

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1999

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SENATE BILL 595

State and Local Government Committee Substitute Adopted 4/12/99

House Committee Substitute Favorable 6/21/00

Short Title: Real Estate Appraisers.

(Public)

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Sponsors:

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Referred to:

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March 29, 1999

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAWS REGULATING REAL ESTATE APPRAISERS.

The General Assembly of North Carolina enacts:

Section 1. Article 1 of Chapter 93E of the General Statutes reads as rewritten:

**"ARTICLE 1.**

**"REAL ESTATE APPRAISER.**

**"§ 93E-1-1. Title.**

This Chapter shall be known and may be cited as the 'North Carolina Appraisers Act'.

**"§ 93E-1-2: Repealed by Session Laws 1995, c. 482, s. 12.**

**"§ 93E-1-2.1. ~~License or certificate~~ Accreditation required of real estate appraisers.**

Beginning October 1, 1995, it shall be unlawful for any person in this State to act as a real estate appraiser, to directly or indirectly engage or assume to engage in the business of real estate appraisal, or to advertise or hold himself or herself out as engaging in or conducting the business of real estate appraisal without first ~~obtaining a license or certificate issued being accredited~~ being accredited by the Appraisal Board under the provisions of this Chapter. It shall also be unlawful, where any portion of real property is located within this State, for any person to perform any of the acts listed above without first being accredited by the Appraisal Board under the provisions of this Chapter.

1 **"§ 93E-1-3. When ~~license or certificate~~ accreditation not required.**

2 (a) No ~~trainee registration, license-license,~~ or certificate shall be issued under the  
3 provisions of this Chapter to a partnership, association, corporation, firm, or group.  
4 However, nothing herein shall preclude a ~~State-licensed or State-certified real estate-an~~  
5 accredited appraiser from rendering appraisals for or on behalf of a partnership,  
6 association, corporation, firm, or group, provided the appraisal report is prepared by a  
7 State-licensed or State-certified real estate appraiser or by a registered trainee under the  
8 immediate personal direction ~~of, the-of~~ a State-licensed or State-certified real estate  
9 appraiser and is reviewed and signed by that State-licensed or State-certified appraiser.

10 (b) ~~Any person who is not State-licensed or State-certified under this Chapter may~~  
11 ~~assist a State-licensed or State-certified real estate appraiser in the performance of an~~  
12 ~~appraisal provided that the person is registered trainee and is actively and personally~~  
13 ~~supervised by a State-certified appraiser and provided further that any appraisal report~~  
14 ~~rendered in connection with the appraisal is reviewed and signed by the State-certified~~  
15 ~~real estate appraiser.~~

16 (c) Nothing in this Chapter shall preclude a real estate broker or salesman licensed  
17 under Chapter 93A of the General Statutes from performing a comparative market  
18 analysis, provided the person does not ~~represent-hold~~ himself or herself out as being  
19 ~~State-licensed or State-certified as a real estate-an accredited~~ appraiser.

20 (d) Nothing in this Chapter shall abridge, infringe upon, or otherwise restrict the  
21 right to use the term 'certified ad valorem tax appraiser' or any similar term by persons  
22 certified by the Department of Revenue to perform ad valorem tax appraisals, provided  
23 that the term is not used in a manner that creates the impression of certification by the  
24 State to perform real estate appraisals other than ad valorem tax appraisals.

25 (e) Nothing in this Chapter shall entitle a ~~State-licensed or State-certified real~~  
26 ~~estate-an accredited~~ appraiser to appraise real estate for ad valorem tax purposes unless  
27 the person has first been certified by the Department of Revenue pursuant to G.S. 105-  
28 294.

29 (f) ~~A license or certificate~~ Accreditation is not required under this Chapter for:

30 (1) Any person, partnership, association, or corporation that performs  
31 appraisals of property owned by that person, partnership, association, or  
32 ~~corporation;~~ corporation.

33 (2) Any court-appointed commissioner who conducts an appraisal pursuant  
34 to a judicially ordered evaluation of ~~property;~~ property.

35 (3) Any person to qualify as an expert witness ~~for court or administrative~~  
36 ~~agency testimony,~~ by a trier of fact, if otherwise qualified; qualified. A  
37 written appraisal report may be prepared by a person who is not  
38 accredited under this Chapter if the report is prepared pursuant to an  
39 order issued by a trier of fact.

40 (4) A person who appraises standing timber so long as the appraisal does  
41 not include a determination of value of any ~~land;~~ land.

1 (5) Any person employed by a lender in the performance of appraisals with  
2 respect to which federal regulations do not require a licensed or certified  
3 ~~appraiser; and appraiser.~~

4 (6) A person who performs ad valorem tax appraisals and is certified by the  
5 Department of Revenue under G.S. 105-294 or ~~G.S. 105-296; G.S. 105-~~  
6 ~~296.~~

7 ~~however, any~~ Any person who is ~~registered, licensed, or certified~~ accredited under this  
8 Chapter and ~~who~~ performs any of the activities set forth in subdivisions (1) through (5) of  
9 this subsection ~~must~~ shall comply with all of the provisions of this Chapter.

10 **"§ 93E-1-3.1. Prohibited use of title; permissible use of title.**

11 (a) It shall be unlawful for any person to assume or use the title 'registered trainee',  
12 'State-licensed real estate appraiser', 'State-certified real estate appraiser', or any title  
13 designation or abbreviation likely to create the impression of registration, licensure  
14 licensure, or certification as a real estate ~~appraiser, appraiser~~ unless the person is  
15 registered, licensed ~~licensed,~~ or certified by the Appraisal Board in accordance with the  
16 provisions of this Chapter. The Board may adopt for the exclusive use of persons  
17 licensed or certified under the provisions of this Chapter, a seal, symbol, or other mark  
18 identifying the user as a State-licensed or State-certified real estate appraiser.

19 (b) Any person certified as a real estate appraiser by an appraisal trade  
20 organization shall retain the right to use the term 'certified' or any similar term in  
21 identifying the person to the public, provided that:

22 (1) In each instance wherein the term is used, the name of the certifying  
23 organization or body is prominently and conspicuously displayed  
24 immediately adjacent to the term; and

25 (2) The use of the term does not create the impression of certification by the  
26 State.

27 This subsection does not entitle any person certified only by a trade organization to  
28 conduct an appraisal that requires ~~a State license or certification.~~ accreditation under the  
29 provisions of this Chapter.

