



MEETING AGENDA

AQB Background Check Working Group
4th Floor, Stephen F. Austin State Office Building
1700 North Congress, Austin, Texas 78701

Monday, April 11, 2016, 2:00 p.m.
Via Teleconference

1. Call to Order
2. Roll Call
3. Discussion and possible action regarding new rule and amendments to 22 TAC, Chapter 153, Rules Relating to provisions of the Texas Appraiser Licensing and Certification Act:
 - a. 22 TAC §153.5, Fees
 - b. 22 TAC §153.9, Applications
 - c. 22 TAC §153.12, Criminal History Checks
 - d. 22 TAC §153.16, Reinstatement
 - e. 22 TAC §153.17, Renewal or Extension of License
 - f. 22 TAC §153.23, Inactive Status
 - g. 22 TAC §153.25, Temporary Out-of-State License
 - h. 22 TAC §153.27, License by Reciprocity
4. Discussion and possible action regarding limitation on AMCs requiring appraisers to pay for additional criminal background checks for panel members
5. Future agenda items
6. Future meeting dates
7. Adjourn

Texas Administrative Code

TITLE 22	EXAMINING BOARDS
PART 8	TEXAS APPRAISER LICENSING AND CERTIFICATION BOARD
CHAPTER 153	RULES RELATING TO PROVISIONS OF THE TEXAS APPRAISER LICENSING AND CERTIFICATION ACT
RULE §153.5	Fees

(a) The Board shall charge and the Commissioner shall collect the following fees:

- (1) a fee of \$400 for an application for a certified general appraiser license;
- (2) a fee of \$350 for an application for a certified residential appraiser license;
- (3) a fee of \$325 for an application for a licensed residential appraiser license;
- (4) a fee of \$300 for an application for an appraiser trainee license;
- (5) a fee of \$360 for a timely renewal of a certified general appraiser license;
- (6) a fee of \$310 for a timely renewal of a certified residential appraiser license;
- (7) a fee of \$290 for a timely renewal of a licensed residential appraiser license;
- (8) a fee of \$250 for a timely renewal of an appraiser trainee license;
- (9) a fee equal to 1-1/2 times the timely renewal fee for the late renewal of a license within 90 days of expiration;
- (10) a fee equal to two times the timely renewal fee for the late renewal of a license more than 90 days but less than six months after expiration;
- (11) a fee of \$250 for nonresident license;
- (12) the national registry fee in the amount charged by the Appraisal Subcommittee;
- (13) an application fee for licensure by reciprocity in the same amount as the fee charged for a similar license issued to a Texas resident;
- (14) a fee of \$40 for preparing a certificate of licensure history, active licensure, or supervision;
- (15) a fee of \$20 for an addition or termination of sponsorship of an appraiser trainee;
- (16) a fee of \$20 for replacing a lost or destroyed license;
- (17) a fee for a returned check equal to that charged for a returned check by the Texas Real Estate Commission;
- (18) a fee of \$200 for an extension of time to complete required continuing education;
- (19) a fee of \$25 to request a license be placed on inactive status;
- (20) a fee of \$50 to request a return to active status;
- (21) a fee of \$50 for evaluation of an applicant's criminal history;
- (22) an examination fee as provided in the Board's current examination administration agreement;
- (23) a fee of \$20 per certification when providing certified copies of documents;
- (24) a fee of \$75 to request a voluntary appraiser trainee experience review;
- (25) the fee charged by the Federal Bureau of Investigation, the Texas Department of Public Safety or other authorized entity for fingerprinting or other service for a national or state criminal history check in connection with a license application or renewal;
- (26) a fee of \$20 for filing any application, renewal, change request, or other record on paper when the person may

otherwise file electronically by accessing the Board's website and entering the required information online; and (27)~~(25)~~ any fee required by the Department of Information Resources for establishing and maintaining online applications.

