

Title 46
PROFESSIONAL AND OCCUPATIONAL STANDARDS

Part LXVII. Real Estate

Subpart 2. Appraisers

Chapter 101. Authority

§10101. Adoption

A. The rules and regulations of the Louisiana Real Estate Appraisers Board contained herein have been adopted pursuant to and in compliance with R.S. 37:3391 et seq., and any violation of these rules or regulations shall be sufficient cause for any disciplinary action permitted by law.

B. The terms *license* and *certificate* are used throughout the Louisiana Real Estate Appraisers Law and appraiser board rules and regulations are synonymous.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1332 (June 2005).

Chapter 103. License Requirements

§10301. Applications

A. Applications for examination must be submitted on forms prescribed by the board and must be notarized and accompanied by the prescribed fees specified in R.S. 37:3407.

B. An examination authorization will be issued by the board on receipt of a properly completed application.

C. When an applicant has made a false statement of material fact on an initial or renewal application for a license, or in any document submitted in connection with the application process, such false statement may in itself be grounds for refusal of a license.

D. The responsibility for timely submission of the renewal application and payment of the required fees rests solely with the applicant.

E. A nonresident real property appraiser licensed in another state, commonwealth, or territory shall submit a completed application form and fees prescribed by the board, including an irrevocable consent to service of process in this state.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1332 (June 2005), LR 37:332 (January 2011).

§10303. Examination

A. Applicants for a certified residential or certified general real property appraiser license must pass the appropriate examination issued or endorsed by the Appraiser Qualifications Board (AQB).

B. Any applicant who fails an examination may apply to retake the examination by submitting a copy of the fail notice and a new examination processing fee to the board. After one year, the applicant shall be required to submit a new application and remit all prescribed fees to be eligible for the licensing examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1332 (June 2005), LR 37:332 (January 2011).

§10305. Fees

A. Except as otherwise provided in the rules and regulations of the board, all fees submitted to the board are nonrefundable.

B. The application fee for a license shall cover a period of two calendar years and shall not be prorated.

C. The initial education provider fee shall cover a period of one calendar year and shall not be prorated.

D. Payment of any fee with a check that is returned by a financial institution, wherein the reason for not paying the check is not the fault of the financial institution, shall be grounds for the cancellation of the transaction for which the fee was submitted and/or the suspension or revocation of a license or certificate.

E. Persons issuing checks that are returned by financial institutions will be notified of the return of the check by certified mail to the address registered with the board. Within 10 days from the mailing of the notification, the person issuing the check shall remit a certified check, cashier's check or money order payable to the Louisiana Real Estate Appraisers Board in the amount of the returned check plus a \$25 processing fee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005).

§10307. Education Requirements

A. The board shall prescribe and define the subjects related to real property appraisal that will satisfy the requirements for qualifying and continuing education.

B. The board shall consider for credit, on an individual basis, course work completed by applicants through non-approved providers. The applicant shall apply for approval by submitting documentation of attendance, hours completed, date of attendance, course outline or content information and, if applicable, verification of successful completion of an examination.

C. A certified residential or certified general appraiser shall complete the course *Supervising Appraiser Trainee*, or an equivalent course approved by the board, prior to sponsoring an appraiser trainee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1425 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005), LR 37:333 (January 2011).

§10308. Appraiser Trainees

A. The scope of work for the appraiser trainee shall be limited to the appraisal of those properties that the supervising appraiser is licensed to appraise.

B. A trainee shall not perform any appraisals under the supervision of a licensed appraiser whose license has been suspended or revoked.

