

Call To Order / Roll Call


**Alaska Board of Certified Real Estate Appraisers
Board Roster (As of 01.11.2019)**

Board Member	Appointed	Reappointed	Term Expires
David Derry, Chair <i>Certified General Real Estate Appraiser</i> Kenai, AK	03/01/2014	03/01/2018	03/01/2022
Wendy Lawrence, Vice-Chair <i>Certified Residential Real Estate Appraiser</i> Sitka, AK	08/20/2019		03/01/2020
William Barnes <i>Certified Residential or General Real Estate Appraiser</i> Palmer, AK	08/20/2019		03/01/2022
Renee Piszczek <i>Mortgage Banking Executive</i> Fairbanks, AK	09/02/2014	03/01/2017	03/01/2021
Ashley Stetson <i>Public Member</i> Wasilla, AK	01/11/2019	3/01/2019	03/01/2023

Ethics Report

MEMORANDUM

State of Alaska Department of Law

TO: _____ DATE: _____
FILE NO.: _____
TEL. NO.: _____
FROM: Angie White
Litigation Assistant
Department of Law
Opinions, Appeals, & Ethics Section
FAX: _____
SUBJECT: Executive Branch Ethics Act, AS
39.52 Quarterly Report


******SAMPLE LANGUAGE – PLEASE COPY ONLY THE PARTS THAT APPLY
ONTO YOUR BOARD OR COMMISSION’S LETTERHEAD ******

As designated ethics supervisor and chair [executive director] for the _____, I wish to advise you that I have received no notifications of potential violations or requests for ethics determinations under the Ethics Act (AS 39.52) and have made no written determinations for this quarter.

OR

As designated ethics supervisor and chair [executive director] for the _____, I have received ___ notification(s) of a potential violation and ___ requests for ethics determinations under the Ethics Act (AS 39.52) I have attached a copy of the notices and requests along with my written determination(s) for review by the attorney general. I did [did not] receive an advisory opinion from the Attorney General.

AND

Except as addressed above, no other [board member] [commissioner] disclosed a potential conflict of interest at a recorded public meeting during this quarter.

OR

In addition to the above, at the [date] meeting, [Board member] [Commissioner] _____ disclosed a potential conflict with respect to _____ [*insert brief description*]____. *Insert disposition:* [S/He refrained from participation.] *or* [I determined s/he could [could not] participate.] *or* [The Board [Commission] members voted to permit [not to permit] participation.]

CONFIDENTIAL

ETHICS SUPERVISOR DETERMINATION FORM

(Board or Commission Member)

Board or Commission: _____

Member Disclosing Potential Ethics Violation: _____

I have determined that the situation described on the attached ethics disclosure form

does or would violate AS 39.52.110 - .190. Identify applicable statute below.

does not or would not violate AS 39.52.110 - .190.

Signature of Designated Ethics Supervisor (Chair)

Printed Name of Designated Ethics Supervisor

Date: _____

COMMENTS (Please attach a separate sheet for additional space):

Large light blue rectangular area for comments.

Note: Disclosure Form must be attached. Under AS 39.52.220, if the chair or a majority of the board or commission, not including the disclosing member, determines that a violation of AS 39.52.110-39.52.190 will exist if the member participates, the member shall refrain from voting, deliberating, or participating in the matter. A member will not be liable under the Ethics Act for action in accordance with such a determination so long as the member has fully disclosed all facts reasonably necessary to the determination and the attorney general has not advised the member, chair, or board or commission that the action is a violation. Forward disclosures with determinations to the State Ethics Attorney as part of your quarterly report. Quarterly reports are submitted to Litigation Assistant, Opinions, Appeals & Ethics, Department of Law, 1031 W. 4th Avenue, Suite 200, Anchorage, AK 99501.

Revised 2012

State of Alaska Department of Law

Who Is My Designated Ethics Supervisor?

Every state public officer, employee or board or commission member, has a designated ethics supervisor.

Executive Agencies

The ethics supervisor for each agency is the Commissioner or a senior manager to whom the Commissioner has delegated the function. The current ethics supervisor for each agency is listed below. The ethics supervisor for a Commissioner is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor.

Boards and Commissions

The Chair of each board and commission serves as the ethics supervisor for the other members and any executive director. The ethics supervisor for the Chair is Guy Bell, Director of Administrative Services in the Office of Governor, by delegation from the Governor. If a board or commission employs staff, the executive director serves as the ethics supervisor for these employees.

Public Corporations

The Chair of the board serves as the ethics supervisor for the other members of the board and any executive director. The executive director is the ethics supervisor for employees of the corporation.

Office of the Governor

The ethics supervisor for the Governor and Lieutenant Governor is the Attorney General. By delegation from the Governor, the ethics supervisor for the staff of the offices of the Governor and Lieutenant Governor is Guy Bell, Director of Administrative Services.

University of Alaska

By delegation of the University President, the ethics supervisor for university employees is Associate General Counsel Andy Harrington.

EXECUTIVE BRANCH AGENCIES

Administration: Leslie Ridle, Deputy Commissioner

Commerce, Community & Economic Development: Jon Bittner, Deputy Commissioner

Corrections: April Wilkerson, Director of Administrative Services

Education & Early Development: Les Morse, Deputy Commissioner

Environmental Conservation: Tom Cherian, Director of Administrative Services

Fish & Game: Kevin Brooks, Deputy Commissioner

Health & Social Services: Dallas Hargrave, Human Resource Manager

Labor & Workforce Development: Michael Monagle, Director, Division of Workers Compensation

Law: Jonathan Woodman, Assistant Attorney General

Military & Veterans Affairs: Marty Meyer, Special Assistant to Commissioner

Natural Resources: John Crowther, Inter-Governmental Coordinator

Public Safety: Terry Vrabec, Deputy Commissioner

Revenue: Dan DeBartolo, Administrative Services Director

Transportation & Public Facilities:

- Highways & Public Facilities: Steve Hatter, Deputy Commissioner
- Aviation: John Binder, Deputy Commissioner
- Central Region: Rob Campbell, Regional Director
- Northern Region: Rob Campbell, Acting Regional Director
- Southcoast Region: Acting Regional Director
- Alaska Marine Highway System: Michael Neussl, Deputy Commissioner
- Headquarters: Mary Siroky, Administrative Services Director

Updated April 2015

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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State of Alaska

Department of Law

Ethics Information for Members of Boards & Commissions (AS 39.52)

Introduction

This is an introduction to AS 39.52, the Alaska Executive Branch Ethics Act. This guide is not a substitute for reading the law and its regulations. State board and commission members who have further questions should contact their board chair or staff.

The Ethics Act applies to all current and former executive branch public employees and members of statutorily created boards and commissions.

Scope of Ethics Act (AS 39.52.110)

Service on a state board or commission is a public trust. The Ethics Act prohibits substantial and material conflicts of interest. Further, board or commission members, and their immediate family, may not improperly benefit, financially or personally, from their actions as board or commission members. The Act does not, however, discourage independent pursuits, and it recognizes that minor and inconsequential conflicts of interest are unavoidable.

Misuse of Official Position (AS 39.52.120)

Members of boards or commissions may not use their positions for personal gain or to give an unwarranted benefit or treatment to any person. For example, board members may not:

- use their official positions to secure employment or contracts;
- accept compensation from anyone other than the State for performing official duties;
- use State time, equipment, property or facilities for their own personal or financial benefit or for partisan political purposes;
- take or withhold official action on a matter in which they have a personal or financial interest; or
- coerce subordinates for their personal or financial benefit.
- attempt to influence outcome of an administrative hearing by privately contacting the hearing officer.



Terry knew that a proposal that was before the board would harm Terry's business competitor. Instead of publicly disclosing the matter and requesting recusal, Terry voted on the proposal.



Board member Mick has board staff employee Bob type an article for him that Mick hopes to sell to an Alaskan magazine. Bob types the article on State time.

Improper Gifts (AS 39.52.130)

A board member may not solicit or accept gifts if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. "Gifts" include money, items of value, services, loans, travel, entertainment, hospitality, and employment. All gifts from registered lobbyists are presumed to be improper, unless the giver is immediate family of the person receiving the gift.

A gift worth more than \$150 to a board member or the board member's immediate family must be reported within 30 days if:

- the board member can take official action that can affect the giver, or
- the gift is given to the board member because he or she is on a state board.

The receipt of a gift worth less than \$150 may be prohibited if a person could reasonably infer from the circumstances that the gift is intended to influence the board member's action or judgment. Receipt of such a gift should be disclosed.

Any gift received from another government, regardless of value, must be reported; the board member will be advised as to the disposition of this gift.

A form for reporting gifts is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.

This restriction on gifts does not apply to lawful campaign contributions.



The commission is reviewing Roy's proposal for an expansion of his business. Roy invites all the board members out to dinner at an expensive restaurant. He says it will be okay, since he isn't excluding any of the members.



Jody receives a holiday gift every year from Sam. Jody was recently appointed to a state board, but Sam has no business that is before the board. Jody may accept the gift.

Improper Use or Disclosure of Information (AS 39.52.140)

No former or current member of a board may use or disclose any information acquired from participation on the board if that use or disclosure could result in a financial or personal benefit to the board member (or immediate family), unless that information has already been disseminated to the public. Board members are also prohibited from disclosing confidential information, unless authorized to do so.



Sheila has been on the board for several years. She feels she has learned a great deal of general information about how to have a successful business venture. So she sets up her own business and does well.



Delores has always advised and assisted the other doctors in her clinic on their continuing education requirements. After Delores is appointed to the medical board, she discloses this role to the board and continues to advise the doctors in her clinic.



Jim reviews a confidential investigation report in a licensing matter. He discusses the practitioner's violation with a colleague who is not a board member.

Improper Influence in State Grants, Contracts, Leases or Loans (AS 39.52.150)

A board member, or immediate family, may not apply for, or have an interest in a State grant, contract, lease, or loan, if the board awards or takes action to administer the State grant, contract, lease, or loan.

A board member (or immediate family) may apply for or be a party to a competitively solicited State grant, contract or lease, if the board as a body does not award or administer the grant, contract, or lease and so long as the board member does not take official action regarding the grant, contract, or lease.

A board member (or immediate family) may apply for and receive a State loan that is generally available to the public and has fixed eligibility standards, so long as the board member does not take (or withhold) official action affecting the loan's award or administration.

Board members must report to the board chair any personal or financial interest (or that of immediate family) in a State grant, contract, lease or loan that is awarded or administered by the agency the board member serves. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff.



John sits on a board that awards state grants. John hasn't seen his daughter for nearly ten years so he figures that it doesn't matter when her grant application comes up before the board.



The board wants to contract out for an analysis of the board's decisions over the last ten years. Board member Kim would like the contract since she has been on the board for ten years and feels she could do a good job.

Improper Representation (AS 39.52.160)

A board or commission member may not represent, advise, or assist a person in matters pending before the board or commission for compensation. A nonsalaried board or commission member may represent, advise, or assist in matters in which the member has an interest that is regulated by the member's own board or commission, if the member acts in accordance with AS 39.52.220 by disclosing the involvement in writing and on the public record, and refraining from all participation and voting on the matter. This section does not allow a board member to engage in any conduct that would violate a different section of the Ethics Act.



Susan sits on the licensing board for her own profession. She will represent herself and her business partner in a licensing matter. She discloses this situation to the board and refrains from participation in the board's discussions and determinations regarding the matter.

Restriction on Employment After Leaving State Service (AS 39.52.180)

For two years after leaving a board, a former board member may not provide advice or work for compensation on any matter in which the former member personally and substantially participated while serving on the board. This prohibition applies to cases, proceedings, applications, contracts, legislative bills, regulations, and similar matters. This section does not prohibit a State agency from contracting directly with a former board member.

With the approval of the Attorney General, the board chair may waive the above prohibition if a determination is made that the public interest is not jeopardized.

Former members of the governing boards of public corporations and former members of boards and commissions that have regulation-adoption authority, except those covered by the centralized licensing provisions of AS 08.01, may not lobby for pay for one year.



The board has arranged for an extensive study of the effects of the Department's programs. Andy, a board member, did most of the liaison work with the contractor selected by the board, including some negotiations about the scope of the study. Andy quits the board and goes to work for the contractor, working on the study of the effects of the Department's programs.



Andy takes the job, but specifies that he will have to work on another project.

Aiding a Violation Prohibited (AS 39.52.190)

Aiding another public officer to violate the Ethics Act is prohibited.

Agency Policies (AS 39.52.920)

Subject to the Attorney General's review, a board may adopt additional written policies further limiting personal or financial interests of board members.

Disclosure Procedures

DECLARATION OF POTENTIAL VIOLATIONS BY MEMBERS OF BOARDS OR COMMISSIONS (AS 39.52.220)

A board member whose interests or activities could result in a violation of the Ethics Act if the member participates in board action must disclose the matter on the public record and in writing to the board chair who determines whether a violation exists. A form for this purpose is available at www.law.alaska.gov/doclibrary/ethics or from the board or commission staff. If another board member objects to the chair's ruling or if the chair discloses a potential conflict, the board members at the meeting (excluding the involved member) vote on the matter. If the chair or the board determines a violation will occur, the member must refrain from deliberating, voting, or participating in the matter. For more information, see Ethics Act Procedures for Boards and Commissions available at the above noted web site.

When determining whether a board member's involvement in a matter may violate the Ethics Act, either the chair or the board or commission itself may request guidance from the Attorney General.

ATTORNEY GENERAL'S ADVICE (AS 39.52.240-250)

A board chair or a board itself may request a written advisory opinion from the Attorney General interpreting the Ethics Act. A former board member may also request a written advice from the Attorney General. These opinions are confidential. Versions of opinions without identifying information may be made available to the public.

REPORTS BY THIRD PARTIES (AS 39.52.230)

A third party may report a suspected violation of the Ethics Act by a board member in writing and under oath to the chair of a board or commission. The chair will give a copy to the board member and to the Attorney General and review the report to determine whether a violation may or does exist. If the chair determines a violation exists, the board member will be asked to refrain from deliberating, voting, or participating in the matter.

Complaints, Hearings, and Enforcement

COMPLAINTS (AS 39.52.310-330)

Any person may file a complaint with the Attorney General about the conduct of a current or former board member. Complaints must be written and signed under oath. The Attorney General may also initiate complaints based on information provided by a board. A copy of the complaint will be sent to the board member who is the subject of the complaint and to the Personnel Board.

All complaints are reviewed by the Attorney General. If the Attorney General determines that the complaint does not warrant investigation, the complainant and the board member will be notified of the dismissal. The Attorney General may refer a complaint to the board member's chair for resolution.

After investigation, the Attorney General may dismiss a complaint for lack of probable cause to believe a violation occurred or recommend corrective action. The complainant and board member will be promptly notified of this decision.

Alternatively, if probable cause exists, the Attorney General may initiate a formal proceeding by serving the board or commission member with an accusation alleging a violation of the Ethics Act. Complaints or accusations may also be resolved by settlement with the subject.

CONFIDENTIALITY (AS 39.52.340)

Complaints and investigations prior to formal proceedings are confidential. If the Attorney General finds evidence of probable criminal activity, the appropriate law enforcement agency shall be notified.

HEARINGS (AS 39.52.350-360)

An accusation by the Attorney General of an alleged violation may result in a hearing. An administrative law judge from the state's Office of Administrative Hearings serves as hearing officer and determines the time, place and other matters. The parties to the proceeding are the Attorney General, acting as prosecutor, and the accused public officer, who may be represented by an attorney. Within 30 days after the hearing, the hearing officer files a report with the Personnel Board and provides a copy to the parties.

PERSONNEL BOARD ACTION (AS 39.52.370)

The Personnel Board reviews the hearing officer's report and is responsible for determining whether a violation occurred and for imposing penalties. An appeal may be filed by the board member in the Superior Court.

PENALTIES (AS 39.52.410-460)

When the Personnel Board determines a board member has violated the Ethics Act, it will order the member to refrain from voting, deliberating, or participating in the matter. The Personnel Board may also order restitution and may recommend that the board member be removed from the board or commission. If a recommendation of removal is made, the appointing authority will immediately remove the member.

If the Personnel Board finds that a former board member violated the Ethics Act, it will issue a public statement about the case and will ask the Attorney General to pursue appropriate additional legal remedies.

State grants, contracts, and leases awarded in violation of the Ethics Act are voidable. Loans given in violation of the Ethics Act may be made immediately payable.

