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RULE ADOPTION  
LAW AND PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS

**NEW JERSEY STATE BOARD OF REAL ESTATE APPRAISERS**  
**STATE BOARD OF REAL ESTATE APPRAISERS RULES**

Readoption with Amendments: N.J.A.C. 13:40A

Adopted New Rules: N.J.A.C. 13:40A-7.4, 7.6, 7.7 and 7.8

Adopted Repeals: N.J.A.C. 13:40A-4.2 and 5.2

Adopted Repeals and New Rules: N.J.A.C. 13:40A-1.1, 2.3, 2.4, 2A.3, 2A.4, 3.3, 3.4, 4.3, 4.8 and 5.3

Proposed: January 22, 2002 at 34 N.J.R. 435(a).

Adopted: April 9, 2002 by the New Jersey State Board of Real Estate Appraisers, John A. McCann, President.

Filed: June 7, 2002 as R.2002 d.205, with a technical change not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 45:14F et seq., specifically 45:14F-8(n), and 45:1 et seq.

Effective Dates: June 7, 2002, Readoption;  
July 1, 2002, New Rules, Repeals and Amendments.  
Expiration Date: June 7, 2007.

**Federal Standards Statement**

A Federal standards analysis is not required because the readopted rules and adopted amendments and new rules are dictated by State statutes and are not subject to Federal requirements or standards, although the rules contain standards and requirements which are the same as those Federal standards set forth in the Uniform Standards of Professional Appraisal Practice (USPAP) published by the Appraisal Standards Board of the Appraisal Foundation, as well as standards set forth by the Appraiser Qualification Board of the Appraisal Foundation.

Full text of the readoption can be found in the New Jersey Administrative Code at N.J.A.C. 13:40A.

Full text of the adopted amendments and new rules follows:

**SUBCHAPTER 1. PURPOSE AND SCOPE; DEFINITIONS**

<< NJ ADC 13:40A-1.1 >>

**13:40A-1.1 Purpose and scope**

- (a) The rules in this chapter implement the provisions of P.L. 1991, c.68, N.J.S.A. 45:14F-1 et seq., the "Real Estate Appraisers Act."
- (b) This chapter shall apply to all persons applying for licensure as a licensed real estate appraiser or certification as a

certified residential real estate appraiser or as a certified general real estate appraiser and to persons licensed or certified by the Board of Real Estate Appraisers in the State of New Jersey.

<< NJ ADC 13:40A-1.2 >>

### **13:40A-1.2 Definitions**

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

...

"Appraisal Qualification Board (AQB)" means the independent board of the Appraisal Foundation which under the provisions of Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA) establishes the minimum education, experience and examination requirements for real property appraisers to obtain a state certification or license. The address and phone number of the AQB is 1029 Vermont Avenue, NW, Suite 900, Washington, DC 20005-3517, (202) 347-7722. The website for the AQB is [www.appraisalfoundation.org](http://www.appraisalfoundation.org).

...

"State certified general real estate appraiser" ("SCGREA") means an individual who has satisfied the experience and education requirements as set forth in this chapter, has successfully completed the Board approved examination, and holds a current, valid certificate as a certified general real estate appraiser.

"State certified residential real estate appraiser" ("SCRREA") means an individual who has satisfied the experience and education requirements as set forth in this chapter, has successfully completed the Board approved examination, and holds a current, valid certificate as a certified residential real estate appraiser.

"State licensed real estate appraiser" ("SLREA") means an individual who has satisfied the experience and education requirements as set forth in this chapter, has successfully completed the Board approved examination, and holds a current, valid license for real estate appraisal.

"Trainee" means an individual in the process of acquiring the hours of appraisal experience and qualifying education required for certification or licensure under the direct supervision of a licensed or certified appraiser pursuant to this chapter.

...

## **SUBCHAPTER 2. CERTIFICATION OF GENERAL REAL ESTATE APPRAISERS**

<< NJ ADC 13:40A-2.2 >>

### **13:40A-2.2 Eligibility for admission to examination**

(a) An applicant for certification as a general real estate appraiser shall present the following:

1. Evidence that he or she is at least 18 years of age;
2. Evidence of good moral character, as established by references from individuals, schools, and other records acceptable to the Board;
3. A high school diploma or its equivalent;
4. Completion of the educational requirements described in N.J.A.C. 13:40A-2.3;
5. Real estate appraisal experience as described in N.J.A.C. 13:40A-2.4; and

6. The certification and authorization form for criminal history background check, as provided by the Board, a usable set of fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency, and the payment check made payable to the "Division of State Police S.B.I."