30 (c) The term 'registered trainee', 'State-licensed real estate appraiser', 'State-  
31 certified real estate appraiser', or any similar term shall not be used following or  
32 immediately in connection with the name of a partnership, association, corporation, or  
33 other firm or group, or in a manner that might create the impression of registration,  
34 licensure ~~licensure,~~ or certification as a real estate appraiser under this Chapter.

35 **"§ 93E-1-4. Definitions.**

36 ~~When used in this Chapter, unless the context otherwise requires, the term:~~

37 (1) ~~"Appraisal" or "real estate appraisal" means an analysis, opinion, or~~  
38 ~~conclusion as to the value of identified real estate or specified interests~~  
39 ~~therein performed for compensation or other valuable consideration.~~

40 (2) ~~"Appraisal assignment" means an engagement for which an appraiser is~~  
41 ~~employed or retained to act, or would be perceived by third parties or~~  
42 ~~the public as acting, as a disinterested third party in rendering an~~  
43 ~~unbiased appraisal.~~

- 1           (3)    ~~"Appraisal Board" or "Board" means the North Carolina Appraisal Board~~  
2           ~~established under G.S. 93E-1-5.~~
- 3           (4)    ~~"Appraisal Foundation" or "Foundation" means The Appraisal~~  
4           ~~Foundation established on November 20, 1987, as a not-for-profit~~  
5           ~~corporation under the laws of Illinois.~~
- 6           (5)    ~~"Appraisal report" means any communication, written or oral, of an~~  
7           ~~appraisal.~~
- 8           (6)    ~~"Certificate" means that document issued by the North Carolina~~  
9           ~~Appraisal Board evidencing that the person named therein has satisfied~~  
10          ~~the requirements for certification as a State-certified real estate appraiser~~  
11          ~~and bearing a certificate number assigned by the Board.~~
- 12          (7)    ~~"Certificate holder" means a person certified by the Board under the~~  
13          ~~provisions of this Chapter.~~
- 14          (7a)   ~~"Comparative market analysis" means the analysis of sales of similar~~  
15          ~~recently sold properties in order to derive an indication of the probable~~  
16          ~~sales price of a particular property by a licensed real estate broker or~~  
17          ~~salesperson for the broker's or salesperson's principal.~~
- 18          (8)    ~~"License" means that document issued by the North Carolina Appraisal~~  
19          ~~Board evidencing that the person named therein has satisfied the~~  
20          ~~requirements for licensure as a State licensed real estate appraiser and~~  
21          ~~bearing a license number assigned by the Board.~~
- 22          (9)    ~~"Licensee" means a person licensed by the Board under the provisions of~~  
23          ~~this Chapter.~~
- 24          (10)   ~~"Real estate" or "real property" means land, including the air above and~~  
25          ~~ground below and all appurtenances and improvements thereto, as well~~  
26          ~~as any interest or right inherent in the ownership of land.~~
- 27          (11)   ~~"Real estate appraiser" or "appraiser" means a person who for a fee or~~  
28          ~~valuable consideration develops and communicates real estate appraisals~~  
29          ~~or otherwise gives an opinion of the value of real estate or any interest~~  
30          ~~therein.~~
- 31          (12)   ~~"Real estate appraising" means the practice of developing and~~  
32          ~~communicating real estate appraisals.~~
- 33          (13)   ~~"Residential real estate" means any parcel of real estate, improved or~~  
34          ~~unimproved, that is exclusively residential in nature and that includes or~~  
35          ~~is intended to include a residential structure containing not more than~~  
36          ~~four dwelling units and no other improvements except those which are~~  
37          ~~typical residential improvements that support the residential use for the~~  
38          ~~location and property type. A residential unit in a condominium, town~~  
39          ~~house, or cooperative complex, or planned unit development is~~  
40          ~~considered to be residential real estate.~~
- 41          (14)   ~~"State-certified general real estate appraiser" means a person who holds~~  
42          ~~a current, valid certificate as a State certified general real estate~~  
43          ~~appraiser issued under the provisions of this Chapter.~~

- 1           (15) ~~"State-certified residential real estate appraiser" means a person who~~  
2           ~~holds a current, valid certificate as a State-certified residential real estate~~  
3           ~~appraiser issued under the provisions of this Chapter.~~  
4           (16) ~~"State-licensed residential real estate appraiser" means a person who~~  
5           ~~holds a current, valid license as a State-licensed residential real estate~~  
6           ~~appraiser issued under the provisions of this Chapter.~~  
7           (17) ~~"Temporary appraiser licensure or certification" means the issuance of a~~  
8           ~~temporary license or certificate by the Board to a person licensed or~~  
9           ~~certified in another state who enters this State for the purpose of~~  
10           ~~completing a particular appraisal assignment.~~  
11           (18) ~~"Trainee", "registered trainee", or "trainee real estate appraiser" means a~~  
12           ~~person who has satisfied the requirements to be registered as a trainee~~  
13           ~~pursuant to G.S. 93E-1-6, but who has not satisfied the experience and~~  
14           ~~other requirements set forth in G.S. 93E-1-6 to be licensed as a real~~  
15           ~~estate appraiser.~~  
16           (19) ~~"Trainee registration" or "registration as a trainee" means the document~~  
17           ~~issued by the North Carolina Appraisal Board evidencing that the~~  
18           ~~person named therein has satisfied the requirements of registration as a~~  
19           ~~trainee real estate appraiser and bearing a registration number assigned~~  
20           ~~by the Board.~~

21       The following definitions shall apply in this Article:

- 22           (1) Accreditation. – The granting of authorization by the Board to act as a  
23           registered trainee or State-licensed or State-certified real estate appraiser  
24           under the provisions of this Chapter.  
25           (2) Accredited appraiser. – A person who has been granted accreditation  
26           under this Chapter as a registered trainee or State-licensed or State-  
27           certified real estate appraiser.  
28           (3) Appraisal or real estate appraisal. – The act or process of developing an  
29           opinion of value of identified real property or specified interests therein  
30           performed for compensation or other valuable consideration.  
31           (4) Appraisal assignment. – An engagement for which an appraiser is  
32           employed or retained to act, or would be perceived by third parties or  
33           the public as acting, as a disinterested third party in rendering an  
34           unbiased appraisal.  
35           (5) Appraisal Board or Board. – The North Carolina Appraisal Board  
36           established under G.S. 93E-1-5.  
37           (6) Appraisal report. – Any communication, written or oral, of an appraisal.  
38           (7) Certificate. – A document issued by the North Carolina Appraisal Board  
39           evidencing that the person named therein has satisfied the requirements  
40           for certification and bearing a certificate number assigned by the Board.  
41           (8) Certificate holder. – A person certified by the Board under the provisions of  
42           this Article.

