

**DEPARTMENT OF REGULATORY AGENCIES
DIVISION OF REAL ESTATE
BOARD OF REAL ESTATE APPRAISERS
4 CCR 725-2**

**NOTICE OF PROPOSED PERMANENT RULEMAKING HEARING
November 3, 2011**

CHAPTER 6: APPLICATION FOR LICENSURE

Pursuant to and in compliance with Title 12, Article 61 and Title 24, Article 4, C.R.S. as amended, notice of proposed rulemaking is hereby given, including notice to the Attorney General of the State of Colorado and to all persons who have requested to be advised of the intention of the Colorado Board of Real Estate Appraisers (the "Board") to promulgate rules, or to amend, repeal or repeal and re-enact the present rules of the Board.

STATEMENT OF BASIS

The statutory basis for the rules titled Rules of the Board of Real Estate Appraisers is Chapter 7 of Title 12, Article 61, Colorado Revised Statutes, as amended. The General Assembly passed Senate Bill 90-34, effective July 1, 1990, which created the Board and mandated the licensing of real estate appraisers under the statutory terms and conditions. The General Assembly has variously amended the statutes by passing House Bill 92-1177, House Bill 96-1080, Senate Bill 97-90, House Bill 97-1056, House Bill 00-1137 and House Bill 02-1130.

STATEMENT OF PURPOSE

The purpose of this rule is to effectuate the legislative directive to promulgate necessary and appropriate rules in conformity with the statute and the provisions of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989.

SPECIFIC PURPOSE OF THIS RULEMAKING

The specific purpose of this rule is to amend or repeal existing rules with respect to requirements for real estate appraiser qualifying education programs.

Proposed New, Amended and Repealed Rules

[Deleted material shown ~~struck through~~, new material shown ALL CAPS. Rules, or portions of rules, which are unaffected are reproduced. Readers are advised to obtain a copy of the complete rules of the Board at www.dora.state.co.us/real-estate/rulemaking/BOREA/index.htm]

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- 6.2 Each applicant shall submit original documentary evidence of a passing score ~~oR~~ the appropriate examination with the application.
- 6.5 ~~Licenses shall be issued by the Board as soon as practicable after receipt of a complete application, required fees and all supporting documentation.~~ UPON RECEIPT OF A COMPLETE APPLICATION, INCLUDING THE REQUIRED FEES AND SUPPORTING DOCUMENTATION, THE BOARD SHALL PROCESS AND ISSUE THE LICENSE, IF APPLICABLE, AS SOON AS PRACTICAL. The Board reserves the right to require additional information and documentation from an applicant, and to verify any information and documentation submitted.
- 6.6 Submission of an application does not guarantyEE issuance of a license, or issuance of a license within a specific period of time. Applicants shall observe the provisions of Section 12-61-714,

C.R.S. and Board Rules Chapter 12. Applicants shall not represent themselves as being licensees of the Board until receipt of the Board issued license document.

6.7 Pursuant to Section 12-61-709(1), C.R.S., an applicant who has been convicted of, entered a plea of guilty to, or entered a plea of nolo contendere to ~~any~~ A MISDEMEANOR OR A felony, OR ANY LIKE MUNICIPAL CODE VIOLATION, or any crime involving moral turpitude, ~~or any other like crime under Colorado law, federal law, or the laws of another state within the ten (10) years preceding application~~ shall file with his or her application an addendum to the application in a form prescribed by the Board. AN APPLICANT WITH SUCH CHARGES PENDING OR WHO HAS AGREED TO A DEFERRED PROSECUTION, A DEFERRED JUDGMENT OR A DEFERRED SENTENCE SHALL ALSO FILE WITH HIS OR HER APPLICATION AN ADDENDUM TO THE APPLICATION IN A FORM PRESCRIBED BY THE BOARD. Such addendum shall be supported and documented by, without limitation, the following:

- A. Court documents, including original charges, disposition, pre-sentencing report and certification of completion of terms of sentence;
- B. Police officer's report;
- C. Probation or parole officer's report;
- D. A written personal statement explaining the circumstances surrounding each violation, and including the statement "I have no other violations either past or pending";
- E. Letters of recommendation; and
- F. Employment history for the preceding five years.

6.8 Prior to application for licensure a person who has been convicted of, entered a plea of guilty to, or entered a plea of nolo contendere to ~~any~~ A MISDEMEANOR OR A felony, OR ANY LIKE MUNICIPAL CODE VIOLATION, or any crime involving moral turpitude, ~~or any other like crime under Colorado law, federal law, or the laws of another state within the preceding ten (10) years~~ may request the Board to issue a preliminary advisory opinion regarding the possible effect of such conduct on an application for licensure. A person requesting such an opinion is not an applicant for licensure. The Board may, at its sole discretion, issue such an opinion, which shall not be binding on the Board or limit the authority of the Board to investigate a later application for licensure. The issuance of such an opinion by the Board shall not act to prohibit a person from submitting an application for licensure. A person requesting such an opinion shall do so in a request form prescribed by the Board. Such request form shall be supported and documented by, without limitation, the following:

- A. Court documents, including original charges, disposition, pre-sentencing report and certification of completion of terms of sentence;
- B. Police officer's report(s);
- C. Probation or parole officer's report(s);
- D. A written personal statement explaining the circumstances surrounding each violation, and including the statement "I have no other violations either past or pending";
- E. Letters of recommendation; and
- F. Employment history for the preceding five years

A hearing on the above subject matter will be held on Thursday, November 3, 2011, at the Colorado Division of Real Estate, 1560 Broadway, Suite 1250C, Denver, Colorado 80202 beginning at 9:00 a.m.

Any interested person may participate in the rule making through submission of written data, views and arguments to the Division of Real Estate. Persons are requested to submit data, views and arguments to the Division of Real Estate in writing no less than ten (10) days prior to the hearing date and time set forth above. However, all data, views and arguments submitted prior to or at the rulemaking hearing or prior to the closure of the rulemaking record (if different from the date and time of hearing), shall be considered.

Please be advised that the rule being considered is subject to further changes and modifications after public comment and formal hearing.