



**Certification Page  
Regular and Emergency Rules**  
Revised June 2013

**Emergency Rules** (After completing all of Sections 1 and 2, proceed to Section 5 below)

**Regular Rules**

**1. General Information**

a. Agency/Board Name <b>Wyoming Certified Real Estate Appraiser Board</b>		
b. Agency/Board Address <b>2020 Carey Avenue, Suite 702</b>	c. City <b>Cheyenne</b>	d. Zip Code <b>82002</b>
e. Name of Contact Person <b>Nicole Novotny Smith</b>	f. Contact Telephone Number <b>307-777-7141</b>	
g. Contact Email Address <b>nicole.novotnysmith@wyo.gov</b>	h. Adoption Date <b>June 19, 2013</b>	
i. Program <b>Wyoming Certified Real Estate Appraiser Board</b>		

**2. Rule Type and Information:** For each chapter listed, indicate if the rule is New, Amended, or Repealed.

If "New," provide the Enrolled Act numbers and years enacted:

c. Provide the Chapter Number, Short Title, and Rule Type of Each Chapter being Created/Amended/Repealed  
(Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification)

Chapter Number:	Short Title:	<input type="checkbox"/> New	<input type="checkbox"/> Amended	<input type="checkbox"/> Repealed
One	Certified Real Estate Appraiser Board General Provisions	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Two	Certified Real Estate Appraiser Board Application Review, Complaints and Hearing Procedures	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Three	Certified Real Estate Appraiser Board USPAP	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

d.  The Statement of Reasons is attached to this certification.

e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:  
**This request is to extend current emergency rules authorized by the Governor's office on July 1, 2013, for an additional 120 days while the formal promulgation process for rules is executed. Formal promulgation will provide opportunity for public input.**

**3. State Government Notice of Intended Rulemaking**

- a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State:
- b. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Legislative Service Office:
- c. Date on which the Notice of Intent and proposed rules in strike and underscore format and a clean copy were provided to the Attorney General:

**4. Public Notice of Intended Rulemaking**

- a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice.  Yes  No  N/A
- b. A public hearing was held on the proposed rules.  Yes  No

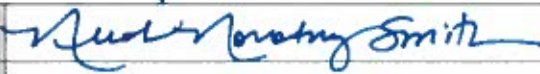
If "Yes,"	Date:	Time:	City:	Location:

**5. Final Filing of Rules**

- a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: October 11, 2013
- b. Date on which final rules were sent to the Legislative Service Office: October 11, 2013
- c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: October 11, 2013

**6. Agency/Board Certification**

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual <i>(Blue ink as per Rules on Rules, Section 7)</i>	
Printed Name of Signatory	Nicole Novotny Smith
Signatory Title	Executive Director
Date of Signature	October 11, 2013

**7. Governor's Certification**

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**Attorney General:** 1. Statement of Reasons; 2. Original Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; and 5. Memo to Governor documenting emergency (for emergency rules only).

**LSO:** 1. Statement of Reasons; 2. Copy of Certification Page; 3. Summary of Comments (regular rules); 4. Hard copy of rules: clean and strike/underscore; 5. Electronic copy of rules: clean and strike/underscore; and 6. Memo to Governor documenting emergency (for emergency rules only).

**SOS:** 1. PDF of clean copy of rules; and 2. Hard copy of Certification Page as delivered by the AG.



# Wyoming Certified Real Estate Appraiser Board

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MARLON SCHLUP, DOUGLAS  
WAYNE VOSS, WORLAND

MEMBER - ASSOCIATION OF APPRAISER REGULATORY OFFICIALS

## STATEMENT OF REASONS Emergency Rules October 11, 2013

Statutory authority regulating the practice of Wyoming Real Estate Appraisers is established in W.S. § 33-39-101 through 33-39-130. In 2013, the Wyoming State Legislature and the Governor assigned new duties to the Wyoming Certified Real Estate Appraiser Board through the adoption and signature of House Bill 26 (House Enrolled Act 91), authorizing the board and its staff to register Appraisal Management Companies (AMCs) in Wyoming. These emergency rules will allow the Board to remain compliant with the duties assigned in House Bill 26 and continue registering AMCs per the effective date in statute of July 1, 2013.

Chapter One of the Certified Real Estate Appraiser Board Rules was the most amended chapter requiring revised definitions to rule, inclusion of AMC registration guidelines and deadlines, fees for services and thorough renumbering and formatting. Chapter Two strikes sections of rule regarding Administrative Hearings so they are now cross-referenced with existing statute instead of stated redundantly. Chapter Three is updated to incorporate new federal regulations for the Uniform Standards of Professional Appraiser Practice.

The Board, now encompassing new appointees, shall present a draft of rules for formal promulgation before October 31, 2013.

Major elements impacting the adoption of House Bill 26 and requiring the adoption of emergency rules include:

- The Federal Dodd-Frank Act requires state appraiser licensing and certification boards to regulate and monitor appraisal management companies by April 1, 2014. The bill, when enacted, requires AMCs to be registered in order to conduct business in the state of Wyoming.
- The bill, when enacted, will require that members of an appraiser panel and the controlling person of an AMC hold a certification of good standing and never have had a license or certification as an appraiser surrendered, denied, refused, cancelled or revoked by any state.
- The bill, when enacted, requires that AMCs have a \$25,000 surety bond or irrevocable letter of credit.
- The bill, when enacted, provides requirements that ensure appraisers are free from coercion and inappropriate influence from AMCs.
- The bill, when enacted, provides grounds for disciplinary action against AMCs, including a \$2,500 administrative fine.

CHAPTER 1  
CERTIFIED REAL ESTATE APPRAISER BOARD  
RULES AND REGULATIONS GENERAL PROVISIONS

EMERGENCY RULES ARE NO LONGER IN EFFECT 120 DAYS AFTER FILING WITH  
THE SECRETARY OF STATE

**Section 1. Authority.** Pursuant to the authority vested in the Certified Real Estate Appraiser Board by virtue of W. S. 16-3-101 through 16-3-115 and W. S. 33-39-101 through 33-39-~~130-225~~ (the Act), the following rules and regulations are hereby promulgated.

**Section 2. Definitions.** Terms defined in the Act shall have the same meanings when used in these rules unless the context or subject matter clearly requires a different interpretation.

~~(a) "Permit number" means the permit number, which appears on the permit issued to an appraiser or trainee by the Certified Real Estate Appraiser Board. Permit number and type of certification must appear on all appraisal reports, i.e., "Certified General Real Estate Appraiser, Wyoming Permit No. \_\_\_\_\_" or "Certified Residential Real Estate Appraiser, Wyoming Permit No. \_\_\_\_\_," or "Real Estate Appraiser Trainee", Wyoming Permit No. \_\_\_\_\_."~~

~~\_\_\_\_\_ (b) "Director" means the director of the Wyoming Real Estate Commission who serves on the Board as a non-voting ex-officio member.~~

~~\_\_\_\_\_ (c) "Trainee" is a non-certified person who works with and assists a certified appraiser in the preparation of appraisals for purposes of gaining experience to become a certified appraiser.~~

~~\_\_\_\_\_ (d) "Temporary work" means the appraiser's work is of a temporary nature not to exceed one (1) appraisal assignment to be completed within six (6) months from date of issuance of the temporary permit.~~

~~\_\_\_\_\_ (e) "Residential appraisal" includes the appraisal of vacant or unimproved land or property that is utilized for 1-4 residential units or for which the highest and best use is for 1-4 residential units.~~

~~\_\_\_\_\_ (f) "Board" or "WCREAB" means the Wyoming Certified Real Estate Appraiser Board.~~

~~\_\_\_\_\_ (g) "AQB" means the Appraiser Qualifications Board.~~

~~\_\_\_\_\_ (h) "USPAP" means the Uniform Standards of Professional Appraisal Practice.~~

~~\_\_\_\_\_ (j) "Jurisdiction" includes all fifty states and the Commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, the District of Columbia and the Virgin Islands as recognized by the United States of America.~~

(a) “Applicant” means a person or Appraisal management company (AMC) who submits an application for a permit or registration to the Board;

(b) “Appraiser Qualifications Board “AQB” is the independent board of the Appraisal Foundation which sets the qualification standards for appraisers;

(c) “Appraisal Standards Board” is the independent board of the Appraisal Foundation which sets the appraisal standards for appraisers;

(d) “Appraisal Subcommitte “ASC” is the Appraisal Subcommittee of the Federal Financial Institutions Examination Council;

(e) “Board” means the Wyoming certified real estate appraiser board;

(f) “Certified general real estate appraiser” means a person certified by the director to develop and communicate real estate appraisals of all types of property;

(g) “Certified real estate appraiser trainee” means a person certified by the director to develop and communicate real estate appraisals under the immediate and personal direction of a certified real estate appraiser’;

(h) “Certified residential real estate appraiser” means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units and vacant or unimproved land;

(k) "Client" means any person or entity that contracts with, or otherwise enters into an agreement with, an appraisal management company for the performance of appraisal management services and real estate appraisal services;

(m) “Director” means the director of the Wyoming Real Estate Commission who serves on the Board as a non-voting ex-officio member;

(n) “In good standing” means maintaining an active certification in this state pursuant to the Certified Real Estate Appraiser Act, which certification is not subject to any disciplinary or probationary restrictions;

(o) “Jurisdiction” includes all fifty states and the commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, the District of Columbia and the Virgin Islands as recognized by the United States of America.

(p) “Permit number” means the permit number, which appears on the permit issued to an appraiser or certified real estate trainee by the Board. The Appraiser's permit number and type of certification must appear on all appraisal reports, i.e., “Certified General Real Estate Appraiser, Wyoming Permit No. ,” or “Certified Residential Real Estate Appraiser,

Wyoming Permit No. ,” or “Certified Real Estate Appraiser Trainee, Wyoming Permit No. \_\_\_\_\_.”