- 1           (9) Comparative market analysis. – The analysis of sales of similar recently  
2           sold properties in order to derive an indication of the probable sales  
3           price of a particular property by a licensed real estate broker or  
4           salesperson for the broker's or salesperson's potential or actual  
5           brokerage client or for real property involved in an employee relocation  
6           program.
- 7           (10) License. – A document issued by the North Carolina Appraisal Board  
8           evidencing that the person named therein has satisfied the requirements  
9           for licensure as a State-licensed real estate appraiser and bearing a  
10           license number assigned by the Board.
- 11           (11) Licensee. – A person licensed by the Board under the provisions of this  
12           Chapter.
- 13           (12) Real estate or real property. – Land, including the air above and ground  
14           below and all appurtenances and improvements thereto, as well as any  
15           interest or right inherent in the ownership of land.
- 16           (13) Real estate appraiser or appraiser. – A person who for a fee or valuable  
17           consideration develops and communicates real estate appraisals or  
18           otherwise gives an opinion of the value of real estate or any interest  
19           therein.
- 20           (14) Real estate appraising. – The practice of developing and communicating  
21           real estate appraisals.
- 22           (15) Residential real estate. – Any parcel of real estate, improved or  
23           unimproved, that is exclusively residential in nature and that includes or  
24           is intended to include a residential structure containing not more than  
25           four dwelling units and no other improvements except those which are  
26           typical residential improvements that support the residential use for the  
27           location and property type. A time share or residential unit in a  
28           condominium, town house, cooperative complex, or planned unit  
29           development is considered to be residential real estate.
- 30           (16) State-certified general real estate appraiser. – A person who holds a  
31           current, valid certificate as a State-certified general real estate appraiser  
32           issued under the provisions of this Chapter.
- 33           (17) State-certified residential real estate appraiser. – A person who holds a  
34           current, valid certificate as a State-certified residential real estate  
35           appraiser issued under the provisions of this Chapter.
- 36           (18) State-licensed residential real estate appraiser. – A person who holds a  
37           current, valid license as a State-licensed residential real estate appraiser  
38           issued under the provisions of this Article.
- 39           (19) Trainee or registered trainee. – A person who holds a current, valid  
40           registration as a trainee real estate appraiser under the provisions of this  
41           Chapter.
- 42           (20) Trainee registration. – The document issued by the North Carolina  
43           Appraisal Board evidencing that the person named therein has satisfied

1           the requirements of registration as a trainee real estate appraiser and  
2           bearing a registration number assigned by the Board.

3 **"§ 93E-1-5. Appraisal board.**

4       (a) There is created the North Carolina Appraisal Board for the purposes set forth  
5 in this Chapter. The Board shall consist of seven members. The Governor shall appoint  
6 five members of the Board, and the General Assembly shall appoint two members in  
7 accordance with G.S. 120-121, one upon the recommendation of the President Pro  
8 Tempore of the Senate and one upon the recommendation of the Speaker of the House of  
9 Representatives. Each member appointed by the Governor shall be appointed from a  
10 different congressional district. The appointee recommended by the Speaker of the House  
11 of Representatives and the appointees of the Governor shall be persons who have been  
12 engaged in the business of real estate appraising in this State for at least five years  
13 immediately preceding their appointment and are also State-licensed or State-certified  
14 real estate appraisers. No more than ~~four~~three of the appointees may be members of the  
15 same appraiser trade organization, group, or committee at any one time. The appointee  
16 recommended by the President Pro Tempore of the Senate shall be a person not involved  
17 directly or indirectly in the real estate, real estate appraisal, or the real estate lending  
18 industry. Members of the Board shall serve three-year terms, so staggered that the terms  
19 of three members expire in one year, the terms of two members expire in the next year,  
20 and the terms of two members expire in the third year of each three-year period. The  
21 members of the Board shall elect one of their members to serve as chairman of the Board  
22 for a term of one year. The Governor may remove any member of the Board appointed by  
23 the Governor for misconduct, ~~incompetency,~~incompetence, or neglect of duty. The  
24 General Assembly may remove any member appointed by it for the same reasons.  
25 Successors shall be appointed by the appointing authority making the original  
26 appointment. All vacancies occurring on the Board shall be filled, for the unexpired term,  
27 by the appointing authority making the original appointment. Vacancies in appointments  
28 made by the General Assembly shall be filled in accordance with G.S. 120-122. Initial  
29 terms of office shall commence July 1, 1994.

30       (b) The Board is an occupational licensing agency governed by Chapter 150B of  
31 the General Statutes; its decisions are final agency decisions subject to judicial review  
32 under Article 4 of Chapter 150B of the General Statutes.

33       (c) Members of the Board shall be paid the per diem, subsistence, and travel  
34 allowances at the rates set forth in G.S. 93B-5; provided that none of the expenses of the  
35 Board or the compensation or expenses of any officer or employee thereof shall be  
36 payable out of the treasury of the State of North Carolina; the total expenses of the  
37 administration of this Chapter shall not exceed the total income therefrom; and neither  
38 the Board nor any officer or employee thereof shall have any power or authority to make  
39 or incur any expense, debt, or other financial obligation binding upon the State of North  
40 Carolina.

41       (d) The Board shall adopt a seal for its use, which shall bear thereon the words  
42 'North Carolina Appraisal Board'. Copies of all papers in the office of the Board duly

1 certified and authenticated by the seal of the Board shall be received in evidence in all  
2 courts and administrative bodies and with like effect as the originals.

3 (e) The Board may employ an Executive Director and professional and clerical  
4 staff as may be necessary to carry out the provisions of this Chapter and to put into effect  
5 the rules that the Board may promulgate. The Board shall fix salaries. The Board shall  
6 have the authority to issue to its employees credentials or other means of identification.

7 (f) The Board shall be entitled to the services of the Attorney General in  
8 connection with the affairs of the Board or may, in its discretion, employ an attorney to  
9 assist or represent it in the enforcement of this Chapter.

10 (f1) The Board shall have the power to acquire, hold, rent, encumber, alienate, and  
11 otherwise deal with real property in the same manner as a private person or corporation,  
12 subject only to the approval of the Governor and the Council of State as to the  
13 acquisition, rental, encumbering, leasing, and sale of real property. Collateral pledged by  
14 the Board for an encumbrance is limited to the assets, income, and revenues of the Board.

15 (f2) The Board may purchase, rent, or lease equipment and supplies and purchase  
16 liability insurance or other insurance to cover the activities of the Board, its operations, or  
17 its employees.

