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The official text of the rules and regulations and their regulatory history and notices of rule proposals and adoptions can be found through the free LexisNexis Public Access Portal.

- **LexisNexis Public Access Portal:** [www.lexisnexis.com/njoal](http://www.lexisnexis.com/njoal)

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SUBCHAPTER 1.
PURPOSE AND SCOPE; DEFINITIONS

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.

c) Beginning on January 1, 2008, in order to implement the Real Property Appraiser Qualification Criteria (2008 Criteria) that goes into effect on that date, the Board has adopted the segmented approach, with a cut-off date of December 31, 2009. States are required to implement appraiser certification requirements that are no less stringent than those issued by the AQB in the Real Property Appraiser Qualification Criteria (Criteria), pursuant to the Financial Institutions Reform Recovery and Enforcement Act of 1989, 12 U.S.C. §3331 et seq. Certification requirements are broken down into three components: education, examination, and experience. The segmented approach requires an applicant to meet the Criteria in effect at the time he or she completes a particular component. Any component completed prior to January 1, 2008, would satisfy the current Criteria, while any component not completed by January 1, 2008, would have to conform to the 2008 Criteria. Any applicant for a license or certification who has not demonstrated completion of all three components by December 31, 2009 shall conform to the 2008 Criteria with regard to every component.

d) Beginning on January 1, 2015, in order to implement the Real Property Appraiser Qualification Criteria that go into effect on that date (2015 Criteria), the segmented approach set forth in (c) above will no longer be in effect, and all persons applying for licensure or certification will be required to satisfy the education and experience requirements contained in the 2015 Criteria, which is incorporated herein by reference, as amended and supplemented, and available at https://netforum.avectra.com/eweb/StartPage.aspx?Site=taf&WebCode=HomePage, prior to taking the AQB-approved National Uniform Licensing and Certification Examination.

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 1155 15th Street, NW Suite 1111, Washington, DC 20005, (202) 347-7722. The website for the AQB is www.appraisalfoundation.org.

"Board" means the State Real Estate Appraiser Board in the Division of Consumer Affairs.

"Jurisdiction" means the 50 United States, the District of Columbia, American Samoa, Guam, Mariana Islands, Puerto Rico and the United States Virgin Islands.

"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 certified appraiser pursuant to this chapter.
"Uniform Standards of Professional Appraisal Practice (USPAP)" means the published standards set forth by the Appraisal Standards Board of the Appraisal Foundation (1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005-3517) (July 1, 2006). The standards include the generally accepted standards of appraisal practice; a history of changes to those standards; all statements on Appraisal Standards; all Advisory Opinions issued for general distribution; a Glossary and an Index. The Uniform Standards of Professional Appraisal Practice are hereby incorporated by reference, as amended and supplemented, in the established rules for the review and interpretation of the competency and practice of appraisers licensed or certified by the Board.

13:40A-1.3 SCOPE OF PRACTICE

a) The scope of practice of appraisers with the licensed real estate appraiser qualification is the appraisal of non-complex one to four residential units having a transaction value less than $1,000,000 and complex one to four residential units having a transaction value less than $250,000.

b) The scope of practice of appraisers with the certified residential real estate appraiser qualification is the appraisal of one to four residential units without regard to transaction value or complexity.

c) The scope of practice of appraisers with the certified general real estate appraiser classification is the appraisal of all types of property.

d) The scope of practice of appraiser trainees is the appraisal of those properties which the supervising appraiser is permitted to appraise.

SUBCHAPTER 2.
CERTIFICATION OF GENERAL REAL ESTATE APPRAISERS

13:40A-2.1 ELIGIBILITY FOR CERTIFICATION AS A GENERAL REAL ESTATE APPRAISER

In order to be eligible for certification as a general real estate appraiser, an applicant shall be required to successfully complete the education and experience requirements set forth in N.J.A.C. 13:40A-2.2 and shall successfully complete the Board-approved examination for the certification of general real estate appraisers.
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) The level of education 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;

      6) Real estate appraisal experience as described in N.J.A.C. 13:40A-2.4; and

      7) The certification and authorization form for criminal history background check, as provided by the Board, and the applicant's fingerprints as processed by the vendor under contract with the State.

   b) During the time period in which the segmented approach is applicable, applicants for certification as a general real estate appraiser may elect to complete the experience requirement subsequent to taking the examination for certification.

   c) Beginning on January 1, 2015, in order to implement the 2015 Criteria that go into effect on that date, the segmented approach described in (b) above will no longer be in effect, applicants for certification as a general real estate appraiser shall complete the experience requirement under N.J.A.C. 13:40A-2.4 prior to taking the examination for certification.

13:40A-2.3 SOURCE OF EDUCATION FOR CERTIFICATION AS A GENERAL REAL ESTATE APPRAISER
   a) All qualifying education taken on or after December 3, 2007, to satisfy the educational requirements for certification as a general real estate appraiser, with the exception of the college level course requirement as defined by the AQB, shall be approved by the AQB's Course Approval Program.
b) Credit towards qualifying educational requirements may be obtained via the completion of a degree program in real estate from an accredited degree-granting college or university provided the college or university has had its curriculum reviewed and approved by the AQB.

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.

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 jurisdiction 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 jurisdiction.

b) An appraiser certified by another jurisdiction may apply for no more than three temporary certificates, 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 jurisdiction 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. The temporary visiting certificate issued under this section shall be valid for at least six months and shall be extended upon request for extension to the Board by the applicant.

d) The temporary visiting certificate issued under (c) above shall become invalid if the appraiser certified as a general real estate appraiser in another jurisdiction no longer holds a valid license in that jurisdiction.
e) As a condition of receiving a temporary visiting certificate, an applicant shall consent to service of process within the State.

