

**RULES
OF
GEORGIA REAL ESTATE APPRAISERS BOARD**

**CHAPTER 539-1
SUBSTANTIVE REGULATIONS**

TABLE OF CONTENTS

539-1-.01A Definitions.

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(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) “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) “Reliable source” means a source of information typically used by appraisers 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; and

(i) “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.

539-1-.02 Fees and Renewals.

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(1) Whenever an individual applicant activates an original appraiser classification, that applicant shall pay an activation fee that shall cover all fees due the Board until the last day of the month of the applicant's month of birth in the calendar year following the calendar year in which the applicant first becomes classified.

(2) Unless renewal fees are paid, all classifications issued under the provisions of paragraph (1) of this Rule will lapse at midnight on the last day of the month of the individual's birthday.

(3) Fees for all licenses and services performed by the Board shall be as follows:

(a) The activation fee for an original appraiser classification except state registered real property appraiser shall be \$95.00; the activation fee for an original state registered real property appraiser shall be \$125.00;

(b) The renewal fee for any appraiser classification for a renewal period shall be \$100.00 if submitted and paid in any manner other than through the Board's Internet online renewal system and \$75.00 if submitted and paid through that online system;

(c) As required by federal law, for all classifications except state

registered real property appraiser, the Board shall collect upon activation a federal registry fee to be paid to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council

of:

1. \$25.00 if the first renewal date after activation occurs 12 months or less after the date of activation; or
2. \$50.00 if the first renewal date after activation occurs more than 12 months after the date of activation.

As required by federal law, for all classifications except state registered real property appraiser, the Board shall collect at the first and each subsequent renewal of the classification a federal registry fee of \$25.00 to be paid to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council; and

(d) \$50.00, plus renewal fees that would otherwise have been due, for reinstatement of any appraiser classification or approval that lapsed solely for nonpayment of fees.

(4) \$25.00 (1) for failure to notify the Board in writing within 30 days of a change

of address, and (2) whenever it is necessary for the Board to return an application because the application is incomplete.

(4.1) \$100.00 for submitting to the Board a check that is returned unpaid or for disputing a charge to a credit card for a fee owed to the Board when the dispute results in a chargeback to the Board's

account.

(5) Each applicant for approved school status shall pay an activation fee of \$95.00 that shall cover all fees due the Board until December 31st of the calendar year in which the Board grants approval to the school. To continue an approval thereafter, prior to December 31st for each succeeding year for which it wishes to continue a school approval, the school must pay a renewal fee of \$100.00 if submitted and paid in any manner other than through the Board's Internet on-line renewal system and \$75.00 if submitted and paid through that on-line system.

(6) Each applicant for approved instructor status shall pay an activation fee of \$95.00 that will cover all fees due the Board until December 31 of the calendar year in which the Board grants approval to the instructor. To continue an instructor approval thereafter, prior to December 31 for each succeeding year for which the instructor wishes to continue an approval, the approved instructor must pay a renewal fee of \$100.00 if submitted and paid in any manner other than through the Board's Internet on-line renewal system and \$75.00 if submitted and paid through that on-line system.

(7) Each applicant for an appraisal management company registration shall pay an activation fee of \$1,000.00 that shall cover all fees due the Board until the month of the first anniversary of the activation of a registration by the company. To continue a registration thereafter, the appraisal management company must pay a yearly renewal fee of

\$500.00 if submitted and paid in any manner other than through the Board's Internet on-line renewal system and \$475.00 if submitted and paid through that on-line system.

539-1-.05 Applications.

539-1-.05 Applications.

(1) Applications for an appraiser classification, for an appraisal management company registration, for renewal of an appraiser classification, for renewal of an appraisal management company registration, for any change in status of an appraiser classification, and for any change of information required to be filed with the Board, except a name change or a change of address, must be on Board approved forms.

(a) Any such application, change of information, or fee required to be filed with

the Board may be filed with the Board by:

1. personal delivery to the Board's offices during regular business hours;
2. mail in a letter postmarked by the United States Postal Service; or
3. private courier or delivery service.

(b) Any application that does not require the payment of a fee may be

filed by electronic facsimile (fax) transmission.

(c) The effective date of the filing of the application or fee shall be the United States Postal Service postmarked date, if mailed, or if otherwise filed, the date the Board dates the receipt of the application or fee. In the event that receipt by the Board of an application or fee occurs later than the deadline for the filing of such application or fee, the applicant or appraiser shall bear the burden of proof that the application or fee was timely filed.

