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COUNCIL OF THE DISTRICT OF COLUMBIA

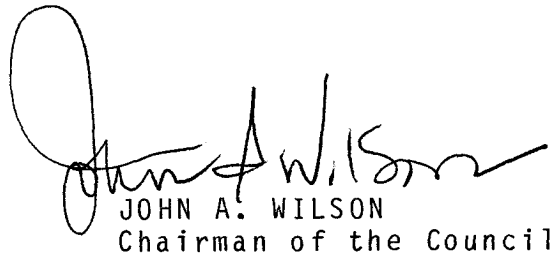
NOTICE

D.C. LAW 8-228

"District of Columbia Real Estate Appraiser
Temporary Act of 1990".

Pursuant to Section 412 of the District of Columbia Self-Government and Governmental Reorganization Act, P. L. 93-198, "the Act", the Council of the District of Columbia adopted Bill No. 8-712 on first and second readings, November 13, 1990, and December 4, 1990, respectively. Following the signature of the Mayor on December 27, 1990, this legislation was assigned Act No. 8-311, published in the January 11, 1991, edition of the D.C. Register, (Vol. 38 page 226) and transmitted to Congress on January 14, 1991 for a 30-day review, in accordance with Section 602(c)(1) of the Act.

The Council of the District of Columbia hereby gives notice that the 30-day Congressional Review Period has expired, and therefore, cites this enactment as D.C. Law 8-228, effective March 7, 1991.



JOHN A. WILSON
Chairman of the Council

Dates Counted During the 30-day Congressional Review Period:

January 14,15,16,17,18,22,23,24,25,28,29,30,31

February 1,4,5,6,7,19,20,21,22,25,26,27,28

March 1,4,5,6

AN ACT

Codification,
District of Columbia Code
New Chapter 32 of Title 45
(1991 Supplement)

D.C. ACT 8-311

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

DEC. 27, 1990

To regulate, on a temporary basis, the practice of real estate appraising; to establish a Board of Appraisers empowered to regulate appraisal practice; to establish minimum competency standards and examination requirements for license and certification; to establish an Appraiser Education Fund; to provide for sanctions and enforcement for violations of this act; and for other purposes.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "District of Columbia Real Estate Appraiser Temporary Act of 1990".

Note,
Section
1-229

Sec. 2. Definitions.

- (a) For the purposes of this act, the term:
- (1) "Analysis" means the act or process of providing information, recommendations, or conclusions on diversified problems in real estate other than estimating the value of real estate.
 - (2) "Appraisal" means the act or process of estimating the value of real estate.
 - (3) "Appraisal Foundation" or "Foundation" means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of the State of Illinois.
 - (4) "Appraisal Qualifications Board" means the Appraisal Qualifications Board that is part of the Appraisal Foundation.
 - (5) "Appraisal report" means any written communication of an appraisal, review, or analysis that sets forth an opinion as to the market value of an adequately described piece of real property as of a specific date, supported by the presentation and analysis of relevant market information.
 - (6) "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions

Note,
New Section
45-3201

Examination Council ("FFIEC") established under Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989, approved August 9, 1989 (103 Stat. 183; 12 U.S.C. 1811).

(7) "Board" means the District of Columbia Board of Appraisers established by this act.

(8) "Certificate" means a document issued by the Mayor that evidences that the person named in the document has satisfied the qualifications and requirements for certification as a General Real Property Appraiser in the District of Columbia ("District") as determined by the Board and that bears a number assigned by the Board.

(9) "Certified Real Property Appraiser" or "Certificate Holder" or "General Real Property Appraiser" means an individual who:

(A) Has satisfied the qualifications and requirements of this act as determined by the Board; and

(B) Holds a valid certificate issued by the Mayor pursuant to this act and rules issued pursuant to this act.

(10) "Corporation Counsel" means the Corporation Counsel of the District of Columbia.

(11) "Day" means calendar day unless otherwise specified in this act.

(12) "Federal Financial Institutions Examination Council" means the Federal Financial Institutions Examination Council established by the Federal Financial Institutions Examination Council Act of 1978, approved November 10, 1978 (92 Stat. 3694; 12 U.S.C. 3301).

(13) "Federally related transaction" means any real estate-related financial transaction that:

(A) A federal financial institution regulatory agency, or the Resolution Trust Corporation engages in, contracts for, or regulates; and

(B) Requires the services of an appraiser.

(14) "Fund" means the Appraisal Education Fund established by this act.

(15) "License" means a document issued by the Mayor that evidences that the person named in the document has satisfied the qualifications and requirements for a license as a Residential Real Property Appraiser in the District of Columbia as determined by the Board and that bears a number assigned by the Board.

(16) "Licensed Real Property Appraiser" or "Licensee" or "Residential Real Property Appraiser" means an individual who:

(A) Has satisfied the qualifications and requirements of this act as determined by the Board; and

(B) Holds a valid license issued by the Mayor pursuant to this act and rules issued pursuant to this act.

