

Burgos, Alexander N

Subject: FW: [External] RE: Appraisal Board - 21 NCAC 57A, B, & D Rule Submissions

From: Panico, Sondra <SPANICO@ncdoj.gov>

Sent: Friday, June 10, 2022 12:30 PM

To: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Cc: don@ncab.org; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: RE: [External] RE: Appraisal Board - 21 NCAC 57A, B, & D Rule Submissions

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Lawrence,

Thank you so much for your assistance.

Sondra



Sondra C. Panico

Special Deputy Attorney General

Services to State Agencies Section

Phone: 919-716-6792

Email: spanico@ncdoj.gov

114 W. Edenton St., Raleigh, NC 27603

P.O. Box 629, Raleigh, NC 27602-0629

ncdoj.gov

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Burgos, Alexander N

Subject: FW: [External] RE: Appraisal Board - 21 NCAC 57A, B, & D Rule Submissions
Attachments: Appraisal Board - 06.2022 - 57ABD Change Requests response.docx; 21 NCAC 57A .0201.docx; 21 NCAC 57A .0203.docx; 21 NCAC 57A .0208.docx; 21 NCAC 57A .0209.docx; 21 NCAC 57A .0210.docx; 21 NCAC 57B .0402.docx; 21 NCAC 57B .0609.docx; 21 NCAC 57D .0202.docx

From: Panico, Sondra <SPANICO@ncdoj.gov>
Sent: Tuesday, June 7, 2022 1:13 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: don@ncab.org; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: [External] RE: Appraisal Board - 21 NCAC 57A, B, & D Rule Submissions

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Dear Mr. Duke,

Attached please find the NC Appraisal Board's response to your changes and the rules that are revised in response to your requested changes. Please let me know if you have any questions.

Thank you for your assistance,

Sondra



Sondra C. Panico
Special Deputy Attorney General
Services to State Agencies Section
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P.O. Box 629, Raleigh, NC 27602-0629
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Please note messages to or from this address may be public records.

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0201

DEADLINE FOR RECEIPT: Friday, June 10, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (a), there may be an extra space between "Property" and "Appraiser" at the end of line 8. We are not finding an extra space when we open this document.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 6, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0203

DEADLINE FOR RECEIPT: Friday, June 10, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Throughout this Rule, oxford commas are preferred. It may be the better practice to have: “registration, license, or certificate”, whether in the title, or on lines 5, 6, 10, 19, and 20. These changes have been made.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 6, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0208

DEADLINE FOR RECEIPT: Friday, June 10, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

In Paragraph (a), oxford commas are preferred, and it may be the better practice to have: “registration, appraiser license, or certificate”, line 5. This change was made, I didn’t see any other place in (a) where the oxford comma wasn’t used.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 6, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0209

DEADLINE FOR RECEIPT: Friday, June 10, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 8, it would be better to mirror the statute as it relates to the fee: “the appropriate agency or instrumentality of the federal government.” This change was made.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 6, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57A .0210

DEADLINE FOR RECEIPT: Friday, June 10, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (e), was “permit” left out of the last sentence: “contain a copy of the temporary practice [permit] number”? **This change was made.**

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 6, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0402

DEADLINE FOR RECEIPT: Friday, June 10, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 5, the current amendment deletes “paid” and leaves “payable”. Should the fee be “paid” or “payable”? Made change so it is “paid”.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 6, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57B .0609

DEADLINE FOR RECEIPT: Friday, June 10, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Paragraph (b), to whom should the request be made, and where can the contact information for that person be found (i.e., where could the “fax” number, “telephone” number, “or other electronic means” be found?). **A revision was made to include contact information.**

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 6, 2022

REQUEST FOR § 150B-21.10 CHANGES

AGENCY: Appraisal Board

RULE CITATION: 21 NCAC 57D .0202

DEADLINE FOR RECEIPT: Friday, June 10, 2022

PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

Subparagraph (c)(3), delete “of” between “process” and “agent”. This change was made.

Subparagraph (c)(4) is very broad. Perhaps this should track the language of N.C. Gen. Stat. § 93E-2-4. Also, this statute needs to be included in the History Note: Authority. A change was made consistent with what is requested on the renewal form.

Subparagraph (c)(5), to what “bond” does this subparagraph refer? Specificity may need to be added. Also, was “no” intended instead of “to”? This change was made.

Subparagraph (c)(7), was “one or more” intended where it says, “one ore more”? This change was made.

The statutes listed in paragraph (e) should also be included in the History Note: Authority. This change was made.

Please retype the rule accordingly and resubmit it to our office electronically.

Lawrence R. Duke
Commission Counsel
Date submitted to agency: June 6, 2022

21 NCAC 57A .0201 is amended as published in 36:16 NCR 1395-1408 with changes as follows:

SECTION .0200 – TRAINEE REGISTRATION AND APPRAISER LICENSING AND CERTIFICATION

**21 NCAC 57A .0201 QUALIFICATIONS FOR TRAINEE REGISTRATION AND APPRAISER
LICENSURE AND CERTIFICATION**

(a) Applicants for trainee registration, licensure as a licensed residential real estate appraiser, and for certification as a certified real estate appraiser shall satisfy the qualification requirements set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, which is hereby incorporated by reference, including subsequent amendments and editions and can be found at www.appraisalfoundation.org at no cost.

