

**THE ALASKA BOARD OF
CERTIFIED REAL ESTATE
APPRAISERS**



Teleconference Meeting of June 1st, 2016
Juneau, Alaska

Board Packet

Meet Donna Walker

Governor's Cabinet

Board of Certified Real Estate Appraisers (154)

NAME	APPOINTED	REAPPOINTED	EXPIRES
Derry, David (Kenai) Certified General Real Estate Appraiser	3/1/2014		3/1/2018
Ferrara, Alfred (Anchorage) Certified Residential or General Real Estate Appraiser	3/1/2014		3/1/2018
Piszczek, Renee (Fairbanks) Mortgage Banking Executive	9/2/2014	1/19/2015	3/1/2017
Tracy, Robert (Wasilla) Certified Residential Real Estate Appraiser	3/14/2016		3/1/2020
Vacant () Public			3/1/2015

2016 STATE HOLIDAY CALENDAR³

JANUARY

S	M	T	W	T	F	S
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31						

FEBRUARY

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APRIL

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OCTOBER

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NOVEMBER

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DECEMBER

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24	25	26	27	28	29	30
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State Holidays

Date	Holiday
01/01	New Year's Day
01/18	MLK Jr.'s Birthday
02/15	Presidents' Day
03/28	Seward's Day
05/30	Memorial Day
07/04	Independence Day

 Holiday

State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Rev. 06/22/2015

State Holidays

Date	Holiday
09/05	Labor Day
10/18	Alaska Day
11/11	Veterans' Day
11/24	Thanksgiving Day
12/25	Christmas Day (observed 12/26)

Agenda Item #2

Review Agenda

STATE OF ALASKA
DEPARTMENT OF COMMERCE, COMMUNITY & ECONOMIC DEVELOPMENT
DIVISION OF CORPORATIONS, BUSINESS, AND PROFESSIONAL LICENSING
BOARD OF CERTIFIED REAL ESTATE APPRAISERS

333 W. Willoughby Ave., 9th Floor, Conference Room D - Teleconference
Juneau, Alaska

Conference Call Number: 1-800-315-2588 Access Code: 52588

TENTATIVE MEETING AGENDA

Wednesday, June 1st, 2016

	<u>TIME</u>	<u>TOPIC</u>	<u>LEAD PERSON(S)</u>
1.	1:00 p.m.	Call to order/Roll call	David Derry, Chair
2.	1:05 p.m.	Review Agenda	Chair
3.	1:10 p.m.	Review/Approve Minutes (March 31 st , 2016)	Chair
4.	1:14 p.m.	Ethics Disclosure/Review Ethics	Chair
5.	1:15 p.m.	Investigations Report and Training Update	Jay Paff
6.	1:40 p.m.	Disciplinary Proceedings <ul style="list-style-type: none"> • Consent Agreement • Fees discussion 	Charles Ward
7.	2:00 p.m.	Board Business <ul style="list-style-type: none"> • Review applications <ul style="list-style-type: none"> ○ Residential/Reciprocity from NY ○ General/Reciprocity from WA ○ CE Batch 040516A (Derry) ○ CE Batch 060116A (Derry) ○ CE Batch 060116 (All Board members) • Work Product Reviews • Position Statements • Annual Report (Due no later than June 30th, 2016) 	Chair/Examiner
8.	2:45 p.m.	Old Business <ul style="list-style-type: none"> • Appraisal Management Companies • Revised Work Log Verification Form 	Chair
9.	3:00 p.m.	Budget Report/Division Updates	Martha Hewlett, Administrative Officer
10.	3:30 p.m.	Public Comment	
11.	3:45 p.m.	Administrative Business <ul style="list-style-type: none"> • Task list • Set next meeting date(s) • ASC Compliance Review 	
12.	4:00 p.m.	Adjourn	Chair

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) **matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Agenda Item #3

**Review/Approve Minutes (March 31st,
2016)**

State of Alaska
 Department of Commerce, Community and Economic Development
 Division of Corporations, Business and Professional Licensing

BOARD OF CERTIFIED REAL ESTATE APPRAISERS

MINUTES OF THE TELEPHONIC MEETING

Thursday, March 31st, 2016

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

By authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Board of Certified Real Estate Appraisers was held at the State Office Building, 333 Willoughby Avenue, Thursday, March 31st, 2016 beginning at 1:00 p.m. The meeting was held in Conference Room D, Juneau, Alaska.

Agenda Item #1 Call to Order/Roll Call Time: 1:00 p.m.

The meeting was called to order by Chair, David Derry at 1:00 p.m.

Board Members Present, constituting a quorum:

David Derry, Certified General Real Estate Appraiser (Chair)
 Alfred Ferrara, Certified General Real Estate Appraiser
 Robert Tracy, Certified Residential Real Estate Appraiser
 Renee Piszczek, Mortgage Banking Executive

Attending from the Division of Corporations, Business and Professional Licensing were:

Laura Carrillo, Licensing Examiner
 Charles Ward, Paralegal
 Janey Hovenden, Division Director
 Martha Hewlett, Administrative Officer
 Jay Paff, Investigator

Agenda Item #2 Review Agenda Time: 1:01 p.m.

Mr. Derry first welcomed new Board member, Robert Tracy, who was recently appointed in the capacity of a certified residential real estate appraiser. The Board then reviewed the agenda. Ms. Carrillo clarified that Elaine Sahlins' application could be reviewed via e-mail or during the meeting, to which Mr. Derry suggested reviewing it under Board Business.

Agenda Item #3 Review/Approve Minutes Time: 1:04 p.m.

The Board reviewed the minutes from the January 15th, 2016 teleconference meeting. Mr. Ferrara pointed out that page 1 of the meeting minutes erroneously referred to Mr. Ferrara and Mr. Derry as being certified residential real estate appraisers, though they are certified as general real estate appraiser.

TASK:

Ms. Carrillo will correct the January 15th, 2016 meeting minutes to reflect the appropriate credentials of Mr. Ferrara and Mr. Derry.

On a motion duly made by Fred Ferrara, seconded by Robert Tracy and approved unanimously, it was:

RESOLVED to approve the meeting minutes as amended.

Agenda Item #4 Ethics Time: 1:06 p.m.

Mr. Derry briefly provided Mr. Tracy with an overview of the ethics item and prompted the Board to disclose any ethics concerns, if any. There were no ethics issues to discuss.

Agenda Item #5 Investigations Report Time: 1:08 p.m.

Jay Paff joined the room telephonically at 1:00 p.m.

Jay Paff left the room telephonically at 1:15 p.m.

Jay Paff introduced himself to the new Board member, Robert Tracy, and provided an overview of his responsibilities, which involve reviewing investigative complaints that are related to possible statute/regulation violations and USPAP compliance. Mr. Paff then commented that most complaints are initiated by clients and less often from lending institutes. Mr. Derry inquired to Mr. Paff whether the majority of complaints were residentially or commercially related, to which Mr. Paff stated that very rarely does he receive complaints related to commercial/general appraising. He then informed Mr. Tracy that he would be consulting with him during investigative reviews, since he resides in close

proximity, and continued to describe the investigative process as it relates to the Board's involvement. Board members are informed of possible violations and are given the opportunity to provide disciplinary action recommendations, which may include a monetary penalty, however, such recommendations are to be consistent with past Board decisions. Mr. Paff then informed the Board that both he and Ms. Carrillo would be attending the Investigator Level I training in St. Louis in May.

Mr. Paff then presented his Investigative report, which included activity from January 4th, 2016 through March 14th, 2016. Mr. Paff informed the Board that the Division had opened two new matters and closed two matters. There is currently one open matter.

Agenda Item #6 ASC Updates Time: 1:09 p.m.

Mr. Derry addressed the Appraisal Foundation's Discussion Draft of the 2018-2019 Uniform Standards of Professional Appraisal Practice (USPAP), that was sent to all regulatory Boards on January 15th, 2016. Although the deadline for submitting comments was on February 17th, 2016, Mr. Derry asked the Board to provide any feedback on this matter. The Board did not have any comments on specific proposed changes to USPAP, however, Mr. Derry noted that the foundation would likely continue to issue exposure drafts relating possible changes. Some of the changes discussed in the current exposure draft included the definition of, "assignment", the communication of Assignment Results, review of Standards Rules 7-2(c), 7-5, 8-2(v), and Advisory Opinions 1, 18, 21, and 31. The Board will review subsequent exposure drafts when released by the foundations.

Agenda Item #7 Board Business Time: 1:11 p.m.

Charles Ward entered the room at 1:00 p.m.

Charles Ward left the room at 2:38 p.m.

Board Member Updates -

Hearing nothing further on ACS updates, Mr. Derry moved to discussion on the first item of Board Business, board member updates. At the beginning of the meeting, the Board welcomed new Board member, Robert Tracy, who took the residential real estate appraiser seat previously occupied by Lance Cook. Mr. Derry informed the Board that during the recruitment for this position, he had been in contact with certified general real estate appraisers, Bill Ferguson Sitka and Bill Barnes from the Matsu Valley, however, it was later clarified that only residential real estate appraisers could apply for the position. Nonetheless, the Board was very excited to have Mr. Tracy. The public member seat is still vacant.

TASK:

All Board members will encourage individuals to apply for the public seat vacancy, preferably from the Southeast region.

Review applications -

Mr. Derry then moved on to discussing the pending application for Elaine Sahlins, who was applying for certification by reciprocity from California. Mr. Ferrara noted that Ms. Sahlins is licensed in about 10 states.

On a motion duly made by Fred Ferrara, seconded by Renee Piszczek and approved unanimously, it was:

RESOLVED to approve the certified general real estate appraiser application for Elaine Sahlins by reciprocity.

Continuing Education Audit/Petition under 12 AAC 70.200(b) -

Hearing nothing further on reviewing applications, Mr. Derry then addressed an outstanding renewal audit and a petition for continuing education approval under 12 AAC 70.200(b).

On a motion duly made by Fred Ferrara, and in accordance with AS 44.62.310, the Board moved to enter executive session for the purpose of discussing AS 44.62.310(C) relating to continuing education. Staff, Laura Carrillo and Charles Ward are able to remain in the room.

Off Record at 1:30 p.m.

On Record at 2:26 p.m.

On a motion duly made by Dave Derry seconded by Fred Ferrara and approved unanimously, it was:

RESOLVED to go on break.

Off Record at 2:26 p.m.

On Record at 3:34 p.m.

Returning from break, the Board resumed the Board Business discussion of continuing education and the petition discussed under executive session. The Board reviewed the petition and course description included in the Board packet.

On a motion duly made by Fred Ferrara, seconded by Renee Piszczek and approved unanimously, it was:

RESOLVED to deny the continuing education petition filed under 12 AAC 70.200(b) for the course, “The Emerging Marijuana Industry and its Impact on Real Estate” as it does not meet the criteria under 12 AAC 70.210.

Work Product Review Sheets/Courtesy Reports -

The Board then moved to discussion on work product review sheets, with which the remaining reports left for review were delegated to Mr. Derry. Mr. Derry explained to Mr. Tracy that the intent of the work product review is to check for USPAP compliance, and asked whether he could complete the review for #11, Arctic Gardens. Mr. Tracy agreed and Mr. Derry stated he would be of assistance in showing him how to access the secure site and complete the work product review. Mr. Derry then asked if Ms. Carrillo could post the next set of work product reviews to the Board’s secure site, to which she agreed.

TASK:

Mr. Tracy will complete the work product for #11.

TASK:

Mr. Derry will complete the work products for #'s 12-17.

TASK:

Ms. Carrillo will post the next set of work products to the secure site.

Revised Work Log Verification Form -

Hearing nothing further on work product review sheets, Mr. Derry then addressed the work log verification form, of which he was previously tasked with editing and sending the revised document to Ms. Carrillo. Mr. Derry informed the Board that he had since made corrections to the form, including the need to clarify that the column for work hours pertains to trainees.

Ms. Carrillo informed the Board that she had recently received an inquiry relating to documentable work hours on the verification form; some office managers allocate time to bidding, acquiring maps, and submissions, whereby the trainee’s inability to count these hours creates an overall lower number of hours worked. The Board clarified that only hours that a trainee or appraiser is directly involved in can be used on the form, not hours worked by office managers.

TASK:

Mr. Derry will send the revised work log verification form to Ms. Carrillo.

TASK:

Ms. Carrillo will send an update to the inquirer regarding documentable work hours.

Frequently Asked Questions Update -

Mr. Derry addressed the FAQ document and the addition of transition applicants. Mr. Derry commented to Ms. Carrillo that the experience hours required for registered trainees transitioning to either a certified residential or certified general real estate appraiser needs to be clarified. To transition to a certified residential, the trainee needs to complete 2,500 hours; to transition to a certified general, the trainee needs to complete 3,000 hours of experience with at least 1,500 hours in non-residential work.

TASK:

Ms. Carrillo will update the FAQ's document to reflect the appropriate number of hours for trainees transitioning to a residential and general real estate appraiser.

Agenda Item #9 Public Comment **Time: 2:45 p.m.**

There was no one available for public comment.

Agenda Item #8 New Business **Time: 2:46 p.m.**

Disciplinary actions –

With no attendees for public comment, the Board addressed New Business, including disciplinary actions. This has been an ongoing discussion in which the Board has requested clarification on suspended fines via the Division's paralegal, Charles Ward. For continuing education consent agreements, Mr. Ferrara suggested that the Board support the \$2,500 suspended civil fine, a letter of instruction, and 2 mandatory audits. Mr. Tracy added that the Board may also want to make a statement supporting a more stringent enforcement of disciplinary actions in the future.

On a motion duly made by Fred Ferrara, seconded by Robert Tracy and approved unanimously, it was:

RESOLVED to support a continuing education disciplinary action of a suspended \$2,500 fine, a letter of instruction, two mandatory audits, fulfillment of deficient continuing education hours, and will support a more stringent enforcement of civil fines in the future.

The Board decided to discuss continuing education actions further at the next meeting. It was suggested that the Board post a statement reflecting the Board's position or intent on issuing disciplinary actions.

TASK:

Mr. Ferrara will draft a position statement relating to the Board's support/handling of continuing education disciplinary actions.

TASK:

Ms. Carrillo will include Charles Ward as a participant in the discussion of disciplinary actions at the next meeting.

Travel Protocol –

Ms. Carrillo briefly addressed the new travel protocol, which was also sent to the Board via e-mail on February 5th, 2016. The new travel protocol requires completion of a Travel Justification Worksheet, and must include a logical analysis of any cost-savings measures that could be accomplished by holding a teleconference rather than an in-person Board meeting. Ms. Carrillo acknowledged that the Board prefers to hold teleconference meetings, but to be prepared to justify a desired in-person meeting by writing a letter of support. Ms. Carrillo referred to an in-person meeting that was recently denied despite Board members arguing in support, which demonstrates the need to clearly demonstrate a true business need for in-person meetings and travel. Ms. Carrillo noted that upper management would equally consider the feedback of Board members and the examiner in the face of the State's budget climate.

Regulations FAQ's Worksheet –

Mr. Derry then addressed the Regulations FAQ's Worksheet. Ms. Carrillo informed the Board that the form was recently drafted by Program Operations Manager, Sara Chambers, with which the intent is to provide the public a concise summary of how imminent regulation changes would affect the profession. Ms. Carrillo added that the form would be posted to the Board's site. For the last question relating to the pros and cons of such regulation changes, Mr. Derry suggested adding verbiage stating that the changes are required by the Appraisal Qualifications Board.

TASK:

Ms. Carrillo will update question #6 relating to why the public need for regulation changes outweighs the negative impacts.

Agenda Item #10 **Budget Report**

Time: 3:02 p.m.

Division Director, Janey Hovenden and Administrative Officer, Martha Hewlett entered the room at 3:02 p.m.

Division Director, Janey Hovenden and Administrative Officer, Martha Hewlett left the room at 3:30 p.m.

Janey Hovenden and Martha Hewlett joined the room to present the Board's FY16 1st and 2nd quarter reports. Ms. Hewlett informed the Board that they ended with a total licensing revenue of \$25,320, with \$25,123 included in personal services included in the total direct expenditures of \$37,214, and that the Board's ending cumulative surplus was at \$170,105. Ms. Hewlett also touched on travel and contractual services included in direct expenditures and informed the Board that the Division was utilizing a new accounting system, IRIS, which has now dropped the 7 in the 7100 series in the collocation code system; 0120's = personal services, 2000's = travel, 3000's = contractual. Mr. Derry then addressed the asterisk pertaining to the allocation of \$20,000 in allowable third party reimbursements, to which Ms. Hewlett stated that for FY16, it has been updated to \$50,000 across all professions and reflects a monetary estimation based on 50% of unbilled funds.