<< **NJ ADC 13:40A-2.3** >>

**13:40A-2.3 Educational requirements for certification as a general real estate appraiser**

In order to be eligible to take the examination for certification as a general real estate appraiser, an applicant shall complete, by the time the application is submitted to the Board, the educational requirements for a general real estate appraiser as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

<< **NJ ADC 13:40A-2.4** >>

**13:40A-2.4 Experience requirements for certification as a general real estate appraiser**

Each applicant applying for certification as a general real estate appraiser shall be required to complete, by the time the application is submitted to the Board, the experience requirements for a general real estate appraiser as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

<< **NJ ADC 13:40A-2.5** >>

**13:40A-2.5 Temporary visiting certificate; certified general real estate appraiser**

(a) Upon application to the Board and payment of a registration fee, an appraiser certified as a general real estate appraiser in another state may be issued a temporary visiting certificate as a general real estate appraiser for a specific appraisal assignment, provided that the individual submits satisfactory proof to the Board that the individual has a current valid certificate to practice as a general real estate appraiser in another state.

(b) An appraiser certified by another state may apply for no more than three temporary certificates, with a limit of appraising three specific properties per temporary certificate, within one calendar year, except that the Board may waive the limitation based on a showing of good cause by the applicant.

(c) For purposes of this section, the term "Federally related transaction" shall mean any real estate-related financial transaction which a Federal financial institutions regulatory agency engages in, contracts for, or regulates. An appraiser certified by another state shall apply for a temporary visiting certificate without the limitations stated in (b) above if the property to be appraised is part of a Federally related transaction.

(d) (No change.)

## **SUBCHAPTER 2A. CERTIFICATION OF RESIDENTIAL REAL ESTATE APPRAISERS**

<< **NJ ADC 13:40A-2A.2** >>

**13:40A-2A.2 Eligibility for admission to examination**

(a) An applicant for certification as a residential real estate appraiser shall present the following:

1. Evidence that he or she is at least 18 years of age;
2. Evidence of good moral character, as established by references from individuals, schools and other records

acceptable to the Board;

3. A high school diploma or its equivalent;

4. Completion of the educational requirements described in N.J.A.C. 13:40A- 2A.3;

5. Real estate appraisal experience as described in N.J.A.C. 13:40A-2A.4; and

6. The certification and authorization form for criminal history background check, as provided by the Board, a usable set of fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency, and the payment check made payable to the "Division of State Police S.B.I."

<< NJ ADC 13:40A-2A.3 >>

### **13:40A-2A.3 Educational requirements for certification as a residential real estate appraiser**

In order to be eligible to take the examination for certification as a residential real estate appraiser, an applicant shall complete, by the time the application is submitted to the Board, the educational requirements for a residential real estate appraiser as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

<< NJ ADC 13:40A-2A.4 >>

### **13:40A-2A.4 Experience requirements for certification as a residential real estate appraiser**

Each applicant applying for certification as a residential real estate appraiser shall complete, by the time the application is submitted to the Board, the experience requirements for a general real estate appraiser as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

<< NJ ADC 13:40A-2A.5 >>

### **13:40A-2A.5 Temporary visiting certificate; certified residential real estate appraiser**

(a) Upon application to the Board and payment of a registration fee, an appraiser certified as a residential real estate appraiser in another state may be issued a temporary visiting certificate as a residential real estate appraiser for a specific appraisal assignment, provided that the individual submits satisfactory proof to the Board that the individual has a current valid certificate to practice as a residential real estate appraiser in another state.

(b) An appraiser certified by another state may apply for no more than three temporary certificates, with a limit of appraising three specific properties per temporary certificate, within one calendar year, except that the Board may waive the limitation based on a showing of good cause by the applicant.

(c) For purposes of this section, the term "Federally related transaction" shall mean any real estate-related financial transaction which a Federal financial institutions regulatory agency engages in, contracts for, or regulates. An appraiser certified by another state shall apply for a temporary visiting certificate without the limitations stated in (b) above if the property to be appraised is part of a Federally related transaction.