18 (g) The Board may ~~prefer~~ file a complaint for violation of this Chapter before any  
19 court of competent jurisdiction, and it may take the necessary legal steps through the  
20 proper legal offices of the State to enforce the provisions of this Chapter.

21 **"§ 93E-1-6. ~~Qualifications for State licensure and certification; accreditation;~~**  
22 **~~applications; application fees; examinations.~~**

23 (a) Any person desiring ~~to be registered as a trainee or to obtain licensure as a~~  
24 ~~State-licensed real estate appraiser or certification as a State-certified real estate appraiser~~  
25 accreditation under this Chapter shall make written application to the Board on the forms  
26 as are prescribed by the Board setting forth the applicant's qualifications for licensure or  
27 certification. accreditation. Each applicant shall satisfy the following qualification  
28 requirements:

- 29 (1) Each applicant for licensure as a State-licensed residential real estate  
30 appraiser ~~shall have demonstrated~~ shall: (i) demonstrate to the Board  
31 that the applicant possesses the knowledge and competence necessary to  
32 perform appraisals of residential and other real estate as the Board may  
33 prescribe of real property, by having satisfactorily completed  
34 completed, within the five-year period immediately preceding the date  
35 application is made, a Board-approved course of instruction approved  
36 by the Board, in real estate appraisal principles and practices consisting  
37 of at least 90 hours of classroom instruction in subjects determined by  
38 the Board; shall Board, (ii) present evidence satisfactory to the Board of  
39 at least 2,000 hours or the minimum requirement imposed by the federal  
40 government, whichever is greater, of experience in real estate  
41 appraising; and shall appraising, and satisfy the additional qualifications  
42 as may be imposed by the Board by rule, not inconsistent with any  
43 requirements imposed by the federal government; or shall possess



1 education or experience which is found by the Board ~~in its discretion~~ to  
2 be equivalent to the above requirements.

- 3 (2) Each applicant for certification as a State-certified residential real estate  
4 appraiser ~~shall have demonstrated~~ shall: (i) demonstrate to the Board  
5 that the applicant possesses the knowledge and competence necessary to  
6 perform appraisals of residential and other real estate as the Board may  
7 prescribe real property by having satisfactorily completed, within the  
8 five-year period immediately preceding the date the application is made,  
9 a Board-approved course of instruction approved by the Board in real  
10 estate appraisal principles and practices consisting of at least 120 hours  
11 or the minimum requirement as imposed by the federal government,  
12 whichever is greater, of classroom instruction in subjects determined by  
13 the Board; shall Board, (ii) present evidence satisfactory to the Board of  
14 at least 2,000-2,500 hours or the minimum requirement as imposed by  
15 the federal government, whichever is greater, of experience in real  
16 estate appraising within the five-year period immediately preceding the  
17 date application is made, and over a period of at least two calendar  
18 years; years, and shall (iii) satisfy the additional qualifications criteria as  
19 may be imposed by the Board by rule, not inconsistent with any  
20 requirements imposed by the federal government; or shall possess  
21 education and experience which is found by the Board in its discretion  
22 to be equivalent to the above requirements.

- 23 (3) Each applicant for certification as a State-certified general real estate  
24 appraiser ~~shall have demonstrated~~ shall: (i) demonstrate to the Board  
25 that the applicant possesses the knowledge and competence necessary to  
26 perform appraisals of all types of real estate property by having  
27 satisfactorily completed, within the five-year period immediately  
28 preceding the date application is made, a Board-approved course of  
29 instruction approved by the Board in general real estate appraisal  
30 practices consisting of at least 180 hours or the minimum requirement as  
31 imposed by the federal government, whichever is greater, of classroom  
32 instruction in subjects determined by the Board; shall Board, (ii) present  
33 evidence satisfactory to the Board of at least 2,000-3,000 hours hours, or  
34 the minimum requirement as imposed by the federal government,  
35 whichever is greater, of experience in real estate appraising within the  
36 five-year period immediately preceding the date application is made,  
37 and over a period of at least two calendar years, fifty percent (50%) of  
38 which must shall be in appraising nonresidential real estate; estate, and  
39 shall (iii) satisfy the additional qualifications criteria as may be imposed  
40 by the Board by rule, not inconsistent with any requirements imposed  
41 by the federal government; or the applicant shall possess education or  
42 experience which is found by the Board in its discretion to be equivalent  
43 to the above requirements.

1           (4) ~~Each applicant for registration as a trainee must demonstrate to the~~  
2 ~~Board that the applicant possesses the knowledge and competence~~  
3 ~~necessary to perform an appraisal of residential and other real estate, as~~  
4 ~~prescribed by the Board, by:~~

5           a. ~~Having satisfactorily completed within the five-year period~~  
6 ~~immediately preceding the date application is made, a course,~~  
7 ~~approved by the Board, of instruction in real estate appraisal~~  
8 ~~principles and practices consisting of at least 90 hours of~~  
9 ~~classroom instruction in subjects determined by the Board; and~~

10          b. ~~Satisfying any additional qualifications the Board imposes by~~  
11 ~~rule, not inconsistent with any requirements imposed by the~~  
12 ~~federal government;~~

13 ~~or shall possess education or experience that the Board, in its discretion,~~  
14 ~~determines to be equivalent to the requirements set forth in sub-~~  
15 ~~subdivisions a. and b. of this subdivision. Provided, however, that any~~  
16 ~~persons who, on the effective date of this Chapter, have a State license~~  
17 ~~or certificate to engage in business as a real estate appraiser issued by~~  
18 ~~the predecessor of the Board, shall be entitled to and shall receive the~~  
19 ~~same license or certificate from the Board as they are then holding~~  
20 ~~without further education, experience, examination, or application fee.~~

21 Each applicant for registration as a trainee shall: (i) demonstrate to the  
22 Board that the applicant possesses the knowledge and competence  
23 necessary to perform appraisals of real property by having satisfactorily  
24 completed, within the five-year period immediately preceding the date  
25 application is made, a course of instruction approved by the Board in  
26 real estate appraisal principles and practices consisting of at least 90  
27 hours of classroom instruction in subjects determined by the Board, and  
28 (ii) satisfy any additional qualifications imposed by the Board, by rule,  
29 not inconsistent with any requirements imposed by the federal  
30 government.