Fees, gifts, or compensation received in violation of the Ethics Act may be recovered by the Attorney General.

The Personnel Board may impose a fine of up to \$5,000 for each violation of the Ethics Act. In addition, a board member may be required to pay up to twice the financial benefit received in violation of the Ethics Act.

Criminal penalties are in addition to the civil penalties listed above.

DEFINITIONS (AS 39.52.960)

Please keep the following definitions in mind:

Benefit - anything that is to a person's advantage regardless financial interest or from which a person hopes to gain in any way.

Board or Commission - a board, commission, authority, or board of directors of a public or quasi-public corporation, established by statute in the executive branch, including the Alaska Railroad Corporation.

Designated Ethics Supervisor - the chair or acting chair of the board or commission for all board or commission members and for executive directors; for staff members, the executive director is the designated ethics supervisor.

Financial Interest - any property, ownership, management, professional, or private interest from which a board or commission member or the board or commission member's immediate family receives or expects to receive a financial benefit. Holding a position in a business, such as officer, director, partner, or employee, also creates a financial interest in a business.

Immediate Family - spouse; another person cohabiting with the person in a conjugal relationship that is not a legal marriage; a child, including a stepchild and an adoptive child; a parent, sibling, grandparent, aunt, or uncle of the person; and a parent or sibling of the person's spouse.

Official Action - advice, participation, or assistance, including, for example, a recommendation, decision, approval, disapproval, vote, or other similar action, including inaction, by a public officer.

Personal Interest - the interest or involvement of a board or commission member (or immediate family) in any organization or political party from which a person or organization receives a benefit.

For further information and disclosure forms, visit our Executive Branch Ethics web site or please contact:

State Ethics Attorney
Alaska Department of Law
1031 West 4th Avenue, Suite 200
Anchorage, Alaska 99501-5903
(907) 269-5100
attorney.general@alaska.gov

Revised 9/2013

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
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State of Alaska
Department of Law
Executive Branch Ethics Act

Responsibilities of Designated Ethics Supervisors for Boards and Commissions

Boards and commissions subject to the Ethics Act have designated ethics supervisors. The chair serves as the designated ethics supervisor for board or commission members and the executive director. The executive director is the designated ethics supervisor for staff. The designated ethics supervisor for a chair is the governor, who has delegated this responsibility to Guy Bell, Administrative Director of the Office of the Governor.

Designated ethics supervisors should refer to the Manual for Designated Ethics Supervisors (April 2008), available from the state ethics attorney, regarding their responsibilities under the Ethics Act. Briefly, as designated ethics supervisor, you must --

1. Ensure that members and employees are provided copies of the guides, Ethics Information for Members of Boards and Commissions and Ethics Act Procedures for Boards and Commissions -- and keep a supply of disclosure forms.
 1. These guides, other educational materials, disclosure forms, statutes and regulations are available for review and copying on the Department of Law ethics web site. If access to this page is not available, please contact the Attorney General's office at 269-7195.
2. Review all disclosures, investigate potential ethics violations, make determinations regarding conduct, and take action.
3. Keep member or employee disclosure statements (of potential violations, receipt of gifts, and interests in grants/contracts/leases/loans) on file in your office. Disclosure of a gift received from another government must be forwarded to the Office of the Governor.
4. Submit an ethics report to the Department of Law in April, July, October and January for the preceding quarter. You will receive a reminder. There is a sample report on the ethics web page.
 1. Mail, email or fax to Kim Halstead, Litigation Assistant, Department of Law, Opinions, Appeals & Ethics Section, 1031 W. 4th Avenue, Suite 200, Anchorage, AK, 99501, ethicsreporting@alaska.gov, fax no. 907-279-2834.

You may request ethics advice from your agency's Assistant Attorney General or from the State Ethics Attorney, Jon Woodman, at 269-5100 or jonathan.woodman@alaska.gov. Please direct questions about reporting procedures to Kim Halstead at 269-7195 or kimberly.halstead@alaska.gov.

6/14

Department of Law attorney.general@alaska.gov P.O. Box 110300, Juneau, AK 99811-0300
Phone: 907-465-3600 Fax: 907-465-2075 TTY: 907-258-9161
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**Are any licensed appraisers obtaining
continuing education credit for
attendance at this board meeting?**

Review / Approve Agenda



**The State of Alaska
Board of Certified Real Estate Appraisers
State Office Building
333 Willoughby Ave, 9th Floor Conference Room A
Juneau, AK 99801**

Zoom Webinar Number and ID:

Zoom Webinar: (408) 638-0968

Webinar ID: 851 032 252

<https://zoom.us/j/851032252>

March 02, 2020

9:00 AM

DRAFT Meeting Agenda

<u>Item</u>	<u>Time</u>	<u>Subject</u>	<u>Lead</u>
1.	9:00	Call to Order / Roll Call	Chair
2.	9:05	Continuing Education Statement	Chair
3.	9:10	Ethics Report	Chair
4.	9:15	Review/Approve Agenda	Chair
5.	9:20	Review/Approve Past Meeting Minutes <ul style="list-style-type: none">• December 9, 2019• February 28, 2020	Chair
6.	9:30	Investigative Report	Consalo
7.	9:45	Break	Chair
8.	10:00	Public Comment	Chair
9.	10:15	Vote/Discuss Pending & Remanded Applications	Chair
10.	11:00	Division Report	TBD



**The State of Alaska
Board of Certified Real Estate Appraisers
State Office Building
333 Willoughby Ave, 9th Floor Conference Room A
Juneau, AK 99801**

Zoom Webinar Number and ID:

Zoom Webinar: (408) 638-0968

Webinar ID: 851 032 252

<https://zoom.us/j/851032252>

March 02, 2020

9:00 AM

DRAFT Meeting Agenda

- | | | |
|-----------|--|-------|
| 11. 11:15 | Professional License Reform (SB 157 / HB 216) <ul style="list-style-type: none">• Define Good Moral Character• Define Moral Turpitude• Determine Crimes Barring Licensure | Chair |
| 12. 12:00 | Lunch | Chair |
| 13. 1:00 | Regulations Update <ul style="list-style-type: none">• Review Updated Regulations• Draft Statute to Impose 5 Year Liability• Draft Statute to Allow Evaluations• Draft Statute to Remove No More Stringent - 08.87.020(a)(3)(A)(i) &(ii)• Draft Regulation for Continuing Education AQB/IDECC - 12 AAC 70.200• Remove/Amend 15 Day Complete Application - 12 AAC 70.150• Discuss Change to 12 AAC 70.108(c) – Reflect 2018 AQB Criteria• Online Continuing Education – 12 AAC 70.220(d)• Supervisory Verification of Work Experience - 12 AAC 70.110(a)• Supervisory Notification of Competency – 12 AAC 70.935 (3) | Zinn |



**The State of Alaska
Board of Certified Real Estate Appraisers
State Office Building
333 Willoughby Ave, 9th Floor Conference Room A
Juneau, AK 99801**

Zoom Webinar Number and ID:

Zoom Webinar: (408) 638-0968

Webinar ID: 851 032 252

<https://zoom.us/j/851032252>

March 02, 2020

9:00 AM

DRAFT Meeting Agenda

- | | | |
|----------|--|-------|
| 14. 2:00 | Board Business <ul style="list-style-type: none">• Set Upcoming Meeting Dates• Create Task List• Suggest Upcoming Agenda Items | Chair |
| 15. 2:30 | Adjourn | Chair |

Review / Approve Meeting Minutes

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY, & ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS, & PROFESSIONAL LICENSING

4 BOARD OF CERTIFIED REAL ESTATE APPRAISERS

5
6 MINUTES OF THE BOARD MEETINGS

7 Monday, December 9th, 2019

8
9 *These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and*
10 *Professional Licensing.*

11
12 *These minutes have not been reviewed or approved by the Board.*

13
14
15 By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
16 scheduled meeting of the Board of Certified Real Estate Appraisers was held via teleconference on
17 Monday, December 9th, 2019.

18
19 **Agenda Item #1** **Call to Order/Roll Call**

20
21 The meeting was called to order at 9:02 a.m. by David Derry, Chair.

22
23 Those present, constituting a quorum of the Board:

24 David Derry, Certified General Real Estate Appraiser
25 William Barnes, Certified Residential or General Real Estate Appraiser
26 Renee Piszczek, Mortgage Lending Member
27 Ashlee Stetson, Public Member

28
29 Division Staff present in the meeting:

30 Tracy Wiard, Occupational Licensing Examiner
31 Joe Bonnell, Records and Licensing Supervisor
32 Melissa Dumas, Administrative Officer II
33 Amber Whaley, Investigator III

34
35 Public Members present in the meeting:

36 Gretchen Druhot, Applicant
37 Nicky Pinsky, Applicant
38 Sarah Waldrop, Supervisory Appraiser

41 **Agenda Item #2** **Continuing Education Statement Credits**

42

43 Chair Derry stated that board members or other licensed appraisers can obtain continuing
44 education credits for meeting attendance can do so. No board members or licensees stated that
45 they would like continuing education credits for meeting attendance.

46

47 **Agenda Item #3** **Ethics Report**

48

49 Chair Derry moved on to the ethics report. He stated that he has not received a report of any
50 ethics violations or potential ethics violations from board members or anyone else. He asked the
51 board if there were any violations to report. There were none.

52

53 **Agenda Item #4** **Review / Approve Agenda**

54

55 The board reviewed the agenda. It was noted that item number 2 was listed twice, once as
56 continuing education statement and one on review / approve meeting minutes. It was noted and
57 will be corrected on the final agenda.

58

59 Chair Derry stated one of the reasons the board was having this meeting so close to the last
60 meeting was to review any possible regulation changes the board would like to make before
61 session. Chair Derry noted that these topics were on the agenda for discussion.

62

63 **On a motion made by Renee Piszczek, seconded by Bill Barnes, and passed unanimously, it**
64 **was RESOLVED to APPROVE the agenda.**

65

66 **Agenda Item #5** **Review/Approve Past Meeting Minutes**

67

68 The board reviewed the meeting minutes from the August 2, 2019 board meeting. There was one
69 suggested change on line 13 to include that the meeting was held in person and not solely via
70 teleconference. The board thought this was worth noting in the meeting minutes and OLE Wiard
71 would amend this in the final draft.

72

73 **On a motion made by Renee Piszczek, seconded by Ashley Stetson, and passed**
74 **unanimously, it was RESOLVED to APPROVE the meeting minutes from the August 2,**
75 **2019 board meeting as amended.**

76

77 The board moved on to review the draft meeting minutes from the October 25, 2019 meeting
78 minutes. Chair Derry asked the board if they noted any corrections or changes. There were no
79 recommended changes or corrections to the minutes.

80 **On a motion made by Renee Piszczek, seconded by Bill Barnes, and passed unanimously, it**
81 **was RESOLVED to APPROVE the meeting minutes from the October 25, 2019 board**
82 **meeting as written.**

83
84 The board then moved on to review the November 1, 2019 meeting minutes. There were no
85 changes suggested for the November 1, 2019 meeting minutes.

86
87 **On a motion made by Renee Piszczek, seconded by Ashlee Stetson, and passed**
88 **unanimously, it was RESOLVED to APPROVE the meeting minutes for the November 1,**
89 **2019 board meeting minutes as written.**

90
91 Off Record: 9:18 am
92 On Record: 9:30 am

93
94 Those present, constituting a quorum of the Board:
95 David Derry, Certified General Real Estate Appraiser
96 William Barnes, Certified Residential or General Real Estate Appraiser
97 Renee Piszczek, Mortgage Lending Member
98 Ashlee Stetson, Public Member

99
100 Division Staff present in the meeting:
101 Tracy Wiard, Occupational Licensing Examiner
102 Joe Bonnell, Records and Licensing Supervisor
103 Melissa Dumas, Administrative Officer II
104 Amber Whaley, Investigator III

105
106 Public Members present in the meeting:
107 Druhot, Applicant
108 Nicky Pinsky, Applicant
109 Sarah Waldrop, Supervisory Appraiser

110
111 **Agenda Item #6 Investigative Report**

112
113 Amber Whaley provided the APR board with their investigative report. The report was from the
114 period of October 09, 2019 through November 18, 2019. Investigations opened three new
115 matters since the last report and closed one matter. A total of eight matters remain on going and
116 one is under active or pending litigation.

117 Bill Barnes asked why such an increase in investigative cases and it was stated that the certified
118 appraisers often appeal the accusation and consent agreements. It was noted that appraisers do

157 Mr. Bonnell then went on to address the appropriate times for a board to go into executive
158 session. AS 44.62.310(b) authorizes a body to meet in executive session by those reasons
159 allowed within the law. This is not an exception to the Open Meetings Act. The board should
160 decide to go into an executive session must weigh the potential harm of an open meeting against
161 the public interest and the public's right to know. There must be a clear motion to enter
162 executive session stating one of the legal reasons for doing so. A review of license applications
163 is not a reason to go into executive session unless there is a qualifying reason.

164
165 The last item Mr. Bonnell discussed was voting on applications. He discussed approved,
166 approved pending and deny. He stated that anytime a vote is denied there needs to be a listed
167 statute or regulation and submitted to the examiner by e-mail. If the vote to deny does not
168 include a statutory or regulatory reason then the vote will be considered a table and discussed at
169 the next meeting. A vote to deny still requires a majority vote and would be required to be read
170 into at the next meeting. Tabling a vote was also discussed and there must be a reason provided
171 to table the application. It may not be tabled indefinitely. The last item was a recusal. A board
172 member needs to submit the request via e-mail to the examiner who will forward to the chair for
173 consideration.

174

175 **Agenda Item #9 Regulations Update**

176

177 Regulations Specialist Zinn advised the board that there were several items included as part of
178 the board packet. Mrs. Zinn stated she had drafted changes based on the recommendations from
179 the most recent ASC audit. She hoped the board would consider a new section for renewal and
180 reinstatement of APR licenses to be in conformity with the rest of the CBPL programs. She also
181 emphasized the board state continuing education requirements for renewal and reinstatement
182 include the phrase, "must have completed continuing education during the concluding licensing
183 period."

184

185 Chair Derry asked for clarification that the proposed regulation changes do not include
186 legislative approval. Mrs. Zinn stated that the regulation changes do not require legislative
187 approval only statute changes require legislative involvement. Mrs. Zinn stated she would not
188 have brought the regulations to the board if they were a statutory change.

189

190 **On a motion made by Ashlee Stetson, seconded by Renee Piszczek, it was RESOLVED to**
191 **APPROVE the 1st two regulation changes as proposed by regulations specialist Sher Zinn.**

192

193 There was some discussion by regulations specialist Sher Zinn to include the changes to the
194 regulations that were on page 2. The motion may have been incomplete. Chair Derry asked
195 Ashlee and Renee if they meant to leave out the other 2 changes and they said, "no."

196 **On a motion made by Ashlee Stetson, seconded by Renee Piszczek, and passed by roll call**
197 **vote, it was RESOLVED to APPROVE the 1st motion to include all the regulation changes**
198 **on page 1 and 2 of the board packet as proposed by regulations specialist Sher Zinn.**

199
200 **Roll Call Vote:**

201 Board Member	202 Approve	203 Deny	204 Recuse	205 Absent
206 David Derry	207 X			
208 Wendy Lawrence				209 X
210 William Barnes				211 X
212 Renee Piszczek	213 X			
214 Ashlee Stetson	215 X			

216 Chair Derry then shifted the board to additional topics to be covered for regulation changes that
217 were proposed by himself and Claire. He asked the board if they would like to look at the
218 proposed regulations and come back to vote on the changes at the next meeting, form a
219 subcommittee of two board members to review the proposed changes and then return to the
220 board at the next meeting to make a recommendation or the board could decide to do nothing.

221 Renee suggested that the board review the regulations and then vote at the next meeting. Chair
222 Derry stated that some in person discussion may be required for the regulation regarding online
223 vs. in person hours of continuing regulations the board would allow for continuing education
224 hours upon renewal. Chair Derry proposed the formation of a subcommittee to come to the
225 March 2, 2019 board meeting and recommend changes. Chair Derry recommended Bill Barnes
226 and Renee Piszczek.