C. A certified residential or certified general real property appraiser may engage a licensed appraiser trainee to assist in the performance of real estate appraisals, provided the certified appraiser meets the following criteria:

1. has been licensed in good standing with the board for at least two full years;

2. has no more than three trainees working under his/her supervision at any one time, either as employees or subcontractors;

3. agrees to supervise the licensed appraiser trainee's work product, as specified below, subject to the guidelines and requirements of the Uniform Standards of Professional Appraisal Practice, and be responsible for the trainee's conduct;

a. supervision implies that the supervisor will not sign or endorse an appraisal report that was not substantially produced by the appraiser trainee. The term substantial means that the trainee contributed materially and in a verifiable manner to the research and/or analysis that led to the final opinion of value expressed in the appraisal;

4. the supervising appraiser shall accompany the licensed appraiser trainee on inspections of the subject property until the supervising appraiser feels the appraiser trainee is competent to do so;

5. the supervising appraiser shall make available to the trainee a copy of every appraisal report wherein the trainee has provided substantial professional assistance in the preparation of the report as defined above;

6. the supervising appraiser shall sign every appraisal report prepared by the trainee who acts under the supervising appraiser's supervision;

7. the supervising appraiser shall immediately notify the board and the trainee in writing of any termination of supervision of a licensed appraiser trainee.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005), amended LR 37:333 (January 2011)

§10309. Application for Experience Credit

A. Applicants for a certified residential or certified general real property appraiser license shall satisfy the education and testing requirements prior to submission of the application for experience credit.

B. Applicants for a certified residential or certified general real property appraiser license shall list their appraisal experience on the application provided by the board. Computer generated forms will be accepted, provided that all necessary data is submitted in a format similar to that published by the board.

C. In accordance with R.S. 1950, Title 37, Chapter 51, Louisiana Real Estate Appraisers Law, the board shall have the authority to request and review copies of any appraisal reports listed in the application for experience credit.

D. Applicants may submit appraisals to the peer review committee for review prior to submission of the application for experience credit.

E. Only those real property appraisals consistent with the Uniform Standards of Professional Appraisal Practice will be accepted by the board for experience credit.

F. The board may require an applicant to successfully complete additional educational training consisting of not less than 15 or more than 30 instructional hours of course work approved by the board, which shall not be used to satisfy the continuing education requirement.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1333 (June 2005), LR 37:333 (January 2011).

§10311. Residential Experience Requirements

A. A minimum of 3500 hours of appraisal experience in no fewer than 24 months is required. The maximum allowable credit that shall be applied toward the experience requirement in a 12-month period is 1750 hours.

1. when an appraisal report is signed by more than one person, credit for said assignment must be divided equally among all signatories. For the purpose of granting credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his role as such is clearly indicated in the report;

2. if the person applying for experience credit was unable to sign the report but is mentioned in the certification as having provided significant professional assistance, a proportional amount of credit based on the number of contributors to the report can be requested. Credit will not be granted if professional assistance was not disclosed.

B. Only appraisals of single-family, one to four unit residential property, or vacant sites suitable for single-family or farm/timber acreage which included the valuation of a single-family dwelling shall be considered for residential experience.

C. At least 1750 hours of appraisal experience shall come from the development of appraisals reported in self contained or summary reports.

D. Residential experience credit hours shall be limited as follows.

1. One unit dwelling (house, townhouse, condominium)	8 hours
2. Two to four unit dwelling (apartment, duplex, condominium)	10 hours
3. Residential lot (1 2- 4 family)	6 hours
4. Residential subdivision sites	8 hours
5. Farm or timber acreage suitable for a house site	8 hours
6. Rural residence-one unit primary dwelling—10 acres or less	10 hours
7. Ranchette—part-time rural use—10 to 25 acres—with main dwelling and outbuildings, such as additional residence, barns, and/or other outbuildings	10 hours
8. All other unusual structures or acreage—larger or more complex than typical properties described herein—hours to be determined by board upon submission	12 hours
9. Review of appraisals shall be worth 50 percent of the hours awarded for the appraisal (not to exceed 350 hours per year or 1750 hours in total)	

E. Applications for experience credit must be notarized and accompanied by the prescribed fees specified in R.S. 37:3407.