(d) (No change.)

## **SUBCHAPTER 3. LICENSING OF REAL ESTATE APPRAISERS**

<< NJ ADC 13:40A-3.2 >>

### **13:40A-3.2 Eligibility for admission to examination**

(a) An applicant shall present the following:

1. Evidence that he or she is at least 18 years of age;
2. Evidence of good moral character, as established by references from individuals, schools and other records acceptable to the Board;
3. A high school diploma or its equivalent;
4. Completion of the educational requirements as described in N.J.A.C. 13:40A-3.3;
5. Real estate appraisal experience as described in N.J.A.C. 13:40A-3.4; and
6. The certification and authorization form for criminal history background check, as provided by the Board, a usable set of fingerprints taken on standard fingerprint cards by a State or municipal law enforcement agency, and the payment check made payable to the "Division of State Police S.B.I."

<< NJ ADC 13:40A-3.3 >>

### **13:40A-3.3 Educational requirements for licensure**

In order to be eligible to take the examination for licensure as a licensed real estate appraiser, an applicant shall complete, by the time the application is submitted to the Board, the educational requirements for a licensed real estate appraiser as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

<< NJ ADC 13:40A-3.4 >>

### **13:40A-3.4 Experience requirements for licensure**

Each applicant applying for licensure as a licensed real estate appraiser shall complete, by the time the application is submitted to the Board, the experience requirements for a licensed real estate appraiser as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

<< NJ ADC 13:40A-3.6 >>

### **13:40A-3.6 Temporary visiting licenses**

(a) Upon application to the Board and payment of a registration fee, an appraiser licensed in another state may be issued a temporary visiting license for a specific appraisal assignment, provided that the individual submits satisfactory proof to the Board that the individual has a current valid license to practice in another state.

(b) An appraiser licensed by another state may apply for no more than three temporary licenses, with a limit of appraising three specific properties per temporary license, within one calendar year, except that the Board may waive the limitation based on a showing of good cause by the applicant.

(c) For purposes of this section, the term "Federally related transaction" shall mean any real estate-related financial transaction which a Federal financial institutions regulatory agency engages in, contracts for, or regulates. An appraiser licensed by another state shall apply for a temporary visiting license without the limitations stated in (b) above if the property to be appraised is part of a Federally related transaction.

(d) (No change.)

## **SUBCHAPTER 4. TRAINEE PERMITS**

### **<< NJ ADC 13:40A-4.1 >>**

#### **13:40A-4.1 Purpose and scope; application**

(a) The rules in this chapter establish a voluntary real estate appraiser trainee program for individuals in the process of acquiring the appraisal experience required in order to be licensed or certified pursuant to this chapter.

(b) The successful application of and compliance with the rules in this subchapter by a real estate appraiser trainee does not grant the trainee automatic certification or licensure.

### **<< NJ ADC 13:40A-4.2 >>**

#### **13:40A-4.2 (Reserved)**

### **<< NJ ADC 13:40A-4.3 >>**

#### **13:40A-4.3 Educational requirements**

Each applicant applying for a trainee permit shall complete, by the time the application is submitted to the Board, the educational requirements for a trainee as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

### **<< NJ ADC 13:40A-4.4 >>**

#### **13:40A-4.4 Annual trainee permit renewal**

All trainee permits shall be valid for a period of one year. A trainee may renew his or her annual permit a maximum total of three times, upon submission to the Board of a renewal application, the permit renewal fee, and a log in the form set forth in N.J.A.C. 13:40A-4.7.

### **<< NJ ADC 13:40A:4.5 >>**

#### **13:40A:4.5 Responsibilities of trainee**

(a) The holder of a trainee permit issued by the Board shall work only under the "direct supervision," as that term is defined in N.J.A.C. 13:40A-4.6, of a "supervising appraiser," who shall be an individual licensed or certified in good standing by the Board and who has acknowledged in writing an agreement to perform the responsibilities of a supervising appraiser set forth in N.J.A.C. 13:40A-4.6. Prior to commencing any work as a trainee, the holder of a trainee permit shall inform the Board in writing of the identity of any individuals who have agreed to serve as a "supervising appraiser" for the trainee. The holder of a trainee permit shall inform the Board in writing, within seven days, in the event that any individual previously designated as a "supervising appraiser" ceases to agree to perform the responsibilities of a "supervising appraiser," or in the event that any individual not previously designated as a "supervising appraiser" agrees to supervise the work product of the trainee.