31          (b) ~~Each application for registration as a trainee or for State licensure or~~  
32 ~~certification as a real estate appraiser accreditation shall be accompanied by a fee of one~~  
33 ~~hundred fifty dollars (\$150.00), plus any additional fee as may be necessary to defray the~~  
34 ~~cost of any competency examination administered by a private testing service.~~

35          (c) ~~Any person who files with the Board an application for State licensure or~~  
36 ~~certification as a real estate appraiser accreditation shall be required to pass an~~  
37 ~~examination to demonstrate the person's competence. The Board shall also make an~~  
38 ~~investigation as it deems necessary into the background of the applicant to determine the~~  
39 ~~applicant's qualifications with due regard to the paramount interest of the public as to the~~  
40 ~~applicant's competency, honesty, truthfulness, and integrity. The Board may investigate~~  
41 ~~and consider whether the applicant has: (i) had any disciplinary action taken against any~~  
42 ~~other professional license that he or she holds in this State or any other state; (ii)~~  
43 ~~committed any act which would be grounds for disciplinary action, including the~~

1 suspension or revocation of accreditation under this Chapter; and (iii) been convicted of  
2 or pled guilty to any criminal act. If the results of the investigation shall be satisfactory  
3 to the ~~Board~~ Board, and the applicant is otherwise qualified, then the Board shall issue to  
4 the applicant a trainee registration, license or certificate authorizing the applicant to act as  
5 a registered trainee, State-licensed real estate appraiser or a State-certified real estate  
6 appraiser in this State. ~~If, based upon the results of the investigation, the moral character~~  
7 ~~of the applicant is in question, action on the application will be deferred pending a~~  
8 ~~hearing before the Board.~~

9 (d) ~~Any person who files with the Board an application for registration as a trainee~~  
10 ~~real estate appraiser shall be required to pass an examination to demonstrate the person's~~  
11 ~~competence. The Board shall also make an investigation as it deems necessary into the~~  
12 ~~background of the applicant to determine the applicant's qualifications with due regard to~~  
13 ~~the paramount interest of the public as to the applicant's honesty, truthfulness, and~~  
14 ~~integrity. If the results of the investigation shall be satisfactory to the Board and the~~  
15 ~~applicant is otherwise qualified, then the Board shall issue to the applicant a registration~~  
16 ~~authorizing the applicant to act as a registered trainee real estate appraiser in this State. If,~~  
17 ~~based upon the results of the investigation, the moral character of the applicant is in~~  
18 ~~question, action on the application will be deferred pending a hearing before the Board.~~ If  
19 the applicant fails to demonstrate to the Board that he or she has met the requirements for  
20 accreditation under this Chapter, the Board may conduct a hearing on the application  
21 prior to making a final decision on whether accreditation should be granted.

22 **"§ 93E-1-6.1. Trainee supervision.**

23 Registered trainees shall perform all real estate appraisal-related activities under the  
24 immediate, active, and personal supervision of a State-licensed or State-certified real  
25 estate appraiser. All appraisal reports prepared by a registered trainee shall be signed by  
26 the supervising State-licensed or State-certified real estate appraiser, and the signature of  
27 the appraiser shall mean the appraiser accepts and shares responsibility with the trainee  
28 for the content of and conclusions in the report.

29 **"§ 93E-1-7. ~~Registration, license and certificate renewal; Accreditation renewal;~~**  
30 **renewal fees; continuing education; reinstatement; replacement**  
31 **registrations, ~~licenses~~ licenses, and certificates; ~~licensure and certification~~**  
32 **history. accreditation history; address changes.**

33 (a) Trainee registrations, licenses, and certificates issued under this Chapter shall  
34 expire on the 30th day of June of every year and shall become invalid after that date  
35 unless renewed prior to the expiration date by filing an application with and paying to the  
36 Executive Director of the Board the fee of two hundred dollars (\$200.00). As a  
37 prerequisite to the renewal of a trainee registration or a real estate appraiser license or  
38 certificate, the trainee registration holder, the licensee, or the certificate holder must  
39 satisfy any continuing education requirements that may be prescribed by the Board under  
40 subsection (b) of this section; provided, however, that members of the General Assembly  
41 are exempt from this requirement during their term of office. The Board may adopt rules  
42 establishing a system of trainee registration, license, and certificate renewal in which

1 trainee registrations, licenses, and certificates expire annually with varying expiration  
2 dates.

3 (b) The Board may by rule require, as a prerequisite to ~~trainee registration, license,~~  
4 ~~or certificate accreditation~~ renewal, the completion of Board-approved education courses  
5 in subject matters determined by the Board, or courses determined by the Board to be  
6 equivalent to the instruction, not inconsistent with any requirements of federal  
7 authorities.

8 (c) All trainee registrations, licenses, and certificates reinstated after the expiration  
9 dates shall be subject to a late filing fee of five dollars (\$5.00) per month for each month  
10 or part thereof that the trainee registration, license, or certificate is lapsed, not to exceed  
11 sixty dollars (\$60.00). The late filing fee shall be in addition to the required renewal fee.  
12 In the event a trainee, licensee, or certificate holder fails to reinstate the trainee  
13 registration, license, or certificate within 12 months after the expiration date thereof, the  
14 Board may, in its discretion, consider the person as not having been previously ~~registered,~~  
15 ~~licensed, or certified,~~ accredited, and thereby subject to the provisions of this Chapter  
16 relating to the issuance of an original trainee registration, license, or certificate, including  
17 the examination requirements set forth herein. Applications to reinstate trainee  
18 registrations, licenses, or certificates expired for 12 or more months shall be accompanied  
19 by the fee required for an original trainee registration, license, or certificate.

20 (d) Replacement trainee registrations, licenses, and certificates may be issued by  
21 the Board upon payment of five dollars (\$5.00) by the trainee, licensee, or certificate  
22 holder. Certification by the Board of ~~the trainee registration history or the licensure or~~  
23 ~~certification accreditation or the accreditation~~ history of a person registered, licensed, or  
24 certified under this Chapter shall be made only after the payment of a fee of ten dollars  
25 (\$10.00) to the Board.

26 (e) Every trainee, licensee, and certificate holder shall give written notice to the  
27 Board of any change in his or her business address within 10 business days after the  
28 change takes place.