13:40A-2.6 CREDIT TOWARDS CERTIFICATION AS A GENERAL REAL ESTATE APPRAISER FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for certification under N.J.A.C. 13:40A-2 may apply to the Board for recognition of the applicant’s training, education, and/or experience received while serving as a member of the Armed Forces, which the Board shall consider, together with any training, education, and/or experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for certification.

b) The Board shall issue a certification as a general real estate appraiser to the applicant if the applicant presents evidence to the Board that:

1) The applicant has been honorably discharged from active military service;

2) The relevant training, experience, and education the applicant has received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for certification under N.J.A.C. 13:40A-2;

i) An applicant seeking credit for military training and experience shall submit to the Board the applicant’s Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented;

ii) An applicant seeking credit for education courses and/or training completed while in the military that are not approved by the AQB’s Course Approval Program shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to the courses and/or training approved by the AQB’s Course Approval Program as required for certification under N.J.A.C. 13:40A-2.3. For the purpose of determining substantial equivalence of the applicant’s military education and/or training, the Board shall consider only those education courses and/or training relevant to the practice of real estate appraising that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula.
iii) An applicant seeking credit for education courses and/or training completed while in the military that are not part of a degree program in real estate from an accredited degree-granting college or university whose curriculum was reviewed and approved by the AQB shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to those in a degree program in real estate from an accredited degree-granting college or university whose curriculum was reviewed and approved by the AQB as required for certification under N.J.A.C. 13:40A-2.3. For the purpose of determining substantial equivalence of the applicant’s military education or training, the Board shall consider only those education courses and/or training relevant to the practice of real estate appraising that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula.

3) The applicant complies with all other requirements for certification, including successful completion of the examination as set forth in N.J.A.C. 13:40A-2.1.

c) It is the applicant's responsibility to provide timely and complete evidence of the education, training and/or experience gained in the military for review and consideration.

d) If the applicant’s military training, education, and/or experience, or a portion thereof, is not deemed to be substantially equivalent to that required for certification, the Board shall credit whatever portion of the military training, education, and/or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:40A-2.4 for the issuance of the certification as a general real estate appraiser.

e) Satisfactory evidence of such education, training, and/or experience will be assessed on a case by case basis.

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

**13:40A-2A.1 ELIGIBILITY FOR CERTIFICATION AS A RESIDENTIAL REAL ESTATE APPRAISER**

In order to be eligible for certification as a residential real estate appraiser, an applicant shall be required to successfully complete the education and experience requirements set forth in N.J.A.C. 13:40A-2A.2 and shall successfully complete the Board-approved examination for the certification of residential real estate appraisers.
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) The level of education 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;

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

7) The certification and authorization form for criminal history background check, as provided by the Board, and the applicant's fingerprints as processed by the vendor under contract with the State.

b) During the time period in which the segmented approach is applicable, applicants for certification as a residential real estate appraiser may elect to complete the experience requirement subsequent to taking the examination for certification.

c) Beginning on January 1, 2015, in order to implement the 2015 Criteria that go into effect on that date, the segmented approach described in (b) above will no longer be in effect, applicants for certification as a residential real estate appraiser shall complete the experience requirement under N.J.A.C. 13:40A-2A.4 prior to taking the examination for certification.

13:40A-2A.3 SOURCE OF EDUCATION FOR CERTIFICATION AS A RESIDENTIAL REAL ESTATE APPRAISER

a) All qualifying education taken on or after December 3, 2007, to satisfy the educational requirements for certification as a residential real estate appraiser, with the exception of the college level course requirement as defined by the AQB, shall be approved by the AQB's Course Approval Program.
b) Credit towards qualifying education requirements may be obtained via the completion of a degree program in real estate from an accredited degree-granting college or university provided the college or university has had its curriculum reviewed and approved by the AQB.

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.

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 jurisdiction 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 jurisdiction.

b) An appraiser certified by another jurisdiction may apply for no more than three temporary certificates 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 jurisdiction 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. The temporary visiting certificate issued under this section shall be valid for at least six months and shall be extended upon request for extension to the Board by the applicant.

d) The temporary visiting certificate issued under (c) above shall become invalid if the appraiser certified as a residential real estate appraiser in another jurisdiction no longer holds a valid license in that jurisdiction.

e) As a condition of receiving a temporary visiting certificate an applicant shall consent to service of process within the State.
13:40A-2A.6 CREDIT TOWARDS CERTIFICATION AS A RESIDENTIAL REAL ESTATE APPRAISER FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

a) An applicant who has served in the Armed Forces of the United States (Armed Forces) and who does not meet all of the training, education, and experience requirements for certification under N.J.A.C. 13:40A-2A may apply to the Board for recognition of the applicant’s training, education, and/or experience received while serving as a member of the Armed Forces, which the Board shall consider, together with any training, education, and/or experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for certification.

b) The Board shall issue a certification as a residential real estate appraiser to the applicant if the applicant presents evidence to the Board that:

1) The applicant has been honorably discharged from active military service;

2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for certification under N.J.A.C. 13:40A-2A.

i) An applicant seeking credit for military training and experience shall submit to the Board the applicant’s Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented;

ii) An applicant seeking credit for education courses and/or training completed while in the military that are not approved by the AQB’s Course Approval Program shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to those approved by the AQB’s Course Approval Program as required for certification under N.J.A.C. 13:40A-2A.3. For the purpose of determining substantial equivalence of the applicant’s military education and/or training, the Board shall consider only those education courses and/or training relevant to the practice of real estate appraising that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula.

iii) An applicant seeking credit for education courses and/or training completed while in the military that are not part of a degree program in real estate from an accredited degree-granting college or university whose curriculum was reviewed and approved by the AQB, shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses
and/or training completed are substantially equivalent in level, scope, and intent to those in a degree program in real estate from an accredited degree-granting college or university whose curriculum was reviewed and approved by the AQB as required for certification under N.J.A.C. 13:40A-2A.3. For the purpose of determining substantial equivalence of the applicant’s military education and/or training, the Board shall consider only those education courses and/or training relevant to the practice of real estate appraising that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3) The applicant complies with all other requirements for certification, including successful completion of the examination as set forth in N.J.A.C. 13:40A-2A.1.

c) It is the applicant's responsibility to provide timely and complete evidence of the education, training, and/or experience gained in the military for review and consideration.

d) If the applicant’s military training, education and/or experience, or a portion thereof, is not deemed to be substantially equivalent to that required for certification, the Board shall credit whatever portion of the military training, education, and/or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:40A-2A.4 for the issuance of the certification as a residential real estate appraiser.

e) Satisfactory evidence of such education, training, and/or experience will be assessed on a case by case basis.