(2) If a candidate for classification, an applicant, or an appraiser submits an application on a form that is no longer in use by the Board and pays the correct fee in effect on the date of the application, the Board may require the applicant or appraiser to submit a new application on its latest form at no further cost to the applicant or appraiser.

(3) An appraiser, a candidate for classification, an applicant for an appraisal management company registration, an applicant to be a controlling person in an appraisal management company, any owner of an appraisal management company, or an applicant for an appraiser classification must supply all information requested on any form that the applicant or appraiser submits to the Board. Failure to supply all information shall cause the application to be incomplete. An application is incomplete if the applicant or the candidate for classification fails to include the proper fee, to attach any required documents, to provide all requested biographical or other data, to

include required signatures, or to include legible responses. Failing to disclose each and every criminal conviction, as defined by O.C.G.A. § 43-39A-14 (a), or classification or license disciplinary action that the applicant may have in this state or any other jurisdiction may constitute a falsified application.

(4) The Board shall return any incomplete application, or any obsolete application, or any application on a non-approved form to a candidate for classification, an applicant, or an appraiser by mail at either (a) the address listed on the incomplete or incorrect application or (b) the last known business address of record in the Board's files if the incomplete or incorrect application contains no address. The candidate for classification, the applicant, or the appraiser must correct any deficiencies noted by the Board on such application within fourteen (14) days of the Board's mailing notice of the deficiency to the candidate for classification, the applicant, or the appraiser. If no response is received by the Board within thirty (30) days of the Board's mailing notice of the deficiency, the application shall be viewed as abandoned, any fee paid forfeited, and the candidate for classification, the applicant, or the appraiser must submit a new application and fee in order to complete the transaction.

(5) After making an original application for an appraiser classification to the Board, the applicant shall not commence real estate appraisal activities under such appraiser classification until he or she has received a wall certificate of classification and pocket card

from the Board.

(6) Duplicate wall certificates and/or pocket cards shall be issued upon satisfactory proof of loss of the original.

(7) The Board will provide reasonable accommodations to a qualified candidate for classification with a disability in accordance with the Americans With Disabilities Act. The request for an accommodation by an individual with a disability must be made in writing and received in the Board office by the application deadline along with the appropriate documentation, as indicated in the Request for Disability Accommodation Guidelines.

(8) Whenever an applicant or a candidate for classification submits to the Board an original application on paper for classification as, including but not limited to, a registered, licensed, or certified appraiser; for an appraisal management company registration; or for approval as a school or instructor, the Board shall maintain the paper record for a period of fifteen years and may then destroy the application. Whenever an appraiser submits any other application to the Board on paper, the Board shall maintain the paper record for a period of one year and may then destroy the application. The Board shall maintain all electronic licensing records for a period of at least 15 years.

(9) The Board shall maintain investigative files under the following schedules:

(a) forty years for all investigative files in which the Board imposes a

formal disciplinary action; and

(b) fifteen years for all other investigative files.

(10) No more than 60 days prior to making application, each applicant for an appraiser classification, controlling person of an applicant appraisal management company, any individual with a direct ownership interest exceeding 50% of an applicant appraisal management company, an instructor approval, or the Director of a school applying for approval shall obtain, at the applicant's expense, and attach to the applicant's application for classification a certified criminal history report issued by the Georgia Crime Information Center of the Georgia Bureau of Investigation indicating whether the applicant has any record of a criminal history. If that report indicates that the applicant has a record in another jurisdiction, the applicant must, at the applicant's expense, provide any necessary fingerprints, fees, authorization, or other requirements for the Board to obtain a Federal Crime Information Center report from the Federal Bureau of Investigation. If the criminal history report of such a candidate for classification reveals a prior criminal conviction(s) or if the candidate for classification has a prior professional classification or license disciplinary action, the candidate for classification shall comply with the provisions in paragraphs (8) and (9) of this rule and said candidate for classification shall be subject to the provisions of 43-40-15 (a) et seq.

(11) A candidate for classification or an applicant for classification

who has moved to Georgia from another state or a candidate for classification or an applicant for classification for non-resident classification may be granted a classification without further examination or education if such candidate for classification produces, from the regulatory body of each state that has classified the candidate or applicant for licensure, an original certification issued no more than six months prior to the candidate or applicant for licensure making application for licensure that shows that the candidate or applicant for licensure:

1. has passed an examination for the type of classification for which such candidate for classification seeks classification in Georgia;
2. has met all preclassification and continuing education requirements required by such other state(s) for that classification;
3. is classified in good standing at the time of the certification; and
4. has not had any formal disciplinary action imposed by such state's licensing body.

