

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 443

Short Title: Real Estate Appraisers/Trainee/AB.

(Public)

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Sponsors: Representatives Howard; Allred, Arnold, Berry, Brawley, Buchanan, Church, Creech, Dockham, Edwards, Esposito, Gardner, Hayes, Hiatt, Hill, Holmes, Justus, Lemmond, McCombs, Mitchell, Morgan, Nichols, Robinson, Russell, Sherrill, Thompson, Watson, C. Wilson, and G. Wilson.

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Referred to: Business and Labor.

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March 9, 1995

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE ALL REAL ESTATE APPRAISERS TO BE LICENSED AND  
3 TO PROVIDE FOR THE REGISTRATION OF TRAINEE REAL ESTATE  
4 APPRAISERS.

5 The General Assembly of North Carolina enacts:

6 Section 1. Article 1 of Chapter 93E of the General Statutes is amended by  
7 adding a new section to read:

8 "**§ 93E-1-2.1. License or certificate required of real estate appraisers.**

9 Beginning July 1, 1995, it shall be unlawful for any person in this State to act as a real  
10 estate appraiser, to directly or indirectly engage or assume to engage in the business of  
11 real estate appraisal, or to advertise or hold himself or herself out as engaging in or  
12 conducting the business of real estate appraisal without first obtaining a license or  
13 certificate issued by the Appraisal Board under the provisions of this Chapter."

14 Sec. 2. G.S. 93E-1-3 reads as rewritten:

15 "**§ 93E-1-3. License-When license or certificate not required.**

16 (a) No license or certificate shall be issued under the provisions of this Chapter to  
17 a partnership, association, corporation, firm, or group. However, nothing herein shall

1 preclude a State-licensed or State-certified real estate appraiser from rendering appraisals  
2 for or on behalf of a partnership, association, corporation, firm, or group, provided the  
3 appraisal report is prepared by ~~or a State-licensed or State-certified real estate appraiser~~  
4 or by a registered trainee under the immediate personal direction of, the State-licensed or  
5 State-certified real estate appraiser and is reviewed and signed by ~~such that~~ State-licensed  
6 or State-certified appraiser.

7 (b) Any person who is not State-licensed or State-certified under this Chapter may  
8 assist a State-licensed or State-certified real estate appraiser in the performance of an  
9 appraisal provided that he or she has satisfactorily completed the course of instruction  
10 required by the Board for licensure as a real estate appraiser, has passed the examination  
11 for licensure pursuant to G.S. 93E-1-6, is a registered trainee, and is actively and  
12 personally supervised by a State-certified appraiser and provided further that any  
13 appraisal report rendered in connection with the appraisal is reviewed and signed by the  
14 State-certified real estate appraiser.

15 (c) Nothing in this Chapter shall preclude a real estate broker or salesman licensed  
16 under Chapter 93A of the General Statutes or any other person who is not a State-  
17 licensed or State-certified real estate appraiser from appraising real estate for  
18 compensation, provided ~~such the~~ persons do not represent themselves as being State-  
19 licensed or State-certified as real estate appraisers.

20 (d) Nothing in this Chapter shall abridge, infringe upon, or otherwise restrict the  
21 right to use the term 'certified ad valorem tax appraiser' or any similar term by persons  
22 certified by the Department of Revenue to perform ad valorem tax appraisals, provided  
23 that ~~such the~~ term is not used in a manner that creates the impression of certification by  
24 the State ~~of North Carolina~~ to perform real estate appraisals other than ad valorem tax  
25 appraisals.

26 (e) Nothing in this Chapter shall entitle a State-licensed or State-certified real  
27 estate appraiser to appraise real estate for ad valorem tax purposes unless he has first  
28 been certified by the Department of Revenue pursuant to G.S. 105-294.

