

**MEETING AGENDA****Education Committee**

TALCB Headquarters Office
4th Floor, Stephen F. Austin State Office Building
1700 North Congress, Austin, Texas 78701

Thursday, October 8, 2015, 10:00 a.m.
Via Teleconference

1. Call to order
2. Discussion and possible action regarding development of rules for approval of continuing education providers and courses
3. Discussion and possible action regarding development of voluntary appraiser trainee review program
4. Discussion and possible action regarding process for awarding ACE credit for attending a Board meeting
5. Discussion and possible action regarding process for awarding ACE credit for Board/Staff presentations
6. Discussion and possible action regarding development of a Texas Legal Update course
7. Review of action items
8. Discussion regarding agenda items for future meetings
9. Discussion regarding future meeting dates
10. Adjourn

Education Rules – Proposed Structure (Phase I)

- Phase I: Appraiser Continuing Education
- Approval of Continuing Education Providers and Courses
- Approval of Providers:
 - For ability to offer courses in Texas
 - Recommended Fee \$200 for 2-year approval period
 - Must ensure courses taught by qualified instructors
- Approval of Courses:
 - Courses approved elsewhere:
 - Continue existing process of accepting courses approved elsewhere
 - Recommended Filing/Processing Fee \$25 per course for 2-yr approval
 - Providers must ensure that course is updated if required by changes in law or regulations
 - Courses approved by TALCB, not previously approved elsewhere:
 - Internal TALCB review of course content for CE approval
 - Recommended Fee: \$50 Base fee; \$10 per credit hour for 2-yr approval
 - Approval of full credit hours only; AQB required minimum of 2-hours for CE
 - Providers must ensure that course is updated if required by changes in law or regulations

Draft Rules for CE Providers/Courses/Fees

153.12. Approval of Continuing Education Providers and Courses

(a) Approval of continuing education providers.

(1) Application for approval.

(A) Unless otherwise exempt under this subsection (b), a person desiring to be approved by the Board to offer appraiser continuing education courses shall:

- (i) file an application on the appropriate form approved by the Board, with all required documentation;
- (ii) submit the required fee under §153.5 of this title; and
- (iii) maintain a fixed office in the state of Texas or designate a resident of this state as attorney-in-fact to accept service of process and act as custodian of any records in Texas which the continuing education provider is required to maintain by this subchapter.

(B) The Board may:

- (i) request additional information be provided to the Board relating to an application; and
- (ii) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Board mails the request.

(C) A CE provider is permitted to offer appraiser continuing education courses that have been approved by the Board.

(2) Exempt Providers. The following entities may offer appraiser continuing education courses without being approved by the Board:

(A) a unit of federal, state or local government; or

(B) a nationally recognized appraiser organization.

(3) Standards for approval. To be approved by the Board to offer appraiser continuing education courses, the applicant must satisfy the Board as to the applicant's ability to administer courses with competency, honesty trustworthiness and integrity. If the applicant proposes to employ another person to manage the operation of the applicant, that person must meet this standard as if that person were the applicant.

(4) Approval notice. An applicant shall not act as or represent itself to be an approved CE provider until the applicant has received written notice of the approval from the Board.

(5) Period of initial approval. The initial approval of a CE provider is valid for two years.

(6) Disapproval.

Comment [KW1]: If we decide to exempt certain providers, is this the only type of organizational exemption we would give? I'm thinking AI, ASFMRA as possible contenders . . . are there others?

Draft Rules for CE Providers/Courses/Fees

(A) If the Board determines that an applicant does not meet the standards for approval, the Board will provide written notice of disapproval to the applicant.

(B) The disapproval notice, applicant's request for a hearing on the disapproval, and any hearing are governed by the Administrative Procedure Act, Texas Government Code, Chapter 2001, and Chapter 157 of this title. Venue for any hearing conducted under this section shall be in Travis County.

(7) Renewal for continuing education providers.

(A) Not earlier than 90 days before the expiration of its current approval, an approved provider may apply for renewal for another two year period.

(B) Approval or disapproval of a renewal application shall be subject to the standards for initial applications for approval set out in this section.

(b) Approval of continuing education courses.

(1) General requirements. This subsection applies to continuing education providers seeking to offer:

(A) an appraiser CE course approved by the Board.

(B) an appraiser CE course currently approved by another regulatory entity.

(2) Application for Board approval of an appraiser CE course.

(A) For each appraiser CE course an applicant intends to offer, the applicant must:

- (i) submit the appropriate CE Course Application form;
- (ii) pay the fee required by §153.5 of this title.