(b) Fees must be submitted in U.S. funds payable to the order of the Texas Appraiser Licensing and Certification Board. Fees are not refundable once an application has been accepted for filing. Persons who have submitted a check which has been returned, and who have not made good on that check within thirty days, for whatever reason, shall submit all future fees in the form of a cashier's check or money order.

(c) Licensing fees are waived for members of the Board staff who must maintain a license for employment with the Board only and are not also using the license for outside employment.

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 RULE §153.9 Applications

(a) A person desiring to be licensed as an appraiser or appraiser trainee ~~or~~ ~~temporary out-of-state appraiser~~ shall file an application using forms prescribed by the Board or the Board's online application system, if available. The Board may decline to accept for filing an application that is materially incomplete or that is not accompanied by the appropriate fee. Except as provided by the Act, the Board may not grant a license to an applicant who has not:

- (1) paid the required fees;
- (2) submitted a complete and legible set of fingerprints as required in section 153.12 of this title;
- (3) satisfied any experience and education requirements established by the Act, Board rules, or the AQB;
- (4) ~~(3)~~ successfully completed any qualifying examination prescribed by the Board;
- (5) ~~(4)~~ provided all supporting documentation or information requested by the Board in connection with the application;
- (6) ~~(5)~~ satisfied all unresolved enforcement matters and requirements with the Board; and
- (7) ~~(6)~~ met any additional or superseding requirements established by the Appraisal Qualifications Board.

(b) Termination of application. An application is ~~may be considered~~ void and subject to no further evaluation or processing if:

- (1) an applicant fails to provide information or documentation within 60 days after the Board makes a written request

for the information or documentation; or
(2) within one year from the date an application is filed, an applicant fails to satisfy:

- (A) a current education, experience or exam requirement; or
- (B) the fingerprint and criminal history check requirements in section 153.12 of this title.

(c) A license is valid for the term for which it is issued by the Board unless suspended or revoked for cause and unless revoked, may be renewed in accordance with the requirements of §153.17 of this title (relating to Renewal or Extension of Certification and License or Renewal of Trainee Approval).

(d) The Board may deny a license to an applicant who fails to satisfy the Board as to the applicant's honesty, trustworthiness, and integrity.

(e) The Board may deny a license to an applicant who submits incomplete, false, or misleading information on the application or supporting documentation.

(f) When an application is denied by the Board, no subsequent application will be accepted within two years after the date of the Board's notice of denial as required in §157.7 of this title.

(g) This subsection applies to an applicant who is a military service member, a military veteran, or the spouse of a person serving on active duty as a member of the armed forces of the United States.

- (1) The Board shall waive the license application and examination fees for an applicant who is:

(A) a military service member or military veteran whose military service, training, or education substantially meets all of the requirements for the license; or

(B) a military service member, military veteran, or military spouse who holds a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

(2) The Board shall issue on an expedited basis a license to an applicant who holds a current license issued by another state or jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license issued in this state.

(3) The Board may issue a license to an applicant who within the five years preceding the application date, held the license in this state.

(4) The Board may allow an applicant to demonstrate competency by alternative methods in order to meet the requirements for obtaining a particular license issued by the Board. For purposes of this subsection, the standard method of demonstrating competency is the specific examination, education, and/or experience required to obtain a particular license.

(5) In lieu of the standard method(s) of demonstrating competency for a particular license and based on the applicant's circumstances, the alternative methods for demonstrating competency may include any combination of the following as determined by the Board:

- (A) education;
- (B) continuing education;
- (C) examinations (written and/or practical);
- (D) letters of good standing;
- (E) letters of recommendation;
- (F) work experience; or
- (G) other methods required by the commissioner.

(h) This subsection applies to an applicant who is serving on active duty or is a veteran of the armed forces of the United States.

(1) The Board will credit any verifiable military service, training or education obtained by an applicant that is relevant to a license toward the requirements of a license.

(2) This subsection does not apply to an applicant who holds a restricted license issued by another jurisdiction.