29 (f) A license or certificate is not required under this Chapter for:

30 (1) Any person, partnership, association, or corporation that performs  
31 appraisals of property owned by that person, partnership, association, or  
32 corporation;

33 (2) Any court-appointed commissioner who conducts an appraisal pursuant  
34 to a judicially ordered evaluation of property;

35 (3) Any licensed real estate broker or salesperson who prepares a  
36 comparative market analysis; and

37 (4) Any forester registered under the provisions of Chapter 89B of the  
38 General Statutes who appraises standing timber so long as the appraisal  
39 does not include a determination of value of any land;

40 however, any person who is registered, licensed, or certified under this Chapter and who  
41 performs any of the activities set forth in subdivisions (1) through (4) of this subsection  
42 must comply with all of the provisions of this Chapter."

1           Sec. 3. Article 1 of Chapter 93E of the General Statutes is amended by adding  
2 a new section to read:

3 **"§ 93E-1-3.1. Prohibited use of title; permissible use of title.**

4       (a) It shall be unlawful for any person to assume or use the title 'State-licensed real  
5 estate appraiser', 'State-certified real estate appraiser', or any title designation or  
6 abbreviation likely to create the impression of licensure or certification as a real estate  
7 appraiser, unless the person is licensed or certified by the Appraisal Board in accordance  
8 with the provisions of this Chapter. The Board may adopt for the exclusive use of  
9 persons certified under the provisions of this Chapter, a seal, symbol, or other mark  
10 identifying the user as a State-licensed or State-certified real estate appraiser.

11       (b) Any person certified as a real estate appraiser by an appraisal trade  
12 organization shall retain the right to use the term 'certified' or any similar term in  
13 identifying himself or herself to the public, provided that:

14           (1) In each instance wherein the term is used, the name of the certifying  
15 organization or body is prominently and conspicuously displayed  
16 immediately adjacent to the term; and

17           (2) The use of the term does not create the impression of certification by the  
18 State.

19 This subsection does not entitle any person certified only by a trade organization to  
20 conduct an appraisal that requires a State license or certification.

21       (c) The term 'State-licensed real estate appraiser', 'State-certified real estate  
22 appraiser', or any similar term shall not be used following or immediately in connection  
23 with the name of a partnership, association, corporation, or other firm or group, or in a  
24 manner that might create the impression of licensure or certification as a real estate  
25 appraiser under this Chapter."

26           Sec. 4. G.S. 93E-1-4 reads as rewritten:

27 **"§ 93E-1-4. Definitions.**

28       When used in this Chapter, unless the context otherwise requires, the term:

29           (1) 'Appraisal' or 'real estate appraisal' means an analysis, opinion, or  
30 conclusion as to the value of identified real estate or specified interests  
31 therein performed for compensation or other valuable consideration.

32           (2) 'Appraisal assignment' means an engagement for which an appraiser is  
33 employed or retained to act, or would be perceived by third parties or  
34 the public as acting, as a disinterested third party in rendering an  
35 unbiased appraisal.

36           (3) 'Appraisal Board' or 'Board' means the North Carolina Appraisal Board  
37 established under G.S. 93E-1-5.

38           (4) 'Appraisal Foundation' or 'Foundation' means The Appraisal Foundation  
39 established on November 20, 1987, as a not-for-profit corporation under  
40 the laws of Illinois.

41           (5) 'Appraisal report' means any communication, written or oral, of an  
42 appraisal.