Mr. Derry then inquired as to whether the Board would be undergoing a fee analysis, as there are concerns about licensing fees remaining relatively high as a result of long-running residual effects of past litigation costs. Director Hovenden stated that although the Board's fees are not currently being analyzed, the analysis would be completed in the near future.

Agenda Item #11 Administrative Business Time: 3:10 p.m.

Hearing nothing further on the Budget Report or Division Updates, the Board moved to discussion on the Board's task list from the January 15th, 2016 meeting.

Task List -

The Board thanked Mr. Ferrara for completing the position statement for trainees and reviewed the tasks delegated at this current meeting.

TASK:

Ms. Carrillo will discuss with Records and Licensing Supervisor, Dawn Hannasch about reimbursement for Ms. Piszczek's participation in an upcoming USPAP course.

Set Meeting dates -

The Board discussed meeting dates and ultimately decided to set their next teleconference meeting date for Thursday, June 1st, 2016 beginning at 1:00 p.m.

Agenda Item #12 Adjourn Time: 3:22 p.m.

On a motion duly made by Robert Tracy, seconded by Renee Piszczek and approved unanimously, it was:

RESOLVED to adjourn the meeting at 3:22 p.m.

Respectfully Submitted by:

Laura Carrillo
Licensing Examiners

Approved by:

David Derry, Chair
Alaska State Board of Certified Real Estate Appraisers

EXECUTIVE SESSION MOTION

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- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
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**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Agenda Item #4

Ethics

CONFIDENTIAL**ETHICS SUPERVISOR DETERMINATION FORM**
(Board or Commission Member)

Board or Commission: _____

Member Disclosing Potential Ethics Violation: _____

I have determined that the situation described on the attached ethics disclosure form

 does or would violate AS 39.52.110 - .190. Identify applicable statute below. does not or would not violate AS 39.52.110 - .190._____
Signature of Designated Ethics Supervisor (Chair)_____
Printed Name of Designated Ethics Supervisor

Date: _____

COMMENTS (Please attach a separate sheet for additional space):

Note: Disclosure Form must be attached. Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110-39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4th Avenue, Suite 200, Anchorage, AK 99501.

Revised 2012

MEMORANDUM**State of Alaska**
Department of Law

TO: _____ DATE: _____

FILE NO.: _____

TEL. NO.: _____

FROM: Angie White
Litigation Assistant
Department of Law
Opinions, Appeals, & Ethics Section

FAX: _____

SUBJECT: Executive Branch Ethics Act, AS
39.52 Quarterly Report
**[INSERT QUARTERLY DATE
RANGE]**

******SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY
ONTO YOUR BOARD OR COMMISSION’S LETTERHEAD ******

As designated ethics supervisor and chair [executive director] for the _____, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

OR

As designated ethics supervisor and chair [executive director] for the _____, I have received ___ notification(s) of a potential violation and ___ requests for ethics determinations under the Ethics Act (AS 39.52) I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

AND

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

OR

In addition to the above, at the [date] meeting, [Board member] [Commissioner] _____ disclosed a potential conflict with respect to _____ [insert brief description]_____. *Insert disposition:* [S/He refrained from participation.] or [I determined s/he could [could not] participate.] or [The Board [Commission] members voted to permit [not to permit] participation.]

State of Alaska Department of Law

Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska

Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska
Department of Law
Executive Branch Ethics Act

Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
 1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
 1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) **matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Agenda Item #5

Investigations Report

(Investigations Report Here)

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

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- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
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- (3) **matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Agenda Item #6

Disciplinary Proceedings



MEMORANDUM

DATE: April 12, 2016
TO: All Members, Alaska Board of Certified Real Estate Appraisers
THRU: Laura Carrillo, Licensing Examiner
FROM: Charles Ward, Paralegal II
RE: *Ex parte* communication

As a general reminder, failed continuing education audits referred to the paralegal may end up in litigation.

Should you be contacted by a licensee who is the subject of a failed continuing education audit, it is considered inappropriate for these cases to be discussed among board members or to have *ex parte* (without all parties present) discussions with either division staff, respondent or respondent's counsel, the Attorney General's Office, or other members of your profession.

This does not preclude review of a potential settlement (such as a consent agreement) or additional information sent by a licensee in support of their request for audit approval. However, those reviews should be done at a meeting of the Board. Such a review can be done in executive session if appropriate and in accordance with AS 44.62.310(c). Of course, all votes must be done on the record.

Should you receive any unsolicited information or contact pertaining to an unresolved audit, please refer it to me without reviewing the information. If someone contacts you, apart from the ordinary adjudication process, wishing to discuss these cases, then you should refer that person to our office so we can investigate the information.

This memorandum is provided to you for your information. No response to this memo is necessary.

From: [Ward, Charles W \(CED\)](#)
To: [Carrillo, Laura N \(CED\)](#)
Subject: APR disciplinary guidelines
Date: Wednesday, April 20, 2016 1:43:50 PM
Attachments: [VET050794.pdf](#)

Laura:

At the last APR teleconference, there was discussion of adopting new guidelines for CE discipline cases. The Board decided it would come up with guidelines and use them for the 2017-19 renewal and renewals forward from that point.

I suggested that was the proper course of action, after speaking with Harriet.

I recently came across an ALJ decision that reinforces that suggestion. *ITMO Conniff* disapproved of a disciplinary guideline adopted by the VET Board being used against a licensee whose case arose prior to the adoption of that guideline.

I've attached a copy of that decision and highlighted the pertinent section, which begins on page 6.

I thought this might be helpful for the Board in reinforcement of its decision.

Please let me know if you have any questions or need any additional information.

Thanks.

Charles Ward
Paralegal II
Division of Corporations, Business and Professional Licensing

charles.ward@alaska.gov
(907) 465-1673 desk
(907) 465-2974 fax (Please note: I do not have a direct fax line. Emailing documents will bring them to my attention sooner. If you do send a fax, please be sure to mark it to my attention.)

Mailing address
Charles Ward
c/o Dept. of Commerce, Community and Economic Development
Div. of Corporations, Business and Professional Licensing
P.O. Box 110806
Juneau, AK 99811-0806

Courier address
Charles Ward
c/o Dept. of Commerce, Community and Economic Development
Div. of Corporations, Business and Professional Licensing
333 W. Willoughby Ave.

**BEFORE THE STATE OF ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON
REFERRAL FROM THE ALASKA BOARD OF VETERINARY EXAMINERS**

In the Matter of)
Frederick "Judge" Robert Conniff)
)
) OAH No. 05-0794-VET
) Board Case No. 3100-05-003

NOTICE TRANSMITTING FINAL DECISION

Attached is the Board of Veterinary Examiners' decision in this matter, which the board adopted at its May 19, 2006 meeting. Under AS 44.62.520, the board's decision becomes effective 30 days after the attached decision is mailed or otherwise delivered to you.

A party may request reconsideration of the decision by filing a petition under AS 44.62.540 within 15 days after delivery or mailing of the decision. Send the petition requesting reconsideration to the following address:

Office of Administrative Hearings
Attn. Board of Veterinary Examiners
PO Box 110231
Juneau, AK 99811-0231

At the same time, send a copy of the petition to the opposing party's legal counsel, or to the opposing party if not represented by counsel.

Judicial review of the board's decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska Rule of Appellate Procedure 602(a)(2) within 30 days after the decision is mailed or otherwise distributed.

DATED this 20th day of June, 2006.

By: _____
Kim Rechin
Office of Administrative Hearings

The undersigned certifies that
this date an exact copy of the
foregoing was provided to the
following individuals:
Robert Conniff
Steven Winkler
Richard Urion
Branda Donohue
Signature Lt. Governors Date
Office _____

6.20.06

**BEFORE THE STATE OF ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON
REFERRAL FROM THE ALASKA BOARD OF VETERINARY EXAMINERS**

In the Matter of)	
Frederick "Judge" Robert Conniff)	OAH No. 05-0794-VET
_____)	Board Case NO. 3100-05-003

REPRIMAND

The Alaska Board of Veterinary Examiners issues the following reprimand to Frederick "Judge" Robert Conniff:

Dr. Conniff has admitted that he did not complete the continued competence requirements for the 2005-2006 licensing period as he indicated on his renewal application.

The board hereby reprimands Dr. Conniff for not exercising due care in ensuring that all continued competence requirements are properly met on time.

This reprimand is issued in accordance with action taken on this matter by the board at its regular meeting of May 19, 2006.

DATED this 26th day of May, 2006.

By:
 Printed Name: Timothy L. Bowser DVM
 Title: Board of Veterinary Examiners -
Appointed Chair

**BEFORE THE STATE OF ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON
REFERRAL FROM THE ALASKA BOARD OF VETERINARY EXAMINERS**

In the Matter of)	
Frederick "Judge" Robert Conniff)	OAH No. 05-0794-VET
<hr/>)	Board Case NO. 3100-05-003

DECISION & RECOMMENDED ORDER

I. Introduction

The Division of Corporations, Business and Professional Licensing filed an accusation to suspend, revoke, or impose other disciplinary sanctions against Frederick "Judge" Robert Conniff, DVM. Dr. Conniff requested a formal hearing. The Office of Administrative Hearings heard the case on December 12, 2005. Dr. Conniff appeared in person. Steven Winker represented the Division of Corporations, Business and Professional Licensing.

II. Facts

Dr. Conniff was licensed to practice veterinary medicine in Alaska on August 27, 2003, for a period that lasted through 2004. Because he was renewing his license for the first time in 2005, Dr. Conniff was required to certify completing fifteen contact hours of continuing education (CE) for each full year in the licensing period before 2005; as the only full year was 2004, Dr. Conniff was required to certify that he had completed fifteen contact hours for that year.

Before December of 2004 Dr. Conniff read the course materials and answered the test questions for an online continuing education course that would have satisfied the 15-credit requirement. For this particular course, test questions could be submitted for grading either by mail or online. Online tests are graded automatically, and credit is immediately granted when the exams have been successfully completed and tuition is paid. Dr. Conniff attempted to submit his test answers online, but a computer problem of some kind prevented successful submission of the test scores. Dr. Conniff decided to wait a few days and attempt to submit his test scores again later.

On December 2, 2004, Dr. Conniff signed a "Biennial Veterinarian License Renewal" form stating in part that "I hereby certify that I have obtained the following continuing education credits during the concluding licensing period January 1, 2003 – December 31, 2004, and that I have documentation of attendance of courses as described in 12 AAC 68.230, which I will furnish to the Board of Veterinary if requested to do so." At this time, although he had

completed studying the course materials, Dr. Conniff had not officially had obtained credit for the course. Because he intended to obtain the credit before the period ending December 31, 2004, Dr. Conniff considered his certification on the license renewal form to be truthful.

Having turned in his license renewal form, Dr. Conniff then forgot to submit his exams for grading. When he received a letter dated February 10, 2005, advising him that he had been randomly selected for a CE audit and requesting proof of his CE credit, Dr. Conniff realized that he had forgotten to submit his exams for grading in time to receive credit before the end of the year. At this time, Dr. Conniff went online and submitted his exams. His transcript shows that he was awarded eight CE credits on February 16, 2005, and another ten credits on February 22, 2005.

The division conceded at the hearing that, had Dr. Conniff successfully received credit for the course after he submitted his license renewal form but before December 31, 2004, he would have been in compliance with the CE requirement and his renewal form would have been truthful.

The evidence regarding prior similar cases was limited. After this case was initiated, Mr. Conniff brought it to the attention of the division that the Veterinary Board had resolved a number of similar cases in the past by approving CE credits obtained after the licensing period, without any disciplinary action.¹ In response, the director of the Division of Corporations, Business and Professional Licensing sent a letter to the board stating that it would no longer conduct audits of CE compliance by veterinarians.² The division made a presentation to the board at its May 20, 2005 meeting. The minutes from the meeting indicate that after the presentation, the board took the following action:

On a motion duly made...and approved unanimously, it was RESOLVED, regarding general guidelines for disciplinary sanctions, the Board of Veterinary Examiners will enforce disciplinary sanctions outlined as follows:

- Requirement to complete deficit CE
- Mandatory audit for two renewal cycles
- Reprimand
- Suspension of license until satisfactory documentation of deficient CE is received
- Civil fine of \$3,5000 maximum amount comprised of two elements: \$2,500 fine for falsification on the application (all or part of this amount may be suspended based on the gravity of the offense) plus \$100 per deficit CE hour to a \$1,000 maximum for veterinarians.

¹ Exhibit 9, pp. 8-9; Exhibit Q.

² Exhibit P.

III. Discussion

The Board of Veterinary Examiners has the duty to set minimum qualifications for licensing.³ In the exercise of that duty, the board has established minimum requirements for continuing education of licensees.⁴ In the enforcement of its standards, the board has broad disciplinary powers. According to AS 08.01.075, the board may take the following actions:

Disciplinary powers of boards.

(a) A board may take the following disciplinary actions, singly or in combination:

- (1) permanently revoke a license;
- (2) suspend a license for a specified period;
- (3) censure or reprimand a licensee;
- (4) impose limitations or conditions on the professional practice of a licensee;
- (5) require a licensee to submit to peer review;
- (6) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
- (7) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;
- (8) impose a civil fine not to exceed \$5,000.

(b) A board may withdraw probationary status if the deficiencies that required the sanction are remedied.

* * * * *

(f) A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.

Dr. Conniff has made up the deficit CE credit shortly after he was notified of the audit. Thus, imposition of a requirement that he make up the credit and suspension of his license until he does so are not appropriate penalties in this case. Dr. Conniff does not object to a mandatory audit of his CE completion for the next two renewal cycles. The remaining issues are whether Dr. Conniff should be reprimanded, whether a fine should be imposed, and if so how much the fine should be.

The division did not recommend any specific action. Dr. Conniff argues that the appropriate sanction would be action akin to "a slap on the wrist." He acknowledges that he did not comply with the CE requirement. But Dr. Conniff argues that forgetting to obtain the credit for the work he had done is in the nature of a technical violation. Because he immediately remedied the problem and acted in good faith at all times, Dr. Conniff asserts that a serious

³ AS 08.01.070.

⁴ 12 AAC 68.220-225.

penalty is inappropriate in this case. Dr. Conniff states that an official reprimand is something that he, as a professional, takes seriously, and it would be an adequate sanction with no fine.

I find Dr. Conniff's testimony to be credible on two important points. First, I find that Dr. Conniff did in fact complete the coursework he says he did, and that he had gained the educational value of the work before the end of 2004. The division argues that Dr. Conniff could not "complete" the course until he was granted credit for it. There is no dispute on this point, but I find that Dr. Conniff did demonstrate diligence in maintaining a satisfactory level of learning and competence. His omission was a technical one: forgetting to submit his tests for grading before the end of the year as required and as he promised he would.

Second, I find that Dr. Conniff did not intend to mislead the division or the board when he submitted his renewal form. The preprinted declaration on the form essentially stated that Dr. Conniff would have obtained the necessary credit by the end of December, 2004. Dr. Conniff signed the form on December 2, 2004. At that time he had only to log on to the CE provider's website and submit his exam answers in order to receive the credit. Dr. Conniff had no reason to believe he might not be able to receive the necessary credit within the 29 days after he signed the form. Even if he did not pass the test, there was adequate time for Dr. Conniff to go over any questions he might have missed and to resubmit corrected answers before the end of the year. The division's form permit veterinarians to merely certify that they will get all required credit before the end of the year, and the division conceded that if Dr. Conniff had remembered to submit his tests for grading in December, 2004, after signing the form, the certification would have been truthful and there would be no reason to question Dr. Conniff's license renewal.

I find the controlling statute in this case to be the requirements of AS 08.01.075(f) that the board seek consistency in the application of disciplinary sanctions and that it explain significant departures from prior decisions involving similar facts in the order imposing the sanction. While the board has adopted guidelines for disciplinary action, it did so after Dr. Conniff's case arose. Indeed, it was Dr. Conniff that brought the board's existing policy to the attention of the division, in turn prompting the discussion leading up to the change in policy. The board's resolution does not have the authority of a duly adopted regulation, but even if it did, applying the new policy to Dr. Conniff's case would result in a retrospective application of a new regulation, which is prohibited by AS 44.62.240.

Because Dr. Conniff falls within the group of veterinarians who did not timely complete CE credit before the new policy was announced, it would not be possible to explain a difference

in treatment between Dr. Conniff and the many other veterinarians who were not sanctioned at all. If it could be found that Dr. Conniff had intended to deceive the board, that he had presented some danger to the public, or that some other circumstance made his case particularly egregious, a different result than that reached in previous cases would be called for. Because Dr. Conniff's omission has been corrected, no further action is warranted at this time.