Rather than the written certification required of applicants by this paragraph, the Board, in its sole discretion, may choose to accept some electronic form of the certified data from other states, which applicants must submit, or by some other procedure that reduces paperwork. A candidate for classification whose certification does not comply with all of the conditions in this paragraph must take and pass the qualifying examination for the Georgia classification that such candidate for classification seeks.

(12) An applicant appraisal management company must, with its application for registration, include evidence of having obtained a surety bond of not less than \$20,000 coverage. The evidentiary documentation must include the name of the bond issuer and policy number of the bond.

(13) An appraisal management company whose registration has lapsed for failure to pay its renewal fee may apply as an original applicant only once five years have passed from the date of lapsing.

539-1-.08 Reinstatement of Lapsed Appraiser Classification.

539-1-.08 Reinstatement of Lapsed Appraiser Classification.

(1) Any appraiser whose appraiser classification lapses due to nonpayment of fees or failure to complete satisfactorily any of the education requirements of O.C.G.A. Chapter 43-39A shall be prohibited from engaging in real estate appraisal activities as defined in O.C.G.A. Section 43-39A-2 until such time as the appraiser classification is reinstated. Upon the lapsing of an appraiser classification, an appraiser shall forward his other wall certificate and pocket card to the board at once.

(2) Except as provided in paragraph (6) below, any appraiser who fails to pay a renewal fee and allows an active appraiser classification to lapse may reinstate that appraiser classification within two years of the date of its lapsing by paying the total amount of all renewal fees that would have been due while that appraiser classification was lapsed plus a reactivation fee and by successfully completing any required continuing education courses that would have been due while that appraiser classification was lapsed.

(3) Except as provided in paragraph (6) below, any appraiser who allows an appraiser classification to lapse for a period longer than two years but less than five years due solely to a failure to pay a renewal fee may reinstate that appraiser classification by paying the total amount of all renewal fees that would have been due while that appraiser classification was lapsed plus a reactivation fee and by successfully completing 90 classroom hours of Board approved courses that include at least 15 classroom hours covering the Uniform Standards of Professional Appraisal Practice. Courses taken to reinstate an appraiser classification under this paragraph must be taken within one year prior to making application for and paying the fees required for reinstatement. Any course taken under this paragraph must be taken at a Board approved school.

(4) Any appraiser whose appraiser classification lapses for failure to complete in a timely manner any continuing education required for renewal of that appraiser classification may reinstate that appraiser

classification by (a) furnishing the Board evidence of having completed an approved course or courses of study and (b) paying any required fees. The course or courses of study required by (a) above must have a number of hours of instruction totaling at least 14 classroom hours for each year of the renewal period.

(5) Except as provided in paragraph (6) below, any real estate appraiser (except a State Registered Real Property Appraiser) who fails to pay a renewal fee and allows an appraiser classification to lapse and who does not elect to reinstate that appraiser classification under the provisions of paragraph (2) or (3) of this Rule may reinstate that appraiser classification by furnishing proof of completion of any required preclassification education and by taking and passing the appropriate qualifying examination for that appraiser classification.

(6) Any nonresident appraiser whose appraiser classification lapses for failure to pay a renewal fee may reactivate that appraiser classification by paying the fee required of an original applicant if such nonresident has maintained an active appraiser classification in his or her state of residence during the period that his or her appraiser classification lapsed and has met that state's continuing education requirements.

(7) Any appraisal management company whose registration lapses for failure to pay a renewal fee may reactivate by paying the renewal fee and an additional fee for reinstatement as follows:

(a) if the registration is reinstated within four months of the date of

lapsing, \$100.00; or

(b) if the registration is reinstated more than four months after the date of lapsing, \$100.00 plus an additional fee of \$50.00 for each month or portion of a month beyond four months from the date of lapsing.

539-1-.23 Appraisal Management Companies.

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Notwithstanding any federal or state regulations to the contrary, an appraisal management company shall not:

- (1) fail to preserve the data and format of the appraisal as submitted by the appraiser;
- (2) with the exception of review appraisals, redact any information on the appraisal, including but not limited to the name and classification number(s) of the appraiser(s);
- (3) indicate or represent to any party that it is acting in any capacity other than a conduit between an appraiser and a client;
- (4) require an appraiser to submit a report in an unsecured format;
- (5) operate without a controlling person for more than sixty days;
- (6) fail to satisfy payment obligations for work performed by an appraiser for a period of greater than two weeks from the date of

completion of assignment, unless otherwise agreed to by all parties in writing; or
(7) fail to include its registration number in any appraisal order.