227
228 **On a motion made by Dave Derry, seconded by Ashlee Stetson, and passed by roll call vote,**
229 **it was RESOLVED to APPROVE the formation of a subcommittee with Bill Barnes and**
230 **Renee Piszczek primarily and Ashlee Stetson as an alternate to look over proposed**
231 **regulatory changes from the ASC and report back at the March 2, 2020 meeting.**

232 **Roll Call Vote:**

233 Board Member	234 Approve	235 Deny	236 Recuse	Absent
237 David Derry	238 X			
239 Wendy Lawrence				240 X
241 William Barnes	242 X			
243 Renee Piszczek	244 X			
245 Ashlee Stetson	246 X			

237 The board took a break for lunch and planned to return at 1:00 pm. It was clarified by the OLE
238 that the subcommittee would need to public notice any meetings they have. They are not
239 required to provide as much notice as is required with a board meeting but the subcommittee
240 meetings do need to be publicly noticed.

241

242 Off Record: 11:08 AM

243 On Record: 1:03 PM

244

245 Those present, constituting a quorum of the Board:

246 David Derry, Certified General Real Estate Appraiser

247 William Barnes, Certified Residential or General Real Estate Appraiser

248 Renee Piszczek, Mortgage Lending Member

249 Ashlee Stetson, Public Member

250

251 Division Staff present in the meeting:

252 Tracy Wiard, Occupational Licensing Examiner

253 Joe Bonnell, Records and Licensing Supervisor

254 Melissa Dumas, Administrative Officer II

255 Amber Whaley, Investigator III

256

257 Public Members present in the meeting:

258 Gretchen Druhot, Homer, AK, Applicant

259 Nicky Pinsky, Applicant

260 Sarah Waldrop, Supervisory Appraiser

261

262 **Agenda Item #11 Public Comment**

263

264 Gretchen Druhot addressed the board and had a question concerning the next board meeting on
265 March 2, 2020. She was concerned her application would not be approved until after March 2,
266 2020. It was explained that the applications can be reviewed and approved through Onboard and
267 they would not have to be approved at a board meeting.

268

269 Nikki Pinsky called into public comment stating she failed the appraiser examination because
270 Pearson Vue testing center only allowed her to use one dry erase board for her math questions.
271 She needed more than one dry erase board and this caused her failure. She also stated she
272 needed a letter from the board to Pearson Vue so she could retake the test again. A letter will be
273 provided to retake the exam.

274

275

276 **Agenda Item #12** **Review Regulations for Regulations Change Project**

277
278 Chair Derry brought the board to the next topic of discussion regarding a review of the boards
279 statutes and regulations and decisions to make any changes to the current APR statutes and
280 regulations. Chair Derry then directed the board back to the meeting minutes from the
281 November meeting so he could once again discuss some of his strategic plan items with the
282 board. He believed the board should attempt to get a legislative bill out to adopt changes on the
283 appraiser statute of limitations on the professional liability period capping it at 5 years. This will
284 keep the liability period in line with the records retention law. He noted many states are
285 choosing to do this because of the 2008 real estate market crash.

286
287 Bill Barnes agreed that this would be a worthwhile pursuit as appraisers are being held liable in
288 professional liability suites for incidents that happened 12+ years ago long after the records have
289 been purged according to record retention laws. Chair Derry asked if this was something the
290 Alaska Chapter of Appraisal Institute would endorse? Bill Barnes is the chapter president and he
291 believed the Appraisal Institute does not endorse topics but he would double check.

292
293 **On a motion made by Bill Barnes, seconded by Renee Piszczek, and passed by roll call vote,**
294 **it was RESOLVED to APPROVE the regulations committee to work to change the statutes**
295 **to shorten the professional liability period for appraisers to 5 years from the date of the**
296 **appraisal report.**

297
298 **Roll Call Vote:**

299

300 Board Member	Approve	Deny	Recuse	Absent
301				
302 David Derry	X			
303 Wendy Lawrence				X
304 William Barnes	X			
305 Renee Piszczek	X			
306 Ashlee Stetson	X			

307
308 Chair Derry directed the board to turn to page 8 of the November meeting minutes. He wanted
309 to board to consider adopting a statute that would allow appraisers to perform evaluations. This
310 is a topic that has come up nationally. In Alaska, if an evaluation is completed by an appraiser it
311 is not USPAP compliant and all Alaska appraisers are required to comply with USPAP. If the
312 statute was changed to allow appraisers to perform evaluations for lenders, the evaluations may
313 not always require USPAP compliance. The ASC had previously recommended to board contact
314 law for guidance on the issue.

315

316 It was the opinion of board member Ashlee Stetson to obtain an opinion from law on the issued
317 instead of going forth without an opinion. She felt it could get messy involving banks and
318 lenders. Bill Barnes asked Renee her thoughts based on her banking experience. She stated as a
319 lender it would be nice to see something from appraisers that is very general. She stated a lot of
320 appraisers do not have time to get a LAM appraisal. She consults with real estate agents to try to
321 get opinions of values and she would like to be able to contact an appraiser for something
322 generic and usable.

323
324 **On a motion made by Dave Derry, seconded by Renee Piszczek, and passed by roll call**
325 **vote, it was RESOLVED to APPROVE that the board pursue changing the statute to allow**
326 **certified appraisers to perform evaluations in conformance with federal definitions that**
327 **would not require compliance with USPAP.**

328
329 **Roll Call Vote:**

330 Board Member	Approve	Deny	Recuse	Absent
331 David Derry	X			
332 Wendy Lawrence				X
333 William Barnes	X			
334 Renee Piszczek	X			
335 Ashlee Stetson	X			

336
337
338
339 Chair Derry then brought up the topic of changing the documentation required for continuing
340 education course approvals. He would like to be able to review and approve an application for
341 continuing education credit that has been approved by IDECC or the AQB without all the other
342 requirements. He does not like the cumbersome, time consuming task of reviewing all the
343 documents for a course that already has AQB or IDECC approval. Board member Renee
344 Piszczek agreed. Chair Derry is hoping to change the regulations to streamline the process to
345 review AQB and IDECC approved courses.

346
347 **On a motion made by Dave Derry, seconded by Bill Barnes, and passed by roll call vote, it**
348 **was RESOLVED to APPROVE that the board pursue a regulatory change to allow**
349 **changing the statute to allow an abbreviated submission for education credit when the**
350 **course has already been approved by the AQB and/or the IDECC. The details of the**
351 **written regulations would be discussed with the regulations specialist.**

352
353
354
355

356 **Roll Call Vote:**

357

358 Board Member	Approve	Deny	Recuse	Absent
359				
360 David Derry	X			
361 Wendy Lawrence				X
362 William Barnes	X			
363 Renee Piszczek	X			
364 Ashlee Stetson	X			

365

366 Chair Derry stated that he would follow up with the regulations specialist regarding the changes
367 discussed and asked that they be added to his task list. OLE made note and will distribute a task
368 list after the meeting.

369

370 **Agenda Item #13 Review/Approve Tabled Applications**

371

372 Chair Derry directed the board to the next topic of reviewing tabled applications. The first
373 application to review was the HVCC Appraisal Ordering, INC. There were some differences in
374 votes from the board. There was no appraisal panel listing Alaskan appraisers. AS 08.87.135 (4)
375 and (5) a. The application seemed incomplete. In addition, the owner and control person never
376 disclosed all the states they were ever licensed in. It was suggested by OLE Supervisor Joe
377 Bonnell to table the application until additionally requested information is provided.

378

379 **On a motion made by Bill Barnes, seconded by Renee Piszczek, and passed by roll call vote,**
380 **it was RESOLVED to APPROVE the HVCC #150939 AMC Application pending receipt of**
381 **the complete list of all states the owner and controlling person have ever held an appraisal**
382 **license in. It was further amended to ask the applicant for a certified statement how the**
383 **AMC will form their Alaska appraisal panel of Alaska state certified appraisers.**

384

385 **Roll Call Vote:**

386

387 Board Member	Approve	Deny	Recuse	Absent
388				
389 David Derry	X			
390 Wendy Lawrence				X
391 William Barnes	X			
392 Renee Piszczek	X			
393 Ashlee Stetson	X			

394

395 The board then went on to review the application from Sara Benham. She has submitted an
396 additional explanation regarding the required verification of work experience from someone in

397 the real estate profession. The applicant provided a verification from her nurse supervisor and a
398 co-worker in the office of the appraiser she worked with. The board had concerns a nurse could
399 not verify appraisal work and a co-worker is not allowed to complete the work verification. The
400 letter state that the supervisory appraiser, Sarah Waldrop would be calling into the board meeting
401 to discuss the application with the board. It was suggested that she obtain a verification from a
402 lender that was used during the appraisals completed.

403
404 **On a motion made by Renee Piszczek, seconded by Bill Barnes, and passed by roll call vote,**
405 **it was RESOLVED to APPROVE the reinstatement of the previous motion regarding this**
406 **application from the 11/01/2019 meeting. The application will be approved pending receipt**
407 **of an additional Work Verification Form by someone in the real estate profession.**

408
409 **Roll Call Vote:**

410					
411	Board Member	Approve	Deny	Recuse	Absent
412					
413	David Derry	X			
414	Wendy Lawrence				X
415	William Barnes	X			
416	Renee Piszczek	X			
417	Ashlee Stetson	X			

418
419 The board went on to review the application for Gretchen Druhot. She called into the board
420 meeting to verify the status of her application. The board reviewed her application and decided
421 that she would be approved pending successful completion of the exam and approval of her work
422 products.

423
424 **On a motion made by Renee Piszczek, seconded by Ashlee Stetson, and passed by roll call**
425 **vote, it was RESOLVED to APPROVE the Gretchen Druhots residential appraiser**
426 **application by exam pending approval of the work product review and successful**
427 **completion of the exam the board is authorizing her to take.**

428 **Roll Call Vote:**

429					
430	Board Member	Approve	Deny	Recuse	Absent
431					
432	David Derry	X			
433	Wendy Lawrence				X
434	William Barnes	X			
435	Renee Piszczek	X			
436	Ashlee Stetson	X			

437 **Agenda Item #14** **Board Business**

438

439 The board moved on to the board business and create a task list. OLE Wiard stated she would
440 send e-mails to applicants who the board voted on at today's meeting. Chair Derry is to consult
441 with the regulations specialist regarding regulation changes and the regulation subcommittee is
442 going look at the statutory and regulatory changes voted on and report back to the board at the
443 March 2020 meeting. The regulations subcommittee is composed of Bill Barnes and Renee
444 Piszczek with Ashlee Stetson as an alternate.

445

446 Bill Barnes brought up the topic of roll call at continuing education courses for appraisers. He
447 noted he attended a course and there were 2 appraisers that had friends sign them into the class
448 and would say they briefly stepped out when asked by people in the course. Bill wanted to make
449 sure appraisers were accountable for attending the course they received credit for. Chair Derry
450 advised reporting this type of incident to the sponsor of the course. He stated it was the course
451 sponsors obligation to comply with board regulations and maintaining an accurate attendance
452 log. He stated that the board could also take the complaint and refer it to investigations. Bill
453 wondered if this was worth a regulation change.

454

455 There was a last-minute caller on the line from Sarah Waldrop. Chair Derry noted it was past the
456 public comment period but the board was running ahead of schedule. Sarah Waldrop is the
457 supervisor for Sara Benham. She wanted more clarification for the work experience and who she
458 can use for a reference. Bill Barnes suggested that she take her to AK USA, Residential
459 Mortgage or Prime Lending complete the form. She stated she did have someone do that and it
460 was mailed from Prime Lending. OLE Wiard, stated the work verification form was not
461 received at the office now. Chair Derry asked that she inform Sara Benham the application will
462 be approved pending receipt of the additional work verification form.

463 **In a motion made by Bill Barnes, and seconded by Renee Piszczek, it was RESOLVED to**
464 **ADJOURN.**

465

466

467

468

469

470

471

472

473

474

475

476 Hearing nothing further, Chair Derry adjourned the meeting at 3:10 pm.

477

478 Respectfully Submitted,

479

480

481

482 _____
Tracy Wiard, Licensing Examiner

_____ Date

483

484

485

486 _____
David Derry, Vice Chair

_____ Date

DRAFT

1 STATE OF ALASKA
2 DEPARTMENT OF COMMERCE, COMMUNITY, & ECONOMIC DEVELOPMENT
3 DIVISION OF CORPORATIONS, BUSINESS, & PROFESSIONAL LICENSING

4 BOARD OF CERTIFIED REAL ESTATE APPRAISERS REGULATIONS SUBCOMMITTEE
5 MEETING

6
7 MINUTES OF THE SUBCOMMITTEE MEETINGS
8 Tuesday, February 18th, 2020

9
10 *These are DRAFT minutes prepared by the staff of the Division of Corporations, Business, and*
11 *Professional Licensing.*

12
13 *These minutes have not been reviewed or approved by the Board.*

14
15
16 By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a
17 scheduled meeting of the Board of Certified Real Estate Appraisers Regulations Subcommittee was held
18 via teleconference on Tuesday, February 18th, 2020.

19
20 **Agenda Item #1** **Call to Order/Roll Call**

21
22 The meeting was called to order at 10:02 a.m. by OLE Wiard.

23
24 **Those present, constituting a quorum of the Subcommittee:**

25 William Barnes, Certified Residential or General Real Estate Appraiser

26 Renee Piszczek, Mortgage Lending Member

27 Ashlee Stetson, Public Member (Alternate Subcommittee Member)

28
29 **Division Staff present in the meeting:**

30 Tracy Wiard, Occupational Licensing Examiner

31
32
33 **Agenda Item #2** **Ethics Report**

34
35 OLE Wiard asked the Subcommittee if there were any ethics disclosures the Subcommittee
36 members would like to report? No one had any so they moved on to the next order of business.

41 **Agenda Item #3** **Review / Approve Agenda**

42

43 OLE Wiard asked if the members of the Subcommittee had any suggested revisions to the
44 agenda. No one had any and a motion was made to accept the agenda as written.

45

46 **On a motion made by Renee Piszczek, seconded by Bill Barnes, and passed unanimously, it
47 was RESOLVED to APPROVE the agenda.**

48

49 **Agenda Item #4** **Proposed Statute Changes**

50

51 OLE Wiard directed the Subcommittee to review the proposed statute changes the board voted to
52 commence at the last APR board meeting on December 09, 2019. The first statute for the
53 Subcommittee to discuss is capping the professional liability for real estate appraisers to 5 years.
54 Once the statute is drafted it would go to LAW for an opinion and a sponsor of the bill would
55 need to be found.

56

57 OLE Wiard stated the Subcommittee members could draft the proposed wording of the statute
58 and then present it to the APR board for a vote at the March 2, 2020 meeting. This could also be
59 completed for the additional statutes the board had voted to change and or create. Bill Barnes
60 stated he did not know how to word the statute. OLE Wiard stated she was not allowed to write
61 the statute for the board and it would just be the wording the Subcommittee comes up with. It
62 was stated the draft could also be amended at the March 02, 22020 meeting as it would need
63 board review and a vote of approval.

64

65 Bill suggested the statute state, “be it resolved that professional liability shall be no more than 5
66 years from delivery of appraisal service.” Renee stated that she agreed and OLE Wiard asked if
67 it could be considered a motion? Bill stated it could be considered a motion.

68

69 **On a motion made by Bill Barnes, seconded by Renee Piszczek, and passed unanimously, it
70 was RESOLVED to APPROVE the statute wording as follows: “Be it resolved that
71 professional liability shall be no more than 5 years from delivery of appraisal service.”**

72

73 OLE Wiard directed the Subcommittee to the next statute change the APR board had voted on at
74 the December 2019 meeting. The board had voted to create a statute that would allow licensed
75 appraisers to perform evaluations. Evaluations by appraisers are not USPAP compliant. OLE
76 Wiard informed the Subcommittee that there were several places in the current APR statutes and
77 regulations that state licensed appraisers in Alaska must comply with USPAP, Title XI and Frank
78 Dodd. Creating a statute that allows evaluations or non-compliance with USPAP, Title XI and
79 Frank Dodd would affect other statutes and regulations. Those statutes and regulations may need

80 amendments or complete changes to make sure the regulations remain cohesive and the
81 expectations of regulatory compliance from licensees is clearly understood. It was also
82 suggested the board make a clear statement on when appraisers can perform an evaluation and
83 when they cannot.

84

85 Renee stated that appraisers work very hard to obtain and maintain their licenses and allowing
86 evaluations may be too far of a stretch for the Alaska statutes and regulations governing
87 appraiser licensure. Bill stated he had participated in a USPAP class and evaluations were
88 discussed in detail. He stated evaluations are being performed all over the country and he
89 proposed the full board discuss the topic of evaluations at the March 02, 2020 meeting. He also
90 stated that brokers already perform evaluations and at times the value of a home may be so low
91 that they just need something to place in a file. Renee believes the purpose of the statute is to
92 prevent appraisers from losing out on the money they could earn from performing evaluations.

