Mississippi Real Estate Appraiser Licensing and Certification Board

Mississippi Real Estate Appraiser Licensing and Certification Act of 1990

Title 30: Professions and Occupations

Part 1501: Mississippi Real Estate Appraiser Licensing and Certification Board

Part 1501 Chapter 1: Educational Requirements for Appraiser Intern, Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser, and Certified General Real Estate Appraiser.

Rule 1.1 Educational Requirements for Appraiser Intern, Licensed Real Estate Appraiser, Certified Residential Real Estate Appraiser, and Certified General Real Estate Appraiser.

Each applicant for an Appraiser Intern Permit shall have completed the required number of classroom hours of courses in subjects related to real estate appraisal as set forth in Chapter 11. Each applicant for a license as a licensed real estate appraiser, a licensed certified residential real estate appraiser or a licensed certified general real estate appraiser shall have successfully completed the required number of classroom hours of appraisal courses in subjects as set forth in Chapter 3.

1. Class hours will be credited only for educational offerings with content that follows and complies with the required core curriculum specified in Chapter 3 & Chapter 11 for each respective licensing credential. Course content requirements may be general or specific to the property types.

2. Class hours may be obtained only where the minimum length of the Qualifying Education offering is at least 15 hours and the individual successfully completes an approved closed-book examination pertinent to that educational offering.

3. Where the Qualifying Education course includes multiple topics identified within the Appraisal Qualification Board (AQB) Required Core Curriculum, there must be appropriate testing for each component.

Courses taken to satisfy the Qualifying Education requirements must not be repetitive. The Uniform Standards of Professional Appraisal Practice (USPAP) courses which are completed in different years are not considered repetitive. Courses should be designed to foster problem-solving skills in the education process by utilizing case studies as a major teaching method when applicable.

4. Applicants must complete the 15-Hour National USPAP Course, or its equivalent, and pass the examination. At least one of the course instructors must be an AQB Certified

USPAP Instructor who is also an active State Certified Appraiser. Equivalency shall be determined through the AQB Course Approval Program (CAP) or by an alternate method established by the AQB. USPAP education presented in a distance education format must be designed to foster appropriate student-to-student, student to instructor and student to material interaction.

5. Distance education courses:

   (a) Any education process based on the geographical separation of student and instructor.

   (b) Course(s) must provide interaction where the student has verbal or written communication with the instructor.

   (c) Content approval is to be obtained from the AQB, a state licensing jurisdiction, or an accredited college, community college, or University that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U. S. Secretary of Education. Non-academic credit from college or community college courses shall be approved by the AQB or the state licensing jurisdiction.

   (d) Course delivery mechanism approval is to be obtained from one of the following sources:

      i. AQB approved organizations providing approval of course design and delivery; or

      ii. A college that qualifies for content approval in paragraph (c) above that awards academic credit for the distance education course; or

      iii. A qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

6. A class hour is defined as 60-minutes, of which at least 50 minutes are instruction attended by the student. The prescribed number of class hours includes time for examinations.

7. Experience may not be substituted for education.

8. Credit for the class hour requirements may be obtained only from the following providers after approval by the MAB:

   (a) Colleges or universities

   (b) Community or junior colleges

(c) Real estate appraisal or real estate related organizations

(d) State or federal agencies or commissions\

(e) Proprietary schools

(f) The Appraisal Foundation or its boards

(g) Providers approved by state certification/licensing agencies

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-33

Part 1501 Chapter 2: Experience Requirements for License, Certified Residential and Certified General Applicants.

Rule 2.1 Experience Hours for License. Certified Residential, and Certified General.

1. Each applicant for a license as a licensed real estate appraiser shall have obtained at least two thousand (2000) hours of appraisal experience gained over a period of not less than twelve (12) months under the direct supervision of a Mississippi state certified supervisory appraiser and all required experience must be completed prior to applying for the licensed appraiser credential. Each applicant for a license as a certified residential real estate appraiser shall have obtained at least twenty five hundred (2500) hours of appraisal experience acquired over a minimum of twenty-four (24) months. Each applicant for a license as a certified general real estate appraiser shall have obtained at least three thousand (3000) hours of appraisal experience acquired over a minimum of thirty (30) months.

(a) An applicant for a license as a licensed real estate appraiser shall have obtained at least two thousand (2000) hours of appraisal experience under the direct supervision of a certified residential real estate appraiser or a certified general real estate appraiser.

(b) An applicant for a license as a certified residential real estate appraiser shall have obtained at least one thousand two hundred and fifty of the required hours in the residential category and no more than one thousand six hundred (1600) hours may be credited during a twelve month period.

(c) An applicant for a license as a certified general real estate appraiser shall have obtained at least one thousand five hundred (1500) of the required hours in the general appraisal category and no more than one thousand nine hundred (1900) hours may be credited during any twelve month period.

(d) Acceptable appraisal experience includes the following: Fee and staff appraisal, review appraisal, appraisal analysis, feasibility analysis, and real estate consulting.

(e) The verification for experience credit claimed by an applicant shall be via a log sheet and─affidavits on forms prescribed by the Board. Following the applicant's submission of the appraisal log, the Board will request a minimum of two (2) sample appraisals from among those reports listed by the applicant for experience credit. In addition, the applicant must agree to furnish other appraisal reports if deemed necessary by the Board. The sample appraisal reports must be USPAP compliant and must include at least one complex appraisal from the category being applied for.

(f) The appraiser is required to document the actual number of hours worked in the performance of each appraisal assignment and must report/record those hours on their Appraisal Board Experience Log. The appraisal Board considers the experience credit work-hours allowed in Paragraphs 1 and 2 below to be the maximum number of acceptable hours per appraisal classification. The appraiser may request additional hours for an appraisal by submitting the proper supporting documentation to the Appraisal Board. This supporting documentation should be in the form or a Daily Log which is attached to the Appraisal Board Experience Log. All logs must have the Appraisal Board Appraiser's Affidavit attached to the log. All work-hours submitted are subject to Appraisal Board approval.

After being issued the Licensed Appraiser Credential as required by Mississippi Code Section 73-34-5 the experience required for the certified general and certified residential categories shall be obtained as follows:

Source: Miss. Code Ann. §§ 73-34-5, 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.2 Certified General Real Estate Appraiser Experience Hours for Licensing.

1. An applicant for a general real estate appraiser certification must provide evidence satisfactory to the Board that the applicant has completed 3000 hours of appraisal experience obtained over a minimum of thirty (30) months. Experience credits (work-hours) for general real estate appraiser certification shall be awarded as follows:

(a) a complex, non-residential appraisal shall be limited to no more than 66 hours of credit:

(b) a complex, non-residential field review shall be limited to no more than 16 hours of credit;

(c) a complex, non-residential desk review shall be limited to no more than 8 hours of credit;

(d) a non-complex, non-residential appraisal shall be limited to no more than 16 hours of credit;

(e) a non-complex, non-residential field review shall be limited to no more than 8 hours of credit;

(f) a non-complex, non-residential desk review shall be limited to no more than 4 hours of credit.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.3 Residential Real Estate Appraiser Experience Hours for Licensing.

An applicant for a residential real estate appraiser certification must provide satisfactory evidence to the Board that the applicant has completed 2500 hours of appraisal experience (equivalent to 2500 hours of appraisal work) obtained continuously over a minimum of twenty four (24) months. Experience credits for residential real estate appraiser certification shall be awarded as follows:

1. Credits (hours) referred to as residential experience shall be derived from appraisals of one-to-four family residential properties.

2. a complex, residential field review shall be limited to no more than 24 hours of credit;

3. a complex, residential field review shall be limited to no more than 8 hours of credit;

4. a complex, residential desk review shall be limited to no more than 4 hours of credit;

5. a non-complex, residential appraisal shall be limited to no more than 12 hours of credit;

6. a non-complex, residential field review shall be limited to no more than 4 hours of credit;

7. a non-complex, residential desk review shall be limited to no more than 2 hours of credit.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.4 Licensed Appraiser Experience Hours for Licensing.

An applicant for licensed real estate appraiser must provide evidence satisfactory to the Board that the applicant has completed two thousand (2000) hours of appraisal experience obtained over a minimum of no less than twelve (12) months. Experience hours for the licensed real estate category shall be determined by the Board from the experience log of appraisals signed by the applicant and the supervisory appraiser and the Appraiser Intern's hours.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.5 Appraiser Intern Experience Hours.

Appraiser Intern experience hours cannot be included as appraisal experience for a Certified license. Experience to be compliant with MS Code 73-34-5 for license or either category of certification must have been obtained preceding the filing of the application.

Source: Miss. Code Ann. §§ 73-34-5, 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.6 Definition of a Non-Complex Appraisal.

A non-complex appraisal is one having the following characteristics;

1. there is an active market of essentially identical properties;

2. adequate data is a available to the appraiser

3. adjustments to comparable sales are not large in the aggregate, specifically not exceeding the trading range found in the market of essentially identical properties; and

4. For residential property, the contract price falls within the market norm (Medial sales price) of homes in the neighborhood.

Examples of a non-complex residential appraisal (12 hours) are those similar to Fannie Mae form 1004/Freddie Mac form 70, not including the income approach; (8hours) Fannie Mae forms 2055 and 2075;(4 hours) vacant land or site appraisals using only the sales comparison approach or a narrative report. In all cases compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) is required.

Examples: non-complex non-residential appraisal (16 hours) would not include all three (3) of the approaches to value when all three (3) approaches would be applicable for the classification of the property appraised or market data was available for all three (3) approaches.

All hours for appraisals are subject to final determination and approval by the Appraisal Board.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.7 Definition of a Complex Appraisal.

A complex appraisal is one that relies to any significant degree on all three approaches to value (cost, sales comparison and income approaches) or is an appraisal that has at least one of the following characteristics:

1. There is not an active market of properties similar to the property being appraised.

2. There is not adequate data available to the appraiser.

3. Adjustments to comparable sales are large and the aggregate adjustments exceed the trading range of sales identified

4. For residential property, the contract price does not fall within the market norm of houses in the market area.

No appraisal experience credit will be allowed for a complex appraisal unless all three (3) approaches to value are fully developed in the report.