(b) Applicants for licensure or certification who are currently registered trainees shall submit a copy of their complete appraisal log in accordance with ~~Rule .0407(e)~~ Rule .0407(d) of this Subchapter. Applicants for certification who are currently licensed or certified appraisers shall submit an appraisal log showing that they possess the amount and length of experience as set forth in the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board. All applicants for licensure or certification shall provide to the Board copies of appraisal reports and work files in order for an appraisal to be given experience credit.

(c) As an alternative to the requirements in paragraph (b), applicants for licensure or certification shall complete the requirements of the Practical Applications of Real Estate Appraisal (PAREA) of the Real Property Appraiser Qualification Criteria as implemented by The Appraisal Foundation's Appraiser Qualifications Board, and shall submit a certificate of completion.

~~(d)~~ (d) When a trainee or a licensed real estate appraiser becomes a certified real estate appraiser, his or her previous registration or licensure shall be canceled by the Board. When a certified residential real estate appraiser becomes certified as a general real estate appraiser, his or her previous certification shall be canceled by the Board.

~~(e)~~ (e) In the event that the Board requests that an applicant submit updated information or provide further information that the Board determines is necessary in order for the applicant to complete the application and the applicant fails to submit the requested information within 90 days following the Board's request, the Board will void the application. ~~shall defer the applicant's application until the applicant requests a hearing. An applicant whose application has been deferred and does not request a hearing and who wishes to obtain a registration, license, or certificate voided shall start the licensing process over by filing a complete application with the Board and paying all required fees, as set forth in G.S. 93E-1-6.~~

~~(f)~~ (f) If an applicant has an open complaint before the North Carolina Appraisal Board or an appraiser licensing board from any other state, the application shall be accepted but no further action shall be taken on the application until the complaint is resolved. If the applicant has any pending criminal charges in this or any state, they shall be reviewed as set forth in G.S. 93B-8.1.

(g) An applicant may request that his or her application be withdrawn at any time before final action is taken by the Appraisal Board on the application.

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History Note: Authority G.S. 93E-1-6; 93E-1-10; 93B-8.1;
Eff. July 1, 1994;
Amended Eff. July 1, 2014; January 1, 2013; July 1, 2010; September 1, 2008; January 1, 2008;
March 1, 2007; April 1, 2006, July 1, 2005; August 1, 2002; April 1, 1999;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,
2017;
Amended Eff. July 1, 2022; June 1, 2020; May 1, 2020.

21 NCAC 57A .0203 is amended as published in 36:16 NCR 1395-1408 with changes as follows:

21 NCAC 57A .0203 REGISTRATION, LICENSE LICENSE, AND CERTIFICATE RENEWAL

(a) All registrations, licenses licenses, and certificates expire on June 30 of each year unless renewed before that time.

(b) A holder of a trainee registration, an appraiser license license, or certificate ~~desiring the applying to renew renewal~~ of such registration, license license, or certificate shall apply for ~~same~~ renewal in writing upon the form provided by the Board or log into the licensee login section on the Board's website and shall ~~forward~~ pay the renewal fee as prescribed in G.S. 93E-1-7(a). Forms are available ~~upon request to the Board on the Board's website at~~ www.ncappraisalboard.org. The renewal fee is not refundable ~~under any circumstances after July 1.~~

(c) All trainees, licensees licensees, and certificate holders, either resident or non-resident, who are required by G.S. 93E-1-7 to complete continuing education as a condition of renewal, ~~must~~ shall satisfy the continuing education requirements set forth in Rule .0204 of this Section.

(d) An applicant for renewal who initially qualified for ~~his license or certificate by licensure or certification pursuant to Rule .0211 of this Section, with another state may keep that license or certificate even if the applicant has moved to a different state, as long as the North Carolina license or certificate is continuously renewed pursuant to this section.~~ Such an applicant for renewal does not have is not required to maintain licensure with the appraiser regulatory authority of the ~~other state upon whose qualification requirements the license or certificate was granted.~~ in order to renew the license in North Carolina.

(e) Any person who acts or holds himself out as a registered trainee, licensed licensed, or certified real estate appraiser while his trainee registration, appraiser license license, or certificate is expired shall be subject to disciplinary action and penalties as prescribed in G.S. 93E.

History Note Authority G.S. 93E-1-7(a),(b); 93E-1-10;

Eff. July 1, 1994;

*Amended Eff. January 1, 2013; January 1, 2008; March 1, 2007; March 1, 2006; August 1, 2002;
April 1, 1999;*

*Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3,
2017;*

Amended Eff. July 1, 2022.

