

**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 8: RENEWAL, REINSTATEMENT, INACTIVATION, SURRENDER OR
REVOCATION OF 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 appraiser licensure renewal, reinstatement, inactivation, surrender and revocation.

Proposed New, Amended and Repealed Rules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]

**CHAPTER 8: RENEWAL, REINSTATEMENT, INACTIVATION, SURRENDER OR
REVOCATION OF LICENSURE**

- 8.1 ~~Prior to the expiration of any license the holder thereof shall make application for renewal of same in the form and manner provided by the Board, and pay the specified fees. The act of applying for renewal shall constitute a statement under penalty of perjury in the second degree that the licensee had the present intent of affirmatively stating the licensee had complied with the continuing education requirements of Colorado statutes and Board Rules.~~ **REPEALED.**

- 8.2 ~~After expiration of an unrenewed license but before the thirty-first day following the date of expiration, the holder of such license may reinstate same by applying for reinstatement in the form and manner provided by the Board, and paying the specified renewal fees. The act of applying for reinstatement shall constitute a statement under penalty of perjury in the second degree that the licensee had the present intent of affirmatively stating the licensee had complied with the continuing education requirements of Colorado statutes and Board Rules.~~REPEALED.
- 8.3 ~~On and after the thirty-first day following the date of expiration, and before the end of the first year following the date of expiration, the holder of an expired license may reinstate same by applying in the form and manner provided by the Board, and paying the specified fees plus a reinstatement fee equal to one third of the base renewal fee. For purposes of this rule, the base renewal fee is defined as the total renewal fee less the National Appraiser Registry fee collected by the Board and remitted to the federal Appraisal Subcommittee. The act of applying for reinstatement shall constitute a statement under penalty of perjury in the second degree that the licensee had the present intent of affirmatively stating the licensee had complied with the continuing education requirements of Colorado statutes and Board Rules.~~REPEALED.
- 8.4 ~~After the end of the first year following the date of expiration, and before the end of the second year following the date of expiration, the holder of an expired license may reinstate same by applying in the form and manner provided by the Board, and paying the specified fees plus a reinstatement fee equal to two thirds of the base renewal fee. For purposes of this rule, the base renewal fee is defined as the total renewal fee less the National Appraiser Registry fee collected by the Board and remitted to the federal Appraisal Subcommittee. The act of applying for reinstatement shall constitute a statement under penalty of perjury in the second degree that the licensee had the present intent of affirmatively stating the licensee had complied with the continuing education requirements of Colorado statutes and Board Rules.~~REPEALED.
- 8.6 Each licensee shall provide the Board with the following information: (1) a current mailing address and phone number for the licensee; (2) a current email address for the licensee or a letter explaining why the licensee cannot provide an email address; and (3) such other contact information as may be required by the Board from time to time. Each licensee shall inform the Board within ten (10) calendar days of any change in such contact information on a form or in the manner prescribed by the Board. A mailing address for the licensee will be posted on the Division of Real Estate's public website, and it is the licensee's responsibility to inform the Division of Real Estate of any required changes to the mailing address shown for the licensee on the Division of Real Estate's public website. The address shown for the licensee on the Division of Real Estate's public website shall be considered the licensee's address of record. A CHANGE OF MAILING ADDRESS WITHOUT NOTIFICATION TO THE BOARD WILL RESULT IN THE INACTIVATION OF THE APPRAISER'S LICENSE.
- 8.8 The holder of a registration, license, certificate or temporary practice permit may surrender such to the Board. The Board may deem a surrendered registration, license, certificate or temporary practice permit as permanently relinquished. Such surrender shall not remove the holder from the jurisdiction of the Board for acts committed while holding a registration, license, certificate or temporary practice permit. A REGISTRATION, LICENSE, CERTIFICATE OR TEMPORARY PRACTICE PERMIT THAT IS SURRENDERED IN LIEU OF AN INVESTIGATION OR A DISCIPLINARY ACTION WILL BE REPORTED TO THE NATIONAL REGISTRY AS HAVING BEEN SURRENDERED IN LIEU OF DISCIPLINE. A person who surrenders a registration, license, certificate or temporary practice permit may not reinstate same, but must reapply and meet the current requirements for initial licensure.
- 8.9 Upon INACTIVATION, revocation, suspension, surrender or expiration of a license or temporary practice permit the holder shall:
- A. Immediately cease all activities requiring licensure or a temporary practice permit;
 - B. In the instance of revocation, suspension or surrender, immediately return the license document or temporary practice permit to the Board;
 - C. Immediately cease all actions which represent the holder to the public as ACTIVELY being licensed or being the holder of a temporary practice permit, including, without limitation, the use of advertising materials, forms, letterheads,

business cards, correspondence, internet website content, statements of qualifications and the like.

- 8.10 A licensee who has not completed continuing education requirements established pursuant to Chapter 7 of these rules may not renew or reinstate licensure on inactive status unless the Board determines that extenuating circumstances existed which caused the deficiency in the continuing education requirements. The Board may require a written request and supporting documentation to determine that an extenuating circumstance exists or existed. A licensee desiring to renew or reinstate licensure on inactive status must submit their renewal or reinstatement on an inactive status application directly to the Board at the designated office of the Board. Failure to submit the renewal or reinstatement on inactive status application directly to the Board at the designated office of the Board shall result in renewal or reinstatement on active status.
- 8.12 ~~Renewal or reinstatement of licensure on inactive status may be elected at the time of application for renewal or reinstatement. A licensee may not renew or reinstate on active status and then change to inactive status, unless advance, written approval is given by the Board. A licensee who has renewed or reinstated on active status is subject to the continuing education requirements for renewal or reinstatement of licensure.~~ REPEALED.
- 8.13 ~~A licensee who has renewed or reinstated on inactive status may change to active status by submitting a written request to the Board. The act of requesting a change from inactive status to active status shall constitute a statement under penalty of perjury in the second degree that the licensee had the present intent of affirmatively stating the licensee had complied with the continuing education requirements of Colorado statutes and Board rules. The Board may require any licensee requesting a change from inactive status to active status to document completion of continuing education before implementing the change.~~ REPEALED.
- 8.14 ~~No person whose license has expired may represent themselves in any manner which creates the impression of holding active licensure. A person whose license has expired may refer to the fact of previous licensure by the Board by stating the dates of active licensure in parentheses after the license title, or by placing the word "expired" in parentheses after the license title.~~ REPEALED.
- 8.15 ~~No person whose license is on inactive status may represent themselves in any manner which creates the impression of holding active licensure. A person whose license is on inactive status may refer to the fact of previous active licensure or current active licensure by stating the dates of active licensure in parentheses after the license title, or by placing the word "inactive" in parentheses after the license title.~~ REPEALED.
- 8.16 ~~No person whose license has expired may represent themselves in any manner which creates the impression of holding inactive licensure.~~ REPEALED.

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.