(17) "Market value" means the most probable price that a piece of real property should bring in a competitive and open market under all conditions requisite to a fair sale with the buyer and seller acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus.

(18) "Practice of real estate appraising" means rendering or offering to render professional services to individuals, groups, or organizations in the act or process of estimating the value of real estate.

(19) "Real estate" or "real property" means land, including the air above and ground below and any appurtenance or improvement thereto, as well as any interest, benefit, or right inherent in the ownership of land.

(20) "Real estate related financial transaction" means any transaction that involves:

(A) The sale, lease, purchase, investment in, or exchange of real property, including an interest in real property or the financing of real property;

(B) The refinancing of real property or an interest in real property; or

(C) The use of real property or an interest in real property as security for a loan or investment, including mortgage-backed securities.

(21) "Residential real estate" means any parcel of real estate, improved or unimproved, that is exclusively residential in nature and any other improvement that is a typical residential improvement that supports the residential use for the location and property type. A residential unit in a condominium, townhouse, cooperative complex, or a planned unit development shall be considered residential real estate.

(22) "State" means any of the several states, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

(23) "Superior Court" means the Superior Court of the District of Columbia.

(24) "Uniform Standards of Professional Appraisal Practice" means a document that contains a set of professional standards and ethics for the performance of real estate appraisals as established or amended by the Appraisal Foundation.

(25) "Valuation" means the process of estimating the market, insurable, investment, or other properly defined value of an identified interest in a specific parcel of real estate as of a given date.

Sec. 3. Establishment of the Board of Appraisers.

Note, New
Section
45-3202

(a) There is established the District of Columbia Board of Appraisers ("Board") that shall consist of 5 members appointed by the Mayor with the advice and consent of the Council.

(b) Four of the members of the Board shall be real estate appraisers and 1 shall be a consumer member.

(c) Except as provided in subsection (e) of this section, any real estate appraiser member of the Board shall:

(1) At the time of his or her appointment and while a member of the Board, be licensed or certified and in good standing in the District as a Real Property Appraiser and be a resident of the District; and

(2) Have been licensed or certified and engaged in the practice of real estate appraising for the 3-year period immediately preceding his or her appointment.

(d) The consumer member of the Board shall:

(1) At the time of his or her appointment and while a member of the Board, be a resident of the District; and

(2) Not be, share a residence with, or be related to, an individual who is engaged in the practice of real estate appraising or who is licensed or certified or in training to become licensed or certified in real estate appraising.

(e) Of the members 1st appointed to the Board, each real estate appraiser member shall be a member in good standing of a nationally recognized real estate appraisal organization for a period of 5 consecutive years or have 5 years of documented experience as a real estate appraiser in the District.

(f) Except as provided in subsection (e) of this section, a member of the Board shall be appointed for a term of 3 years.

Sec. 4. Terms of members; limitation; removal; officers; meetings; quorum; compensation; Executive Director.

Note,
New Section
45-3203

(a) The term of a member of the Board shall be 3 years, except that, of the members 1st appointed 2 shall serve for 3 years, 2 shall serve for 2 years, and 1 shall serve for 1 year.

(b) Upon the expiration of a term, a member of the Board may continue to hold office until reappointed or until a successor is appointed and sworn into office.

(c) No person shall serve as a member of the Board for more than 2 consecutive full terms.

(d) A vacancy on the Board shall be filled in the same manner as the original appointment. A member appointed to

fill a vacancy shall serve only until the expiration of the term or until a successor is appointed and sworn into office.

(e) The Mayor may remove a member of the Board for incompetence, misconduct, neglect of duty, or failure to maintain the qualifications set forth in section 3. The failure of a member to attend at least 1/2 of the regularly scheduled meetings of the Board within a 12-month period shall constitute neglect of duty within the meaning of this subsection.

(f) The Mayor shall designate a chairperson from among the members. The Chairperson may appoint such other officers of the Board as may be necessary and appropriate to carry out the Board's duties and responsibilities.

(g) The Board shall determine the schedule for regular meetings and publish in the District of Columbia Register notice of regular meetings at least 1 week in advance.

(h) A majority of the members of the Board shall constitute a quorum.

(i) Members of the Board shall be entitled to receive compensation in accordance with section 1108 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 (D.C. Law 2-139; D.C. Code 1-612.8). Members shall be reimbursed for reasonable travel and other expenses incurred in the performance of their duties, as approved by the Mayor.

(j) The Mayor shall appoint an Executive Director, who shall be a full-time employee of the District, to administer and implement the orders of the Board issued in accordance with this act and rules issued pursuant to this act.

Sec. 5. Powers of the Board of Appraisers.