(q) –"Permittee" means a person holding a current permit issued by the Board or an AMC registered with the Board.

(r) "Proof of completion" is a certified transcript or certificate from the entity offering the course/seminar which states the name of the appraiser, certified real estate trainee or trainee, the title of the course/seminar, and the date of completion.

(s) “Registration number” means the specific number issued to each individual AMC.

(t) “Temporary work” means work of a temporary nature, not to exceed one (1) appraisal assignment which must be completed within six (6) months from date of issuance of the temporary permit.

(u) “Trainee” is a non-certified person who works with and assists a certified appraiser in the development and communication of appraisals for purposes of gaining experience to become a certified appraiser.

(w) “USPAP” means the Uniform Standards of Professional Appraisal Practice.

**Section 34. Fees.**

(a) The following non-refundable fees shall be charged by the Board:

<del>(i) Examination fee .....</del>	<del>\$100</del>
<del>(ii) Certified General, Residential or Trainee permit .....</del>	<del>\$400</del>
<del>(iii) Renewal of Certified General, Residential or Trainee permit .....</del>	<del>\$400</del>
<del>(iv) Change of address or contractual association .....</del>	<del>\$20</del>
<del>(v) Duplicate permit or pocket card .....</del>	<del>\$20</del>
<del>(vi) Education account .....</del>	<del>\$20</del>
<del>(vii) Permit for temporary work .....</del>	<del>\$150</del>
<del>(viii) Course or Instructor Approval .....</del>	<del>\$50</del>

<del>(ix) Federal Registry Fee (annual)</del> .....	<del>\$40</del>
<del>(x) Demonstration Report Review Fee</del> .....	<del>\$200</del>
<del>(xi) Late Renewal Fee</del> .....	<del>\$100</del>
<del>(i.) Examination fee</del> .....	<del>\$100</del>
<del>(ii.) Certified General, Residential or Trainee permit</del> .....	<del>\$400</del>
<del>(iii.) AMC registration</del> .....	<del>\$1,800</del>
<del>(iv.) Certified General, Residential or Trainee renewal</del> .....	<del>\$400</del>
<del>(v.) AMC renewal – (annual)</del> .....	<del>\$1,800</del>
<del>(vi.) Change of address or Change of business name</del> .....	<del>\$20</del>
<del>(vii.) Duplicate permit or pocket card</del> .....	<del>\$20</del>
<del>(viii.) Education account</del> .....	<del>\$20</del>
<del>(ix.) Permit for temporary work</del> .....	<del>\$150</del>
<del>(x.) Course or Instructor Approval</del> .....	<del>\$50</del>
<del>(xi.) Federal Registry Fee (annual)</del> .....	<del>\$40</del>
<del>(xii.) Work Product Report Review Fee</del> .....	<del>\$275</del>
<del>(xiii.) Late Renewal fee</del> .....	<del>\$100</del>
<del>(xiv.) Certified Documents</del> .....	<del>\$10</del>

(b) The AMC’s registration and renewal fees cover any changes made during the year; such as, change of address and change of contact person. Forms for required changes must be submitted to the Board.

**Section 45. Permit and Registration process.**

**(a) Appraisers (renumber below)**

(ai) An applicant who does not hold a current permit issued by the Board or another jurisdiction shall complete all requirements for the level of certification applied for,

including the education requirements shown in Section 56, the exam requirements described in Section 67, and the experience required in Section 78, and complete an application for a permit or registration as described in Section 89.

       ~~(ii)~~ (iA) An applicant who holds a current permit to practice at the level of certification applied for issued by another jurisdiction may submit an application for a permit pursuant to Section 89 provided:

       (iA) He/she submits evidence satisfactory to the Board that at the time he/she received the initial permit at the level of certification applied for he/she met the requirements for certification at that level existing in Wyoming at the time the initial permit was issued;

       (iiB) All permits currently held by the applicant are in good standing and all permits previously held by the applicant were in good standing at the time of expiration and there is no discipline currently pending against the applicant in any jurisdiction; and

       (iiiC) The applicant has not been subject to discipline in any jurisdiction in the past five (5) years.

       ~~(b) AMCs (develop process)~~

       (i) An applicant for a registration must submit:

       (A) Completed Board approved application form with appropriate fees;

       (B) Fingerprint cards;

**Section 56. Appraiser Education requirements.**

(a) All applicants must attend a fifteen (15) hour national USPAP course covering the most recent edition of USPAP or its equivalent taught by an AQB-certified USPAP instructor, and passes the associated fifteen (15) hour national USPAP course examination.

(b) In order to qualify for a permit to practice as a Certified General Real Estate Appraiser, an applicant must furnish proof of having successfully completed three-hundred (300) creditable classroom hours of courses in subjects related to real estate appraisal which meet the required core curriculum established and published by the Board. In addition, the applicant must either:

(i) Hold a bachelor's or higher degree from an accredited college/university acceptable to the Board, or in lieu of a bachelor's degree:



(ii) Successfully complete thirty (30) semester equivalent credit hours as established and published by the Board from an accredited college or university acceptable to the Board. Repetitious course work in the same curriculum will not be accepted.

(c) In order to qualify for a permit to practice as a Certified Residential Real Estate Appraiser, an applicant must furnish proof that they have successfully completed two-hundred (200) creditable classroom hours of courses in subjects related to real estate appraisal which meet the required core curriculum established and published by the Board, and, in addition, the applicant must either:

(i) Hold an associate's or higher degree from an accredited community college/university/college acceptable to the Board, or in lieu of an associate's degree:

(ii) Successfully complete twenty-one (21) semester equivalent credit hours as established and published by the Board from an accredited college or university acceptable to the Board. Repetitious course work in the same curriculum will not be accepted.

(d) Distance education may be used as qualifying education if the course is approved by the Board, meets AQB criteria and has a proctored final exam at the completion.

(e) In order to qualify for a permit to practice as a Certified Real Estate Appraiser Trainee, an applicant must furnish proof of having successfully completed seventy-five (75) creditable classroom hours which meet the required core curriculum established and published by the Board.

**Section 76. Appraiser Examination requirements.**

(a) Prior to taking the exam for a permit to practice as a Certified Real Estate Appraiser, the applicant shall furnish proof to the Board that the applicable education required by Section 56 has been completed.

(b) The applicant must pass the examination and furnish proof of work experience prior to a person submitting an application for certification. Examination fees will not be refunded if the Board does not approve the applicant for certification.

(c) Every applicant seeking certification as an appraiser shall register for the Board approved examination with the testing service under contract with the Board.

(i) Failure to complete the examination on the scheduled date will result in forfeiture of the examination fee.

(ii) To re-write the examination, any applicant who does not attain a passing score must register with the testing service under contract with the Board and submit the examination fee.

(d) A notice to an applicant that they have received a passing score on the Board approved examination does not constitute a permit to practice.

(e) An applicant who does not complete the experience requirement within twenty-four (24) months of passing the examination must retake and pass the examination. Examination scores more than twenty-four (24) months old will not be accepted.

**Section 78. Appraiser Experience requirements.**

(a) To be certified as a certified residential real estate appraiser or a certified general real estate appraiser, an applicant must present evidence to the Board that the experience requirement has been satisfied.

(b) In order to be certified as a residential real estate appraiser, the total experience shall consist of two-thousand five-hundred (2,500) hours of experience obtained during no fewer than twenty-four (24) months and no more than the sixty (60) months immediately preceding the filing of the application for certification. While the number of hours may be cumulative, the required number of months must accrue before an individual may be certified.

(i) Where the experience claimed is in the capacity of a reviewing appraiser, the total experience shall consist of three-thousand five-hundred (3,500) hours of experience reviewing residential reports. A reviewing appraiser is one who reviews appraisals as a reviewing appraiser in compliance with W.S. 33-39-107.

(ii) In the event the experience claimed consists of a combination of performing appraisals and reviewing appraisals, the experience claimed shall consist of a minimum of one-thousand five-hundred (1,500) hours experience completing residential appraisal reports and a minimum of one-thousand five-hundred (1,500) hours reviewing residential appraisals in compliance with W.S. 33-39-107.

(c) In order to be certified as a general real estate appraiser, the total experience shall consist of three-thousand (3,000) hours of experience obtained during no fewer than thirty (30) months and no more than the sixty (60) months immediately preceding the filing of the application for certification. While the number of hours may be cumulative, the required number of months must accrue before an individual may be certified. At least fifty (50) percent of the appraisal experience must be in non-residential appraisal work.

(i) Where the experience claimed is in the capacity of a reviewing appraiser, the total experience shall consist of four-thousand five-hundred (4,500) hours of experience reviewing appraisal reports of which at least fifty (50) percent must be non-residential. A reviewing appraiser is one who has reviewed the report as a reviewing appraiser in compliance with W.S. 33-39-107.

(ii) Where the experience claimed consists of a combination of performing appraisals and reviewing appraisals, the experience shall consist of a minimum of two-thousand (2,000) hours of reviewing appraisal reports and two-thousand (2,000) hours of completing appraisal reports, of which at least fifty (50) percent must be non-residential in compliance with W. S. 33-39-107.

**Section ~~89~~. Making application.**

(a) Appraisers: (~~Renumber below~~)

(ai) The applicable requirements of Sections ~~65~~, ~~76~~ and ~~87~~ or Section ~~45(ba)~~(ii) must be complete prior to submitting an application for certification to the Board. The applicable requirements of Section ~~56~~ must be completed prior to submitting an application for a certified ~~R~~real ~~E~~state ~~T~~trainee permit to the Board.

(bii) Each person desiring to become certified as a real estate appraiser shall execute an application.

(iA) Applications which are not complete and which are not accompanied by the correct fee will not be accepted and will be returned to the applicant.