(B) The Board may:

- (i) request additional information be provided to the Board relating to an application; and
- (ii) terminate an application without further notice if the applicant fails to provide the additional information not later than the 60th day after the Board mails the request.

(3) Application for Board approval of appraiser CE courses currently approved by another regulatory entity.

(A) If a CE provider wants to offer an appraiser CE course currently approved by another regulatory entity, that CE provider must:

- (i) submit the applicable CE course approval form(s);

Draft Rules for CE Providers/Courses/Fees

(ii) submit written documentation to the Board demonstrating that the appraiser CE course is currently approved by another regulatory entity; and

(iii) pay the fee required by §153.5 of this title.

(B) If approved to offer the currently approved course, the CE provider must offer the course as approved by the other regulatory entity, using all materials required for the course.

(4) Standards for course approval of an appraiser CE course.

(A) To be approved by the Board as an appraiser CE course, the course must be:

(i) consistent with the purpose of continuing education and cover real estate property related appraisal topics approved by the AQB or other subject matter appropriate for a CE course for appraiser license holders; and

(ii) current and accurate.

(B) A provider can demonstrate that a course meets the requirements under paragraph (A) of this subsection by submitting a statement describing the objective of the course and how the subject matter is related to approved AQB topics or other activities for which an appraiser license is required, including but not limited to relevant issues in the real estate appraisal market or topics that maintain or increase the license holder's skill, knowledge, and competency in real property appraising.

(C) Each appraiser CE course must be:

(i) a minimum of 2 hours long;

(ii) presented in full hourly units

(iii) offered in accordance with AQB course delivery requirements; and

(iv) taught by a qualified instructor.

(5) Approval notice.

(A) A CE provider shall not offer appraiser CE courses until the provider has received written notice of the approval from the Board.

(B) Period of approval.

(i) An appraiser CE course approved under subsection (b)(2) expires two years from the date of approval; and

(ii) An appraiser CE course approved under subsection (b)(3) is valid for the shorter of two years from the date of approval or the remaining term of approval granted by the other regulatory entity.

Draft Rules for CE Providers/Courses/Fees

(6) Renewal for appraiser CE courses. Appraiser CE providers must reapply and meet all current requirements of this section to renew the approval of an appraiser CE course.

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Draft Rules for CE Providers/Courses/Fees

153.5. Fees

() a fee of \$200 for filing an application for accreditation as a continuing education provider for a period of two years;

() a fee of \$25 for filing and processing for applications to approve a continuing education course currently approved by another regulatory entity

() a fee of \$50 plus \$10 per classroom hour for each continuing education course approved by the Board for a period of two years;

DRAFT



PROPOSED RULE ACTION FROM

November 20, 2015 MEETING OF

THE TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD

Chapter 153. Rules Relating to Provisions of the Texas Appraiser Licensing and Certification Act

22 TAC §153.22. Appraiser Trainee Experience Review.

The Texas Appraiser Licensing and Certification Board (TALCB or Board) proposes amendments to...

§153.22. Appraiser Trainee Experience Review.

(a) Before applying for a license, an appraiser trainee may request the Board to review the appraiser trainee's work product.

(b) An appraiser trainee may submit an application to the Board for review of the appraiser trainee's work product after:

- (1) accumulating 500 hours of appraisal experience;
- (2) accumulating 1,000 hours of appraisal experience; or
- (3) both.

(c) Work product submitted for review must fall within one of the approved categories of experience credit described in section 153.15(e) and meet the definition of real estate appraisal experience in section 153.1.

(d) To begin the review process, an appraiser trainee must submit:

- (1) a completed, Board-approved application requesting the Board to review the appraiser trainee's work product;
- (2) payment of the \$ [redacted] fee; and
- (3) a completed appraisal report and corresponding work file from a time period during which the appraiser trainee had legal authority to perform the work.

(e) The application for review of an appraiser trainee's work product is not complete until the

appraiser trainee submits all required documentation and pays the applicable fee.

(f) If an appraiser trainee provides inadequate documentation, the Board will contact the appraiser trainee in writing, identify any deficiencies and provide the appraiser trainee twenty days to cure the noted deficiencies. If the appraiser trainee fails to cure the deficiencies timely, the Board will terminate the appraiser trainee's application for work product review.

(g) The Board will provide the appraiser trainee with a written report identifying deficiencies in the appraiser trainee's work product within 45 days after the application for review is complete.