(a) The Board shall have the following powers and duties:

Note,
New Section
45-3204

(1) Administer and enforce the provisions of this act and rules issued pursuant to this act relating to the practice of real estate appraising;

(2) Evaluate the qualifications and credentials of an applicant for licensure or certification;

(3) Approve or disapprove an application for licensure or certification;

(4) Establish examination specifications for licensed or certified real estate appraisers, provide appropriate examinations, administer or oversee the administration of examinations, and establish the requirements for passage of the examination;

(5) Issue subpoenas, examine witnesses, and administer oaths in connection with any proceeding under this act;

- (6) Receive and review a complaint that alleges any violation of this act or rules issued pursuant to this act;
 - (7) Define continuing education requirements for the renewal of licenses or certifications;
 - (8) Conduct hearings and maintain records and minutes necessary to carry out the Board's functions;
 - (9) Define by rule the type of educational experience, appraisal experience, or equivalent experience that will meet the requirements of this act including, but not limited to, the appraisal courses which may be credited toward the classroom hour education requirement;
 - (10) Hold meetings, hearings, and examinations in places and at times as the Board may designate;
 - (11) Establish or adopt a code of conduct and standard of practice to govern the practice of real estate appraising by licensees and certificate holders;
 - (12) Promote and sponsor educational seminars and programs for the benefit of individuals certified or licensed under this act;
 - (13) Request the Mayor to conduct an investigation of any alleged violation of the provisions of this act;
 - (14) Initiate disciplinary action against a person who violates the provisions of this act or the rules issued pursuant to this act;
 - (15) Propose to the Mayor for adoption rules to implement, administer, and enforce this act or any other applicable provisions of this act relating to standards and operation of real estate appraiser education programs;
 - (16) Establish policies and procedures of operation necessary to carry out Board affairs; and
 - (17) Establish standards to govern the approval by the Board of pre-licensure and pre-certification and continuing education courses, including standards that address subject matter, program structuring, instructional material, instructors, requirements for satisfying course completion, and other matters relevant to providing courses in a manner that best serves the public interest.
- (b) The Board may study the feasibility and desirability of extending the provisions of this act to the appraisal of personal property.
 - (c) The Board may periodically study or review the standards for the development and communication of real estate appraisals provided in this act, and propose to the Mayor for adoption rules explaining and interpreting the standards.

Sec. 6. Powers and duties of the Mayor.

Note,
New Section
45-3205

(a) The Mayor shall have the following powers and duties:

(1) Issue any rule necessary to implement the provisions of this act;

(2) Provide the Board with administrative support, including staff and facilities, sufficient to enable the Board to perform its responsibilities under this act;

(3) Process and issue licenses and certifications approved by the Board;

(4) Provide inspection and investigative services to the Board;

(5) Provide information to the public concerning the requirements for licensure and certification, application procedures, standards for the practice of real estate appraising, qualifications, and examination requirements;

(6) Maintain central files or records that pertain to licensure, certification, inspections, and investigations, or other matters requested by the Board;

(7) Maintain a roster of individuals approved by the Board for licenses or certifications and transmit the roster to the Appraisal Subcommittee annually; and

(8) Collect from each licensee or certificate holder an annual registration fee, in the amount determined by the FFIEC, and transmit the fees to the FFIEC annually.

Sec. 7. Licenses and certifications required; exceptions.

Note,
New Section
45-3206

(a) Except as provided in this act, on or after July 1, 1991, it shall be unlawful for any person in the District to practice real estate appraising, engage in the practice of providing real estate appraisal services, or hold himself or herself out as practicing real estate appraising in the District unless the person has been approved by the Board and issued a license or certification pursuant to the provisions of this act and rules issued pursuant to this act.

(b) A license or certification shall not be issued under the provisions of this act to a partnership, association, corporation, firm or group, nor shall the term "Certified Real Estate Appraiser" or any similar term be used following or immediately in connection with the name of a partnership, association, corporation, or other firm or group in a manner that might create the impression of licensure or certification by the District as a real estate appraiser. Nothing in this act shall preclude a person licensed or certified under the provisions of this act from rendering an appraisal for or on behalf of a partnership, association, corporation, or other firm or group if the

appraisal report is prepared by, or under the direct supervision of, and signed by a person who is licensed or certified under the provisions of this act.

(c) Any person who is not licensed or certified under this act may assist a licensed or certified real estate appraiser in the performance of an appraisal if the person is directly supervised by the licensed or certified real estate appraiser and any appraisal report rendered in connection with the appraisal is reviewed and signed by the licensed or certified real estate appraiser.

(d) This act shall not apply to a real estate broker or salesperson licensed by the District who, in the ordinary course of business, gives an opinion to a potential seller, buyer, or 3rd party regarding the recommended listing or purchase price of real estate if the opinion is not referred to as an appraisal and no opinion is rendered regarding the market value of the real estate.

(e) This act shall not apply to an assessor employed by the District government to perform assessments of real estate for ad valorem tax purposes.

(f) Any person who desires to practice real estate appraising in the District shall apply in writing on a form prescribed by the Board and remit payment of any fees fixed by rule by the Mayor.