(3) The applicant must pass the qualifying examination, if any, for the type of license sought.

(4) The Board will evaluate applications filed by an applicant who is serving on active duty or is a veteran of the armed forces of the United States consistent with the criteria adopted by the AQB and any exceptions to those criteria as authorized by the AQB.

(i) A person applying for license under subsection (g) or (h) of this section must also:

(1) submit the Board's approved application form for the type of license sought;

(2) submit the appropriate fee for that application; and

(3) submit the supplemental form approved by the Board applicable to subsection (g) or (h) of this section.

(j) The commissioner may waive any prerequisite to obtaining a license for an applicant as allowed by the AQB.

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RULE §153.12 Criminal History Checks

(a) An applicant or license holder applying for or renewing a license issued by the Board must submit a complete and legible set of fingerprints, in a manner approved by the Board, to the Board, the Texas Real Estate Commission, the Texas Department of Public Safety, or other authorized entity for the purpose of obtaining criminal history record information from the Texas Department of Public Safety and the Federal Bureau of Investigation.

(b) The Board will conduct a criminal history check of each applicant for a license or renewal of a license.

(c) If an applicant or license holder has previously submitted fingerprints on behalf of the Board or Commission as provided in (a), no additional fingerprints are required.

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RULE §153.16	License Reinstatement

(a) This section applies only to a person who:

- (1) previously held an appraiser license issued by the Board that has expired; and
- (2) seeks to obtain the same level of appraiser license previously held by the person before its expiration.

(b) A person described in subsection (a) may apply to reinstate the person's former license by:

- (1) submitting an application for reinstatement on a form approved by the Board;
- (2) paying the applicable fee;
- (3) satisfying the Board as to the person's honesty, trustworthiness and integrity;

~~and~~ (4) satisfying the experience requirements in this section; **and**

(5) satisfying the fingerprint and criminal history check requirements in section 153.12 of this title.

(c) Applicants for reinstatement under this section must demonstrate completion of 14 hours of appraiser continuing education for each year since the last renewal of the person's previous license.

(d) Applicants for reinstatement must demonstrate that their appraisal experience complies with USPAP as follows:

(1) Persons who have work files/license expired less than 5 years. A person described in subsection (a) who has appraisal work files and whose previous license has been expired less than five years may apply to reinstate the person's

previous license by submitting an experience log as follows:

(A) For reinstatement as a licensed residential appraiser, a minimum of 10 residential appraisal reports representing at least 200 hours of residential real estate appraisal experience.

(B) For reinstatement as a certified residential real estate appraiser, a minimum of 10 residential appraisal reports representing at least 250 hours of residential real estate appraisal experience.

(C) For reinstatement as a certified general appraiser, a minimum of 10 non-residential appraisal reports representing at least 300 hours of non-residential real estate appraisal experience.

(2) Persons who do not have work files/license expired more than 5 years.

(A) A person described in subsection (a) who does not have appraisal work files or whose previous license has been expired for more than five years may apply for a license as an appraiser trainee for the purpose of acquiring the appraisal experience required under this subsection.

(B) An appraiser trainee licensed under this section may apply for reinstatement at the same level of appraiser license that the applicant previously held, after the applicant completes the required number of appraisal reports or hours of real estate appraisal experience as follows:

(i) For reinstatement as a licensed residential appraiser, the applicant must complete a minimum of 10 residential

appraisal reports or 200 hours of residential real estate appraisal experience, whichever is more.

(ii) For reinstatement as a certified residential appraiser, the applicant must complete a minimum of 10 residential appraisal reports or 250 hours of residential real estate appraisal experience, whichever is more.

(iii) For reinstatement as a certified general appraiser, the applicant must complete a minimum of 10 non-residential appraisal reports or 300 hours of non-residential real estate appraisal experience, whichever is more.

(C) Upon completion of the required number of appraisal reports or hours of real estate appraisal experience, the applicant must submit an experience log.