(h) A review conducted under this provision:

- (1) is for educational purposes only;
- (2) does not constitute Board approval of the appraiser trainee's experience;
- (3) does not preclude the Board from denying a license application submitted by the appraiser trainee in the future; and
- (4) will not result in a complaint against the appraiser trainee unless review of the appraiser trainee's work product reveals:
 - (A) knowing or intentional misrepresentation, fraud or criminal conduct; or,
 - (B) serious deficiencies that constitute grossly negligent acts or omissions.



APPLICATION FOR REVIEW OF TRAINEE WORK PRODUCT

Table with 5 columns: FEES, RECEIPT NUMBER, AMOUNT, MONEY TYPE, DATE RECEIVED. Row 1: WORK PRODUCT REVIEW, \$??

DO NOT WRITE ABOVE THIS LINE

ALL INFORMATION MUST BE TYPED OR PRINTED IN INK. MAKE CHECKS OR MONEY ORDERS PAYABLE TO TALCB. FEES ARE NON-REFUNDABLE.

Be sure to include a completed appraisal report and corresponding work file. Documentation may be submitted via hard copy or electronically in PDF format. Do not send originals as your submission will not be returned.

1. Full Name: Last First Middle

2. License Number: 3. Expiration Date:

4. Mailing Address and Contact Information: (Post Office Box may be used) Number, Street and Apt No. City State Zip Code Phone Number E-mail Address

5. Appraisal Report Information: Subject Location (address, city, state) Report Date Indicate the portion(s) of the appraisal you performed: [] Site Inspection & Descriptions [] Cost Analysis [] Building Inspection & Descriptions [] Sales Analysis [] Neighborhood Description & Analysis [] Final Reconciliation [] Highest & Best Use Analysis [] Subject Listing/Sales Analysis [] Research of Comps-Sales [] Other: [] Income Analysis Supervisory Appraiser Name: License Number: *for the appraisal report being submitted

I certify that the above information is true and correct and represents verifiable and acceptable experience for which I am responsible.

I have read and understand this application and that the answers given herein are true, correct and complete. I will furnish all additional information or documentation requested by the Texas Appraiser Licensing and Certification Board (TALCB) for verification of the information in this application. I understand that failing to provide information or providing information that is false, misleading or fraudulent is grounds for denial of this application or revocation of my license or other disciplinary action.

I understand that information submitted in conjunction with this application may be subject to public disclosure or inspection in accordance with the Public Information Act (Chapter 552, Government Code).

Applicant's Signature

Date Signed

ACKNOWLEDGMENT OF SUPERVISORY APPRAISER

I acknowledge that I am/was the supervisory appraiser for the Applicant and signed the report being submitted in conjunction with this application.

I have read and understand this application and acknowledge that the Applicant is requesting the Board review the Applicant's work product for compliance with the Uniform Standards of Professional Appraisal Practice ("USPAP").

Supervisory Appraiser's Signature

Date Signed

PRIVACY NOTICE

In accordance with Chapter 559, Government Code, the following notice about certain information laws and practices is given.

- (1) With few exceptions, an individual is entitled on request to be informed about the information that a state governmental body collects about the individual.
- (2) Under Sections 552.021 and 552.023 of the Governmental Code, the individual is entitled to receive and review the information.
- (3) Under Section 559.004 of the Governmental Code, the individual is entitled to have the governmental body correct information about the individual that is incorrect.



Appraiser Qualifications Board ***Real Property Appraiser Qualification Criteria*** **Interpretation – Continuing Education Credit for** **Attendance at State Appraiser Regulatory Agency** **Meetings**

This communication is for the purpose of issuing an Interpretation of the *Real Property Appraiser Qualification Criteria*. Interpretations are essential to a proper understanding of the requirements set forth in the *Criteria* and as such, are binding upon users of the *Criteria*. Interpretations will be incorporated into the published version of the *Real Property Appraiser Qualification Criteria* at its next printing.

Date Issued: January 8, 2007

Effective Date: January 1, 2008

Interpretation of Criteria Section(s):

Trainee Real Property Appraiser Classification (2003 Criteria)
Licensed Real Property Appraiser (2003 Criteria)
Certified Residential Real Property Appraiser (2003 Criteria)
Certified General Real Property Appraiser (2003 Criteria)
Continuing Education Section 4

Criteria Applicable To All Appraiser Classifications (2008 Criteria)
Criteria Specific to Continuing Education Section III (G)

Issue(s):

State-licensed and state-certified appraisers often attend meetings of their respective State appraiser regulatory agencies. These meetings can often be educational and beneficial to appraisers. However, it is currently unclear under what circumstances appraisers may receive continuing education credit for attending these meetings.