- 1 (6) 'Certificate' means that document issued by the North Carolina  
2 Appraisal Board evidencing that the person named therein has satisfied  
3 the requirements for certification as a State-certified real estate appraiser  
4 and bearing a certificate number assigned by the Board.
- 5 (7) 'Certificate holder' means a person certified by the Board under the  
6 provisions of this Chapter.
- 7 (7a) 'Comparative market analysis' means the analysis of sales of similar  
8 recently sold properties in order to derive an indication of the probable  
9 sales price of a particular property, undertaken in connection with a real  
10 estate transaction by a licensed real estate broker or salesman, for his or  
11 her principal.
- 12 (8) 'License' means that document issued by the North Carolina Appraisal  
13 Board evidencing that the person named therein has satisfied the  
14 requirements for licensure as a State-licensed real estate appraiser and  
15 bearing a license number assigned by the Board.
- 16 (9) 'Licensee' means a person licensed by the Board under the provisions of  
17 this Chapter.
- 18 (10) 'Real estate' or 'real property' means land, including the air above and  
19 ground below and all appurtenances and improvements thereto, as well  
20 as any interest or right inherent in the ownership of land.
- 21 (11) 'Real estate appraiser' or 'appraiser' means a person who for a fee or  
22 valuable consideration develops and communicates real estate appraisals  
23 or otherwise gives an opinion of the value of real estate or any interest  
24 therein.
- 25 (12) 'Real estate appraising' means the practice of developing and  
26 communicating real estate appraisals.
- 27 (13) 'Residential real estate' means any parcel of real estate, improved or  
28 unimproved, that is exclusively residential in nature and that includes or  
29 is intended to include a residential structure containing not more than  
30 four dwelling units and no other improvements except those which are  
31 typical residential improvements that support the residential use for the  
32 location and property type. A residential unit in a condominium, town  
33 house, or cooperative complex, or planned unit development is  
34 considered to be residential real estate.
- 35 (14) 'State-certified general real estate appraiser' means a person who holds a  
36 current, valid certificate as a State-certified general real estate appraiser  
37 issued under the provisions of this Chapter.
- 38 (15) 'State-certified residential real estate appraiser' means a person who  
39 holds a current, valid certificate as a State-certified residential real estate  
40 appraiser issued under the provisions of this Chapter.
- 41 (16) 'State-licensed residential real estate appraiser' means a person who  
42 holds a current, valid license as a State-licensed residential real estate  
43 appraiser issued under the provisions of this Chapter.

- 1 (17) 'Temporary appraiser licensure or certification' means the issuance of a  
2 temporary license or certificate by the Board to a person licensed or  
3 certified in another state who enters this State for the purpose of  
4 completing a particular appraisal assignment.
- 5 (18) 'Trainee', 'registered trainee', or 'trainee real estate appraiser' means a  
6 person who has satisfied the requirements to be registered as a trainee  
7 pursuant to G.S. 93E-1-6, but who has not satisfied the experience and  
8 other requirements set forth in G.S. 93E-1-6 to be licensed as a real  
9 estate appraiser.
- 10 (19) 'Trainee registration' or 'registration as a trainee' means the document  
11 issued by the North Carolina Appraisal Board evidencing that the  
12 person named therein has satisfied the requirements of registration as a  
13 trainee real estate appraiser and bearing a registration number assigned  
14 by the Board."

15 Sec. 5. G.S. 93E-1-6 reads as rewritten:

16 **"§ 93E-1-6. Qualifications for State licensure and certification; applications;**  
17 **application fees; examinations.**

18 (a) Any person desiring to be registered as a trainee or to obtain licensure as a  
19 State-licensed real estate appraiser or certification as a State-certified real estate appraiser  
20 shall make written application to the Board on ~~such~~the forms as are prescribed by the  
21 Board setting forth the applicant's qualifications for licensure or certification. Each  
22 applicant shall satisfy the following qualification requirements:

- 23 (1) Each applicant for licensure as a State-licensed residential real estate  
24 appraiser shall have demonstrated that he possesses the knowledge and  
25 competence necessary to perform appraisals of residential and other real  
26 estate as the Board may prescribe by having satisfactorily completed  
27 within the five-year period immediately preceding the date application  
28 is made, a Board-approved course of instruction in real estate appraisal  
29 principles and practices consisting of at least 90 hours of classroom  
30 instruction in subjects determined by the Board; shall present evidence  
31 satisfactory to the Board of at least 2,000 hours of experience in real  
32 estate appraising; and shall satisfy ~~such~~the additional qualifications as  
33 may be imposed by the Board by rule, not inconsistent with any  
34 requirements imposed by the federal government; or shall possess  
35 education or experience which is found by the Board in its discretion to  
36 be equivalent to the above requirements.
- 37 (2) Each applicant for certification as a State-certified residential real estate  
38 appraiser shall have demonstrated that he possesses the knowledge and  
39 competence necessary to perform appraisals of residential and other real  
40 estate as the Board may prescribe by having satisfactorily completed,  
41 within the five-year period immediately preceding the date the  
42 application is made, a Board-approved course of instruction in real  
43 estate appraisal principles and practices consisting of at least 120 hours