(Bii) Applicants must be at least eighteen (18) years of age.

(iie) At the time of application for general or residential certification, an applicant who is not currently certified in Wyoming or another jurisdiction at the level of certification applied for must submit the appraisal log referred to in (f) below. An Application Review Committee (ARC) of not more than two (2) board members, including one (1) board member certified in the level of certification applied for, selected by board staff will select two (2) appraisals from the appraisal log and conduct or arrange for a review of the selected appraisals to insure all requirements of the appropriate version of USPAP are met. Should the ARC determine either of the selected appraisals does not meet the requirements of the appropriate version of USPAP, it may request the applicant submit any or all of the following:

(Ai) a third appraisal selected from the appraisal log;

(Bii) a demonstration report; or

(Cii) any other further information it deems appropriate.

(div) If, after reviewing all submissions from the applicant, the ARC determines the submissions do not meet the requirements of the appropriate version of USPAP, it shall recommend the Board deny the application.

(ev) All applicants must submit complete and legible fingerprint cards, and if applicable, a Certificate of License History.

\_\_\_\_\_ (~~fvi~~) All applicants not currently certified in Wyoming or another jurisdiction at the level of certification applied for shall submit an appraisal log signed by both the applicant and the supervising appraiser on a form developed by the Board and posted on the Board web site in order to verify the applicant's experience.

\_\_\_\_\_ (~~vii~~) No permit will be issued prior to the criminal record background check required by W.S. 33-39-106(a)(vii) being received by the Board.

\_\_\_\_\_ (~~lviii~~) Applicants who are not residents of Wyoming must submit:

\_\_\_\_\_ (~~iA~~) The written designation required by W.S. 33-39-115(a) appointing the Director as his/her licensed agent upon whom all judicial and other process or legal notices directed to the applicant may be served; and

\_\_\_\_\_ (~~iiB~~) The written agreement to abide by all the provisions of the Certified Real Estate Appraiser Act required by W.S. 33-39-115(b).

\_\_\_\_\_ (~~jix~~) A permittee whose permit is held by the Board on inactive status must apply for activation of such inactive permit and must submit proof of having successfully completed all continuing education required for an active permittee during the period the permit was inactive, including the most current seven (7) hour National USPAP Update Course.

\_\_\_\_\_ (~~b~~) ~~AMCs: Develop process~~

\_\_\_\_\_ (~~i~~) ~~The applicable requirements of Section 4 must be complete prior to submitting a Board approved application for registration to the Board.~~

#### **Section 10. Permit renewals; appraiser continuing education.**

\_\_\_\_\_ (~~a~~) ~~Appraisers: (renumber below)~~

\_\_\_\_\_ (~~ai~~) A renewal application shall include proof that the permittee including a certified real estate appraiser trainee has completed at least thirty (30) hours of continuing education, which meets the curriculum established and published by the Board. Repetitious course work will not be accepted.

\_\_\_\_\_ (~~iA~~) An inactive permittee will not be required to furnish proof of continuing education until such time as they request activation of the permit.

\_\_\_\_\_ (~~bii~~) All permittees shall submit proof of ~~successful~~ completion of one (1) AQB-approved seven (7) hour National USPAP update course before April 1<sup>st</sup> of the year a new edition of USPAP becomes effective to renew a permit. USPAP update courses may be included in the required continuing education hours.

\_\_\_\_\_ (eii) Distance education may be used as continuing education if the course/seminar meets the AQB criteria and is approved by the Board. A proctored exam is not required but an applicant must successfully complete all prescribed course requirements.

\_\_\_\_\_ (diii) Up to fifteen (15) hours of a permittee's continuing education requirement may be granted for participation, other than as a student, in appraisal educational processes and programs.

\_\_\_\_\_ (iA) Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education.

\_\_\_\_\_ (iiB) Credit for instructing any course or seminar can only be awarded once during a continuing education cycle.

\_\_\_\_\_ (eiv) Failure to remit renewal fees when due will cause an active or inactive permit to lapse.

\_\_\_\_\_ (iA) A lapsed permit may be reinstated within sixty (60) days upon payment of the renewal fee and late renewal fee.

\_\_\_\_\_ (iiB) Any permittee whose permit, active or inactive, has not been renewed within the sixty (60) day grace period must comply with all requirements of a new applicant.

(b) AMCs

(i) A Board approved renewal application form shall include evidence of a current surety bond in the amount of twenty-five thousand dollars (\$25,000.00) along with the appropriate fee.

**Section 11. Appraisal courses/seminars.**

(a) Any entity or individual requesting approval of a course/seminar or an instructor requesting approval by the Board must submit an application on forms prescribed by the Board which require information concerning the course/seminar being offered, course/seminar outline, examination, grading system and instructor qualifications.

~~\_\_\_\_\_ (b) "Proof of attendance" is a certified transcript or certificate from the entity offering the course/seminar which states the name of the permittee, the title of the course/seminar, and the date of completion.~~

(be) The Board may accept the following courses/seminars as meeting standards for appraiser education:

(i) Any appraisal course/seminar approved by the AQB and the Board.

(ii) Any appraisal course/seminar approved by the Board or by an appraiser regulatory body in any jurisdiction or province with approval standards equal to those established by the Board.

(cd) The Board may approve courses/seminars by other schools, professional societies or organizations if they meet the Board standards.

(de) The Board will automatically approve Appraisal Qualifications Board (AQB) Course Approval Program (CAP) approved courses.

(ef) Pre-certification education courses must be at least fifteen (15) classroom hours in duration.

(fg) Seminars for continuing education must be at least three (3) classroom hours in duration.

(gh) An approved course/seminar may be monitored by a representative of the Board.

(hj) Each course/seminar approval is good for three (3) years, after which the provider must request approval for another three (3) year period and submit the prescribed fee.

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## **Section 12. Instructor qualifications.**

(a) Course/seminar instructors must have forty (40) hours of teaching appraisal course/seminar experience within the past two (2) years and shall meet at least one of the following qualifications, unless granted an exemption by the Board:

(i) A bachelor's degree in the field in which the person is instructing; or

(ii) Five (5) years of current experience in the subject instructed.

## **Section 13. Withdrawal of approval.**

(a) If the Board determines that an instructor, or course previously approved, no longer meets the prescribed standards, a written notice of withdrawal of approval shall be given stating the reasons for the withdrawal. The withdrawal becomes effective twenty (20) days from the date of the notice unless the person or entity giving the course/seminar files a written request for a hearing prior to the effective date.

(i) If a request for a hearing is timely filed, the withdrawal of approval will not become effective except upon order of the Board issued within ninety (90) days after the hearing.

**Section 14. Disputes between permittees.**

(a) The Board shall not entertain complaints between permittees concerning matters of fees or the earning, splitting or nonpayment thereof.

**Section 15. Regulatory enforcement grounds.**

(a) Appraisers: In addition to the statutory grounds for disciplinary action against a ~~permittee~~ an appraiser (W.S. 33-39-123), the Board may deny a permit or impose any disciplinary action authorized by W.S. 33-39-123(a) or combination thereof for any of the following:

       ~~(a)~~ (ai) An act or omission involving dishonesty, fraud or misrepresentation;

       ~~(b)~~ (bii) Failure or refusal, without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal; or

       ~~(c)~~ (eiii) Failure to notify the Board of a change of address within thirty (30) days.

       ~~(d)~~ (div) Appraising a property type that is outside the scope of a Certified Residential Permit. However, appraisers holding a Certified Residential Permit may obtain the experience necessary to upgrade to a Certified General Permit by appraising properties outside the allowed scope of a Certified Residential Permit by associating with an appraiser holding a Wyoming Certified General Permit, provided that:

           ~~(i)~~ (iA) The appraiser holding the Certified General Permit must review, sign, and accept responsibility for the appraisal and report, and

           ~~(ii)~~ (iiB) The report must fully disclose each appraiser's role in the appraisal and reporting process, and

           ~~(iii)~~ (iiC) The Certified Residential Permit holder must not make any representations regarding the value analysis to a third party.

       ~~(e)~~ (ev) Failure to produce documents and records concerning an appraisal under investigation by the Board.

       ~~(f)~~ (fvi) Failure to appear and to testify under oath at a hearing held by the Board.

       ~~(g)~~ (gvii) Failure to pay a fine imposed pursuant to W.S. 33-39-123 within thirty (30) days of the date of the Order.

       ~~(h)~~ (hviii) In addition to noncompliance with standards prescribed by the Uniform Standards of Professional Appraisal Practice ("USPAP"), as adopted by the Board, any failure to conform to the conduct prescribed by or requirements contained in the Ethics Rule, the

Competency Rule, the Scope of Work Rule and the Jurisdictional Exception Rule of USPAP shall constitute a separate ground for discipline under these rules.

\_\_\_\_\_ (~~jix~~) Violation of any provision of W.S. 33-39-101 through 33-39-130, Board Rules and Regulations, or USPAP.

\_\_\_\_\_ (~~kx~~) Failure to complete the seven (7) hour national USPAP update course before April 1<sup>st</sup> of the year a new edition of USPAP becomes effective.

\_\_\_\_\_ (~~mx~~i) A summary of all final discipline, whether imposed by settlement or following a contested case hearing, will be published in the Real Estate Review, posted on the Board website, and such information as is mandated by federal law for various purposes, including such information that may be subject to a national clearinghouse maintained by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, and in furtherance of Title XI of the Federal Financial Institutions Examination Act (“FIRREA”) Real Estate Appraisal Reform [12 U.S.C. §§3331-3351], as amended by the Dodd-Frank Reform Act will be reported.

\_\_\_\_\_ (~~nx~~ii) The Board retains jurisdiction over persons issued a permit pursuant to the Act and these rules, regardless of whether the permit expired, lapsed or was relinquished during or after the alleged occurrence of conduct proscribed by the Act or these rules.