Examples: a complex non-residential appraisal (66 hours) may contain any of the following: income capitalization approach; income expense analysis; building – land residual technique; leased fee – lease hold interest; absorption rate; discounting to present value; highest and best use is not the current use; itemized accrued depreciation; unit-in-place method or quantity survey method in the cost approach; site or vacant land using the allocation method, abstraction method, subdivision development method, or land residual method; appraisal requires the appraiser's use of data obtained from a professional who is not an appraiser; a use of property that has no comparable sales with the same use; a property covered by the Environmental Protection Agency; a conservation easement; an appraisal that requires the before and after values. Other valuations may qualify as determined by the Appraisal Board.

Examples: complex residential (24 hours) 1 – 4 unit appraisals similar to Fannie Mae form 1004/Freddie Mac form 70 that includes the GRM income approach; Fannie Mae form 1025/Freddie Mac form 72; Fannie Mae form 1072/Freddie Mac form 465; Fannie Mae form 1075/Freddie Mac form 466; or a narrative report. In all cases compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) is required.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.8 Accepting Responsibility for an Appraisal Report.

Each signer (coauthor) of an appraisal report accepting responsibility for the report shall be awarded full credit for the appraisal. Each appraisal having four or more signers accepting responsibility for the report shall be awarded credit for an appraisal based on the appropriate hours documented divided by the number of signers. Not to exceed three (3) signees.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.9 Appraisals are to Verification by the Board.

All appraisals submitted or claimed for experience credit are subject of verification and authentication by the Board. Applicants may not claim experience credit for appraisals which are not supported by written reports or file memoranda or which were performed by the applicant at a time when the applicant lacked legal authority to perform real estate appraisals. Upon request, the applicant shall furnish the Board copies of two (2) specifically identified appraisal reports, file memoranda, or other data supporting the experience credit sought by the applicant. In addition, experience credit will only be accepted upon sworn affidavit by the applicant that all information contained in the application including the compilation of hours documented are true and correct.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Rule 2.10 Appraisal Experience for State, County, or Municipal Public Officers.

State, county or municipal public officers, or their salaried employees while performing their duties as mass appraisers, may satisfy the appraisal experience requirement under this rule by submitting an affidavit from the supervising tax assessor or other appropriate official, and as follows:

1. For the licensed appraiser by affidavit and documentation as prescribed by the Board, certifying that the applicant has obtained: two thousand (2000) hours of appraisal experience over a minimum of twelve (12) months while holding an Appraiser Intern Permit

2. For the certified residential real estate appraisal certification, by proper documentation as prescribed by the Board which indicates that the applicant holds or has held a license as a state licensed real estate appraiser or a state certified general real estate appraiser and has obtained twenty-five hundred (2500) hours, of credible appraisal work experience over a minimum of twenty-four (24) months. Not more than one- half (1/2) of the credit for appraisal experience may be satisfied by proper documentation on a log sheet as prescribed by the Board of having performed in a supervisory capacity of the value estimating process for mass appraisal work. Experience for the residential certification beyond the real property mass appraisal experience accepted under the provisions of this rule shall consist of residential category properties and shall be in compliance with the guidelines established in Rule 2(e) and 2(f) and shall have been obtained over a period of not less than nine (9) months.

3. For the certified general real estate certification, by proper documentation as prescribed by the Board which indicates that the applicant holds or has held a license as a state licensed real estate appraiser or a state certified residential real estate appraiser and has obtained three thousand (3000) hours of credible appraisal work-experience over a minimum of thirty (30) months. Not more than one-half (1/2) of the experience credit may be satisfied by proper documentation on a log sheet as prescribed by the Board of having performed in a supervisory capacity of the value estimating process for mass appraisal work. Experience for the general certification beyond the real property mass appraisal experience accepted under the provisions of this rule shall consist of non-residential category properties and shall be in compliance with the guidelines set forth in Rule 2(e) and 2(f)(1) and shall have been obtained over a period of not less than twelve (12) months.

4. The affidavit must set forth the applicant's job description, duties and /or role in the value estimating process if not included in the job description and duties.

5. The affiant must be aware and understand that experience credit shall only be awarded to applicants who demonstrate they use techniques to value properties similar to those used by appraisers; they effectively use the appraisal process and the only components of the mass appraisal process that shall be given credit are highest and best use analysis, model specification (developing the model) and model calibration (developing adjustments to the model). Other components, by themselves, shall not be eligible for experience credit.

6. Experience claimed for mass appraisal work must be consistent with existing guidelines of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council and must be compliant with Mass Appraisal Development and Reporting guidelines as set forth in Standard 6 of USPAP.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-9(2)(f), 73-34-21

Part 1501 Chapter 3: Requirements for Licensing and Certification; Examinations; Fees.

Rule 3.1 Requirements Necessary to Qualify as a License Real Estate Appraiser:

1. Education - Successful completion of not less than one hundred fifty (150) creditable class hours as specified in the required Core Curriculum as published by the Appraisal Qualifications Board of the Appraisal Foundation. The applicant shall have completed the approved 15-hour National Uniform Standards of Professional Appraisal Practice (USPAP) Course and the accompanying examination. There is no alternative to the successful completion of the USPAP examination.

2. Experience - Two thousand (2000) hours of appraisal work-experience gained over a period of not less than twelve (12) months is required. Acceptable appraisal work-experience includes, but is not limited to, the following:

   (a) For a Mississippi Appraiser Intern experience shall have been gained under the direct supervision of a Mississippi State Certified Appraiser. The verification of the experience credit claimed by an applicant shall be via affidavit from the supervising appraiser and shall be on forms prescribed by the Board. In addition, a log listing the appraisal task performed by the Appraiser Intern must be signed by the Appraiser Intern and the Supervisory Appraiser to be submitted for approval with the application for Licensed Appraiser. The Supervisory appraiser must state in the appraisal "I affirm that (Appraiser Intern's name and permit number) performed (number) hours of appraisal tasks for this appraisal" for the Appraiser Intern to list the appraisal on the appraisal experience log. The log must describe the appraisal tasks performed, identify the specific appraisal report for which the tasks were performed, the date the tasks was performed and must state the number of appraisal task hours completed for each appraisal. The appraisals must be available should the Board desire to review any or all of them for the purpose of verifying the appraisal tasks hour claimed by the Appraiser Intern. Ms Appraiser Intern appraisal tasks hours cannot be included as Appraisal experience hours for a certified license.

   (b) For those individuals other than Mississippi Appraiser Interns, a listing of legally performed appraisals which are signed by the applicant, or of tasks performed by the applicant if not allowed to sign reports, must be submitted along with the application as proof of experience. The listing of tasks must describe the task performed, identify the specific appraisal report for which

the task was performed, indicate the date the task was performed and must state the number of hours claimed. The appraisals must be available should the Board desire to review them for the purpose of verifying work-experience.

3. Examination - All applicants pass the Appraisal Qualification Board endorsed Uniform State Licensed Real Property Appraiser Examination or its equivalent. In addition, all applicants must pass the portion of the examination relating to the Mississippi Real Estate Appraiser Licensing and Certification Act and the Rules and Regulations of the Mississippi Appraisal Board. Examinations will include questions concerning the Uniform Standards of Professional Appraisal Practice (USPAP). Any person who fails to pass either portion of the Licensed Real Estate Appraiser examination upon two (2) occasions, shall be ineligible for a similar examination until after the expiration of six (6) months from the time such person last took the examination, and then only upon making application as in the first instance and meeting all requirements for application in effect at the time of re-applying.

4. Appraisers holding a valid Appraiser Intern credential may satisfy the educational requirements for the Licensed Appraiser credential by completing the following additional educational 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
Residential Report Writing and Case Studies	15 Hours
TOTAL	75 Hours

Source: Miss. Code Ann. §§ 73-34-9(1)(a)(b)(c), 73-34-9(1)(i), 73-34-9(2)(f)(g)(j), 73-34-21, 73-34-45

Rule 3.2 **Requirements to Qualify as a State Certified Real Estate Appraiser:**

1. Education –Successful completion of not less than 200 classroom hours of required real estate appraisal courses, which shall include fifteen (15) classroom hours of USPAP. All applicants must hold an Associate degree, or higher, from an accredited college, junior college, community college, or university. However, in lieu of the Associate degree, an applicant shall successfully pass all of the following collegiate subject matter courses(totaling 21 semester hours) from an accredited college, junior college, community college, or university:

English Composition; Principles of Economics (Micro or Macro); Finance; Algebra, Geometry, or higher mathematics; Statistics; Computer Science/Computer Programs; and Business or Real Estate Law.

If an accredited college or university (accredited by the Commission on Colleges, a regional or national accreditation association or by an accrediting agency that is recognized by the U.S. secretary of Education) accepts the College-Level Examination Program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it shall be considered as credit for the college course(s)

In addition to the above, the prerequisite for taking the Certified Residential Appraiser examination is the successful completion of two hundred (200) creditable class hours of course works as listed below:

Basic Appraisal Principles - 30 hours
Basic Appraisal Procedures – 30 hours
The 15-Hour National USPAP Course or its Equivalent – 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
Residential Report Writing and Case Studies – 15 hours
Statistics, Modeling and Finance - 15 hours
Advanced Residential Applications and Case Studies – 15 hours
Appraisal Subject Matter Electives – 20 hours
(May include hours over minimum shown above in other modules)

2. Appraisers holding a valid Licensed Appraiser credential may satisfy the educational requirements for the Certified Residential Appraiser credential by completing the following additional educational hours:

Statistics, Modeling and Finance	15 Hours
Advanced Residential Applications/Case Studies	15 Hours
Appraisal Subject Matter Electives	20 Hours
TOTAL	50 Hours

Licensed Appraisers wishing to change to the Certified Residential classification must also satisfy the college-level education requirements as specified in 1.a.