29 **"§ 93E-1-8. Education program approval and fees.**

30 (a) ~~The Board may by rule prescribe minimum standards for the approval and~~  
31 ~~renewal of approval of schools and other course sponsors and their instructors to conduct~~  
32 ~~appraiser prelicensing and precertification courses required by G.S. 93E-1-6(a). Such~~  
33 ~~standards may address subject matter, program structuring, instructional materials,~~  
34 ~~requirements for satisfactory course completion, instructors' qualifications, and other~~  
35 ~~related matters relevant to the provision of such courses in a manner that best serves the~~  
36 ~~public interest.~~

37 (b) ~~The Board may by rule set nonrefundable fees chargeable to private real estate~~  
38 ~~appraisal schools or course sponsors, including appraisal trade organizations, for the~~  
39 ~~approval and annual renewal of approval of their prelicensing and precertification courses~~  
40 ~~required by G.S. 93E-1-6(a), or equivalent courses. Such fees shall be forty dollars~~  
41 ~~(\$40.00) per course for approval and twenty dollars (\$20.00) per course for renewal of~~  
42 ~~approval of private school courses, and three hundred dollars (\$300.00) per course for~~  
43 ~~approval and fifty dollars (\$50.00) per course for renewal of approval for course~~

1 sponsors, including appraisal trade organizations. No fees shall be charged for the  
2 approval or renewal of approval to conduct appraiser prelicensing or precertification  
3 courses where such courses are offered by a North Carolina college, university, junior  
4 college, or community or technical college accredited by the Southern Association of  
5 Colleges and Schools, or an agency of the federal, State, or local government.

6 (e) The Board may by rule prescribe minimum standards for the approval and  
7 annual renewal of approval of schools and other course sponsors and their instructors to  
8 conduct appraiser continuing education courses. Such standards may address subject  
9 matter, instructional materials, requirements for satisfactory course completion, minimum  
10 course length, instructors' qualifications, and other related matters relevant to the  
11 provision of such courses in a manner that best serves the public interest.

12 (d) Nonrefundable fees of one hundred dollars (\$100.00) per course may be  
13 charged to schools and course sponsors for the approval to conduct appraiser continuing  
14 education courses and fifty dollars (\$50.00) per course for renewal of approval.  
15 However, no fees shall be charged for the approval or renewal of approval to conduct  
16 appraiser continuing education courses where such courses are offered by a North  
17 Carolina college, university, junior college, or community or technical college accredited  
18 by the Southern Association of Colleges and Schools, or by an agency of the federal,  
19 State, or local government. A nonrefundable fee of fifty dollars (\$50.00) per course may  
20 be charged to current or former licensees or certificate holders requesting approval by the  
21 Board of a course for continuing education credit when approval of such course has not  
22 been previously obtained by the offering school or course sponsor.

23 (a) Appraiser prelicensing and precertification courses.

24 (1) The Board may, by rule, prescribe minimum standards for the approval,  
25 renewal of approval, and withdrawal of approval of schools and other  
26 course sponsors and their instructors to conduct appraiser prelicensing  
27 and precertification courses required by G.S. 93E-1-6(a). These  
28 standards may address subject matter, program structuring, instructional  
29 materials, requirements for satisfactory course completion, instructors'  
30 qualifications, adequacy of facilities, and other related matters relevant  
31 to the provision of these courses in a manner that best serves the public  
32 interest.

33 (2) The Board may, by rule, set nonrefundable fees chargeable to private  
34 real estate appraisal schools or course sponsors, including appraisal  
35 trade organizations, for the approval and renewal of approval of their  
36 prelicensing and precertification courses required by G.S. 93E-1-6(a), or  
37 equivalent courses. These fees shall be forty dollars (\$40.00) per course  
38 for approval and twenty dollars (\$20.00) per course for renewal of  
39 approval of private schools offering prelicensing and precertification  
40 courses required by the Board. No fees shall be charged for the  
41 approval or renewal of approval to conduct appraiser prelicensing or  
42 precertification courses where these courses are offered by a North  
43 Carolina college, university, junior college, or community or technical

college accredited by the Southern Association of Colleges and Schools, or an agency of the federal, State, or local government.

(3) Any sponsor, including an appraisal trade organization, may request that the Board consider whether its courses are substantially equivalent to the prelicensing and precertification courses required by the Board. The sponsor shall pay three hundred dollars (\$300.00) per course for approval and fifty dollars (\$50.00) per course for renewal of approval.

(b) Appraiser continuing education courses.

(1) The Board may, by rule, prescribe minimum standards for the approval, renewal of approval, and withdrawal of approval of schools and other course sponsors and their instructors to conduct appraiser continuing education courses. These standards may address subject matter, instructional materials, requirements for satisfactory course completion, minimum course length, instructors' qualifications, adequacy of facilities, and other related matters relevant to the provision of these courses in a manner that best serves the public interest.

(2) Nonrefundable fees of one hundred dollars (\$100.00) per course may be charged to schools and course sponsors for the approval to conduct appraiser continuing education courses and fifty dollars (\$50.00) per course for renewal of approval. No fees shall be charged for the approval or renewal of approval to conduct appraiser continuing education courses where these courses are offered by a North Carolina college, university, junior college, or community or technical college accredited by the Southern Association of Colleges and Schools, or by an agency of the federal, State, or local government. A nonrefundable fee of fifty dollars (\$50.00) per course may be charged to current or former licensees or certificate holders requesting approval by the Board of a course for continuing education credit when approval of the course has not been previously obtained by the offering school or course sponsor.

(c) Revocation or surrender of course sponsor approval.

(1) Upon its own motion or receipt of a written complaint, the Board may investigate the actions of any course sponsor offering prelicensing and precertification or continuing education courses under the provisions of this Chapter. If the Board determines that a course sponsor has engaged in conduct that is inconsistent with the provisions of this Chapter or Board rules, the Board may accept a consent order or revoke or refuse to renew a course sponsor's approval. The Board shall dismiss a complaint against a course sponsor if it finds that the complaint is without merit.

(2) A course sponsor may, upon allegations of misconduct under this Chapter or Board rules, voluntarily surrender approval for a period of time established by the Board. A course sponsor may not request

1 approval of any course during the time in which approval has been  
2 surrendered.

3 **"§ 93E-1-9. Nonresident registration, licensure and certification.**

4 (a) An applicant from another state which offers real estate trainee registration or  
5 the equivalent, or real estate appraiser licensing or certification privileges to residents of  
6 North Carolina may become ~~State-licensed or certified~~ accredited in this State by  
7 conforming to all of the provisions of this Chapter, and, in the discretion of the Board,  
8 ~~such any~~ other terms and conditions as are required of North Carolina residents applying  
9 for ~~certification or licensure accreditation~~ in such other state, states.

10 (b) The Board, in its discretion, may undertake to register, license ~~license, or~~  
11 certify on a reciprocal basis, persons ~~licensed or certified~~ accredited in other states who  
12 are deemed by the Board to possess qualifications equivalent to resident North Carolina  
13 registered trainees, State-licensed or State-certified real estate appraisers.