(e) Consistent with §153.15, the Board will evaluate each applicant's real estate appraisal experience for compliance with USPAP based on the submitted experience log.

(f) For those persons described in subsection (a) the Board may waive the following requirements:

- (1) Proof of qualifying education;
- (2) College education or degree requirement; and
- (3) Examination.

(g) Consistent with this chapter, upon review of the applicant's real estate appraisal experience, the Board may:

- (1) Reinstatement of the applicant's previous appraiser license;
- (2) Reinstatement of the applicant's previous appraiser license, contingent upon completion of additional education, experience or mentorship; or
- (3) Denial of the application.

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 RULE §153.17 Renewal or Extension of License

(a) General Provisions.

(1) The Board will send a renewal notice to the license holder at least 90 days prior to the expiration of the license. It is the responsibility of the license holder to apply for renewal in accordance with this chapter, and failure to receive a renewal notice from the Board does not relieve the license holder of the responsibility to timely apply for renewal.

(2) A license holder renews the license by timely filing an application for renewal, paying the appropriate fees to the Board, and satisfying all applicable education, experience, fingerprint and criminal history check ~~[and experience]~~ requirements.

(3) An application for renewal or extension received by the Board is timely and acceptable for processing if it is:

- (A) complete;
- (B) accompanied with payment of proper fees; and
- (C) postmarked by the U.S. Postal Service, accepted by an overnight delivery service, or accepted by the Board's online processing system on or before the date of expiration.

(b) Certified General, Certified Residential and Licensed Residential Appraisers.

~~[(1) A license holder may renew the license by timely filing an application for renewal, paying the appropriate fees to the Board and, unless renewing on inactive status, satisfying ACE requirements.]~~

1~~(2)~~ In order to renew on active status, the license holder must complete the ACE report form approved by the Board and,

within 20 days of filing the renewal, submit course completion certificates for each course that was not already submitted by the provider and reflected in the license holder's electronic license record.

(A) The Board may request additional verification of ACE submitted in connection with a renewal. If requested, such documentation must be provided within 20 days after the date of request.

(B) Knowingly or intentionally furnishing false or misleading ACE information in connection with a renewal is grounds for disciplinary action up to and including license revocation.

2~~(3)~~ The Board may grant, at the time it issues a license renewal, an extension of time of up to 60 days after the expiration date of the previous license to complete ACE required to renew a license, subject to the following:

- (A) The license holder must:
 - (i) timely submit the completed renewal form with the appropriate renewal fees;
 - (ii) complete an extension request form; and
 - (iii) pay an extension fee of \$200.

(B) ACE courses completed during the 60-day extension period apply only to the current renewal and may not be applied to any subsequent renewal of the license.

(C) A person whose license was renewed with a 60-day ACE extension:

- (i) will not perform appraisals in a federally related transaction until verification is received by the Board that the ACE requirements have been met;
- (ii) may continue to perform appraisals

in non-federally related transactions under the renewed license;

(iii) must, within 60 days after the date of expiration of the previous license, complete the approved ACE report form and submit course completion certificates for each course that was not already submitted by the provider and reflected in the applicant's electronic license record; and

(iv) will have the renewed license placed in inactive status if, within 60 days of the previous expiration date, ACE is not completed and reported in the manner indicated in paragraph (2) of this subsection. The renewed license will remain on inactive status until satisfactory evidence of meeting the ACE requirements has been received by the Board and the fee to return to active status required by §153.5 of this title (relating to Fees) has been paid.

(c) Appraiser Trainees.

(1) Appraiser trainees must maintain an appraisal log and appraisal experience affidavits on forms approved by the Board, for the license period being renewed. It is the responsibility of both the appraiser trainee and the supervisory appraiser to ensure the appraisal log is accurate, complete and signed by both parties at least quarterly or upon change in supervisory appraiser. The appraiser trainee will promptly provide copies of the experience logs and affidavits to the Board upon request.