(b) AMCs. The Board may impose any disciplinary action authorized by W.S. 33-39-224 for any violation of W.S. 33-39-224(a)(i) through (v) by an AMC, its representatives or employees.

\_\_\_\_\_

**Section 16. Permit for temporary work.**

(a) An appraiser certified in another jurisdiction and in good standing in all jurisdictions in which he/she currently holds or has previously held a permit may apply for a permit in Wyoming for temporary work for one (1) appraisal assignment to be completed within six (6) months from date of issuance of temporary permit.

(i) The appraiser must submit to the Board a copy of the engagement agreement for the assignment and pay the fee for the permit for temporary work.

(ii) A single appraisal assignment may include one (1) or more properties under one (1) contract for a single client.

(iii) One six (6) month extension of the temporary practice permit may be granted.

**Section 17. Responsibilities of a Certified Appraiser acting as a supervisory appraiser.**



(a) A supervising appraiser shall be responsible for and provide direct supervision of the work performed by a certified real estate appraiser trainee or a ~~T~~trainee under his/her supervision. The supervising appraiser shall:

(i) Notify the Board of the name(s) and other Board required information for each certified real estate appraiser trainee or trainee under his/her supervision.

(ii) Sign and review the appraisal and assume full responsibility for it; and

(iii) Not allow the certified real estate appraiser trainee or "~~T~~trainee" to make any representations regarding the appraisal to a third party; and

(iv) Disclose in the appraisal report the name of the certified real estate appraiser trainee or ~~T~~trainee and the scope of the certified real estate appraiser trainee or ~~T~~trainee's contribution to the report.

(v) Maintain an appraisal log jointly with the appraiser certified real estate appraiser trainee or ~~T~~trainee using the form available on the Board website.

(b) Upon request, the supervising appraiser shall provide the Board with a copy of any appraisal report that a certified real estate appraiser trainee or ~~T~~trainee signed under his/her supervision.

(c) The appraiser certified real estate appraiser trainee or ~~T~~trainee is entitled to copies of appraisal reports he/she prepares.

(d) The supervising appraiser shall physically inspect each property that the appraisercertified real estate appraiser trainee or ~~T~~trainee is appraising until such time as he/she deems the certified real estate appraiser traineeappraiser or ~~T~~trainee satisfies the competency provision of USPAP.

(e) The supervising appraiser shall hold a permit from and be in good standing in the training jurisdiction. The supervising appraiser must have been certified for a minimum of two (2) years. The supervising appraiser shall not have been subject to any probation, suspension or revocation by an appraiser regulatory agency within the previous two (2) years.

(f) The certified real estate appraiser trainee or ~~T~~trainee shall be permitted to work under more than one (1) supervising appraiser, however, no supervising appraiser may supervise more than three (3) certified real estate appraiser trainees or ~~T~~trainees at any one time.

(g) The supervising appraiser must be within reasonable geographic proximity to the certified real estate appraiser ~~T~~trainee or trainee.

(h) The supervising appraiser must attend a Supervisor/Trainee course or seminar approved by the Board with each certified real estate appraiser trainee or ~~T~~trainee. A course or

seminar must be satisfactorily completed within six (6) months of establishing the Supervisor/Trainee relationship.

**Section 18. Responsibilities of a certified real estate appraiser trainee or appraiser trainee.**

(a) Certified real estate appraiser trainees or Trainees must:

(i) Register their name, address and phone number with the Board office.

(ii) Work under the direct supervision of a certified real estate appraiser.

(A) A ~~an~~ certified real estate Appraiser Trainee or trainee is permitted to work under more than one (1) supervising appraiser.

(iii) Notify the Board of each supervising appraiser's name.

(iv) Maintain an experience log on a form provided by and approved by the Board which shall be reviewed and signed by the supervising certified real estate appraiser.

(v) Maintain separate appraisal logs for each supervising appraiser using the form available on the Board web site.

(vi) Participate in the appraisal process in order to receive credit for hours spent and appraisals completed.

(vii) Comply with the USPAP competency rule.

(viii) Not make representations regarding an appraisal they are involved with to any third party.

(ix) Ensure that the supervising appraiser has notified the Board of all pertinent Board required information relative to their status as an appraiser Trainee.

(x) Indicate the word "Certified real estate appraiser trainee" or "Trainee" prominently after their signature on all appraisal reports, reviews or correspondence signed by the certified real estate appraiser trainee or Trainee.

(xi) Attend a Supervisor/Trainee course or seminar approved by the Board with each supervising appraiser. A course or seminar must be satisfactorily completed within six (6) months of establishing the Supervisor/Trainee relationship.

CHAPTER 2  
CERTIFIED REAL ESTATE APPRAISER BOARD

APPLICATION REVIEW, COMPLAINTS,  
and  
HEARING PROCEDURES

EMERGENCY RULES ARE NO LONGER IN EFFECT 120 DAYS AFTER FILING WITH  
THE SECRETARY OF STATE

**Section 1. Application Review Process.**

(a) Upon receipt of a complete application submitted by an applicant who holds a current permit to practice at the level of certification applied for issued by another jurisdiction, the Board Office shall review the application and if it is complete and there are no known grounds for denial of the requested permit, the Board office may issue the permit. If there are grounds for denial reasonably apparent on the face of the completed application, the Board office shall forward the application to the Application Review Committee (ARC).

(b) Upon receipt of a complete application submitted by an applicant who does not hold a current permit at the level of certification applied for (new applicant), the Board office shall forward the application to the ARC.

(c) The ARC shall review the applications it receives and for new applicants conduct or arrange for a USPAP Standard 3 review of appraisal reports selected from the submitted appraisal log.

(d) Following the review the ARC may:

(i) Approve the application if the applicant meets all requirements; or

(ii) If either the application or the Standard 3 review raises questions as to whether denial is appropriate, forward the application and the ARC report to the Assistant Attorney General assigned to the Board for prosecution for review.

(e) If after review the ARC, following consultation with the Assistant Attorney General, concludes that grounds exist to recommend denial of an application.

(i) A preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General,

and the applicant.

(iv) Following a reconsideration conference, the ARC shall either approve or deny the application and notify the applicant.

(v) If denied, the applicant must submit a written request for a hearing before the Board within thirty (30) days of the date of the denial letter or the denial is final.

**~~Section 2. Application denial hearings.~~**

~~(f) Application denial hearings~~

~~\_\_\_\_\_ (ai) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act, following applicable provisions of the formal hearing procedures established later in this Chapter.~~

~~(b) The hearing is to be conducted in the presence of a quorum of the board, with a hearing officer presiding.~~

~~\_\_\_\_\_ (eii) The applicant has the burden of proving that he/she meets all requirements for the permit requested.~~

~~(g) The ARC may attend hearings, but shall not take part in the consideration of any contested case.~~

**Section 23. Complaints.**

(a) A disciplinary action is initiated against a permit holder by submitting a sworn written complaint to the Board office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member or member of the Board staff. The sworn written complaint should provide as much of the following information as may be available and applicable:

(i) The name and address of the complainant;

(ii) The name, address, place of employment, and telephone number of the permit holder against whom the charges are made;

(iii) The specific conduct alleged to constitute the violation;

(iv) The name and address of any other witnesses; and

(v) The signature of the complainant.

**Section 43. Review of Written Complaint.**

(a) Sworn written complaints shall be sent to the permit holder complained against and be referred to the investigator for the Board, the Assistant Attorney General, and a liaison selected by Board staff. The liaison, following consultation with the investigator and Assistant Attorney General, shall determine whether the complaint merits further investigation. If the complaint does not evidence conduct which violates the Act or Board Rules, it does not merit further investigation and the liaison shall dismiss it. If the complaint merits further investigation, the permit holder against whom the complaint was filed will be advised of the investigation, the names of the investigator and the liaison, the nature of the complaint, and given an opportunity to respond to the complaint.

(i) The liaison shall not take part in the consideration of any contested case.

(ii) The liaison shall not, by this rule, be barred from attending any disciplinary hearing.

**Section 5. Investigations and Board Action.** The investigator for the Board shall investigate those sworn written complaints received which the liaison has determined merit further investigation.

(a) Upon completion of the investigation, the investigator for the Board shall prepare an investigative report and submit it to the liaison.

(i) The report shall include:

(A) The findings;

(B) A list of statutes and/or Board rules believed to have been violated;

and

(C) Any relevant additional information.

(b) The liaison shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

\_\_\_\_\_ (c) Following consultation with the Assistant Attorney General, the liaison may:

(i) Send the notice required by Section 6;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;

(iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Dismiss the complaint.

(d) The Board may resolve a complaint at any time by:

(i) Accepting a voluntary surrender of a permit;

(ii) Accepting conditional terms for settlement;

(iii) Dismissal.

**Section 65. Service of Notice and Opportunity to Show Compliance.**

(a) Prior to commencement of a formal hearing, the liaison shall give notice by mail to the permit holder of the facts or conduct which warrant his/her intended action. The notice shall give the permit holder an opportunity to show compliance with all lawful requirements for retention of the permit within twenty (20) days of the mailing of the notice. Such notice shall be sent to the permit holder's last known address both by certified mail with return receipt requested and by first class mail. Service shall be deemed complete when mailed.

**Section 67. Formal Hearing Prerequisites ~~Procedures~~.**

(a) Formal proceedings for a hearing before the Board regarding a denied application or an action against a permit holder shall be commenced by notice of hearing for applicants or petition and notice of hearing for permit holders, served in person, or by both certified mail and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(i) The name and address of the applicant or permit holder;

(ii) A statement, in ordinary and concise language, of the reasons for denial or the nature of the complaint filed with the Board, the facts upon which the denial or complaint is based, as well as the specific statute(s) or Board rules and regulations alleged to have been violated;

(iii) The time, place, and nature of the hearing;

(iv) That the hearing is being held pursuant to the authority provided by W.S. 33-39-118 or W.S. 33-39-124; and

(v) The applicant or permit holder shall file an Answer or Notice of Appearance, which must be received by the Board at least ten (10) working days prior to the date set for hearing, or the applicant or permit holder will be in default.