14 (c) The Board may by rule establish a procedure for granting temporary appraiser  
15 ~~licensure or certification accreditation~~ and may charge an application fee of fifty dollars  
16 (\$50.00) for temporary appraiser ~~licensure or certification accreditation.~~

17 (d) Every applicant for ~~State licensure or certification accreditation~~ under this  
18 Chapter who is not a resident of this State shall submit with his or her application an  
19 irrevocable consent that service of process in any action against the applicant arising out  
20 of the applicant's activities as a registered trainee, State-licensed or State-certified real  
21 estate appraiser may be made by delivery of the process on the Executive Director of the  
22 Board.

23 **"§ 93E-1-10. Rule-making authority.**

24 The Board may adopt rules not inconsistent with the provisions of this Chapter and  
25 the General Statutes of North Carolina which may be reasonably necessary to implement,  
26 administer, and enforce the provisions of this Chapter, including, but not limited to, the  
27 authority to:

- 28 (1) Prescribe forms and procedures for submitting information to the Board;
- 29 (2) Prescribe standards of practice for persons registered as trainees or  
30 licensed or certified under this Chapter; and
- 31 (3) Prescribe standards for the operation of real estate appraiser education  
32 programs.

33 **"§ 93E-1-11. Register of applicants; roster of trainees, State-licensed and State-**  
34 **certified appraisers; financial report to Secretary of State; administrative**  
35 **expenses.**

36 (a) The Executive Director of the Board shall keep a register of all applicants for  
37 State trainee registration or for State licensure or certification as real estate appraisers,  
38 showing for each the date of application, name, business or residence address, and  
39 whether the registration, license or certificate was granted or refused. The register shall  
40 be prima facie evidence of all matters received therein.

41 (b) The Executive Director of the Board shall also keep a current roster showing  
42 the names and places of business of all registered trainees and State-licensed and State-

1 certified real estate appraisers, which roster shall be kept on file in the office of the Board  
2 and be open to public inspection.

3 (c) On or before the first day of November of each year, the Board shall file with  
4 the Secretary of State a copy of the roster of registered trainees and real estate appraisers  
5 licensed or certified by the Board and a report containing a complete statement of income  
6 received by the Board in connection with the ~~trainee registration and the licensure and~~  
7 ~~certification~~ accreditation of real estate trainees and appraisers for the preceding fiscal  
8 year ending June 30th, attested by the affidavit of the Executive Director of the Board.

9 (d) In addition to those fees prescribed in this Chapter for making application for  
10 and renewing ~~appraiser licenses and certificates,~~ accreditation, the Board may collect  
11 from applicants and holders of the licenses and certificates and remit to the appropriate  
12 agency or instrumentality of the federal government any additional fees as may be  
13 required to render North Carolina State-licensed or State-certified appraisers eligible to  
14 perform appraisals in connection with federally related transactions as well as an  
15 additional fee of twenty dollars (\$20.00) to cover the administrative costs associated  
16 therewith.

17 **"§ 93E-1-12. Disciplinary action by Board.**

18 (a) The Board may take disciplinary action against registered trainees and State-  
19 licensed or State-certified real estate appraisers. Upon its own motion or the ~~complaint of~~  
20 ~~any person,~~ receipt of a written complaint, the Board may investigate the actions of any  
21 person ~~registered as a trainee or licensed or certified as a real estate appraiser accredited~~  
22 under this Chapter, any person who performs appraisals without an ~~appropriate~~  
23 ~~registration, license, or certificate,~~ accreditation under this Chapter, or any person who  
24 holds himself or herself out to be ~~registered as a trainee or licensed or certified accredited~~  
25 as a real estate appraiser when the person holds no registration, license, or certificate. If  
26 the Board finds probable cause to believe that a person ~~registered as a trainee or licensed~~  
27 ~~or certified as a real estate appraiser accredited~~ under this Chapter has violated any of the  
28 provisions of this Chapter, the Board may hold a hearing on the allegations of  
29 misconduct.

30 The Board may ~~suspend~~ suspend, reprimand, or revoke the ~~registration, license, or~~  
31 ~~certificate accreditation~~ granted to any person under the provisions of this Chapter or  
32 ~~reprimand~~ may refuse to renew accreditation or require additional education of any  
33 registered trainee, licensee, or certificate holder if, following a hearing, or by consent, the  
34 Board finds the ~~registered~~ trainee, licensee, or certificate holder to have:

- 35 (1) Procured ~~registration, licensure, or certification accreditation~~ pursuant to  
36 this Chapter by making a false or fraudulent representation;
- 37 (2) Made any willful or negligent misrepresentation or any willful or  
38 negligent omission of material fact;
- 39 (3) Accepted an appraisal assignment when the employment is contingent  
40 upon the appraiser reporting a predetermined result, analysis, or  
41 opinion, or when the fee to be paid for the performance of the appraisal  
42 assignment is contingent upon the opinion, conclusion, or valuation  
43 reached or upon consequences resulting from the appraisal assignment;



- 1 (4) Acted or held himself or herself out as a registered trainee or a State-  
2 licensed or State-certified real estate appraiser when not so registered,  
3 licensed, or certified;
- 4 (5) Failed as a State-licensed or State-certified real estate appraiser to  
5 immediately, actively and personally ~~personally~~, supervise ~~any person~~  
6 ~~not licensed or certified under this Chapter who assists the State-~~  
7 ~~licensed or State-certified real estate appraiser in performing real estate~~  
8 ~~appraisals; a trainee as provided in G.S. 93E-1-6.1;~~
- 9 (6) Failed to make available to the Board for its inspection without prior  
10 notice, originals or true copies of all written contracts engaging the  
11 person's services to appraise real property, ~~and~~ all reports and  
12 supporting data assembled and formulated by the appraiser in preparing  
13 the ~~reports;~~ reports, and all records required to be kept pursuant to G.S.  
14 93E-1-12(e);
- 15 (7) Paid a fee or valuable consideration to any person for acts or services  
16 performed in violation of this Chapter;
- 17 (8) Acted as a real estate appraiser in an unworthy or incompetent manner  
18 as to endanger the interest of the public;
- 19 (9) Violated any of the standards of practice for real estate appraisers or any  
20 other rule promulgated by the Board;
- 21 (9a) Submitted a check for the payment of fees under this Chapter that is  
22 returned unpaid;
- 23 (10) Performed any other act which constitutes improper, fraudulent, or other  
24 dishonest conduct; or
- 25 (11) Violated any of the provisions of this Chapter.

26 The Executive Director of the Board shall transmit a certified copy of all final orders  
27 of the Board suspending or revoking licenses or certificates issued under this Chapter to  
28 the clerk of superior court of the county in which the licensee or certificate holder  
29 maintains the person's principal place of business. The clerk shall enter these orders upon  
30 the judgment docket of the county.