IV. Conclusion

Dr. Conniff's applications for renewal of his license should be audited for CE compliance for the next two renewal cycles. Dr. Conniff should consider himself on notice that subsequent incorrect claims to have completed CE credit would be likely to be considered aggravated cases with significant consequences. No fine or reprimand extending beyond the content of this decision is appropriate in this case.

V. Recommended Order

IT IS HEREBY ORDERED that Dr. Conniff's application to renew his license be audited for continuing education compliance for the next two renewal cycles. No further action shall be taken in this case.

DATED this 16th day of February, 2006.

By: _____
DALE WHITNEY
Administrative Law Judge

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Non-Adoption Options

State of Alaska
Office of Administrative Hearings

1. The undersigned, on behalf of Alaska Board of Veterinary Examiners and in accordance with AS 44.64.060, declines to adopt this Decision and Order, and instead orders under AS 44.64.060(e)(2) that the case be returned to the administrative law judge to

- take additional evidence about _____;
- make additional findings about _____;
- conduct the following specific proceedings: _____.

DATED this _____ day of _____, 2006.

By: _____

Signature

Name

Title

2. The undersigned, on behalf of Alaska Board of Veterinary Examiners and in accordance with AS 44.64.060 (e)(3), revises the enforcement action, determination of best interest, order, award, remedy, sanction, penalty, or other disposition of the case as follows:

1. A civil penalty of \$1500⁰⁰ with \$1500⁰⁰ suspended shall be imposed.
2. A reprimand as stated on the record shall be issued.
3. Mandatory audit for 2 renewal cycles.

DATED this 19th day of May, 2006 / MD

By: TL

Signature

Timothy L Bowser DVM

Name

Acting Chairman - Board of

Vet. Examiners

Program	Remedial CE requirement	Mandatory audit requirement	Reprimand	Fine	Imposition of Civil Fine used in some cases?	Letter of Advisement approved in some cases?
Acupuncture	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$1,000 suspended for false/inaccurate response, plus \$100 unsuspended for each deficient hour.	No.	Yes.
AELS	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500 suspended for false/inaccurate response, plus \$50 unsuspended for each deficient hour, up to a \$1,000 maximum.	Yes.	Yes.
Chiropractors	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500 for false/inaccurate response (all or part of this amount may be suspended, based on the gravity of the offense), plus \$200 unsuspended for each deficient hour, up to a \$1,000 maximum.	Yes.	No.

Program	Remedial CE requirement	Mandatory audit requirement	Reprimand	Fine	Imposition of Civil Fine used in some cases?	Letter of Advisement approved in some cases?
CPA	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$3,000 for false/inaccurate response (up to \$2,500 of this amount may be suspended, based on the gravity of the offense), plus \$200 unsuspended for each deficient hour.	Yes.	Yes.
Social Workers	Yes. Licensee must make up the deficient hours.	Yes.	No.	\$100 unsuspended per deficient hour.	Yes.	No, but agreements have been termed non-disciplinary.
Dentists and Dental Hygienists	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,000 suspended for false/inaccurate response, plus \$200 unsuspended for each deficient hour.	Yes.	No.
Dispensing Opticians	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500, with \$100 suspended for each hour properly completed.	No.	No.
Electrical Administrators	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500, with \$100 suspended for each hour properly completed.	No.	No.

Program	Remedial CE requirement	Mandatory audit requirement	Reprimand	Fine	Imposition of Civil Fine used in some cases?	Letter of Advisement approved in some cases?
Home inspectors	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500, with \$100 suspended for each hour properly completed.	No.	No.
Marital and family therapists	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,000, (up to \$1,500 of this amount may be suspended, based on the gravity of the offense), plus \$100 unsuspended for each deficient hour, up to a \$1,000 maximum.	No.	No.
Massage therapists	No CE requirements set yet.					
Mechanical administrators	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500, with \$100 suspended for each hour properly completed.	No.	No.

Program	Remedial CE requirement	Mandatory audit requirement	Reprimand	Fine	Imposition of Civil Fine used in some cases?	Letter of Advisement approved in some cases?
Medical Board (doctors, podiatrists, physician assistants, paramedics)	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500 for false/inaccurate response (all or part of this amount may be suspended, based on the gravity of the offense), plus \$200 unsuspended for each deficient hour, up to a \$1,000 maximum.	Yes.	No.
Midwives	Yes. Licensee must make up the deficient hours. This may include additional chart and peer reviews.	Yes.	Yes.	\$2,500, with \$2,000 suspended.	Yes.	No.
Certified nurses' aides	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$500	No.	Yes.
Licensed practical nurses	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$1,500	No.	Yes.
Registered nurses	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,000	No.	Yes.

Program	Remedial CE requirement	Mandatory audit requirement	Reprimand	Fine	Imposition of Civil Fine used in some cases?	Letter of Advisement approved in some cases?
Nurse practitioners	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500	No.	Yes.
Optometrists						
Professional counselors	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,000 for false/inaccurate response (up to \$1,500 of this amount may be suspended, based on the gravity of the offense), plus \$100 unsuspended for each deficient hour, up to a \$1,000 maximum.	Yes.	No.
Pharmacists	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500, with \$100 suspended for each hour properly completed.	Yes.	No.
Pharmacy technicians	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500 suspended for false/inaccurate response, plus \$25 unsuspended for each deficient hour .	Yes.	No.

Program	Remedial CE requirement	Mandatory audit requirement	Reprimand	Fine	Imposition of Civil Fine used in some cases?	Letter of Advisement approved in some cases?
Physical therapists and occupational therapists (including assistants)	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500 for false/inaccurate response (up to \$2,000 of this amount may be suspended, based on the gravity of the offense), plus \$100 unsuspended for each deficient hour.	Yes.	Yes.
Psychologists	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500, with an amount suspended based on the gravity of the offense.	No.	Yes.
Real Estate Commission	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500 for false/inaccurate response (all or part of this amount may be suspended, based on the gravity of the offense), plus \$50 unsuspended for each deficient hour.	Yes.	No.

Program	Remedial CE requirement	Mandatory audit requirement	Reprimand	Fine	Imposition of Civil Fine used in some cases?	Letter of Advisement approved in some cases?
Veterinarians	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$2,500 for false/inaccurate response (all or part of this amount may be suspended, based on the gravity of the offense), plus \$100 unsuspended for each deficient hour.	No.	No.
Veterinary technicians	Yes. Licensee must make up the deficient hours.	Yes.	Yes.	\$1,500 for false/inaccurate response (all or part of this amount may be suspended, based on the gravity of the offense), plus \$50 unsuspended for each deficient hour.	No.	No.

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) **matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Agenda Item #7

Board Business



THE STATE
of **ALASKA**

Department of Commerce, Community and Economic Development
Division of Corporations, Business and Professional Licensing

FOR FILE ONLY

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APR 25 2016
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CC 1570

Real Estate Appraisers Program
State Office Building, 333 Willoughby Avenue, 9th Floor
PO Box 110806, Juneau, AK 99811-0806
Phone: (907) 465-2550 • Fax: (907) 465-2974
Email: license@alaska.gov
Website: ProfessionalLicense.Alaska.Gov/RealEstateAppraisers

Certified Residential Real Estate Appraiser Application

PART I Application Type and Payment of Fees	
Applying by:	<input type="checkbox"/> Endorsement, State of _____ <input type="checkbox"/> Examination <input checked="" type="checkbox"/> Reciprocity, State of [REDACTED] <input type="checkbox"/> Trainee Transition
Fees Due:	<input checked="" type="checkbox"/> Nonrefundable Application Fee \$450 <input checked="" type="checkbox"/> Initial Certification Fee \$1050 <input checked="" type="checkbox"/> Federal Registry Fee (\$40 per year) \$80
Make checks payable to: State of Alaska or use the attached credit card payment form.	
TOTAL: \$1580	

PART II Personal Information	
Full Legal Name	[REDACTED]
Other Names Used (nicknames or maiden names)	[REDACTED]
Mailing Address	[REDACTED]
Telephone	[REDACTED]
E-Mail Address	[REDACTED]
Date of Birth	[REDACTED]
SOCIAL SECURITY NUMBER: As required by state law, please provide your United States Social Security Number. It is considered CONFIDENTIAL information and is not for public disclosure; it may be used to verify inter-state licensure. (AS 08.01.100)	Social Security Number [REDACTED]

APR 25 2016

PART III Professional Fitness Questions

CBPL

12 AAC 70.100 (5) requires an applicant to attest subject to the penalties of unsworn falsification as defined in AS 11.56.210, a list of crimes described in AS 08.87.110 and AS 08.87.210 for which the applicant has been convicted.

A "Yes" answer may not prejudice your application, failure to answer honestly may. If you answered "Yes" to any of the below questions, **please explain dates, locations and circumstances on a separate piece of paper. Also, submit any/all supporting documents that are applicable (court records, board actions, investigation notices, etc.).**

1. Have you ever been convicted of a crime involving moral turpitude? Yes No

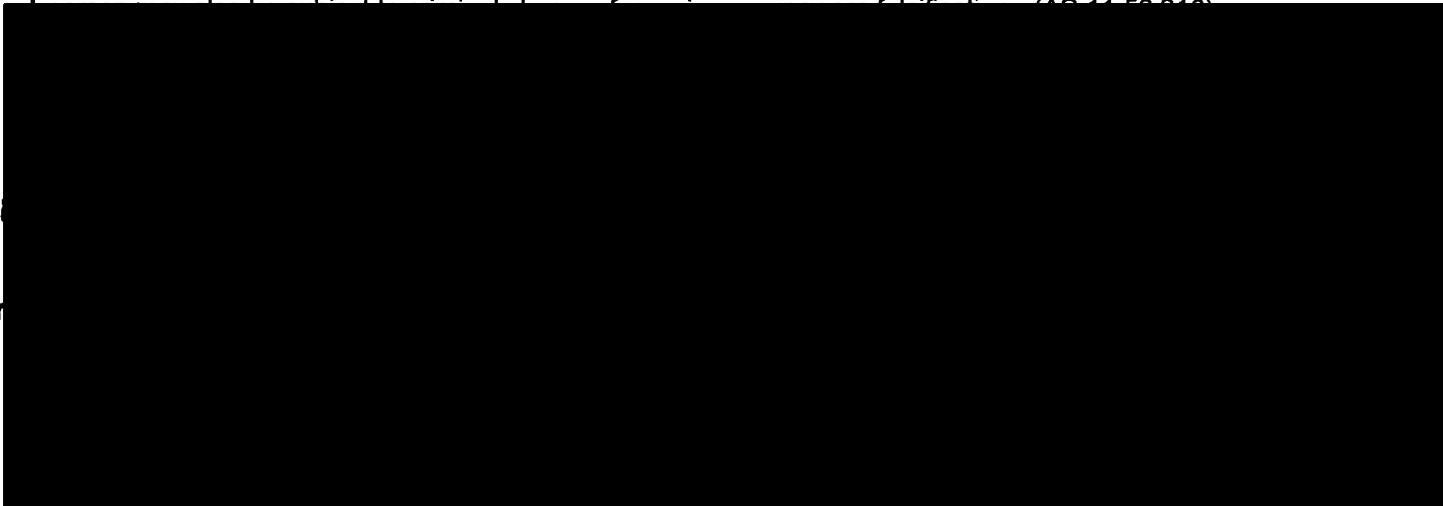
2. Have you ever had a real estate appraiser license/certification revoked, suspended, denied, surrendered, or otherwise acted upon in any state or jurisdiction? Yes No

3. Are you the subject of an unresolved complaint or disciplinary action before an authority regulating real estate appraisers or a professional real estate appraisers association? Yes No

4. Have you committed, or had a lawsuit filed against you, while acting as a real estate appraiser, an act or omission involving dishonesty, fraud, or misrepresentation? Yes No

PART IV Notarized Signature

I certify that the information in this application is true and correct to the best of my knowledge. The Division may deny, suspend or revoke the license of a person who has obtained or attempted to obtain a license by fraud or deceit. The



Cor

PART V License / Certificate History (For Endorsement and Reciprocity Applicants Only)

Are you currently licensed or certified in another state? Yes No

List all states or jurisdictions in which you are currently or ever have been licensed or certified:

License / Certificate Number	State	Expiration Date
[REDACTED]	[REDACTED]	[REDACTED]
		RECEIVED Juneau APR 25 2016 CBPI

Exam Passed	Location	Date

National Uniform Licensing and Certification Exam

ENDORSEMENT APPLICANTS:

You must provide a copy of the following certificate:
AQB-approved certified residential real property appraiser examination (12 AAC 08.87.110(h))



THE STATE
of

ALASKA Department of Commerce, Community, and Economic Development
Division of Corporations, Business and Professional Licensing

64

Real Estate Appraisers Program

State Office Building, 333 Willoughby Avenue, 9th Floor

PO Box 110806, Juneau, AK 99811-0806

Phone: (907) 465-3811 • Fax: (907) 465-2974

E-mail: license@alaska.gov

Website: ProfessionalLicense.Alaska.Gov/RealEstateAppraisers

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Juneau

APR 25 2016

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PART VIII Authorization for Release of Records

To Whom It May Concern:



authorize the Alaska Division of Corporations, Business and Professional Licensing and its investigators to examine my medical, dental, employment, and education records, and any records pertaining to litigation, suits, judgments and/or settlements, and any law enforcement records pertaining to me and discuss them with persons having possession of them. I also expressly permit and authorize the release of any and all such records pertaining to me to the Alaska Division of Corporations, Business and Professional Licensing and its investigators.

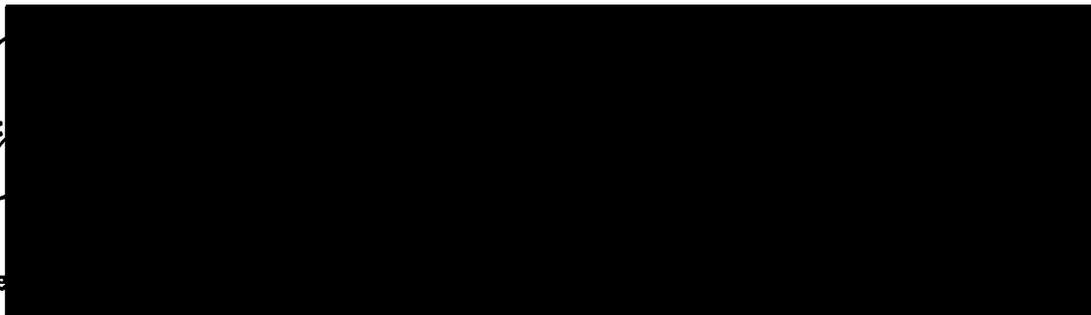
I authorize the division to discuss my records with persons or organizations which are considered appropriate by the Division in connection with an official investigation and to provide copies of my records to those persons or organizations considered appropriate by the division.

This release also applies to any documents or records which contain information pertaining to psychiatric, drug or alcohol evaluation, diagnosis, or treatment received by me and which were prepared or made in conjunction with, or under the authority or guidance of any local, state, or federal law which relates to psychiatric, drug or alcohol evaluation, diagnosis or treatment.

I request that upon presentation of this release, or a certified true copy of it, that you provide copies of those records to the Division and/or its investigators, and/or representatives of the Office of the Attorney General of the State of Alaska.

This authorization is given expressly in connection with my application for issuance of a certificate as a real estate appraiser. This authorization expires one year from the date of my signature below.

Signature:



Home Tele

UNIQUE ID NUMBER



State of New York
Department of State

DIVISION OF LICENSING SERVICES

FOR OFFICE USE ONLY
Control No. 82885

PURSUANT TO THE PROVISIONS OF ARTICLE 6E OF THE
EXECUTIVE LAW AS IT RELATES TO R. E. APPRAISERS.

EFFECTIVE DATE
MO. DAY YR
03 04 15



EXPIRATION DATE
MO. DAY YR
03 03 17



HAS BEEN DULY CERTIFIED TO TRANSACT BUSINESS AS A
R. E. RESIDENTIAL APPRAISER

In Witness Whereof, The Department of State has caused
its official seal to be hereunto affixed.

CESAR A. PERALES
SECRETARY OF STATE

DOS-1098 (Rev. 3/01)

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Juneau

APR 25 2016

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STATE OF NEW YORK
DEPARTMENT OF STATE

ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

66

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
ACTING SECRETARY OF STATE

April 15, 2016

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APR 22 2016

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REAL ESTATE APPRAISERS ROGRAM
STATE OFFICE BLDG
333 WILLOUGHBY AVE 9TH FL
PO BOX 110806
JUNEAU AK 99811-0808

Dear Sir/Madam:



Enclosed is a certified history of the Residential Appraiser's certification held by the above-named individual in New York State.