1 of classroom instruction in subjects determined by the Board; shall  
2 present evidence satisfactory to the Board of at least 2,000 hours of  
3 experience in real estate appraising within the five-year period  
4 immediately preceding the date application is made, and over a period  
5 of at least two calendar years; and shall satisfy ~~such~~ the additional  
6 qualifications criteria as may be imposed by the Board by rule, not  
7 inconsistent with any requirements imposed by the federal government;  
8 or shall possess education and experience which is found by the Board  
9 in its discretion to be equivalent to the above requirements.

- 10 (3) Each applicant for certification as a State-certified general real estate  
11 appraiser shall have demonstrated that he possesses the knowledge and  
12 competence necessary to perform appraisals of all types of real estate by  
13 having satisfactorily completed, within the five-year period immediately  
14 preceding the date application is made, a Board-approved course of  
15 instruction in general real estate appraisal practices consisting of at least  
16 180 hours of classroom instruction in subjects determined by the Board;  
17 shall present evidence satisfactory to the Board of at least 2,000 hours of  
18 experience in real estate appraising within the five-year period  
19 immediately preceding the date application is made, and over a period  
20 of at least two calendar years, fifty percent (50%) of which must be in  
21 appraising nonresidential real estate; and shall satisfy ~~such~~ the additional  
22 qualifications criteria as may be imposed by the Board by rule, not  
23 inconsistent with any requirements imposed by the federal government;  
24 or the applicant shall possess education or experience which is found by  
25 the Board to be equivalent to the above requirements.

- 26 (4) Each applicant for registration as a trainee must demonstrate to the  
27 Board that he or she possesses the knowledge and competence  
28 necessary to perform an appraisal of residential and other real estate, as  
29 prescribed by the Board, by:

- 30 a. Having satisfactorily completed within the five-year period  
31 immediately preceding the date application is made, a course,  
32 approved by the Board, of instruction in real estate appraisal  
33 principles and practices consisting of at least 90 hours of  
34 classroom instruction in subjects determined by the Board; and  
35 b. Satisfying any additional qualifications the Board imposes by  
36 rule, not inconsistent with any requirements imposed by the  
37 federal government;

38 or shall possess education or experience that the Board, in its discretion, determines to be  
39 equivalent to the requirements set forth in sub-subdivisions a. and b. of this subdivision.

40 Provided, however, that any persons who, on the effective date of this Chapter, have a  
41 State license or certificate to engage in business as a real estate appraiser issued by the  
42 predecessor of the Board, shall be entitled to and shall receive the same ~~such~~ license or

1 certificate from the Board as they are then holding without further education, experience,  
2 examination, or application fee.

3 (b) Each application for registration as a trainee or for State licensure or  
4 certification as a real estate appraiser shall be accompanied by a fee of one hundred fifty  
5 dollars (\$150.00), plus ~~such~~ any additional fee as may be necessary to defray the cost of  
6 any competency examination administered by a private testing service.

7 (c) Any person who files with the Board an application for State licensure or  
8 certification as a real estate appraiser shall be required to pass an examination to  
9 demonstrate his competence. The Board shall also make ~~such~~ an investigation as it deems  
10 necessary into the background of the applicant to determine his qualifications with due  
11 regard to the paramount interest of the public as to his honesty, truthfulness, and  
12 integrity. If the results of the investigation shall be satisfactory to the Board and the  
13 applicant is otherwise qualified, then the Board shall issue to the applicant a license or  
14 certificate authorizing the applicant to act as a State-licensed real estate appraiser or a  
15 State-certified real estate appraiser in this State. If, based upon the results of the  
16 investigation, the moral character of the applicant is in question, action on the application  
17 will be deferred pending a hearing before the Board.