93

94 OLE Wiard stated it would be advisable for the board to clearly state what situations would
95 warrant an appraiser to perform an evaluation and when they could not. This would be good to
96 add to the regulations and look over the regulations to see any potential affect this would have on
97 multiple statutes and regulations already in place. Bill asked about the oversight from the
98 Department of Law and it was stated they would review what the board creates as a new statute
99 and regulation but would not write the statute or regulation for the board.

100

101 It was the consensus of the Subcommittee to refer the topic of evaluations to the next board
102 meeting in March. There are other board members who have more insight and knowledge
103 regarding evaluations vs. appraisals. OLE Wiard agreed to add this topic to the March meeting
104 agenda.

105

106 OLE Wiard suggested the board look at the statute that does not allow the APR board to have
107 regulations that are more stringent than 12 USC 3331-3355 otherwise known as the Frank Dodd
108 Act and the Truth in Lending Act. This statute may cause problems when the board wants to
109 review applications for licensure and wants further proof of experience or other items for
110 clarification of an applicant's education and experience. It also goes against the board regulation
111 allowing only half of the continuing education courses for renewal to be completed distance or
112 online as USPAP allows all courses to be completed online.

113

114 The specific statute is AS 08.87.020 (a)(3)(A)(i) and (ii). The board could just remove the,
115 "more stringent than," portion of the statute for the statutes which that verbiage applies. That
116 verbiage references 5 different statutes that list the qualifications for licensure a real estate
117 appraiser or AMC. Both Bill and Renee agreed to add this topic to the March 2 APR meeting.

118

119 **Agenda Item #5** **Proposed Regulation Changes**

120
121 OLE Wiard brought the attention of the Subcommittee a regulation change that may improve
122 speed and efficiency of application review and approval. This is regulation 12 AAC 70.150
123 which requires all applications to be complete for 15 days prior to board review. The board
124 currently likes to review new applications every month on the 15th. This regulation requires any
125 applications completed at the 1st of the month to be reviewed by the board on the 15th of the
126 following month instead of the 15th of the month it was considered complete. It could be
127 removed and the efficiency of the application review improved.

128
129 The Subcommittee members stated it may be preferred to take a dribble or one application at a
130 time. Renee states the board used to do this but too many members were missing the
131 applications and the deadlines. It was found that all applications going to the board on the 15th
132 was a cleaner method. It was suggested this topic be added to the March 2 board meeting.

133
134 **On a motion made by Bill Barnes, seconded by Renee Piszczek, and passed unanimously, it**
135 **was RESOLVED to APPROVE the discussion of a change and/or removal of regulation 12**
136 **AAC 70.126 at the March 02, 2020 meeting.**

137
138 The next item on the agenda is re writing the regulations to allow applications submitted for
139 continuing education that are approved by AQB and IDECC submit their proof of AQB and
140 IDECC approval for acceptance by the board. This would limit the number of pages the board
141 members would need to review prior to approving the course.

142
143 It was pointed out that the regulations would still want to keep the listed requirements for
144 approval of continuing education courses that are not AQB or IDECC approved. Bill Barnes
145 asked if the board staff were responsible for writing up the motions and wording for the new
146 regulations? OLE Wiard informed Mr. Barnes it was the boards job to draft the proposed
147 changes to the statutes and regulations for submission to board staff. The board needs to clearly
148 state their wants and intentions then submit to the staff and CBPL but the staff does not write it
149 for them. OLE stated that the subcommittee could draft the regulations as they wanted, then
150 present them to the board at the March 02 meeting. Mr. Barnes believed this would be a difficult
151 task that is currently over his head. OLE Wiard advised the whole purpose of the Subcommittee
152 meeting was to draft some changes in the regulations.

153
154 Renee asked some clarifying questions about starting the wording for the regulations changes.
155 She wanted to know if they were literally supposed to fill in the regulation adding a new section
156 or amendment? OLE Wiard advised that a new section could be added to the regulation or they
157 could be re written. It's generally advisable to do what is easier as long as it remains legally

158 compliant. It was also stated the board was required to complete the regulation change
159 worksheet. Other boards sometimes nominate a person from the board to complete the form but
160 it may be completed during a meeting.

161

162 In reviewing the discussion of the proposed statute and regulations changes, alternate
163 Subcommittee member Ashlee Stetson asked why the board originally stated in statute that they
164 could not be any more stringent than the Frank Dodd or Truth in Lending Act? OLE Wiard was
165 not sure why this was here as it was in place long before her arrival into CBPL. Bill stated it
166 seemed like AK Legislature doesn't like new laws. He noted this trend with the creation as
167 AMC's as no Legislators would sponsor an AMC bill until it was federally mandated. He noted
168 other states like creating new statutes and regulations.

169

170 The subcommittee discussed drafting the proposed changes but felt they were not cut out to draft
171 new statutes and regulations. Bill wanted the issues to be reconsidered at the March 02 meeting
172 with the full board present.

173

174 **On a motion made by Renee Piszczek, seconded by Bill Barnes, and passed unanimously, it**
175 **was RESOLVED to APPROVE the discussion of the proposed statute and regulations**
176 **changes at the March 02 meeting to allow for full board participation.**

177

178 Bill asked if the subcommittee made any progress. OLE Wiard stated any regulation change
179 would be progressive. Bill went on the state he was in the USPAP course recently and the
180 experience required is now allowed to be completed in 12 months for a residential license and 24
181 months for a general license. This is another issue the board may want to discuss for a regulation
182 change project. OLE Wiard was also not sure if the verification of work experience by 3 people
183 is a USPAP compliant requirement.

184

185 OLE Wiard brought one last issue to the board for discussion and this is the licensing reform
186 legislation that the governor is currently pushing through the legislator. This would require all
187 occupations overseen by the division to provide an avenue for temporary licensure while an
188 applicant works and applies for a permanent license. The avenue would be licensure in another
189 state and an application. This provision would require the board to define terms like moral
190 turpitude, good moral character and exact crimes that would bar an applicant from licensure.
191 OLE Wiard has referred to definitions from the Alaska Police Standards Council Definitions for
192 ideas and will bring them to the March APR meeting.

193

194 Renee offered to email some drafting for the statutory change to the, "no more stringent than,"
195 Frank Dodd and the Truth in Lending Act as well as the allowance of approval of continuing
196 education applications that are already AQB and IDECC approved.

197 **In a motion made by Bill Barnes, and seconded by Renee Piszczek, it was RESOLVED to**
198 **ADJOURN.**

199
200 Hearing nothing further, OLE Wiard adjourned the meeting at 11:00 am.

201
202 Respectfully Submitted,

203

204

205

206 _____
Tracy Wiard, Licensing Examiner

Date

207

208

209

210 _____
David Derry, Vice Chair

Date

DRAFT

Investigative Report





THE STATE
of **ALASKA**
GOVERNOR MIKE DUNLEAVY

Department of Commerce, Community,
and Economic Development

DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING

Anchorage Office

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DATE: February 20, 2020
TO: Alaska Board of Certified Real Estate Appraisers
THRU: Amber Whaley, Senior Investigator 
FROM: Shyla Consalo, Investigator 
SUBJECT: Certified Real Estate Appraisers Investigative Report for March 2, 2020 Board Meeting

The following information was compiled as an investigative report to the Board for the period from November 19, 2019 through February 20, 2020. Including cases, complaints, and intake matters, since the last report, the Division opened **four (4)** matters and closed **four (4)** matters, a total of **eight (8)** matters remain on-going and under active investigation or are pending litigation (*as indicated by italics*).

Matters opened by the Paralegal in Juneau, regarding continuing education audits and license action resulting from those matters are not covered in this report.

<u>CASE#</u>	<u>OPENED</u>	<u>ALLEGED VIOLATION</u>	<u>PROFESSION</u>
2018-000048	01/11/2018	<i>Incompetence</i>	<i>Real Estate Appraiser</i>
2018-001318	11/19/2018	<i>Violation of Licensing Regulation</i>	<i>Real Estate Appraiser</i>
2018-001336	11/19/2018	<i>Incompetence</i>	<i>Real Estate Appraiser</i>
2019-000294	03/14/2019	<i>Violation of Licensing Regulation</i>	<i>Real Estate Appraiser</i>
2019-000655	07/09/2019	<i>License Application Problem</i>	<i>Applicant</i>
2019-001084	10/02/2019	<i>Incompetence</i>	<i>Real Estate Appraiser</i>
2019-001213	10/15/2019	<i>Falsified Application</i>	<i>Appraisal Management Co</i>
2019-001261	10/31/2019	<i>Violation of Licensing Regulation</i>	<i>Real Estate Appraiser</i>

OPEN CASES: TOTAL = 8

*** Indicates a matter with license action before the Board for consideration at this meeting.*

INVESTIGATIVE ACTIONS CLOSED SINCE LAST MEETING:

<u>CASE#</u>	<u>CLOSED</u>	<u>VIOLATION</u>	<u>CLOSURE TYPE</u>
2019-001402	01/21/2020	<i>Incompetence</i>	<i>Incomplete Complaint</i>
2019-001445	01/28/2020	<i>Unlicensed Practice or Activity</i>	<i>Incomplete Complaint</i>
2019-001455	01/28/2020	<i>Violation of Licensing Regulation</i>	<i>Incomplete Complaint</i>
2020-000026	02/10/2020	<i>Violation of Licensing Regulation</i>	<i>Incomplete Complaint</i>

CLOSED CASES: TOTAL = 4

Break

Public Comment

Vote/Discuss Pending and Remanded Applications

Division Report

Department of Commerce Community, and Economic Development
Corporations, Business and Professional Licensing

Summary of All Professional Licensing
Schedule of Revenues and Expenditures

Board of Certified Real Estate Appraisers	FY 14	FY 15	Biennium	FY 16	FY 17	Biennium	FY 18	FY 19	Biennium	FY 20 1st & 2nd QTR
	Revenue									
Revenue from License Fees	\$ 56,250	\$ 279,525	\$ 335,775	\$ 49,440	\$ 272,590	\$ 322,030	\$ 76,010	\$ 190,565	\$ 266,575	\$ 37,625
Allowable Third Party Reimbursements	1,499	-	1,499	-	5,827	5,827	1,534	4,314	5,848	2,559
TOTAL REVENUE	\$ 57,749	\$ 279,525	\$ 337,274	\$ 49,440	\$ 278,417	\$ 327,857	\$ 77,544	\$ 194,879	\$ 272,423	\$ 40,184
Expenditures										
Non Investigation Expenditures										
1000 - Personal Services	28,642	43,055	71,697	40,694	13,307	54,001	45,123	91,165	136,288	56,047
2000 - Travel	2,920	2,217	5,137	12,596	13,106	25,702	16,384	11,267	27,651	1,933
3000 - Services	1,275	33,177	34,452	3,008	5,288	8,296	7,445	10,666	18,111	15,736
4000 - Commodities	24	42	66	22	13	35	716	161	877	602
5000 - Capital Outlay	-	-	-	-	-	-	-	-	-	-
Total Non-Investigation Expenditures	32,862	78,491	111,352	56,320	31,714	88,034	69,668	113,259	182,927	74,318
Investigation Expenditures										
1000-Personal Services	6,273	10,239	16,512	3,464	19,945	23,409	25,013	18,383	43,396	18,204
2000 - Travel								1,050	1,050	2,546
3023 - Expert Witness	1,625	-	1,625	-	-	-	3,485	1,050	4,535	2,250
3088 - Inter-Agency Legal	12,055	439	12,494	-	-	-	33	33	66	-
3094 - Inter-Agency Hearing/Mediation	-	-	-	-	-	-	217	-	217	-
3000 - Services other								633	633	26
4000 - Commodities								-	-	-
Total Investigation Expenditures	19,952	10,678	30,631	3,464	19,945	23,409	28,748	21,149	49,897	23,026
Total Direct Expenditures	52,814	89,169	141,983	59,784	51,659	111,443	98,416	134,408	232,824	97,344
Indirect Expenditures										
Internal Administrative Costs	8,346	10,447	18,793	9,900	9,222	19,122	15,708	20,705	36,413	10,353
Departmental Costs	7,280	13,937	21,217	8,446	7,009	15,455	13,293	21,286	34,579	10,643
Statewide Costs	5,311	8,721	14,032	3,280	2,319	5,599	7,826	11,964	19,790	5,982
Total Indirect Expenditures	20,937	33,105	54,042	21,626	18,550	40,176	36,827	53,955	90,782	26,978
TOTAL EXPENDITURES	\$ 73,751	\$ 122,274	\$ 196,025	\$ 81,410	\$ 70,209	\$ 151,619	\$ 135,243	\$ 188,363	\$ 323,606	\$ 124,322
Cumulative Surplus (Deficit)										
Beginning Cumulative Surplus (Deficit)	\$ 57,304	\$ 41,302		\$ 198,553	\$ 166,583		\$ 374,791	\$ 317,092		\$ 323,608
Annual Increase/(Decrease)	(16,002)	157,251		(31,970)	208,208		(57,699)	6,516		(84,138)
Ending Cumulative Surplus (Deficit)	\$ 41,302	\$ 198,553		\$ 166,583	\$ 374,791		\$ 317,092	\$ 323,608		\$ 239,470
Statistical Information										
Number of Licensees	290	319		287	346		342	298		-

Additional information:

- Fee analysis required if the cumulative is less than zero; fee analysis recommended when the cumulative is less than current year expenditures; no fee increases needed if cumulative is over the current year expenses *
- Most recent fee change: Fee reduction FY19
- Annual license fee analysis will include consideration of other factors such as board and licensee input, potential investigation load, court cases, multiple license and fee types under one program, and program changes per AS 08.01.065.

Appropriation	(All)
AL Sub Unit	(All)
PL Task Code	APR1

Sum of Expenditures Object Name (Ex)	Object Type Name (Ex)				Grand Total
	1000 - Personal Services	2000 - Travel	3000 - Services	4000 - Commodities	
1011 - Regular Compensation	36,519.01				36,519.01
1014 - Overtime	103.31				103.31
1023 - Leave Taken	8,151.68				8,151.68
1028 - Alaska Supplemental Benefit	2,751.00				2,751.00
1029 - Public Employee's Retirement System Defined Benefits	2,889.30				2,889.30
1030 - Public Employee's Retirement System Defined Contribution	1,664.11				1,664.11
1034 - Public Employee's Retirement System Defined Cont Health Reim	1,141.63				1,141.63
1035 - Public Employee's Retirement Sys Defined Cont Retiree Medical	417.91				417.91
1037 - Public Employee's Retirement Sys Defined Benefit Unfnd Liab	3,737.69				3,737.69
1039 - Unemployment Insurance	147.05				147.05
1040 - Group Health Insurance	14,004.90				14,004.90
1041 - Basic Life and Travel	20.11				20.11
1042 - Worker's Compensation Insurance	395.24				395.24
1047 - Leave Cash In Employer Charge	1,019.81				1,019.81
1048 - Terminal Leave Employer Charge	561.86				561.86
1053 - Medicare Tax	623.44				623.44
1077 - ASEA Legal Trust	56.48				56.48
1079 - ASEA Injury Leave Usage	13.43				13.43
1080 - SU Legal Trst	32.89				32.89
2000 - In-State Employee Airfare			457.48		457.48
2001 - In-State Employee Surface Transportation			56.20		56.20
2002 - In-State Employee Lodging			458.00		458.00
2003 - In-State Employee Meals and Incidentals			182.00		182.00
2005 - In-State Non-Employee Airfare			366.35		366.35
2007 - In-State Non-Employee Lodging			265.00		265.00
2008 - In-State Non-Employee Meals and Incidentals			90.00		90.00
2009 - In-State Non-Employee Taxable Per Diem			45.00		45.00
2010 - In-State Non-Employee Non-Taxable Reimbursement			10.50		10.50
2012 - Out-State Employee Airfare			1,954.74		1,954.74
2013 - Out-State Employee Surface Transportation			184.32		184.32
2015 - Out-State Employee Meals and Incidentals			407.50		407.50
2036 - Cash Advance Fee			2.00		2.00
2970 - Travel Cost Transfer			-		-
3023 - Expert Witness				2,250.00	2,250.00
3045 - Postage				51.75	51.75
3046 - Advertising				276.91	276.91
3069 - Commission Sales				72.00	72.00
3085 - Inter-Agency Mail				48.23	48.23
3088 - Inter-Agency Legal				10,755.51	10,755.51
3094 - Inter-Agency Hearing/Mediation				4,557.00	4,557.00
4002 - Business Supplies				602.00	602.00
Grand Total	74,250.85	4,479.09	18,011.40	602.00	97,343.34

Professional License Reform

SB 157 & HB 216

SENATE BILL NO. 157

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/22/20

Referred: Labor and Commerce, Health and Social Services, Resources, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to professional licensing; relating to temporary licenses for some
2 professions; relating to audiologists and speech-language pathologists; relating to the
3 regulation of hair braiding; relating to the demonstration of traditional Alaska Native
4 tattoo techniques; relating to home inspector licensing; relating to collection agency
5 licensing; relating to hearing aid dealer licensing; repealing requirements for
6 certification of professional geologists; repealing the requirements for registration of
7 concert promoters; repealing the athletic commission; relating to boxing, sparring and
8 wrestling contests, matches, and exhibitions; relating to dental radiological equipment;
9 repealing certain oil and gas business bonding and cash deposit requirements; and
10 providing for an effective date."