(2) Appraiser trainees may not obtain an extension of time to complete required continuing education.

(d) Renewal of Licenses for Persons on Active Duty. A person who is on active duty in the United States armed forces may renew an expired license without being subject to any increase in fee imposed in his or her absence, or any additional education or experience requirements if the person:

(1) did not provide appraisal services while on active duty;

(2) provides a copy of official orders or other documentation acceptable to the Board showing the person was on active duty during the last renewal period;

(3) applies for the renewal within two years after the person's active duty ends;

(4) pays the renewal application fees in effect when the previous license expired; and

(5) completes ACE requirements that would have been imposed for a timely renewal.

(e) Late Renewal. If an application is filed within six months of the expiration of a previous license, the applicant shall also provide satisfactory evidence of completion of any continuing education that would have been required for a timely renewal of the previous license.

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RULE §153.23	Inactive Status

(a) A license holder may request to be placed on inactive status by filing a request for inactive status on a form approved by the Board and paying the required fee.

(b) A license holder whose license has expired may renew on inactive status within six months after the license expiration date by:

(1) filing an application for renewal on a form approved by the Board;

(2) indicating on the application that the license holder wishes to renew on inactive status; ~~and~~

(3) paying the required late renewal fees; and

(4) satisfying the fingerprint and criminal history check requirements in section 153.12 of this title.

(c) A license holder on inactive status:

(1) shall not appraise real property, engage in appraisal practice, or perform any activity for which a license is required; and

(2) must file the proper renewal application and pay all required fees, except for the national registry fee, in order to renew the license.

(d) To return to active status, a license holder who has been placed on inactive status must:

(1) request to return to active status on a form approved by the Board;

(2) pay the required fee;

(3) satisfy all ACE requirements that were not completed while on inactive status, except that the license holder is not

required to complete the most current USPAP update course more than once in order to return to active status and shall substitute other approved courses to meet the required number of ACE hours; and
(4) satisfy the fingerprint and criminal history check requirements in section 153.12 of this title.

(e) A license holder who has been on inactive status may not resume practice until the Board issues an active license.

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RULE §153.25	Temporary Out-of-State Appraiser License

(a) A person licensed as an appraiser by another state, commonwealth, or territory may register with the Board so as to qualify to appraise real property in this state without holding a license issued under the Act if:

(1) the state, commonwealth or territory licensing program under which the person holds a license has not been disapproved by the ASC; and

(2) the appraiser's business in this state is of a temporary nature not to exceed six months.

(b) A person wishing to be registered under this section must:

(1) submit an [a-completed] application for registration on a form approved by the Board

(2) pay the required fees; and

(3) provide all supporting documentation or information requested by the Board in connection with the application for registration.

(c) A person registered under this section must submit an irrevocable consent to service of process in this state on a form approved by the Board.

(d) A person registered under this section may apply for a 90 day extension to the original expiration date of the temporary registration, provided the person:

(1) is continuing the same appraisal assignment listed on the original application for temporary out-of-state appraiser registration; and

(2) requests an extension on a form approved by the Board, received by the Board or postmarked prior to the expiration of the current temporary registration.

(e) a person who registers under this section is not required to comply with the fingerprint requirements in section 153.12 of this title.

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RULE §153.27	License by Reciprocity

(a) A person who is licensed as an appraiser under the laws of a state whose appraiser program has not been disapproved by the ASC may apply for a Texas license at that same level by completing and submitting to the Board the application for ~~or~~ license by reciprocity and paying the appropriate fee to the Board.

(b) The Board shall verify that the applicant's license is valid and in good standing by checking the National Appraiser Registry. A reciprocal license may not be issued without the verification required by this subsection.

(c) Renewal of a license granted through reciprocity shall be in the same manner, and with the same requirements, term, and fees, as for the same classification of license as provided in §153.17 of this title ~~[(relating to Renewal or Extension of License)]~~.