

Document No. 3119
DEPARTMENT OF LABOR, LICENSING AND REGULATION
REAL ESTATE APPRAISERS BOARD

CHAPTER 137

Statutory Authority: 1976 Code Sections 40-60-60 and 40-60-90

137-100 et seq. Education and Licensure Standards

Text:

137.100. Definitions

(1) "Asynchronous" means communication that does not take place at the same time. It is characterized by as needed, intermittent communication.

(2) "Distance Education" means the process of delivering instruction when the instructors and the students are separated by distance.

(3) "Synchronous" means communication in which the interaction is simultaneous. It is characterized by live two-way communication.

137-100.02. Qualifications.

(A) In order to qualify as a state apprentice, licensed or certified appraiser, an applicant must meet the requirements set forth below, as well as any requirements established by the Appraiser Qualifications Board (AQB) and the Appraisal Standards Board (ASB) of the Appraisal Foundation, as subsequently endorsed by the Appraisal Subcommittee pursuant to Title XI of the Financial Institutions Reform Recovery, and Enforcement Act of 1989.

(B) In order to qualify as an appraiser apprentice, an applicant must have received 75 hours of Core Curriculum prescribed by the AQB in classroom education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, and fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB.

(C) In order to qualify to become a state licensed real estate appraiser, an applicant:

(1) must have received one hundred fifty (150) hours of Core Curriculum prescribed by the AQB in classroom education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, fifteen (15) hours in Residential Market Analysis and Highest and Best Use, fifteen (15) hours in Residential Appraiser Site Valuation and Cost Approach, thirty (30) hours in Residential Sales Comparison and Income Approaches, and fifteen (15) hours in Residential Report Writing and Case Studies.

(2) must have earned a minimum of two hundred fifty (250) experience points in appraising either residential or nonresidential properties in no fewer than 24 months; however, the maximum number of points which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to one hundred twenty-five (125) points. Qualifying experience must be obtained after January 30, 1989, be in appraisal work conforming to Standards 1, 2, 3, 4, 5, and/or 6 where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, and be of a variety sufficient to demonstrate competency in all USPAP recognized approaches to value; and

(3) must have at least twenty-four (24) months of real estate appraisal experience commencing as of the date that the first assignment is completed; and

(4) must stand for and pass an exam administered or approved by the Board. An applicant who does not become licensed within five years after passing the examination must retake the examination.

(D) In order to qualify to become a state certified residential real estate appraiser, an applicant:

(1) must have received two hundred (200) hours of Core Curriculum prescribed by the AQB in classroom education covering thirty hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, fifteen (15) hours in Residential Market Analysis and Highest and Best Use, fifteen (15) hours in Residential Appraiser Site Valuation and Cost Approach, thirty (30) hours in Residential Sales Comparison and Income Approaches, fifteen (15) hours in Residential Report Writing and Case Studies, fifteen (15) hours in Statistics, Modeling, and Finance, fifteen (15) hours in Advanced Residential Applications and Case Studies, and twenty (20) hours in appraisal subject matter electives.

(2) Applicants for the Certified Residential license must hold an Associate degree or higher, from an accredited college, community college, or university. In lieu of the Associate degree, an applicant for the Certified Residential license shall successfully pass the following collegiate subject matter courses from an accredited college, junior college, community college or university:

- (a) English Composition;
- (b) Principles of Economics (Micro or Macro);
- (c) Finance;
- (d) Algebra, Geometry, or higher mathematics;
- (e) Statistics;
- (f) Introduction to Computers-Word processing / spreadsheets; and
- (g) Business or Real Estate Law.

Total credits are the total hours of equivalent college courses in lieu of an Associate degree or 21 semester credit hours for the Certified Residential appraiser. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(3) must have earned a minimum of three hundred twelve and one-half (312.5) experience points in appraising either residential or nonresidential properties; however, the maximum number of points which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to one hundred fifty six and one quarter (156.25) points. Qualifying experience must be obtained after January 30, 1989, be in appraisal work conforming to Standards 1, 2, 3, 4, 5, and/or 6 where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, and be of a variety sufficient to demonstrate competency in all USPAP recognized approaches to value; and

(4) must have at least twenty-four (24) months of real estate appraisal experience commencing as of the date that the first assignment is completed; and

(5) must stand for and pass an exam administered or approved by the Board. An applicant who does not become certified within two years after passing the examination must retake the examination to qualify for residential certification.

(E) In order to qualify to become a state certified general real estate appraiser, an applicant:

(1) must have received three hundred (300) hours of Core Curriculum prescribed by the AQB in classroom education covering thirty (30) hours in Basic Appraisal Principles, thirty (30) hours in Basic Appraisal Procedures, fifteen (15) hour National Uniform Standards of Professional Appraisal Practice or its equivalent as determined by the AQB, thirty (30) hours in General Appraiser Market Analysis and Highest and Best Use, fifteen (15) hours in Statistics, Modeling, and Finance, thirty (30) hours in General Appraiser Sales Comparison Approach, at least thirty (30) hours in General Appraiser Site Valuation and Cost Approach, sixty (60) hours in General Appraiser Income Approach, thirty (30) hours in General Appraiser Report Writing and Case Studies, and thirty (30) hours in appraisal subject matter electives.

(2) Applicants for the Certified General license must hold a Bachelors degree or higher from an accredited college or university. In lieu of the Bachelors degree, an applicant for the Certified

General credential shall successfully pass the following collegiate level subject matter courses from an accredited college, junior college, community college or university:

- (a) English Composition;
- (b) Micro Economics;
- (c) Macro Economics;
- (d) Finance;
- (e) Algebra, Geometry, or higher mathematics;
- (f) Statistics;
- (g) Introduction to Computers-Word processing / spreadsheets;
- (h) Business or Real Estate Law; and
- (i) Two elective courses in accounting, geography, ageconomics, business management, or real estate.