11 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

12 * **Section 1.** AS 08.01.020 is amended to read:

1 **Sec. 08.01.020. Board organization.** Board members are appointed by the
 2 governor and serve at the pleasure of the governor. Unless otherwise provided, the
 3 governor may designate the chair of a board, and all other officers shall be elected by
 4 the board members. Unless otherwise provided, officers of a board are the chair and
 5 the secretary [. A BOARD MAY PROVIDE BY REGULATION THAT THREE OR
 6 MORE UNEXCUSED ABSENCES FROM MEETINGS ARE CAUSE FOR
 7 REMOVAL].

8 * **Sec. 2.** AS 08.01.062 is repealed and reenacted to read:

9 **Sec. 08.01.062. Temporary licenses.** (a) Except as otherwise provided by law,
 10 the department shall issue an applicant a temporary license under this section to
 11 engage in a profession regulated under this chapter if

12 (1) the applicant

13 (A) is licensed or credentialed to practice the profession in
 14 another state or territory of the United States or a foreign country, territory, or
 15 province that

16 (i) has requirements for a license to practice the
 17 profession that are substantially equivalent to or greater than the
 18 requirements listed in the applicable chapter of this title; or

19 (ii) authorizes a scope of practice substantially
 20 equivalent to the scope of practice of the corresponding license in the
 21 state;

22 (B) meets the qualifications and requirements for a license as
 23 listed in the applicable chapter of this title and resides in a state or territory of
 24 the United States or in a foreign country, territory, or province that does not
 25 license individuals to practice that profession;

26 (C) is awaiting the results of an examination required for
 27 licensure in a profession regulated under this chapter and meets the remaining
 28 qualifications and requirements listed in the applicable chapter; or

29 (D) if applicable, meets the qualifications and requirements for
 30 a license under the applicable chapter of this title through military education,
 31 training, and service under AS 08.01.064(a) and does not already hold a license

1 to practice that profession in another jurisdiction as a member of the armed
2 forces listed in AS 08.01.064(a)(2);

3 (2) at the time of the application, the applicant is not subject to
4 disciplinary action related to the profession in another jurisdiction or the subject of an
5 ongoing review or disciplinary proceeding by the profession's licensing entity in that
6 jurisdiction;

7 (3) within 10 years before submitting an application, the applicant has
8 not committed an act in another jurisdiction that would have constituted grounds for
9 the denial or revocation of a license, certificate, or permit to practice that occupation
10 under this title at the time the act was committed; and

11 (4) the applicable fees are paid.

12 (b) If the department or applicable board requires that an applicant for a
13 professional license undergo a criminal history record check, the applicant for a
14 temporary license will be subject to the same requirements. The department may
15 consider an application and grant a temporary license before obtaining any resulting
16 report. If the department subsequently receives criminal record information that would
17 authorize the department or board to take disciplinary action, the department or board
18 shall exercise that authority.

19 (c) A temporary license issued under this section is valid for 180 days. An
20 applicant may apply for one 180-day extension, which will be approved at the
21 department's discretion.

22 (d) Notwithstanding any other provision of law, a temporary license issued
23 under this section for an occupation listed in AS 08.01.010, excluding the professions
24 regulated under AS 08.54 and AS 08.62, satisfies the requirements to temporarily
25 practice the profession for which a license was granted within the scope designated by
26 the board or department.

27 (e) A temporary license holder may apply for a license with the department or
28 applicable board at any point.

29 (f) The department may exempt an applicant for a temporary license under
30 (a)(1)(C) of this section from the 180-day temporary license limitation in (c) of this
31 section if the applicant shows that the required professional training period is longer

1 than 180 days.

2 (g) The department shall set fees for temporary licenses under AS 08.01.065.

3 * **Sec. 3.** AS 08.01.064(c) is amended to read:

4 (c) The department [OR APPLICABLE BOARD] shall expedite the procedure
5 for issuance of a license or certificate under AS 08.01.062 [(b) OF THIS SECTION]
6 for an applicant who is on active duty or is the spouse of an active duty member of
7 the armed forces of the United States.

8 * **Sec. 4.** AS 08.01.065(h) is amended to read:

9 (h) Notwithstanding (c) of this section, the department shall establish fee
10 levels under (a) of this section so that the total amount of fees collected by the Board
11 of Barbers and Hairdressers approximately equals the total regulatory costs of the
12 department, the board, and the Department of Environmental Conservation for all
13 occupations regulated by the board. For purposes of this subsection, the regulatory
14 costs of the Department of Environmental Conservation for the occupations regulated
15 by the board include the cost of inspections under AS 08.13.210(b), the cost of
16 developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing,
17 [HAIR BRAIDING,] manicuring, esthetics, body piercing, ear piercing, tattooing, and
18 permanent cosmetic coloring establishments, and the cost to the Department of
19 Environmental Conservation of enforcing the regulations for body piercing, tattooing,
20 and permanent cosmetic coloring establishments [. THE DEPARTMENT SHALL
21 SET THE FEE LEVELS FOR THE ISSUANCE AND RENEWAL OF A
22 PRACTITIONER'S LICENSE ISSUED UNDER AS 08.13.100 SO THAT THE
23 LICENSE AND LICENSE RENEWAL FEES ARE THE SAME FOR ALL
24 OCCUPATIONS REGULATED BY THE BOARD OF BARBERS AND
25 HAIRDRESSERS].

26 * **Sec. 5.** AS 08.01.065 is amended by adding a new subsection to read:

27 (k) Notwithstanding (c) of this section, the department shall establish fee
28 levels under (a) of this section so that the total amount of fees collected by the Board
29 of Dental Examiners approximately equals the total regulatory costs of the department,
30 the board, and the Department of Health and Social Services for all occupations
31 regulated by the board. For purposes of this subsection, the regulatory costs of the

1 Department of Health and Social Services for the occupations regulated by the board
2 include the cost of inspecting dental radiological equipment under AS 08.36.075.

3 * **Sec. 6.** AS 08.01.077 is amended by adding new subsections to read:

4 (b) Notwithstanding any other provision of this title, a charge, indictment, or
5 arrest that does not lead to a conviction may not alone be grounds for denial or
6 nonrenewal of a license or for disciplinary action.

7 (c) Each licensing board and the department shall specify in regulation each
8 criminal conviction that will disqualify an applicant from obtaining or renewing a
9 license. Each licensing board and the department shall define good moral character
10 and moral turpitude in regulation if either standard is used by the licensing board or
11 department in determining whether to issue or renew a license.

12 (d) In determining whether to deny a license to an applicant with a criminal
13 conviction not listed in regulation under (c) of this section, the board or department
14 shall consider

15 (1) the nature and seriousness of the crime;

16 (2) the amount of time that has passed since the conviction;

17 (3) the relationship between the nature of the crime and the duties and
18 responsibilities of the occupation for which the license is sought; and

19 (4) evidence of rehabilitation or treatment undertaken by the applicant
20 since the conviction.

21 (e) An individual with a conviction of record may petition the licensing board
22 or department for a determination of whether the individual's conviction will
23 disqualify the individual from obtaining a license. The licensing board or department
24 may charge a reasonable fee for each petition.

25 (f) If denying an application, the board or the department must find, by
26 substantial evidence in light of the whole record, that an applicant's criminal
27 conviction is a disqualifying conviction and document how the conviction is related to
28 the duties and responsibilities of the licensed occupation. The board or department
29 shall make written findings for each of the factors under (d) of this section for
30 convictions not specified under (c) of this section.

31 (g) If the board or department denies an application based on an applicant's

1 prior criminal conviction, the board or department shall notify the applicant
 2 (1) of the grounds and reasons for the denial or disqualification;
 3 (2) of the applicant's right to a hearing;
 4 (3) of the earliest date the applicant may reapply for the license; and
 5 (4) that evidence of rehabilitation or treatment may be considered upon
 6 reapplication.

7 * **Sec. 7.** AS 08.01.080 is amended to read:

8 **Sec. 08.01.080. Department regulations.** The department shall adopt
 9 regulations to carry out the purposes of this chapter, including describing

- 10 (1) how an examination is to be conducted;
 11 (2) what is contained in application forms;
 12 (3) how a person applies for an examination or license;

13 **(4) the attendance and participation thresholds for removal of a**
 14 **board member.**

15 * **Sec. 8.** AS 08.11.010 is amended by adding a new paragraph to read:

16 (5) meets any additional requirements provided in regulation adopted
 17 by the department.

18 * **Sec. 9.** AS 08.11.015 is amended by adding a new paragraph to read:

19 (6) meets any additional requirements provided in regulation adopted
 20 by the department.

21 * **Sec. 10.** AS 08.11.043(a) is amended to read:

22 (a) The department shall register an individual as a speech-language
 23 pathologist assistant if the individual submits an application on a form approved by the
 24 department, pays the required fee, and

25 (1) submits proof satisfactory to the department that the individual has
 26 successfully completed

27 (A) an associate of applied science degree in disabilities with a
 28 speech-language support emphasis [EITHER] from **an** [THE UNIVERSITY
 29 OF ALASKA ANCHORAGE IN AFFILIATION WITH PRINCE WILLIAM
 30 SOUND COMMUNITY COLLEGE OR FROM ANOTHER] approved
 31 program; or

1 (B) a bachelor's degree in speech-language pathology from an
2 accredited institution; [AND]

3 (2) submits proof satisfactory to the department that the individual has
4 successfully completed 100 hours of field work supervised by a licensed speech-
5 language pathologist; **and**

6 **(3) meets any additional requirements provided by the department**
7 **in regulation.**

8 * **Sec. 11.** AS 08.11.070 is amended to read:

9 **Sec. 08.11.070. Dealing in hearing aids.** An audiologist may deal in hearing
10 aids as a hearing aid dealer without being licensed as a hearing aid dealer under
11 AS 08.55, but shall comply with AS 08.55.050, 08.55.070, 08.55.100, 08.55.110(a),
12 **(b)(3), and (c) - (h)** [08.55.110(b)(3) AND (c) - (h)], and **08.55.130(7) - (12)**
13 [08.55.130(7) - (13)] when dealing in hearing aids.

14 * **Sec. 12.** AS 08.11.090(c) is amended to read:

15 (c) The department may summarily suspend a license **or registration** before
16 final hearing or during the appeals process if the department finds that the licensee **or**
17 **registrant** poses a clear and immediate danger to the public welfare and safety if the
18 licensee **or registrant** continues to practice. An individual whose license **or**
19 **registration** is suspended under this subsection is entitled to a hearing conducted by
20 the office of administrative hearings (AS 44.64.010) not later than seven days after the
21 effective date of the order. The individual may appeal the suspension after the hearing
22 to the superior court.

23 * **Sec. 13.** AS 08.11.200 is amended by adding a new paragraph to read:

24 (13) "field work" means engaging in activities permitted under
25 AS 08.11.042(d)(1) - (5) under the supervision of a licensed speech pathologist but
26 does not require observation hours.

27 * **Sec. 14.** AS 08.13.030(b) is amended to read:

28 (b) The board shall

29 (1) examine applicants and approve the issuance of licenses and
30 permits to practice;

31 (2) authorize the issuance of licenses for schools of barbering,

1 hairdressing, manicuring, and esthetics;

2 (3) develop written instructions and notices that tattooing, permanent
3 cosmetic coloring, and body piercing shop owners and practitioners are required to
4 give or display under AS 08.13.215;

5 (4) enforce the provisions of this chapter, regulations adopted under
6 this chapter, and regulations relating to barbering, hairdressing, [HAIR BRAIDING,]
7 manicuring, and esthetics adopted under AS 44.46.020(a)(5)(C).

8 * **Sec. 15.** AS 08.13.120(b) is amended to read:

9 (b) The regulations adopted under (a) of this section must include provisions
10 under which the board may issue a temporary shop license to a person who has a
11 license or temporary permit [UNDER THIS CHAPTER] to practice tattooing,
12 permanent cosmetic coloring, or body piercing. The temporary shop license authorized
13 under this subsection may only be issued to cover a site where the practitioner intends
14 to hold a workshop or to demonstrate techniques as part of a convention or other
15 special event, as defined by the board, that includes other practitioners of tattooing,
16 permanent cosmetic coloring, or body piercing. Each practitioner of tattooing,
17 permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates
18 techniques at a convention or special event shall have a separate temporary shop
19 license and a license or temporary permit [UNDER THIS CHAPTER] to practice
20 tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a
21 temporary shop license upon receipt of an application from a practitioner
22 demonstrating compliance with the regulations adopted under this section and
23 payment of the appropriate fee; however, the temporary shop license may be
24 summarily revoked, without refunding of the fee, if the Department of Environmental
25 Conservation determines after an inspection that the cleanliness or sanitation
26 conditions at the site covered by the temporary license pose a clear and immediate
27 danger to the public health or safety. A licensee may appeal a summary revocation
28 under this subsection to the superior court.

29 * **Sec. 16.** AS 08.13.150 is amended to read:

30 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**
31 **or permit.** The board may, in addition to the actions authorized under AS 08.01.075,

1 refuse, suspend, or revoke a license, **temporary shop license**, student permit, **or**
 2 temporary license **under AS 08.01.062** [, OR TEMPORARY PERMIT] for failure to
 3 comply with this chapter, with a regulation adopted under this chapter, with a
 4 regulation adopted by the Department of Environmental Conservation under
 5 AS 44.46.020, or with an order of the board.

6 * **Sec. 17.** AS 08.13.160(d) is amended to read:

7 (d) The licensing and permit provisions of this chapter do not apply to

8 (1) a person practicing barbering, hairdressing, hair braiding,
 9 manicuring, or esthetics in a community having a population of less than 1,000 people
 10 that is not within 25 miles of a community of more than 1,000 people and who does
 11 not use chemicals or uses only chemicals available to the general public;

12 (2) a licensed health care professional;

13 (3) a person licensed **or permitted in another** [BY ANOTHER
 14 LICENSING] jurisdiction in a field of practice **regulated** [LICENSED] by this
 15 chapter while demonstrating techniques or products to persons holding licenses or
 16 permits under this chapter;

17 (4) a person practicing tattooing, permanent cosmetic coloring, or body
 18 piercing solely on the person's own body;

19 (5) the practice of manicuring by a student as part of instruction in a
 20 12-hour course approved under AS 08.13.110(d);

21 **(6) a person demonstrating traditional Alaska Native tattoo**
 22 **techniques at a special event who holds a temporary shop license issued under**
 23 **AS 08.13.120(b).**

24 * **Sec. 18.** AS 08.13.175 is amended to read:

25 **Sec. 08.13.175. Temporary license.** A person who **receives a temporary**
 26 **license under AS 08.01.062 must work** [MEETS THE REQUIREMENTS OF
 27 AS 08.13.080(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY
 28 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER
 29 IF THE APPLICANT WORKS] under the direct supervision, and within the physical
 30 presence, of a person who is licensed in the area of practice for which the applicant
 31 has applied for examination [. A TEMPORARY LICENSE ISSUED UNDER THIS

1 SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON
 2 MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH
 3 AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION
 4 FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING
 5 LICENSEE AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE
 6 REQUIRED UNDER AS 08.13.185].

