

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE BILL 1408

Short Title: Clarify Disciplinary Action/Appraisers Board.

(Public)

Sponsors: Senator Hartsell.

Referred to: Judiciary II (Criminal).

March 26, 2007

A BILL TO BE ENTITLED
AN ACT TO CLARIFY DISCIPLINARY AUTHORITY OF THE NORTH
CAROLINA APPRAISAL BOARD UNDER THE NORTH CAROLINA
APPRAISERS ACT.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 93E-1-12(a) reads as rewritten:

"(a) The Board may take disciplinary action against registered trainees and State-licensed or State-certified real estate appraisers. Upon its own motion or the complaint of any person, the Board may investigate the actions of any person registered as a trainee or licensed or certified as a real estate appraiser under this Chapter, any person who performs appraisals without an appropriate registration, license, or certificate, or any person who holds himself or herself out to be registered as a trainee or licensed or certified as a real estate appraiser when the person holds no registration, license, or certificate. However, the Board shall not investigate, whether upon its own motion or the complaint of any person, any testimony in court or to an administrative agency of any person registered as a trainee or licensed or certified as a real estate appraiser under this Chapter. Under no circumstances shall the Board investigate any person registered as a trainee or licensed or certified as a real estate appraiser under this Chapter upon an anonymous complaint. If the Board finds probable cause to believe that a person registered as a trainee or licensed or certified as a real estate appraiser under this Chapter has violated any of the provisions of this Chapter, the Board may hold a hearing on the allegations of misconduct.

The Board may suspend or revoke the registration, license, or certificate granted to any person under the provisions of this Chapter or reprimand any registered trainee, licensee, or certificate holder if, following a hearing or by consent, the Board finds the registered trainee, licensee, or certificate holder to have:

- (1) Procured registration, licensure, or certification pursuant to this Chapter by making a false or fraudulent representation;

- 1 (2) Made any willful or negligent misrepresentation or any willful or
2 negligent omission of material fact;
- 3 (3) Accepted an appraisal assignment when the employment is contingent
4 upon the appraiser reporting a predetermined result, analysis, or
5 opinion, or when the fee to be paid for the performance of the
6 appraisal assignment is contingent upon the opinion, conclusion, or
7 valuation reached or upon consequences resulting from the appraisal
8 assignment;
- 9 (4) Acted or held himself or herself out as a registered trainee or a
10 State-licensed or State-certified real estate appraiser when not so
11 registered, licensed, or certified;
- 12 (5) Failed as a State-licensed or State-certified real estate appraiser to
13 actively and personally supervise any person not licensed or certified
14 under this Chapter who assists the State-licensed or State-certified real
15 estate appraiser in performing real estate appraisals;
- 16 (6) Failed to make available to the Board for its inspection without prior
17 notice, originals or true copies of all written contracts engaging the
18 person's services to appraise real property, and all reports and
19 supporting data assembled and formulated by the appraiser in
20 preparing the reports;
- 21 (7) Paid a fee or valuable consideration to any person for acts or services
22 performed in violation of this Chapter;
- 23 (8) Acted as a real estate appraiser in an unworthy or incompetent manner
24 as to endanger the interest of the public;
- 25 (9) Violated any of the standards of practice for real estate appraisers or
26 any other rule promulgated by the Board;
- 27 (10) Performed any other act which constitutes improper, fraudulent, or
28 other dishonest conduct; or
- 29 (11) Violated any of the provisions of this Chapter.

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

35 **SECTION 2.** This act is effective when it becomes law.