(g) There shall be 2 classifications of real estate appraisers in the District:

(1)(A) The Residential Real Property Appraiser classification shall consist of any person who has:

(i) Satisfied the requirements for a license under this act and rules issued pursuant to this act; and

(ii) Been approved by the Board.

(B) A Residential Real Property Appraiser may appraise residential real property that consists of 4 or less residential units; and

(2)(A) The General Real Property Appraiser classification shall consist of any person who has:

(i) Satisfied the requirements for certification under this act and rules issued pursuant to this act; and

(ii) Been approved by the Board.

(B) The General Real Property Appraiser shall be permitted to appraise any type of real property including, but not limited to, commercial, residential, industrial, and special purpose real property.

Sec. 8. Qualifications for licensure and certification; education; training; and experience.

(a) An individual who applies for a license to practice as a Residential Real Property Appraiser shall

Note,
New Section
45-3207

demonstrate to the satisfaction of the Board that he or she possesses the knowledge and competence necessary to perform residential real estate appraisals by having satisfactorily completed at least 75 hours of classroom instruction in recognized or approved subjects related to residential real estate appraisals, including subjects covering the Uniform Standards of Professional Appraisal Practice, from a real estate appraisal or real estate related organization, college or university, state or federal agency, or proprietary school recognized by the Appraisal Foundation or the Board.

(b) An individual who applies for a certificate to practice as a General Real Property Appraiser shall demonstrate to the satisfaction of the Board that he or she possesses the knowledge and competence necessary to perform all types of real estate appraisals by having satisfactorily completed at least 165 hours of classroom instruction in recognized or approved subjects related to residential real estate appraisals, including subjects covering the Uniform Standards of Professional Appraisal Practice, from a real estate appraisal or real estate related organization, college or university, state or federal agency, or proprietary school recognized by the Appraisal Foundation or the Board.

(c) In addition to the provisions of subsections (a) and (b) of this section, an applicant for a license or certificate to practice as a Residential Real Property Appraiser or General Real Property Appraiser shall submit to the Board satisfactory evidence, as defined by rule, of at least 2 years of full-time experience in real estate appraising supported by written reports or file memoranda, and satisfactory evidence of additional qualifications as may be required by the Appraisal Subcommittee to render appraisers licensed or certified under the provisions of this Act eligible to perform appraisals in connection with federally related transactions.

Sec. 9. Examination requirement.

(a) In addition to the qualifications and requirements of section 8, an applicant for licensure or certification shall be required to take and pass a written examination. The written examination shall test the applicant's competence and proficiency in the following:

- (1) Knowledge of technical terms commonly used in or related to real estate appraising, appraisal report writing, and economic concepts applicable to real estate;
- (2) Understanding of principles of land economics, real estate appraisal processes, and of problems likely to be encountered in gathering, interpreting, and processing data used to conduct an appraisal;

Note,
New Section
45-3208

- (3) Understanding of the Uniform Standards of Professional Appraisal Practice as adopted by the Board;
- (4) Knowledge of theories of depreciation, cost estimating, methods of capitalization, and the mathematics of real estate appraisal that are appropriate for the appraiser classification for which application is made;
- (5) Knowledge of other principles and procedures as may be appropriate for the appraiser classification for which application is made;
- (6) Basic understanding of real estate law; and
- (7) Understanding of the types of misconduct for which disciplinary proceedings may be initiated against a person who is licensed or certified, as set forth in this act.

Sec. 10. Licensure and certification by reciprocity or endorsement.

Note,
New Section
45-3209

(a) The Board, in its discretion, may issue a license or certificate by reciprocity to an applicant who:

(1) Is licensed or certified and in good standing under the laws of another state if the state has standards which, in the opinion of the Board, are substantially equivalent to the requirements of this act and if the state admits real estate appraisers licensed or certified in the District in a like manner; and

(2) Pays the applicable fees established by the Mayor.

(b) The Board, in its discretion, may issue a license or certificate by endorsement to an applicant who:

(1) Is currently licensed or certified and is in good standing under the laws of another state if the state has examination requirements which, in the opinion of the Board, were substantially equivalent at the time of licensure or certification to the requirements of this act;

(2) Meets all requirements for licensure or certification under this act except the examination requirements of section 9; and

(3) Pays the applicable fees established by the Mayor.

Sec. 11. Issuance of licenses and certifications; scope.

Note,
New Section
45-3210

(a) The Mayor shall issue a license or certificate to an applicant approved by the Board who meets the requirements of this act and rules issued pursuant to this act, to practice real estate appraising in the District. The Board may adopt for the exclusive use of persons licensed or certified under the provisions of this act, a seal, symbol, or other mark identifying the user as a licensed or certified real estate appraiser.

(b) A person who is licensed or certified under the provisions of this act and rules issued pursuant to this act is authorized to perform only those real estate appraisal assignments that are within the scope of his or her appraiser classification.

Sec. 12. Term and renewal of licenses and certifications.