~~**Section 8. Continuance.** For good cause shown, extensions and continuances may be granted or denied at the discretion of the Board or the hearing officer.~~

**Section 79. Default.** The Board may enter an order based on the allegations in a notice of hearing or petition and notice of hearing in any case where the applicant or permit holder has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or permit holder or his/her representative has not appeared at a scheduled hearing for which they had notice.

~~**Section 108. Hearing Officer Contested Case Hearings.** The Board may appoint a hearing officer to take evidence at the hearing, or the chairperson or a Board member may serve as the hearing officer.~~

~~(a) The Office of Administrative Hearings shall act as the hearing officer and shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and the Office of Administrative Hearings' rules concerning contested case proceedings.~~

~~(b) At the Board's discretion, contested case hearings shall either be conducted in the presence of a quorum of Board Members or a committee of one (1) or more Board Members.~~

~~(c) During the formal contested case hearing, Board Members may ask questions of the witnesses and/or the parties including their attorneys.~~

~~(d) A court reporter shall be present during the hearing and report the entire proceeding.~~

~~**Section 11. Discovery.** In all formal proceedings before the Board, discovery shall be afforded in accordance with the Wyoming Administrative Procedure Act.~~

~~**Section 12. Subpoenas.**~~

~~(a) A Board member or the hearing officer may issue subpoenas for the attendance of witnesses and for the production of books, records, documents, and other evidence, and shall have the power to administer oaths.~~

~~(b) Service of a subpoena must be made at the expense of the party applying for it and shall be made in the manner provided by law for service of subpoenas in civil actions.~~

~~**Section 13. Witnesses.**~~

~~(a) All persons testifying at any hearing before the Board shall be administered a standard oath or affirmation.~~

~~(b) No testimony will be received from a witness except under oath or affirmation.~~

~~\_\_\_\_\_ (c) The party calling a witness shall bear the costs associated with his/her appearance.~~

~~\_\_\_\_\_ (d) The Board and hearing officer shall have an opportunity to examine any witness.~~

~~\_\_\_\_\_ **Section 14. Representation.**~~

~~\_\_\_\_\_ (a) An applicant or permit holder may represent him/herself or be represented by counsel, provided that such counsel is licensed to practice law in the State of Wyoming or is associated at the hearing with one or more attorneys licensed to practice law in the State of Wyoming.~~

~~\_\_\_\_\_ (b) In any case before the Board, an appearance in person or the filing of an answer or other pleading shall constitute an appearance of record by an attorney.~~

~~\_\_\_\_\_ (c) A request for withdrawal from representation by an attorney shall be submitted to the Board in writing.~~

~~\_\_\_\_\_ (d) The Assistant Attorney General assigned to the Board for prosecution shall present all matters in a contested case on behalf of the ARC or liaison.~~

~~\_\_\_\_\_ **Section 15. Prehearing Conference.**~~

~~\_\_\_\_\_ (a) The hearing officer may direct the parties to appear before him/her to consider:~~

~~\_\_\_\_\_ (i) The simplification of the issues;~~

~~\_\_\_\_\_ (ii) The necessity or desirability of amending the pleadings;~~

~~\_\_\_\_\_ (iii) The possibility of obtaining admissions of fact and of documents to avoid unnecessary proof;~~

~~\_\_\_\_\_ (iv) Formulating procedures to govern the hearing; or~~

~~\_\_\_\_\_ (v) Such other matters as may aid in the disposition of the case.~~

~~\_\_\_\_\_ (b) Prehearing conferences shall be conducted informally. An order will be prepared which recites the actions taken at the conference, amendments allowed, agreements of the parties, and the issues to be determined at the hearing.~~

~~\_\_\_\_\_ **Section 16. Order of Procedure at Hearing.** The hearing will be conducted in substantially the following order:~~

~~\_\_\_\_\_ (a) Opening announcements are made by the hearing officer, including case name and docket number, the issue(s) to be considered, parties and counsel present, and subpoenas issued;~~

~~\_\_\_\_\_ (b) Witnesses should be identified and sworn;~~



~~(c) Opening statements may be made at the discretion of the hearing officer. In cases of permit denial, the applicant should go first. In disciplinary cases the liaison should go first;~~

~~(d) Presentation of Evidence. The order above will be followed with each party, the hearing officer, and the Board having the opportunity to cross-examine the witnesses. Rebuttal evidence may be presented;~~

~~(e) Exhibits offered in evidence by the applicant or the permit holder will be marked with the letters of the alphabet. Those offered by the liaison will be marked numerically;~~

~~(f) Closing arguments may be made at the discretion of the hearing officer. Time may be limited, the order of presentation is as above, and brief rebuttal time may be allowed. The hearing and the evidence are then closed, unless reopened by the hearing officer for good cause shown.~~

### **Section 917. Decisions.**

#### (a) Proposed Decisions:

(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.

(ii) At the discretion and direction of the Board, the hearing officer or the Assistant Attorney General assigned to advise the Board shall prepare proposed findings of fact, conclusions of law, and order following deliberations by the Board or its committee.

(b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

**Section 108. Appeals.** A Petition for Judicial Review of the Board decision may be filed in the district court in accordance with the Wyoming Rules of Appellate Procedure.

**Section 119. Transcripts.** If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

CHAPTER 3  
CERTIFIED REAL ESTATE APPRAISER BOARD  
USPAP

EMERGENCY RULES ARE NO LONGER IN EFFECT 120 DAYS AFTER FILING WITH  
THE SECRETARY OF STATE

**Section 1. Adoption of USPAP.** The most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP) ~~2012-2013 Edition~~ promulgated by the Appraisal Foundation is adopted without modification, including related Appraisal Standards Board (ASB) Statements and Comments. ~~This adoption does not include any later amendments or editions of USPAP.~~

Copies of USPAP are available at the Board office, 2020 Carey Avenue, Suite 702, Cheyenne, WY 82002 (307) 777-7141 for inspection. Copies of USPAP may also be purchased from the Appraisal Foundation (202) 289-2735, info@appraisalfoundation.org or the website [www.uspap.org](http://www.uspap.org).

~~Section 2. Effective date.~~

~~This Chapter is effective January 1, 2012.~~

CHAPTER 1  
CERTIFIED REAL ESTATE APPRAISER BOARD  
GENERAL PROVISIONS

EMERGENCY RULES ARE NO LONGER IN EFFECT 120 DAYS AFTER FILING WITH  
THE SECRETARY OF STATE

**Section 1. Authority.** Pursuant to the authority vested in the Certified Real Estate Appraiser Board by virtue of W. S. 16-3-101 through 16-3-115 and W. S. 33-39-101 through 33-39-225 (the Act), the following rules and regulations are hereby promulgated.

**Section 2. Definitions.** **Terms defined in the Act shall have the same meanings when used in these rules unless the context or subject matter clearly requires a different interpretation.**

(a) “Applicant” means a person or Appraisal management company (AMC) who submits an application for a permit or registration to the Board;

(b) “Appraiser Qualifications Board “AQB” is the independent board of the Appraisal Foundation which sets the qualification standards for appraisers;

(c) “Appraisal Standards Board” is the independent board of the Appraisal Foundation which sets the appraisal standards for appraisers;

(d) “Appraisal Subcommittee “ASC” is the Appraisal Subcommittee of the Federal Financial Institutions Examination Council;

(e) “Board” means the Wyoming certified real estate appraiser board;

(f) “Certified general real estate appraiser” means a person certified by the director to develop and communicate real estate appraisals of all types of property;

(g) “Certified real estate appraiser trainee” means a person certified by the director to develop and communicate real estate appraisals under the immediate and personal direction of a certified real estate appraiser’;

(h) “Certified residential real estate appraiser” means a person certified by the director to develop and communicate real estate appraisals of all types of residential property of one to four units and vacant or unimproved land;

(k) "Client" means any person or entity that contracts with, or otherwise enters into an agreement with, an appraisal management company for the performance of appraisal management services and real estate appraisal services;

(m) “Director” means the director of the Wyoming Real Estate Commission who serves on the Board as a non-voting ex-officio member;

(n) “In good standing” means maintaining an active certification in this state pursuant to the Certified Real Estate Appraiser Act, which certification is not subject to any disciplinary or probationary restrictions;

(o) “Jurisdiction” includes all fifty states and the commonwealth of the Northern Mariana Islands, Guam, Puerto Rico, the District of Columbia and the Virgin Islands as recognized by the United States of America.

(p) “Permit number” means the permit number, which appears on the permit issued to an appraiser or certified real estate trainee by the Board. The Appraiser's permit number and type of certification must appear on all appraisal reports, i.e., “Certified General Real Estate Appraiser, Wyoming Permit No. \_\_\_\_,” or “Certified Residential Real Estate Appraiser, Wyoming Permit No. ,” or “Certified Real Estate Appraiser Trainee, Wyoming Permit No. \_\_\_\_\_.”

(q) "Permittee" means a person holding a current permit issued by the Board or an AMC registered with the Board.

(r) "Proof of completion" is a certified transcript or certificate from the entity offering the course/seminar which states the name of the appraiser, certified real estate trainee or trainee, the title of the course/seminar, and the date of completion.

(s) “Registration number” means the specific number issued to each individual AMC.

(t) “Temporary work” means work of a temporary nature, not to exceed one (1) appraisal assignment which must be completed within six (6) months from date of issuance of the temporary permit.