Sincerely,
Document Preparation Unit

/Inv
Enc



Department
of State

STATE OF NEW YORK
DEPARTMENT OF STATE }

ss.:

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 Juneau

APR 22 2016

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I HEREBY CERTIFY that I have made a diligent and complete search of the records of the Department of State, Division of Licensing Services relating to **Article 6E of the Executive Law**, as amended, with respect to **Real Estate Appraisers** which records are in the custody and under the control of the Secretary of State, and find the following:

03/04/2015 - 03/03/2017 - Upon successful completion of the State Certified General Real Estate Appraiser examination, [REDACTED] was issued a certification as a State Certified Residential Real Estate [REDACTED]

The above certification is currently in good standing with the State of New York.

WITNESS my hand and the Official Seal of the Department of State, at the City of Albany, this **fifteenth** day of **April**, two thousand sixteen.

Whitney A. Clark

WHITNEY A. CLARK
 Special Deputy Secretary of State

 ORIGINAL

National Registry Appraiser Report

Show License History

First Name :	[REDACTED]
Middle Initial :	[REDACTED]
Last Name :	[REDACTED]
Name Suffix (Jr, Sr, etc.):	
Company Name :	[REDACTED]
Street Address :	[REDACTED]
City :	[REDACTED]
State :	[REDACTED]
Zip Code :	[REDACTED]
County:	[REDACTED]
National Registry Number:	[REDACTED]
Telephone Number :	[REDACTED]
Status:	[REDACTED]
Licensing State:	[REDACTED]
State License Number:	[REDACTED]
License Certificate Type:	[REDACTED]
Effective Date of License :	[REDACTED]
Expiration Date of License :	[REDACTED]
Conforms to AQB Criteria :	[REDACTED]
State Data Last Updated On :	[REDACTED]
Disciplinary Action :	[REDACTED]

Annual Report

Fiscal Year 2016

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS



**DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING**

This annual performance report is presented in accordance with
Alaska statute AS 08.01.010.

Its purpose is to report the accomplishments, activities, and the
past and present needs of the licensing program.

**ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
FY 2016 Annual Report**

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Goals and Objectives **Page X**

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**ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
FY 2016 Annual Report**

Identification of the Board

Board Member	Date Appointed	Term Expires
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018
Insert Name Here Title of Person Inserted Above	Mar 01, 2016	Dec 01, 2018

**ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
FY 2016 Annual Report**

Identification of Staff

Insert Name Here – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Insert Name Here – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Insert Name Here – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Insert Name Here – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

Insert Name Here – Licensing Examiner

Department of Commerce, Community & Economic Development
Division of Corporations, Business and Professional Licensing
Post Office Box 110806
Juneau, Alaska 99811-0806
(907) 465-2550

**ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
FY 2016 Annual Report**

Narrative Statement

Page one of narrative statement here.....

FY 2016 Narrative Statement (continued)

Page two of narrative statement here...

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017

Board Meeting Date	Location	# Board	# Staff
	<input type="checkbox"/> Airfare:		\$0.00
	<input type="checkbox"/> Hotel:		\$0.00
	<input type="checkbox"/> Ground:		\$0.00
	<input type="checkbox"/> Other:		\$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
	<input type="checkbox"/> Airfare:		\$0.00
	<input type="checkbox"/> Hotel:		\$0.00
	<input type="checkbox"/> Ground:		\$0.00
	<input type="checkbox"/> Other:		\$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
	<input type="checkbox"/> Airfare:		\$0.00
	<input type="checkbox"/> Hotel:		\$0.00
	<input type="checkbox"/> Ground:		\$0.00
	<input type="checkbox"/> Other:		\$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
	<input type="checkbox"/> Airfare:		\$0.00
	<input type="checkbox"/> Hotel:		\$0.00
	<input type="checkbox"/> Ground:		\$0.00
	<input type="checkbox"/> Other:		\$0.00
Total Estimated Cost:			\$0.00

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Board Meeting Date	Location	# Board	# Staff
	<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other:		\$0.00 \$0.00 \$0.00 \$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
	<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other:		\$0.00 \$0.00 \$0.00 \$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
	<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other:		\$0.00 \$0.00 \$0.00 \$0.00
Total Estimated Cost:			\$0.00

Board Meeting Date	Location	# Board	# Staff
	<input type="checkbox"/> Airfare: <input type="checkbox"/> Hotel: <input type="checkbox"/> Ground: <input type="checkbox"/> Other:		\$0.00 \$0.00 \$0.00 \$0.00
Total Estimated Cost:			\$0.00

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Travel Required to Perform Examinations

Not applicable

Date	Location	# Board	# Staff
Description of meeting and its role in supporting the mission of the Board:			
	<input type="checkbox"/> Airfare:		\$0.00
	<input type="checkbox"/> Hotel:		\$0.00
	<input type="checkbox"/> Ground:		\$0.00
	<input type="checkbox"/> Conference:		\$0.00
	<input type="checkbox"/> Other:		\$0.00
Total Estimated Cost:			\$0.00

Out-of-State Meetings and Additional In-State Travel

Not Applicable

Date	Location	# Board	# Staff
Description of meeting and its role in supporting the mission of the Board:			
	<input type="checkbox"/> Airfare:		\$0.00
	<input type="checkbox"/> Hotel:		\$0.00
	<input type="checkbox"/> Ground:		\$0.00
	<input type="checkbox"/> Conference:		\$0.00
	<input type="checkbox"/> Other:		\$0.00
	<input type="checkbox"/> Direct Third-Party Offset:		\$0.00
	<input type="checkbox"/> Reimbursed Third-Party Offset:		\$0.00
Net Total Estimated Cost:			\$0.00

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Out-of-State Meetings and Additional In-State Travel

Not Applicable

Date	Location	# Board	# Staff
Description of meeting and its role in supporting the mission of the Board:			
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Conference:			\$0.00
<input type="checkbox"/> Other:			\$0.00
<input type="checkbox"/> Direct Third-Party Offset:			\$0.00
<input type="checkbox"/> Reimbursed Third-Party Offset:			\$0.00
Net Total Estimated Cost:			\$0.00

Out-of-State Meetings and Additional In-State Travel

Not Applicable

Date	Location	# Board	# Staff
Description of meeting and its role in supporting the mission of the Board:			
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Conference:			\$0.00
<input type="checkbox"/> Other:			\$0.00
<input type="checkbox"/> Direct Third-Party Offset:			\$0.00
<input type="checkbox"/> Reimbursed Third-Party Offset:			\$0.00
Net Total Estimated Cost:			\$0.00

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Out-of-State Meetings and Additional In-State Travel

Not Applicable

Date	Location	# Board	# Staff
Description of meeting and its role in supporting the mission of the Board:			
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Conference:			\$0.00
<input type="checkbox"/> Other:			\$0.00
<input type="checkbox"/> Direct Third-Party Offset:			\$0.00
<input type="checkbox"/> Reimbursed Third-Party Offset:			\$0.00
Net Total Estimated Cost:			\$0.00

Out-of-State Meetings and Additional In-State Travel

Not Applicable

Date	Location	# Board	# Staff
Description of meeting and its role in supporting the mission of the Board:			
<input type="checkbox"/> Airfare:			\$0.00
<input type="checkbox"/> Hotel:			\$0.00
<input type="checkbox"/> Ground:			\$0.00
<input type="checkbox"/> Conference:			\$0.00
<input type="checkbox"/> Other:			\$0.00
<input type="checkbox"/> Direct Third-Party Offset:			\$0.00
<input type="checkbox"/> Reimbursed Third-Party Offset:			\$0.00
Net Total Estimated Cost:			\$0.00

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Out-of-State Meetings and Additional In-State Travel

Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

<input type="checkbox"/> Airfare:	\$0.00
<input type="checkbox"/> Hotel:	\$0.00
<input type="checkbox"/> Ground:	\$0.00
<input type="checkbox"/> Conference:	\$0.00
<input type="checkbox"/> Other:	\$0.00
<input type="checkbox"/> Direct Third-Party Offset:	\$0.00
<input type="checkbox"/> Reimbursed Third-Party Offset:	\$0.00

Net Total Estimated Cost: \$0.00

Out-of-State Meetings and Additional In-State Travel

Not Applicable

Date	Location	# Board	# Staff

Description of meeting and its role in supporting the mission of the Board:

<input type="checkbox"/> Airfare:	\$0.00
<input type="checkbox"/> Hotel:	\$0.00
<input type="checkbox"/> Ground:	\$0.00
<input type="checkbox"/> Conference:	\$0.00
<input type="checkbox"/> Other:	\$0.00
<input type="checkbox"/> Direct Third-Party Offset:	\$0.00
<input type="checkbox"/> Reimbursed Third-Party Offset:	\$0.00

Net Total Estimated Cost: \$0.00

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Budget Recommendations for FY 2017 (continued)

Non-Travel Budget Requests

- Not Applicable Resources Examinations
 Membership Training Other

Product or Service	Provider	Cost Per Event
		\$0.00

Description of item and its role in supporting the mission of the Board:

Other Items with a Fiscal Impact

- Not Applicable

Product or Service	Provider	Cost Per Event
		\$0.00

Description of item and its role in supporting the mission of the Board:

Summary of FY 2017 Fiscal Requests

Board Meetings	\$0.00
Travel for Exams	\$0.00
Out-of-State and Additional In-State Travel	\$0.00
Dues, Memberships, Resources, Training, Teleconferences	\$0.00
Total Potential Third-Party Offsets	\$0.00
Other:	\$0.00
Total Requested:	\$0.00

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Recommendations for Proposed Legislation for FY 2017

- No Recommendations**
The Board has no recommendations for proposed legislation at this time.

- Recommendations**
The Board has the following recommendations for proposed legislation:

ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report

Regulation Recommendations for FY 2017

- No Recommendations**
The Board has no recommendations for proposed regulations at this time.

- Recommendations**
The Board has the following recommendations for proposed regulations:

**ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report**

Goals and Objectives

Part I

FY 2016's goals and objectives, and how they were met:

**ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report**

Goals and Objectives

Part II

FY 2017's goals and objectives, and proposed methods to achieve them.

Describe any strengths, weaknessness, opportunities, threats and required resources:

**ALASKA BOARD OF CERTIFIED REAL ESTATE APPRAISERS
Fiscal Year 2016 Annual Report**

Sunset Audit Recommendations

Date of Last Legislative Audit:
Board Sunset Date:

Audit Recommendation:

Action Taken:

Next Steps:

Date Completed:

Audit Recommendation:

Action Taken:

Next Steps:

Date Completed:

Sunset Audit Recommendations (continued)

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Sunset Audit Recommendations (continued)

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

Audit Recommendation:
Action Taken:
Next Steps:
Date Completed:

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) **matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Agenda Item #8

Old Business

From: [Kristi Klamet](#)
To: [Carrillo, Laura N \(CED\)](#); [Tyler.Kohtz@nebraska.gov](#); [Brenda Kindred](#); [Don Rodgers](#); [William.Deluca@dbr.ri.gov](#); [Sandy Kerns \(kernss@mail.wvnet.edu\)](#); [nicole.novotnysmith@wyo.gov](#); [nathalie.hodge@dlca.vi.gov](#); [bobbie.carter@nh.gov](#); [Dawn.Couture@nh.gov](#); [BrisboA@michigan.gov](#); [badgerf@michigan.gov](#); [clewleyl@michigan.gov](#); [deanna.daniels@dbr.ri.gov](#); [jstewart@utah.gov](#); [markf@utah.gov](#); [bushwacker@viaccess.net](#)
Subject: Key Provisions AMC Rule
Date: Wednesday, April 27, 2016 5:48:37 AM
Attachments: [Key Provisions AMC Rule 04 18 2016.pdf](#)

Good morning All,

During the Spring AARO conference, several States requested that our staff condense the AMC Rule into a form that highlights all of the minimum requirements for State regulators wishing to implement the AMC Rule. Attached is the document created. It is not a model statute or regulation, but rather an additional tool that is more thorough than the AMC Worksheet you may have previously received.

Please let me know if you have any questions.

Best regards,

Kristi

Kristi Klamet
Regulatory Policy Manager
Appraisal Subcommittee
1401 H Street, NW, Suite 760
Washington, DC 20005
Office (202) 595-7583
Cell (202) 441-9935
www.asc.gov

Confidentiality Notice: The information contained in this transmittal, including attachments if any, may be confidential or privileged under applicable law, or otherwise may be protected from disclosure to anyone other than the intended recipient(s). Any review, use, distribution, or copying of the contents of this e-mail or its attachments by any person other than the intended recipient for any purpose other than its intended use, is strictly prohibited and may be unlawful. This communication is not intended as a waiver of the confidential, privileged or exempted status of the information transmitted. If you have received this e-mail in error, you should permanently delete the e-mail and any attachments. Do not save, copy, disclose, or rely on any part of the information contained in this e-mail or its attachments. Also immediately notify the sender of the misdirection of this transmittal. Your cooperation is appreciated.

Definitions.

- (a) Affiliate has the meaning provided in 12 U.S.C. 1841.
- (b) AMC National Registry means the registry of State-registered appraisal management companies (AMCs) and Federally regulated AMCs maintained by the Appraisal Subcommittee.
- (c)(1) Appraisal management company (AMC) means a person that:
 - (i) Provides appraisal management services to creditors or to secondary mortgage market participants, including affiliates;
 - (ii) Provides such services in connection with valuing a consumer's principal dwelling as security for a consumer credit transaction or incorporating such transactions into securitizations; and
 - (iii) Within a given 12-month period oversees an appraiser panel of more than 15 State-certified or State-licensed appraisers in a State or 25 or more State-certified or State-licensed appraisers in two or more States;
- (2) An AMC does not include a department or division of an entity that provides appraisal management services only to that entity.
- (d) Appraisal management services means one or more of the following:
 - (1) Recruiting, selecting, and retaining appraisers;
 - (2) Contracting with State-certified or State-licensed appraisers to perform appraisal assignments;
 - (3) Managing the process of having an appraisal performed, including providing administrative services such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and secondary market participants, collecting fees from creditors and secondary market participants for services provided, and paying appraisers for services performed; and
 - (4) Reviewing and verifying the work of appraisers.
- (e) Appraiser panel means a network, list or roster of licensed or certified appraisers approved by an AMC to perform appraisals as independent contractors for the AMC. Appraisers on an AMC's "appraiser panel" under this part include both appraisers accepted by the AMC for consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions and appraisers engaged by the AMC to perform one or more appraisals in covered transactions or for secondary mortgage market participants in connection with covered transactions. An appraiser is an independent contractor for purposes of this subpart if the appraiser is treated as an independent contractor by the AMC for purposes of Federal income taxation.
- (f) Appraisal Subcommittee (ASC) means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.
- (g) Consumer credit means credit offered or extended to a consumer primarily for personal, family, or household purposes.
- (h) Covered transaction means any consumer credit transaction secured by the consumer's principal dwelling.

(i) Creditor means:

(1) A person who regularly extends consumer credit that is subject to a finance charge or is payable by written agreement in more than four installments (not including a down payment), and to whom the obligation is initially payable, either on the face of the note or contract, or by agreement when there is no note or contract.

(2) A person regularly extends consumer credit if the person extended credit (other than credit subject to the requirements of 12 CFR 1026.32) more than 5 times for transactions secured by a dwelling in the preceding calendar year. If a person did not meet these numerical standards in the preceding calendar year, the numerical standards shall be applied to the current calendar year. A person regularly extends consumer credit if, in any 12-month period, the person originates more than one credit extension that is subject to the requirements of 12 CFR 1026.32 or one or more such credit extensions through a mortgage broker.

(j) Dwelling means:

(1) A residential structure that contains one to four units, whether or not that structure is attached to real property. The term includes an individual condominium unit, cooperative unit, mobile home, and trailer, if it is used as a residence.

(2) A consumer can have only one “principal” dwelling at a time. Thus, a vacation or other second home would not be a principal dwelling. However, if a consumer buys or builds a new dwelling that will become the consumer’s principal dwelling within a year or upon the completion of construction, the new dwelling is considered the principal dwelling for purposes of this section.

(k) Federally regulated AMC means an AMC that is owned and controlled by an insured depository institution, as defined in 12 U.S.C. 1813 and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation.

(l) Federally related transaction regulations means regulations established by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration, pursuant to sections 1112, 1113, and 1114 of FIRREA Title XI, 12 U.S.C. 3341-3343.