Total credits are the total hours of equivalent college courses in lieu of a Bachelor's degree or 30 semester credit hours for the Certified General appraiser. If an accredited college or university accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.

(3) must have earned a minimum of three hundred seventy-five (375) experience points, fifty (50%) percent of which must come from appraising nonresidential properties. The maximum number of points which an applicant can earn in review (field, documentary, or desk) appraisal experience is limited to one hundred eighty-seven and one-half (187.50) points. Qualifying experience must be obtained after January 30, 1989, be in appraisal work conforming to Standards 1, 2, 3, 4, 5, and/or 6 where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), reporting conclusions, and be of a variety sufficient to demonstrate competency in all USPAP recognized approaches to value;

(4) must have at least thirty (30) months of real estate appraisal experience commencing as of the date that the first assignment is completed; and

(5) must stand for and pass an exam administered or approved by the Board. An applicant who does not become certified within two years after passing the examination must retake the examination to qualify for general certification.

(F) Courses taken in satisfying the qualifying education requirements should not be repetitive in nature. Each course credited toward the required number of qualifying education hours should represent a progression in which the appraiser's knowledge is increased.

(G) The Board may waive the examination requirements for those applicants who are currently licensed or certified in another state upon proof that the applicant has successfully passed an Appraisal Qualifications Board approved exam which served as a requirement for licensure or certification in the state where he is currently licensed or certified.

137-100.03. Residential Appraisal Categories.

The following categories pertain to various forms of appraiser involvement and the point values which may be awarded by the Board when evaluating residential appraisal experience:

Category Points Assigned

(A) Sole Appraiser - refers to appraisal reports which were 1.0 completed and signed by only one person.

(B) Co-Appraiser--refers to appraisal reports in which more .75 than one appraiser worked on the report. To qualify for this category, applicants must have performed more than fifty percent (50%) of the work on an appraisal. Applicants may receive experience credit for the appraisal even if this work was reviewed by a supervising appraiser who signed the appraisal report. However, in those instances where an applicant has not signed an appraisal report and claims experience credit, the applicant must submit with the application a written statement from the supervising appraiser which verifies that the applicant performed more than fifty percent (50%)

of the work on specified appraisal assignments. In addition, the name of the individual providing significant professional assistance must be acknowledged in the appraisal report.

(C) Field Review--refers to a review of an appraisal. In order .50 to qualify for field review experience credit, the applicant must have conducted a physical inspection of the property, as well as verified the data and checked the calculations contained in the appraisal under review. In addition, in order to qualify for experience credit in this category, an applicant must have prepared a written report recommending the acceptance, revision, or rejection of the appraisal under review.

(D) Documentary or Desk Review - refers to a review of an .25 appraisal performed by another person (including a person under the applicant's supervision) but does not include a physical inspection of the subject property. In order to qualify for experience credit in this category, an applicant must have thoroughly and critically reviewed all portions of the appraisal report and recommended the acceptance, revision, or rejection of the appraisal under review.

(E) Condemnation Partial Acquisition - refers to appraisals 1.25 performed on properties involved in condemnation proceedings. In order to qualify for experience credit in this category, a partial acquisition appraisal must be performed and an evaluation of both the before and after value must be given. A total acquisition under condemnation proceedings would not fall under this category.

137-100.04. Residential Point Values.

The following point values may be awarded by the Board concerning property types when evaluating residential appraisal experience:

Type of Appraisal Points Assigned

1. Appraisal of Single-Family 1.0 (one unit dwelling)
2. Appraisal of Multi-Family 2.0 (two-four units)
3. Appraisal of Vacant Residential Lot .5
4. Appraisal of Rural Residential Land 2.0 (10-50 acres)

137-100.05. Nonresidential Point Values.

The following point values may be awarded by the Board concerning property types when evaluating nonresidential appraisal experience:

Type of Appraisal Points Assigned

A. Vacant Land: 2.5

(Undeveloped nonresidential tracts, residential multi-family sites, commercial sites, industrial sites, lands in transition, etc.)

B. Rural/Agricultural:

(51 to 250 acres) 2.5

(more than 250 acres) 4.0

C. Residential Multi-Family (5-12 units): 5.0

(apartments, condominiums, townhouses, mobile home parks, etc.)

D. Residential Multi-Family (13 units or more): 7.0

(Apartments, condominiums, townhouses, mobile home parks, etc.) [Add 1 point for proposed project projections.]

E. Commercial Single-Tenant: 5.0

(Office building, retail store, restaurant, service station, bank, day-care center, etc.)

F. Commercial Multi-Tenant: 8.0

(Office building, shopping center, hotel/motel, etc.) [Add 1 point for proposed projections.]

G. Industrial:

(Warehouse, manufacturing plant, etc.)

Under 20,000 square feet 5.0

20,000 square feet or more 9.0

H. Institutional: 7.0 (Nursing home, hospital, school, church, government building, etc.)

137-100.06. Nonresidential Appraisal Categories.

The following categories pertain to various forms of appraiser involvement and the point values which may be awarded by the Board when evaluating nonresidential appraisal experience:

Type of Appraisal Points Assigned

A. Sole Appraiser--refers to appraisal reports which were 1.0 completed and signed by only one person.

B. Co-Appraiser--refers to appraisal reports in which more .75 than one appraiser worked on the report. To qualify for this category, applicants must have performed more than fifty percent (50%) of the work on an appraisal. Applicants may receive experience credit for the appraisal even if this work was reviewed by a supervising appraiser who signed the appraisal report. However, in those instances where an applicant has not signed an appraisal report and claims experience credit, the applicant must submit with the application a written statement from the supervising appraiser which verifies that the applicant performed more than fifty percent (50%) of the work on specified appraisal assignments.