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

13:40A-3.1 ELIGIBILITY FOR LICENSURE

In order to be eligible for licensure as a residential real estate appraiser, an applicant shall be required to successfully complete the education and experience requirements set forth in N.J.A.C. 13:40A-3.2 and shall successfully complete the Board-approved examination for the licensure of residential real estate appraisers.

13:40A-3.2 ELIGIBILITY FOR ADMISSION TO EXAMINATION

a) An applicant for licensure 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 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, and the applicant's fingerprints as processed by the vendor under contract with the State.

b) During the time period in which the segmented approach is applicable, applicants for licensure as a licensed residential real estate appraiser may elect to complete the experience requirement subsequent to taking the examination for licensure.

c) Beginning on January 1, 2015, in order to implement the 2015 Criteria that go into effect on that date, the segmented approach described in (b) above will no longer be in effect, applicants for licensure as a licensed residential real estate appraiser shall complete the experience requirements under N.J.A.C. 13:40A-3.4 prior to taking the examination for licensure.

13:40A-3.3 EDUCATION REQUIREMENTS FOR LICENSURE

a) In order to be eligible to take the examination for licensure as a licensed residential real estate appraiser, an applicant shall complete, by the time the application is submitted to the Board, the education requirements for a licensed 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.

b) All qualifying education taken on or after December 3, 2007, to satisfy the educational requirements for licensure as a licensed real estate appraiser shall be approved by the AQB's Course Approval Program.

13:40A-3.4 EXPERIENCE REQUIREMENTS FOR LICENSURE

a) Each applicant applying for licensure as a licensed residential 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.

b) The experience requirement shall be completed in no fewer than 12 months.

13:40A-3.5 CREDIT TOWARDS LICENSURE AS A RESIDENTIAL REAL ESTATE APPRAISER FOR EDUCATION, TRAINING, AND EXPERIENCE RECEIVED WHILE SERVING AS A MEMBER OF THE ARMED FORCES

a) An applicant who has served in the Armed Forces of the United States and who does not meet all of the training, education, and experience requirements for licensure under N.J.A.C. 13:40A-3 may apply to the Board for recognition of the applicant’s training, education, and experience received while serving as a member of the Armed Forces, which the Board shall consider together with any training, education, and experience obtained outside of the Armed Forces, for determining substantial equivalence to the training, education, and experience required for licensure.

b) The Board shall issue a license as a residential real estate appraiser to the applicant if the applicant presents evidence to the Board that:

1) The applicant has been honorably discharged from active military service;

2) The relevant training, experience, and education the applicant received in the military, together with any training, education, and experience obtained outside of the Armed Forces, is substantially equivalent in scope and character to the training, experience, and education required for certification under N.J.A.C. 13:40A-3.

i) An applicant seeking credit for military training and experience shall submit to the Board the applicant’s Verification of Military Experience and Training (VMET) Document, DD Form 2586 or a successor form, as amended and supplemented.

ii) An applicant seeking credit for education courses and/or training completed while in the military that are not approved by the AQB’s Course Approval Program shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to those approved by the AQB Course Approval Program as required for certification under N.J.A.C. 13:40A-3.3. For the purpose of determining substantial equivalence of the applicant’s military education and/or training, the Board shall
consider only those education courses and/or training relevant to the practice of real estate appraising that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula.

iii) An applicant seeking credit for education courses and/or training completed while in the military that are not part of a degree program in real estate from an accredited degree-granting college or university whose curriculum was reviewed and approved by the AQB shall submit to the Board a Joint Services Transcript of his or her education/training for a determination that the education courses and/or training completed are substantially equivalent in level, scope, and intent to those in a degree program in real estate from an accredited degree-granting college or university whose curriculum was reviewed and approved by the AQB as required for licensure under N.J.A.C. 13:40A-3.3. For the purpose of determining substantial equivalence of the applicant’s military education and/or training, the Board shall consider only those education courses and/or training relevant to the practice of real estate appraising that have been evaluated by the American Council on Education for substantial equivalence to civilian postsecondary curricula; and

3) The applicant complies with all other requirements for licensure, including successful completion of the examination as set forth in N.J.A.C. 13:40A-3.1.

c) It is the applicant’s responsibility to provide timely and complete evidence of the education, training, and/or experience gained in the military for review and consideration.

d) If the applicant’s military training, education, and/or experience, or a portion thereof, is not deemed to be substantially equivalent to that required for licensure, the Board shall credit whatever portion of the military training, education, and/or experience that is substantially equivalent towards meeting the requirements under N.J.A.C. 13:40A-3.4 for the issuance of the license as a residential real estate appraiser.

e) Satisfactory evidence of such education, training, or/and experience shall be assessed on a case–by-case basis.

13:40A-3.6 TEMPORARY VISITING LICENSES

a) Upon application to the Board and payment of a registration fee, an appraiser licensed in another jurisdiction 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 jurisdiction.
b) An appraiser licensed by another jurisdiction may apply for no more than three temporary licenses 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 jurisdiction 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. The temporary visiting license issued under this section shall be valid for at least six months and shall be extended upon request for extension to the Board by the applicant.

d) The temporary visiting license issued under (c) above shall become invalid if the appraiser licensed by another jurisdiction no longer holds a valid license in that jurisdiction.

e) As a condition of receiving a temporary visiting license an applicant shall consent to service of process within the State.

SUBCHAPTER 4.
TRAINEE PERMITS

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.

13:40A-4.2 (RESERVED)

13:40A-4.3 EDUCATION REQUIREMENTS

a) Each applicant applying for a trainee permit shall complete, within a five-year period prior to the time the application is submitted to the Board, the education 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.
b) Prior to obtaining a trainee appraiser credential, a trainee applicant shall complete a course that, at a minimum, is oriented to the expectations for trainee appraisers and complies with the specifications for the course content established by the AQB.

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.

