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3 **21 NCAC 57D .0309 COMPLAINTS AGAINST APPRAISERS**

4 (a) If an appraisal management company has a good faith belief that a real estate appraiser licensed in this State has  
5 violated applicable law or the Uniform Standards of Professional Appraisal Practice, or engaged in unethical  
6 conduct, it shall file a complaint with the Board. The complaint shall be filed within 90 days of the date the appraisal  
7 is submitted to the appraisal management company. The complaint form shall be found on the Board's website at  
8 [www.ncappraisalboard.org.](http://www.ncappraisalboard.org) [www.ncappraisalboard.org.](http://www.ncappraisalboard.org)

9 (b) The complaint shall state the name and contact information for the person at the appraisal management company  
10 who should be contacted during the investigation into the complaint. This person shall have knowledge of the basis  
11 for the complaint and shall be able to produce any records required by the investigation.

12

13 *History Note: Authority G.S. 93E-2-3; 93E-2-4 (c);*  
14 *Eff. January 1, 2011.*  
15 *Amended Eff. July 1, 2016*

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC Appraisal Board

RULE CITATION: 21 NCAC 57D .0403

**DEADLINE FOR RECEIPT: May 12, 2016**

***NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

*Line 5 – replace “consists of all the following:” with “shall meet the requirements of 21 NCAC 57A .0202(e).”*

*Lines 6 – 10 – delete Subparagraphs (1) – (6) in their entirety.*

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Jason S. Thomas  
Commission Counsel  
Date submitted to agency: April 28, 2016

1 21 NCAC 57D .0403 is adopted as published in 30:14 NCR 1524 with changes as follows:

2  
3 **21 NCAC 57D .0403 CRIMINAL BACKGROUND CHECKS**

4 (a) A criminal background check for the purpose of this Rule consists of all of the following:

- 5 (1) a state court felony and misdemeanor criminal records search for each state lived in for the last seven years;  
6 (2) a state probation and incarceration check for each state lived in for the last seven years;  
7 (3) a federal court felony and misdemeanor criminal records check;  
8 (4) a state sex offender search for each state lived in for the last seven years;  
9 (5) a federal sex offender search; and  
10 (6) an address trace on the applicant's Social Security number.

11 (b) If an appraisal management company requests a background check from an appraiser and that appraiser has  
12 had a criminal background check performed within the preceding twelve months, it shall be the responsibility of the  
13 appraiser to provide a complete copy of that background check to the appraisal management company.

14 (c) If an appraisal management company's client requires a background check that is more comprehensive than the  
15 one required under G.S. 93E-1-6(c1) and codified in 21 NCAC 57A .0202(e), nothing in this Rule prohibits the  
16 client from obtaining that background check as long as the appraiser is not required to pay for that background  
17 check.

18 (d) An appraisal management company may obtain more than one background check on an appraiser in a 12 month  
19 period as long as the appraiser is not required to pay for that additional background check.

20 (e) An appraiser who alters, amends, or otherwise changes the results of a criminal background check submitted to  
21 an appraisal management company or a lender or who knowingly submits a background check that has been altered  
22 shall be subject to discipline pursuant to G.S. 93E-1-12.

23  
24 History Note: Authority G.S. 93E-2-3; 93E-2-4(h)  
25 Eff. July 1, 2016