

NOTICE OF INTENT TO ADOPT A PROPOSED

AMENDMENT TO THE GEORGIA REAL ESTATE APPRAISERS BOARD

CHAPTER 539

RULE 539-1-.01A

AND NOTICE OF PUBLIC HEARING

TO ALL INTERESTED PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia Real Estate Appraisers Board (hereinafter "Board") proposes amendments to the Georgia Real Estate Appraisers Board Rules, Chapter 539-1; 539-1-.01A (herein after "proposed rule amendments").

This notice, together with an exact copy of the proposed rule amendments and a synopsis of the proposed rule amendments, is being disseminated to all persons who have requested, in writing, that they be placed on a distribution list. A copy of this notice, an exact copy of the proposed rule amendments, and a synopsis of the proposed rule amendments may be reviewed during normal business hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, except official State holidays, at the Georgia Real Estate Appraisers Board, Suite 1000 International Tower, 229 Peachtree Street, N. E. Atlanta, Georgia 30303. These documents will also be available for review on the Georgia Real Estate Appraisers Board web page at <http://www.greab.state.ga.us>. Copies may also be requested by contacting the Board office at (404) 656-3916. A public hearing will be held at 9:00 a.m. on June 21, 2017, at the Georgia Real Estate Appraisers Board, Suite 1000 International Tower, 229 Peachtree Street, N. E. Atlanta, Georgia 30303 to provide the public an opportunity to comment upon and provide input into the proposed rule amendments.

At the public hearing anyone may present data, make a statement, comment or offer a viewpoint or argument whether orally or in writing. Lengthy statements or statements of a considerable technical or economic nature, as well as previously recorded messages, must be submitted for the official record. Oral statements should be concise and will be limited to five (5) minutes per person. Additional comments should be presented in writing. Written comments are welcome. Such written comments must be legible and signed, should contain contact information from the maker (address, telephone number and/or facsimile number, etc.) and be actually received in the office prior to the close of business (4:30 P.M.) on June 13, 2017, to allow for timely processing. Written comments should be addressed to Lynn Dempsey, Georgia Real Estate Appraisers Board, Suite 1000 International Tower, 229 Peachtree Street, N. E. Atlanta, Georgia 30303.

The proposed rule amendments will be considered for adoption by the Board at its meeting on June 21, 2017, at 9:30 a.m. at the Board. According to the Department of Law, State of Georgia, the Georgia Real Estate Appraisers Board has the authority to adopt proposed rule amendments to Rule 539-1-.01A (pursuant to authority contained in O.C.G.A. §§ 43-39A-13 and §43-39A-14.1 (e)).

The Board will consider at its meeting on June 21, 2017, whether the formulation and adoption of the proposed rule amendments imposes excessive regulatory cost on any licensee or entity and whether any cost to comply with the proposed rule amendments could be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. §§ 43-39A-7.

Additionally, at the meeting on June 21, 2017, the Board will consider whether it is legal or feasible to meet the objectives of O.C.G.A. §§ 43-39A-7 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(a)(3)(A), (B), (C) and (D). The Board will consider whether the formulation and adoption of the proposed rule amendments will impact every licensee in the same manner and each licensee is independently licensed, owned and operated in the field of appraisal and appraisal management.

For further information, contact the Board office at (404) 656-3916.

This notice is given in compliance with O.C.G.A. § 50-13-4.

This 17th day of May, 2017.

A handwritten signature in black ink, appearing to read "Lynn Dempsey". The signature is fluid and cursive, with the first name "Lynn" being more prominent than the last name "Dempsey".

Lynn Dempsey

Real Estate Commissioner

Posted: May 17, 2017

SYNOPSIS OF PROPOSED AMENDMENTS TO THE
GEORGIA REAL ESTATE APPRAISERS BOARD

CHAPTER 539

RULE 539-1-.01A

Purpose: The purpose of the proposed rule amendments is to define the terms required to implement proposed Rule 539-1-.05 (14) providing expedited processing of license applications submitted to the Board by military spouses or transitioning service members.

Main Features: The main feature of the proposed rule amendments is to:

Define “Military,” “Military Spouse,” “Service Member,” and “Transitioning Service Member.”

DIFFERENCES BETWEEN THE EXISTING RULE AND THE PROPOSED
AMENDMENTS TO THE GEORGIA REAL ESTATE APPRAISERS BOARD

CHAPTER 539

RULE 539-1-.01A

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

- (1) Terms Defined by 43-39A-2. As used in this Chapter and Chapters 539-2, 539-3, 539-4, and 539-5 the terms "analysis," "appraisal," "appraisal management company," "appraisal management services," "appraisal report," "appraisal review," "Appraisal Subcommittee," "appraiser," "appraiser classification," "appraiser panel," "board," "certified appraisal," "client," "commission," "commissioner," "controlling person," "evaluation assignment," "federally related transaction," "independent appraisal assignment," "owner," "person," "real estate," "real estate appraisal activity," "real estate related financial transaction," "real property," "specialized services," "state," "valuation," and "valuation assignment" have the same definitions as provided for in O.C.G.A. Section 43-39A-2.
- (2) Other Terms. As used in this Chapter and Chapters 520-2, 520-3, 520-4, and 520-5 the term:
 - (a) "Applicant" means any person who has submitted a complete Board-approved application in proper form accompanied by the proper fee. The Board shall consider an application to be in proper form only after the applicant has completed all of the applicable requirements for the appraiser classification, for the appraisal management company registration, or for an approval as set forth in O.C.G.A. Chapter 43-39A and in any Chapter of the Board's Rules and Regulations;
 - (b) "Candidate for classification" means any person who is in the process of completing the requirements for a classification as set forth in O.C.G.A. Chapter 43-39A and in any Chapter of the Board's Rules and Regulations, but who has not successfully completed all of them.
 - (c) "Credible real estate appraisal explanation" means one worthy of belief and one in which the relevant evidence and logic supports the appraisal assignment's intended use;
 - (d) "Customer" means a person who has not entered into an agreement for an independent appraisal assignment with an appraiser who holds a classification issued by the Board but for whom an appraiser may perform ministerial acts related to an appraisal assignment;

- (e) "Disposition Value" means an opinion of value that, as specified by the client, is established on an exposure period of less than the average market exposure.
- (f) "Liquidation Value" means an opinion of value that, as specified by the client, is established on an exposure period of significantly less than the average market exposure-;
- (g) "Military" means the United States armed forces, including the National Guard;
- (h) "Military Spouse" means a spouse of a service member or transitioning service member;
- ~~(g)~~(i) "Ministerial acts" means those acts that an appraiser performs for a person and that do not require discretion or the exercise of the appraiser's own judgment;
- ~~(h)~~(j) "Reliable source" means a source of information typically used by in the area of the assignment and reasonably relied upon by appraisers in the ordinary course of business. The term "reliable source" does not assure the accuracy of all data in the source;
- (k) "Service Member" means an active or reserve member of the armed forces, including the National Guard;
- ~~(i)~~(l) "Statutory overnight delivery" means delivery of a document through the United States Postal Service or through a commercial firm that is regularly engaged in the business of document delivery or document and package delivery in which the sender:
1. has directed that delivery be not later than the next business day following the day on which the document is received for delivery by the United States Postal Service or the commercial firm and
 2. receives a receipt acknowledging receipt of the document signed by addressee or an agent of the addressee-; and

(m) “Transitioning Service Member” means a member of the military on active duty status or on separation leave who is within twenty-four months of retirement or twelve months of separation.