(b) The holder of a trainee permit issued by the Board shall have the following duties and responsibilities:

1. The trainee shall maintain and submit to the Board upon application for permit renewal a log which meets the requirements set forth in N.J.A.C. 13:40A-4.7;
2. The trainee shall ensure that the log is available at all times for inspection by the Board;
3. When performing appraisal assignments, the trainee shall carry the permit issued by the Board;

4. In the event a supervising appraiser can no longer provide direct supervision to a trainee, the trainee shall return the permit within 30 days to the Board; and

5. The Board shall reissue the permit to the trainee when the trainee has obtained a new supervising appraiser.

<< NJ ADC 13:40A-4.6 >>

#### **13:40A-4.6 Responsibilities of supervising appraiser**

(a) Any individual designated as a "supervising appraiser" by the holder of a trainee permit shall acknowledge in writing to the Board that he or she agrees to perform all responsibilities set forth in (b) below.

(b) A supervising appraiser shall have the following duties and responsibilities:

1. The supervising appraiser shall at all times be responsible for and provide direct supervision of the work performed by the trainee. For purposes of this section, "direct supervision" means:

i. To personally review the work product of the trainee; and

ii. To approve and sign each appraisal report including work product prepared by the trainee or in which the trainee has made a professional contribution and to sign all such reports and certify that all such reports have been independently and impartially prepared in compliance with the Uniform Standards of Professional Appraisal Practice, these rules and applicable statutory standards.

2. The supervising appraiser shall, at least once a month, sign the log required to be kept by the trainee pursuant to N.J.A.C. 13:40A-4.7 and shall set forth thereon his or her license or certification number.

3. The supervising appraiser shall provide the trainee with a copy of any final appraisal report in which the trainee's work product has been utilized or in which the trainee made a professional contribution.

4. The supervising appraiser shall immediately notify the Board and his or her trainee(s), in writing, in the event that he or she ceases to perform or is unable to perform the responsibilities set forth in this section.

<< NJ ADC 13:40A-4.7 >>

#### **13:40A-4.7 Real estate appraiser trainee log**

(a) A real estate appraiser trainee shall maintain a log on forms provided by the Board which shall include the following information concerning each appraisal assignment in which the trainee participates:

1.-5. (No change.)

(b) Appraisal logs submitted to the Board shall indicate the nature of the trainee's participation in each assignment and the trainee shall set forth within the log, for each assignment, information indicating whether the trainee was involved in obtaining, calculating, or preparing:

1.-6. (No change.)

7. Income analysis (only for trainees whose experience includes income properties);

8.-10. (No change.)

<< NJ ADC 13:40A-4.8 >>

#### **13:40A-4.8 Continuing education requirements**

An individual holding a trainee permit for more than two years shall complete, by the time the application is submitted to the Board, during the third and fourth years that the trainee permit is held, the continuing education requirements as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

## **SUBCHAPTER 5. CONTINUING PROFESSIONAL EDUCATION**

**<< NJ ADC 13:40A-5.1 >>**

### **13:40A-5.1 Requirements for licensure and certification renewal**

(a) The purpose of continuing education activities is to ensure that the appraiser participates in a program that maintains and increases the appraiser's skill, knowledge and competency in real estate appraising.

(b) A licensed or certified real estate appraiser shall confirm on the renewal application that the licensed or certified real estate appraiser has completed all continuing education requirements pursuant to this subchapter during the biennial period preceding application for renewal.

**<< NJ ADC 13:40A-5.2 >>**

### **13:40A-5.2 (Reserved)**

**<< NJ ADC 13:40A-5.3 >>**

### **13:40A-5.3 Continuing education; credit-hour requirements; carryover prohibited**

Each applicant applying for renewal as a licensed or certified real estate appraiser shall be required to complete, by the time the renewal application is submitted to the Board, the continuing education requirements for either the certified residential, certified general, or the licensed real estate appraiser as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

**<< NJ ADC 13:40A-5.4 >>**

### **13:40A-5.4 Special course requirement; Uniform Standards of Professional Appraisal Practice**

All licensed and certified real estate appraisers shall be required to attend a minimum seven hour length course on the Uniform Standards of Professional Appraisal Practice every two years.