18 (d) Any person who files with the Board an application for registration as a trainee  
19 real estate appraiser shall be required to pass an examination to demonstrate his or her  
20 competence. The Board shall also make an investigation as it deems necessary into the  
21 background of the applicant to determine his or her qualifications with due regard to the  
22 paramount interest of the public as to his honesty, truthfulness, and integrity. If the  
23 results of the investigation shall be satisfactory to the Board and the applicant is  
24 otherwise qualified, then the Board shall issue to the applicant a registration authorizing  
25 the applicant to act as a registered trainee real estate appraiser in this State. If, based  
26 upon the results of the investigation, the moral character of the applicant is in question,  
27 action on the application will be deferred pending a hearing before the Board."

28 Sec. 6. G.S. 93E-1-7 reads as rewritten:

29 "**§ 93E-1-7. ~~License-Registration, license and certificate renewal; renewal fees;~~**  
30 **~~continuing education; reinstatement; replacement licenses and~~**  
31 **~~certificates; licensure and certification history.~~**

32 (a) ~~Licenses-Trainee registrations, licenses, and certificates~~ issued under this  
33 Chapter shall expire on the 30th day of June of every year and shall become invalid after  
34 that date unless renewed prior to the expiration date by filing an application with and  
35 paying to the Executive Director of the Board the fee of two hundred dollars (\$200.00).  
36 As a prerequisite to the renewal of a trainee registration or a real estate appraiser license  
37 or certificate, the ~~licensee-trainee registration holder, the licensee, or the certificate holder~~  
38 must satisfy any continuing education requirements ~~which that~~ may be prescribed by the  
39 Board under ~~G.S. 93E-1-7(b); subsection (b) of this section;~~ provided, however, that  
40 members of the General Assembly are exempt from this requirement during their term of  
41 office. The Board may adopt rules establishing a system of ~~license-trainee registration,~~  
42 license, and certificate renewal in which ~~licenses-trainee registrations, licenses, and~~  
43 certificates expire annually with varying expiration dates.

1 (b) The Board may by rule require, as a prerequisite to ~~license-trainee registration,~~  
2 license, or certificate renewal, the completion of Board-approved education courses in  
3 subject matters determined by the Board, or courses determined by the Board to be  
4 equivalent to ~~such~~ the instruction, not inconsistent with any requirements of federal  
5 authorities.

6 (c) All ~~licenses-trainee registrations, licenses,~~ and certificates reinstated after the  
7 expiration dates shall be subject to a late filing fee of five dollars (\$5.00) per month for  
8 each month or part thereof that ~~such license-the trainee registration, license,~~ or certificate  
9 is lapsed, not to exceed sixty dollars (\$60.00). ~~Such~~ The late filing fee shall be in  
10 addition to the required renewal fee. In the event a ~~licensee-trainee, licensee,~~ or certificate  
11 holder fails to reinstate his ~~license-or her trainee registration, license,~~ or certificate within  
12 12 months after the expiration date thereof, the Board may, in its discretion, consider ~~such~~  
13 the person as not having been previously ~~licensed-registered, licensed,~~ or certified, and  
14 thereby subject to the provisions of this Chapter relating to the issuance of an original  
15 ~~license-trainee registration, license,~~ or certificate, including the examination requirements  
16 set forth herein. Applications to reinstate ~~licenses-trainee registrations, licenses,~~ or  
17 certificates expired for 12 or more months shall be accompanied by the fee required for  
18 an original ~~license-trainee registration, license,~~ or certificate.

19 (d) Replacement ~~licenses-trainee registrations, licenses,~~ and certificates may be  
20 issued by the Board upon payment of five dollars (\$5.00) by the ~~licensee-trainee, licensee,~~  
21 or certificate holder. Certification by the Board of the trainee registration history or the  
22 licensure or certification history of a person ~~licensed-registered, licensed,~~ or certified  
23 under this Chapter shall be made only after the payment of a fee of ten dollars (\$10.00) to  
24 the Board."