*Note: The MAB requires all individuals who apply for the Certified Residential License to have completed the 15-hour National USPAP course within sixty (60) months of making their application.

3. Experience – All applicants must submit proof of having at least two thousand five hundred (2500) hours of appraisal experience obtained during no fewer than twenty-four (24) months, of which, twelve hundred and fifty (1250) hours must be in residential appraisal work. Experience is calculated based on experience work hours as set forth in Rule 2 of the Mississippi Appraisal Board. Applicants must list identifying terminology for each appraisal which is being used to develop the total number of hours being claimed. These appraisals must be made available to the Board should they desire to review them in order to verify the experience being claimed by an applicant. Copies of

two appraisal reports, to be chosen by the Board from the experience log that is submitted with the application, must be submitted for review prior to being allowed to sit for the examination. If necessary to verify compliance with the experience requirement, other reports may be requested for review by the Board.

*Note: The Ethics Rule, Confidentiality section of USPAP, allows the submission of appraisal reports for review by a state license regulatory agency without obtaining permission from the client to release confidential information.

4. Examination – All applicants must pass or higher on the Appraiser Qualification Board endorsed Uniform State Certified Residential Real Property Appraiser Examination or its equivalent. In addition, all applicants must pass or higher on the portion of the examination concerning the Mississippi Real Estate Appraiser Licensing and Certification Act and the Rules and Regulations of the Mississippi Appraisal Board. Examinations will include questions concerning the Uniform Standards of Professional Appraisal Practice (USPAP). Any person who fails to pass either portion of the examination upon two (2) occasions shall be ineligible for a similar examination until after the expiration of six (6) months from the time such person last took the examination, and then only upon making application as in the first instance and meeting all requirements for application in effect at the time of re-applying.

Source: Miss. Code Ann. §§ 73-34-9(1)(a)(b)(c), 73-34-9(1)(i), 73-34-9(2)(f)(g)(j), 73-34-21, 73-34-45

Rule 3.3 Requirements to Qualify as a State Certified General Real Estate Appraiser.

1. Education - All applicants must hold a Bachelors degree or higher from an accredited college or university. However, in lieu of the Bachelors degree an applicant for the Certified General Credential shall successful pass the following collegiate level subject matter courses (totaling 30 semester hours) from an accredited college, junior college, community college or university:

English Composition Micro Economics Macro Economics Finance Algebra, Geometry, or higher mathematics Statistics Computer Science/Computer Programs Business or Real Estate Law; and Two elective courses in Accounting, Geography, Ageconomics, Business Management, or Real Estate

If an accredited college or university (accredited by the Commission on Colleges, a regional or national accreditation association or by an accrediting agency that is recognized by the U. S. Secretary of Education) accepts the College-Level Examination Program (CLEP) examination(s)

and issues a transcript for the exam, showing its approval, it shall be considered as credit for the college course(s).

In addition to the above, the prerequisite for taking the Certified General Appraiser examination is the successful completion of three hundred (300) creditable class hours of course works as listed below:

Basic Appraisal Principles - 30 hours
Basic Appraisal Procedures - 30 hours
The 15- Hour National USPAP Course or its Equivalent - 15 hours
General Appraiser Market Analysis & Highest & Best Use - 30 hours
Statistics, Modeling and Finance - 15 hours
General Appraiser Sales Comparison Approach - 30 hours
General Appraiser Site Valuation & Cost Approach – 30 hours
General Appraiser Income Approach – 60 hours
General Appraiser Report Writing and Case Studies – 30 hours
Appraisal Subject Matter Electives – 30 hours
(May include hours over minimum shown above in other modules)

2. Appraisers holding a valid Licensed Appraiser credential may satisfy the educational requirements for the Certified General Appraiser credential by completing the following additional educational hours:

General Appraiser Market Analysis & Highest Best Use	15 Hours
Statistics, Modeling and Finance	15 Hours
General Appraiser Sales Comparison Approach	15 Hours
General Appraiser Site Valuation & Cost Approach	15 Hours
General Appraiser Income Approach	45 Hours
General Appraiser Report Writing & Case Studies	15 Hours
Appraisal Subject Matter Electives	30 Hours
TOTAL	150 Hours

Licensed Appraisers wishing to change to the Certified General classification must also satisfy the college-level education requirements as specified in 2.a.

3. Appraisers holding a valid Certified Residential Appraiser credential may satisfy the educational requirements for the Certified General Appraiser credential by completing the following additional educational hours:

General Appraiser Market Analysis & Highest Best Use	15 Hours
General Appraiser Sales Comparison Approach	15 Hours
General Appraiser Site Valuation & Cost Approach	15 Hours
General Appraiser Income Approach	45 Hours
General Appraiser Report Writing & Case Studies	10 Hours
TOTAL	100 Hours

Certified Residential Appraisers wishing to change to the Certified General classification must also satisfy the college-level education requirements as specified in 2.a.

******Note: The MAB requires all individuals who apply for the Certified General License to have completed the 15-hour National USPAP course within sixty (60) months of making their application.

4. Experience – All applicants must submit proof of having at least three thousand (3000) hours of appraisal experience obtained during no fewer than thirty (30) months, of which, one thousand five hundred (1500) hours must be in non-residential appraisal work. Experience is calculated through work experience hours that are established in Rule 2 of the Mississippi Appraisal Board. Applicants must list identifying terminology for each appraisal which is used to develop the total number of hours being claimed. These appraisals must be available to the Board should they desire to review them in order to verify the experience being claimed by applicant. Copies of two appraisal reports, to be chosen by the Board from the experience log that is submitted with application, must be submitted for review prior to being allowed to sit for the examination. In addition, other reports may be requested for review if required by the Board.

*Note: The Ethics Rule, Confidentiality Section of USPAP, allows the submission of appraisal reports for review to a state license regulatory agency without obtaining permission from the client to release confidential information.

5. Examination – All applicants must pass the Appraiser Qualification Board endorsed Uniform State Certified General Real Property Appraiser Examination or its equivalent. In addition, all applicants must pass the portion of the examination concerning the Mississippi Real Estate Appraiser Licensing and Certification Act and the Rules and Regulations of the Mississippi Appraisal Board. Examinations will include questions concerning the Uniform Standards of Professional Appraisal Practice (USPAP). Any person who fails to pass either portion of the examination upon two (2) occasions shall be ineligible for a similar examination until after the expiration of six (6) months from the time such person last took the examination, and then only upon making application as in the first instance and meeting all requirements for application in effect at the time of re-applying.

   (a) Preparing for the exam - An applicant must set an exam date within sixty (60) days of their application being approved. The examination will consist of 100 multiple choice questions from a question bank and an additional 35 questions from the Mississippi Real Estate Appraiser Licensing and Certification Act and its Rules and Regulations. Applicants will be given 4½ hours to complete the examination and may use a silent calculator. An applicant has 2 opportunities to pass the examination. If 2 failures result, the applicant may re-apply but will not be allowed to take a similar exam for a period of six months. Examinations are given as established by the Board. The Board will notify the applicant of available exam dates and times after the application has been approved.

(b) Fees**:**

i.	Application/Examination	$225.00
ii.	Application for Appraiser Intern	$ 50.00
iii.	Application pursuant Rule 9 (Licensees of Other State)	$ 50.00
iv.	Applications pursuant Rule 6 (Temporary Privilege)	$ 75.00
v.	License (valid for 2 years) Licensed Appraiser Certified Residential Certified General	 $325.00 $325.00 $325.00
vi.	The fees for license issued pursuant to Mississippi Real Estate Appraisal.	

6. Licensing after examination **-** After passing the examination, an applicant must pay within one hundred eighty (180) days from the examination date the necessary fees for his/her license to be issued. If the appropriate fees are not paid within the stated time period, or unless extenuating circumstances for such failure are brought to the attention of the Board and a hearing before the Board is requested, his/her $225.00 application/exam fee will be forfeited and the applicant will be required to start the application process over by filing a new application with payment of another $225.00 application/exam fee. If any application requirement changes after the applicant has passed the examination and prior to the time his/her original license has been issued, the applicant will be required to meet the new requirements prior to the issuing of his/her license.

Source: Miss. Code Ann. §§ 73-34-9(1)(a)(b)(c), 73-34-9(1)(i), 73-34-9(2)(f)(g)(j), 73-34-21, 73-34-45

Part 1501 Chapter 4: Board Organization

Rule 4.1 Board Organization.

The Mississippi Real Estate Appraiser Licensing and Certification Board shall elect a chairman and a vice-chairman who will serve in the absence of the chairman or at the discretion of the chairman. The election of officers shall be held annually in December. In the event of a vacancy in either position, the Board shall set a date, after adequate notice to all members to all members to elect a replacement. Special meetings may be called by the chairman on his own motion or by written request of three (3) members. Board meeting procedures will follow Robert's Rules of Order as pertains to boards or groups of limited membership as constitutes this Board. Information concerning Board action, meeting dates, licensing and certification and other Board

responsibilities under Chapter 34, Mississippi Real Estate Appraiser Licensing and Certification Act, may be obtained from the Board office and staff. Applications, complaint forms and other printed material may also be requested through written or telephonic contact with the Board staff.

Source: Miss. Code Ann. §§ 73-34-7

Part 1501 Chapter 5: Continuing Education.

Rule 5.1 Continuing Education.

As a prerequisite to renewal of license, an active status licensed/certified appraiser whose license was issued or renewed prior to January 1, 1998 shall present evidence satisfactory to the Board that such appraiser has obtained twenty (20) hours of Board approved continuing education during the preceding license cycle. In order to renew a license which was issued or renewed January 1, 1998 or thereafter, an appraiser shall present evidence satisfactory to the Board of having obtained twenty eight (28) hours of Board approved continuing education which shall include at least seven (7) hours in USPAP coverage.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-33

Rule 5.2 Approved Courses.

1. Any course, which meets the educational requirements for licensing as set forth in Section 73-34 of the Mississippi Code of 1972, Annotated and the Rules and Regulations of the Mississippi Real Estate Appraiser Licensing and Certification Act, is deemed to be an approved continuing education course.