F. Verification of experience may include any or all of the following:

1. client verification of appraisal reports for which the applicant has requested experience credit;

2. submission of selected reports to the board upon request to determine compliance with Uniform Standards of Professional Appraisal Practice (USPAP);

3. field inspection of all reports identified by the applicant at the applicant's office during normal business hours;

4. requiring the applicant to personally appear before the board, or provide additional information deemed necessary by the board to make an informed decision on the application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1426 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1334 (June 2005), LR 37:333 (January 2011).

§10313. General Experience Requirements

A. A minimum of 5000 hours of appraisal experience in no fewer than 36 months is required. The maximum allowable credit that shall be applied toward the experience requirement in a 12-month period is 1700 hours.

1. When an appraisal report is signed by more than one trainee, credit for said assignment must be divided equally. For the purpose of granting credit, a person signing in the capacity of a review or supervisory appraiser is not considered as a co-signer on the report, provided that his or her role as such is clearly indicated in the report.

2. if the applicant for experience credit was unable to sign the report but is mentioned in the certification as having provided significant professional assistance, a proportional amount of credit based on the number of contributors to the report can be requested. Credit will not be granted if professional assistance was not disclosed.

B. A maximum of 1000 hours of residential experience credit hours may be applied toward the total hours required for a certified general real property appraiser license.

C. At least 2500 hours of appraisal experience shall come from the development of appraisals reported in self contained or summary format. These reports shall include a direct sales approach, cost data approach, and income data approach.

D. General experience credit hours shall be limited as follows.

1. Apartments 20 units or less over 20 units	40 hours 80 hours
2. Hotels/motels	85 hours
3. Nursing home/assisted living facilities	85 hours
4. Industrial/warehouse properties	80 hours
5. Office/medical buildings Single tenant or owner occupied Multiple tenant	40 hours 80 hours
6. Condominiums complexes	85 hours
7. Retail properties Single tenant or owner occupied Multiple tenant	40 hours 80 hours
8. Commercial or multi-family tracts	40 hours
9. Ranch—pasture or grazing usage	40 hours
10. Agricultural land	40 hours
11. Dairy or poultry farms	40 hours
12. Timberland appraisals	40 hours
13. Specialized properties	Submit to board for determination
14. No more than 40 percent of the cumulative hours may be earned from any one property type category.	
15. Review of appraisals shall be worth 50 percent of the hours awarded	

for the appraisal. No more than 2500 hours total shall be from reviews.

E. Verification of experience may include any or all of the following:

1. client verification of appraisal reports for which the applicant has requested experience credit;
2. submission of selected reports to the board upon request to determine compliance with Uniform Standards of Professional Appraisal Practice (USPAP);
3. field inspection of all reports identified by the applicant at the applicant's office during normal business hours;
4. requiring the applicant to personally appear before the board, or provide additional information deemed necessary by the board to make an informed decision on the application for licensure.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1427 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board of Certification, LR 29:126 (February 2003), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1334 (June 2005), LR 37:333 (January 2011).

§10315. Appraisal Review Requirements

A. In reviewing an appraisal, the appraiser must observe the following guidelines:

1. identify the report being reviewed, the real estate and real property interest being appraised, the effective date of the opinion in the report being reviewed, and the date of the review;
2. identify the scope of the review process to be conducted;
3. form an opinion as to the adequacy and relevance of the data and the propriety of any adjustments to the data;
4. form an opinion as to the appropriateness of the appraisal methods and techniques used to develop the reasons for any disagreements;
5. form an opinion as to the correctness and appropriateness of the analyses, opinions, and/or conclusions in the report being reviewed, and develop the reasons for any disagreements;
6. state in the letter of transmittal whether or not exterior or interior building inspections were made and, if so, when and by whom;
7. the review must be in writing.

B. In reporting the results of an appraisal review, the appraiser must:

1. disclose the nature, extent, and detail of the review process undertaken;

2. disclose the information that must be considered in §10315.A.1 and 2;

3. set forth the opinions, reasons, and conclusions required in §10315.3, 4, and 5;

4. include a signed certification.

C. No more than 50 percent of experience credit hours shall be awarded for review of appraisals.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1428 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1335 (June 2005), LR 37:334 (January 2011).