C. Field Review--refers to a review of an appraisal. In order .50 to qualify for field review experience credit, the applicant must have conducted a physical inspection of the property, as well as verified the data and checked the calculations contained in the appraisal under review. In addition, in order to qualify for experience credit in this category, an applicant must have prepared a written report recommending the acceptance, revision, or rejection of the appraisal under review.

D. Documentary or Desk Review - refers to a review of an .25 appraisal performed by another person but does not require a physical inspection of the subject property. In order to qualify for experience credit in this category, an applicant must have thoroughly and critically reviewed all portions of the appraisal report and recommended the acceptance, revision, or rejection of the appraisal under review.

E. Condemnation Partial Acquisition - refers to appraisals 1.25 performed on properties involved in condemnation proceeding. In order to qualify for experience credit in this category, a partial acquisition appraisal must be performed and an evaluation of both the before and after value must be given. A total acquisition under condemnation proceedings would not fall under this category.

137-100.07. Other Appraisal Experience.

(A) Applicants may receive credit for appraisals of other types of real property not listed in these Regulations. The Board may, on an individual basis, determine the amount of credit to be awarded for such appraisals based on information provided to the Board by the applicant.

(B) Experience credit may be awarded for mass appraisal activity provided such activity is in compliance with the standards set forth in the Uniform Standards of Professional Appraisal Practice. However, the maximum number of experience points an applicant will be awarded for mass appraisal activity is forty percent (40%), of which no more than fifty (50) points may be earned through review appraisals.

(C) Mass appraisal experience will not be awarded for activity performed by individuals commonly referred to as "listers." The duties these individuals perform are typically limited to the location of real property, measurement of improvements relative to such things as number of bedrooms and bathrooms, siding, decks, or other miscellaneous information. Such activity does not, in and of itself, apply the methods and techniques utilized in the appraisal process and consequently will not be credited as appraisal experience.

(D) Duties performed by listers are not considered regulated appraisal activity and therefore listers are not required to become licensed or certified under the South Carolina Real Estate Appraiser License and Certification Act.

137-200.01. Mass Appraisal Activity.

(A) Appraisal experience may be obtained through mass appraisal activity when applicants can demonstrate that after receiving information supplied by the lister the person claiming mass appraisal experience credit inspected the subject property, determined the quality or classification of the property, estimated the depreciation of the improvements, determined the land or lot value based on market sales of comparable properties adjusted to the subject property, and reviewed the estimated value of the property against comparable sales in order to ensure the value estimate approximated market value.

(B) Ad valorem appraisal experience may be obtained through individual property appraisals utilizing the entire appraisal process.

137-200.02. Residential Mass Appraisals.

The following categories pertain to various forms of appraiser involvement and the point values which may be awarded by the Board when evaluating residential mass appraisal experience:

(A) Sole Appraiser - refers to appraisals which were completed by only one person.

Type of Appraisal Points Assigned

1. Single-Family New .25
(one-unit dwelling) Update .05
2. Multi-Family New .25
(two-four units) Update .067
3. Residential Lots New .02
(4 lots or less) Update .02
4. Rural Residential Land New .167
(50 acres or less) Update .10

(B) Co-Appraiser refers to appraisals in which more than one appraiser worked as a team. To qualify for this category, applicants must have performed at least fifty percent (50%) of the work on an appraisal.

Type of Appraisal Points Assigned

1. Single-Family New .188
(one unit dwelling) Update .038
2. Multi-Family New .188
(two-four units) Update .05
3. Residential Lots New .015
(4 lots or less) Update .015
4. Rural Residential Land New .125
(50 acres or less) Update .075

137-200.03. Nonresidential Mass Appraisals.

The following categories pertain to various forms of appraiser involvement and the point values which may be awarded by the Board when evaluating nonresidential mass appraisal experience:

(A) Sole Appraiser refers to an appraisal which was completed by only one person.

Type of Appraisal Points Assigned

1. Vacant Land New .067
Update .04
2. Rural Agricultural New .167
(51 acres to 250 acres) Update .10
3. Rural Agricultural New .20
(more than 250 acres) Update .125
4. Multi-Family New 1.0
(5-12 units) Update .25
5. Multi-Family New 1.5

(13 or more units) Update .33
6. Commercial New 1.0
(single tenant) Update .25
7. Commercial New 2.0
(multi-tenant) Update 1.0
8. Industrial New 1.0
(under 20,000 square Update .75
9. Industrial New 1.5
(more than 20,000 square Update 1.0
10. Institutional New 1.5
Update .33

(B) Co-Appraiser refers to an appraisal in which two or more appraisers worked together as a team. To qualify for this category, applicants must have performed at least fifty percent (50%) of the work on an appraisal.

Type of Appraisal Points Assigned

1. Vacant Land New .05
Update .03
2. Rural Agricultural New .125
(51 acres to 250 acres) Update .075
3. Rural Agricultural New .150
(more than 250 acres) Update .094
4. Multi-Family New .75
(5-12 units) Update .188
5. Multi-Family New 1.125
(13 or more units) Update .248
6. Commercial New .75
(single tenant) Update .188
7. Commercial New 1.5
(multi-tenant) Update .75
8. Industrial New .75
(under 20,000 square feet) Update .563
9. Industrial New 1.125
(more than 20,000 square feet) Update .75
10. Institutional New 1.125
Update .248

137-200.04. Mass Appraisal Experience Verification.