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 certified in good standing by the Board, who has not been subject to any disciplinary action within the previous three years that affected the supervising appraiser's legal ability to engage in appraisal practice, 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 individual(s) 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. A trainee may have more than one approved “supervising appraiser.”

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. The trainee and his or her "supervising appraiser" shall have the shared responsibility to make sure that the log is accurate and current and 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;

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

6) The trainee shall comply with the provisions of the Uniform Standards of Professional Appraisal Practice (USPAP).

c) The holder of a trainee permit issued by the Board shall not solicit or maintain a direct relationship with a client, a party or parties who engage an appraiser by employment or contract in a specific assignment. The trainee shall not collect any fees from the client, except when acting as an agent of the supervising appraiser. The supervising appraiser shall ensure that any form of payment shall be directed to the supervising appraiser.

d) The holder of a trainee permit issued by the Board shall not advertise. Any advertisement in the name of a supervising appraiser with whom the trainee is associated may include the name of the trainee by clearly indicating such person as a trainee. This shall not prohibit a trainee's use of standard business cards which clearly indicate such person as a trainee.

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 (f) below.

b) Supervising appraisers shall be in good standing with the Board and shall not have been subject to any disciplinary action that affects their legal eligibility to engage in appraisal practice, including revocation or suspension, within any jurisdiction within the last three years.

c) No appraiser shall serve as a supervising appraiser until he or she has held a certification from the Board for at least three years.

d) Only those individuals who are certified by the Board as either a State-certified general real estate appraiser or a State-certified residential real estate appraiser shall be a supervising appraiser.

e) 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;

   ii) To approve, sign, and accept responsibility for 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; and

   iii) To indicate, within the certification section of the appraisal report, the name of the trainee providing significant real property appraisal assistance. For purposes of this subparagraph, "significant" means the exercise of appraisal knowledge and training and does not mean clerical or fact gathering tasks.

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 certification number. A “supervising appraiser” and any trainee that he or she is supervising shall have the shared responsibility to make sure that the log is accurate and current and meets the requirements set forth in N.J.A.C. 13:40A-4.7.

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.

5) A supervising appraiser shall not supervise more than three trainees at one time.

6) The supervising appraiser shall personally inspect, with the trainee, the interior and exterior of each appraised property until the supervising appraiser determines that the trainee is competent in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice. Upon making the determination of competency, the supervising appraiser shall request a competency certification form from the Board. The supervising appraiser shall submit, to the Board, within 30 days of receipt of the competency certification form, the certification that the trainee is
competent to perform property inspections independently. Examples of competency include, but are not limited to, properly identifying the problem to be addressed, being familiar with a specific type of property, market, geographic area, or analytical method.

7) The supervising appraiser shall prepare and furnish a signed statement describing the nature and extent of the assistance rendered to each trainee who provided services on an appraisal assignment. This statement shall be placed in the workfile of the appraisal assignment.

8) Upon the termination of the supervising appraiser and the trainee relationship, the supervising appraiser shall request an evaluation certification form from the Board. The supervising appraiser shall submit, to the Board, within 30 days of receipt of the evaluation certification form, the certification evaluating the activities performed by his or her trainee.

9) Prior to supervising trainee appraisers, a supervising appraiser shall complete a course that, at a minimum, is oriented to the requirements and responsibilities of supervising appraisers and complies with the specifications for the course content established by the AQB.

10) Failure to comply with this section may be deemed professional misconduct.

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) The name and address of the client;

2) The type of appraisal report;

3) The address of the appraised property;

4) A description of the work performed and the scope of review and supervision;

5) The number of hours claimed for the assignment;

6) The type of property;
7) The date of report;

8) The number of actual work hours by the trainee on the assignment; and

9) The signature and certification number of the supervising appraiser. Separate logs shall be maintained for each supervising appraiser, if applicable.

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) Land/site inspections and descriptions;

2) Building inspections and descriptions;

3) Neighborhood descriptions and analysis;

4) Highest and best use analysis;

5) Research of comparable sales and analysis;

6) Cost analysis;

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

8) Meaningful sales analysis;

9) Correlation of data into final value; and

10) Any other components of the appraisal process.

c) The trainee shall:

1) Include in the appraisal log submitted to the Board only those appraisal report(s) which indicate(s) that the trainee provided significant assistance;

2) Verify that the trainee's contribution to the report has been indicated in the report before entering the report into the appraisal log; and
3) Notify the Board immediately, in writing, if the trainee has provided significant real property appraisal assistance to a supervising appraiser with an appraisal report, and the supervising appraiser has not indicated that the trainee provided significant real property appraisal assistance in the report, and the scope of the trainee's contribution. For purposes of this subsection, "significant" means the exercise of appraisal knowledge and training, and does not mean clerical or fact gathering tasks.

d) Failure to comply with this section shall be grounds for:

1) Denial of renewal of the trainee permit;

2) Revocation of the trainee permit;

3) Denial of experience credit for the entire year in which the lack of compliance occurred; and/or

4) Denial of licensure or certification.

13:40A-4.8 CONTINUING EDUCATION REQUIREMENTS

a) An individual holding a trainee permit shall complete 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.

b) An individual holding a trainee permit for more than two years shall retain documentation as required in N.J.A.C. 13:40A-5.8.

c) As provided in N.J.A.C. 13:40A-5.10(b), an individual holding a trainee permit may request, due to extenuating circumstances, to be placed on inactive status to complete all continuing education requirements.

SUBCHAPTER 5.
CONTINUING PROFESSIONAL EDUCATION

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.

13:40A-5.2 (RESERVED)

13:40A-5.3 CONTINUING EDUCATION CREDIT-HOUR REQUIREMENTS; CARRYOVER PROHIBITED; REPEAT OF SAME COURSE PROHIBITED

a) 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.

b) Carryover of continuing education credits is prohibited.

c) Aside from complying with the requirement to complete the 7-Hour National USPAP Update Course (or its AQB-approved equivalent) set forth in N.J.A.C. 13:40A-5.4, a certified or licensed appraiser shall not receive credit for completion of the same continuing education course more than once during a biennial period preceding application for renewal.