(m) Person means a natural person or an organization, including a corporation, partnership, proprietorship, association, cooperative, estate, trust, or government unit.

(n) Secondary mortgage market participant means a guarantor or insurer of mortgage-backed securities, or an underwriter or issuer of mortgage-backed securities. Secondary mortgage market participant only includes an individual investor in a mortgage-backed security if that investor also serves in the capacity of a guarantor, insurer, underwriter, or issuer for the mortgage-backed security.

(o) States mean the 50 States and the District of Columbia and the territories of Guam, Mariana Islands, Puerto Rico, and the U.S. Virgin Islands.

(p) Uniform Standards of Professional Appraisal Practice (USPAP) means the appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation.

Appraiser panel – annual size calculation.

For purposes of determining whether, within a 12-month period, an AMC oversees an appraiser panel of more than 15 State-certified or State-licensed appraisers in a State or 25 or more State-certified or State-licensed appraisers in two or more States –

(a) An appraiser is deemed part of the AMC’s appraiser panel as of the earliest date on

which the AMC:

(1) Affirms acceptance of the appraiser for the AMC's consideration for future appraisal assignments in covered transactions or for secondary mortgage market participants in connection with covered transactions; or

(2) Engages the appraiser to perform one or more appraisals on behalf of a creditor for a covered transaction or secondary mortgage market participant in connection with covered transactions.

(b) An appraiser who is deemed part of the AMC's appraiser panel pursuant to paragraph (a) of this section is deemed to remain on the panel until the date on which the AMC:

(1) Sends written notice to the appraiser removing the appraiser from the appraiser panel, with an explanation of its action; or

(2) Receives written notice from the appraiser asking to be removed from the appraiser panel or notice of the death or incapacity of the appraiser.

(c) If an appraiser is removed from an AMC's appraiser panel pursuant to paragraph (b) of this section, but the AMC subsequently re-admits or engages the appraiser at any time during the twelve months after the AMC's removal, the removal will be deemed not to have occurred, and the appraiser will be deemed to have been part of the AMC's appraiser panel without interruption.

(d) The period for purposes of counting appraisers on an AMC's appraiser panel may be the calendar year or a 12-month period established by law or rule of each State with which the AMC is required to register.

Appraisal management company registration.

(a) As a participating State electing to register AMCs, this State hereby establishes and maintains within the State appraiser certifying and licensing agency a licensing program that is subject to the ownership limitations set forth below and with the legal authority and mechanisms to:

(1) Review and approve or deny an AMC's application for initial registration;

(2) Review and renew or review and deny an AMC's registration periodically;

(3) Examine the books and records of an AMC operating in the State and require the AMC to submit reports, information, and documents;

(4) Verify that the appraisers on the AMC's appraiser panel hold valid State certifications or licenses, as applicable;

(5) Conduct investigations of AMCs to assess potential violations of applicable appraisal-related laws, regulations, or orders;

(6) Discipline, suspend, terminate, or deny renewal of the registration of an AMC that violates applicable appraisal-related laws, regulations, or orders; and

(7) Report an AMC's violation of applicable appraisal-related laws, regulations, or orders, as well as disciplinary and enforcement actions and other relevant information about an AMC's operations, to the ASC.

(b) As a participating State electing to register AMCs, this State hereby imposes requirements on AMCs that are not owned and controlled by an insured depository institution and not regulated by a Federal financial institutions regulatory agency to:

(1) Register with and be subject to supervision by the State appraiser certifying and licensing agency;

(2) Engage only State-certified or State-licensed appraisers for Federally related transactions in conformity with any Federally related transaction regulations;

(3) Establish and comply with processes and controls reasonably designed to ensure that the AMC, in engaging an appraiser, selects an appraiser who is independent of the transaction and who has the requisite education, expertise, and experience necessary to competently complete the appraisal assignment for the particular market and property type;

(4) Direct the appraiser to perform the assignment in accordance with USPAP; and

(5) Establish and comply with processes and controls reasonably designed to ensure that the AMC conducts its appraisal management services in accordance with the requirements of section 129E(a) through (i) of the Truth in Lending Act, 15 U.S.C. 1639e(a) through (i), and regulations thereunder.

Ownership limitations for State-registered AMCs.

(a) Appraiser certification or licensing of owners.

(1) An AMC subject to State registration shall not be registered by this State or included on the AMC National Registry if such AMC, in whole or in part, directly or indirectly, is owned by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked in any State for a substantive cause, as determined by the appropriate State appraiser certifying and licensing agency.

(2) An AMC subject to State registration is not barred by from being registered by this State or included on the AMC National Registry if the appraiser license of the appraiser with an ownership interest was not revoked for a substantive cause and has been reinstated by the State or States in which the appraiser was licensed or certified.

(b) Good moral character of owners. An AMC shall not be registered by this State if any person that owns more than 10 percent of the AMC—

(1) Is determined by the State appraiser certifying and licensing agency not to have good moral character; or

(2) Fails to submit to a background investigation carried out by the State appraiser certifying and licensing agency.

Requirements for Federally regulated appraisal management companies.

Reporting information for the AMC National Registry. A Federally regulated AMC operating in this State must report to the State the information required to be submitted by the State to the ASC, pursuant to the ASC's policies regarding the determination of the AMC National Registry fee, including but not necessarily limited to the collection of information related to ownership limitations set forth above.

Information to be presented to the ASC by participating States.

As a State electing to register AMCs for purposes of permitting AMCs to provide appraisal management services relating to covered transactions in this State, this State shall submit to the ASC the information required to be submitted by ASC regulations or guidance concerning AMCs that operate in the State.

WORK LOG VERIFICATION GUIDELINES

Please use the following guide when completing the work verification log. The purpose of this log is for the board to determine the diversity and complexity of work experience and to verify the appropriate number of work hours. **Please note that for EXAMINATION applications, the Board will randomly select a work product to determine USPAP compliance, which must be submitted to the Board before a certificate is issued. The work product will be selected based on these forms.**

Part One Guidelines

Report Date: The month and year the appraisal report was completed.

Subject Property Address: This is the common name/location of the property, i.e., George's Office Tower, Anchorage, Alaska. Please be very clear so the board can understand the property being appraised.

Report Type: Please check appropriate format for report, i.e., Restricted Report, Summary, or Appraisal Report.

Property Classification: Indicate the type of property classification (Key included on next page).

Client Named in Report: Name of client or entity for which the report was prepared.

Work Hours: Indicate total number of hours spent on research, analysis, and preparation of report. Do not include hours which someone else spent.

Part Two Guidelines

Trainee Appraiser: For each criterion (I – X), the trainee appraiser shall indicate whether they contributed to the specific appraisal criteria by writing, "T" in the appropriate line for each property documented.

Supervisory Appraiser: For each criterion (I – X), the supervisory appraiser shall indicated on the appropriate line for each property documented whether they had the following responsibilities:

- Primary Responsibility → Write "P"
- Co-Appraiser → Write "C"
- Reviewed and Approved → Write "R"

For criterion XI indicate the approximate number as described below under experience category.

Criterion Includes:

- I. Inspected property
- II. Developed Building Description and Analysis
- III. Neighborhood Description and Market Analysis
- IV. Developed the Highest and Best Use
- V. Collected, Verified and Analyzed Data
- VI. Developed Income Approach
- VII. Developed Cost Approach
- VIII. Developed Sales Comparison
- IX. Developed Final Reconciliation
- X. Other (attach an explanation on a separate piece of paper)
- XI. Experience Category: Indicate on the line the numeric value associated with each experience type (described below):

- 1.) Fee and Staff Appraisal
- 2.) Ad Valorem Tax Appraisal
- 3.) Review Appraisal
- 4.) Appraisal Analysis
- 5.) Real Estate Counseling
- 6.) Highest and Best Use Analysis
- 7.) Feasibility Analysis
- 8.) Setting forth opinions of value of real property for tax purposes as an employee of a county assessor or Board of Equalization
- 9.) Assistance in preparation of appraisals
- 10.) Real estate valuation experience as a real estate lending officer or real estate broker, but only to the extent that the experience is directly related to the actual performance or professional review of real estate appraisals.

WORK VERIFICATION LOG

PART TWO:

Assignments for Month of: _____
 (Complete a Work Verification Log for each month)

Trainee Appraiser: For each criterion I through I, indicate to which portions of the assignment you contributed by writing "T" in the line designated for Trainee Appraisers.

Supervisory Appraiser: For criterion I through X, indicate to which portions of the assignment you contributed by writing "P" (Had Primary Responsibility), "C" (Co-appraised), or "R" (Reviewed and Approved) in the line designated for Supervisory Appraisers.

Name: _____ Certificate #: _____

Signature: _____ Date Signed: _____

Hours Requested on This Page _____ Total Hours: _____

PART ONE:

Report Type: Restricted Report = **RR** Summary = **SU** Appraisal Report = **AR**

Property Classification: Commercial Building = **CB** Commercial & Office Land = **CL** Farm/Forest Land = **FL**
 FL with Residential/Farm-Use Equipment = **FR** Industrial & Business Campus Land = **IL**
 Industrial Warehouse & Manufacturing Building = **IB** Multi-Family Small 2-4 Units = **MFS**
 Multi-Family Large 5+ Units = **MFL** Multi-Family Land = **ML** Office Buildings = **OB**
 Residential Single-Family Land including Subdivision Potential and Multiple Lot Sales = **RL**
 Single-Family Residential = **SFR** Other = **OT** – specify _____

Report Date	Subject Property Address	Report Type	Property Classification	Client Named in Report	Work Hours	T – Trainee	S – Supervisor	I. Inspected Property	II. Developed Building Description and Analysis	III. Neighborhood Description & Market Analysis	IV. Developed the Highest & Best Use	V. Collected, Verified and Analyzed Data	VI. Developed Income Approach	VII. Developed Cost Approach	VIII. Developed Sales Comparison	IX. Developed Final Reconciliation	X. Other (please attach explanation)	XI. Experience Category (1-10) on code page
						T	S											
						S												
						T	S											
						S												
						T	S											
						S												
						T	S											
						S												
						T	S											
						S												
						T	S											
						S												

Supervisory Appraiser Name: _____ Certificate Number: _____

Supervisory Appraiser Signature: _____ Date: _____

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) **matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

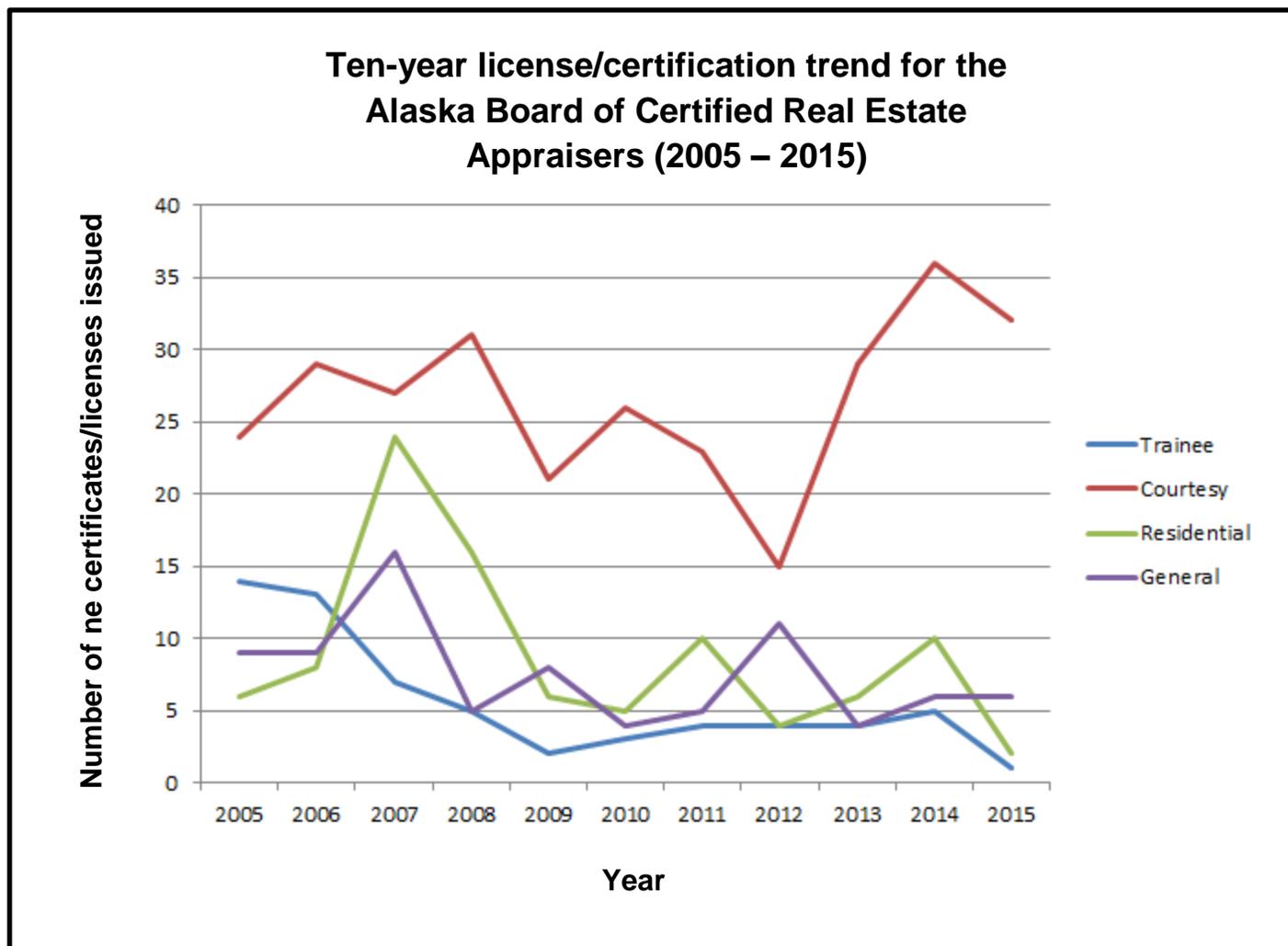
**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Agenda Item #9

Budget Report/Division Update

Please note: This is not an official CBPL document, but was created to give the Board a visual of license trends. These numbers reflect only *newly* issued licenses and does not depict the total license count for this program.



Board of Certified Real Estate Appraisers
Schedule of Revenues and Expenditures

	FY 10	FY 11	FY 12	FY 13	FY 14	FY 15	FY16 1st - 3rd Qtr
Licensing Revenue	22,875	203,055	42,190	269,948	56,250	279,525	35,390
Allowable Third Party Reimbursement*	-	-	-	-	1,499	-	-
Total Revenue	22,875	203,055	42,190	269,948	57,749	279,525	35,390
Direct Expenditures							
Personal Services	50,733	65,321	78,181	46,148	34,915	53,294	31,630
Travel	10,479	10,138	8,534	3,759	2,920	2,217	10,189
Contractual	59,383	87,668	56,720	44,699	14,955	33,616	1,899
Supplies	425	150	233	61	24	42	22
Equipment	-	-	-	-	-	-	-
Total Direct Expenditures	121,020	163,276	143,668	94,667	52,815	89,170	43,740
Indirect Expenditures**	14,166	11,311	15,739	18,583	20,937	33,105	24,829
Total Expenses	135,186	174,587	159,407	113,250	73,752	122,274	68,569
Annual Surplus (Deficit)	(112,311)	28,468	(117,217)	156,697	(16,002)	157,251	(33,179)
Beginning Cumulative Surplus (Deficit)	101,666	(10,645)	17,823	(99,395)	57,302	41,300	198,551
Ending Cumulative Surplus (Deficit)	(10,645)	17,823	(99,395)	57,302	41,300	198,551	165,372

*The allocation of the allowable third party reimbursements, up to \$50,000, will be completed at year-end

**Current year indirect costs are based on the prior fiscal year's total budgeted amount. These costs are averaged over the current fiscal year, then adjusted after the close of the year.