§10317. Co-Signed Reports, Reviews, Articles and Textbooks

A. The prorata number of points of each co-signed report, review, article and textbook shall be awarded to each signer of the report.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999).

Chapter 104. Education Providers/Course Approval

§10401. Approval of Education Providers

A. Upon approval by the board, education providers shall be approved for a period of one year, expiring annually on December 31.

B. The occurrence of any of the following events shall constitute grounds for refusal to grant approval as an education provider:

1. the applicant has been convicted of a forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or theft, or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction;
2. the applicant has made a false statement of material fact on the application;
3. the applicant refuses to agree to monitoring of courses by the board or its duly authorized representatives.

C. Certificates issued to education providers will be issued in the legal name of the applicant.

D. Education providers shall:

1. submit monthly schedules and attendance reports to the board as required;
2. ensure that course offerings satisfy all requirements mandated by the board;

3. maintain the attendance records of each student for a period of five years following the date the student completed a course offered by the provider;

4. provide each student with a written cost and refund policy regarding the course offering;

5. ensure that all advertisements published or distributed include the name of the provider as registered with the board;

6. report any change in business address or telephone number to the board in writing within 10 days of the date of the change.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1336 (June 2005).

§10403. Approval of Qualifying/Continuing Education Courses

A. Education providers shall apply directly to the board for qualifying and continuing education course approval. Application forms will be provided by the board. Information to be submitted for each course offering shall include:

1. course content;
2. program structuring;
3. course completion standards;
4. instructor qualifications;
5. minimum number of classroom hours;
6. textbook and course materials;
7. any additional information as requested by the board.

B. Any request for additional course approval from an approved education provider shall be approved by the board prior to the course presentation.

C. All approved courses will be valid through December 31 following the initial approval date. The board may extend such approval for the next renewal period if course materials remain current or are updated as changes in the law or rules require.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1336 (June 2005), LR 37:334 (January 2011).

§10405. Course Requirements

A. The board may require approved providers to follow model curriculum guidelines to assure comprehensive coverage of appraisal topics which meet the educational

requirements for trainee, certified residential, and certified general real property appraiser licenses.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1336 (June 2005).

§10407. Qualifying Education

A. A class hour is defined as 60 minutes, of which at least 50 minutes shall be instruction attended by the student. The prescribed number of class hours includes time for examinations.

B. Courses taken to satisfy the qualifying education requirement shall be granted only where the minimum length of the course is at least 15 instructional hours and successful completion of a final examination pertinent to that educational offering is required.

C. Experience may not be substituted for education.

D. Distance education is defined as any education process based on the geographical separation of student and instructor. A distance education course shall be acceptable to meet class hour requirements if:

1. the course provides a reciprocal environment where the student has an appropriate level of verbal or written communication with the instructor; and

2. one of the following requirements is met:

a. the course shall be presented by an accredited college, community or junior college (Commission on Colleges, regional or national accreditation association), or university that offers distance education programs; or

b. the course shall have received approval from the International Distance Education Certification Center (IDECC) for the course design and delivery method, and either:

i. the approval of the Appraiser Qualifications Board through the AQB Course Approval Program; or

ii. the approval of content, delivery and examinations by the licensing jurisdiction.

E. Courses taken to satisfy the qualifying education requirement shall not be repetitive. USPAP courses taken in different years are not considered repetitive. Courses shall foster problem-solving skills in the education process by utilizing case studies as a major teaching method when applicable.

F. Applicants shall take the 15-Hour National USPAP Course, or its equivalent, and pass the associated 15-Hour National USPAP Course Examination. The course instructor shall be an AQB Certified USPAP Instructor who is also a state certified real property appraiser. Course equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB. USPAP education presented in a distance education format

shall be designed to foster appropriate student to instructor interaction.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1429 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1336 (June 2005), LR 37:334 (January 2011).

§10409. Continuing Education

A. The purpose of continuing education is to ensure that appraisers participate in a program that maintains and increases their skill, knowledge, and competency in real property appraising.