13:40A-5.4 SPECIAL COURSE REQUIREMENT(S)

a) All licensed and certified real estate appraisers shall be required to complete the seven-hour National Update Course on the Uniform Standards of Professional Appraisal Practice or its equivalent at least once every 24 months.

b) All licensed and certified real estate appraisers shall be required to complete a two hour course on New Jersey law and rules governing the practice of real estate appraising. The course at a minimum shall include: the origin and history of the Real Estate Appraisers Act, the Board composition, scope of practice, mixed practice conflicts of interest, continuing education requirements and criteria, temporary visiting certificates, trainee and supervisor requirements, appraisal reporting and common deficiencies, and the complaint process.
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) An applicant seeking to take a course for continuing professional education credit which has not been pre-approved by the Board may apply to the Board for pre-approval of the course offering. The applicant shall submit information similar to that which is required to be supplied by course providers, as more fully detailed in N.J.A.C. 13:40A-5.9(a)2.

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.

13:40A-5.6 ACCEPTABLE COURSE TOPICS

a) The Board shall approve only those continuing education activities and course topics as are deemed by the Board to be consistent with the purpose of continuing education. Examples of such course topics may include, but are not limited to: changes in the Uniform Standards of Professional Appraisal Practice; ad valorem taxation; arbitration; business courses related to practice of real estate appraisal; construction estimating; land use planning; zoning and taxation; management, leasing, brokerage, timesharing; property development; State law and rules governing the practice of real estate appraising; real estate appraisal (valuation/evaluations), law, litigation, financing and investment; real estate appraisal related computer applications; real estate securities and syndication; real property exchange; green building; seller concessions; and developing opinions on real estate value in appraisals that also include personal property and/or business value.

b) The Board shall approve only such continuing education programs as are available and advertised on a reasonably nondiscriminatory basis to all real estate appraisers in the State.

c) The Board may revoke approval of those continuing education activities and course topics deemed by the Board to no longer be consistent with the purpose of continuing education.

13:40A-5.7 SOURCES OF CONTINUING EDUCATION

a) The licensee or certificate holder may obtain continuing education credits for the following:
1) Training programs offered by State or Federal agencies or commissions;

2) Educational programs provided during trade organization conferences;

3) Colleges or universities accredited by the New Jersey Commission on Higher Education or any state accrediting agency approved by the Board; community or junior colleges accredited by the New Jersey Commission on Higher Education; proprietary schools;

4) Seminars offered by real estate appraisal or real estate related organizations;

5) Seminars offered by vendors of commercial products, provided that at least one other commercial vendor from a different company participates in the seminar;

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

   i) Examples of activities for which credit may be granted include teaching appraisal courses, developing appraisal programs, authoring appraisal textbooks or articles, or participating in other like activities deemed by the Board to be equivalent to obtaining continuing education.

   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;

7) Courses approved for initial certification and licensing; and

8) Distance learning courses on qualifying topics where a written, proctored examination is required. The term “written” refers to an examination that might be written on paper or administered electronically on a computer workstation or other device.

   b) The award of credit is subject to Board approval of the course offering either prior to filing the renewal application or upon submission of documentation required pursuant to N.J.A.C. 13:40A-5.8 at the time of license or certification renewal.

**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.

b) Documentation of continuing education requirements shall consist of the following:

1) For courses, seminars and training programs approved by the Board, the licensee or certificate holder shall be required to maintain a "Uniform Continuing Education Form" or other form acceptable to the board signed and dated by both the applicant and the course instructor(s), attesting that the licensee or certificate holder attended an approved continuing education offering. The licensee or certificate holder shall list the continuing education completed during the biennial licensing period on the Board-provided renewal application.

2) For participation other than as a student in appraisal education processes or programs:

i) A written request for continuing education credit which shall include at least the following information:

(1) A description of the activities for which credit is sought;

(2) The number of credits sought;

(3) The time spent on such activities;

(4) The reasons the applicant believes such activities meet the Board’s continuing education requirements; and

(5) Any further information as may be requested by the Board;

ii) For publication of a book or an article in a professional journal, submission of the book or article;

iii) For teaching or research appointments, a statement of appropriate school authority verifying the appointment and a statement of the subject matter to be taught or the nature of the research to be performed.

c) For courses, seminars or training programs which have not been pre-approved by the Board:
1) A copy of the course description and/or outline; and

2) A completed "Uniform Continuing Education Form" or other certified form acceptable to the Board or a signed and dated certification, from both the applicant and course instructor(s), attesting that the applicant attended the course listed and satisfactorily completed all course requirements.

d) Falsification of any information submitted with the renewal application may result in penalties and/or the suspension or revocation of a license or certification.

e) A licensed and certified appraiser shall be required to maintain records pertaining to his or her continuing education for at least four years from the date the course or seminar was taken.

13:40A-5.9 RESPONSIBILITIES OF CONTINUING EDUCATION PROVIDERS

a) All providers of continuing education courses shall:

1) Secure Board approval prior to advertising or otherwise representing that any course is approved for continuing education credit in New Jersey;

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

   i) A detailed description of course content and estimated hours of instruction;

   ii) Any printed material describing the course;

   iii) A description of the method used to monitor attendance and the policy for making up missed classes;

   iv) A curriculum vitae of the instructor(s), including information concerning the specific background which qualifies the instructor to teach the particular course offering;

   v) Any additional information as may be requested by the Board;

   vi) The name of the instructor(s) proposed to teach the course or seminar;

3) Monitor the attendance at each approved course; and
4) Retain accurate records of attendance for a four-year period and shall submit such
documentation to the Board upon request.