**<< NJ ADC 13:40A-5.5 >>**

### **13:40A-5.5 Pre-approval of course offerings**

(a) The Board shall maintain a list of all approved courses, lecturers and programs at the Board's offices and shall furnish this information to the licensees or certificate holders upon request.

(b) (No change.)

(c) Determinations as to whether to award credit for an offering which has not been pre-approved shall be within the Board's discretion to determine whether the offering is deemed to be consistent with the purpose of continuing education.

**<< NJ ADC 13:40A-5.7 >>**

### **13:40A-5.7 Sources of continuing education**

(a) The licensee or certificate holder may obtain continuing education credits for the following:

1.-5. (No change.)

6. Participation, other than as a student, in appraisal education processes and programs, as approved by the Board.

i. (No change.)

ii. No more than one-half of the total hours of credit required per biennial renewal cycle may be awarded for activities qualifying under this paragraph; and

7. Courses approved for initial certification and licensing.

(b) (No change.)

<< NJ ADC 13:40A-5.8 >>

### **13:40A-5.8 Required documentation**

(a) A licensee or certificate holder shall retain documentation for at least four years of the continuing education hours which the licensee or certificate holder completes in order to verify program attendance and/or activity completion. Each licensee or certificate holder shall submit such documentation to the Board upon request. The Board shall review the records of the licensees and/or certificate holders from time to time, on a random basis, to determine compliance with continuing education requirements.

Recodify existing (a)-(d) as (b)-(e) (No change in text.)

<< NJ ADC 13:40A-5.9 >>

### **13:40A-5.9 Responsibilities of continuing education providers**

(a) All providers of continuing education courses shall:

1. (No change.)

2. Submit, on forms provided by the Board, for each course for which appraisal is sought, the following for evaluation by the Board;

i.-vi. (No change.)

3. (No change.)

(b) All continuing education courses shall be taught in public facilities.

## **SUBCHAPTER 6. STANDARDS FOR APPRAISALS**

<< NJ ADC 13:40A-6.1 >>

### **13:40A-6.1 General requirements**

(a) The appraiser shall ensure that all appraisals shall, at a minimum conform to the Uniform Standards of Professional Appraisal Practice (USPAP) in effect on the date on which the appraisal was prepared, which standards are incorporated herein by reference.

(b) An appraiser's failure to comply with the provisions of USPAP may be construed to be professional misconduct in violation of N.J.S.A. 45:1-21(e).

## **SUBCHAPTER 7. GENERAL PROVISIONS**

### **<< NJ ADC 13:40A-7.1 >>**

#### **13:40A-7.1 Fee schedule**

(a) Charges for credentialing, certification, licensure and other services are as follows:

1.-18. (No change.)

19. Trainee permit fee; annual ..... \$100.00

### **<< NJ ADC 13:40A-7.2 >>**

#### **13:40A-7.2 Disclosure of title and certificate or license number**

An appraiser shall include on all appraisal reports, at the place wherever the appraiser's signature appears, the appraiser's designation and state license or certification number. The appraiser shall use only the designations permitted pursuant to N.J.A.C. 13:40A-7.3.

### **<< NJ ADC 13:40A-7.3 >>**

#### **13:40A-7.3 Use of designations and abbreviations**

(a) The following shall apply in connection with the use of designations and abbreviations on appraisal reports or in any advertisement or public representation:

1.-3. (No change.)

4. An individual who is not certified or licensed pursuant to the Real Estate Appraisers Act, N.J.S.A. 45:14F-1 et seq., and this chapter shall not use the designations or abbreviations set forth in (a)1 above or any other designation or abbreviation using similar combinations of words or letters to imply that the individual is state certified or licensed.

5. (No change.)

6. Trainee real estate appraisers shall use the full designation "trainee real estate appraiser" followed by their permit number. No abbreviation shall be permitted.

### **<< NJ ADC 13:40A-7.4 >>**

#### **13:40A-7.4 Criteria for qualifying education instructor and USPAP instructors**

(a) An individual applying to be an instructor of qualifying education courses shall, at a minimum, have one of the following requirements:

1. A baccalaureate degree in any field and three years of experience directly related to the subject matter to be taught;

2. A masters degree in any field and one year of experience directly related to the subject matter to be taught;

3. A masters or higher degree in a field that is directly related to the subject matter to be taught;

4. Five years of real estate appraisal teaching experience directly related to the subject matter to be taught; or

5. Seven years of real estate appraisal experience directly related to the subject matter to be taught.

(b) Instructors for qualifying education, with an appraisal license or certification, shall be in good standing.