Note,
New Section
45-3211

(a) The term of a license or certificate issued under this act may not be greater than 3 years from the date of issuance, as established by rule. The expiration date shall appear on the face of a license or certificate.

(b) As a condition of renewal of a license or certificate, a licensee or certificate holder shall satisfy the requisite continuing education requirement.

(c) If a licensee or certificate holder fails to renew the license or certificate prior to its expiration, the person may renew the license or certificate under terms and conditions as prescribed by the Board.

Sec. 13. Continuing education.

Note,
New Section
45-3212

(a) Prior to renewal of a license or certificate, a licensee or certificate holder shall present evidence satisfactory to the Board of having met the continuing education requirement.

(b) The continuing education requirement for renewal of a license or certificate shall be established by rule and shall not exceed 60 classroom hours of instruction in courses or seminars approved by the Board. A licensee or certificate holder shall complete the continuing education requirement during the immediately preceding term of his or her license or certificate before the license or certificate may be renewed.

(c) The Board shall recommend for adoption rules implementing the provisions of this section to assure that a person who renews his or her license or certificate has current knowledge of real estate appraisal theories, practices, and techniques that will provide a high degree of service and protection to the public. The rules shall include, but not be limited to, the following:

(1) Policies and procedures for obtaining Board approval of courses of instruction;

(2) Standards, policies, and procedures to be applied by the Board in evaluating a claim of equivalency by a licensee or certificate holder; and

(3) Standards, monitoring methods, and systems for recording attendance to be employed by course sponsors.

(d) The Mayor may, by rule, impose a non-refundable fee chargeable to a sponsor of a continuing education program to cover the administrative costs of approving the

education program, except that no fee shall be charged for the approval of a continuing education course or program offered by the University of the District of Columbia or other instrumentality of the District government.

Sec. 14. Nonresident licensure and certification.

(a) An applicant for licensure or certification under this act who is not a resident of the District shall submit with the application an irrevocable consent that service of process in any action against the applicant arising out of the applicant's activities as a licensed or certified real estate appraiser may be made by delivery of the process to the Executive Director of the Board if the person bringing the action cannot, in the exercise of due diligence, effect personal service upon the applicant.

Note,
New Section
45-3213

Sec. 15. Temporary practice.

(a) The Board, upon application, shall issue a temporary permit to practice real estate appraising in the District to a person if the:

(1) Person is licensed or certified and in good standing in another state;

(2) Property to be appraised is part of a federally-related transaction and is located in the District;

(3) Appraisal assignment is of a temporary nature that can be concluded in a limited period of time; and

(4) Person registers with the Board and pays the applicable fee.

(b) If a temporary permit to practice is issued by the Board, the temporary permit may be extended for an additional term as the Board, by rule, may prescribe, except that the sum total of the initial term and extended term of the temporary permit shall not exceed 6 months.

Note,
New Section
45-3214

Sec. 16. Fees.

(a) The Mayor may establish the fee required for licensure or certification, and establish other fees and charges for services rendered by the Board or the District government in connection with this act, in an amount the Mayor deems reasonably necessary to defray the appropriate cost of administering this act or rendering the required services.

(b) An appropriate fee for original or renewal applications, examinations, temporary practice requests, or pre-certification or continuing education program approval requests shall accompany an application or other request for Board action on forms approved by the Board.

Note,
New Section
45-3215

Sec. 17. Basis for denial or revocation of license and certificate.

Note,
New Section
45-3216

(a) In accordance with the provisions of this act and rules issued pursuant to this act, the Board may deny or revoke the issuance of a license or certificate to an applicant who:

(1) Fails to meet the qualifications established by this act or rules issued pursuant to this act;

(2) Fraudulently or deceptively obtains or attempts to obtain a license or certificate;

(3) Has been disciplined by a licensing or disciplinary authority;

(4) Has been convicted in any jurisdiction of any crime involving moral turpitude, if the offense bears directly on the fitness of the individual to be licensed or certified;

(5) Willfully makes or files a false report or record during an appraisal assignment during the 5-year period immediately preceding the date of application; or

(6) Acted or held oneself out as licensed or certified under this act when not licensed or certified.

Sec. 18. Investigations.

The Mayor, on his or her own initiative or at the request of the Board, may investigate the actions of any person who is licensed or certified under this act, or any other person who holds himself or herself out as licensed or certified.

Note,
New Section
45-3217

Sec. 19. Hearings.

(a) Before the Board denies an applicant a license or certificate or takes any of the disciplinary actions enumerated in section 20 against a licensee or certificate holder, the Board shall give the license or certificate holder an opportunity for a hearing before the Board.

(b) Unless this act specifically provides otherwise, the Board shall give notice and hold the hearing in accordance with section 10 of the District of Columbia Administrative Procedure Act ("APA"), approved October 21, 1968 (82 Stat. 1208; D.C. Code, sec. 1-1509).

(c) The notice to be given to an individual shall be sent by certified mail to the last known address of the individual at least 20 days before the hearing.

(d) The individual may be represented at the hearing by counsel.