(u) “Trainee” is a non-certified person who works with and assists a certified appraiser in the development and communication of appraisals for purposes of gaining experience to become a certified appraiser.

(w) “USPAP” means the Uniform Standards of Professional Appraisal Practice.

**Section 3. Fees.**

(a) The following non-refundable fees shall be charged by the Board:

- (i.) Examination fee .....\$100
- (ii.) Certified General, Residential or Trainee permit.....\$400

(iii.) AMC registration .....	\$1,800
(iv.) Certified General, Residential or Trainee renewal .....	\$400
(v.) AMC renewal – (annual) .....	\$1,800
(vi.) Change of address or Change of business name .....	\$20
(vii.) Duplicate permit or pocket card.....	\$20
(viii.) Education account.....	\$20
(ix.) Permit for temporary work.....	\$150
(x.) Course or Instructor Approval .....	\$50
(xi.) Federal Registry Fee (annual).....	\$40
(xii.) Work Product Report Review Fee .....	\$275
(xiii.) Late Renewal fee.....	\$100
(xiv.) Certified Documents .....	\$10

(b) The AMC’s registration and renewal fees cover any changes made during the year such as, change of address and change of contact person. Forms for required changes must be submitted to the Board.

**Section 4. Permit and Registration process.**

**(a) Appraisers**

(i) An applicant who does not hold a current permit issued by the Board or another jurisdiction shall complete all requirements for the level of certification applied for, including the education requirements shown in Section 5, the exam requirements described in Section 6, and the experience required in Section 7, and complete an application for a permit or registration as described in Section 8.

(ii) An applicant who holds a current permit to practice at the level of certification applied for issued by another jurisdiction may submit an application for a permit pursuant to Section 8 provided:

(A) He/she submits evidence satisfactory to the Board that at the time he/she received the initial permit at the level of certification applied for he/she met the requirements for certification at that level existing in Wyoming at the time the initial permit was issued;

(B) All permits currently held by the applicant are in good standing and all permits previously held by the applicant were in good standing at the time of expiration and there is no discipline currently pending against the applicant in any jurisdiction; and

(C) The applicant has not been subject to discipline in any jurisdiction in the past five (5) years.

(b) AMCs

(i) An applicant for a registration must submit:

(A) Completed Board approved application form with appropriate fees;

(B) Fingerprint cards;

#### **Section 5. Appraiser Education requirements.**

(a) All applicants must attend a fifteen (15) hour national USPAP course covering the most recent edition of USPAP or its equivalent taught by an AQB-certified USPAP instructor, and passes the associated fifteen (15) hour national USPAP course examination.

(b) In order to qualify for a permit to practice as a Certified General Real Estate Appraiser, an applicant must furnish proof of having successfully completed three-hundred (300) creditable classroom hours of courses in subjects related to real estate appraisal which meet the required core curriculum established and published by the Board. In addition, the applicant must either:

(i) Hold a bachelor's or higher degree from an accredited college/university acceptable to the Board, or in lieu of a bachelor's degree:

(ii) Successfully complete thirty (30) semester equivalent credit hours as established and published by the Board from an accredited college or university acceptable to the Board. Repetitious course work in the same curriculum will not be accepted.

(c) In order to qualify for a permit to practice as a Certified Residential Real Estate Appraiser, an applicant must furnish proof that they have successfully completed two-hundred (200) creditable classroom hours of courses in subjects related to real estate appraisal which meet the required core curriculum established and published by the Board, and, in addition, the applicant must either:

(i) Hold an associate's or higher degree from an accredited community college/university/college acceptable to the Board, or in lieu of an associate's degree:

(ii) Successfully complete twenty-one (21) semester equivalent credit hours as established and published by the Board from an accredited college or university acceptable to the Board. Repetitious course work in the same curriculum will not be accepted.

(d) Distance education may be used as qualifying education if the course is approved by the Board, meets AQB criteria and has a proctored final exam at the completion.

(e) In order to qualify for a permit to practice as a Certified Real Estate Appraiser Trainee, an applicant must furnish proof of having successfully completed seventy-five (75) creditable classroom hours which meet the required core curriculum established and published by the Board.

### **Section 6. Appraiser Examination requirements.**

(a) Prior to taking the exam for a permit to practice as a Certified Real Estate Appraiser, the applicant shall furnish proof to the Board that the applicable education required by Section 5 has been completed.

(b) The applicant must pass the examination and furnish proof of work experience prior to a person submitting an application for certification. Examination fees will not be refunded if the Board does not approve the applicant for certification.

(c) Every applicant seeking certification as an appraiser shall register for the Board approved examination with the testing service under contract with the Board.

(i) Failure to complete the examination on the scheduled date will result in forfeiture of the examination fee.

(ii) To re-write the examination, any applicant who does not attain a passing score must register with the testing service under contract with the Board and submit the examination fee.

(d) A notice to an applicant that they have received a passing score on the Board approved examination does not constitute a permit to practice.

(e) An applicant who does not complete the experience requirement within twenty-four (24) months of passing the examination must retake and pass the examination. Examination scores more than twenty-four (24) months old will not be accepted.

### **Section 7. Appraiser Experience requirements.**

(a) To be certified as a certified residential real estate appraiser or a certified general real estate appraiser, an applicant must present evidence to the Board that the experience requirement has been satisfied.

(b) In order to be certified as a residential real estate appraiser, the total experience shall consist of two-thousand five-hundred (2,500) hours of experience obtained during no fewer than twenty-four (24) months and no more than the sixty (60) months immediately preceding the filing of the application for certification. While the number of hours may be cumulative, the required number of months must accrue before an individual may be certified.

(i) Where the experience claimed is in the capacity of a reviewing appraiser, the total experience shall consist of three-thousand five-hundred (3,500) hours of experience reviewing residential reports. A reviewing appraiser is one who reviews appraisals as a reviewing appraiser in compliance with W.S. 33-39-107.

(ii) In the event the experience claimed consists of a combination of performing appraisals and reviewing appraisals, the experience claimed shall consist of a minimum of one-thousand five-hundred (1,500) hours experience completing residential appraisal reports and a minimum of one-thousand five-hundred (1,500) hours reviewing residential appraisals in compliance with W.S. 33-39-107.

(c) In order to be certified as a general real estate appraiser, the total experience shall consist of three-thousand (3,000) hours of experience obtained during no fewer than thirty (30) months and no more than the sixty (60) months immediately preceding the filing of the application for certification. While the number of hours may be cumulative, the required number of months must accrue before an individual may be certified. At least fifty (50) percent of the appraisal experience must be in non-residential appraisal work.

(i) Where the experience claimed is in the capacity of a reviewing appraiser, the total experience shall consist of four-thousand five-hundred (4,500) hours of experience reviewing appraisal reports of which at least fifty (50) percent must be non-residential. A reviewing appraiser is one who has reviewed the report as a reviewing appraiser in compliance with W.S. 33-39-107.

(ii) Where the experience claimed consists of a combination of performing appraisals and reviewing appraisals, the experience shall consist of a minimum of two-thousand (2,000) hours of reviewing appraisal reports and two-thousand (2,000) hours of completing appraisal reports, of which at least fifty (50) percent must be non-residential in compliance with W. S. 33-39-107.

**Section 8. Making application.**

(a) Appraisers:



(i) The applicable requirements of Sections 5, 6 and 7 or Section 4(a)(ii) must be complete prior to submitting an application for certification to the Board. The applicable requirements of Section 5 must be completed prior to submitting an application for a certified real estate trainee permit to the Board.

(ii) Each person desiring to become certified as a real estate appraiser shall execute an application.

(A) Applications which are not complete and which are not accompanied by the correct fee will not be accepted and will be returned to the applicant.

(B) Applicants must be at least eighteen (18) years of age.

(iii) At the time of application for general or residential certification, an applicant who is not currently certified in Wyoming or another jurisdiction at the level of certification applied for must submit the appraisal log referred to in (f) below. An Application Review Committee (ARC) of not more than two (2) board members, including one (1) board member certified in the level of certification applied for, selected by board staff will select two (2) appraisals from the appraisal log and conduct or arrange for a review of the selected appraisals to insure all requirements of the appropriate version of USPAP are met. Should the ARC determine either of the selected appraisals does not meet the requirements of the appropriate version of USPAP, it may request the applicant submit any or all of the following:

(A) a third appraisal selected from the appraisal log;

(B) a demonstration report; or

(C) any other further information it deems appropriate.

(iv) If, after reviewing all submissions from the applicant, the ARC determines the submissions do not meet the requirements of the appropriate version of USPAP, it shall recommend the Board deny the application.

(v) All applicants must submit complete and legible fingerprint cards, and if applicable, a Certificate of License History.

(vi) All applicants not currently certified in Wyoming or another jurisdiction at the level of certification applied for shall submit an appraisal log signed by both the applicant and the supervising appraiser on a form developed by the Board and posted on the Board web site in order to verify the applicant's experience.

(viig) No permit will be issued prior to the criminal record background check required by W.S. 33-39-106(a)(vii) being received by the Board.

(viii) Applicants who are not residents of Wyoming must submit:

(A) The written designation required by W.S. 33-39-115(a) appointing the Director as his/her licensed agent upon whom all judicial and other process or legal notices directed to the applicant may be served: and

(B) The written agreement to abide by all the provisions of the Certified Real Estate Appraiser Act required by W.S. 33-39-115(b).

(ix) A permittee whose permit is held by the Board on inactive status must apply for activation of such inactive permit and must submit proof of having successfully completed all continuing education required for an active permittee during the period the permit was inactive, including the most current seven (7) hour National USPAP Update Course.

(b) AMCs:

(i) The applicable requirements of Section 4 must be complete prior to submitting a Board approved application for registration to the Board.