Persons claiming mass appraisal experience must provide a statement of verification of the experience claimed. This verification should be completed by the applicant's supervisor or employer where the mass appraisal experience was required. The experience claimed by the applicant must be reported on a log in compliance with 137-300.01(A)(2).

137-300.01. Responsibilities Of An Appraiser Apprentice.

(A) The holder of an appraiser apprentice permit issued by the Board must comply with the following:

(1) The apprentice shall perform appraisal assignments only under the direct supervision of a state certified residential or state certified general real estate appraiser.

(2) The apprentice shall maintain a log which shall contain the following for each appraisal assignment:

- (a) Date of appraisal.
- (b) Address of appraised property.

- (c) Description of work performed.
- (d) Type of property.
- (e) Number of points claimed for the assignment.
- (f) Name and address of the client.
- (g) Name, signature and certification number of supervising appraiser.
- (3) The apprentice shall maintain copies of all appraisals.
- (4) The apprentice shall make the log and all appraisals available at all times for inspection by the Board.
- (5) When performing appraisal assignments, the apprentice shall have in his or her possession the permit issued by the Board.
- (6) The apprentice is eligible to take the appraisal licensing or certification examinations after completing the requisite Board-approved AQB Core Curriculum.

137-300.02. Responsibilities Of A Supervising Appraiser.

(A) With respect to an appraiser apprentice employed or retained by or associated with a state certified appraiser:

(1) For purposes of this section, “direct supervision” means to personally review an appraisal report prepared by an apprentice and to sign and certify the report as being independently and impartially prepared and in compliance with the Uniform Standards of Professional Appraisal Practice, these regulations, and applicable statutory requirements.

(2) A state certified appraiser having direct supervisory authority over the appraiser apprentice shall make reasonable efforts to ensure that the apprentice’s conduct is compatible with the professional standards of the supervising appraiser.

(3) A supervising appraiser shall be responsible for conduct of an appraiser apprentice that would be a violation of the Uniform Standards of Professional Appraisal Practice if:

(a) the supervising appraiser orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(b) the supervising appraiser has direct supervisory authority over the apprentice, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

(B) A supervising appraiser of an appraiser apprentice shall also:

(1) Acknowledge in the appraisal certification the professional contribution of the apprentice in accordance with the Uniform Standards of Professional Appraisal Practice; and

(2) Provide the apprentice with a copy of any final appraisal document in which the apprentice participated.

(3) Personally accompany each apprentice on appraisal assignments until the apprentice documents seventy-five (75) experience points.

(4) Jointly maintain with the appraiser apprentice an experience log as established in Section 137-300.01(A)(2).

(5) Be in good standing with the Board and not subject to any disciplinary action within the last two years that affects the supervisor’s legal eligibility to engage in the practice of appraising.

137-400.01. Temporary Practice.

A. The Board shall grant a temporary permit to practice as a state licensed, state certified residential, or state certified general appraiser to persons who are licensed or certified to perform appraisals in connection with federally-related transactions in another state. A person desiring a temporary practice permit must file an application as prescribed by the Board.

B. The temporary practice permit shall be effective for one specific appraisal assignment. The application for temporary practice must state the specific appraisal assignment to which it will apply and provide an estimate of the amount of time which will be required to complete the assignment.

C. If the appraisal assignment is not completed within the estimated amount of time, the Board may request that the appraiser show cause why the assignment is not complete.

D. A temporary practice permit issued by the Board must bear a number assigned by the Board. When signing an appraisal report while practicing under a temporary practice permit in this State, the holder thereof shall place the following notation: "Practicing in the State of South Carolina under Temporary Practice Permit No. . . . ". The notation must be used in all statements of qualification, contracts, or other instruments used by the appraiser when reference is made to his authority to perform appraisal activity in this State.

137-500.01. Continuing Education.

(A) All appraisers, including appraiser apprentices, prior to their first and all subsequent renewals of their authorization to engage in real estate appraisal activity, must complete the continuing education requirement of at least twenty-eight (28) classroom hours of approved instruction biennially.

(B) Continuing education is to be reported on a form approved by the Board and must have all supporting documentation attached. To ensure that it is recorded prior to the renewal deadline of June 30 and does not delay an appraiser's renewal, it should be received by the Board no later than June 1. The Board cannot guarantee that a renewal will be processed prior to the expiration date of June 30 if forms are received after June 1. Any continuing education reports submitted after August 31 will be subject to a late fee.

(C) Approved qualifying courses may be used to meet the continuing education requirement provided that the following conditions are met:

(1) Qualifying courses taken after July 1, 1992, must be on the approved list.

(2) The level of the course must be above the appraiser's current status [e.g. a licensed appraiser may receive continuing education credit for taking a Certified Residential or Certified General Level Course.

(3) Credit will not be given for the same category course taken within a two (2) year period.

(4) The 7-hour National Uniform Standards of Professional Appraiser Practice Update Course must be taken by all appraisers at least every two (2) years.

(D) Appraisers may request that they receive credit for continuing education for a course taken that has not been approved by the Board. Credit will be granted only if the appraiser provides satisfactory proof of course completion and the Board finds that the course meets the criteria set for continuing education courses with regard to subject matter, course length, instructor qualification and student attendance. Requests for continuing education credit for non-approved courses must be made on a form approved by the Board and must be submitted along with a non-refundable fee.

(E) Appraisers who received their authority to engage in real estate appraisal activity in South Carolina through either a reciprocal agreement with their state of residence or as a non-resident South Carolina appraiser may meet the continuing education requirements by providing evidence that they have met the continuing education requirements of their state of residence. Such real estate appraisal requirements must meet South Carolina's minimum hour requirements and be approved by the regulatory agency in their state.