2. Any course sponsored or provided by the Board which the Board may deem to be an approved continuing education course.

3. Any course which has been individually approved by the Board pursuant to the provisions of this Rule. Any course in this category must be approved prior to its presentation.

4. Any course which has been approved for real estate appraiser continuing education by any state or country wherein their appraiser licensing and certification program has been approved by the Appraisal Subcommittee and which course satisfies the requirements established in 2-C (1), (2), (3) and (5) of this Rule with the exception of instruction in license law which pertains solely to a state other than Mississippi, may be utilized to meet the requirements for continuing education upon approval of the individual course by the Board.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-33

Rule 5.3 Procedures and criteria for approval of courses.

1. Definitions: Provider - any person, partnership association, corporation, educational organization, or other entity which sponsors, offers, organized provides or promotes real estate appraiser continuing education courses. Instructor - a person who delivers educational material information directly to students.

2. A provider desiring approval of a continuing education course as referred to in Section 73-34-33, Mississippi Code of 1972, Annotated, shall make application to the Board. The provider, course, and instructor must receive concurrent approval. Courses described under 1-B and 1-C of this Rule must receive approval prior to the course being given, except that, in the Board's discretion, courses which have not received such prior approval but which meet the proper criteria may be approved for credit for appraisers who have completed such courses.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-33

Rule 5.4 Standards for approval of courses.

1. A proposed continuing education course shall be an educational process or program, which related to real property appraisal theory, practices or techniques. Credit may be granted for educational offerings designed to maintain and increase the appraiser's skill, knowledge and competency in real estate appraising and cover real estate related appraisal topics such as those listed below:

   (a) Ad Valorem Taxation

   (b) Arbitration

   (c) Business courses related to practice of real estate appraisal

   (d) Construction estimating

   (e) Ethics and standards of professional practice

   (f) Land use planning, zoning and taxation

   (g) Management, leasing, brokerage, time sharing

   (h) Property development

   (i) Real estate appraisal (valuations/evaluations)

   (j) Real estate law

   (k) Real estate litigation

   (l) Real estate financing and investment

(m) Real estate appraisal related computer applications

(n) Real estate securities and syndication

(o) Real property exchange

2. Courses shall be taught only by approved qualified instructors.

3. Courses shall be offered in minimum two-hour segments.

4. The approval shall be for no more than a two-year period from the date of the initial approval. Provider shall be required to refile for extension of approval date with renewal being for a two-period. However, a course, instructor and provider may be approved on a one-time basis where the course will be offered on such basis.

5. Provider shall issue certificates of attendance only to those licensees who shall physically attend the approved course.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-33

Rule 5.5 Educational Credit.

Credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching program development, authorship of textbooks, or similar activities which are determined to be equivalent to obtaining continuing education.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-33

Rule 5.6 Qualifications of Instructors.

The education and/or experience of the instructor must be appropriate to teach the subject matter of approved course.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-33

Rule 5.7 Administrative Requirements.

1. Providers of continuing education courses shall furnish the Board with a class roster listing each attendee in alphabetical order within thirty (30) days after completion of each course.

2. Providers will utilize a three-part certificate or its equivalent form the purpose of certifying individual attendance. One designated part shall be returned completed to the Board, one part shall be given to the attendee, and the remaining part shall be retained by the Provider.

3. Attendance and other records of each provider must be kept on file for a period of three years and be subject to inspection by the Board at any time during normal business hours.

4. Advertising Providers may advertise that a course meets a portion of the continuing education requirements; however, no advertisement shall be used which states or implies that the Mississippi Real Estate Appraiser Licensing and Certification Board has approved or passed on the merits of a course.

5. Suspension or Revocation or Approval Failure to comply with any provision of this rule shall constitute grounds for suspension or revocation of the approval of a course, a provider or an instructor, or other such action as deemed appropriate by the Board. Any member of the Board or its duly authorized representatives may audit any offering of an approved course at any time during course presentation to determine adequacy of course presentation and content. Failure to meet criteria for continuing education approval as established in the Board's policy shall constitute grounds for withdrawal of continuing education approval of a course.

Source: Miss. Code Ann. §§ 73-34-9(1)(i), 73-34-33

Part 1501 Chapter 6: Temporary Licensing/Certification Privileges.

Rule 6.1 Application.

A real estate appraiser from a state other than Mississippi who is licensed or certified by the appraiser licensing or certifying agency in such state may apply to receive temporary licensing or certification privileges in Mississippi by filing with the Mississippi Real Estate Licensing and Certification Board (Board) a notarized application on a form prescribed by the Board for such purpose which shall set forth and include the following:

1. Applicant's name, address, social security number and such other information as may be necessary to identify the applicant;

2. A written statement issued by the appraiser licensing or certifying agency in the applicant's resident state certifying that the applicant is duly licensed of certified in good standing in such state and setting forth any disciplinary actions known to or taken by the agency against such applicant;

3. The estimated amount of time required to perform the appraisal;

4. An irrevocable consent that service of process in any action against the applicant arising out of the applicant's appraisal activities in Mississippi may be made by delivery of the process on the Chief Executive Officer of the Board; and

5. Such other information as may be necessary to determine the applicant's eligibility for temporary appraiser licensing or certification privileges in Mississippi.

Source: Miss. Code Ann. §§ 73-34-9(1)(a), 73-34-51, 73-34-59

Rule 6.2 Limitations and requirements for this privilege are as follows:

1. Each appraisal assignment will require a temporary permit and no more than two (2) permits will be granted in a twelve (12) month period.

2. Licensing and certification privileges shall expire six (6) months from the date of issuance or upon expiration of home state license/certification, whichever shall occur first. A sixty (60) day extension to the temporary licensing and certification privilege will be granted upon Board receipt of a written request detailing the reasons for the extension. The validity of the temporary permit shall end when the assignment is completed or at the end of the six (6) month period (including any extension period) whichever occurs first.

3. The fee for each temporary certificate shall be Seventy-five Dollars ($75.00)

4. Persons granted temporary licensing/certification privileges shall not advertise or otherwise hold themselves out as being licensed or certified by the State of Mississippi and must place their temporary privilege number adjacent to their signature on the appraisal report.

Source: Miss. Code Ann. §§ 73-34-9(1)(a), 73-34-51, 73-34-59

Rule 6.3 Complaints.

The Board shall refer to the appraiser licensing or certifying agency in the registrant's resident state any verified complaint filed against the registrant alleging that the registrant has engaged in conduct violative of the Mississippi Real Estate Appraiser Licensing and Certification Act and its Rules and Regulations and in the performance of real estate appraisals in Mississippi.

Source: Miss. Code Ann. §§ 73-34-9(1)(a), 73-34-51, 73-34-59

Part 1501 Chapter 7: Roster of Licensed Appraisers; Annual Registry Fee.

Rule 7.1 Annual Registry Fee.

The appraisal Subcommittee requires from each state a roster of individuals who have been licensed or certified. The annual registry fee which must be collected from each licensee is $40.00. This must be paid to the Board upon notification and within the deadline provided. (73-34-49) (Federal Register, 6/6/91)

Source: Miss. Code Ann. §§ 73-34-49, 73-34-59

Part 1501 Chapter 8: General Categories.

Rule 8.1 Review Appraisals.

1. When a real estate appraisal is prepared by a real estate appraiser licensed pursuant to Section 17 of the Mississippi Real Estate Appraiser Licensing and Certification Act, the appraisal cannot become certified unless cosigned (coauthored) by a licensed certified residential real estate appraiser or licensed certified general real estate appraiser. A review appraisal prepared pursuant to Standard 3, Uniform Standards of Professional Appraisal Practice, or otherwise defined as a review appraisal will not be sufficient to categorize the appraisal as certified.

2. The appointed members, ex-officio member and staff of the board, who are state licensed or certified real estate appraisers, shall be exempt from the requirements of Standard 3 of the Uniform Standards of Professional Appraisal Practice (USPAP) when performing review assignments, in their official capacity, of matters relating to real estate appraisal standards, real estate appraiser qualifications, testing standards and disciplinary functions.

Source: Miss. Code Ann. §§ 73-34-9(3)

Rule 8.2 Written Appraisals.

All appraisals prepared in connection with federally related transactions must be written appraisals.

Source: Miss. Code Ann. §§ 73-34-9(3)

Part 1501 Chapter 9: Licensing Procedure for Licensees of Other States.

Rule 9.1 Licensing Procedure for Licensees of Other States.

A real estate appraiser who is currently licensed or state certified by the appraiser licensing or certifying agency in a state other than Mississippi, Territory or District of Columbia may apply and be granted an appraiser license or certification by Mississippi that is equivalent to the license issued by the other state, territory or District of Columbia without being required to demonstrate additional education, experience or examination (with the exception, at the discretion of the Mississippi Real Estate Appraiser Licensing and certification Board <Board>, of Mississippi Appraiser License Law test questions) provided the individual has satisfied the conditions set forth below, he/she is approved by the Board and the other state's education, experience and examination requirements for licensing and certification comply at a minimum with the qualifications guidelines promulgated by the Appraisal Subcommittee of the Federal Financial Institutions Examination council and Appraiser Qualifications Board/Appraisal Standards Board of the Appraisal Foundation.

1. Provide a Completed Application:

2. Pay all required fees;

3. Provide a statement indicating the applicant has read and agrees to comply with all provisions of the appraiser license law and rules of Mississippi;

4. Provide a certification from the licensing state, territory or District of Columbia that the applicant holds a valid appraiser license or certification in good standing issued by the appraiser regulatory agency in that state, territory or District of Columbia as attested to by a statement under seal from the agency setting forth:

   (a) The applicant's name, business address and if available, date and place of birth;

   (b) the type license or certification held by the applicant and the license or certification number;

   (c) the date of licensure or certification and the expiration date of the applicant's current license or certification;

   (d) the license or certification was issued as a result of passing a licensure/certification examination and

   (e) A complete record of any disciplinary actions taken or disciplinary actions pending against the applicant.