Activity Name Board of Certified Real Estate Appraisers

Object Code	Object Name	Sum of Expenditures
1011	Regular Compensation	16,643
1016	Other Premium Pay	49
1023	Leave Taken	2,139
1028	Alaska Supplemental Benefit	1,157
1029	Public Employee's Retirement System Defined Benefits	228
1030	Public Employee's Retirement System Defined Contribution	929
1034	Public Employee's Retirement System Defined Cont Health Reim	751
1035	Public Employee's Retirement Sys Defined Cont Retiree Medical	299
1037	Public Employee's Retirement Sys Defined Benefit Unfnd Liab	1,936
1039	Unemployment Insurance	58
1040	Group Health Insurance	6,262
1041	Basic Life and Travel	16
1042	Worker's Compensation Insurance	216
1047	Leave Cash In Employer Charge	428
1048	Terminal Leave Employer Charge	216
1053	Medicare Tax	261
1077	ASEA Legal Trust	32
1079	ASEA Injury Leave Usage	9
1080	SU Legal Trst	2
2000	In-State Employee Airfare	682
2001	In-State Employee Surface Transportation	83
2002	In-State Employee Lodging	371
2003	In-State Employee Meals and Incidentals	246
2005	In-State Non-Employee Airfare	203
2008	In-State Non-Employee Meals and Incidentals	92
2009	In-State Non-Employee Taxable Per Diem	60
2010	In-State Non-Employee Non-Taxable Reimbursement	439
2012	Out-State Employee Airfare	1,312
2013	Out-State Employee Surface Transportation	50
2014	Out-State Employee Lodging	3,292
2015	Out-State Employee Meals and Incidentals	776
2017	Out-State Non-Employee Airfare	727
2020	Out-State Non-Employee Meals and Incidentals	349
2022	Out-State Non-Employee Non-Taxable Reimbursement	1,490
2036	Cash Advance Fee	17
3000	Training/Conferences	1,425
3044	Courier	4
3045	Postage	26
3046	Advertising	314
3057	Structure, Infrastructure and Land - Rentals/Leases	60
3067	Honorariums/Stipend	16
3069	Commission Sales	54
4002	Business Supplies	22
Grand Total		43,740

Grand Total Equals Direct Expenditures on Board Report

EXECUTIVE SESSION MOTION

Sec. 44.62.310. Government meetings public.

(c) The following subject may be considered in an executive session:

- (1) matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity;
- (2) subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion;
- (3) matters which by law, municipal charter, or ordinance are required to be confidential;
- (4) matters involving consideration of government records that by law are not subject to public disclosure.

MOTION WORDING:

“In accordance with the provisions of Alaska Statute 44.62.310 (c), I move to go into executive session for the purpose of discussing (select the appropriate statutory citation for the situation):

- (1) **matters, the immediate knowledge of which would clearly have an adverse effect upon the finances of the public entity; *OR***
- (2) **subjects that tend to prejudice the reputation and character of any person, provided the person may request a public discussion; *OR***
- (3) **matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Agenda Item #11

Administrative Business

TASK LIST
(From March 31st, 2016 Meeting)

Derry:

- will complete the work products for #'s 12-17.
- will send the revised work log verification form to Ms. Carrillo.

Ferrara:

- will draft a position statement relating to the Board's support/handling of continuing education disciplinary actions.

Tracy:

- will complete the work product for #11 (Arctic Gardens).

Examiner:

- will post the next set of work products to the secure site.
- will send an update to the inquirer regarding documentable work hours.
- will update the FAQ's document to reflect the appropriate number of hours for trainees transitioning to a residential and general real estate appraiser.
- will include Charles Ward as a participant in the discussion of disciplinary actions at the next meeting.
- will update question #6 relating to why the public need for regulation changes outweighs the negative impacts.
- will discuss with Records and Licensing Supervisor, Dawn Hannasch about reimbursement for Ms. Piszczek's participation in an upcoming USPAP course

All:

- All Board members will encourage individuals to apply for the public seat vacancy, preferably from the Southeast region.

From: Carrillo, Laura N (CED)
To: "[Kristi Klamet](#)"
Subject: RE: 2017 ASC Compliance Review
Date: Tuesday, May 03, 2016 11:59:00 AM

That sounds like a good plan 😊 I'll write down those dates.

Laura Carrillo
Licensing Examiner
Board of Certified Real Estate Appraisers
State of Alaska – DCCED – CBPL
Phone: 907-465-2588
E-mail: laura.carrillo@alaska.gov
Fax: 907-465-2974

From: Kristi Klamet [mailto:kristi@asc.gov]
Sent: Tuesday, May 03, 2016 11:52 AM
To: Carrillo, Laura N (CED)
Subject: RE: 2017 ASC Compliance Review

Hey you! Yes. That would be great! Whatever works best for the Board, but I was thinking either the afternoon of Thursday, July 27th or Friday morning. As you know, we typically review files in Juneau first...which we can do Monday and Tuesday...then fly to Anchorage on Wednesday.

From: Carrillo, Laura N (CED) [mailto:laura.carrillo@alaska.gov]
Sent: Tuesday, May 3, 2016 3:47 PM
To: Kristi Klamet <kristi@asc.gov>
Subject: RE: 2017 ASC Compliance Review

Great, thank you! Do you plan to meet with the Board after the review as done last July? If so, I'll have the Board schedule a teleconference subsequent to the July 24-28th visit.

Thank you in advance,

Laura Carrillo
Licensing Examiner
Board of Certified Real Estate Appraisers
State of Alaska – DCCED – CBPL
Phone: 907-465-2588
E-mail: laura.carrillo@alaska.gov
Fax: 907-465-2974

From: Kristi Klamet [mailto:kristi@asc.gov]
Sent: Wednesday, April 27, 2016 6:11 AM
To: Carrillo, Laura N (CED)
Subject: 2017 ASC Compliance Review

Hi Laura,

How are things in the great State of Alaska? I'm writing to let you know that we are already working on putting together our 2017 Compliance Review schedule. As of right now, we have Alaska tentatively scheduled for July 24-28, 2017. Please let me know if you anticipate any problems with these dates.

Thank you!

Take care,

Kristi

Kristi Klamet
Regulatory Policy Manager
Appraisal Subcommittee
1401 H Street, NW, Suite 760
Washington, DC 20005
Office (202) 595-7583
Cell (202) 441-9935
www.asc.gov

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EXECUTIVE SESSION MOTION

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- (3) **matters which by law, municipal charter, or ordinance are required to be confidential; *OR***
- (4) **matters involving consideration of government records that by law are not subject to public disclosure.**

**Board staff is requested to remain during the session *OR*
Board only to remain during session.”**

Staff will then state **“The board is off the record at _____(time).”**

Statutes and Regulations **Certified Real Estate** **Appraisers**

July 2015

(Centralized Statutes and Regulations not included)



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

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**CHAPTER 87.
REAL ESTATE APPRAISERS.**

Article

- 1. Board of Certified Real Estate Appraisers**
(§§ 08.87.010, 08.87.020)
- 2. Certification** (§§ 08.87.100—08.87.120)
- 3. Prohibited Practices and Disciplinary Proceedings**
(§§ 08.87.200, 08.87.210)
- 4. General Provisions** (§§ 08.87.300—08.87.900)

**ARTICLE 1.
BOARD OF CERTIFIED REAL ESTATE APPRAISERS.**

Section

- 10. Board created**
- 20. Powers and duties of board**

Sec. 08.87.010. Board created. There is created in the Department of Commerce, Community, and Economic Development the Board of Certified Real Estate Appraisers. The board is composed of five members appointed by the governor. At least one member shall be a person certified under this chapter as a general real estate appraiser, at least one member shall be a person certified under this chapter as a residential real estate appraiser, at least one member shall be an executive in a mortgage banking entity, and at least one member shall represent the public. The board shall elect a chair from among its membership.

Sec. 08.87.020. Powers and duties of board. In addition to the powers and duties conferred on the board by AS 08.01, the board shall

- (1) establish the examination specifications for certification as a general real estate appraiser, as a residential real estate appraiser and as an institutional real estate appraiser;
- (2) adopt rules of professional conduct to establish and maintain a high standard of integrity in the real estate appraisal profession; and
- (3) adopt regulations necessary to carry out the purposes of this chapter, including regulations necessary to comply with the requirements of 12 U.S.C. 3331 – 3351 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act); the regulations adopted by the board under AS 08.87.110, 08.87.120, and 08.87.310 may not be more stringent than the corresponding minimum requirements for receiving approval of the state's program of certification of real estate appraisers under 12 U.S.C. 3331 – 3351 or other federal law.

**ARTICLE 2.
CERTIFICATION.**

Section

- 100. Certificate required**
- 110. General, residential, and institutional real estate appraiser certificates**
- 120. Continuing education requirements for renewal of certificate**

Sec. 08.87.100. Certificate required. A person is guilty of a class B misdemeanor who

- (1) does not hold a certificate issued by the board, whose certificate is suspended or revoked, or whose certificate has lapsed or terminated, and holds out as a certified real estate appraiser in any way, orally or in writing, directly or by implication;
- (2) is certified as a residential real estate appraiser and holds out as certified to appraise real estate other than
 - (A) residential real property of four or fewer units; or
 - (B) residential real property of 12 or fewer units when a net income capitalization analysis is not required by the terms of the appraisal assignment and a secondary mortgage market form is used; or
- (3) is certified as an institutional real estate appraiser and
 - (A) holds out as certified to appraise real estate other than
 - (i) residential real property of four or fewer units having a transaction value of less than \$1,000,000; or
 - (ii) commercial property having a transaction value of less than \$250,000;
 - (B) holds out as performing real estate appraisal services for a fee or for the public at large;
 - (C) accepts a fee for real estate appraisal services other than for services conducted as a full-time employee of a financial institution with offices in the state and other than a salary received as a full-time employee of the financial institution; or

(D) performs a real estate appraisal for other than the portfolio of the financial institution for which the person is employed.

Sec. 08.87.110. General, residential, and institutional real estate appraiser certificates. (a) The board shall issue a general real estate appraiser certificate to a person who presents evidence satisfactory to the board that the person

(1) has successfully completed classroom instruction in subjects related to real estate appraisal, as required by the board in regulation, from an appraisal organization or academic institution approved by the board;

(2) has successfully completed classroom instruction related to standards of professional practice as a real estate appraiser, as required by the board in regulation;

(3) successfully completes an examination prescribed by the board;

(4) has not been convicted of a crime involving moral turpitude; and

(5) has paid the required fees.

(b) The board shall issue a residential real estate appraiser certificate to a person who presents evidence satisfactory to the board that the person

(1) meets the requirements of (a)(2)(5) of this section; and

(2) has successfully completed classroom instruction in subjects related to residential real estate appraisal, as required by the board in regulation, from an appraisal organization or academic institution approved by the board.

(c) Notwithstanding (a) and (b) of this section, the board shall issue a general real estate appraiser or residential real estate appraiser certificate to a person who does not reside in this state and who

(1) applies on the form required by the department;

(2) pays the required fee; and

(3) holds a valid certificate or license from a state whose requirements for real estate appraiser certification or licensing

(A) meet or exceed the appraiser certification standards in this chapter; and

(B) comply with 12 U.S.C. 3331 – 3351 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act).

(d) A certificate may be issued to a natural person only. A certified real estate appraiser may sign an appraisal report on behalf of a corporation, partnership, firm, or group practice.

(e) The board shall issue an institutional real estate appraiser certificate to a person who presents evidence satisfactory to the board that the person meets the educational and testing requirements of 12 U.S.C. 3331 – 3351 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act) and as implemented by the board, and that the person is a full-time employee of a financial institution with offices in the state. A person receiving certification under this subsection may perform an appraisal only

(1) for and as an employee of a financial institution with offices in the state;

(2) for the financial institution's own portfolio; and

(3) of

(A) commercial property with a transaction value of less than \$250,000; or

(B) residential property of four or fewer units having a transaction value of less than \$1,000,000.

(f) A certificate issued under (e) of this section terminates when the person certified leaves the full-time employment of the financial institution with offices in the state for whom the person was employed when the certificate was issued.

(g) A person certified under (e) of this section as an institutional real estate appraiser may not perform real estate appraisal services for the general public or for a fee other than the salary the person receives as a full-time employee of a financial institution with offices in the state.

(h) Notwithstanding (a) – (c) of this section, the board may issue a general or residential real estate appraiser certificate to a person who does not meet the requirements of (a) – (c) of this section and who

(1) applies on a form required by the department;

(2) pays the required fee; and

(3) successfully completes the National Uniform Licensing and Certification Examination issued or endorsed by the Appraiser Qualifications Board of the Appraisal Foundation, has previous real estate appraiser experience acceptable to the board, or successfully completes courses approved by the board.

Sec. 08.87.120. Continuing education requirements for renewal of certificate. (a) The board may not renew a certificate issued under this chapter unless the person applying for renewal presents evidence satisfactory to the board that the person has, within the two years preceding the application for renewal, attended classroom instruction, as required by the board in regulation, in courses or seminars that have received the approval of the board.

(b) The board may grant credit toward some or all of the requirements of (a) of this section to a person who has

(1) successfully completed a program of study determined by the board to be equivalent for continuing education purposes to a course or seminar approved by the board for continuing education credit; or

(2) participated, other than as a student, in educational programs that related to real estate analysis or real property appraisal theory, practice, or technique, including teaching, program development, and preparation of textbooks, monographs, articles, and other instructional materials.

(c) The board shall adopt regulations on continuing education to ensure that persons applying for renewal of certificates have thorough knowledge of current theories, practices, and technique of real estate analysis and appraisal. The regulations must provide for

(1) procedures for the sponsor of a course or seminar to apply for board approval for continuing education credit; the regulations must require the sponsor to show that claimed attendance at a course or seminar can be verified; and

(2) procedures for evaluating equivalency claims for applicants for certificate renewal under (b) of this section.

(d) In considering whether to approve courses and seminars under this section, the board shall give special consideration to courses, seminars, and other appraisal education programs developed by or under the auspices of organizations or associations of professional real estate appraisers that are utilized by those organizations or associations for the purposes of awarding real estate appraisal designations or of indicating compliance with the continuing education requirements of the organizations or associations.

(e) An amendment or repeal of a regulation adopted by the board under this section shall not operate to deprive a person holding a certificate under this chapter of credit toward renewal of the person's certificate for a course of instruction or seminar that had been completed by the person before the amendment or repeal of the regulation.

ARTICLE 3. PROHIBITED PRACTICES AND DISCIPLINARY PROCEEDINGS.

Section

200. Prohibited practices

210. Disciplinary proceedings

Sec. 08.87.200. Prohibited practices. A certified real estate appraiser may not

(1) act negligently or incompetently or fail without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(2) wilfully disregard or violate a provision of this chapter or of a regulation adopted by the board under this chapter;

(3) fail to comply with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation;

(4) accept a fee for an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;

(5) knowingly make a false statement, submit false information, or fail to provide complete information in response to a question in an application for certification or for renewal of a certificate; or

(6) violate the confidential nature of government records to which the person gains access through retention as an appraiser by the government agency.

Sec. 08.87.210. Disciplinary proceedings. The board may exercise its disciplinary powers under AS 08.01.075 if, after hearing, the board finds a certified real estate appraiser has

(1) violated a provision of this chapter or a regulation adopted by the board under this chapter;

(2) been convicted of a crime that involves moral turpitude; or

(3) committed, while acting as a real estate appraiser, an act or omission involving dishonesty, fraud, or misrepresentation with the intent to benefit the appraiser or another person or to injure another person.

ARTICLE 4. GENERAL PROVISIONS.

Section

300. Retention of records

310. Trainee appraiser; supervisory appraiser

320. Actions by uncertified real estate appraisers prohibited

330. Exemptions

340. Appraisals by uncertified appraisers permitted

900. Definitions

Sec. 08.87.300. Retention of records. (a) A certified real estate appraiser shall retain copies of all written contracts engaging the appraiser's services for real property appraisal work, and all reports and supporting data

assembled and formulated by the appraiser in preparing the reports, for at least five years after the date of the contract engaging the appraiser's services, five years after the date of the submittal of the appraisal reports to the client, or at least two years after the final disposition of litigation in which the appraiser provided testimony related to the engagement, whichever is longer.

(b) *[Repealed, Sec. 9 ch 42 SLA 2014.]*

(c) All records that a certified appraiser must maintain under (a) of this section shall be made available to the board or department for inspection and copying upon reasonable notice to the appraiser.

Sec. 08.87.310. Trainee appraiser; supervisory appraiser. The board may establish requirements for trainee appraisers and supervisory appraisers. The board shall ensure that the requirements conform with 12 U.S.C. 3345.

Sec. 08.87.320. Actions by uncertified real estate appraisers prohibited. A person may not bring an action in a court of this state for compensation for an act done or service rendered as a certified real estate appraiser if the person did not hold a certificate under this chapter at the time that the person performed the act or service or offered to perform the act or service.

Sec. 08.87.330. Exemptions. This chapter does not apply to a person who appraises real estate as part of the tax assessment process of a municipality.

Sec. 08.87.340. Appraisals by uncertified appraisers permitted. Nothing in this chapter precludes a person who is not certified as a real estate appraiser from appraising real estate for compensation if the person does not hold out to be a certified appraiser and if appraisal by a certified appraiser is not required by federal law.