(F) Submission of false or misleading information is grounds for immediate revocation of the appraiser's authority to practice and other disciplinary actions.

(G) Approved instructors may receive up to one-half of their continuing education credit for teaching continuing education courses, subject to Board approval. Credit will not be given for the same continuing education course more than once during a continuing education cycle.

137-600.01. Written Complaints.

A copy of a written complaint received by the Board alleging activities in violation of the South Carolina Real Estate Appraiser, License and Certification Act or these regulations or concerning the qualifications of any state permitted, licensed, or certified appraiser, shall be mailed to the last known address of the person against whom the complaint is filed together with a request for a written response to the allegation. The investigation may also include such other inquiries as may be deemed appropriate to complete the processing of the complaint.

137-600.02. Member Request for Investigation.

If a member of the Board files a complaint or requests an investigation, such complaint or request shall serve to disqualify the member from participating in any hearing or a consent agreement regarding the matter. That member shall be prohibited from discussing the issue with other members, except as a witness or party, until after final agency action and the time for appeal has lapsed or appeal rights have been exhausted.

137-600.03. Ex Parte Communications.

- A. A member shall not discuss an issue of fact or law concerning a case or pending appeal which comes before the Board without notice and opportunity for participation by all parties.
- B. This Regulation shall not be construed to limit the members at Board meetings from discussion among themselves or communications with the attorney and staff for the Board concerning closed matters, investigations in general, inquiries regarding the status of a specific case, or other matters not relating to issues of fact or law concerning a specific case.

137-600.04. Disciplinary Actions.

(A) The Board may, upon its own motion, and shall, upon the written complaint of any aggrieved person, investigate the activities of an applicant or a person permitted, licensed, or certified under this chapter and may deny, suspend, revoke, or otherwise restrict a permit, license, or certification and/or impose a public reprimand, other discipline, and/or a fine not to exceed one thousand dollars per occurrence, if the Board finds an applicant, State apprentice appraiser, licensed appraiser, or certified appraiser has violated any provision of the South Carolina Real Estate Appraiser License and Certification Act or these regulations.

(B) When an appraiser has previously been sanctioned by the Board or by any other state's real estate appraiser regulatory authority, the Board may consider these prior sanctions in determining the severity of a new sanction which may be imposed upon a finding that an appraiser has violated a provision of this chapter or any of the regulations of the Board. The failure of an appraiser to comply with or to obey a final order of the Board may be cause for suspension or revocation of the individual's permit, license, or certification after opportunity for a hearing.

(C) In a disciplinary proceeding based upon a civil judgment, an appraiser must be afforded an opportunity to present matters in mitigation and extenuation, but may not collaterally attack the civil judgment.

(D) The Board may fine and reprimand a provider or instructor or deny, revoke, suspend or otherwise withdraw the approval of any provider or instructor upon finding that the provider or instructor:

- (1) Fails to meet the criteria for approval referenced by these Regulations or no longer meets the standards established by the Board; or
- (2) Provides false or materially inaccurate information to the Board when making application for approval; or
- (3) Fails to provide information requested by the Board; or
- (4) Falsifies official documents or reports; or

(5) Otherwise violates or fails to satisfy the provisions of the South Carolina Real Estate Appraiser License and Certification Act and the regulations pertaining thereto or any other applicable professional licensing laws and regulations.

(E) Before any sanction is imposed upon a provider or instructor, the provider or instructor shall be entitled to a hearing. The hearing must be at a time and place designated by the Board and in accordance with the State Administrative Procedures Act.

137-700.01. Hearings.

The Chairman, or an alternate designated by the Board, shall preside at a hearing in a manner affording consideration of fair play and compliance with the constitutional requirements of due process. The Chairman or an alternate designated by the Board to preside at a hearing shall also have authority to:

1. Hold a conference for the simplification of issue;
2. Issue subpoenas reasonably requested by the parties;
3. Place witnesses under oath;
4. Take action necessary to maintain order in a hearing;
5. Rule on motions and procedural questions arising during the hearing; and
6. Prescribe and enforce general rules of conduct and decorum.

137-700.02. Role of Board Members.

The members collectively shall be responsible for reviewing evidence and hearing testimony and argument in order to:

- (1) Determine whether or not the alleged conduct was supported by the evidence;
- (2) Determine whether or not the conduct was a violation of the South Carolina Real Estate Appraiser License and Certification Act and/or related regulations;
- (3) Determine and impose appropriate sanctions.

137-700.03. Failure to Appear.

The failure of a protesting party to appear at a scheduled hearing shall be deemed a default and a waiver of all rights except the right to be served with a copy of the order of the Board. Upon a showing of good cause, the Board may grant a request for hearing reinstatement if such request is filed within ten (10) days after the scheduled hearing. In such cases, the hearing may be rescheduled. If the hearing is not reinstated, the protesting party in default may be charged with the costs of the hearing in the amount of five hundred (\$500) dollars.

137-800.01. Payment of Fees.

Fees associated with an initial application (including the examination fee) to become a permitted, registered, licensed or certified real estate appraiser must be paid by certified check, cashiers check or money order.

137-800.02. Bad Checks.

Checks issued by an applicant or an appraiser which are returned for insufficient funds or not honored for any cause are considered prima facie evidence of untrustworthiness or incompetency in such a manner as to endanger the interest of the public and may subject the applicant or appraiser to disciplinary action.

A. If the check is in payment of a fee for which authority to engage in real estate appraisal has been issued, that authority may be immediately cancelled or revoked.

B. Where a check or checks are incorrectly returned by a bank or other depository because of the bank or depository's error, a statement to that effect from the bank or depository will be required before such appraisal authority will be reissued.

137-800.03. Annual Fee Schedule.