(c) Approvals to teach as an instructor of qualifying education courses shall be issued by the Board for two year periods and shall be renewed biennially upon submission by the instructor of an application for re-approval.

(d) Instructors for qualifying education who teach either full time or part time as part of the faculty staff at colleges, universities, community colleges or junior colleges accredited by the Commission on Higher Education <<+or any real estate appraisal or real estate related organizations that are members of the Appraisal Foundation+>> need not satisfy the criteria set forth in (a) above. Adjunct instructors shall not qualify for this exemption and shall satisfy the criteria in (a) above in order to qualify as an instructor of education courses.

(e) Instructors for USPAP courses shall be required to satisfy the USPAP instructor criteria as established by "The Real Property Appraiser Qualification Criteria and Interpretation of the Criteria" as promulgated by the AQB of the Appraisal Foundation as amended and supplemented, which are incorporated herein by reference as part of this rule.

<< NJ ADC 13:40A-7.5 >>

**13:40A-7.5 (Reserved)**

<< NJ ADC 13:40A-7.6 >>

**13:40A-7.6 License or certification renewal**

(a) Licenses and certifications shall be renewed biennially upon a form provided by the Board. Each applicant shall attest that the applicable continuing education requirements have been completed.

(b) The Board shall send a notice of renewal to each of its licensees or certificate-holders, as applicable, at least 60 days prior to the expiration of the license or certificate. If the notice to renew is not sent at least 60 days prior to the expiration date, no monetary penalties or fines shall apply to the holder for failure to renew.

(c) Every holder of a license or certificate, issued or renewed by the Board, who seeks renewal shall submit a renewal application and pay a renewal fee prior to the date of expiration of the license or certificate. If the holder does not renew the license or certificate prior to its expiration date, the holder may renew it within 30 days of its expiration date by submitting a renewal application and paying a renewal fee and a late fee. Any license or certification not renewed within 30 days of its expiration date shall be suspended without a hearing.

(d) Any individual who continues to practice with an expired license or certification after 30 days following its expiration date shall be deemed to be engaged in the unlicensed practice of real estate appraising, even if no notice of suspension has been provided to the individual.

(e) Renewal applications for all licenses or certificates shall provide the applicant with the option of either active or inactive renewal. A renewal applicant electing to renew as inactive shall not engage in real estate appraising within the State.

(f) An applicant who selects the inactive renewal option shall remain on inactive status for the entire renewal period unless, upon application to the Board, the Board permits the inactive applicant to return to active status. As a precondition to return to active status, the applicant shall present satisfactory proof that he or she has maintained proficiency by completing the continuing education hours required for the renewal of an active license or certification.

<< NJ ADC 13:40A-7.7 >>

**13:40A-7.7 Reinstatement**

Pursuant to the Uniform Enforcement Act, N.J.S.A. 45:1-1 et seq., the Board may reinstate the license or certification of an applicant whose license or certificate has been suspended for failure to renew provided that the applicant

otherwise qualifies for licensure or certification.

<< NJ ADC 13:40A-7.8 >>

### **13:40A-7.8 Denial or revocation of license or certification; record of conviction of certain crimes**

(a) An applicant for licensure or certification shall not be eligible for licensure or certification and any holder of a license or certification shall have his or her license or certification revoked if the Board determines that criminal history record information exists on file in the Federal Bureau of Investigation, Identification Division, or in the State Bureau of Identification in the Division of State Police, which would disqualify that individual from being licensed or certified.

(b) An applicant or a holder of a license or certification shall be disqualified from licensure or certification if that individual's criminal history record check reveals a record of conviction of any of the following crimes and offenses:

1. In New Jersey, any crime or disorderly persons offense:

i. Involving danger to the person, meaning those crimes and disorderly persons offenses set forth in N.J.S.A. 2C:11-1 et seq., 2C:12-1 et seq., 2C:13-1 et seq., 2C:14-1 et seq., or 2C:15-1 et seq.; or

ii. Involving theft as set forth in Chapter 20 of Title 2C of the New Jersey Statutes; or

iii. Involving any controlled dangerous substances or controlled dangerous substances analog as set forth in Chapter 35 of Title 2C of the New Jersey Statutes except as set forth in paragraph (4) of subsection a of N.J.S.A. 2C:35-10.