B. Credit towards the continuing education hour requirements for each appraiser classification will be granted only where the length of the educational offering is at least two hours.

C. Credit will be granted for education offerings that are consistent with the purpose of continuing education and cover those real estate appraisal topics, including, but not limited to:

1. ad valorem taxation;
2. arbitration, dispute resolution;
3. courses related to the practice of real estate appraisal or consulting;
4. development cost estimating;
5. ethics and standards of professional practice, USPAP;
6. land use planning, zoning;
7. management, leasing, brokerage, and timesharing;
8. property development, partial interests;
9. real estate appraisal;
10. real estate financing and investment;
11. real estate law, easements, and legal interests;
12. real estate litigation, damages, condemnation;
13. real estate appraisal related computer applications;
14. real estate appraisal securities and syndication;
15. real property appraisal specialization;
16. Louisiana Real Estate Appraisers Law and rules and regulations of the Louisiana Real Estate Appraisers Board.

D. Up to one half of the continuing education requirement may also be granted for instruction of any approved course or seminar. Credit for instructing any approved course or seminar shall only be awarded once during a continuing education cycle.

E. Educational offerings taken by an individual in order to fulfill the class hour requirement for a different classification than his/her current classification may be

simultaneously counted towards the continuing education requirement for his/her current classification.

F. In addition to the requirements described in §10407.D, distance education courses intended for use as continuing education shall include at least one of the following:

1. a written examination proctored by an official approved by the college or university, or by the sponsoring organization; or
2. the student successfully completes prescribed materials required to demonstrate knowledge of the subject matter.

G. Real estate appraisal related field trips may be acceptable for credit toward the continuing education requirements; however, transit time to or from the field trip shall not be included when awarding credit unless instruction occurs during said transit time.

H. Appraisers shall successfully complete the seven-hour National USPAP Update Course, or its equivalent every two calendar years. Equivalency shall be determined through the AQB Course Approval Program or by an alternate method established by the AQB.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1430 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1337 (June 2005), LR 37:335 (January 2011).

§10411. Instructor Qualifications

A. Instructors for qualifying education courses must satisfy at least one of the following qualification requirements:

1. a baccalaureate degree in any field and three years of experience directly related to the subject matter to be taught;
2. a master's degree in any field and one year of experience directly related to the subject matter to be taught;
3. a masters or higher degree in a field that is directly related to the subject matter to be taught;
4. five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or
5. seven years of real estate appraisal experience directly related to the subject matter to be taught.

B. Instructors for continuing education courses shall satisfy at least one of the following qualification requirements:

1. three years of experience directly related to the subject matter to be taught;
2. a baccalaureate or higher degree in a field directly related to the subject matter to be taught;

3. three years of experience teaching the subject matter to be taught; or

4. a combination of education and experience equivalent to any of the above.

C. Instructors of the 15-hour National USPAP Course and seven-hour National USPAP Update Course shall be certified by the Appraiser Qualifications Board (AQB) and hold a current license as a state certified real appraiser.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1430 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005), LR 37:335 (January 2011).

§10413. Americans with Disabilities Act (ADA) Compliance

A. For purposes of meeting the requirements of the Americans with Disabilities Act (ADA), the board may permit an alternative method of course delivery other than the regular method of presentation. Verification of the disability of the individual requiring completion of the course work through an alternative delivery method may be required by the board prior to granting such a request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005), LR 37:335 (January 2011).

§10417. Distance Education Courses

A. Distance education courses may be used for qualifying education credit for certification and continuing education after certification provided the courses meet the conditions prescribed by the Appraiser Qualification Board of the Appraisal Foundation regarding the accreditation of the presenter of the course or approval of the course by the American Council on Education's Program on Non-Collegiate Sponsored Instruction or under the Appraiser Qualification Board's Course Approval Program.