Background:

The *Real Property Appraiser Qualification Criteria* states the purpose of continuing education is to ensure that appraisers participate in a program that maintains and increases their skill, knowledge, and competency in real property appraising. In March 2006, the AQB exposed this Interpretation and received feedback causing it to reconsider allowing continuing education credit

for certain meetings of State appraiser regulatory agencies. As a result, in August 2006 the AQB exposed another Interpretation disallowing credit for meetings of State appraiser regulatory agencies. Exposure of that Interpretation resulted in additional feedback that supported the AQB's original position on this issue. The purpose of this Interpretation is to make clear that under certain circumstances, credentialed appraisers may be able to receive continuing education credit for attendance at State appraiser regulatory agency meetings.

It should be noted that special continuing education programs (i.e. seminars or workshops) offered by a state appraiser regulatory agency would be eligible for continuing education credit under other, already allowable education categories.

Criteria Section(s) Affected and New Interpretation

Trainee Real Property Appraiser Classification (2003 Criteria)

4. Continuing Education

An appraiser trainee who remains in this classification in excess of two years shall be required in the third and successive years to obtain:

- a. The equivalent of fourteen classroom hours of instruction in the courses or seminars for each year during the period preceding the renewal. (For example, a two year appraiser trainee term would require twenty-eight hours.) Continuing education hours may be obtained anytime during the term...

Licensed Real Property Appraiser (2003 Criteria)

Certified Residential Real Property Appraiser (2003 Criteria)

Certified General Real Property Appraiser (2003 Criteria)

4. Continuing Education

- a. The equivalent of fourteen classroom hours of instruction in the courses or seminars for each year during the period preceding the renewal. (For example, a two-year continuing education term would require twenty-eight hours.) Continuing education hours may be obtained anytime during the term...

Criteria Applicable to All Appraiser Classifications (2008 Criteria)

G. Criteria Specific to Continuing Education

11. The equivalent of fourteen class hours of instruction in courses or seminars for each year during the period preceding the renewal is required. For example, a two-year continuing education cycle would require twenty-eight hours. The class hour requirement can be fulfilled at any time during the cycle.

New Interpretation Language

Interpretation (for all sections):

State appraiser regulatory agencies may award continuing education credit to credentialed appraisers who attend a state appraiser regulatory agency meeting, under the following conditions:

Credit may be awarded for a single state appraiser regulatory agency meeting per continuing education cycle. The meeting must be open to the public and must be a minimum of two (2) hours in length. The total credit cannot exceed seven (7) hours.

The state appraiser regulatory agency must ensure that the credentialed appraiser attends the meeting for the required period of time.

Continuing Education Credit for Attending a TALCB Meeting

- AQB allows TALCB to award up to 7 hours of CE credit per continuing education cycle for attendance at a single TALCB meeting if:
 - Meeting is open to the public;
 - Lasts a minimum of 2 hours; and
 - TALCB ensures attendance for the requisite time period.

- Recommend allowing CE credit to be awarded once every two years for in-person attendance at a TALCB meeting:
 - February TALCB meeting to coincide with ASC visit;
 - Up to 4 hours of CE per two-year cycle; and
 - TALCB Staff will record and ensure attendance for the length of the meeting.

Continuing Education Credit for Board Member/Employee Presentations

SB 1007 amended Chapter 1103, Texas Occupations Code as follows:

§1103.060. EDUCATIONAL PRESENTATIONS.

- (a) A member of the board or a board employee may make a presentation to a group of certificate or license holders for which the certificate or license holders may receive continuing education credit for the renewal of a certificate or license under Section [1103.211](#). The board member or employee may not receive compensation for the presentation.
- (b) Notwithstanding Subsection (a), the board member or employee may receive reimbursement for reasonable travel expenses.

TALCB Education Committee

Action Item List

Date Requested	Item Description	Person/Division Assigned	Status	Remarks	Date Completed
07/14/14	Appraiser trainee review program	Committee/SES	In progress	Develop voluntary program to review trainee logs/experience at regular intervals prior to license application; SES to bring draft rules for consideration at next meeting	
07/14/14	ACE credit for attending Board meeting	Staff	In progress	Staff to bring outline to next committee meeting for consideration	
07/14/14	ACE credit for Board/Staff presentations	AMS	In progress	Staff to bring outline to next committee meeting for consideration	
07/17/15	TALCB Approval of Continuing Education Providers & Courses	Committee/ELS	In progress	Committee approved Phase I outline; Staff to draft rules for consideration at next meeting	

Last modified: 9/22/2015