13:40A-5.10 EXTENSIONS

a) An applicant for biennial renewal may not obtain an extension of time within which to
satisfy continuing education requirements, except where a deferral is authorized
pursuant to the Real Property Appraiser Qualification Criteria and Interpretations of the
Criteria, effective January 1, 2008, as promulgated by the AQB of the Appraisal
Foundation as amended and supplemented and incorporated herein by reference as part
of this rule and can be found at
http://www.appraisalfoundation.org/s_appraisal/bin.asp?CID=117&DID=287&DOC=FILE.

b) If, upon application by a credential holder, the Board determines that an applicant for
biennial renewal is not able to satisfy continuing education requirements for the
preceding cycle due to extenuating circumstances, the credential holder shall be placed
in inactive status for a period of up to 90 days pending completion of all continuing
education requirements, as set forth in the Real Property Appraiser Qualification Criteria
and Interpretations of the Criteria, as promulgated by the AQB of the Appraisal
Foundation, as amended and supplemented and incorporated herein by reference as part
of this rule.

SUBCHAPTER 6.
STANDARDS FOR APPRAISALS

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

13:40A-7.1 FEE SCHEDULE

a) Charges for credentialing, certification, licensure and other services are as follows:
1) Application fee:
   i) Certified General Real Estate Appraiser ........................................ $125.00
   ii) Certified Residential Real Estate Appraiser ................................. $100.00
   iii) Licensed Real Estate Appraiser .................................................. $75.00

2) Credentialing fee: ........................................................................ $$125.00$

3) Initial certification fee, general real estate appraiser:
   i) During the first year of a biennial renewal period ....................... $550.00
   ii) During the second year of a biennial renewal period ............... $275.00

4) Initial certification fee, residential real estate appraiser:
   i) During the first year of a biennial renewal period ....................... $550.00
   ii) During the second year of a biennial renewal period ............... $275.00

5) Initial license fee:
   i) During the first year of a biennial renewal period ....................... $550.00
   ii) During the second year of a biennial renewal period ............... $275.00

6) Certification renewal fee for general real estate appraiser, biennial .... $550.00

7) Certification renewal fee for residential real estate appraiser, biennial $550.00

8) License renewal fee, biennial ............................................................. $550.00

9) Late renewal fee: ........................................................................ $$100.00$

10) Temporary visiting registration fee ................................................. $150.00

11) Reciprocity Application fee: .......................................................... $75.00
12) Reinstatement fee: $150.00

13) Duplicate wall certificate fee: $40.00

14) Duplicate registration certificate fee: $25.00

15) Change of name or address fee: $25.00

16) Verification of certification/licensure: $40.00

17) Verification of continuing education credits: $40.00

18) Federal surcharge, biennial: $80.00

19) Trainee permit fee; annual: $100.00

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.

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) Individuals holding a current valid real estate appraiser certificate or license may use only the following designations and abbreviations to indicate the type of certificate or license held:

<table>
<thead>
<tr>
<th>Permissible Designation</th>
<th>Permissible Abbreviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>State Certified General Real Estate Appraiser</td>
<td>SCGREA</td>
</tr>
<tr>
<td>State Certified Residential Real Estate Appraiser</td>
<td>SCRREA</td>
</tr>
<tr>
<td>State Licensed Real Estate Appraiser</td>
<td>SLREA</td>
</tr>
</tbody>
</table>

2) Abbreviations shall appear in capital letters, without a period or space after each letter, and shall not be in type or lettering larger than the individual's name.
3) A certified or licensed appraiser shall use his or her designation or abbreviation only in conjunction with his or her name and not in conjunction with the name of a firm, corporation or partnership. For example, a firm, corporation or partnership shall not be identified as being certified or licensed.

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) A certified or licensed appraiser shall not permit his or her name and designation to be used on an appraisal where the appraiser has not participated in the appraisal pursuant to the Uniform Standards of Professional Appraisal Practice.

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

**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 master's 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.

13:40A-7.5 MIXED PRACTICE; CONFLICT OF INTEREST

a) For the purposes of this section, "real estate licensee" means any natural person licensed as a real estate broker, broker-salesperson or salesperson pursuant to N.J.S.A. 45:15-1et seq. and "transaction" means the buying, selling, leasing, mortgaging, auctioning or exchanging of real estate.

b) A real estate appraiser, who is also a real estate licensee or who is employed as an appraiser by a licensed real estate broker, shall not prepare an appraisal upon a property while:

1) The real estate appraiser also is acting in the capacity of a real estate licensee for any party with respect to any transaction involving the property to be appraised;

2) The employing broker of the real estate appraiser is acting as a real estate licensee for any party with respect to any transaction involving the property to be appraised; or

3) Any real estate licensee who is working for the employing broker of the real estate appraiser acts as a real estate licensee for any party with respect to such transaction.

c) The prohibitions listed in (b) above shall continue until the transaction closes.

1) A sale or buy transaction is considered closed at the time the closing has been completed and title has passed from the seller to the buyer;
2) A lease transaction is considered closed at the time the lease is fully executed and delivered to the parties or, if there is no written lease, at the time of occupancy of the leased premises by the tenant;

3) A mortgage transaction is considered closed at the time a mortgage document is executed by the mortgagor and delivered to the mortgagee; and

4) An exchange is considered closed at the time the closing has been completed and title has passed between the parties.

d) Notwithstanding (b) above, this section shall not be construed to preclude a real estate appraiser who is also a real estate licensee, acting in the capacity of a real estate licensee, from giving or offering to give, for a fee or otherwise, counsel and advice on the pricing, listing, selling, renting and use of real property, directly to a property owner or prospective purchaser if the intended use of the counsel or advice is solely for the individual knowledge of or use by the property owner or prospective purchaser or lessee and not by any third party. When providing such counsel or advice, the licensed real estate appraiser, acting in the capacity of a real estate licensee, shall disclose, in writing, to the property owner or prospective purchaser or lessee that such counsel and advice is not a "certified appraisal" or a "licensed appraisal."