B. Any educational course based on the geographical separation of the learner and the instructor (e.g., CD ROM, on-line learning, correspondence courses, video conferencing, etc.) must provide for interaction between the learner and the instructor. Courses designed for both qualifying education credit and continuing education credit must include testing and proof of passage shall be furnished to students successfully completing the examination.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1431 (August 1999).

§10419. Video Presentations in Classroom Instruction

A. Video presentations will be accepted for qualifying and continuing education credit only when used as a training aid by an instructor in a classroom setting.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999).

§10421. Combining Appraisal and Real Estate Prelicensing Courses Prohibited

A. Appraisal courses combined with real estate salesperson and/or broker prelicensing courses offered by schools certified by the Louisiana Real Estate Commission and approved by the board as education providers will not be accepted by the board as qualifying education.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999).

§10423. Determination of Credit Hours for Qualifying Education

A. Each course credited toward an individual's educational requirement must represent a progression in which the individual's knowledge is increased. Full credit will not be granted to an individual for courses completed which are repetitive in nature.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999).

§10425. Final Examination on Additional Education Required by Board

A. A final examination is required on courses administered for the purpose of additional education when directed by the board. Completion of these courses shall be evidenced by a certificate of course completion issued by the education provider. Such courses shall not be used to satisfy the requirement for continuing education in the applicable recertification period.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisers Board of Certification, LR 25:1431 (August 1999).

Chapter 105. Investigations and Adjudicatory Proceedings

§10501. Investigations

A. The board may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of a licensee or certificate holder, or any person who assumes to act as such. Written complaints shall bear the signature of the complainant or that of his legal

representative before any action will be taken thereon by the board.

B. Upon documented probable cause, the executive director of the board may issue written authorization to investigate apparent violations of the Louisiana Real Estate Appraisers Law and/or the rules and regulations of the board.

C. Investigations shall be conducted by the staff of the Louisiana Real Estate Appraisers Board and/or the Louisiana Real Estate Commission.

D. If, during the course of an investigation, documented probable cause is established indicating that violations of the Louisiana Real Estate Appraisers Law and/or the rules and regulations of the board have been committed by any licensee or certificate holder other than the licensee or certificate holder against whom the original complaint was made, the additional licensee or certificate holder(s) may be added as respondent(s) to the investigation in the absence of any written complaint alleging such violations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

§10503. Technical Assistance

A. In any investigation conducted by the staff of the commission, the chairman The executive director of the board may be requested to assign may request a member of the board to provide technical assistance to the investigator conducting the from a member of the board in any investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1431 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

§10505. Cooperation

A. Every licensee or certificate holder shall cooperate fully with and answer all questions propounded by the staff member(s) conducting an investigation.

B. Every licensee or certificate holder shall produce any document, book, or record in his/her possession, or under his/her control, concerning any matter under investigation.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1432 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005).

§10507. Adjudicatory Proceedings

A. As the result of an investigation, when it appears that violations of the Louisiana Real Estate Appraisers Law and/or rules and regulations of the board may have been committed by a licensee or certificate holder, the violations may be adjudicated through informal or formal adjudicatory proceedings.

1. Informal Adjudicatory Proceedings

a. The complaint may be concluded informally without a public hearing on the recommendation of the hearing examiner and the concurrence of the executive director.

b. An informal hearing may be conducted only when there is an admission by the respondent that the violations(s) were committed as alleged.

c. A preliminary notice of adjudication shall be issued to advise the respondent of the violation(s) alleged and to advise the respondent that the matter can be resolved informally should the respondent desire to admit to committing the act(s) specified and submits a written request that the matter be resolved informally.

d. A hearing officer shall be appointed by the executive director to conduct an informal hearing with the respondent.

e. The informal hearing shall be attended by the hearing examiner and, if necessary, the case investigator, or in the absence of the case investigator, a designated representative. The hearing examiner shall inform the hearing officer of the administrative, jurisdictional, and other matters relevant to the proceedings.

f. Following an admission by the respondent that the violations were committed as alleged, the hearing officer may enter into a recommended stipulations and consent order to include the imposition of any sanctions authorized by the Louisiana Real Estate Appraisers Law.