Type Fee

Appraiser apprentice permit 200.00

Appraiser apprentice permit renewal 200.00

Appraiser license/certification examination fee 100.00

Appraiser license/certification 200.00

Appraiser license/certification renewal 200.00

Late penalty for renewal of license/certification/inactive status:

July 1 through July 31 75.00

August 1 through August 31 100.00

After August 31 and before next renewal period 150.00

Late penalty for submission of continuing education credit 50.00 after July 31

Permit/license/certification replacement fee 25.00

Personal name change 15.00

Inactive status 100.00

Reinstatement from inactive licensed or certified appraiser 200.00

Attestation of license/certification 20.00

Course approval (under 15 hours) 100.00

Course approval (15 hours or more) 200.00

Course approval renewal 100.00

Penalty for late course renewal 50.00

Instructor approval 200.00

Instructor approval renewal 150.00

Penalty for late instructor renewal 50.00

Appraisers roster 20.00

Appraiser mailing labels 50.00

Diskette of appraisers roster 25.00

Change in appraiser classification 75.00

Appraiser equivalent continuing education approval 50.00

Bad check charge 20.00

Temporary practice permit 50.00

In addition to the fees listed above, an annual Federal Registry Transmittal fee of 25.00 established by Public Law 101-73, Title XI, Real Estate Appraisal Reform Amendments will be charged for all licenses and certifications.

If reinstatement occurs within the same license year, the fee is 100.00.

If reinstatement occurs within a subsequent license year, the license or certification reinstatement fee equals the license or certification renewal fee set forth in Section 137-800.03.

137-800.04. Permit, License and Certification Renewals.

All appraiser permits, licenses, and certifications expire biennially on June 30, except those appraisers who first become permitted, licensed or certified in the last quarter of the fiscal year (April 1 to June 30) are not required to renew until the end of the following fiscal year.

137-800.05. Expired Permit, License or Certificate.

(A) Expired real estate appraiser permits, licenses and certificates may be reinstated within 12 months after expiration upon proper application, payment to the Board of the renewal fee as established in Section 137-800.03, plus a late fee as established in Section 137-800.03, and proof of having obtained the continuing education that would have been required had the permit, license or certificate been continuously renewed.

(B) Permits, licenses and certificates expired for more than twelve (12) months will be cancelled. Such cancelled permits, licenses and certificates may be considered for reinstatement upon proper application, payment of the original license or certificate fee as established in Section 137-800.03, payment of the late fee as established in Section 137-800.03, and proof of having obtained continuing education equal to the total number of classroom hours that would have been required had the permit, license or certificate been continuously renewed including the most recent 7-hour National Uniform Standards of Professional Appraisal Practice Update Course. Such applications will be reviewed by the Board to determine whether an examination and/or additional real estate appraisal education will be required.

137-800.06. Disclosure Of Appraiser Classification and Number.

(A) When signing an appraisal report, an appraiser shall, adjacent to his or her signature, print or type his or her appraiser classification and number assigned by the Board.

(B) When an individual holds himself out as an appraiser either in any advertisement, statement of qualifications, contract or other instrument used by the appraiser, the appraiser shall print or type his or her name, appraiser classification, and number assigned by the Board. If the appraiser signs such document or advertisement, the appraiser shall, adjacent to his or her signature, print or type his or her appraiser classification and number assigned by the Board.

137-900.01. Educational Providers - Approval Required.

(A) Providers seeking approval to offer and conduct appraiser qualifying instruction (prelicensing/precertification) and/or continuing education instruction must make application on a form approved by the Board. Upon approval, the South Carolina Appraisers Board will issue a Certificate of Approval prior to the commencement of any instruction.

(B) Providers teaching courses prior to being approved by the Board will not have their Certificates of Completion recognized by the Board.

137-900.02. Exemption From Regulation.

Courses offered as part of a degree program by an accredited college or university or a technical, community, or junior college may be deemed approved by the Board if they are equivalent in hours and subject matter to those specified by the Board. These providers are exempt from regulation by the Board, and original transcripts or other proof of course completion with a passing grade may be recognized and accepted as a prerequisite for examination or for meeting the requirements for continuing education.

137-900.03. Providers Of Courses.

(A) Courses offered by an accredited college or university or a technical, community, or junior college but which are not part of a degree program, may be approved if they comply with the regulations of the Board with regard to curriculum, instructors, classroom facilities, hours of attendance, texts, examinations and Certificates of Completion as well as comply with the policies and procedures of the appropriate department of the institution.

(B) Courses offered by other providers may be approved if they comply with the regulations of the Board with regard to curriculum, instructors, classroom facilities, hours of attendance, texts, examinations. Certificates of Completion and if the policies and procedures of the provider are also approved by the Board.

137-900.04. Application For Provider Approval.

(A) Providers of courses must furnish to the Board a completed application and all supporting documentation as required by the Board at least sixty (60) days prior to offering course. Applicable fees must accompany the application.

(B) Other information not submitted with the application, but which is information deemed important to the consideration thereof, may be required by the Board.

(C) If the application is disapproved, reason(s) for disapproval will be detailed and the provider may be given thirty (30) days to cure any deficiencies found. If deficiencies are cured, the application will be approved.

137-900.05. Curriculum and Attendance.

(A) Topics for qualifying courses referenced in the South Carolina Real Estate Appraiser License and Certification Act must be broad in scope and must cover various principles, concepts, standards, practices and/or methods that are applicable to the performance of a wide range of appraisal assignments that will commonly be encountered by licenses or certified appraisers in connection with appraisals in federally-related transactions. The courses must be at least fifteen (15) hours and must include an examination pertinent to that educational offering. Prelicense appraisal courses must be in modules which require a specified number of education hours at each credential level as established by the Appraiser Qualifications Board (AQB) of The Appraisal Foundation.