(e) The Board shall require the attendance of witnesses and the production of books, papers, and other evidence reasonably requested by the person against whom an action is contemplated.

Note,
New Section
45-3218

(f) In case of contumacy by or refusal to obey a subpoena issued by the Board to any person, the Board may refer the matter to the Superior Court of the District of Columbia, which may by order require the person to appear and give testimony or produce books, papers, or other evidence bearing on the hearing.

(g) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, the Board may nevertheless hear and determine the matter.

Sec. 20. Disciplinary action by the Board.

(a) Following a hearing against a person permitted to practice by this act, the Board, upon a determination that a licensee or certificate holder has committed any of the acts enumerated in subsection (b) of this section, may:

- (1) Revoke or suspend the license or certificate of any person;
- (2) Revoke or suspend the privilege to practice in the District of any person permitted by this act to practice;
- (3) Reprimand any person permitted to practice by this act;
- (4) Impose a civil fine not to exceed \$5,000 for each violation of this act or rule issued pursuant to this act;
- (5) Require a period of probation; or
- (6) Require a course of remediation that may include reexamination, retraining, or other means approved by the Board.

(b) The Board may take any disciplinary action enumerated in subsection (a) of this section against a licensee or certificate holder if, following a hearing, the Board finds that the person:

- (1) Procured a license or certificate issued pursuant to this act by making a false or fraudulent representation;
- (2) Made any willful or negligent misrepresentation or any willful or negligent omission of material fact;
- (3) Accepted an appraisal assignment when the employment is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion, or when the fee to be paid for the performance of the appraisal assignment is contingent upon the opinion, conclusion, or valuation reached, or upon consequences resulting from the appraisal assignment;
- (4) Failed to actively and personally supervise any person that is not licensed or certified under this act who assists the licensed or certified real estate appraiser in performing real estate appraisals;

Note,
New Section
45-3219

(5) Failed to retain for 3 years or to make available to the Board for its inspection, originals or true copies of any written contract engaging his or her services to appraise real property, and any appraisal report or supporting data assembled or formulated by the appraiser in preparing the report;

(6) Paid a fee or valuable consideration to any person for an act or service performed in violation of this act or rules issued pursuant to this act;

(7) Violated the Uniform Standards of Professional Appraisal Practice in developing, preparing, or communicating a real estate appraisal or any other rule issued pursuant to this act concerning standards of conduct;

(8) Performed any other act that constitutes improper, fraudulent, or dishonest conduct or demonstrates a lack of good moral character in the opinion of the Board;

(9) Was convicted in any jurisdiction of any crime involving moral turpitude, if the offense bears directly on the fitness of the individual to be licensed or certified under this act;

(10) Failed or refused without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;

(11) Was negligent in developing an appraisal, in preparing an appraisal report, or in communicating an appraisal;

(12) Violated the confidential nature of governmental records to which he or she gained access through employment or engagement as a real estate appraiser by a governmental agency;

(13) Willfully disregarded or violated any of the provisions of this act or rules issued pursuant to this act; or

(14) Violated any order of the Board.

(c) Nothing in this section shall preclude prosecution for a criminal violation of this act regardless of whether the same violation has been or is the subject of a disciplinary action enumerated in this section. Criminal prosecution may proceed prior to, simultaneously with, or subsequent to an administrative enforcement action.

Sec. 21. Surrender of a license or certificate.

(a) If a person who is licensed or certified under this act is accused of any act, omission, or misconduct that would subject him or her to disciplinary action, the person, with the consent and approval of the Board, may surrender his or her license or certificate and all rights and privileges pertaining to the license or certificate for a period of time established by the Board.

Note,
New Section
45-3220

(b) A person who surrenders his or her license or certificate shall not be eligible for or submit any application for licensure or certification as a real estate appraiser during the period that the license or certificate is surrendered.

(c) The voluntary surrender of a license or certificate shall not preclude the imposition of civil or criminal penalties against the person who surrenders the license or certificate.

Sec. 22. Standards of practice.

A licensed or certified real estate appraiser shall comply with the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation, and any other standard or requirement of the Board, issued by rule pursuant to this act.

Note,
New Section
45-3221

Sec. 23. Retention of records.

(a) Any person licensed or certified under this act shall retain for 3 years, an original or true copy of any written contract engaging his or her services for real property appraisal work and any appraisal report and supporting data assembled and formulated by the appraiser in preparing the report.

Note,
New Section
45-3222

(b) The 3-year period for retention shall be applicable to each engagement of the services of the appraiser and shall commence upon the date of the submittal of the appraisal to the client unless, within the 3-year period, the appraiser is notified that the appraisal is involved in litigation, in which event the 3-year period shall commence upon the date of the final disposition of the litigation.

(c) Any records maintained under the provisions of this section shall be made available to the Board for inspection and copying on reasonable notice to the licensee or certificate holder.

Sec. 24. Contingent fees.