g. No evidence will be presented, no witnesses will be called and no formal transcript of the proceedings will be prepared by the board.

h. In the written document the respondent must stipulate to having committed the act(s) in violation of the Louisiana Real Estate Appraisers Law or the rules and regulations of the board, accept the sanctions recommended by the hearing officer, and waive any rights to request a rehearing, reopening, or reconsideration by the board, and the right to judicial appeal of the consent order.

i. At the informal hearing, the respondent shall admit to having committed the act(s) specified, accept the sanctions recommended by the hearing officer, and waive the specified appellate rights, or the alleged violations shall be referred to a formal adjudicatory hearing.

j. If the respondent does execute a stipulation and consent order, the executive director shall submit the document to the board at the next regular meeting for approval and for authorization to allow the executive

director to execute the consent order in the name of the board.

k. Any consent order executed as a result of an informal hearing shall be effective on the date approved by the board.

l. The actions of the board relative to all consent orders shall be noted in the minutes of the meeting at which the consent order is considered and authorization is granted to the executive director to execute the order in the name of the board.

2. Formal Adjudicatory Proceedings

a. All formal public adjudicatory hearings shall be conducted under the auspices of R.S. 37:3409 and Chapter 13, Title 49 of the Louisiana Revised Statutes.

b. Board members who have provided technical assistance in any matter adjudicated at a formal adjudicatory proceeding shall recuse themselves and not participate in any portion of the proceedings.

c. The order issued by the board pursuant to any formal public adjudicatory proceeding shall become effective on the eleventh day following the date the order is issued by the board and entered into the record at the proceedings.

d. If a request for rehearing, reopening, or reconsideration of the order of the board is timely filed and denied by the board, the order shall become final on mailing of the notice of the board's final decision on the request.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Department of Economic Development, Real Estate Appraisal Board of Certification, LR 25:1432 (August 1999), amended by the Office of the Governor, Real Estate Appraisers Board, LR 31:1338 (June 2005), LR 37:335 (January 2011).

§10509. Appellate Proceedings

A. Rehearings

1. An order of the board shall be subject to rehearing, reopening or reconsideration by the board on receipt of a written request from a respondent. An application for rehearing, reopening or reconsideration must be postmarked or received at the office of the board within 10 days from the date of entry of the order rendered by the board.

2. The date of entry is the date the order is issued by the board and entered into the record at the formal adjudicatory proceedings.

3. The request shall be reviewed by the board attorney for compliance with the Administrative Procedure Act. A finding by the board attorney that the request does not establish grounds for rehearing, reopening or reconsideration shall result in a denial of the request.

B. Judicial Review

1. Proceedings for judicial review of an order issued by the board may be instituted by filing a Petition for Judicial Review in the Nineteenth Judicial District Court in the Parish of East Baton Rouge.

2. In the event a request for rehearing, reopening or reconsideration has been filed with the board, the party making the request shall have 30 days from the final decision on the request within which to file a Petition for Judicial Review.

3. If a request for rehearing, reopening or reconsideration is not filed with the board, the Petition for Judicial Review must be filed in the Nineteenth Judicial District Court within 30 days after the mailing of the order of the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1339 (June 2005).

§10511. Costs of Adjudicatory Proceedings

A. On a finding that a respondent has committed the violation(s) as alleged in any formal or informal adjudicatory proceeding, the respondent may be assessed the administrative costs of the proceeding as determined by the board. Payment of these costs shall be a condition of satisfying any order issued by the board.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1339 (June 2005).

§10513. Stay of Enforcement

A. The filing of a petition for judicial review does not itself stay enforcement of an order issued by the board. A stay of enforcement will be granted only when directed by the court conducting a judicial review of adjudication.

AUTHORITY NOTE: Promulgated in accordance with R.S. 37:3395.

HISTORICAL NOTE: Promulgated by the Office of the Governor, Real Estate Appraisers Board, LR 31:1339 (June 2005).