(B) The seventy-five (75) hours required for qualifying as a real estate appraiser apprentice must emphasize appraisal of one-to four-unit residential properties and must include content on the following course modules:

1. Basic Appraisal Principles (30 hours);
2. Basic Appraisal Procedures (30 hours);
3. National USPAP Course or its equivalent as determined by the AQB (15 hours).

(C) The one hundred fifty (150) hours required for a state licensed real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours) and the National USPAP Course or its equivalent as determined by the AQB (15 hours) in addition to the following course modules:

1. Residential Market Analysis And Highest And Best Use (15 hours);
2. Residential Appraiser Site Valuation And Cost Approach (15 hours);
3. Residential Sales Comparison And Income Approaches (30 hours);
4. Residential Report Writing And Case Studies (15 hours).

(D) The two hundred (200) hours required for a state certified residential real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours), National USPAP Course or its equivalent as determined by the AQB (15 hours), Residential Market Analysis And Highest And Best Use (15 hours), Residential Appraiser Site Valuation And Cost Approach (15 hours), Residential Sales Comparison And Income Approaches (30 hours), and Residential Report Writing And Case Studies (15 hours) in addition to the following course modules:

1. Statistics, Modeling And Finance (15 hours);
2. Advanced Residential Applications And Case Studies (15 hours);
3. Appraisal Subject Matter Electives (20 hours and may include hours over the minimum in other modules).

(E) The three hundred (300) hours required for a state certified general real estate appraiser must include content from the Basic Appraisal Principles (30 hours), Basic Appraisal Procedures (30 hours), National USPAP Course or its equivalent as determined by the AQB (15 hours), Statistics, Modeling And Finance (15 hours) in addition to the following course modules:

1. General Appraiser Market Analysis And Highest And Best Use (30 hours);
2. General Appraiser Sales Comparison Approach (30 hours);
3. General Appraiser Site Valuation And Cost Approach (30 hours);
4. General Appraiser Income Approach (60 hours);
5. General Appraiser Report Writing And Case Studies (30 hours);

6. Appraisal Subject Matter Electives (30 hours and may include hours over the minimum in other modules).

(F) Topics for continuing education courses must contribute to the goal of maintaining or increasing the knowledge, skill and competence of real estate appraisers with regard to the performance of real estate appraisals in a manner that best serves the public interest and must be a minimum of two (2) classroom hours in length.

(G) Learning objectives and detailed lesson plans reflecting the course content with time allotments must be furnished to the Board at the time of application for approval, along with copies of all quizzes and examinations for qualifying courses. Examinations and the criteria for such examinations and final grade determination may be developed by each provider based on its individual concepts. The Board may, however, direct alterations in examinations procedures, criteria for passing, and administration whenever deemed necessary.

(H) Providers must identify to the Board the texts to be used in any approved course of instruction. The Board may direct that the school withdraw texts and may require additional instructional materials.

(I) For qualifying courses, providers must establish uniform testing and grading procedures for their quizzes and examinations and must use approved instructors for administering and monitoring all such tests. No proprietor, instructor or any other individual may arbitrarily alter a student's grade or offer to students any re-examination of the same test previously administered. Retake examinations must contain at least eighty percent (80%) new material.

(J) Class meetings must be limited to a maximum of eight (8) hours in any given day. Students must be allowed one ten (10) minute break each hour and must be allowed at least one thirty-minute break for classes that exceed four (4) hours. Providers must require strict attendance of all classroom hours required by law and must maintain records indicating all student absences.

(K) Providers may offer students failing to meet the minimum-hour requirement make-up sessions as follows:

1. a make-up session offered by the provider consisting of the content covered in the session or hours missed; or
2. a video tape of the class session missed, supervised by the instructor, if not more than twenty percent (20%) of the classroom hours are missed; or
3. attendance of the same class session offered by the provider at a future date.

(L) Each provider shall, upon request by the Board, provide the Board with a roster of students in attendance at an approved course. The roster shall list the course identification number assigned by the Board, provider's name, instructor's name, title, location and dates of course; full legal name, address, phone number, permit/license/certificate number, if applicable, of each student, along with the number of hours in attendance and final grade, if applicable. Rosters must be verified by an authorized official of the provider.

(M) A Certificate of Completion prescribed by the Board shall be awarded to each course graduate, signed and dated by the authorized official of the provider, and must contain the course identification number assigned by the Board, provider's name and address, title, location, dates and number of hours of the course, full legal name, and license number, if applicable, of the student.

137-900.06. Provider, Instructor and Course Renewals.

All provider, course, and instructor approvals expire biennially on August 31 of even-numbered years. If issued in odd-numbered years, they shall be renewed the following year and then biennially thereafter. Renewal forms will be mailed to all approved providers and instructors, and completed forms must be received in the Board's office not later than August 15 to insure renewal by August 31. Renewal fees must accompany the form and a late fee will be charged if received after August 31.

137-900.07. Enrollment Agreement Policies and Procedures.

(A) An enrollment agreement must be signed by the provider and student prior to the commencement of classes. A copy of the enrollment agreement containing all policies and procedures must be furnished to the student.

(B) The enrollment agreement must contain, at a minimum the following:

1. The name and address of provider and student;
2. Name of course;
3. Tuition and methods of payment, along with terms of any refund policy. If the provider has no policy for refunding fees, it must so state in writing;
4. Provider's policy for cancellation of scheduled courses;
5. The grade required for passing, methods for testing and final grade determination, if applicable;
6. Total hours of attendance required;
7. Scheduled meeting time, dates and location of course; for absences and for re-taking a failed examination, if applicable; and
8. Statement of non-discrimination in admittance requirements.