13:40A-7.6 LICENSE OR CERTIFICATION RENEWAL

a) The Board shall send a notice of renewal to each licensee or certificate holder, at least 60 days prior to the expiration of the license or certification. The notice of renewal shall explain inactive renewal and advise the licensee or certificate holder of the option to renew as inactive. If the notice to renew is not sent 60 days prior to the expiration date, no monetary penalties or fines shall apply to the licensee or certificate holder for failure to renew provided that the license or certification is renewed within 60 days from the date the notice is sent or within 30 days following the date of license or certification expiration, whichever is later.

b) A licensee or certificate holder shall renew his or her license or certification for a period of two years from the last expiration date. The licensee or certificate holder shall submit a renewal application to the Board, along with the renewal fee set forth in N.J.A.C. 13:40A-7.1, prior to the date of license or certification expiration.

c) A licensee or certificate holder may renew his or her license or certification by choosing inactive status. A licensee or certificate holder electing to renew his or her license or certification as inactive shall not engage in the practice of real estate appraising, or hold himself or herself out as eligible to engage in the practice of real estate appraising in New Jersey, until such time as the license or certification is returned to active status.
d) If a licensee or certificate holder does not renew the license or certification prior to its expiration date, the licensee or certificate holder may renew the license or certification within 30 days of its expiration by submitting a renewal application, a renewal fee, and a late fee as set forth in N.J.A.C. 13:40A-7.1. During this 30-day period, the license or certification shall be valid and the licensee or certificate holder shall not be deemed practicing without a license or certification, as applicable.

e) A licensee or certificate holder who fails to submit a renewal application within 30 days of license or certification expiration shall have his or her license or certification suspended without a hearing.

f) A licensee or certificate holder who continues to engage in the practice of real estate appraising with a suspended license or certification shall be deemed to be engaging in the unauthorized practice of real estate appraising and shall be subject to action consistent with N.J.S.A. 45:1-14 et seq., even if no notice of suspension has been provided to the individual.

13:40A-7.7 LICENSE OR CERTIFICATION REACTIVATION

a) A licensee or certificate holder who holds an inactive license or certification pursuant to N.J.A.C. 13:40A-7.6(c) may apply to the Board for reactivation of the inactive license or certification. A licensee or certificate holder seeking reactivation of an inactive license or certification shall submit:

1) A renewal application;

2) A certification of employment listing each job held during the period of the inactive license or certification, which includes the names, addresses, and telephone number of each employer;

3) The renewal fee for the biennial period for which reactivation is sought as set forth in N.J.A.C. 13:40A-7.1; and

4) Evidence of having completed all continuing education credits for the current biennial registration period which were required to be completed within two years prior to the beginning of the renewal period for which reactivation is sought, consistent with the requirements set forth in N.J.A.C. 13:40A-5.

i. An applicant who holds a valid, current license or certification in good standing issued by another state to engage in the practice of real estate appraising and submits proof of having satisfied that state’s continuing education requirements for
that license or certification during the biennial period immediately prior to the renewal period for which reactivation is sought, shall be deemed to have satisfied the requirements of subsection (a)4. If the other state does not have any continuing education requirements, the requirements of (a)4 apply.

b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reactivation, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirement(s) as determined by the Board prior to reactivation of the license or certification. If the examination or assessment identifies deficiencies or educational needs, the Board may require the applicant, as a condition of reactivation of licensure or certification, to take and successfully complete any education or training or to submit to any supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill. The Board in its discretion may restore the license or certification subject to the applicant’s completion of the training within a period of time prescribed by the Board following the restoration of the license or certification. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following, but not limited to:

1) Length of duration license or certification was inactive;

2) Employment history;

3) Professional history;

4) Disciplinary history and any action taken against the applicant’s license or certification by any licensing board;

5) Actions affecting the applicant’s privileges taken by any institution, organization, or employer related to the practice of real estate appraising or other professional or occupational practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction;

6) Pending proceedings against a professional or occupational license or certification issued to the licensee or certificate holder by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and
7) Civil litigation related to the practice of real estate appraising or other professional or occupational practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction.

13:40A-7.8 LICENSE OR CERTIFICATION REINSTATEMENT

a) A licensee or certificate holder who has had his or her license suspended pursuant to N.J.A.C 13:40A-7.6(e) above may apply to the Board for reinstatement. A licensee or certificate holder applying for reinstatement shall submit:

1) A reinstatement application;

2) A certification of employment listing each job held during the period of suspended license or certification, which includes the names, addresses, and telephone number of each employer;

3) The renewal fee for the biennial period for which reinstatement is sought;

4) The past due renewal fee for the biennial period immediately preceding the renewal period for which reinstatement is sought;

5) The reinstatement fee set forth in N.J.A.C. 13:40A-7.1; and

6) Evidence of having completed all continuing education credits for the current biennial registration period which were required to be completed during the biennial period immediately prior to the renewal period for which reinstatement is sought, consistent with the requirements set forth in N.J.A.C. 13:40A-5.

i. An applicant who holds a valid, current license or certification in good standing issued by another state to engage in the practice of real estate appraising and submits proof of having satisfied that state’s continuing education requirements for that license or certification, shall be deemed to have satisfied the requirements of subsection (a)6. If the other state does not have any continuing education requirements, the requirements of (a)6 above shall apply.

b) If a Board review of an application establishes a basis for concluding that there may be practice deficiencies in need of remediation prior to reinstatement, the Board may require the applicant to submit to and successfully pass an examination or an assessment of skills, a refresher course, or other requirements as determined by the Board prior to reinstatement of the license or certification. If that examination or assessment identifies deficiencies or educational needs, the board may require the applicant as a condition of reinstatement of licensure to take and successfully complete any education or training or
to submit to any supervision, monitoring, or limitations, as the Board determines are necessary to assure that the applicant practices with reasonable skill. The Board in its discretion may restore the license or certification subject to the applicant’s completion of the training within a period of time prescribed by the Board following the restoration of the license or certification. In making its determination whether there are practice deficiencies requiring remediation, the Board shall consider the following, but not limited to:

1) Length of duration license or certification was suspended;

2) Employment history;

3) Professional history;

4) Disciplinary history and any action taken against the applicant’s license or certification by any licensing board;

5) Actions affecting the applicant’s privileges taken by any institution, organization, or employer related to the practice of real estate appraising or other professional or occupational practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction;

6) Pending proceedings against a professional or occupational license or certification issued to a licensee or certificate holder by a professional board in New Jersey, any other state, the District of Columbia, or in any other jurisdiction; and

7) Civil litigation related to the practice of real estate appraising or other professional or occupational practice in New Jersey, any other state, the District of Columbia or in any other jurisdiction.