5. Provide an irrevocable consent that service of process upon the applicant may be made by delivery of the process to the Secretary of State of Mississippi if, in a action against the applicant in a court of Mississippi arising out of the applicant's activities as a real estate appraiser in Mississippi, the plaintiff cannot, in the exercise of due diligence effect personal service upon the applicant.

6. Provide a statement that the applicant agrees to cooperate with any investigation initiated by the Board.

If disciplinary proceedings are pending against the applicant in the state (territory or District of Columbia) of licensure or any other state where the applicant is a licensed appraiser then no proceedings under this rule may be initiated until disposition of the pending disciplinary proceedings are final and reported to the Board.

In the event a non-resident licensee or certification holder obtains such license or certification under this rule subsequently becomes a resident of Mississippi, he or she shall be entitled to have such license or certification changed to resident status upon making proper application and paying all required fees and, in the discretion of the Board demonstrates he or she possesses qualifications equivalent to those required for resident licensure or certification.

Source: Miss. Code Ann. §§ 73-34-9(1)(a), 73-34-51, 73-34-59

Part 1501 Chapter 10: Abbreviations.

Rule 10.1 Abbreviations.

Mississippi licensed appraisers may use the following abbreviations with their assigned license number (LA, RA, GA-000) when signing an appraisal report, certified appraisal report, statements of qualification, contracts or other instruments used by the license holder when reference is made to such license holder's status as a licensed real estate appraiser or licensed certified real estate appraiser as required by Section 47 of the Mississippi Real Estate Appraiser Licensing and Certification Act:

Mississippi	MS, Miss.
Licensed	Lic.
Appraiser	App., Appr.
Certified	Crt., Cert.
Residential	Re s.
General	Gen., Genl.
Real Estate	R. E., RE, Rel. Est.
Temporary	Temp.
Privilege	Priv.

When signing an appraisal form approved by a Federal agency (Example: Fannie Mae Form 1004) or financial lending institution, the following additional abbreviations may be used:

Licensed Real Estate Appraiser MS LA-000; LA-000

Licensed Certified Residential Real Estate Appraiser MS Crt. RA-000, MS Cert. RA-000; RA-000

Licensed Certified General Real Estate Appraiser MS Crt. GA-000; MS Cert. GA-000; GA-000

Source: Miss. Code Ann. §§ 73-35-9(i), 73-34-11

Part 1501 Chapter 11: Intern Appraiser Qualification Criteria.

Rule 11.1 Scope of Practice.

The scope of practice for the Appraiser Intern Classification is strictly limited to appraisal assistance for those properties which the supervising certified appraiser is permitted to appraise.

Source: Miss. Code Ann. §§ 73-34-9(1)(c), 73-34-59

Rule 11.2 Uniform Standards of Professional Appraisal Practice.

The Appraiser Intern shall be subject to the Uniform Standards of Professional Appraisal Practice (USPAP).

Source: Miss. Code Ann. §§ 73-34-9(1)(c), 73-34-59

Rule 11.3 Appraisal Reports Kept on File Time Period.

The Appraiser Intern shall be entitled to obtain copies of appraisal reports which they assisted in preparing. The supervising certified appraiser shall keep copies of appraisal reports for a period of at least five years or for at least two years following the final disposition of any judicial proceeding in which testimony was given, whichever period expired last.

Source: Miss. Code Ann. §§ 73-34-9(1)(c), 73-34-59

Rule 11.4 Examination.

There is no examination requirement for the Appraiser Intern permit.

Source: Miss. Code Ann. §§ 73-34-9(1)(c), 73-34-59

Rule 11.5 Education Prerequisite to Application:

1. Seventy-five (75) classroom hours of required courses shall include the successful completion of the current 15-hour National Uniform Standards of Professional Appraisal Practice USPAP course.

2. A classroom hour is defined as 50 minutes out of each 60-minute segment.

3. Classroom hours may only be obtained where the minimum length of the educational offering is 15 hours in length and the individual must successfully complete an examination pertinent to that educational offering.

4. Credit for the classroom hour requirement may be obtained from the following:

   (a) Colleges or Universities

   (b) Community or Junior Colleges

   (c) Real Estate Appraisal or Real Estate related organizations as approved by the Board.

   (d) State or Federal Agencies or Commissions as approved by the Board.

   (e) Proprietary Schools as approved by the Board.

   (f) Other providers approved by the Board.

5. The content for courses, seminars, workshops, or conferences should include coverage of basic real estate appraisal principles, procedures and USPAP as described in the Appraisal Qualifications Board (AQB) course curriculum guideline, as follows:

   (a) Basic appraisal principles (30- hours)

   (b) Basic appraisal procedures (30- hours)

   (c) The 15- hour National USPAP Course or its equivalent

Source: Source: Miss. Code Ann. §§ 73-34-9(1)(c), 73-34-59

Rule 11.6 Experience.

1. The Appraiser Intern shall be subject to the direct supervision by a supervising certified appraiser who shall be state certified, in good standing and subject to the Board's approval. No experience may be gained by the Appraiser Intern unless the Board has approved the state certified appraiser with whom they are working.

2. The supervising certified appraiser shall be responsible for the training and direct supervision of the Appraiser Intern by:

   (a) Accepting all responsibility for the appraisal and the report by signing and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) and that the Appraiser Intern did not provide significant real property appraisal assistance.

   (b) Personally inspecting and being physically present at each appraised property with the Appraiser Intern if any inspection is required.

   (c) Sign all appraisals signed by the Appraiser Intern as the supervisory appraiser.

3. The Appraiser Intern is permitted to have more than one supervising certified appraiser but each must be approved by the Board prior to any experience being earned.

4. An appraisal log shall be maintained by the Appraiser Intern, with each sheet signed by the supervising certified appraiser and shall at a minimum include the following:

   (a) Type of property

   (b) Client name and address

   (c) Address of appraised property

   (d) Description of work performed

   (e) Number of work hours per task

(f) Signature and state certification number of the supervising Certified Appraiser.

5. Separate appraisal logs shall be maintained for each supervising Certified Appraiser.

6. Appraisal Intern experience hours are acceptable for the Licensed Appraiser credential. Appraisal Intern experience hours are not acceptable as experience for a Certified License which can only be obtained by a Licensed Appraiser per MS Code 73-34-5.

Source: Source: Miss. Code Ann. §§ 73-34-5, 73-34-9(1)(c), 73-34-59

Rule 11.7 Continuing Education.

An Appraiser Intern who remains in this classification in excess of two years shall be required in the third and successive years to obtain:

1. At least fourteen (14) hours of elective continuing education per year. In addition, a seven (7) hour USPAP up-date course must be taken within a two year period.

2. A classroom hour is defined as fifty (50) minutes out the current lecture time of each sixty (60) minute segment.

3. Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two hours.

4. Credit for the classroom hour requirement may be obtained from the following:

   (a) Colleges or Universities

   (b) Community or Junior Colleges

   (c) Real Estate Appraisal or Real Estate Related Organizations approved by the Board.

   (d) State or Federal Agencies or commissions approved by the Board.

   (e) Proprietary Schools approved by the Board.

   (f) Other providers approved by the Board.

5. Credit may be granted for educational offerings which are consistent with the purpose of continuing education stated in subparagraph “7” below and cover real estate related appraisal topics such as those listed below.

   (a) Ad Valorem Taxation

   (b) Arbitration

(c) Business Courses related to practice of real estate appraisal

(d) Construction estimating

(e) Ethics and standards of professional practice

(f) Land use planning, zoning and taxation

(g) Management, leasing, brokerage, timesharing

(h) Property development

(i) Real estate appraisal (valuations/evaluations)

(j) Real estate law

(k) Real estate litigation

(l) Real estate financing and investment

(m) Real estate appraisal related computer applications

(n) Real estate securities and syndication

(o) Real property exchange

6. Continuing education credit may also be granted for participation, other than as a student, in appraisal educational processes and programs. Example of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities, which are determined to be equivalent to obtaining education.

7. The purpose of continuing education is to ensure that the appraiser participates in a program that maintains and increases his/her skill, knowledge and competency in real estate appraising.

Source: Miss. Code Ann. §§ 73-34-9(1)(c), 73-34-59

Title 30: Professions and Occupations

Part 1502: Appraisal Management Companies

Part 1502 Chapter 1: Definitions

***Rule 1.1 Definitions*.**

As used in these rules, the following words and terms shall have the following meaning:

1. "Applicant" means any person or entity who has applied for a Certificate of Registration as an Appraisal Management Company (AMC) with the Mississippi Real Estate Appraiser Licensing and Certification Board (MAB).

2. "Appraisal Management Company " or "AMC" means any person or entity defined in Miss. Code Ann. § 73-34-3(m), required to register with MAB under the Mississippi Appraisal Management Company Registration Act.

3. "Appraiser" means an individual person who currently holds a current valid Mississippi license as a state Licensed Real Estate Appraiser, a state Licensed Certified Residential Real Estate Appraiser or a state Licensed Certified General Real Estate Appraiser; or an out of state certified or licensed appraiser who holds a current valid temporary practice permit issued by the MAB entitling that individual person to perform an appraisal of real property in the State of Mississippi consistent with the scope of practice identified in the Real Property Appraiser Qualification Criteria promulgated by the Appraiser Qualifications Board of the Appraisal Foundation.

4. "Board" or "MAB" means the Mississippi Real Estate Appraiser Licensing and Certification Board.

5. "Certificate of Registration" means a certificate issued by the MAB verifying the registration of a person or entity as being approved to conduct business in the State of Mississippi as an AMC.

6. "Commission" or "MREC means the Mississippi Real Estate Commission.

7. "Controlling Person" means one or more of the following:

   (a) An officer or director**,** or an owner of greater than a (10%) interest of a corporation, partnership, or other business entity, seeking to offer Appraisal Management Company services in this state;

   (b) An individual employed, appointed, or authorized by an AMC that has the authority to enter into a contractual relationship with other persons for the performance of appraisal management services and has the authority to enter into agreements with appraisers for the performance of appraisals; or

(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an AMC.