21 NCAC 57A .0208 is amended as published in 36:16 NCR 1395-1408 with changes as follows:

21 NCAC 57A .0208 REPLACEMENT REGISTRATION, LICENSE AND CERTIFICATE FEES

(a) A trainee, ~~licensee~~ licensee, or certificate holder may, by paying the fee prescribed in G.S. 93E-1-7(d) to the Board, obtain a duplicate trainee registration, appraiser ~~license~~ license, or certificate ~~or pocket card~~ to replace an original registration, license, ~~or certificate or pocket card which~~ that has been lost, ~~damaged~~ damaged, or destroyed or if the name of the trainee, ~~licensee~~ licensee, or certificate holder has been lawfully changed. The Request for Reissuance of Appraiser Wall Certificate is available on our website at www.ncappraisalboard.org. ~~The Board, at its discretion, may require a trainee, licensee or certificate holder requesting a duplicate registration, license or certificate to submit an affidavit stating the reason for the request.~~

(b) The form shall include the following:

(1) the appraiser's name and signature;

(2) the appraiser's license number; and

(3) the appraiser's address.

History Note: Authority G.S. 93E-1-7(d); 93E-1-10;

Eff. July 1, 1994;

Amended Eff. January 1, 2008; August 1, 2002; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017;

Amended Eff. July 1, 2022.

Burgos, Alexander N

Subject: FW: [External] RE: Appraisal Board - 21 NCAC 57A - Requests for Leg. Review

From: Panico, Sondra <SPANICO@ncdoj.gov>
Sent: Monday, June 6, 2022 12:58 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Cc: don@ncab.org; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Appraisal Board - 21 NCAC 57A - Requests for Leg. Review

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Thank you for this information.



Sondra C. Panico
Special Deputy Attorney General
Services to State Agencies Section
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114 W. Edenton St., Raleigh, NC 27603
P.O. Box 629, Raleigh, NC 27602-0629
ncdoj.gov

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From: Duke, Lawrence <lawrence.duke@oah.nc.gov>
Sent: Monday, June 6, 2022 12:43 PM
To: Panico, Sondra <SPANICO@ncdoj.gov>
Cc: don@ncab.org; Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: RE: [External] RE: Appraisal Board - 21 NCAC 57A - Requests for Leg. Review

Yes, the letters are available on the RRC's website in the [online agenda for the June meeting](#). This has been updated as of 6/3/2022. [A direct link to the letters is here.](#)

Lawrence Duke
Counsel, NC Rules Review Commission
Office of Administrative Hearings
(984) 236-1938

From: Panico, Sondra <SPANICO@ncdoj.gov>
Sent: Monday, June 6, 2022 12:38 PM
To: Duke, Lawrence <lawrence.duke@oah.nc.gov>

Cc: don@ncab.org; Burgos, Alexander N <alexander.burgos@oah.nc.gov>

Subject: [External] RE: Appraisal Board - 21 NCAC 57A - Requests for Leg. Review

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Mr. Duke,

Thank you for this information. Are we able to have access to the letters of objection that you have received?

Thank you,



Sondra C. Panico

Special Deputy Attorney General
Services to State Agencies Section

Phone: 919-716-6792

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114 W. Edenton St., Raleigh, NC 27603

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ncdoj.gov

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Burgos, Alexander N

From: Duke, Lawrence
Sent: Monday, June 6, 2022 11:34 AM
To: Panico, Sondra C
Cc: don@ncab.org; Burgos, Alexander N
Subject: Appraisal Board - 21 NCAC 57A - Requests for Leg. Review

Ms. Panico and Mr. Rogers,

Regarding the packet of rules submitted for review by the RRC, we have received more than ten letters requesting legislative review and delayed implementation for:

- 21 NCAC 57A .0201
- 21 NCAC 57A .0407
- 21 NCAC 57A .0601
- 21 NCAC 57A .0604
- 21 NCAC 57A .0605

There are also an additional eight letters requesting review and delayed implementation for those rules, but also include 21 NCAC 57A .0405. If we receive two more letters regarding Rule .0405, I will let you know.

Lawrence Duke

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1938
Lawrence.Duke@oah.nc.gov

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

From: Duke, Lawrence
Sent: Monday, June 6, 2022 11:02 AM
To: Panico, Sondra C
Cc: don@ncab.org; Burgos, Alexander N
Subject: Appraisal Board - 21 NCAC 57A, B, & D Rule Submissions
Attachments: Appraisal Board - 06.2022 - 57AB&D Change Requests.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the NC Appraisal Board for the June 2022 Rules Review Commission meeting. The RRC will formally review these Rules at its meeting on Thursday, June 16, 2022, at 9:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get closer to the meeting. If there are any other representatives from your agency who will want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

I have attached my requests for changes. Please submit the revised Rules and forms to me via email, no later than 5:00 p.m. on Friday, June 10, 2022. In the meantime, please let me know if you have any questions or concerns.

Thank you,
Lawrence Duke

Counsel to the North Carolina Rules Review Commission
Office of Administrative Hearings
(984) 236-1938
Lawrence.Duke@oah.nc.gov

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Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.