13:40A-7.9 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 Administrative Code; 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.

13:40A-7.10 DISCIPLINED LICENSEES OR CERTIFICATE HOLDERS; PROHIBITED ACTIVITIES

a) When used in this section, "steps of the valuation process", means any and all work performed by or at the direction of an individual including, but not limited to, the gathering of any data from which to extract information and market trends, the analysis of data, such as sales, cost, and income data pertaining to a properly being appraised, and the reconciliation of the data to form a value conclusion.

b) No later than the effective date of a suspension, revocation or voluntary surrender, any suspended or revoked licensee or certificate holder, or any licensee or certificate holder who has agreed to a voluntary surrender of his or her license or certificate, to be deemed a revocation, shall immediately forward the original license or certification to the Board office located at Post Office Box 45032, 124 Halsey Street, Third Floor, Newark, New Jersey 07101. With respect to suspensions of a finite term, at the conclusion of the term, the licensee or certificate holder may contact the Board office for the return of the documents previously surrendered to the Board.
c) Any licensed or certified appraiser who is under active disciplinary suspension pursuant to a Board order or consent agreement, or whose license or certification has been revoked or surrendered, shall cease and desist from engaging in the practice of real estate appraising in all respects, and shall refrain from engaging in any work or activities, including any of the steps of the valuation process, in connection with any appraisal assignment for real estate located in the State of New Jersey. No suspended or revoked licensee or certificate holder shall charge, receive or share in any fee for professional services rendered by himself or herself or others while barred from engaging in real estate appraising. The licensee may be compensated for the reasonable value of services lawfully rendered and disbursements incurred prior to the effective date of the Board action. Failure to comply with this provision shall be deemed professional misconduct.

d) Any New Jersey licensed or certified real estate appraiser who assists a suspended or revoked real estate appraiser in the performance of steps in the valuation process or employs or provides payment for services in any capacity rendered by any suspended or revoked real estate appraiser, whether payment is made to the appraiser as an employee or as an independent contractor, shall be deemed to have aided and abetted unlicensed or uncertified practice pursuant to N.J.S.A. 45:1-21 (n), and to have engaged in professional misconduct pursuant to N.J.S.A. 45:1-21(e).

e) Any payment made to or received by a suspended or revoked licensee or certificate holder by any New Jersey licensed or certified real estate appraiser will be presumed to be related to the practice of real estate appraising, unless the licensee or certificate holder or suspended or revoked licensee or certificate holder can affirmatively demonstrate by clear and convincing evidence that the moneys were unrelated to the practice of real estate appraising.

f) Any Board licensee or certificate holder who has been subject to any of the following actions by the Department of Housing and Urban Development (HUD) shall be deemed to have engaged in professional misconduct pursuant to N.J.S.A. 45:1-21(e), as well as pursuant to N.J.S.A. 45:1-21(g): a debarment, a limited denial of participation, a suspension, as defined by 24 C.F.R. § 24.105; or a removal from the HUD's FHA Appraiser Roster pursuant to 24 C.F.R. 200.204, and accordingly, may be subject to sanction pursuant to N.J.S.A. 45:1-21 or N.J.S.A. 45:1-22.

13:40A-7.11 NOTIFICATION OF CHANGE OF ADDRESS; SERVICE OF PROCESS

a) Every licensee and certificate holder shall give notice to the Board of any change of his or her address of record within 10 days of such change. For purposes of this section "address of record" means an address designated by a licensee or certificate holder which is part of the public record and which may be disclosed upon request. "Address of record" may be a licensee or certificate holder's home, business or mailing address, but
shall not be a post office box. unless the licensee or certificate holder also provides another address which includes a street, city, state, and zip code.

b) Service of an administrative complaint or other process initiated by the Board, the Attorney General or the Division of Consumer Affairs at the licensee's or certificate holder's address of record shall be deemed adequate notice.

SUBCHAPTER 8.
CERTIFICATION OR LICENSURE BY RECIPROCITY

13:40A-8.1 CERTIFICATION OR LICENSURE BY RECIPROCITY

a) Upon receipt of a completed application, application fee, consent to a criminal history record background check, and requisite fee for such a check, the Board shall issue a real estate appraiser license or certification to any person who documents that the person holds a valid, current corresponding license or certification in good standing issued by another state, if:

1) The Board determines that the state that issued the license or certification has or had at the time of issuance, education, training, and examination requirements for licensure or certification substantially equivalent to the current standards of this State; and

2) The requirements of subsection (b) are satisfied.

b) Prior to the issuance of the license or certification, the Board shall have received:

1) Documentation reasonably satisfactory to the Board that the applicant's license or certification in the other state is in good standing;

2) The results of a criminal history record background check of the files of the Criminal Justice Information Services Division in the Federal Bureau of Investigation and the State Bureau of Identification in the Division of State Police do not disclose a conviction for a disqualifying crime; and

3) Designation of an agent in this State for service of process, if the applicant is not a State resident and does not have an office in this State.

c) For purposes of this section, “good standing” means that:
1) No action has been taken against the applicant’s license or certification by any licensing board;

2) No action adversely affecting the applicant’s privileges to practice real estate appraising has been taken by any out-of-State institution, organization, or employer;

3) No disciplinary proceeding is pending that could affect the applicant’s privileges to practice real estate appraising;

4) All fines levied by any out-of-State board have been paid; and

5) There is no pending or final action by any criminal authority for violation of law or regulation, or any arrest or conviction for any criminal or quasi-criminal offense under the laws of the United States, New Jersey, or any other state, including but not limited to: criminal homicide; aggravated assault; sexual assault, criminal sexual contact, or lewdness; or any offense involving any controlled dangerous substance or controlled dangerous substance analog.

d) For purposes of this section, a “substantially equivalent” examination need not be identical to the current examination requirements of this State, but such examination shall be nationally recognized and of comparable scope and rigor.

e) The Board, after the licensee has been given notice and an opportunity to be heard, may revoke any license or certification based on a license or certification issued by another state obtained through fraud, deception, or misrepresentation.