8. "Designated Officer" means a Controlling Person who is an employee of the AMC authorized by the governing structure of the AMC to act on its behalf for the purposes of application for, and compliance with, a Certificate of Registration to operate as an Appraisal Management Company, as further set forth pursuant to the Board's laws, rules and regulations.

9. "Federally related transaction" means any real estate-related financial transaction which a federal financial institutions regulatory agency or the Resolution Trust Corporation engages in, contracts for, or regulates, and which requires the services of an appraiser.

10. "Federal financial institutions regulatory agencies" means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration.

11. "Registrant" means any person or entity authorized to conduct business as an AMC in Mississippi memorialized by issuance of a Certificate of Registration by the MAB.

12. "Registration" means the procedure and requirements with which a person or entity shall comply in order to qualify to conduct business as an AMC in the State of Mississippi.

13. "Uniform Standards of Professional Appraisal Practice" means the current standards of the appraisal profession, developed for appraisers and users of appraisal services by the Appraisal Standards Board of the Appraisal Foundation.

14. "USPAP" means the Uniform Standards of Professional Appraisal Practice.

Source: Miss. Code Ann. §§ 73-34-3, 73-34-103(1) & 73-34-111 (Rev. 2012).

Part 1502 Chapter 2: Registration

Rule 2.1 Certificates of Registration

1. Each Certificate of Registration issued by the MAB shall indicate on its face in clear and concise language the following information:

   (a) The name of the holder;

   (b) The Certificate of Registration number;

   (c) The dates of issuance and expiration of the document; and

(d) Shall bear the signature of the Administrator of the Board.

2. Each Certificate of Registration shall be valid for the term set forth on the face of the Certificate unless otherwise ordered by the Board. Each Certificate of Registration shall remain the property of the MAB and shall be surrendered to the MAB upon order of the Board.

3. Every Certificate of Registration shall be valid for a period of one (1) year from the date of issuance unless otherwise ordered by the Board.

4. An Appraisal Management Company shall not be registered, nor may it be placed on the national registry, if such entity is:

   (a) Owned in whole or in part, directly or indirectly, is owned, by any person who has had an appraiser license or certificate refused, denied, cancelled, surrendered in lieu of revocation, or revoked by any appraiser credentialing jurisdiction; or

   (b) Owned by more than ten percent (10%) by a person who is not of good moral character as set forth in Miss. Code Ann. § 73-34-109(1)(b).

Source***:*** Miss Code Ann. §§ 73-34-25, 73-34-123 &73-34-109(1) (Rev. 2012).

Rule 2.2 Application Process

1. An applicant for a Certificate of Registration as an Appraisal Management Company (AMC) shall apply by submitting a written application on the Board's prescribed form and shall be subject to approval by the Board. Applicant shall fully and accurately report all information and submit all documentation required by the application and the Board.

2. Applications for initial registration as an AMC shall include, at a minimum, the following information:

   (a) The name, business address, phone number and other contact information for the applicant;

   (b) Fictitious name or names under which applicant does business in any state;

   (c) Branch offices at which applicant will conduct business in this state;

   (d) If the applicant is not a corporation that is domiciled in this state, the name and contact information for the applicant's agent for service of process in this state;

   (e) The name, address, and contact information for any individual or business entity that owns ten percent (10%) or more of the applicant AMC;

(f) The name, address and contact information for the individual designated as the Designated Officer;

(g) A certification that the applicant AMC has a system in place to verify that a person being added to the appraiser panel of the AMC holds a license in good standing by the Mississippi Real Estate Appraiser Licensing and Certification Board, if a license is required to perform appraisals;

(h) A certification that the applicant AMC requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice (USPAP), including the requirements for geographic and product competence;

(i) A certification that the applicant AMC has a system in place to verify only licensed or certified appraisers are used for federally related transactions;

(j) A certification that the applicant AMC has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under Section 129E of the Truth in Lending Act, including the requirements for payment of a reasonable and customary fee to appraisers when the AMC is providing services for a consumer credit transaction secured by a principal dwelling of a consumer; and

(k) A certification that the applicant AMC maintains a detailed record of each service request that it receives and the appraiser that performs the residential real estate appraisal services for the AMC.

3. An application fee in the amount of One Thousand Dollars ($1,000.00) shall be submitted with the application.

4. The application must be accompanied by a surety bond with the Board in the amount of Twenty Thousand Dollars $20,000.00. The bond shall be payable to the State of Mississippi for the use, benefit and indemnity of any person who suffers any damage or loss as a result of the appraisal management company's breach of contract or of any obligation arising therefrom or any violation of law. Any claims reducing the face amount of the bond must be restored at the time of annual renewal.

5. Applicants not domiciled in this state shall complete an Irrevocable Uniform Consent to Service of Process.

6. Applicant shall provide any other information required by the Board deemed reasonably necessary for the implementation and administration of the statues and rules.

Source***:*** Miss. Code Ann. §§ 73-34-13, 73-34-103 (1), (2), (4) & 73-34-107 (Rev. 2012).

Rule 2.3 Designated Officer

1. Each AMC applying for registration shall designate one (1) controlling person who is an employee of the AMC as its Designated Officer. The Designated Officer shall be the AMC's designated contact for all communications between the Board and the AMC.

2. The Designated Officer shall be authorized by the AMC to act on its behalf for the purpose of the application for and compliance with a Certificate of Registration to operate as an AMC. The Designated Officer shall be responsible for the supervision and control of activities conducted on behalf of the AMC by its officers and employees as necessary to secure full compliance with the provisions of the Board's laws, rules and regulations.

3. The Designated Officer shall:
   (a) Be authorized by the AMC to enter into a contractual relationship with other persons for the performance of services requiring registration as an AMC and have the authority to enter into agreements with appraisers for the performance of appraisals;

   (b) Possess the power to direct or cause the direction of the management or policies of the AMC.

Source: Miss. Code Ann. § 73-34-111, 73-34-3(q), (ii), (iii) & 73-34-9(*l*) (Rev. 2012).

Rule 2.4 Renewal Process

1. Certificates of Registration may be renewed for a period of one (1) year.

2. To obtain renewal of any registration, the holder of a current, valid registration shall file an application for renewal on the Board's prescribed form no earlier than one hundred twenty (120) days nor later than the expiration date of the registration then held.

3. The application for renewal of a Certificate of Registration of an AMC shall include substantially similar information as required for initial registration. The applicant shall fully and accurately report all information and submit all documentation required by the application and the Board.

4. The One Thousand Dollars ($1,000.00) renewal fee and the applicable National Registry Fee shall be submitted with the application for renewal.

5. Registrants may renew expired Certificates of Registration up to sixty days following expiration of the registration by satisfying all of the requirements for renewal and filing an application for renewal, accompanied by the 100% delinquent renewal fee, within sixty (60) days of the date that the registration expired.

6. After a Certificate of Registration has been expired for a period of time in excess of the above sixty (60) days, the Certificate~~s~~ of Registration may not be renewed. In order to acquire a Certificate of Registration, an AMC shall reapply as if applying for the initial registration.

Source**:** Miss. Code Ann. §§ 73-34-13, 73-34-25, 73-34-27, 73-34-45(2), 73-34-103(4) (Rev. 2012).

Rule 2.5 Fee Schedule

1. The fees required of all AMCs for initial registration or renewing a registration under the Mississippi Appraisal Management Registration Act are set forth below.

2. The MAB shall charge and collect fees as follows:

   (a) Certificate of Registration (Initial Registration and Renewal) $1,000.00

   (b) Delinquent Renewal Fee (100% penalty) $1,000.00

   (c) Dishonored Check Fee costs of collection plus $25.00

3. In addition, MAB shall charge and collect a National Registry Fee in such amount as may be assessed by the Appraisal Subcommittee for all AMCs holding a Certificate of Registration in the State of Mississippi. Said fees shall be transmitted by the Board to the Appraisal Subcommittee.

Source: Miss. Code Ann. §§ 73-34-45(1), (2), 73-34-27 & 73-34-9(2)(j) (Rev. 2012).

Rule 2.6 Change of Information

1. All applicants for and holders of an AMC Certificate of Registration and their Designated Officer shall, within ten (10) days, submit written notice to MAB of any change to the following:

   (a) Name;

   (b) Residence address;

   (c) Business name;

   (d) Business address,

   (e) Business telephone number, or

   (f) Mailing address, if different than above.

2. Registrants shall report in writing any changes of an agent for service of process, a Designated Officer, and Controlling Person, including any changes to the percentage(s) of ownership, within ten (10) days of the effective date of any such change.

3. The business name, address and telephone number shall be considered the applicant's or registrant's address and the telephone number of record for all purposes unless otherwise requested in writing by the applicant or registrant. If no business address is provided, the mailing address shall be the latest address of record and on file with the MAB.

Source**:** Miss. Code Ann. §§ 73-34-103 & 73-34-111 (Rev. 2012)**.**

Rule 2.7 Background Investigations.

1. Each owner of more than ten percent (10%) of an AMC shall be of good moral character as determined by the MAB pursuant to Miss. Code Ann. § 73-34-109(b), and shall submit to a background investigation authorized by the Board.
2. Background investigations shall be conducted by a law enforcement agency or entity authorized by the Board and shall be conducted at the applicant's expense. The Board shall conduct searches for participating state AMC registration and licensing checks through the National Registry, or other venues as directed by the Board. Statewide criminal background checks are to be initiated by the applicant with the results to be sent directly to the Board.

Source**:** Miss. Code Ann. § 73-34-109(1)(b), (2) (Rev. 2012).

Rule 2.8 Bookkeeping Provisions.

