equivalence to civilian postsecondary curricula.

iii. An applicant seeking credit for education courses and/or training completed while in the military that are not part of a degree program in real estate from an accredited degree-granting college or university whose curriculum was reviewed and approved by the AQB shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to those in a degree program in real estate from an accredited degree-granting college or university whose curriculum was reviewed and approved by the AQB as required for licensure under N.J.A.C. 13:40A-3.3. For the purpose of determining substantial equivalence of the applicant's military education and/or training, the Board shall consider only those education courses and/or training relevant to the practice of real estate appraising that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3. The applicant complies with all other requirements for licensure, including successful completion of the examination as set forth in N.J.A.C. 13:40A-3.1.

(c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and/or experience gained in the military for review and consideration.

(d) If the applicant's military training, education, and/or experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Board shall credit whatever portion of the military training, education, and/or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:40A-3.4 for the issuance of the license as a residential real estate appraiser.

(e) Satisfactory evidence of such education, training, and/or experience shall be assessed on a case-by-case basis.

Repealed by R.1994 d.88, effective February 22, 1994.
See: 25 N.J.R. 4863(a), 26 N.J.R. 1106(a).

Section was "Temporary licenses".
New Rule, R.2015 d.062, effective April 20, 2015.
See: 46 N.J.R. 2086(a), 47 N.J.R. 802(a).
Section was "Reserved".

13:40A-3.6 Temporary visiting licenses

(a) Upon application to the Board and payment of a registration fee, an appraiser licensed in another jurisdiction may be issued a temporary visiting license for a specific appraisal assignment, provided that the individual submits satisfactory proof to the Board that the individual has a current valid license to practice in another jurisdiction.

(b) An appraiser licensed by another jurisdiction may apply for no more than three temporary licenses within one cal-

endar year, except that the Board may waive the limitation based on a showing of good cause by the applicant.

(c) For purposes of this section, the term "Federally related transaction" shall mean any real estate-related financial transaction, which a Federal financial institutions regulatory agency engages in, contracts for, or regulates. An appraiser licensed by another jurisdiction shall apply for a temporary visiting license without the limitations stated in (b) above if the property to be appraised is part of a Federally related transaction. The temporary visiting license issued under this section shall be valid for at least six months and shall be extended upon request for extension to the Board by the applicant.

(d) The temporary visiting license issued under (c) above shall become invalid if the appraiser licensed by another jurisdiction no longer holds a valid license in that jurisdiction.

(e) As a condition of receiving a temporary visiting license an applicant shall consent to service of process within the State.

Amended by R.1993 d.125, effective March 15, 1993.
See: 24 N.J.R. 3489(a), 25 N.J.R. 1222(b).

Revised (a).
Amended by R.1997 d.23, effective January 21, 1997.
See: 28 N.J.R. 4724(a), 29 N.J.R. 369(a).

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).

In (a), deleted "which has requirements for licensure as a real estate appraiser substantially equivalent to those of New Jersey"; rewrote (b) and (c).

Amended by R.2009 d.262, effective August 17, 2009.
See: 41 N.J.R. 710(a), 41 N.J.R. 3093(b).

In (a), (b) and (c), substituted "jurisdiction" for "state" throughout; in (c), inserted a comma following the second occurrence of "transaction" and inserted the last sentence; added new (d); and recodified former (d) as (e).

Amended by R.2015 d.062, effective April 20, 2015.
See: 46 N.J.R. 2086(a), 47 N.J.R. 802(a).

In (b), deleted ",with a limit of appraising three specific properties per temporary license," following "licenses".

SUBCHAPTER 4. TRAINEE PERMITS

13:40A-4.1 Purpose and scope; application

(a) The rules in this chapter establish a voluntary real estate appraiser trainee program for individuals in the process of acquiring the appraisal experience required in order to be licensed or certified pursuant to this chapter.

(b) The successful application of and compliance with the rules in this subchapter by a real estate appraiser trainee does not grant the trainee automatic certification or licensure.

Amended by R.1997 d.23, effective January 21, 1997.
See: 28 N.J.R. 4724(a), 29 N.J.R. 369(a).

Section was "Special Course Requirement; Uniform standards of professional appraisal practice".

6. Pending proceedings against a professional or occupational license or certification issued to the licensee or certificate holder by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7. Civil litigation related to the practice of real estate appraising or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

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

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

Repeal and New Rule, R.2015 d.062, effective April 20, 2015.

See: 46 N.J.R. 2086(a), 47 N.J.R. 802(a).

Section was "Reinstatement".

13:40A-7.8 License or certification reinstatement

(a) A licensee or certificate holder who has had his or her license suspended pursuant to N.J.A.C. 13:40A-7.6(e) above may apply to the Board for reinstatement. A licensee or certificate holder applying for reinstatement shall submit:

1. A reinstatement application;
2. A certification of employment listing each job held during the period of suspended license or certification, which includes the name, address, and telephone number of each employer;
3. The renewal fee for the biennial period for which reinstatement is sought;
4. The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;
5. The reinstatement fee set forth in N.J.A.C. 13:40A-7.1; and
6. Evidence of having completed all continuing education credits for the current biennial registration period that were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:40A-5.

i. An applicant who holds a valid, current license or certification in good standing issued by another state to engage in the practice of real estate appraising and submits proof of having satisfied that state's continuing education requirements for that license or certification, shall be deemed to have satisfied the requirements of (a)6 above. If the other state does not have any continuing education requirements, the requirements of (a)6 above shall apply.

(b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other

requirements as determined by the Board, prior to reinstatement of the license or certification. If the examination or assessment identifies deficiencies or educational needs, the Board may require the applicant as a condition of reinstatement of licensure to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill. The Board in its discretion may restore the license or certification subject to the applicant's completion of the training within a period of time prescribed by the Board following the restoration of the license or certification. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following, but not limited to:

1. Length of duration license or certification was suspended;
2. Employment history;
3. Professional history;
4. Disciplinary history and any action taken against the applicant's license or certification by any licensing board;
5. Actions affecting the applicant's privileges taken by any institution, organization, or employer related to the practice of real estate appraising, or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction;
6. Pending proceedings against a professional or occupational license or certification issued to a licensee or certificate holder by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7. Civil litigation related to the practice of real estate appraising or other professional or occupational practice in New Jersey, any other state, the District of Columbia, or in any other jurisdiction.

New Rule, R.2015 d.062, effective April 20, 2015.

See: 46 N.J.R. 2086(a), 47 N.J.R. 802(a).

Former N.J.A.C. 13:40A-7.8, Denial or revocation of license or certification; record of conviction of certain crimes, recodified to N.J.A.C. 13:40A-7.9.

13:40A-7.9 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.; or

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 recommenda-

tion 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;