Sec. 08.87.900. Definitions. In this chapter

(1) "analysis assignment" means an analysis, opinion, or conclusion prepared by a real estate appraiser that relates to the nature, quality, or utility of certified real estate or real property;

(2) "appraisal" means an analysis, opinion, or conclusion prepared by a real estate appraiser relating to the nature, quality, value, energy efficiency, or utility of specified interests in, or aspects of, identified real estate, and includes a valuation appraisal, an analysis assignment, and a review assignment;

(3) "appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested person rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility or specified interests in, or aspects of, identified real estate;

(4) "appraisal report" means any communication, written or oral, of an appraisal;

(5) "board" means the Board of Certified Real Estate Appraisers;

(6) "department" means the Department of Commerce, Community, and Economic Development;

(7) "general real estate appraiser" means a real estate appraiser certified to appraise all types of real property;

(8) "real estate" means an identified parcel or tract of land, including improvements, but excluding subsurface natural resource values;

(9) "real property" means one or more defined interests, benefits, and rights inherent in the ownership of real estate;

(10) "residential real estate appraiser" means a real estate appraiser certified to appraise residential real property, subject to the limitations of AS 08.87.100(2);

(11) "review assignment" means an analysis, opinion, or conclusion prepared by a real estate appraiser that forms an opinion as to the adequacy and appropriateness of a valuation appraisal or an analysis assignment;

(12) "valuation appraisal" means an analysis, opinion, or conclusion prepared by a real estate appraiser that estimates the value of an identified parcel of real estate, or identified real property at a particular time;

(13) "institutional real estate appraiser" means a real estate appraiser employed full-time by a financial institution with offices in the state.

**CHAPTER 70.
BOARD OF CERTIFIED REAL ESTATE APPRAISERS.**

Article

- 1. Application and Examination Requirements
(12 AAC 70.100—12 AAC 70.150)**
- 2. Continuing Education Requirements
(12 AAC 70.200—12 AAC 70.220)**
- 3. (Repealed)**
- 4. General Provisions (12 AAC 70.900—12 AAC 70.990)**

**ARTICLE 1.
APPLICATION AND EXAMINATION REQUIREMENTS.**

Section

- 100. Application for general real estate appraiser certification by examination**
- 105. Application for residential real estate appraiser certification by examination**
- 106. Application for general real estate appraiser or residential real estate appraiser certification by reciprocity**
- 107. Application for institutional real estate appraiser certification by examination**
- 108. Work experience requirements for real estate appraiser certification**
- 110. Verification of work experience**
- 115. Education requirements for real estate appraiser certification**
- 120. Application for certification by endorsement**
- 125. Application for approval as a trainee appraiser**
- 126. Application for approval as a supervisory appraiser**
- 130. Real estate appraiser examinations**
- 140. Approved appraiser organizations and academic institutions**
- 145. Approval of course or seminar for initial certification or trainee registration**
- 150. Application deadline**

12 AAC 70.100. APPLICATION FOR GENERAL REAL ESTATE APPRAISER CERTIFICATION BY EXAMINATION. (a) The board will issue a certification by examination to practice as a general real estate appraiser to an applicant who meets the requirements of AS 08.87.110(a) and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) official transcripts, notarized copies of certificates of completion, or other evidence of course completion acceptable to the board, that verify the classroom hours of instruction required in 12 AAC 70.115(a) or (b), as applicable;

(C) work experience verification forms and a log of completed appraisals, on a form provided by the department, that meet the requirements of 12 AAC 70.110 and that verify the real estate appraisal experience required in 12 AAC 70.108(a); and

(D) subject to the penalties of unsworn falsification as defined in AS 11.56.210, a list of crimes described in AS 08.87.110 and AS 08.87.210 for which the applicant has been convicted; and

(2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.105. APPLICATION FOR RESIDENTIAL REAL ESTATE APPRAISER CERTIFICATION BY EXAMINATION. (a) The board will issue a certification by examination to practice as a residential real estate appraiser to an applicant who meets the requirements of AS 08.87.110(b) and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) official transcripts, notarized copies of certificates of completion, or other evidence of course completion acceptable to the board, that verify the classroom hours of instruction required in 12 AAC 70.115(c) or (d), as applicable;

(C) work experience verification forms and a log of completed appraisals that meet the requirements of 12 AAC 70.110 and that verify the real estate appraisal experience required in 12 AAC 70.108(b); and

(D) subject to the penalties of unsworn falsification as defined in AS 11.56.210, a list of crimes described in AS 08.87.110 and AS 08.87.210 for which the applicant has been convicted; and

(2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.106. APPLICATION FOR GENERAL REAL ESTATE APPRAISER OR RESIDENTIAL REAL ESTATE APPRAISER CERTIFICATION BY RECIPROCITY. (a) The board will issue a certification to practice as a general real estate appraiser or residential real estate appraiser by reciprocity to an applicant who meets the requirements of AS 08.87.110(c) and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include the personal identification information requested on the form;

(2) pay any fees required in 12 AAC 02.370; and

(3) submit verification of current certification or licensure from another state on a form provided by the department.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.107. APPLICATION FOR INSTITUTIONAL REAL ESTATE APPRAISER CERTIFICATION BY EXAMINATION. (a) The board will issue a certification by examination to practice as an institutional real estate appraiser to an applicant who meets the requirements of AS 08.87.110(e) and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) official transcripts, notarized copies of certificates of completion, or other evidence of course completion acceptable to the board, that verify the classroom hours of instruction required of general real estate appraisers in 12 AAC 70.115(a) or (b), as applicable; and

(C) proof of full-time employment with a financial institution with offices in this state; and

(2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.108. WORK EXPERIENCE REQUIREMENTS FOR REAL ESTATE APPRAISER CERTIFICATION. (a) An applicant for certification as a general real estate appraiser shall submit verification of 3,000 hours of appraisal work obtained continuously over a period of not less than 30 months. At least 1,500 hours of the appraisal work must be in nonresidential appraisal work. The board will only accept work experience that was obtained after January 30, 1989 and was performed in compliance with Standard 1 and Standard 2 of the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time that the work experience was obtained.

(b) An applicant for certification as a residential real estate appraiser shall submit verification of 2,500 hours of appraisal experience obtained continuously over a period of not less than 24 months. The board will only accept work experience that was obtained after January 30, 1989 and was performed in compliance with Standard 1 and Standard 2 of the USPAP in effect at the time that the work experience was obtained.

(c) An applicant may not receive credit for more than 1,250 hours of experience in real property appraisal in a 12-month period.

(d) In this section, a residential property is one to four residential units.

Authority: AS 08.87.020

Editor's note: A copy of the Uniform Standards of Professional Appraisal Practice, developed by the Appraisal Foundation, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811 or for purchase from the Appraisal Foundation, 1155 15th Street, N.W., Suite 1111, Washington, D.C. 20005.

12 AAC 70.110. VERIFICATION OF WORK EXPERIENCE. (a) An applicant's qualifying work experience must be verified by a combination of at least three different individuals, on forms provided by the department, and, for an applicant for certification as a general real estate appraiser or a residential real estate appraiser, a log submitted by the applicant of appraisal work performed. If an applicant cannot, for good cause, provide work experience verification forms from at least three different individuals, the board may consider and approve other kinds of work experience verification.

(b) The board will accept a work experience verification form only if it is notarized and has been completed by

(1) a licensed construction contractor;

(2) a federal or state regulated lender;

- (3) a present or former employer of the applicant;
- (4) an officer of a state or federal agency; or
- (5) an officer of a company that customarily uses the services of a real estate appraiser who has recent knowledge of the applicant's experience on that company's behalf.
- (c) *Repealed 12/13/94.*
- (d) *Repealed 12/13/94.*
- (e) At the request of the board, an applicant for certification as a general real estate appraiser or a residential real estate appraiser shall submit a copy of the work product from any appraisal performed by the applicant and included in the log of appraisals submitted under (a) of this section.

Authority: AS 08.87.020

12 AAC 70.115. EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISER CERTIFICATION. (a) An applicant for certification as a general real estate appraiser must document satisfactory completion of 300 creditable classroom hours of instruction that meet the requirements in 12 AAC 70.140 with emphasis on appraisal of nonresidential properties, and a bachelor's degree or higher in any field from an accredited college or university.

(b) An applicant for the Appraiser Qualification Board approved examination for certification as a general real estate appraiser shall document satisfactory completion of 300 creditable classroom hours as specified in the following core curriculum, of which at least 150 hours must be completed not later than the five years immediately preceding the date of a complete application:

- (1) basic appraisal principles, 30 hours;
- (2) basic appraisal procedures, 30 hours;
- (3) the 15-hour National USPAP course or its equivalent, 15 hours;
- (4) general appraiser market analysis and the principle of the highest and best use of the property, 30 hours;
- (5) statistics, modeling, and finance, 15 hours;
- (6) general appraiser sales comparison approach, 30 hours;
- (7) general appraiser site valuation and cost approach, 30 hours;
- (8) general appraiser income approach, 60 hours;
- (9) general appraiser report writing and case studies, 30 hours;
- (10) appraisal subject matter electives, 30 hours.

(c) An applicant for certification as a residential real estate appraiser must document satisfactory completion of 200 creditable classroom hours of instruction that meet the requirements in 12 AAC 70.140 with emphasis on appraisal of residential properties, and a bachelor's degree or higher in any field from an accredited college or university.

(d) An applicant for the Appraiser Qualification Board examination for certification as a residential real estate appraiser shall document satisfactory completion of 200 creditable classroom hours as specified in the following core curriculum, of which at least 100 hours must be completed not later than five years immediately preceding the date of a complete application:

- (1) basic appraisal principles, 30 hours;
- (2) basic appraisal procedures, 30 hours;
- (3) the 15-hour national USPAP course or its equivalent, 15 hours;
- (4) residential market analysis and the principle of the highest and best use of the property, 15 hours;
- (5) residential appraiser site valuation and cost approach, 15 hours;
- (6) residential sales comparison and income approaches, 30 hours;
- (7) residential report writing and case studies, 15 hours;
- (8) statistics, modeling and finance, 15 hours;
- (9) advanced residential applications and case studies, 15 hours;
- (10) appraisal subject matter electives, 20 hours.

(e) In this section, "residential property" means property with one to four residential units.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.120. APPLICATION FOR CERTIFICATION BY ENDORSEMENT. (a) The board may issue a certification by endorsement to practice as a general real estate appraiser or residential real estate appraiser to an applicant who meets the requirements of AS 08.87.110(h) and this section.

- (b) An applicant for certification under this section must
 - (1) submit a completed application, on a form provided by the department; the completed application must include the personal identification information requested on the form; and
 - (2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.125. APPLICATION FOR APPROVAL AS A TRAINEE APPRAISER. (a) The board will issue a certification approving a person as a trainee appraiser to an applicant who meets the requirements of 12 AAC 70.935 and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form; and

(B) proof that the applicant has successfully completed and passed 75 classroom hours of instruction that meet the requirements in 12 AAC 70.140(a) and the required courses that are specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers, and that comply with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; the course must be completed by the trainee appraiser before obtaining a trainee appraiser credential; all qualifying education must be completed within the five year period before the date of submission of a trainee appraiser application; and

(2) pay any fees required in 12 AAC 02.370.

(c) To renew a certification as a real estate appraiser trainee, the applicant must

(1) submit an application for renewal on a form provided by the department; and

(2) provide evidence of satisfactory completion of 14 hours of continuing education credit.

Authority: AS 08.87.020 AS 08.87.310

12 AAC 70.126. APPLICATION FOR APPROVAL AS A SUPERVISORY APPRAISER. (a) The board will issue a certification approving a person as a supervisory appraiser to an applicant who is certified to practice as a general real estate appraiser or residential real estate appraiser and who meets the requirements of 12 AAC 70.935 and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) proof that the applicant has successfully completed and passed the required courses that are specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers, and that comply with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; the course must be completed by the supervisory appraiser before obtaining a supervisory appraiser credential; and

(2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.310

12 AAC 70.130. REAL ESTATE APPRAISER EXAMINATIONS. (a) To be certified as a real estate appraiser by examination, an applicant must pass the following examination within the 24 months immediately preceding the date of certification:

(1) for general or institutional certification, the Uniform State General Certification Examination endorsed by the Appraiser Qualifications Board of The Appraisal Foundation; or

(2) for residential certification, the Uniform State Residential Certification Examination endorsed by the Appraiser Qualification Board of The Appraisal Foundation.

(b) *Repealed 1/16/2005.*

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.140. STANDARDS FOR ACCEPTABLE EDUCATION. (a) To comply with the real estate appraisal education requirements of 12 AAC 70.115 for initial certification, or the registered trainee education requirements of 12 AAC 70.125, an applicant's classroom hours of instruction, as defined in 12 AAC 70.910, must relate directly to real estate appraisal theory or practices and must be obtained through

(1) a member organization of the Appraisal Foundation;

(2) a junior college, college, or university;

(3) a course approved by the Appraiser Qualifications Board Educational Course Review Program;

(4) a real estate appraisal or real estate related organization;

(5) a state or federal agency or commission;

(6) a proprietary school; or

(7) another organization or academic institution approved by the board.

(b) The board will credit only a course approved under 12 AAC 70.145 toward the classroom hours of instruction required for certification or registration.

(c) An applicant's classroom hours of education for certification as a general or residential real estate appraiser must include coverage of all topics listed in the applicable Appraiser Qualification Criteria developed by the

Appraiser Qualifications Board of the Appraisal Foundation, *The Real Property Appraiser Qualification Criteria* effective January 1, 2008, located in the Appendix of *The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria*, dated January 2012, and adopted by reference.

(d) *Repealed 1/16/2005.*

(e) *Repealed 6/28/2015.*

(f) The board will award credit toward the classroom hour requirement for initial certification or trainee registration for completion of a course by distance education if the course

(1) meets the requirements of this section and 12 AAC 70.145(d);

(2) requires successful completion of a written final examination that is proctored by an official approved by the presenting college or university, or by the sponsoring organization;

(3) is presented to an organized group in an institutional setting with

(A) a person qualified and available to answer questions, provide information, and monitor student attendance;

(B) a minimum of two classroom hours;

(4) meets the requirements for courses established by the Appraiser Qualifications Board;

(5) has been presented by a college or university accredited by the Commission on Colleges or a regional accreditation association that offers distance education programs in other disciplines; and

(6) has received approval

(A) *repealed 1/16/2005*; or

(B) of the International Distance Education Certification Center's (IDECC) for the course design and delivery mechanism and either the approval of the

(i) Appraiser Qualifications Board through the AQB Course Approval Program; or

(ii) licensing or certifying jurisdiction where the course is being offered, for the content of the course.

(g) The board will not award credit for noninstructional course time except for a maximum of 20 hours spent writing appraisal reports for a course on that subject. The number of hours credited under this subsection may not exceed 50 percent of the total classroom hours awarded for the course for which the appraisal reports were written. The board will award credit under this subsection for no more than one course during an applicant's total classroom hours of instruction.

(h) An applicant's classroom hours of instruction must include coverage of the full scope of the fundamentals of appraisal theory, principles, and practices. A course that is highly specialized or narrow in focus will not be credited toward an applicant's required classroom hours of instruction unless the applicant has also completed sufficient courses to cover the fundamental aspects of appraisal theory, principles, and practices.

(i) The board will not award credit for more than eight classroom hours of instruction per day. If no breakdown of instructional, assignment, and examination hours is given for a course or seminar, the board will award three and one half classroom hours of instruction for the last day of the course or seminar and seven classroom hours of instruction for all other days of the course or seminar.

(j) The board will require additional information if necessary to determine if an applicant's classroom hours of instruction meet the requirements in this section.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

Editor's note: Copies of the Appraiser Qualification Criteria adopted by reference in 12 AAC 70.140 are available from the Appraisal Qualifications Board of the Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington, DC 20005-3517; phone: (202) 347-7722; website at www.appraisalfoundation.org.

12 AAC 70.145. APPROVAL OF COURSE OR SEMINAR FOR INITIAL CERTIFICATION OR TRAINEE REGISTRATION. (a) The board will use the standards established in this section to determine if a course or seminar is in a subject related to real estate appraisal and will be credited toward an applicant's total classroom hours of instruction.

(b) The board will review each course or seminar submitted with an individual's application for certification or registration and approve a course or seminar that meets the requirements of this section. The board will require an applicant to submit additional information, including the information required in (e)(3) - (10) of this section, if necessary to determine if a course or seminar meets the requirements in this section.

(c) The board will review and preapprove a course or seminar that meets the requirements of this section if an individual or organization submits the course or seminar to the board for preapproval under (e) of this section.

