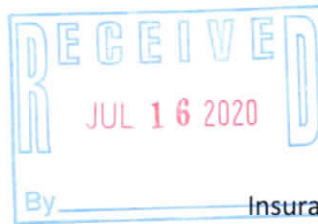




**REAL ESTATE  
APPRAISER  
BOARD**



Insurance Commissioner, Glen Mulready

400 NE 50<sup>th</sup> Street  
Oklahoma City, OK 73105-1816

405.521.6636  
oid.ok.gov

Glen Mulready, Chairperson  
Stephen Walton, Vice-Chairman  
Aaron Emerson, Member  
Ryan Litz, Member

Timothy R. Ledbetter, Member  
Patricia G. Broome, Member  
Lee R. Caesar, Jr., Member  
Brandon J. Witt, Member

July 14, 2020

**Via Interagency Mail**

Governor J. Kevin Stitt  
State of Oklahoma  
State Capitol Building  
2300 N. Lincoln Blvd., Suite 212  
Oklahoma City, OK 73105

Senator Greg Treat, President Pro Tempore  
Oklahoma State Senate  
State Capitol Building  
2300 N. Lincoln Blvd., Rm. 422  
Oklahoma City, OK 73105

Representative Charles McCall, Speaker of the House  
Oklahoma House of Representatives  
State Capitol Building  
2300 N. Lincoln Blvd., Rm. 401  
Oklahoma City, OK 73105

**RE: Executive Order 2020-03**

Governor Stitt, Senator Treat and Representative McCall:

In response to Executive Order 2020-03, enclosed herein is an Administrative Rule Report for Title 600, Chapters 10, 15, 20, 30 and 35 pertaining to appraisers and appraisal management companies.

The Board does anticipate rulemaking of Title 600, Chapter 10 during the next legislative session. The Board will seek removal of the ineffective, duplicate or outdated rules set out within the Administrative Rule Report at that time.

If I can answer any questions, please let me know.

Governor Stitt  
Senator Treat  
Representative McCall  
July 14, 2020

Respectfully,



**CHRISTINE MCENTIRE**, Director  
Oklahoma Real Estate Appraiser Board

cc: Insurance Commissioner, Glen Mulready  
Stephen C. Walton, Real Estate Appraiser Board Vice-Chairman

**OKLAHOMA REAL ESTATE APPRAISER BOARD**

**Administrative Rules Report | Executive Order 2020-03**

Comprehensive Review of Administrative Rules as of July 13, 2020

Report Submitted by Christine McEntire

Title: Director

Email: [christine.mcentire@oid.ok.gov](mailto:christine.mcentire@oid.ok.gov)

Phone: 405-521-6636

**Method Used to Conduct Review:** With the assistance of the Board's assigned Assistant Attorney General, the Board's Director reviewed Board rules to ensure necessity based on current statutory requirements, federal regulation, policy of the Appraisal Subcommittee and internal policy of the Real Estate Appraiser Board.

***TOTAL NUMBER OF UNNECESSARY, COSTLY, INEFFECTIVE, DUPLICATIVE OR OUTDATE REGULATIONS: 6***

**Title 600 Real Estate Appraiser Board  
Chapter 10-Licensure and Certification Requirements**

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
10-1-4	Examination	3/14/91						X	Appraisers must take an examination for licensure.
10-1-5	Qualifying education prerequisite	3/14/91						X	Parameters for specific appraiser-related education.
10-1-6	Experience Prerequisite	3/14/91						X	Parameters for required work product experience.
10-1-7	Continuing Education	3/14/91						X	Parameters for required continuing education.
10-1-8	Course approval requirements	3/14/91						X	Parameters for education provider and course approvals.
10-1-9	Address change	3/14/91						X	Change of address appraiser responsibility.
10-1-10	Standards of practice	3/14/91						X	Recognizes the Uniform Standards of Professional Appraisal Practice as the standard of practice for Oklahoma appraisers.
10-1-11	Severability provision	3/14/91						X	Protects Board rules in the event one or more provisions are found invalid.