7 * **Sec. 19.** AS 08.13.190(a) is amended to read:

8 (a) A person who practices barbering, hairdressing, hair braiding, esthetics,
 9 tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or
 10 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
 11 barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,]
 12 temporary license under AS 08.01.062, or student permit and who is not exempt
 13 under AS 08.13.120 or under AS 08.13.160(d) is guilty of a class B misdemeanor.

14 * **Sec. 20.** AS 08.13.195(f) is amended to read:

15 (f) If a person fails to pay a civil penalty not later than [WITHIN] 30 days
 16 after entry of an order under (a) of this section, or if the order is stayed pending an
 17 appeal, not later than [WITHIN] 10 days after the court enters a final judgment in
 18 favor of the board of an order appealed under (e) of this section, the board shall notify
 19 the attorney general. The attorney general may commence a civil action to recover the
 20 amount of the penalty.

21 * **Sec. 21.** AS 08.18.022(a) is amended to read:

22 (a) The department shall issue a certificate of registration as a home inspector
 23 for new homes, existing homes, or both, as appropriate, to an individual who

24 (1) passes the appropriate home inspection examination; for purposes
 25 of this paragraph, the appropriate home inspection examination for an individual who
 26 applies to be registered for inspection of

27 (A) existing homes is the examination offered by the American
 28 Society of Home Inspectors [OR NATIONAL ASSOCIATION OF HOME
 29 INSPECTORS];

30 (B) new homes or for a joint registration is the examination
 31 offered by the International Code Council;

1 (2) meets the educational and experience requirements adopted by the
2 department in regulations for the type of registration applied for;

3 (3) submits a complete application for registration either

4 (A) within three years after passing the examination required
5 under (1) of this subsection; or

6 (B) accompanied by documentation that the applicant has
7 completed continuing education requirements established by the department;

8 (4) within the seven years preceding the date of application, has not
9 been under a sentence for an offense related to forgery, theft in the first or second
10 degree, extortion, or defrauding creditors or for a felony involving dishonesty;

11 (5) has not had the authority to perform home inspections revoked in
12 this state or in another jurisdiction;

13 (6) is not the subject of an unresolved criminal complaint or
14 unresolved disciplinary action before a regulatory authority in this state or in another
15 jurisdiction related to real estate or home inspection matters; and

16 (7) pays the appropriate fees.

17 * **Sec. 22.** AS 08.18.031(c) is amended to read:

18 (c) A certificate of registration as a home inspector may not be renewed unless
19 the home inspector has complied with the continuing competency requirements
20 established by the department in regulation [. THE DEPARTMENT SHALL ADOPT
21 REGULATIONS ESTABLISHING THE CONTINUING COMPETENCY
22 REQUIREMENTS. THE DEPARTMENT SHALL REQUIRE AT LEAST EIGHT
23 HOURS OF CONTINUING COMPETENCY ACTIVITY FOR EACH LICENSING
24 PERIOD. THE REGULATIONS MUST PROVIDE THAT A CONTINUING
25 COMPETENCY ACTIVITY APPROVED BY ONE OF THE FOLLOWING
26 ENTITIES SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF
27 THIS SUBSECTION IF THE ACTIVITY MEETS THE REQUIREMENTS
28 ESTABLISHED BY THE DEPARTMENT IN REGULATIONS ADOPTED UNDER
29 THIS SUBSECTION:

30 (1) ALASKA HOUSING FINANCE CORPORATION;

31 (2) UNIVERSITY OF ALASKA;

1 (3) AMERICAN SOCIETY OF HOME INSPECTORS ALASKA
2 CHAPTER;

3 (4) A CHAPTER OF THE INTERNATIONAL CODE COUNCIL
4 ALASKA;

5 (5) ALASKA STATE HOME BUILDING ASSOCIATION; OR

6 (6) A STATE AGENCY THAT OFFERS AN ACTIVITY THAT
7 MEETS THE REQUIREMENTS SET BY THE DEPARTMENT].

8 * **Sec. 23.** AS 08.20.180(a) is amended to read:

9 (a) An applicant for an examination, reexamination, issuance of a temporary
10 permit under AS 08.01.062 [AS 08.20.160, ISSUANCE OF A LOCUM TENENS
11 PERMIT UNDER AS 08.20.163], issuance of a license by credentials under
12 AS 08.20.141, one-time issuance of a retired status license, or initial issuance or
13 renewal of an active or inactive license shall pay a fee established under
14 AS 08.01.065.

15 * **Sec. 24.** AS 08.24.110 is amended to read:

16 **Sec. 08.24.110. Qualification for operator's license.** (a) To qualify for an
17 operator's license, the applicant shall

18 (1) be a high school graduate, or have the equivalent education of a
19 high school graduate;

20 (2) [BE OF GOOD MORAL CHARACTER;

21 (3)] not have been convicted of violating this chapter, nor have any
22 unsettled complaints under this chapter against the applicant;

23 (3) [(4)] not have been convicted of a felony or a crime of larceny or
24 embezzlement or a crime involving moral turpitude within 10 years before applying;

25 (4) [(5)] be 19 years of age or older at the time of application;

26 (5) [(6)] not be a disbarred attorney [OR HAVE FILED
27 BANKRUPTCY];

28 (6) [(7)] pay the biennial license fee.

29 (b) The commissioner may waive or modify the requirements specified in
30 (a)(1) - (3) and (5) [(a)(1), (3), (4) AND (6)] of this section for good cause shown.

31 * **Sec. 25.** AS 08.24.240 is amended to read:

1 **Sec. 08.24.240. Failure to file statement.** If the annual statement of collection
 2 is not filed as required under AS 08.24.210, the failure to file constitutes grounds for
 3 the immediate suspension of the collection agency license of the licensee failing to file
 4 the statement, and the department shall notify the licensee [BY REGISTERED OR
 5 CERTIFIED MAIL] that the license of the licensee will be suspended upon the
 6 expiration of **30** [15] days after the date on which the notice was mailed unless the
 7 licensee complies with the provisions of AS 08.24.210. However, for good cause
 8 shown and upon satisfactory proof furnished by the licensee that the failure to file the
 9 statement was due to a condition not within the control, or was due to excusable
 10 neglect, of the licensee, the department may permit the filing of the statement after the
 11 time limited and excuse the failure to file the statement within the time limited. If the
 12 statement required by AS 08.24.210 is not filed as required by this section, the
 13 department shall revoke the license.

14 * **Sec. 26.** AS 08.24.290 is amended to read:

15 **Sec. 08.24.290. Suspension, revocation, or refusal to renew or grant a**
 16 **license or certificate.** The department may suspend, revoke, or refuse to renew or
 17 grant a license issued or applied for under this chapter if the licensee or applicant or a
 18 partner, associate, or major stockholder of a collection agency has [SINCE THE
 19 DATE OF THE APPLICATION] been disbarred from the practice of law or been
 20 convicted of fraud, embezzlement, obtaining money under false pretenses, a crime
 21 involving moral turpitude, extortion, conspiracy to defraud, violation of a provision of
 22 this chapter, or violation of a regulation adopted under authority of this chapter.

23 * **Sec. 27.** AS 08.24.340 is amended to read:

24 **Sec. 08.24.340. Statement of persons employed by agency.** (a) A [WITHIN
 25 15 DAYS AFTER LICENSURE UNDER THIS CHAPTER, A] collection agency
 26 shall submit **annually** to the department a list of all persons employed by the agency [.
 27 THEREAFTER, UPON HIRING A NEW EMPLOYEE, THE COLLECTION
 28 AGENCY SHALL, WITHIN 15 DAYS AFTER THE HIRING, SUBMIT TO THE
 29 DEPARTMENT THE NAME OF THE NEWLY HIRED EMPLOYEE AND THE
 30 FURTHER INFORMATION REQUIRED BY (b) OF THIS SECTION].

31 (b) There shall be submitted **in the annual report** with the name of **each**

1 [THE] employee employed by the collection agency the following information:

2 (1) the employee's residence address;

3 (2) the employee's length of residence in the state;

4 (3) a statement of any [THE] new employee's previous employment in
5 the last year;

6 (4) further information which the department may require.

7 (c) Any statement of previous employment [THE STATEMENT] shall be
8 verified by the employee before a notary public or other person authorized to
9 administer oaths.

10 (d) The owner or licensed operator of the collection agency shall also state on
11 [UPON] the form submitted the date on [UPON] which any [THE] new employee was
12 hired and that the new employee is an employee of the collection agency at the time
13 the form is executed.

14 * **Sec. 28.** AS 08.36.075(a) is amended to read:

15 (a) The Department of Health and Social Services [BOARD] shall establish
16 standards that comply with applicable federal law for the registration, use, and
17 inspection of dental radiological equipment, including standards for record keeping
18 relating to the control panels and the use of the equipment [. THE BOARD MAY
19 CHARGE A FEE FOR DENTAL RADIOLOGICAL EQUIPMENT REGISTERED
20 UNDER THIS SECTION].

21 * **Sec. 29.** AS 08.36.100 is amended to read:

22 **Sec. 08.36.100. License required.** Except as provided in AS 08.36.238 [AND
23 08.36.254], a person may not practice, or attempt to practice, dentistry without a
24 license.

25 * **Sec. 30.** AS 08.42.085(c) is amended to read:

26 (c) The department shall issue a temporary license under AS 08.01.062
27 [PERMIT VALID FOR ONE YEAR] to an applicant who meets the requirements of
28 this section [. THE DEPARTMENT SHALL RENEW A PERMIT FOR ONE YEAR
29 IF THE TRAINEE APPLIES FOR RENEWAL ON A FORM PROVIDED BY THE
30 DEPARTMENT AND SHOWS THAT THE TRAINING ACTIVITY CONTINUES
31 TO SATISFY THE REQUIREMENTS OF THIS SECTION]. The department shall

1 charge a fee for processing applications and renewals under this section that will be
2 sufficient to cover administrative costs.

3 * **Sec. 31.** AS 08.55.010(b) is amended to read:

4 (b) An individual who is a physician or an audiologist may deal in hearing
5 aids without being licensed under this chapter, but shall comply with AS 08.55.050,
6 08.55.070, 08.55.100, 08.55.110(a), and 08.55.130(7) - (12) [08.55.130(7) - (13)]
7 when dealing in hearing aids.

8 * **Sec. 32.** AS 08.55.020(b) is amended to read:

9 (b) On or before the expiration of a license under this chapter, a licensee may
10 apply for renewal of the license, and the department shall renew the license if the
11 licensee pays the renewal fee [, HAS A CURRENT BUSINESS LICENSE TO ACT
12 AS A HEARING AID DEALER UNDER AS 43.70.020,] and provides evidence
13 satisfactory to the department that the individual has not engaged in conduct that is a
14 ground for imposing disciplinary sanctions under AS 08.55.130.

15 * **Sec. 33.** AS 08.55.110(b) is amended to read:

16 (b) In addition to the other rights and remedies the purchaser or lessee of a
17 hearing aid may have, the purchaser or lessee of a hearing aid has the right to cancel
18 the sale or lease by giving written notice of the cancellation to the hearing aid dealer if

19 (1) the hearing aid dealer is not a physician or an audiologist, and
20 within 60 days from the receipt by the purchaser or lessee of the hearing aid or the
21 notice to be provided under (c) of this section, whichever receipt is later, a physician
22 or an audiologist advises the person in writing to cancel the sale or lease and specifies
23 in writing the medical or audiological reason for the advice; or

24 (2) the hearing aid dealer, if not a physician or audiologist, has violated
25 a provision of this chapter in the sale or lease of the hearing aid to the person;

26 (3) the hearing aid dealer who is a physician or audiologist has violated
27 (a) or (c) - (h) of this section or AS 08.55.050, 08.55.070, 08.55.100, or 08.55.130(7) -
28 (12) [08.55.130(7) - (13)] in the sale or lease of the hearing aid to the person.

29 * **Sec. 34.** AS 08.64.279 is amended to read:

30 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit, a
31 resident permit, or a temporary permit under AS 08.01.062 [FOR LOCUM TENENS

1 PRACTICE] may be interviewed in person by the board, a member of the board, the
 2 executive secretary of the board, or a person designated for that purpose by the board.

3 * **Sec. 35.** AS 08.84.010(b) is amended to read:

4 (b) The board shall control all matters pertaining to the licensing of physical
 5 therapists, physical therapy assistants, occupational therapists, and occupational
 6 therapy assistants and the practice of physical therapy and the practice of occupational
 7 therapy. The board shall

8 (1) pass upon the qualifications of applicants;

9 (2) provide for the examination of applicants;

10 (3) issue [TEMPORARY PERMITS AND] licenses to persons
 11 qualified under this chapter;

12 (4) suspend, revoke, or refuse to issue or renew a license under
 13 AS 08.84.120;

14 (5) keep a current register listing the name, business address, date, and
 15 number of the license of each person who is licensed to practice under this chapter;

16 (6) adopt regulations under AS 44.62 (Administrative Procedure Act)
 17 necessary to carry out the purposes of this chapter including regulations establishing
 18 qualifications for licensure and renewal of licensure under this chapter.

19 * **Sec. 36.** AS 08.84.150 is amended to read:

20 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person
 21 to practice physical therapy without being licensed under this chapter unless the
 22 person is

23 (1) a student in an accredited physical therapy program;

24 (2) a graduate of a foreign school of physical therapy fulfilling the
 25 internship requirement of AS 08.84.032, and then only unless under the continuous
 26 direction and immediate supervision of a physical therapist; or

27 (3) issued a **temporary** [LIMITED] permit under **AS 08.01.062**
 28 [AS 08.84.075].

29 (b) A person may not provide services that the person describes as
 30 occupational therapy without being licensed under this chapter unless the person is

31 (1) a student in an accredited occupational therapy program or in a

1 supervised field work program;

2 (2) a graduate of a foreign school of occupational therapy fulfilling the
3 internship requirement of AS 08.84.032, and then only unless under the continuous
4 direction and immediate supervision of an occupational therapist;

5 (3) an occupational therapist or occupational therapy assistant
6 employed by the United States government while in the discharge of official duties;

7 (4) granted a **temporary** [LIMITED] permit under **AS 08.01.062**
8 [AS 08.84.075];

9 (5) licensed under this title and uses occupational therapy skills in the
10 practice of the profession for which the license is issued; or

11 (6) employed as a teacher or teacher's aide by an educational
12 institution and is required to use occupational therapy skills during the course of
13 employment, if

14 (A) the occupational therapy skills are used under a program
15 implemented by the employer and developed by a licensed occupational
16 therapist;

17 (B) the employer maintains direct supervision of the person's
18 use of occupational therapy skills; and

19 (C) the person does not represent to

20 (i) be an occupational therapist or occupational therapy
21 assistant; and

22 (ii) practice occupational therapy.

23 * **Sec. 37.** AS 08.98.120(a) is amended to read:

24 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
25 the person is licensed as a veterinarian under this chapter or has a temporary permit
26 issued under **AS 08.01.062** [AS 08.98.186], except that a person may perform
27 functions authorized by

28 (1) regulation of the board if the person is licensed as a veterinary
29 technician; or

30 (2) a permit issued under AS 08.02.050 if the person is employed by
31 an agency that has a permit issued under AS 08.02.050.

1 * **Sec. 38.** AS 08.98.165(a) is amended to read:

2 (a) An applicant is qualified to receive a license as a veterinarian who

3 (1) is a graduate of an accredited veterinary school or who has
4 successfully completed **a foreign graduate certification process approved by the**
5 **board** [THE EDUCATIONAL COMMISSION FOR FOREIGN VETERINARY
6 GRADUATES CERTIFICATION PROCESS];

7 (2) has, within the 60 months preceding application for the license,
8 passed a national examination for veterinarians approved by the board;

9 (3) has passed the written examination of the state on specific Alaska
10 issues of veterinary practice;

11 (4) is in good standing, as defined by the board in regulations; and

12 (5) has paid required fees.

13 * **Sec. 39.** AS 08.98.180 is amended to read:

14 **Sec. 08.98.180. Temporary license.** A person who **is granted a temporary**
15 **license by the department under AS 08.01.062 must work** [MEETS THE
16 REQUIREMENTS OF AS 08.98.165(a)(1), (4), AND (5) IS ENTITLED TO BE
17 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE
18 PERSON WORKS] under the supervision of a licensed veterinarian [. A LICENSE
19 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE
20 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE
21 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY
22 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND
23 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER
24 AS 08.98.190].