1. Each registrant shall maintain records as follows:

   (a) detailed record of each service request that it receives for appraisal of real property located in Mississippi, which shall include, but is not limited to:

      i. a copy of the letter of engagement between the registrant and the appraiser;

      ii. a copy of each appraisal report received from an appraiser, including the original report, any revised reports, and any addenda or other materials furnished subsequent to the delivery of the original report;

      iii. copies of all correspondence between the appraiser and the registrant and any other entity involved in the transaction;

      iv. a copy of the letter of engagement engaging another appraiser for the purpose of reviewing the appraisal;

      v. a copy of any review of the appraisal performed, including the original review report, subsequent correspondence between the reviewer and registrant, and each subsequent revised review report;

vi. a copy of the request received from the registrant's client, all documentation supplied to that client, all correspondence between client and registrant; and

vii. a record of fees disbursed to contracted appraisers and the fee received by the registrant from the registrant's client.

(b) Copies of all appraiser fee schedules maintained and used by the registrant for the purpose of compliance with the provisions of the Truth in Lending Act (TILA) relating to reasonable and customary fees, which shall include evidence for such fees required by TILA. Such fee schedules shall include the beginning and ending effective dates for the document.

(c) Copies of rosters of appraiser fee panels used for assignments in Mississippi including the name of the appraiser, each appraiser's Mississippi credential number, the date the appraiser was placed on the panel and the date and reason the appraiser was removed from the panel.

2. Registrants shall maintain the records set forth above for a period of five (5) years, after an appraisal is completed or two (2) years after final disposition of a judicial proceeding related to the assignment, whichever expires later as required by Miss. Code Ann. § 73-34-119.

3. Registrants shall produce for inspection and copying by the MAB, any record required to be maintained herein or under the provisions of the of the Board's laws, rules and regulations**,** on receipt of reasonable notice by registrant. Reasonable notice shall be taken to mean not later than seven (7) working days following receipt of any such request by a Designated Officer.

Source***:*** Miss. Code Ann. §§ 73-34-103 (k) & 73-34-119 (Rev. 2012).

Rule 2.9 Annual Certifications.

Each AMC shall certify on an annual basis:

1. That it has systems in place to verify that:

(a) An individual on the appraiser panel has not had a license or certification as an appraiser refused, denied, cancelled, revoked or surrendered in lieu of a pending revocation in the previous twelve (12) months; and

(b) Only licensed or certified appraisers are used to complete appraisal assignments in connection with federally related transactions.

2. That it requires appraisers completing appraisals at its request to comply with the Uniform Standards of Professional Appraisal Practice (USPAP), including the requirements for geographic and product competence.

3. That is has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under Section 129E of the Truth in Lending Act, including the requirement that fee appraisers be compensated at a customary and reasonable rate when the AMC is providing services for a consumer credit transaction secured by the principal dwelling of a consumer.

4. That it has a system in place requiring payment to an independent contract appraiser for the completion of an appraiser service within sixty (60) days after the appraiser provides the completed appraisal report to the AMC, except in cases involving a bona fide breach of contract, substandard performance of services, or alternate payments terms agreed upon by the appraiser and the AMC.

5. The AMC shall not prohibit an appraiser from reporting the fee paid to the appraiser in the body of the appraisal report, however the AMC may require an appraiser to present any such disclosure in a specified format and location.

6. That it maintains a detailed record of each service request that it receives and the appraiser that performs the appraisal for the AMC.

Source: Miss. Code Ann. §§ 73-34-113(3), 73-34-117 & 73-34-119 (Rev. 2012).

Rule 2.10: Violations of Employees, Partners, Directors, Officers or Agents of an AMC.

It shall be a violation of Sections 73-34-101 through 73-34-131 of the Board's laws for any employee, partner, director, officer or agent of an AMC to:

1. Influence or attempt to influence the development, reporting, result or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery or in any other manner, including, but not limited to:

   (a) Withholding or threatening to withhold timely payment or partial payment for an appraisal with the exception of a substandard or noncompliant appraisal;

   (b) Withholding or threatening to withhold future business from an appraiser, or demoting, terminating or threatening to demote or terminate an appraiser;

   (c) Promising or implying that an appraiser may be given opportunities for future business, promotions or increased compensation;

   (d) Conditioning an assignment of an appraisal or the payment of an appraisal fee or salary or bonus on the opinion, conclusion or valuation to be reached, or on a preliminary estimate or opinion requested from an appraiser;

(e) Requesting that an appraiser provide an estimated, predetermined or desired valuation in an appraisal, or provide estimated values or comparable sales at any time prior to the appraiser's completion of an appraisal;

(f) Providing to an appraiser an anticipated, estimated, encouraged or desired value for a subject property or a proposed or target amount to be loaned to the borrower, except that a copy of the sales contract for purchase transactions may be provided; and

(g) Requiring an appraiser to prepare an appraisal report if the appraiser has indicated to the AMC that he or she does not have the necessary expertise for the specific geographic area;

2. Require an appraiser to indemnify the AMC against liability, damages, losses or claims other than those liabilities, damages, losses or claims arising out of the services performed by the appraiser, including performance or nonperformance of the appraiser's duties and obligations, whether as a result of negligence or willful misconduct;

3. Submit or attempt to submit false, misleading or inaccurate information in any application for registration or renewal;

4. Fail to timely respond to any subpoena or any other legally binding request for information.

5. Fail to timely obey a lawful administrative order of the Board; or

6. Fail to fully cooperate in any Board investigation.

Source: Miss. Code Ann. §§ 73-34-113(3), 73-34-117 & 73-34-119 (Rev. 2012).

Rule 2.11 Removal of Appraisers from AMC Appraiser Panel.

1. Notice.

(a) Except within the first ninety (90) days after an independent appraiser is first added to the AMC's appraiser panel, an AMC may not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an appraiser without written notice to the appraiser stating the reasons why the appraiser is being removed from the appraiser panel.

(b) If the appraiser is being removed from the panel for illegal conduct, violation of USPAP, or a violation of state licensing standards, the written notice should notify the appraiser of the nature of the alleged conduct or violation; and

(c) The notice must provide an opportunity for the appraiser to respond to the notice.

2. Decision - The decision to remove the appraiser shall be in writing and shall contain the

reason(s) and the basis for the removal.

3. Service of Notice and Decision - The AMC shall send both the written notice and decision to the appraiser by certified mail, return receipt requested.

4. Complaint for Review of AMC's Decision

   (a) An appraiser who is removed from the appraiser panel of an AMC for alleged illegal conduct, violation of USPAP, or a violation of state licensing standards, may file with the Board a Complaint for review of the AMC's decision.

   (b) If an appraiser files a Complaint, it shall be filed with the Board within twenty (20) days of the appraiser's receipt of the AMC decision.

   (c) The scope of the Board's review of the AMC decision is limited to determining whether the AMC has complied with the notice requirements; and whether illegal conduct, a violation of USPAP, or a violation of state licensing standards has occurred.

   (d) Adjudication of a Complaint for review of an AMC 's decision to remove an appraiser from an appraiser panel shall be conducted in accordance with Miss. Code Ann. §73-34-131.

   (e) If after opportunity for hearing and review, the Board determines that an AMC acted improperly in removing the appraiser from the appraiser panel, or that the appraiser did not commit a violation of law, a violation of USPAP, or a violation of state licensing standards, the Board shall:

      (i) Provide written findings to the involved parties;

      (ii) Provide an opportunity for the AMC/or the appraiser to respond to the findings; and

      (iii) Make recommendations for action.

Source***:*** Miss. Code Ann. §§ 73-34-129 & 73-34-131 (Rev. 2012).

Part 1502 Chapter 3: Disciplinary Authority, Complaints & Proceedings

Rule 3.1 Grounds for Disciplinary Action:

1. In accordance with the laws of this state, and to the extent permitted by any applicable federal legislation or regulation, the Board may censure an AMC, conditionally or unconditionally suspend or revoke any registration issued, or deny renewal of any registration issued, or levy fines or impose civil penalties not to exceed Five Thousand Dollars ($5,000.00), if after appropriate investigation the Board concludes that an AMC

is attempting to perform, has performed, or has attempted to perform any of the following acts:

(a) Committed any act in violation of the Board's laws;

(b) Violated any rule or regulation adopted by the Board in the interest of the public and consistent with the provisions of the Board's laws; or

(c) Procured a registration for itself or any other person by fraud, misrepresentation or deceit.

2. The Board may also deny issuance of a registration to an applicant on any of the grounds set forth above.

Source: Miss. Code Ann. §§ 73-34-35(2), 73-34-29 & 73-34-41 (Rev. 2012).

Rule 3.2Complaints:

1. A complaint may be filed with the Board alleging that an AMC, an employee, partner, officer or agent of the AMC has committed a violation of the Board's laws and/or rules and regulations. The complaint must be in writing, signed by the complainant and contain facts to support each allegation of violation. Documents and evidence in support of the complaint should be submitted with the complaint.

2. Upon receipt of a complaint:

(a) The Board staff shall assign the complaint a case number;

(b) If it is determined at any time that the complaint is not within the Board's jurisdiction or that no violation exists, a recommendation will be made to the Board to dismiss the complaint.

(c) A written notice and copy of the complaint shall be sent to the AMC advising of the allegations and a request made for the AMC to submit a response within twenty (20) days of the receipt of the notice.

(d) The response shall include the following:

(i) A written response to the complaint, addressing each and every element thereof;

(ii) A copy of all requested records and any other relevant records; and

(iii) A list of any and all persons known to the registrant to have actual knowledge of any of the matters made the subject of the complaint and, contact information, if known.

3. Upon timely receipt of the AMC's response or after the twenty (20) day response period, the Board will proceed with the investigation.

4. The Board may also commence an investigation on its own initiative.

Source: Miss. Code Ann. § 73-34-41 (Rev. 2012).

Rule 3.3 Adjudicatory & Disciplinary Proceedings.

1. If an investigation or information indicates that an AMC has committed a violation of the Board's laws and/or rules and regulations, adjudicatory and disciplinary proceedings may be initiated.

2. Before censuring any registrant, or suspending or revoking any registration the Board shall:

   (a) Notify the registrant in a Notice of Hearing and Complaint of any charges made at least twenty (20) days before the date set for the hearing; and

   (b) Afford the registrant an opportunity to be heard in person or by counsel.