A licensed or certified real property appraiser may not accept a fee for an appraisal assignment that is contingent upon the real property appraiser reporting a predetermined estimate, analysis, or opinion, or is contingent upon the opinion, conclusion, or valuation reached, or upon the consequences that result from the appraisal assignment.

Note,
New Section
45-3223

Sec. 25. Judicial review of Board action.

Any person aggrieved by a final decision of the Board or the Mayor may appeal the decision to the District of Columbia Court of Appeals pursuant to Section 11 of the APA (D.C. Code, sec. 1-1510).

Note,
New Section
45-3224

Sec. 26. Practicing without a license or certificate.

(a) No person shall practice, attempt to practice, or offer to practice real estate appraising in the District unless currently licensed or certified, or exempt from licensure or certification, under this act.

(b) Unless authorized to practice under this act, a person shall not represent to the public by title, description of services, methods, procedures, or otherwise that the person is authorized to practice real estate appraising in the District.

Note,
New Section
45-3225

Sec. 27. Criminal penalties.

(a) Any person who violates any provision of this act may be imprisoned for not more than 1 year, fined not more than \$10,000, or both.

(b) Any person who has been previously convicted under this act may be imprisoned for not more than 5 years, fined not more than \$20,000, or both.

Note,
New Section
45-3226

Sec. 28. Alternative sanctions.

(a) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of this act, or any rules issued under the authority of this act, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 ("Civil Infractions Act") (D.C. Law 6-42, D.C. Code, sec. 6-2702 et seq.). Adjudication of any infraction issued pursuant to the Civil Infractions Act shall be pursuant to titles I-III of the Civil Infractions Act (D.C. Code, sec. 6-2702 et seq.).

(b) For purposes of the Civil Infractions Act and the implementing rules, a violation of sections 27 shall be a class 2 infraction, and a violation of section 13 shall be a class 3 infraction.

Note,
New Section
45-3227

Sec. 29. Injunctions.

(a) The Corporation Counsel may bring an action in the Superior Court of the District of Columbia in the name of the District to enjoin the unlawful practice of real property appraising or any other action that is grounds for the imposition of a criminal penalty or disciplinary action under this act.

(b) Any remedy under this section shall be in addition to criminal prosecution or any disciplinary action by the Board.

(c) In any proceeding under this section, it shall not be necessary to prove that any person is individually injured by the action or actions alleged.

Note,
New Section
45-3228

Sec. 30. Filing false document or evidence; false statements.

Note,
New Section
45-3229

(a) No person shall file or attempt to file with the Board or the Mayor any statement, diploma, certificate, credential, or other evidence if the person knows or should know, that the statement, diploma, certificate, credential, or other evidence is false or misleading.

(b) No person shall knowingly make a false statement of a material fact under oath or affirmation administered by any board or hearing officer.

Sec. 31. Representations prohibited.

Note,
New Section
45-3230

(a) Beginning July 1, 1991, it shall be unlawful for any person in the District to directly or indirectly engage in, advertise, conduct the business of, or act in any capacity as a licensed or certified real estate appraiser or use any title, designation, or abbreviation likely to create the impression of licensure or certification by the District as a real property appraiser for compensation within the District without first obtaining a license or certificate as provided in this act.

(b) Any person certified as a real estate appraiser by an appraisal trade organization shall retain the right to use the term "certified" or any similar term in identifying himself or herself to the public, provided that in each instance that the term is used, the name of the certifying organization or body is prominently and conspicuously displayed immediately adjacent to the term and that the use of the term does not create the impression of licensure or certification by the District.

(c) Nothing in this act shall abridge, infringe upon, or otherwise restrict the right to use the term "certified assessor" or any similar term by any person certified by the District of Columbia Department of Finance and Revenue to perform ad valorem tax appraisal, provided that the term is not used in a manner that creates the impression of licensure or certification by the District to perform real estate appraisals other than for ad valorem tax purposes.

(d) No license or certificate shall be issued under the provisions of this act to a partnership, association, corporation, firm, or group, nor shall the term "certified real estate appraiser" or any similar term be used following or immediately in connection with the name of a partnership, association, corporation, or other firm or group or in a manner that might create the impression of licensure or certification by the District as a real estate appraiser. Nothing in this act shall be construed to preclude a licensed or certified real estate appraiser from rendering an appraisal for or on behalf of a partnership, association, corporation, firm or group, provided that the appraisal

report is prepared by, or under the immediate personal direction of the licensed or certified real estate appraiser.

(e) Any person who is not licensed or certified under this act may assist a licensed or certified real estate appraiser in the performance of an appraisal, if he or she is actively and personally supervised by the licensed or certified real estate appraiser and that any appraisal report rendered in connection with the appraisal is reviewed and signed by the licensed or certified real estate appraiser.

(f) It shall be unlawful for any person who performs an appraisal of real estate located in the District to describe or refer to the appraisal by the term "certified" or any similar term unless the person has 1st been licensed or certified by the Board under the provisions of this act. Nothing in this act shall require a licensed or certified real estate appraiser to render a "certified" real estate appraisal when performing an appraisal assignment.