(d) To be approved by the board, a course or seminar must meet the following requirements:

(1) the primary focus of the course or seminar must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal;

(2) the course or seminar must be a minimum of 15 classroom hours in duration and include successful completion of a final examination; except as provided in 12 AAC 70.140(g), time spent on

(A) the final examination will be counted toward the minimum course duration or credited toward the total classroom hours of instruction required for certification or registration;

(B) an assignment will not be counted toward the minimum course duration or credited toward the total classroom hours of instruction required for certification or registration;

(3) the number of hours of instruction must be sufficient for quality instruction on the subject matter covered by the course or seminar.

(e) An individual or organization wishing to receive preapproval of a course or seminar shall submit to the board

- (1) a completed application form for course approval;
- (2) the course approval fee in 12 AAC 02.370;
- (3) the name of the course or seminar provider;
- (4) a complete course description, including the course title and a description of the learning objectives;
- (5) a course syllabus;
- (6) an outline of the major topics covered by the course or seminar and the number of classroom hours allowed for each topic;
- (7) a list of texts and instructional materials used in the course or seminar;
- (8) *repealed 6/22/2005*;
- (9) the instructor's résumé that includes the instructor's

- (A) name;
- (B) recognition in the real estate appraisal industry; and
- (C) professional designations and affiliations; and

(10) a copy of the attendance policy and a description of the procedures used for keeping a record of attendance.

(f) An individual or organization that has received preapproval of a course or seminar shall notify the board of any change in the information submitted under (e) of this section for an approved course or seminar.

(g) Course and seminar approval under this section is valid for three years from the date of approval.

(h) The board will maintain a list of courses and seminars approved under this section.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

12 AAC 70.150. APPLICATION DEADLINE. To be scheduled for board review, an application for certification or course approval must be complete and filed with the department, as defined in 12 AAC 02.920, at least 15 days before the scheduled date of the board's application review.

Authority: AS 08.87.020

ARTICLE 2. CONTINUING EDUCATION REQUIREMENTS.

Section

200. Application for continuing education course or seminar approval

210. Approved continuing education courses and seminars

215. Approved online courses

220. Hours of continuing education required

12 AAC 70.200. APPLICATION FOR CONTINUING EDUCATION COURSE OR SEMINAR APPROVAL. (a) A person or an organization wishing to sponsor a real estate appraisal continuing education course or seminar shall apply for board approval of that course or seminar by submitting

- (1) a completed application on forms provided by the department;
- (2) any fees required in 12 AAC 02.370;
- (3) the following information:

(A) a complete course description, including the course or seminar title and a description of the learning objectives;

(B) an outline of the major topics covered by the course or seminar and the number of classroom hours allowed for each topic;

(C) the name of the course or seminar provider;

(D) *repealed 6/22/2005*;

(E) a copy of the attendance policy and a description of the procedures used for keeping a record of attendance;

(F) a course syllabus;

(G) a list of texts and instructional materials used in the course or seminar;

(H) the instructor's résumé that includes the instructor's

(i) name;

(ii) recognition in the real estate appraisal industry; and

(iii) professional designations and affiliations.

(b) An applicant for renewal may petition the board for approval of a course or seminar that the applicant believes will meet the requirements of 12 AAC 70.210.

(c) The board will award up to 10 hours of continuing education credit for nonstudent participation in an educational program as provided for in AS 08.87.120(b)(2). To receive credit under this subsection, an applicant for renewal shall provide the documentation necessary to substantiate the applicant's participation and experience, including

- (1) information on the topics covered and the hours spent in the program; and
- (2) documentation that the applicant's involvement in the program was in the technical and professional aspects of real estate appraisal and that the primary focus of the program was directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(d) Course and seminar approval under this section is valid for three years from the date of approval.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.210. APPROVED CONTINUING EDUCATION COURSES AND SEMINARS. (a) To be approved by the board, the primary focus of a continuing education course or seminar must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(b) The board will approve a course or seminar on the following topics if the course or seminar meets the requirements of (a) of this section:

- (1) *repealed 9/14/2012*;
- (2) construction cost estimating;
- (3) ethics and standards of professional appraisal practice;
- (4) land use planning, zoning, and taxation;
- (5) property development;
- (6) real estate appraisal (including valuations and evaluations);
- (7) real estate financing and investment;
- (8) real estate law;
- (9) real estate litigation;
- (10) real estate appraisal related computer applications;
- (11) other topics related to real estate appraisal that are approved by the board.

(c) In addition to the courses approved by the board under 12 AAC 70.200, the following courses are approved for continuing education when they are consistent with (a) of this section and an application provided by the department for course approval is submitted with the appropriate application fee and is approved by the board:

- (1) courses offered by a member organization of The Appraisal Foundation;
- (2) courses offered by a regionally accredited junior college, college, or university; or
- (3) courses approved by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation.

(d) To be approved by the board, a continuing education course or seminar must include a minimum of two classroom hours, that meet the requirements of (a) of this section.

(e) The board will award continuing education credit for completion of a course by distance education if the course meets the requirements of 12 AAC 70.140(f).

(f) Course and seminar approval under this section is valid for three years from the date of approval.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.215. APPROVED ONLINE COURSES. (a) To be approved by the board to meet the continuing education requirements of 12 AAC 70.220, the primary purpose of an online course must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(b) The board will approve an online course on the following topics if the online course meets the requirements of (a) of this section:

- (1) *repealed 6/28/2015*;
- (2) construction cost estimating;
- (3) ethics and standards of professional appraisal practice;
- (4) land use planning, zoning, and taxation;
- (5) property development;
- (6) real estate appraisal, including valuations and evaluations;
- (7) real estate financing and investment;
- (8) real estate law;
- (9) real estate litigation;
- (10) real estate appraisal related computer applications;
- (11) other topics related to real estate appraisal that are approved by the board.

(c) In addition to the online courses approved by the board under (b) of this section, the following online courses are approved for continuing education if they are consistent with (a) of this section:

- (1) courses presented by a regionally accredited junior college, college, or university that offers distance education programs in other disciplines;
- (2) *repealed 1/16/2005*;
- (3) distance education courses approved by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation;
- (4) *repealed 6/28/2015*.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.220. HOURS OF CONTINUING EDUCATION REQUIRED. (a) At the time of certificate renewal, an applicant for renewal who has been certified for

- (1) 24 months or more shall document satisfactory completion of at least 28 hours of continuing education;
- (2) at least 185 days, but less than 24 months, shall document satisfactory completion of at least 14 hours of continuing education;
- (3) less than 185 days is not required to meet continuing education requirements for that renewal.

(b) The board will not recognize continuing education hours claimed by an applicant for renewal for taking the same, or substantially identical, course more than once during a certification period.

(c) Except as provided in (d) of this section, credit is given for classroom and examination hours only and not for hours devoted to class preparation or completion of assignments. A classroom hour is defined in 12 AAC 70.910.

(d) Up to one-half of the hours required by this section may be obtained through distance education approved under 12 AAC 70.210 or online courses approved under 12 AAC 70.215.

(e) As part of the requirements of (a)(1) of this section, an applicant for renewal of a certificate shall document satisfactory completion of a seven-hour National USPAP Update Course, taught by an Appraiser Qualifications Board certified instructor who is a certified appraiser. The board will accept courses determined as equivalent by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation. Completion of the 15-hour national USPAP course used for certification under 12 AAC 70.115 may not be used to satisfy the continuing education renewal requirements of the seven-hour USPAP Update Course required in this subsection.

Authority: AS 08.87.020 AS 08.87.120

Editor's note: A list of certified instructors by the Appraisal Foundation, Appraiser Qualification Board, may be obtained from the Appraisal Foundation, 1155 15th Street, N.W., Suite 1111, Washington, D.C. 20005.

ARTICLE 3. LIMITED CERTIFICATION.

Section

300. Scope of limited real estate appraiser (*Repealed*)

310. Qualifications for limited real estate appraiser certification (*Repealed*)

12 AAC 70.300. SCOPE OF LIMITED REAL ESTATE APPRAISER. (*Repealed 4/15/94*)

12 AAC 70.310. QUALIFICATIONS FOR LIMITED REAL ESTATE APPRAISER CERTIFICATION. (*Repealed 4/15/94*)

ARTICLE 4. GENERAL PROVISIONS.

Section

900. Standards of practice

910. Definition of classroom hours

920. Courtesy License

930. Federal Registry

935. Supervision of trainee appraisers

940. Retention of records

990. Definitions

12 AAC 70.900. STANDARDS OF PRACTICE. The standards of practice for certified real estate appraisers practicing in the state are those specified in AS 08.87.200(3).

Authority: AS 08.87.020 AS 08.87.200

Editor's note: The standards of practice referred to in 12 AAC 70.900 (Uniform Standards of Professional Appraisal Practice) are available from the Appraisal Foundation, publications department, 1029 Vermont Avenue, N.W., Suite 900, Washington, DC 20005-3517. Phone no. (202) 347-7722.

12 AAC 70.910. DEFINITION OF CLASSROOM HOUR. For the purposes of this chapter,

- (1) except as provided in 12 AAC 70.145(d)(2)(A) and 12 AAC 70.220(c), one classroom hour equals a minimum of 50 minutes of instruction;
- (2) one academic semester credit hour equals 15 classroom hours; and
- (3) one academic quarter credit hour equals 10 classroom hours.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.120

12 AAC 70.920. COURTESY LICENSE. (a) The board or the board's designee in the department will issue a courtesy license to a nonresident who is a certified or credentialed real estate appraiser in another state and who meets the requirements of this section.

(b) *Repealed 12/13/94.*

(c) A courtesy license is valid for one appraisal assignment, not to exceed 180 consecutive days. However, upon request the board will grant one 30-day extension. A person may be issued no more than two courtesy licenses in a 12-month period.

(d) An applicant for a courtesy license shall submit

- (1) a completed application on the forms provided by the department;
- (2) any fees required in 12 AAC 02.370;
- (3) evidence of a certificate or an applicant's credentials as a real estate appraiser in good standing from another state; and
- (4) an address for service of process.

(e) A courtesy license holder shall submit to the board a copy of the report prepared for the appraisal assignment for which the courtesy license was issued within 30 days of the completion of the assignment.

(f) The board's designee in the department shall issue a courtesy license within five days after receipt of the materials and fees required in (d) of this section unless those application materials indicate disciplinary action in another state.

(g) The board's designee in the department shall forward any courtesy license application and accompanying materials that indicate disciplinary action in another state to the board for its consideration to grant or deny the courtesy license.

(h) In compliance with 12 U.S.C. 331-3351 (Title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989), the board or the board's designee in the department will issue a courtesy license to a credentialed nonresident of this state for the purpose of providing appraisal services for federally-related transactions in this state.

(i) In this section, "credentialed" means a licensed or certified appraiser in good standing in another state.

Authority: AS 08.01.062 AS 08.87.020

12 AAC 70.930. FEDERAL REGISTRY. (a) In compliance with 12 U.S.C. 3338 (Financial Institutions Reform, Recovery, and Enforcement Act of 1989), the board will annually send to the Federal Financial Institutions Examination Council, Appraisal Subcommittee,

- (1) a roster of all real estate appraisers certified in Alaska at that time; and
- (2) an amount equal to the amount collected from each certified real estate appraiser listed on the roster identified in paragraph (1) of this section.

(b) At the time of initial certification and at the time of certificate renewal, a certified real estate appraiser shall submit to the department any annual federal registry fee established in 12 AAC 02.

Authority: AS 08.01.065 AS 08.87.100 AS 08.87.110

12 AAC 70.935. SUPERVISION OF TRAINEE APPRAISERS. (a) A supervisory appraiser shall

(1) be in good standing in this state and not subject to any disciplinary action within any jurisdiction within the last three years that affects the supervisory appraiser's legal eligibility to engage in appraisal practice; a supervisory appraiser subject to a disciplinary action is in good standing three years after the successful completion or termination of the sanction imposed against the appraiser;

(2) have been a state-certified appraiser for at least three years before being eligible to become a supervisory appraiser; and

(3) comply with the Competency Rule of the Uniform Standards of Professional Appraisal Practice for the property type and geographic location for which the trainee supervisor is being supervised.

(b) A supervisory appraiser may not supervise more than three trainee appraisers at one time.

(c) A supervisory appraiser shall be responsible for the training, guidance, and direct supervision of the trainee appraiser by

(1) accepting responsibility for a trainee appraiser's appraisal reports by signing each report and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice;

(2) reviewing the trainee appraisal reports; and

(3) personally inspecting each appraised property with the trainee appraiser until the supervisory appraiser determines that the trainee appraiser is competent, in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, for the property type; the supervisory appraiser shall make the determination of competency in writing on a form provided by the department and shall submit the determination to the department not later than 10 days after the date of the determination.

(d) A trainee appraiser shall report to the department, on a form provided by the department, the identity of any supervisory appraiser. A trainee appraiser may have more than one supervisory appraiser. If a trainee appraiser has more than one supervisory appraiser, the trainee appraiser shall report the identity of each supervisory appraiser as required under this subsection.

(e) A supervisor-trainee relationship becomes effective on the date of receipt by the department of the original required form with original signatures.

(f) The supervisory appraiser and the trainee appraiser shall jointly maintain an appraisal log that for each appraisal includes at least

(1) identification of the type of property;

(2) the date of the report;

(3) the address of the appraised property;

(4) a description of work performed by the trainee appraiser and the scope of the review and supervision of the supervisory appraiser;

(5) the number of actual work hours by the trainee appraiser on the assignment; and

(6) the signature and state certification number of the supervisory appraiser; separate appraisal logs shall be maintained for each supervisory appraiser, if applicable.

(g) Before supervising a trainee appraiser, a supervisory appraiser shall complete a course that

(1) complies with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; and

(2) is specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers.

(h) The course that an applicant for certification under 12 AAC 70.125 as a trainee appraiser must take

(1) must

(A) comply with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; and

(B) be specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers; and

(2) is not eligible towards the 75 hours of qualifying education required under 12 AAC 70.125.

Authority: AS 08.87.020 AS 08.87.310

12 AAC 70.940. RETENTION OF RECORDS. (a) An appraiser must prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. A work file must be in existence before the issuance of a written or oral report. A written summary of an oral report must be added to the work file within a reasonable time after the issuance of the oral report.

(b) The work file must include

(1) the name of the client and the identity, by name or type, of any other intended users;

(2) true copies of any written reports, documented on a type of media; a photocopy or an electronic copy of the entire signed report transmitted to the client satisfies the requirements of a true copy;

(3) summaries of any oral reports or testimony, or transcripts of testimony, including the appraiser's signed and dated certification; and

(4) all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or reference to the locations of the documentation.

(c) An appraiser must retain the work file for a period of at least five years after preparation or at least three years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires later.

(d) An appraiser must have custody of the appraiser's work file, or make appropriate work file retention, access, and retrieval arrangements with the party having custody of the work file.

(e) An appraiser having custody of a work file must allow other appraisers with work file obligations related to an assignment appropriate access and retrieval for the purpose of

(1) submission to state appraiser regulatory agencies;

(2) compliance with due process of law;

(3) submission to a duly authorized professional peer review committee; or

(4) compliance with retrieval arrangements.

Authority: AS 08.87.020 AS 08.87.300

12 AAC 70.990. DEFINITIONS. In this chapter and in AS 08.87

(1) “appraisal experience” includes fee and staff appraisals, ad valorem tax appraisals, appraisal reviews, appraisal analysis, real estate counseling, and feasibility analysis and study, all of which must have been performed in accordance with Standard 1 and Standard 2 of the Uniform Standards of Professional Appraisal Practices described in 12 AAC 70.900;

(2) “board” means the Board of Certified Real Estate Appraisers;

(3) “certified real estate appraiser” means a real estate appraiser who is certified in Alaska under AS 08.87; it does not include persons certified by another licensing jurisdiction or organization;

(4) “department” means the Department of Commerce, Community, and Economic Development;

(5) “holds out as a certified real estate appraiser in any way” includes anyone who performs appraisal services on real estate located in Alaska;

(6) “transaction value” means the amount of the federally-related transaction and is not necessarily the value of the property being appraised;

(7) “institutional real estate appraiser” means a real estate appraiser employed full-time by a financial institution with an office in the state subject to the limitations set out in AS 08.87.110(e) - (g);

(8) “complete application” means an application that includes all documentation and fees required for certification in this chapter;

(9) “distance education” means an educational process where a geographical separation exists between the provider and student;

(10) “CLEP” means the College-Level Examination Program;

(11) “USPAP” means the Uniform Standards of Professional Appraisal Practice, developed by the Appraisal Foundation.

Authority: AS 08.87.020