25 Sec. 7. G.S. 93E-1-11 reads as rewritten:

26 "**§ 93E-1-11. Register of applicants; roster of State-licensed and State-certified**  
27 **appraisers; financial report to Secretary of State; administrative expenses.**

28 (a) The Executive Director of the Board shall keep a register of all applicants for  
29 State trainee registration or for State licensure or certification as real estate appraisers,  
30 showing for each the date of application, name, business or residence address, and  
31 whether the license or certificate was granted or refused. ~~Said~~ The register shall be  
32 **prima facie** evidence of all matters received therein.

33 (b) The Executive Director of the Board shall also keep a current roster showing  
34 the names and places of business of all registered trainees and State-licensed and State-  
35 certified real estate appraisers, which roster shall be kept on file in the office of the Board  
36 and be open to public inspection.

37 (c) On or before the first day of November of each year, the Board shall file with  
38 the Secretary of State a copy of the roster of registered trainees and real estate appraisers  
39 licensed or certified by the Board and a report containing a complete statement of income  
40 received by the Board in connection with the trainee registration and the licensure and  
41 certification of real estate appraisers for the preceding fiscal year ending June 30th,  
42 attested by the affidavit of the Executive Director of the Board.



1 (d) In addition to those fees prescribed in this Chapter for making application for  
2 and renewing appraiser licenses and certificates, the Board may collect from applicants  
3 and holders of ~~such~~ the licenses and certificates and remit to the appropriate agency or  
4 instrumentality of the federal government any additional fees as may be required to  
5 render North Carolina State-licensed or State-certified appraisers eligible to perform  
6 appraisals in connection with federally related transactions as well as an additional fee of  
7 twenty dollars (\$20.00) to cover the administrative costs associated therewith."

8 Sec. 8. G.S. 93E-1-12 read as rewritten:

9 **"§ 93E-1-12. Disciplinary action by Board.**

10 (a) The Board may take disciplinary action against registered trainees and State-  
11 licensed or State-certified real estate appraisers. Upon its own motion or the complaint of  
12 any person, the Board may investigate the actions of any person registered as a trainee or  
13 licensed or certified as a real estate appraiser under this Chapter, any person who  
14 performs appraisals without an appropriate ~~license-registration, license,~~ or certificate, or  
15 any person who holds himself out to be registered as a trainee or licensed or certified as a  
16 real estate appraiser when he holds no ~~such license-registration, license,~~ or certificate. If  
17 the Board finds probable cause to believe that a person registered as a trainee or licensed  
18 or certified as a real estate appraiser under this Chapter has violated any of the provisions  
19 of this Chapter, the Board may hold a hearing on the allegations of misconduct.

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

- 24 (1) Procured ~~license-registration, licensure,~~ or certification pursuant to this  
25 Chapter by making a false or fraudulent representation;
- 26 (2) Made any willful or negligent misrepresentation or any willful or  
27 negligent omission of material fact;
- 28 (3) Accepted an appraisal assignment when the employment is contingent  
29 upon the appraiser reporting a predetermined result, analysis, or  
30 opinion, or when the fee to be paid for the performance of the appraisal  
31 assignment is contingent upon the opinion, conclusion, or valuation  
32 reached or upon consequences resulting from the appraisal assignment;
- 33 (4) Acted or held himself out as a registered trainee or a State-licensed or  
34 State-certified real estate appraiser when not so ~~licensed-registered,~~  
35 licensed, or certified;
- 36 (5) Failed as a State-licensed or State-certified real estate appraiser to  
37 actively and personally supervise any person not licensed or certified  
38 under this Chapter who assists the State-licensed or State-certified real  
39 estate appraiser in performing real estate appraisals;
- 40 (6) Failed to make available to the Board for its inspection without prior  
41 notice, originals or true copies of all written contracts engaging his  
42 services to appraise real property, and all reports and supporting data  
43 assembled and formulated by the appraiser in preparing the reports;

- 1 (7) Paid a fee or valuable consideration to any person for acts or services  
2 performed in violation of this Chapter;
- 3 (8) Acted as a real estate appraiser in ~~such~~ an unworthy or incompetent  
4 manner as to endanger the interest of the public;
- 5 (9) Violated any of the standards of practice for real estate appraisers or any  
6 other rule promulgated by the Board;
- 7 (10) Performed any other act which constitutes improper, fraudulent, or other  
8 dishonest conduct; or
- 9 (11) Violated any of the provisions of this Chapter.