3. The Notice of Hearing and Complaint shall be:

   (a) Sent by certified mail, return receipt requested to the Designated Officer of the registrant to the registrant's business address or last address on file with the Board; or

   (b) Personal service on the Designated Officer of the registrant or the registrant's agent for service of process in this state.

4. The Notice of Hearing and Complaint shall include, among other things, the date, time and place of the hearing.

5. The hearing may be rescheduled by the Board Administrator at a different time or date with proper written notice of such change given to all parties. Prehearing motions, including motions to dismiss and motions for continuance must be filed in the administrative office of the Board not less than ten (10) days prior to the date of the hearing.

6. The Board, upon compliance with the Board's laws relating to procedural requirements and administrative hearings, may also deny issuance of a registration to an applicant on any of the grounds provided by law.

7. Administrative hearings shall be conducted by a Hearing Officer appointed by the Board. The Hearing Officer shall preside at the hearing and rule on questions of evidence and procedure.

8. Administrative Hearings shall be open to the public. Witnesses may be excluded upon proper invocation of the witness exclusion rule.

9. At the conclusion of the hearing, the Board shall issue a decision and order containing the Findings of Fact, Conclusions of Law and any disciplinary action determined by the Board. This decision and order shall be mailed or delivered to the registrant.

10. Board members who have provide technical assistance in an investigation shall recuse themselves and not participate in any administrative hearing that results from such investigation.

Source: Miss. Code Ann. §§ 73-34-9(2)(b),(d), 73-34-29, 73-34-35, 73-34-41, 73-34-43 & 73-34-131 (Rev. 2012).

Rule 3.4 Appeals

The decision and order of the Board may be appealed in accordance with the applicable statutes.

Source: Miss. Code Ann. § 73-34-43 (Rev. 2012).

Title 30: Professions and Occupations

Part 1503: Oral Proceedings & Declaratory Opinions

Part 1503 Chapter 1: Oral Proceedings

Rule 1.1 Scope.

These rules apply to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Mississippi Real Estate Appraiser Licensing and Certification Board (Board).

Source: Miss. Code Ann. § 25-43-3.104 (Rev. 2010).

Rule 1.2 When Oral Proceedings will be scheduled on Proposed Rules.

The Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

Source: Miss. Code Ann. § 25-43-3.104 (Rev. 2010).

Rule 1.3 Request Format.

Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (81/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board and signed by the requestor(s).

Source: Miss. Code Ann. § 25-43-3.104 (Rev. 2010).

Rule 1.4 Notification of Oral Proceeding.

The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

Source: Miss. Code Ann. § 25-43-3.104 (Rev. 2010).

Rule 1.5 Presiding Officer.

The Board Administrator or his designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

Source: Miss. Code Ann. § 25-43-3.104 (Rev. 2010).

Rule 1.6 Public Presentation and Participation.

1. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.

2. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least one business day prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.

3. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.

4. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.

5. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing.

6. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the participant's time where the orderly conduct of the proceeding so requires.

Source: Miss. Code Ann. § 25-43-3.104 (Rev. 2010).

Rule 1.7 Conduct of Oral Proceeding.

1. Presiding Officer - The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall:

   (a) call proceeding to order;

   (b) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule;

   (c) call on those individuals who have contacted the Board about speaking on or against the proposed rule;

   (d) allow for rebuttal statements following all participant's comments; and

   (e) adjourn the proceeding.

2. Questions. - The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

3. Physical and Documentary Submissions**.** - Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board and are subject to the Board's public records request procedure.

4. Recording. - The Board may record oral proceedings by stenographic or electronic means.

Source: Miss. Code Ann. § 25-43-3.104 (Rev. 2010).

Part 1503 Chapter 2: Declaratory Opinions

Rule 2.1 Scope.

These rules set forth the Mississippi Real Estate Appraiser Licensing and Certification Board's (Board) rules governing the form, content and filing of requests for declaratory opinions, and the Board's procedures regarding the requests. These rules are intended to supplement and be read in conjunction with the provisions of the Mississippi Administrative Procedures Law, which may contain additional information regarding the issuance of declaratory opinions. In the event of any conflict between these rules and the Mississippi Administrative Procedures Law, the latter shall govern.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.2. Persons Who May Request Declaratory Opinions.

Any person with a substantial interest in the subject matter may request a declaratory opinion from the Board by following the specified procedures. A substantial interest in the subject matter means: an individual, business, group or other entity that is directly affected by the Board's administration of the laws within its primary jurisdiction. Primary jurisdiction of the agency means the agency has a constitutional or statutory grant of authority in the subject matter at issue.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.3 Subjects Which May Be Addressed in Declaratory Opinions.

The Board will issue declaratory opinions regarding the applicability to specified facts of: (1) a statute administered or enforced by the Board or (2) a rule promulgated by the Board. The Board

will not issue a declaratory opinion a statute or rule which is outside the primary jurisdiction of the Board.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.4 Circumstances In Which Declaratory Opinions Will Not Be Issued.

The Board may, for good cause, refuse to issue, a declaratory opinion. The circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:

1. Lack of clarity concerning the question presented;

2. There is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;

3. The statute or rule on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;

4. The facts presented in the request are not sufficient to answer the question presented;

5. The request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;

6. The request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the statute or rule on which a declaratory opinion is sought;

7. No controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute or rule;

8. The question presented by the request concerns the legal validity of a statute or rule;

9. The request is not based upon facts calculated to aid in the planning of future conduct but is, instead, based on past conduct in an effort to establish the effect of that conduct;

10. No clear answer is determinable;

11. The question presented by the request involves the application of a criminal statute or a set of facts which may constitute a crime;

12. The answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

13. The question is currently the subject of an Attorney General's opinion request or has been answered by an Attorney General's Opinion;

14. A similar request is pending before this agency or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law;

15. Where issuance of a declaratory opinion may adversely affect the interests of the State, the Board or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise;

16. The question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency, and there is a statutory or regulatory application process by which eligibility for said license, permit, certificate or other approval would be determined.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.5 Written Request Required.

Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (81/2 inches by 11 inches). Requests may be in the form of a letter addressed to the Board.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.6 Where to Send Requests.

All requests must be sent to the Board Administrator, The Mississippi Real Estate Appraiser Licensing and Certification Board: (1) by mail at P.O. Box 12685, Jackson, MS 39236; or (2) delivered to 2506 Lakeland Drive, Suite 300, Flowood, MS 39232; or (3) sent via facsimile to (601 932-2990. All requests must be sent to the attention of Declaratory Opinion Request as follows: ATTN: DECLARATORY OPINION REQUEST

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.7 Name, Address, and Signature of Requestor.

Each request must include the full name, telephone number and mailing address of the requestor. All requests shall be signed by the person filing the request, who shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete and accurate statement of relevant facts and that there are no related proceedings pending before any other administrative or judicial tribunal.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.8 Question Presented.

Each request shall contain the following:

1. A clear and concise statement of all facts on which the opinion is requested;

2. A citation to the statute or rule at issue;

3. The question(s) sought to be answered in the opinion, stated clearly;

4. A suggested proposed opinion from the requestor, stating the answers desired by petitioner and a summary of the reasons in support of those answers;

5. The identity of all other known persons involved in or impacted by the described factual situation, including their relationship to the facts, name, mailing address and telephone number; and

6. A statement to show that the person seeking the opinion has a substantial interest in the subject matter.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.9 Time for Board Response.

Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:

1. Issue a declaratory opinion regarding the specified statute or rule as applied to the specified circumstances;

2. Decline to issue a declaratory opinion, stating the reasons for its action; or

3. Agree to issue a declaratory opinion by a specified time but not later than ninety (90) days after receipt of the written request.
4. The forty-five (45) day period shall begin running on the first State of Mississippi business day on or after the request is received the Board, whichever is sooner.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.10 Opinion Not Final for Sixty Days.

A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a

determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.11 Notice by Board to third parties.

The Board may give notice to any person, agency or entity that a declaratory opinion has been requested, and may receive and consider data, facts arguments and opinions from other persons, agencies or other entities other than the requestor.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.12 Public Availability of Requests and Declaratory Opinions.

Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying in accordance with the Public Records Act and the Board's public records request procedure. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Rule 2.13 Effect of a Declaratory Opinion.

The Board will not pursue any civil, criminal
or administrative action against a person who is issued a declaratory opinion from the Board and who, in good faith, follows the direction of the opinion and acts in accordance therewith unless a court of competent jurisdiction holds that the opinion is manifestly wrong. Any declaratory opinion rendered by the Board shall be binding only on the Mississippi Real Estate Appraiser Licensing and Certification Board and the person to whom the opinion is issued. No declaratory opinion will be used as precedent for any other transaction or occurrence beyond that set forth by the requesting person.

Source: Miss. Code Ann. § 25-43-2-103 (Rev. 2010).

Title 30: Professions and Occupations

Part 1504 Chapter 1: Board Organization

Rule 1.1 Members.

1. There is hereby established, as an adjunct board to the Mississippi Real Estate Commission, a Board to be known as the Mississippi Real Estate Appraiser Licensing and Certification Board, which shall consist of six (6) members. Five (5) members shall be appointed by the Governor, with the advice and consent of the Senate, one (1) from each Congressional District as such District existed on July 1, 2004 and one (1) from the state at large; and the Administrator of the Mississippi Real Estate Commission shall be an ex officio, non-voting member.

2. At least three (3) members shall be certified general real estate appraisers or at least two (2) members shall be certified general real estate appraisers and one member may be a certified residential real estate appraiser. Not more than two (2) positions on the board shall be filled with appointees who hold membership in the same professional appraisal organization. Upon the expiration of a member's term, such member shall continue to serve until the appointment and qualification of a successor. No person shall be appointed as a member of the board for more than two (2) consecutive terms.

3. A quorum of the board shall be three (3) voting members with at least one (1) present being a licensed certified general real estate appraiser or a certified residential real estate appraiser. The board shall elect a chairman and such other officers as it deems necessary. Such officers shall serve as such for terms established by the board.

Source: Miss. Code Ann. § 73-34-7