10-1-12	Inactive Status – annual fee payment	9/1/96							X	Sets out process for an appraiser to go to an inactive status.
10-1-13	Renewals	9/1/96							X	Termination of license language.
10-1-14	Reinstatement of license or certification	9/1/96							X	Process and requirements to reinstate an inactive or expired license.
10-1-15	Scope of practice	7/14/02							X	Enforces the Scope of Practice created by the Appraiser Qualifications Board.
10-1-16	Supervision of trainee appraisers	7/14/02							X	Provides the framework for which trainee appraisers and their supervisors must operate.
10-1-16 (a)(2)	Supervision of trainee appraisers	7/14/02						X		Duplicate language regarding the need of the supervisor to notify the Board of a termination of the supervisory relationship with a trainee appraiser.
10-1-16 (h)	Supervision of trainee appraisers	7/14/02					(e)(2)	X		The Appraiser Qualification Criteria requires that an appraiser be in good standing per the language at (e)(2). The language at (h) is outdated and unenforceable as the appraiser only needs to meet the requirements of (e)(2).
10-1-17	Application for upgrade	7/14/02							X	Eligibility to apply for licensure upgrade if there is a pending disciplinary action.
10-1-18	National Registry Fee	7/20/12							X	Appraisers must pay the national registry fee on an annual basis.

**Chapter 15-Disciplinary Procedures**

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
15-1-2	Definitions	3/14/91						X	Required definitions. <i>Some clean up language is necessary, and we anticipate rulemaking during the 2021 Session.</i>
15-1-4	Grievance Procedure	3/14/91						X	The process for filing a complaint with the Board.
15-1-5	Issuance of formal complaint; setting date for hearing	3/14/91						X	Language regarding the adoption of a complaint and process for setting a disciplinary hearing.
15-1-6	Notice of disciplinary procedures	3/14/91						X	Rules setting out the procedures for setting a disciplinary hearing, pre-hearing motions and the recommendation of a hearing panel.
15-1-7	Subpoenas and subpoenas duces tecum	3/14/91						X	Advises respondents and their attorneys as to the process to have a subpoena issued by the Board.

15-1-8	Public Hearings	3/14/91							X	Advises that all disciplinary hearings are public.
15-1-9	Burden of proof	3/14/91							X	The standard of proof is on the Board and shall be done by clear and convincing evidence.
15-1-10	Right to counsel	3/4/91							X	Advises appraisers of their right to counsel during disciplinary actions.
15-1-11	Rules of evidence	3/14/91							X	Discusses rules of evidence during disciplinary hearings.
15-1-12	Failure to appear	3/14/91							X	Discusses disciplinary hearing and possible outcomes should an appraiser fail to appear at a disciplinary hearing.
15-1-13	Decision of a hearing panel	3/14/91							X	2 out of 3 hearing panel members shall be sufficient for making rulings.
15-1-14	Disciplinary alternatives	3/14/91							X	Possible sanctions resulting from a disciplinary hearing.
15-1-15	Conditions during suspension	3/14/91							X	Requirements of an appraiser while suspended.
15-1-15 (a) (3)	Conditions during suspension	3/14/91		X				X		Suspensions are not held while we wait for the return of a paper license. When asked, nearly 100% of appraisers claim the original license has been lost. With digital records, most appraisers scan and keep their license in their computer. Returning an original license is ineffective. Policy of the Appraisal Subcommittee requires that the Board updates the national registry with any discipline within 5 days.
15-1-15 (b)	Conditions during suspension	3/14/91		X				X		Some suspensions are for as little as 30 days. It is not possible and, in many instances, not necessary for the appraiser to have themselves removed from every possible website or directory. The Appraisal Subcommittee National Registry is notified of the suspension and is the primary source of licensing information for all lenders and state and federal regulatory bodies. We shouldn't have to have proof that the appraiser has removed themselves from each and every directory.
15-1-16	Proposed findings of fact, conclusions of law and disciplinary recommendations	3/14/91							X	Post-hearing process.
15-1-17	Oral argument before the Board	3/14/91							X	Process to request to address the Board before an order is rendered.

15-1-18	Rehearing, reopening or reconsideration of Board decision	3/14/91								X	Process to re-open a disciplinary action once an order of the Board has been issued.
15-1-19	Record of hearing	3/14/91								X	Process regarding maintaining Board records and the right of an appraiser to have a court reporter at the disciplinary hearing.
15-1-20	Request for declaratory ruling	3/14/91								X	Process to request an interpretation of Board rules or other ruling of the Board.
15-1-21	Request for rule adoption amendment or repeal	3/14/91								X	Permits interested persons to request the Board to promulgate, amend a repeal a rule and sets out process for Board to accept or deny the request in writing.
15-1-22	Severability provision	3/14/91								X	Protects Board rules in the event one or more provisions are found invalid.