137-900.08. Other Operating Procedures.

(A) Teaching methods.

Courses must be taught by Board-approved instructors and presented using traditional classroom teaching methods. Correspondence courses will not be approved. Nothing in this section, however, shall prohibit the use of video equipment as a teaching supplement.

(B) Distance Education Courses may be acceptable for continuing education provided that the following has been met:

1. The course is presented to an organized group in an instructional setting with a person qualified and available to answer questions, provide information, and monitor student attendance;

2. An asynchronous course has received approval of the International Distance Education Certification Center (IDECC) for the course design and delivery mechanism and the South Carolina Real Estate Appraisers Board for course content;

3. For continuing education, the student must successfully complete the course mechanisms required for accreditation which demonstrates mastery and fluency of the content. Incremental student assessments must be present throughout asynchronous continuing education courses in order to be acceptable.

(C) Facilities and equipment.

1. All facilities must meet the appropriate building, health and fire codes, must be maintained in a safe and sanitary condition at all times and are subject to inspection and approval by a representative of the Board.

2. Classrooms must be of sufficient size to accommodate comfortably all students enrolled in a course, shall have adequate light, heat, cooling and ventilation, and shall be free of distractions which would disrupt class sessions.

3. Classrooms must contain a chalkboard or other audio-visual aid and desks or worktables sufficient to accommodate all students enrolled in a course.

(D) Advertising.

1. "Advertising" includes any form of public notice, however disseminated. This definition includes all publications and promotional items and efforts which could normally be expected to be seen or heard by prospective students. Examples include but are not limited to: catalogs, flyers, signs, mailing pieces, radio, television, audio-visual, newspaper or any other form of public notice designed to aid in the provider's recruiting and promotional activities. Advertising also includes oral communications.

2. Each provider must maintain high standards in the conduct of its operations, solicitation of its students and in its advertising and promotional material. The use of any unfair or deceptive

practice or the making or causing to be made of any false, misleading or deceptive statement in any advertising or promotional material which has the tendency or capacity to mislead or deceive students, prospective students, or the public shall be cause for disciplinary action.

3. The name of the provider must be disclosed in each advertising offering.

4. A provider may not advertise or imply that it is “recommended” or “endorsed” by the South Carolina Real Estate Appraisers Board.

(E) Audit and record keeping.

1. Providers must keep copies of all enrollment agreements, advertising, rosters and attendance records. Such records must be kept for five (5) years and be made available to a representative of the Board upon request.

2. Providers must permit periodic inspections and auditing by a representative of the Board for the purpose of evaluating facilities, course content, instructor performance of any other relevant aspect of the administration and conduct of such course.

(F) Changes.

Proposed changes to name, course content and/or length, texts, instructors, operating policies and procedures must be submitted to and approved by the Board prior to implementation.

(G) Complaints.

Providers must post in a conspicuous place a notice which states the following: “Any complaint concerning a Board-approved real estate appraiser course or instructor should be directed to the South Carolina Real Estate Appraisers Board at (the Board’s current address).”

137-900.09. Instructors.

(A) Approved courses held in this state must be taught by Board-approved instructors. Instructors teaching courses which are part of a degree program offered by an accredited college, university, technical college, community college or junior college may be deemed approved by the Board.

(B) Applicants for instructor approval must submit an application form along with supporting documentation as proof of knowledge of subject matter and the ability to teach effectively.

1. As proof of knowledge of the subject matter to be taught, one or more of the following will be considered:

(a) For License and Certified Residential Level Courses, an active state certified residential or certified general appraiser certificate issued by the Board or other authority acceptable to the Board, and at least three (3) years of appraisal experience; or

(b) For Certified General Level Courses, an active state certified general appraiser certificate issued by the Board or other authority acceptable to the Board, and at least three (3) years of nonresidential appraisal experience; or

(c) A college degree in an academic area directly related to the course; or

(d) Previous employment by a state or federal agency performing appraisal work for at least five (5) years immediately preceding application; or

(e) Past experience and/or education acceptable to the Board in a subject area directly related to the course.

2. For continuing education courses acceptable proof of knowledge would also include:

(a) Three (3) years of experience within the past five (5) years directly related to subject matter to be taught; or

(b) Three (3) years of experience within the past five (5) years teaching the subject matter to be taught.

3. As proof of the ability to teach effectively, one or more of the following will be considered:

(a) A current teaching certificate issued by any state department of education (or an equivalent agency);

(b) A four-year undergraduate degree in education; or

(c) Previous experience teaching in schools, seminars or in an equivalent setting for three (3) years within the past five (5) years; or

(d) Serving as a trainee or assistant instructor under the direct supervision of a Board-approved instructor for at least sixty (60) hours; or

(e) Past experience acceptable to the Board in the area of education.

(C) Instructors of the 15-hour National USPAP Course and the 7-hour USPAP Update Course must be AQB Certified USPAP Instructors who are also certified appraisers.

(D) Instructors may be approved by the Board to teach one or more specific subjects or courses as outlined in the South Carolina Real Estate Appraiser License and Certification Act.

(E) An instructor may teach approved courses at locations throughout the State of South Carolina but must notify the Board in advance and record his name on the provider's roster.

(F) A fee must accompany the application for each instructor approval.

(G) Other information not submitted with the application, but which is deemed important to the consideration thereof, may be required by the Board.

(H) If the application is disapproved, reason(s) for disapproval will be detailed and the instructor will be given an opportunity to cure any deficiencies found within thirty (30) days. If deficiencies are cured, the application will be approved.

(I) Each instructor must prominently display in the classroom where an approved course is being offered, a copy of Certificate of Approval.