If a licensed or certified real estate appraiser performs a real estate appraisal that is not represented as being "certified", then the appraiser shall clearly inform the person to whom the appraisal report is given and prominently disclose on the appraisal report that the appraisal is not a "certified" real estate appraisal.

(g) This act shall not apply to a real estate broker or salesperson who, in the ordinary course of business, gives an opinion of the price of real estate for the purpose of a prospective listing or sale, if the opinion of the price does not refer to or be construed as an appraisal.

Sec. 32. Establishment of fund.

(a) There is established an Appraisal Education Fund ("Fund"). The Board may use the monies deposited in the Fund for the purposes of raising the standards of practice and the competency of licensees and certificate holders by:

(1) Promoting the advancement of education and research for the benefit of any person issued a license or certificate under this act;

(2) Underwriting educational seminars, workshops, and any other similar form of educational project for the benefit of any person issued a license or certificate under this act; and

(3) Contracting for particular education or research projects to further the purposes of this act.

(b) No amount shall be obligated or expended from the Fund unless authorized in accordance with section 446 of the District of Columbia Self-Government and Governmental Reorganization Act, effective December 24, 1973 (87 Stat. 801; D.C. Code, sec. 47-304).

Note,
New Section
45-3231

(c) Any person issued or renewing a license and certificate under this act shall pay, in addition to licensing and renewal fees established by the Mayor, a sum to be established by the Mayor for deposit into the Fund.

(d) Any civil penalties imposed by the Board pursuant to this act shall be deposited in the Fund.

(e) The Mayor may, by rule, establish minimum and maximum balances for the Fund, procedures for continuing and discontinuing assessing licensees and certificate holders, and other provisions relevant to the operation of the Fund.

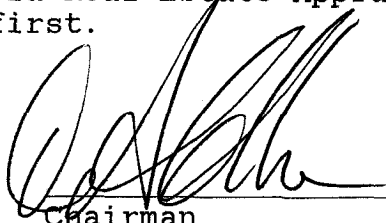
(f) If a licensee or certificate holder fails to pay the amount assessed by the Mayor within the time prescribed by rule, his or her license or certificate shall be automatically suspended. The Board shall send a notice of the suspension, by certified mail, to the address of record within 5 days after the suspension. The license or certificate shall be restored only upon the actual receipt by the Mayor of the delinquent assessment.

Sec. 33. Effective date.

(a) This act shall take effect after a 30-day period of Congressional review following approval by the Mayor (or in the event of veto by the Mayor, action by the Council of the District of Columbia to override the veto) as provided in section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act, approved December 24, 1973 (87 Stat. 813; D.C. Code, sec. 1-233(c)(1)), and publication in either the District of Columbia Register, the District of Columbia Statutes-at-Large, or the District of Columbia Municipal Regulations.

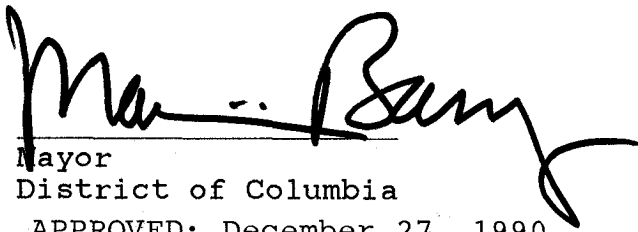
(b) This act shall expire on the 225th day of its having taken effect, or upon the effective date of the District of Columbia Real Estate Appraiser Act of 1990, whichever occurs first.

Note,
New Section
45-3232



Chairman

Council of the District of Columbia



Mayor

District of Columbia

APPROVED: December 27, 1990
20



COUNCIL OF THE DISTRICT OF COLUMBIA
Council Period Eight

RECORD OF OFFICIAL COUNCIL VOTE

DOCKET NO: B8-712

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted First Reading, 11-13-90

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: all present

☐ ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell J. ...
 Secretary to the Council

12-21-90
 Date

☒ Item on Consent Calendar

☒ ACTION & DATE: Adopted Final Reading, 12-04-90

☒ VOICE VOTE: Approved

Recorded vote on request

Absent: all present

☐ ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

Russell J. ...
 Secretary to the Council

12-21-90
 Date

☐ Item on Consent Calendar

☐ ACTION & DATE: _____

☐ VOICE VOTE: _____

Recorded vote on request

Absent: _____

☐ ROLL CALL VOTE: — RESULT _____ (____/____/____)

COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.
CHMN. CLARKE					MASON					THOMAS, SR.				
CRAWFORD					NATHANSON					WILSON				
JARVIS					RAY					WINTER				
KANE					ROLARK									
LIGHTFOOT					SMITH, JR.									

X — Indicates Vote A.B. — Absent N.V. — Present, not voting

CERTIFICATION RECORD

 Secretary to the Council

 Date