10 The Executive Director of the Board shall transmit a certified copy of all final orders  
11 of the Board suspending or revoking licenses or certificates issued under this Chapter to  
12 the clerk of superior court of the county in which the licensee or certificate holder  
13 maintains his principal place of business. The clerk shall enter these orders upon the  
14 judgment docket of the county.

15 (b) Following a hearing, the Appraisal Board may also suspend or revoke any  
16 ~~license-registration, license,~~ or certificate issued under the provisions of this Chapter or  
17 reprimand any ~~licensee-registered trainee, licensee,~~ or certificate holder when:

- 18 (1) The ~~licensee-registered trainee, licensee,~~ or certificate holder has been  
19 convicted of or has entered a plea of guilty or no contest upon which  
20 final judgment is entered by a court of competent jurisdiction in this  
21 State, or any other state, to an offense which, in the discretion of the  
22 Board, would reasonably affect the performance of the ~~licensee~~  
23 registered trainee, licensee, or certificate holder in the real estate  
24 appraisal business;
- 25 (2) A final civil judgment has been entered against the ~~licensee-registered~~  
26 trainee, licensee, or certificate holder on grounds of fraud,  
27 misrepresentation, or deceit in the making of any appraisal of real  
28 estate; or
- 29 (3) The ~~licensee-registered trainee, licensee,~~ or certificate holder has  
30 violated any of the provisions of G.S. 93E-1-13(a) when appraising his  
31 own property.

32 (c) When a person registered as a trainee or licensed or certified as a real estate  
33 appraiser under this Chapter is accused of any act, omission, or misconduct which would  
34 subject him to disciplinary action, the ~~licensee-registered trainee, licensee,~~ or certificate  
35 holder, with the consent and approval of the Board, may surrender his ~~license-or her~~  
36 registration, license, or certificate and all the rights and privileges pertaining to it for a  
37 period of time established by the Board. A person who surrenders his ~~license-or her~~  
38 registration, license, or certificate shall not thereafter be eligible for or submit any  
39 application for ~~license-registration, licensure,~~ or certification as a real estate appraiser  
40 during the period that the ~~license-registration, license,~~ or certificate is surrendered.

41 (d) The Board shall have the power to issue subpoenas requiring the attendance of  
42 persons and the production of papers and records before the Board in any hearing,  
43 investigation, inquiry, or other proceeding conducted by it. Upon the production of any

1 papers, records, or documents, the Board shall have the power to authorize true copies  
2 thereof to be substituted in the permanent record of the matter in which ~~such~~the books,  
3 records, or documents shall have been introduced in evidence."

4 Sec. 9. G.S. 93E-1-13(a) reads as rewritten:

5 "(a) Any person who acts as, or holds himself or herself out to be, a registered  
6 trainee or a State-licensed or State-certified real estate appraiser without first obtaining a  
7 ~~license~~registration, license, or certificate as provided in this Chapter, or who willfully  
8 performs the acts specified in G.S. 93E-1-12(a)(1) through (10), shall be guilty of a Class  
9 1 misdemeanor."

10 Sec. 10. G.S. 93E-1-14 reads as rewritten:

11 "**§ 93E-1-14. Referral of cases by courts.**

12 Whenever any ~~licensee~~registered trainee, licensee, or certificate holder is adjudged by  
13 a civil or criminal court to have injured or damaged any person, partnership, association,  
14 or corporation through gross negligence, incompetency, fraud, dishonesty, or other civil  
15 or criminal misconduct, ~~such~~the court may, as part of its judgment or decree, order a  
16 written copy of the transcript of the record in said case to be forwarded by the clerk of  
17 court to the Board with a recommendation that the ~~license~~registration, license, or  
18 certificate of the ~~licensee~~registered trainee, licensee, or certificate holder be revoked or  
19 otherwise subject to disciplinary action."

20 Sec. 11. This act becomes effective upon ratification.