2. In any other state or jurisdiction, conduct which, if committed in New Jersey, would constitute any of the crimes or disorderly persons offenses described in (b) above. This is deemed to include convictions for bank fraud, wire fraud, or conspiracy to commit bank fraud or wire fraud.

(c) Notwithstanding the provisions of (b) above, no individual shall be disqualified from licensure or certification on the basis of any conviction disclosed by a criminal history record check if the individual has affirmatively demonstrated to the Board clear and convincing evidence of rehabilitation. In determining whether an individual has affirmatively demonstrated rehabilitation, the following factors shall be considered:

1. The nature and responsibility of the position which the convicted individual would hold;

2. The nature and seriousness of the offense;

3. The circumstances under which the offense occurred;

4. The date of the offense;

5. The age of the individual when the offense was committed;

6. Whether the offense was an isolated or repeated incident;

7. Any social conditions which may have contributed to the offense; and

8. Any evidence of rehabilitation, including good conduct in prison or in the community, counseling or psychiatric treatment received, acquisition of additional academic or vocational schooling, successful participation in correctional work-release programs, or the recommendation of persons who have had the individual under their supervision.

(d) The Board may refuse to admit a person to an examination or may refuse to issue or may suspend or revoke any certificate or license issued by the Board upon proof that the applicant or holder of such certificate or license:

1. Has obtained a certificate, license or authorization to sit for an examination, as the case may be, through fraud,

deception, or misrepresentation;

2. Has engaged in the use or employment of dishonesty, fraud, deception, misrepresentation, false promise or false pretense;
3. Has engaged in gross negligence, gross malpractice or gross incompetence which damaged or endangered the life, health, welfare, safety or property of any person;
4. Has engaged in repeated acts of negligence, malpractice or incompetence;
5. Has engaged in professional or occupational misconduct as may be determined by the Board;
6. Has been convicted of, or engaged in acts constituting, any crime or offense involving moral turpitude or relating adversely to real estate appraising. For the purposes of this subsection a judgment of conviction or a plea of guilty, non vult, nolo contendere or any other such disposition of alleged criminal activity shall be deemed a conviction;
7. Has had the authority to engage in real estate appraising revoked or suspended by any other state, agency, or certifying authority for reasons consistent with this section;
8. Has violated or failed to comply with the provisions of any statute or regulation administered by the Board;
9. Is incapable for medical or any other good cause, of discharging the functions of a licensee or certificate holder in a manner consistent with the public's health, safety and welfare;
10. Has violated any provision of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or any insurance fraud prevention law or act of another jurisdiction or has been adjudicated, in civil or administrative proceedings, of a violation of P.L. 1983, c.320 (N.J.S.A. 17:33A-1 et seq.) or has been subject to a final order, entered in civil or administrative proceedings, that imposed civil penalties under that act against the applicant or holder;
11. Is presently engaged in drug or alcohol use that is likely to impair the ability to practice the profession or occupation with reasonable skill and safety. For purposes of this subsection, the term "presently" means at this time or any time within the previous 365 days;
12. Has permitted an unlicensed person or entity to perform an act for which a license or certification is required by the Board, or aided and abetted an unlicensed person or entity in performing such an act; or
13. Advertised fraudulently in any manner.

## **SUBCHAPTER 8. CERTIFICATION OR LICENSURE BY ENDORSEMENT**

<< NJ ADC 13:40A-8.1 >>

### **13:40A-8.1 Certification or licensure by endorsement**

(a) An individual possessing a certification to practice general real estate appraising or residential real estate appraising, or an individual possessing a license to practice residential real estate appraising in any state of the United States other than New Jersey, may apply for, and shall be granted, New Jersey certification by endorsement or licensure by endorsement provided that the individual's certification or license to practice is in good standing in all jurisdictions in which that individual holds a certification or licensure, and:

1. Undergoes a criminal history background check; and
2. (No change.)

(b) Appraisers licensed by endorsement shall be required to complete the continuing education requirements set forth in N.J.A.C. 13:40A-5.