**Section 10. Permit renewals; appraiser continuing education.**

(a) Appraisers:

(i) A renewal application shall include proof that the permittee including a certified real estate appraiser trainee has completed at least thirty (30) hours of continuing education, which meets the curriculum established and published by the Board. Repetitious course work will not be accepted.

(A) An inactive permittee will not be required to furnish proof of continuing education until such time as they request activation of the permit.

(ii) All permittees shall submit proof of completion of one (1) AQB-approved seven (7) hour National USPAP update course before April 1<sup>st</sup> of the year a new edition of USPAP becomes effective to renew a permit. USPAP update courses may be included in the required continuing education hours.

(ii) Distance education may be used as continuing education if the course/seminar meets the AQB criteria and is approved by the Board. A proctored exam is not required but an applicant must successfully complete all prescribed course requirements.

(iii) Up to fifteen (15) hours of a permittee's continuing education requirement may be granted for participation, other than as a student, in appraisal educational processes and programs.

(A) Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined to be equivalent to obtaining continuing education.

(B) Credit for instructing any course or seminar can only be awarded once during a continuing education cycle.

(iv) Failure to remit renewal fees when due will cause an active or inactive permit to lapse.

(A) A lapsed permit may be reinstated within sixty (60) days upon payment of the renewal fee and late renewal fee.

(B) Any permittee whose permit, active or inactive, has not been renewed within the sixty (60) day grace period must comply with all requirements of a new applicant.

(b) AMCs

(i) A Board approved renewal application form shall include evidence of a current surety bond in the amount of twenty-five thousand dollars (\$25,000.00) along with the appropriate fee.

**Section 11. Appraisal courses/seminars.**

(a) Any entity or individual requesting approval of a course/seminar or an instructor requesting approval by the Board must submit an application on forms prescribed by the Board which require information concerning the course/seminar being offered, course/seminar outline, examination, grading system and instructor qualifications.

(b) The Board may accept the following courses/seminars as meeting standards for appraiser education:

(i) Any appraisal course/seminar approved by the AQB and the Board.

(ii) Any appraisal course/seminar approved by the Board or by an appraiser regulatory body in any jurisdiction or province with approval standards equal to those established by the Board.

(c) The Board may approve courses/seminars by other schools, professional societies or organizations if they meet the Board standards.

(d) The Board will automatically approve Appraisal Qualifications Board (AQB) Course Approval Program (CAP) approved courses.

(e) Pre-certification education courses must be at least fifteen (15) classroom hours in duration.

(f) Seminars for continuing education must be at least three (3) classroom hours in duration.

(g) An approved course/seminar may be monitored by a representative of the Board.

(h) Each course/seminar approval is good for three (3) years, after which the provider must request approval for another three (3) year period and submit the prescribed fee.

**Section 12. Instructor qualifications.**

(a) Course/seminar instructors must have forty (40) hours of teaching appraisal course/seminar experience within the past two (2) years and shall meet at least one of the following qualifications, unless granted an exemption by the Board:

(i) A bachelor's degree in the field in which the person is instructing; or

(ii) Five (5) years of current experience in the subject instructed.

**Section 13. Withdrawal of approval.**

(a) If the Board determines that an instructor, or course previously approved, no longer meets the prescribed standards, a written notice of withdrawal of approval shall be given stating the reasons for the withdrawal. The withdrawal becomes effective twenty (20) days from the date of the notice unless the person or entity giving the course/seminar files a written request for a hearing prior to the effective date.

(i) If a request for a hearing is timely filed, the withdrawal of approval will not become effective except upon order of the Board issued within ninety (90) days after the hearing.

**Section 14. Disputes between permittees.**

(a) The Board shall not entertain complaints between permittees concerning matters of fees or the earning, splitting or nonpayment thereof.

**Section 15. Regulatory enforcement grounds.**

(a) Appraisers: In addition to the statutory grounds for disciplinary action against an appraiser (W.S. 33-39-123), the Board may deny a permit or impose any disciplinary action authorized by W.S. 33-39-123(a) or combination thereof for any of the following:

(i) An act or omission involving dishonesty, fraud or misrepresentation;

(ii) Failure or refusal, without good cause, to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal; or

(iii) Failure to notify the Board of a change of address within thirty (30) days.

(iv) Appraising a property type that is outside the scope of a Certified Residential Permit. However, appraisers holding a Certified Residential Permit may obtain the experience necessary to upgrade to a Certified General Permit by appraising properties outside the allowed scope of a Certified Residential Permit by associating with an appraiser holding a Wyoming Certified General Permit, provided that:

(A) The appraiser holding the Certified General Permit must review, sign, and accept responsibility for the appraisal and report, and

(B) The report must fully disclose each appraiser's role in the appraisal and reporting process, and

(C) The Certified Residential Permit holder must not make any representations regarding the value analysis to a third party.

(v) Failure to produce documents and records concerning an appraisal under investigation by the Board.

(vi) Failure to appear and to testify under oath at a hearing held by the Board.

(vii) Failure to pay a fine imposed pursuant to W.S. 33-39-123 within thirty (30) days of the date of the Order.

(viii) In addition to noncompliance with standards prescribed by the Uniform Standards of Professional Appraisal Practice ("USPAP"), as adopted by the Board, any failure to conform to the conduct prescribed by or requirements contained in the Ethics Rule, the Competency Rule, the Scope of Work Rule and the Jurisdictional Exception Rule of USPAP shall constitute a separate ground for discipline under these rules.

(ix) Violation of any provision of W.S. 33-39-101 through 33-39-130, Board Rules and Regulations, or USPAP.

(x) Failure to complete the seven (7) hour national USPAP update course before April 1<sup>st</sup> of the year a new edition of USPAP becomes effective.

(xi) A summary of all final discipline, whether imposed by settlement or following a contested case hearing, will be published in the Real Estate Review, posted on the Board website, and such information as is mandated by federal law for various purposes, including such information that may be subject to a national clearinghouse maintained by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, and in furtherance of Title XI of the Federal Financial Institutions Examination Act ("FIRREA") Real Estate Appraisal Reform [12 U.S.C. §§3331-3351], as amended by the Dodd-Frank Reform Act will be reported.

(xii) The Board retains jurisdiction over persons issued a permit pursuant to the Act and these rules, regardless of whether the permit expired, lapsed or was relinquished during or after the alleged occurrence of conduct proscribed by the Act or these rules.

(b) AMCs. The Board may impose any disciplinary action authorized by W.S. 33-39-224 for any violation of W.S. 33-39-224(a)(i) through (v) by an AMC, its representatives or employees.

**Section 16. Permit for temporary work.**

(a) An appraiser certified in another jurisdiction and in good standing in all jurisdictions in which he/she currently holds or has previously held a permit may apply for a permit in Wyoming for temporary work for one (1) appraisal assignment to be completed within six (6) months from date of issuance of temporary permit.

(i) The appraiser must submit to the Board a copy of the engagement agreement for the assignment and pay the fee for the permit for temporary work.

(ii) A single appraisal assignment may include one (1) or more properties under one (1) contract for a single client.

(iii) One six (6) month extension of the temporary practice permit may be granted.

**Section 17. Responsibilities of a Certified Appraiser acting as a supervisory appraiser.**

(a) A supervising appraiser shall be responsible for and provide direct supervision of the work performed by a certified real estate appraiser trainee or a trainee under his/her supervision. The supervising appraiser shall:

(i) Notify the Board of the name(s) and other Board required information for each certified real estate appraiser trainee or trainee under his/her supervision.

(ii) Sign and review the appraisal and assume full responsibility for it; and

(iii) Not allow the certified real estate appraiser trainee or trainee to make any representations regarding the appraisal to a third party; and

(iv) Disclose in the appraisal report the name of the certified real estate appraiser trainee or trainee and the scope of the certified real estate appraiser trainee or trainee's contribution to the report.

(v) Maintain an appraisal log jointly with the appraiser certified real estate appraiser trainee or trainee using the form available on the Board website.

(b) Upon request, the supervising appraiser shall provide the Board with a copy of any appraisal report that a certified real estate appraiser trainee or trainee signed under his/her supervision.

(c) The appraiser certified real estate appraiser trainee or trainee is entitled to copies of appraisal reports he/she prepares.

(d) The supervising appraiser shall physically inspect each property that the certified real estate appraiser trainee or trainee is appraising until such time as he/she deems the certified real estate appraiser trainee or trainee satisfies the competency provision of USPAP.

(e) The supervising appraiser shall hold a permit from and be in good standing in the training jurisdiction. The supervising appraiser must have been certified for a minimum of two (2) years. The supervising appraiser shall not have been subject to any probation, suspension or revocation by an appraiser regulatory agency within the previous two (2) years.

(f) The certified real estate appraiser trainee or trainee shall be permitted to work under more than one (1) supervising appraiser, however, no supervising appraiser may supervise more than three (3) certified real estate appraiser trainees or trainees at any one time.

(g) The supervising appraiser must be within reasonable geographic proximity to the certified real estate appraiser trainee or trainee.

(h) The supervising appraiser must attend a Supervisor/Trainee course or seminar approved by the Board with each certified real estate appraiser trainee or trainee. A course or seminar must be satisfactorily completed within six (6) months of establishing the Supervisor/Trainee relationship.

**Section 18. Responsibilities of a certified real estate appraiser trainee or appraiser trainee.**

(a) Certified real estate appraiser trainees or trainees must:

(i) Register their name, address and phone number with the Board office.

(ii) Work under the direct supervision of a certified real estate appraiser.

(A) A certified real estate appraiser Trainee or trainee is permitted to work under more than one (1) supervising appraiser.

(iii) Notify the Board of each supervising appraiser's name.

(iv) Maintain an experience log on a form provided by and approved by the Board which shall be reviewed and signed by the supervising certified real estate appraiser.

(v) Maintain separate appraisal logs for each supervising appraiser using the form available on the Board web site.