### Chapter 20-Committees

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
20-1-1	Establishment of committees; duties	9/1/96						X	Establishes three committees that assist the Board.
20-1-2	Election of committee co-chairpersons	9/1/96						X	Requires the Board to appoint co-chairs to each committee.
20-1-3	Appointment and removal of committee members	9/1/96						X	Requires Board approval to appoint and remove committee members.
20-1-3 (c)	Appointment and removal of committee members	9/1/96		X			X		Requires a minimum of two-weeks' notice to advise the Board of the persons who may be appointed to a committee. With electronic transmission of Board documents, that amount of time is no longer required.
20-1-3 (h)	Appointment and removal of committee members	9/1/96		X			X		Records are not maintained of volunteer committee members' memberships with nationally recognized professional organizations.

### Chapter 30-Appraisal Management Company Registration

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
30-1-1	Purpose							X	Defines the purpose of Chapter 30.

30-1-2	Definitions								X	Defines language to assist in understanding Board rules.
30-1-3	Certificate of Registration								X	Sets out requirements for the issuance of a registration certificate.
30-1-4	Application process								X	Defines the process for a company to apply for a registration.
30-1-5	Renewal process								X	Defines the terms and process for renewing a registration.
30-1-6	Fee Schedule								X	Sets forth the fees pertaining to appraisal management company registration.
30-1-7	Change of Information								X	Sets forth the provisions of what information should be updated within ten days of change by an appraisal management company.
30-1-8	Background investigations								X	Sets out rules related to the required background checks of controlling persons.
30-1-9	Business Entities								X	Requirements for business entity owners instead of individual owners.
30-1-10	Recordkeeping								X	Certain documentation must be maintained by the registered appraisal management company.
30-1-11	Severability provision								X	Protects Board rules in the event one or more provisions are found invalid.

**Chapter 35-Appraisal Management Company Enforcement**

Section	Title	Date Created	Costly	Ineffective	Duplicate	Location of Duplication	Outdated/ Unnecessary	Necessary	Explanation of determined category
35-1-1	Purpose							X	Defines the purpose of Chapter 35.
35-1-2	Definitions							X	Defines language to assist in understanding Board rules.
35-1-3	Conduct							X	Defines the need for appraisal management companies to act in the public interest given their trusted relationship with clients, lending institutions and public and private guarantors of funds in real estate transactions.
35-1-4	Complaints							X	A complaint may be filed with the Board by any aggrieved person.
35-1-5	Complaint Procedure							X	Sets out process for the complaint process.

35-1-6	Formal Complaint									X	Adoption of a complaint by the Board.
35-1-7	Notice of Disciplinary Proceedings									X	Rules setting out the procedure for the setting of a disciplinary hearing, pre-hearing motions and the appointment of a hearing examiner.
35-1-8	Pre-hearing matters									X	Counsel to the Board may rule on pre-hearing motions.
35-1-9	Subpoenas and subpoena duces tecum.									X	Advises respondents and their attorneys as to the process to have a subpoena issued by the Board.
35-1-10	Disciplinary proceedings									X	Rules regarding the disciplinary hearing process.
35-1-11	Burden of proof, standard of proof.									X	States that the standard of proof is on the Board and shall be done by clear and convincing evidence.
35-1-12	Right to counsel									X	Advises appraisal management companies of their right to counsel during disciplinary actions.
35-1-13	Rules of Evidence									X	Discusses rules of evidence during disciplinary hearings.
35-1-14	Failure to Appear									X	Discusses disciplinary hearing and possible outcomes should an appraisal management company fail to appear at a disciplinary hearing.
35-1-15	Oral argument before the Board									X	Process to request to address the Board before an order is rendered.
35-1-16	Rehearing, reopening or reconsideration of Board decision									X	Process to re-open a disciplinary action once an order of the Board has been issued.
35-1-17	Record of hearing									X	Process regarding maintaining Board records and the right of an appraisal management company to have a court reporter at the disciplinary hearing.
35-1-18	Request for declaratory ruling									X	Process to request an interpretation of Board rules or other ruling of the Board.
35-1-19	Request for rule adoption, amendment or repeal									X	Permits interested persons to request the Board to promulgate, amend a repeal a rule and sets out process for Board to accept or deny the request in writing.
35-1-20	Severability provision									X	Protects Board rules in the event one or more provisions are found invalid.