31 (b) Following a hearing, or by consent, ~~the Appraisal Board~~ may also suspend or  
32 revoke any registration, license, or certificate accreditation ~~issued under the provisions of~~  
33 ~~this Chapter or reprimand any registered trainee, licensee, or certificate holder when:~~

- 34 (1) The registered trainee, licensee, or certificate holder has been convicted  
35 of or has entered a plea of guilty or no contest upon which final  
36 judgment is entered by a court of competent jurisdiction in this State, or  
37 any other state, to an offense ~~which,~~ which involves dishonesty, fraud,  
38 or deceit, or, in the discretion of the Board, would reasonably affect the  
39 performance of the registered trainee, licensee, or certificate holder in  
40 the real estate appraisal business;
- 41 (2) A final civil judgment has been entered against the registered trainee,  
42 licensee, or certificate holder on grounds of fraud, misrepresentation, or  
43 deceit in the making of any appraisal of real estate; ~~or~~

- 1           (3) ~~The registered trainee, licensee, or certificate holder has violated any of~~  
2 ~~the provisions of G.S. 93E-1-13(a) when appraising his own property.~~  
3 had a real estate trainee registration, or its equivalent, real estate  
4 appraiser license or real estate appraiser certification suspended,  
5 revoked, or denied by a real estate appraiser licensing board in another  
6 state;
- 7           (4) The registered trainee, licensee, or certificate holder has had any  
8 disciplinary action taken against any other professional license that he  
9 or she holds in this State or another state;
- 10          (5) The registered trainee, licensee, or certificate holder has been adjudged  
11 mentally incompetent by a court;
- 12          (6) The registered trainee, licensee, or certificate holder has performed any  
13 duties of a real estate appraiser, including site inspection and public  
14 records checks, while impaired by alcohol or drugs; or
- 15          (7) The registered trainee, licensee, or certificate holder has violated any of  
16 the provisions of G.S. 93E-1-13(a) when appraising property owned by  
17 him or her.

18 A registered trainee, licensee, or certificate holder shall report any event described in  
19 subdivisions (b)(1) through (5) to the Board within 60 days of a final order or judgment  
20 or of the occurrence of the event.

21          (c) ~~When a person registered as a trainee or licensed or certified as a real estate~~  
22 ~~appraiser accredited~~ under this Chapter is accused of any act, omission, or misconduct  
23 which would subject the person to disciplinary action, the registered trainee, licensee, or  
24 certificate holder, with the consent and approval of the Board, may surrender his or her  
25 registration, license, or certificate and all the rights and privileges pertaining to it for a  
26 period of time established by the Board. A person who surrenders his or her registration,  
27 license, or certificate shall not thereafter be eligible for or submit any application for  
28 registration, licensure, or certification accreditation as a real estate appraiser during the  
29 period that the registration, license, or certificate is surrendered.

30          (d) The Board shall have the power to issue subpoenas requiring the attendance of  
31 persons and the production of papers and records before the Board in any hearing,  
32 investigation, inquiry, or other proceeding conducted by it. Upon the production of any  
33 papers, records, or documents, the Board shall have the power to authorize true copies  
34 thereof to be substituted in the permanent record of the matter in which the books,  
35 records, or documents shall have been introduced in evidence.

36          (e) Each person accredited under this Chapter shall maintain records showing  
37 compliance with the provisions of this Chapter and any rules adopted by the Board.

38 **"§ 93E-1-12.1. Investigations and complaints.**

39          (a) Records, papers, and other documents containing information received,  
40 collected, or compiled by the Board, its members or employees as a result of a complaint  
41 or investigation, shall not be considered public records within the meaning of Chapter  
42 132 of the General Statutes. Any statement of charges contained within a notice of a  
43 hearing to be held by the Board is a public record, even though it may contain

1 information collected and compiled as a result of a complaint or investigation against a  
2 trainee, licensee, certificate holder, or an applicant. Any record, paper, or other  
3 document admitted into evidence in a hearing held by the Board and any final decisions  
4 and orders by the Board, including consent orders, shall be public records within the  
5 meaning of Chapter 132 of the General Statutes.

6 (b) The Board may periodically and without prior notice inspect records  
7 maintained pursuant to G.S. 93E-1-12(e) and may inspect such records if the Board  
8 determines they are pertinent to an investigation conducted by the Board.

9 (c) Any person making a complaint against a trainee, licensee, or certificate holder  
10 or against a course sponsor shall be immune from criminal prosecution or civil liability  
11 resulting therefrom unless the person knew the complaint was false or acted in reckless  
12 disregard of the veracity of the complaint.

13 (d) Board employees while acting within the scope of their administrative and  
14 investigative duties are exempt from the standards of practice under the provisions of this  
15 Chapter.

16 (e) The Board may also dismiss a complaint, accept a consent order, or hold a  
17 hearing or accept a voluntary surrender of registration, licensure, or certification under  
18 the provisions of this Chapter.

19 **"§ 93E-1-13. Penalty for violation of this Chapter.**

20 (a) Any person who acts as, or holds himself or herself out to be, a registered  
21 trainee or a State-licensed or State-certified real estate appraiser without first obtaining a  
22 registration, license, or certificate as provided in this Chapter, or who willfully performs  
23 the acts specified in G.S. 93E-1-12(a)(1) through (10), shall be guilty of a Class 1  
24 misdemeanor.

25 (b) The Board may appear in its own name in superior court in actions for  
26 injunctive relief to prevent any person from violating the provisions of this Chapter or the  
27 rules promulgated by the Board. The superior court shall have the power to grant these  
28 injunctions whether or not criminal prosecution has been or may be instituted as a result  
29 of the violations, and whether or not the person is the holder of a ~~license-registration,~~  
30 license, or certificate issued by the Board under this Chapter.

31 **"§ 93E-1-14. Referral of cases by courts.**

32 Whenever any registered trainee, licensee, or certificate holder is adjudged by a civil  
33 or criminal court to have injured or damaged any person, partnership, association, or  
34 corporation through gross negligence, ~~incompetency,~~ incompetence, fraud, dishonesty, or  
35 other civil or criminal misconduct, the court may, as part of its judgment or decree, order  
36 a written copy of the transcript of the record in said case to be forwarded by the clerk of  
37 court to the Board with a recommendation that the registration, license, or certificate of  
38 the registered trainee, licensee, or certificate holder be revoked or otherwise subject to  
39 disciplinary action."

40 Section 2. This act is effective when it becomes law.