(vi) Participate in the appraisal process in order to receive credit for hours spent and appraisals completed.

(vii) Comply with the USPAP competency rule.

(viii) Not make representations regarding an appraisal they are involved with to any third party.

(ix) Ensure that the supervising appraiser has notified the Board of all pertinent Board required information relative to their status as an appraiser Trainee.

(x) Indicate the word “Certified real estate appraiser trainee” or “Trainee” prominently after their signature on all appraisal reports, reviews or correspondence signed by the certified real estate appraiser trainee or trainee.

(xi) Attend a Supervisor/Trainee course or seminar approved by the Board with each supervising appraiser. A course or seminar must be satisfactorily completed within six (6) months of establishing the Supervisor/Trainee relationship.



CHAPTER 2  
CERTIFIED REAL ESTATE APPRAISER BOARD

APPLICATION REVIEW, COMPLAINTS,  
and  
HEARING PROCEDURES

EMERGENCY RULES ARE NO LONGER IN EFFECT 120 DAYS AFTER FILING WITH  
THE SECRETARY OF STATE

**Section 1. Application Review Process.**

(a) Upon receipt of a complete application submitted by an applicant who holds a current permit to practice at the level of certification applied for issued by another jurisdiction, the Board Office shall review the application and if it is complete and there are no known grounds for denial of the requested permit, the Board office may issue the permit. If there are grounds for denial reasonably apparent on the face of the completed application, the Board office shall forward the application to the Application Review Committee (ARC).

(b) Upon receipt of a complete application submitted by an applicant who does not hold a current permit at the level of certification applied for (new applicant), the Board office shall forward the application to the ARC.

(c) The ARC shall review the applications it receives and for new applicants conduct or arrange for a USPAP Standard 3 review of appraisal reports selected from the submitted appraisal log.

(d) Following the review the ARC may:

(i) Approve the application if the applicant meets all requirements; or

(ii) If either the application or the Standard 3 review raises questions as to whether denial is appropriate, forward the application and the ARC report to the Assistant Attorney General assigned to the Board for prosecution for review.

(e) If after review the ARC, following consultation with the Assistant Attorney General, concludes that grounds exist to recommend denial of an application.

(i) A preliminary denial letter shall be sent to applicant. The letter shall:

(A) State the basis for the denial including relevant statutes and rules; and

(B) Advise the applicant of the right to request reconsideration.

(ii) If the applicant fails to request reconsideration in writing within thirty (30) days of the date of the preliminary denial letter, the preliminary denial becomes final.

(iii) If the applicant requests reconsideration within thirty (30) days, a reconsideration conference shall be held with the ARC, the Assistant Attorney General,

and the applicant.

(iv) Following a reconsideration conference, the ARC shall either approve or deny the application and notify the applicant.

(v) If denied, the applicant must submit a written request for a hearing before the Board within thirty (30) days of the date of the denial letter or the denial is final.

(f) Application denial hearings

(i) An application denial hearing is a formal contested case hearing conducted pursuant to the Wyoming Administrative Procedure Act.

(ii) The applicant has the burden of proving that he/she meets all requirements for the permit requested.

(g) The ARC may attend hearings, but shall not take part in the consideration of any contested case.

**Section 2. Complaints.**

(a) A disciplinary action is initiated against a permit holder by submitting a sworn written complaint to the Board office. A complaint concerning an alleged violation of the Act or Board Rules may be submitted by any person or entity, a Board member or member of the Board staff. The sworn written complaint should provide as much of the following information as may be available and applicable:

(i) The name and address of the complainant;

(ii) The name, address, place of employment, and telephone number of the permit holder against whom the charges are made;

(iii) The specific conduct alleged to constitute the violation;

(iv) The name and address of any other witnesses; and

(v) The signature of the complainant.

**Section 3. Review of Written Complaint.**

(a) Sworn written complaints shall be sent to the permit holder, complained against and be referred to the investigator for the Board, the Assistant Attorney General, and a liaison selected by Board staff. The liaison, following consultation with the investigator and Assistant Attorney General, shall determine whether the complaint merits further investigation. If the complaint does not evidence conduct which violates the Act or Board Rules, it does not merit further investigation and the liaison shall dismiss it. If the complaint merits further investigation, the permit

holder against whom the complaint was filed will be advised of the investigation, the names of the investigator and the liaison, the nature of the complaint, and given an opportunity to respond to the complaint.

(i) The liaison shall not take part in the consideration of any contested case.

(ii) The liaison shall not, by this rule, be barred from attending any disciplinary hearing.

**Section 5. Investigations and Board Action.** The investigator for the Board shall investigate those sworn written complaints received which the liaison has determined merit further investigation.

(a) Upon completion of the investigation, the investigator for the Board shall prepare an investigative report and submit it to the liaison.

(i) The report shall include:

(A) The findings;

(B) A list of statutes and/or Board rules believed to have been violated;

and

(C) Any relevant additional information.

(b) The liaison shall review the investigative report, forward the report and his/her recommendations to the Assistant Attorney General assigned to the Board for prosecution, and consult with the Assistant Attorney General.

(c) Following consultation with the Assistant Attorney General, the liaison may:

(i) Send the notice required by Section 6;

(ii) Prepare and file a formal petition and notice of hearing setting the matter for a contested case hearing before the Board;

(iii) Recommend the Board accept an offer of conditional terms for settlement, which may include educational courses;

(iv) Dismiss the complaint.

(d) The Board may resolve a complaint at any time by:

(i) Accepting a voluntary surrender of a permit;

(ii) Accepting conditional terms for settlement;

(iii) Dismissal.

**Section 5. Service of Notice and Opportunity to Show Compliance.**

(a) Prior to commencement of a formal hearing, the liaison shall give notice by mail to the permit holder of the facts or conduct which warrant his/her intended action. The notice shall give the permit holder an opportunity to show compliance with all lawful requirements for retention of the permit within twenty (20) days of the mailing of the notice. Such notice shall be sent to the permit holder's last known address both by certified mail with return receipt requested and by first class mail. Service shall be deemed complete when mailed.

**Section 6. Formal Hearing Prerequisites.**

(a) Formal proceedings for a hearing before the Board regarding a denied application or an action against a permit holder shall be commenced by notice of hearing for applicants or petition and notice of hearing for permit holders, served in person, or by both certified mail and first class mail sent to the address last known by the Board at least thirty (30) days prior to the date set for the hearing. The petition and notice shall contain at least:

(i) The name and address of the applicant or permit holder;

(ii) A statement, in ordinary and concise language, of the reasons for denial or the nature of the complaint filed with the Board, the facts upon which the denial or complaint is based, as well as the specific statute(s) or Board rules and regulations alleged to have been violated;

(iii) The time, place, and nature of the hearing;

(iv) That the hearing is being held pursuant to the authority provided by W.S. 33-39-118 or W.S. 33-39-124; and

(v) The applicant or permit holder shall file an Answer or Notice of Appearance, which must be received by the Board at least ten (10) working days prior to the date set for hearing, or the applicant or permit holder will be in default.

**Section 7. Default.** The Board may enter an order based on the allegations in a notice of hearing or petition and notice of hearing in any case where the applicant or permit holder has not answered or appeared in writing ten (10) working days before the hearing, or in any case in which the applicant or permit holder or his/her representative has not appeared at a scheduled hearing for which they had notice.

**Section 8. Contested Case Hearings.**

(a) The Office of Administrative Hearings shall act as the hearing officer and shall preside over the formal contested case hearing which shall be conducted pursuant to the Wyoming Administrative Procedure Act and the Office of Administrative Hearings' rules concerning contested case proceedings.

(b) At the Board's discretion, contested case hearings shall either be conducted in the presence of a quorum of Board Members or a committee of one (1) or more Board Members.

(c) During the formal contested case hearing, Board Members may ask questions of the witnesses and/or the parties including their attorneys.

(d) A court reporter shall be present during the hearing and report the entire proceeding.

### **Section 9. Decisions.**

(a) Proposed Decisions:

(i) At the discretion and direction of the Board, the parties may file proposed findings of fact, conclusions of law, and order after the hearing and before the deadline announced in the hearing's closing announcements.

(ii) At the discretion and direction of the Board, the hearing officer or the Assistant Attorney General assigned to advise the Board shall prepare proposed findings of fact, conclusions of law, and order following deliberations by the Board or its committee.

(b) Final Decisions. Proposed decisions will be given consideration but are not binding upon the Board. All final decisions will be issued by the Board and shall be based exclusively upon the evidence in the record and matters officially noticed. All final decisions issued by the Board shall be served to all parties by first class mail sent to their last known address.

**Section 10. Appeals.** A Petition for Judicial Review of the Board decision may be filed in the district court in accordance with the Wyoming Rules of Appellate Procedure.

**Section 11. Transcripts.** If a Petition for Judicial Review is filed in the district court, the petitioner shall either arrange the preparation and pay for the transcript of the testimony, or reimburse the Board for the cost of the transcript if previously prepared at Board expense.

CHAPTER 3  
CERTIFIED REAL ESTATE APPRAISER BOARD  
USPAP

EMERGENCY RULES ARE NO LONGER IN EFFECT 120 DAYS AFTER FILING WITH  
THE SECRETARY OF STATE

**Section 1. Adoption of USPAP.** The most current edition of the Uniform Standards of Professional Appraisal Practice (USPAP) promulgated by the Appraisal Foundation is adopted without modification, including related Appraisal Standards Board (ASB) Statements and Comments

Copies of USPAP are available at the Board office, 2020 Carey Avenue, Suite 702, Cheyenne, WY 82002 (307) 777-7141 for inspection. Copies of USPAP may also be purchased from the Appraisal Foundation (202) 289-2735, [info@appraisalfoundation.org](mailto:info@appraisalfoundation.org) or the website [www.uspap.org](http://www.uspap.org).