25 * **Sec. 40.** AS 09.65.290(e)(4) is amended to read:

26 (4) "sports or recreational activity"

27 (A) means a commonly understood sporting activity, whether
28 undertaken with or without permission, including baseball, softball, football,
29 soccer, basketball, hockey, **boxing, mixed martial arts, sparring or**
30 **wrestling matches,** bungee jumping, parasailing, bicycling, hiking,
31 swimming, skateboarding, horseback riding and other equine activity, farm

1 touring, dude ranching, mountain climbing, river floating, whitewater rafting,
 2 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry
 3 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,
 4 telemarking, snow sliding, snowmobiling, and off-road and all-terrain vehicle
 5 use;

6 (B) does not include

7 (i) [BOXING CONTESTS, SPARRING OR
 8 WRESTLING MATCHES, OR EXHIBITIONS THAT ARE
 9 SUBJECT TO THE REQUIREMENTS OF AS 05.10;

10 (ii)] activities involving the use of devices that are
 11 subject to the requirements of AS 05.20; or

12 (ii) [(iii)] skiing or sliding activities at a ski area that are
 13 subject to the requirements of AS 05.45.

14 * **Sec. 41.** AS 31.05.009(a) is amended to read:

15 (a) Members shall be qualified as follows:

16 (1) one member shall be a petroleum engineer who

17 (A) holds a certificate of registration as an engineer under
 18 AS 08.48 and, under regulations adopted to implement that chapter, has
 19 qualified as a petroleum engineer; or

20 (B) has earned a degree from a university in the field of
 21 engineering and has at least 10 years of professional subsurface experience in
 22 the oil and gas industry in drilling, well operations, production process
 23 operations, reservoir engineering, or a combination thereof; for the purposes of
 24 this subparagraph, a person meets the requirement of earning a degree in the
 25 field of engineering if the person obtains an undergraduate or graduate degree
 26 in engineering that meets the requirements for program accreditation by the
 27 Engineering Accreditation Commission of the Accreditation Board for
 28 Engineering and Technology and the person completes university or industry
 29 training specific to petroleum engineering that illustrates application of
 30 engineering principles to the problems encountered and methods used in the
 31 petroleum industry, including drilling, production, reservoir engineering, fluid

1 flow through subsurface formations, and hydrocarbon transportation;

2 (2) one member shall be a geologist who

3 (A) holds a national certification as a professional geologist **by**
 4 **the American Institute of Professional Geologists** [UNDER AS 08.02.011]
 5 and has professional experience in the field of petroleum geology; or

6 (B) has earned a degree in the field of geology from a
 7 university accredited in the field of geology and has a minimum of 10 years
 8 professional experience in the field of petroleum geology; and

9 (3) one member who shall have training or experience that gives the
 10 person a fundamental understanding of the oil and gas industry in the state.

11 * **Sec. 42.** AS 44.29.020 is amended by adding a new subsection to read:

12 (d) The Department of Health and Social Services shall establish standards
 13 that comply with federal law for the registration, use, and inspection of dental
 14 radiological equipment, including standards for record keeping relating to equipment
 15 control panels and use.

16 * **Sec. 43.** AS 44.46.020(a) is amended to read:

17 (a) The Department of Environmental Conservation shall

18 (1) have primary responsibility for coordination and development of
 19 policies, programs, and planning related to the environment of the state and of the
 20 various regions of the state;

21 (2) have primary responsibility for the adoption and enforcement of
 22 regulations setting standards for the prevention and abatement of all water, land,
 23 subsurface land, and air pollution, and other sources or potential sources of pollution
 24 of the environment, including by way of example only, petroleum and natural gas
 25 pipelines;

26 (3) promote and develop programs for the protection and control of the
 27 environment of the state;

28 (4) take actions that are necessary and proper to further the policy
 29 declared in AS 46.03.010;

30 (5) adopt regulations for

31 (A) the prevention and control of public health nuisances;

1 (B) the regulation of sanitation and sanitary practices in the
2 interest of public health;

3 (C) standards of cleanliness and sanitation in connection with
4 the construction, operation, and maintenance of a camp, cannery, food
5 handling establishment, food manufacturing plant, mattress manufacturing
6 establishment, industrial plant, school, barbershop, hairdressing, [HAIR
7 BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring,
8 body piercing, or ear piercing establishment, soft drink establishment, beer and
9 wine dispensaries, and for other similar establishments in which lack of
10 sanitation may create a condition that causes disease;

11 (D) the regulation of quality and purity of commercially
12 compressed air sold for human respiration.

13 * **Sec. 44.** AS 44.46.029 is amended to read:

14 **Sec. 44.46.029. Dental radiological equipment.** This chapter does not
15 authorize the department to register, inspect, test, or otherwise regulate dental
16 radiological equipment or records relating to dental radiological equipment regulated
17 by the **Department of Health and Social Services** [BOARD OF DENTAL
18 EXAMINERS] under **AS 44.29.020** [AS 08.36.075].

19 * **Sec. 45.** AS 05.05.010, 05.05.020, 05.05.030, 05.05.040; AS 05.10.010, 05.10.020,
20 05.10.030, 05.10.040, 05.10.050, 05.10.060, 05.10.070, 05.10.080, 05.10.090, 05.10.100,
21 05.10.110, 05.10.120, 05.10.130, 05.10.140, 05.10.150, 05.10.160, 05.10.170;
22 AS 08.01.010(4), 08.01.010(13), 08.01.010(21), 08.01.063, 08.01.064(b), 08.01.064(d);
23 AS 08.02.011; AS 08.11.020, 08.11.025; AS 08.13.160(a), 08.13.160(b), 08.13.170,
24 08.13.220(14); AS 08.15.030; AS 08.20.160, 08.20.163; AS 08.24.370; AS 08.26.050;
25 AS 08.36.254; AS 08.45.035(a), 08.45.035(b); AS 08.55.010(a)(4), 08.55.010(a)(6)(D),
26 08.55.130(13); AS 08.63.130; AS 08.64.101(b)(2), 08.64.270, 08.64.275; AS 08.68.210;
27 AS 08.70.130; AS 08.80.150, 08.80.155; AS 08.84.065, 08.84.075; AS 08.86.135, 08.86.166;
28 AS 08.92.010, 08.92.020, 08.92.030, 08.92.035, 08.92.040, 08.92.050, 08.92.060, 08.92.070,
29 08.92.080, 08.92.090; AS 08.95.125; AS 08.98.050(8), 08.98.186, 08.98.190(6),
30 08.98.190(7); AS 25.27.244(s)(2)(A)(i); AS 43.70.025, 43.70.028; and AS 44.29.027 are
31 repealed.

1 * **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to
2 read:

3 TRANSITION: REGULATIONS; BONDS. (a) The Department of Commerce,
4 Community, and Economic Development, the Department of Health and Social Services, and
5 the Department of Environmental Conservation may adopt regulations necessary to
6 implement the changes made by this Act. The regulations take effect under AS 44.62
7 (Administrative Procedure Act), but not before the effective date of the law implemented by
8 the regulation.

9 (b) Notwithstanding the repeal of a statute by this Act, the Department of Commerce,
10 Community, and Economic Development may amend or repeal regulations adopted by the
11 athletic commission established in AS 05.05.010, as that section read the day before the
12 effective date of this Act, as necessary to carry out this Act.

13 (c) The Department of Commerce, Community, and Economic Development shall
14 account for any licensee bond filed under AS 05.10.090 or AS 08.92.030, repealed by sec. 45
15 of this Act, and take any action necessary to release a bond under AS 05.10.090 or
16 AS 08.92.030, repealed by sec. 45 this Act.

17 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to
18 read:

19 TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals,
20 and other proceedings pending under a law amended or repealed by this Act, or in connection
21 with functions transferred by this Act, continue in effect and may be continued and completed
22 notwithstanding a transfer or amendment or repeal provided for in this Act.

23 (b) Certificates, orders, permits, and regulations issued or adopted under authority of
24 a law amended or repealed by this Act remain in effect for the term issued, or until revoked,
25 vacated, or otherwise modified under the provisions of this Act.

26 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or
27 repealed by this Act, and in effect on the effective date of this Act, remain in effect
28 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
29 property of agencies of the state whose functions are transferred under this Act shall be
30 transferred to implement the provisions of this Act.

31 * **Sec. 48.** Sections 46 and 47 of this Act take effect immediately under AS 01.10.070(c).

1 * **Sec. 49.** Except as provided in sec. 48 of this Act, this Act takes effect January 1, 2021.

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HB 216: "An Act relating to professional licensing; relating to temporary licenses for some professions; relating to audiologists and speech-language pathologists; relating to the regulation of hair braiding; relating to the demonstration of traditional Alaska Native tattoo techniques; relating to home inspector licensing; relating to collection agency licensing; relating to hearing aid dealer licensing; repealing requirements for certification of professional geologists; repealing the requirements for registration of concert promoters; repealing the athletic commission; relating to boxing, sparring and wrestling contests, matches, and exhibitions; relating to dental radiological equipment; repealing certain oil and gas business bonding and cash deposit requirements; and providing for an effective date."

00 HOUSE BILL NO. 216
01 "An Act relating to professional licensing; relating to temporary licenses for some
02 professions; relating to audiologists and speech-language pathologists; relating to the
03 regulation of hair braiding; relating to the demonstration of traditional Alaska Native
04 tattoo techniques; relating to home inspector licensing; relating to collection agency
05 licensing; relating to hearing aid dealer licensing; repealing requirements for
06 certification of professional geologists; repealing the requirements for registration of
07 concert promoters; repealing the athletic commission; relating to boxing, sparring and
08 wrestling contests, matches, and exhibitions; relating to dental radiological equipment;
09 repealing certain oil and gas business bonding and cash deposit requirements; and
10 providing for an effective date."
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
12 * **Section 1.** [AS 08.01.020](#) is amended to read:
01 **Sec. 08.01.020. Board organization.** Board members are appointed by the
02 governor and serve at the pleasure of the governor. Unless otherwise provided, the
03 governor may designate the chair of a board, and all other officers shall be elected by
04 the board members. Unless otherwise provided, officers of a board are the chair and
05 the secretary [. A BOARD MAY PROVIDE BY REGULATION THAT THREE OR
06 MORE UNEXCUSED ABSENCES FROM MEETINGS ARE CAUSE FOR
07 REMOVAL].
08 * **Sec. 2.** [AS 08.01.062](#) is repealed and reenacted to read:
09 **Sec. 08.01.062. Temporary licenses.** (a) Except as otherwise provided by law,
10 the department shall issue an applicant a temporary license under this section to
11 engage in a profession regulated under this chapter if
12 (1) the applicant
13 (A) is licensed or credentialed to practice the profession in
14 another state or territory of the United States or a foreign country, territory, or
15 province that
16 (i) has requirements for a license to practice the
17 profession that are substantially equivalent to or greater than the
18 requirements listed in the applicable chapter of this title; or
19 (ii) authorizes a scope of practice substantially
20 equivalent to the scope of practice of the corresponding license in the
21 state;
22 (B) meets the qualifications and requirements for a license as
23 listed in the applicable chapter of this title and resides in a state or territory of
24 the United States or in a foreign country, territory, or province that does not
25 license individuals to practice that profession;
26 (C) is awaiting the results of an examination required for
27 licensure in a profession regulated under this chapter and meets the remaining
28 qualifications and requirements listed in the applicable chapter; or
29 (D) if applicable, meets the qualifications and requirements for
30 a license under the applicable chapter of this title through military education,
31 training, and service under [AS 08.01.064](#)(a) and does not already hold a license
01 to practice that profession in another jurisdiction as a member of the armed
02 forces listed in [AS 08.01.064](#)(a)(2);
03 (2) at the time of the application, the applicant is not subject to
04 disciplinary action related to the profession in another jurisdiction or the subject of an
05 ongoing review or disciplinary proceeding by the profession's licensing entity in that
06 jurisdiction;
07 (3) within 10 years before submitting an application, the applicant has
08 not committed an act in another jurisdiction that would have constituted grounds for
09 the denial or revocation of a license, certificate, or permit to practice that occupation
10 under this title at the time the act was committed; and
11 (4) the applicable fees are paid.
12 (b) If the department or applicable board requires that an applicant for a

13 professional license undergo a criminal history record check, the applicant for a
 14 temporary license will be subject to the same requirements. The department may
 15 consider an application and grant a temporary license before obtaining any resulting
 16 report. If the department subsequently receives criminal record information that would
 17 authorize the department or board to take disciplinary action, the department or board
 18 shall exercise that authority.

19 (c) A temporary license issued under this section is valid for 180 days. An
 20 applicant may apply for one 180-day extension, which will be approved at the
 21 department's discretion.

22 (d) Notwithstanding any other provision of law, a temporary license issued
 23 under this section for an occupation listed in [AS 08.01.010](#), excluding the professions
 24 regulated under [AS 08.54](#) and [AS 08.62](#), satisfies the requirements to temporarily
 25 practice the profession for which a license was granted within the scope designated by
 26 the board or department.

27 (e) A temporary license holder may apply for a license with the department or
 28 applicable board at any point.

29 (f) The department may exempt an applicant for a temporary license under

30 (a)(1)(C) of this section from the 180-day temporary license limitation in (c) of this
 31 section if the applicant shows that the required professional training period is longer
 01 than 180 days.

02 (g) The department shall set fees for temporary licenses under [AS 08.01.065](#).

03 * **Sec. 3.** [AS 08.01.064](#)(c) is amended to read:

04 (c) The department [OR APPLICABLE BOARD] shall expedite the procedure
 05 for issuance of a license or certificate under [AS 08.01.062](#) [(b) OF THIS SECTION]
 06 for an applicant who is on active duty **or is the spouse of an active duty member of**
 07 **the armed forces of the United States.**

08 * **Sec. 4.** [AS 08.01.065](#)(h) is amended to read:

09 (h) Notwithstanding (c) of this section, the department shall establish fee
 10 levels under (a) of this section so that the total amount of fees collected by the Board
 11 of Barbers and Hairdressers approximately equals the total regulatory costs of the
 12 department, the board, and the Department of Environmental Conservation for all
 13 occupations regulated by the board. For purposes of this subsection, the regulatory
 14 costs of the Department of Environmental Conservation for the occupations regulated
 15 by the board include the cost of inspections under [AS 08.13.210](#)(b), the cost of
 16 developing and adopting regulations under [AS 44.46.020](#) for barbershop, hairdressing,
 17 [HAIR BRAIDING,] manicuring, esthetics, body piercing, ear piercing, tattooing, and
 18 permanent cosmetic coloring establishments, and the cost to the Department of
 19 Environmental Conservation of enforcing the regulations for body piercing, tattooing,
 20 and permanent cosmetic coloring establishments [. THE DEPARTMENT SHALL
 21 SET THE FEE LEVELS FOR THE ISSUANCE AND RENEWAL OF A
 22 PRACTITIONER'S LICENSE ISSUED UNDER [AS 08.13.100](#) SO THAT THE
 23 LICENSE AND LICENSE RENEWAL FEES ARE THE SAME FOR ALL
 24 OCCUPATIONS REGULATED BY THE BOARD OF BARBERS AND
 25 HAIRDRESSERS].

26 * **Sec. 5.** [AS 08.01.065](#) is amended by adding a new subsection to read:

27 (k) Notwithstanding (c) of this section, the department shall establish fee
 28 levels under (a) of this section so that the total amount of fees collected by the Board
 29 of Dental Examiners approximately equals the total regulatory costs of the department,
 30 the board, and the Department of Health and Social Services for all occupations
 31 regulated by the board. For purposes of this subsection, the regulatory costs of the
 01 Department of Health and Social Services for the occupations regulated by the board
 02 include the cost of inspecting dental radiological equipment under [AS 08.36.075](#).

03 * **Sec. 6.** [AS 08.01.077](#) is amended by adding new subsections to read:

04 (b) Notwithstanding any other provision of this title, a charge, indictment, or
 05 arrest that does not lead to a conviction may not alone be grounds for denial or
 06 nonrenewal of a license or for disciplinary action.

07 (c) Each licensing board and the department shall specify in regulation each
 08 criminal conviction that will disqualify an applicant from obtaining or renewing a
 09 license. Each licensing board and the department shall define good moral character
 10 and moral turpitude in regulation if either standard is used by the licensing board or
 11 department in determining whether to issue or renew a license.

12 (d) In determining whether to deny a license to an applicant with a criminal
 13 conviction not listed in regulation under (c) of this section, the board or department
 14 shall consider

- 15 (1) the nature and seriousness of the crime;
- 16 (2) the amount of time that has passed since the conviction;

17 (3) the relationship between the nature of the crime and the duties and
 18 responsibilities of the occupation for which the license is sought; and

19 (4) evidence of rehabilitation or treatment undertaken by the applicant
 20 since the conviction.

21 (e) An individual with a conviction of record may petition the licensing board
 22 or department for a determination of whether the individual's conviction will
 23 disqualify the individual from obtaining a license. The licensing board or department
 24 may charge a reasonable fee for each petition.

25 (f) If denying an application, the board or the department must find, by

26 substantial evidence in light of the whole record, that an applicant's criminal
 27 conviction is a disqualifying conviction and document how the conviction is related to
 28 the duties and responsibilities of the licensed occupation. The board or department
 29 shall make written findings for each of the factors under (d) of this section for
 30 convictions not specified under (c) of this section.

31 (g) If the board or department denies an application based on an applicant's
 01 prior criminal conviction, the board or department shall notify the applicant
 02 (1) of the grounds and reasons for the denial or disqualification;
 03 (2) of the applicant's right to a hearing;
 04 (3) of the earliest date the applicant may reapply for the license; and
 05 (4) that evidence of rehabilitation or treatment may be considered upon
 06 reapplication.

07 * **Sec. 7.** [AS 08.01.080](#) is amended to read:
 08 **Sec. 08.01.080. Department regulations.** The department shall adopt
 09 regulations to carry out the purposes of this chapter, including describing
 10 (1) how an examination is to be conducted;
 11 (2) what is contained in application forms;
 12 (3) how a person applies for an examination or license;

13 **(4) the attendance and participation thresholds for removal of a**
 14 **board member.**

15 * **Sec. 8.** [AS 08.11.010](#) is amended by adding a new paragraph to read:
 16 (5) meets any additional requirements provided in regulation adopted
 17 by the department.

18 * **Sec. 9.** [AS 08.11.015](#) is amended by adding a new paragraph to read:
 19 (6) meets any additional requirements provided in regulation adopted
 20 by the department.

21 * **Sec. 10.** [AS 08.11.043](#)(a) is amended to read:
 22 (a) The department shall register an individual as a speech-language
 23 pathologist assistant if the individual submits an application on a form approved by the
 24 department, pays the required fee, and
 25 (1) submits proof satisfactory to the department that the individual has
 26 successfully completed
 27 (A) an associate of applied science degree in disabilities with a
 28 speech-language support emphasis [EITHER] from an [THE UNIVERSITY
 29 OF ALASKA ANCHORAGE IN AFFILIATION WITH PRINCE WILLIAM
 30 SOUND COMMUNITY COLLEGE OR FROM ANOTHER] approved
 31 program; or
 01 (B) a bachelor's degree in speech-language pathology from an
 02 accredited institution; [AND]
 03 (2) submits proof satisfactory to the department that the individual has
 04 successfully completed 100 hours of field work supervised by a licensed speech-
 05 language pathologist; **and**
 06 **(3) meets any additional requirements provided by the department**
 07 **in regulation.**

08 * **Sec. 11.** [AS 08.11.070](#) is amended to read:
 09 **Sec. 08.11.070. Dealing in hearing aids.** An audiologist may deal in hearing
 10 aids as a hearing aid dealer without being licensed as a hearing aid dealer under
 11 [AS 08.55](#), but shall comply with [AS 08.55.050](#), 08.55.070, 08.55.100, 08.55.110(a),
 12 **(b) (3), and (c) - (h)** [08.55.110(b) (3) AND (c) - (h)], and **08.55.130 (7) - (12)**
 13 [08.55.130(7) - (13)] when dealing in hearing aids.

14 * **Sec. 12.** [AS 08.11.090](#)(c) is amended to read:
 15 (c) The department may summarily suspend a license **or registration** before
 16 final hearing or during the appeals process if the department finds that the licensee **or**
 17 **registrant** poses a clear and immediate danger to the public welfare and safety if the
 18 licensee **or registrant** continues to practice. An individual whose license **or**
 19 **registration** is suspended under this subsection is entitled to a hearing conducted by
 20 the office of administrative hearings ([AS 44.64.010](#)) not later than seven days after the
 21 effective date of the order. The individual may appeal the suspension after the hearing
 22 to the superior court.

23 * **Sec. 13.** [AS 08.11.200](#) is amended by adding a new paragraph to read:
 24 (13) "field work" means engaging in activities permitted under
 25 [AS 08.11.042](#)(d) (1) - (5) under the supervision of a licensed speech pathologist but
 26 does not require observation hours.

27 * **Sec. 14.** [AS 08.13.030](#)(b) is amended to read:
 28 (b) The board shall
 29 (1) examine applicants and approve the issuance of licenses and
 30 permits to practice;
 31 (2) authorize the issuance of licenses for schools of barbering,
 01 hairdressing, manicuring, and esthetics;
 02 (3) develop written instructions and notices that tattooing, permanent
 03 cosmetic coloring, and body piercing shop owners and practitioners are required to
 04 give or display under [AS 08.13.215](#);
 05 (4) enforce the provisions of this chapter, regulations adopted under
 06 this chapter, and regulations relating to barbering, hairdressing, [HAIR BRAIDING,]
 07 manicuring, and esthetics adopted under [AS 44.46.020](#)(a) (5) (C).

08 * **Sec. 15.** [AS 08.13.120](#)(b) is amended to read:

09 (b) The regulations adopted under (a) of this section must include provisions
10 under which the board may issue a temporary shop license to a person who has a
11 license or temporary permit [UNDER THIS CHAPTER] to practice tattooing,
12 permanent cosmetic coloring, or body piercing. The temporary shop license authorized
13 under this subsection may only be issued to cover a site where the practitioner intends
14 to hold a workshop or to demonstrate techniques as part of a convention or other
15 special event, as defined by the board, that includes other practitioners of tattooing,
16 permanent cosmetic coloring, or body piercing. Each practitioner of tattooing,
17 permanent cosmetic coloring, or body piercing who holds a workshop or demonstrates
18 techniques at a convention or special event shall have a separate temporary shop
19 license and a license or temporary permit [UNDER THIS CHAPTER] to practice
20 tattooing, permanent cosmetic coloring, or body piercing. The board shall issue a
21 temporary shop license upon receipt of an application from a practitioner
22 demonstrating compliance with the regulations adopted under this section and
23 payment of the appropriate fee; however, the temporary shop license may be
24 summarily revoked, without refunding of the fee, if the Department of Environmental
25 Conservation determines after an inspection that the cleanliness or sanitation
26 conditions at the site covered by the temporary license pose a clear and immediate
27 danger to the public health or safety. A licensee may appeal a summary revocation
28 under this subsection to the superior court.

29 * **Sec. 16.** [AS 08.13.150](#) is amended to read:

30 **Sec. 08.13.150. Disciplinary sanctions and grounds for refusal of a license**
31 **or permit.** The board may, in addition to the actions authorized under [AS 08.01.075](#),
01 refuse, suspend, or revoke a license, temporary shop license, student permit, or
02 temporary license under AS 08.01.062 [, OR TEMPORARY PERMIT] for failure to
03 comply with this chapter, with a regulation adopted under this chapter, with a
04 regulation adopted by the Department of Environmental Conservation under
05 [AS 44.46.020](#), or with an order of the board.

06 * **Sec. 17.** [AS 08.13.160](#)(d) is amended to read:

07 (d) The licensing and permit provisions of this chapter do not apply to
08 (1) a person practicing barbering, hairdressing, hair braiding,
09 manicuring, or esthetics in a community having a population of less than 1,000 people
10 that is not within 25 miles of a community of more than 1,000 people and who does
11 not use chemicals or uses only chemicals available to the general public;
12 (2) a licensed health care professional;
13 (3) a person licensed or permitted in another [BY ANOTHER
14 LICENSING] jurisdiction in a field of practice regulated [LICENSED] by this
15 chapter while demonstrating techniques or products to persons holding licenses or
16 permits under this chapter;
17 (4) a person practicing tattooing, permanent cosmetic coloring, or body
18 piercing solely on the person's own body;
19 (5) the practice of manicuring by a student as part of instruction in a
20 12-hour course approved under [AS 08.13.110](#)(d);
21 (6) a person demonstrating traditional Alaska Native tattoo
22 techniques at a special event who holds a temporary shop license issued under
23 [AS 08.13.120](#)(b).

24 * **Sec. 18.** [AS 08.13.175](#) is amended to read:

25 **Sec. 08.13.175. Temporary license.** A person who receives a temporary
26 license under AS 08.01.062 must work [MEETS THE REQUIREMENTS OF
27 [AS 08.13.080](#)(a)(1), (2), (3), (4), OR (6) IS ENTITLED TO BE TEMPORARILY
28 LICENSED AFTER APPLYING FOR EXAMINATION UNDER THIS CHAPTER
29 IF THE APPLICANT WORKS] under the direct supervision, and within the physical
30 presence, of a person who is licensed in the area of practice for which the applicant
31 has applied for examination [. A TEMPORARY LICENSE ISSUED UNDER THIS
01 SECTION IS VALID FOR 120 DAYS AND IS NONRENEWABLE. A PERSON
02 MAY NOT RECEIVE MORE THAN ONE TEMPORARY LICENSE FOR EACH
03 AREA OF PRACTICE LICENSED UNDER THIS CHAPTER. AN APPLICATION
04 FOR A TEMPORARY LICENSE MUST BE SIGNED BY THE SUPERVISING
05 LICENSEE AND ACCOMPANIED BY THE TEMPORARY LICENSE FEE
06 REQUIRED UNDER [AS 08.13.185](#)].

07 * **Sec. 19.** [AS 08.13.190](#)(a) is amended to read:

08 (a) A person who practices barbering, hairdressing, hair braiding, esthetics,
09 tattooing, permanent cosmetic coloring, or body piercing, or operates a shop, or
10 operates a school of barbering, hairdressing, or esthetics, or teaches in a school of
11 barbering, hairdressing, or esthetics, without a license, [TEMPORARY PERMIT,]
12 temporary license under AS 08.01.062, or student permit and who is not exempt
13 under [AS 08.13.120](#) or under [AS 08.13.160](#)(d) is guilty of a class B misdemeanor.

14 * **Sec. 20.** [AS 08.13.195](#)(f) is amended to read:

15 (f) If a person fails to pay a civil penalty not later than [WITHIN] 30 days
16 after entry of an order under (a) of this section, or if the order is stayed pending an
17 appeal, not later than [WITHIN] 10 days after the court enters a final judgment in
18 favor of the board of an order appealed under (e) of this section, the board shall notify
19 the attorney general. The attorney general may commence a civil action to recover the
20 amount of the penalty.

21 * **Sec. 21.** [AS 08.18.022](#) (a) is amended to read:

- 22 (a) The department shall issue a certificate of registration as a home inspector
 23 for new homes, existing homes, or both, as appropriate, to an individual who
 24 (1) passes the appropriate home inspection examination; for purposes
 25 of this paragraph, the appropriate home inspection examination for an individual who
 26 applies to be registered for inspection of
 27 (A) existing homes is the examination offered by the American
 28 Society of Home Inspectors [OR NATIONAL ASSOCIATION OF HOME
 29 INSPECTORS];
 30 (B) new homes or for a joint registration is the examination
 31 offered by the International Code Council;
 01 (2) meets the educational and experience requirements adopted by the
 02 department in regulations for the type of registration applied for;
 03 (3) submits a complete application for registration either
 04 (A) within three years after passing the examination required
 05 under (1) of this subsection; or
 06 (B) accompanied by documentation that the applicant has
 07 completed continuing education requirements established by the department;
 08 (4) within the seven years preceding the date of application, has not
 09 been under a sentence for an offense related to forgery, theft in the first or second
 10 degree, extortion, or defrauding creditors or for a felony involving dishonesty;
 11 (5) has not had the authority to perform home inspections revoked in
 12 this state or in another jurisdiction;
 13 (6) is not the subject of an unresolved criminal complaint or
 14 unresolved disciplinary action before a regulatory authority in this state or in another
 15 jurisdiction related to real estate or home inspection matters; and
 16 (7) pays the appropriate fees.

17 * **Sec. 22.** [AS 08.18.031](#) (c) is amended to read:

- 18 (c) A certificate of registration as a home inspector may not be renewed unless
 19 the home inspector has complied with the continuing competency requirements
 20 established by the department **in regulation** [. THE DEPARTMENT SHALL ADOPT
 21 REGULATIONS ESTABLISHING THE CONTINUING COMPETENCY
 22 REQUIREMENTS. THE DEPARTMENT SHALL REQUIRE AT LEAST EIGHT
 23 HOURS OF CONTINUING COMPETENCY ACTIVITY FOR EACH LICENSING
 24 PERIOD. THE REGULATIONS MUST PROVIDE THAT A CONTINUING
 25 COMPETENCY ACTIVITY APPROVED BY ONE OF THE FOLLOWING
 26 ENTITIES SATISFIES THE CONTINUING COMPETENCY REQUIREMENTS OF
 27 THIS SUBSECTION IF THE ACTIVITY MEETS THE REQUIREMENTS
 28 ESTABLISHED BY THE DEPARTMENT IN REGULATIONS ADOPTED UNDER
 29 THIS SUBSECTION:
 30 (1) ALASKA HOUSING FINANCE CORPORATION;
 31 (2) UNIVERSITY OF ALASKA;
 01 (3) AMERICAN SOCIETY OF HOME INSPECTORS ALASKA
 02 CHAPTER;
 03 (4) A CHAPTER OF THE INTERNATIONAL CODE COUNCIL
 04 ALASKA;
 05 (5) ALASKA STATE HOME BUILDING ASSOCIATION; OR
 06 (6) A STATE AGENCY THAT OFFERS AN ACTIVITY THAT
 07 MEETS THE REQUIREMENTS SET BY THE DEPARTMENT].

08 * **Sec. 23.** [AS 08.20.180](#) (a) is amended to read:

- 09 (a) An applicant for an examination, reexamination, issuance of a temporary
 10 permit under [AS 08.01.062](#) [[AS 08.20.160](#), ISSUANCE OF A LOCUM TENENS
 11 PERMIT UNDER [AS 08.20.163](#)], issuance of a license by credentials under
 12 [AS 08.20.141](#), one-time issuance of a retired status license, or initial issuance or
 13 renewal of an active or inactive license shall pay a fee established under
 14 [AS 08.01.065](#).

15 * **Sec. 24.** [AS 08.24.110](#) is amended to read:

- 16 **Sec. 08.24.110. Qualification for operator's license.** (a) To qualify for an
 17 operator's license, the applicant shall
 18 (1) be a high school graduate, or have the equivalent education of a
 19 high school graduate;
 20 (2) [BE OF GOOD MORAL CHARACTER;
 21 (3)] not have been convicted of violating this chapter, nor have any
 22 unsettled complaints under this chapter against the applicant;
 23 **(3)** [(4)] not have been convicted of a felony or a crime of larceny or
 24 embezzlement or a crime involving moral turpitude **within 10 years before applying**;
 25 **(4)** [(5)] be 19 years of age or older at the time of application;
 26 **(5)** [(6)] not be a disbarred attorney [OR HAVE FILED
 27 BANKRUPTCY];
 28 **(6)** [(7)] pay the biennial license fee.
 29 (b) The commissioner may waive or modify the requirements specified in
 30 **(a) (1) - (3) and (5)** [(a) (1), (3), (4) AND (6)] of this section for good cause shown.
 31 * **Sec. 25.** [AS 08.24.240](#) is amended to read:
 01 **Sec. 08.24.240. Failure to file statement.** If the annual statement of collection
 02 is not filed as required under [AS 08.24.210](#), the failure to file constitutes grounds for

03 the immediate suspension of the collection agency license of the licensee failing to file
04 the statement, and the department shall notify the licensee [BY REGISTERED OR
05 CERTIFIED MAIL] that the license of the licensee will be suspended upon the
06 expiration of 30 [15] days after the date on which the notice was mailed unless the
07 licensee complies with the provisions of [AS 08.24.210](#). However, for good cause
08 shown and upon satisfactory proof furnished by the licensee that the failure to file the
09 statement was due to a condition not within the control, or was due to excusable
10 neglect, of the licensee, the department may permit the filing of the statement after the
11 time limited and excuse the failure to file the statement within the time limited. If the
12 statement required by [AS 08.24.210](#) is not filed as required by this section, the
13 department shall revoke the license.

14 * **Sec. 26.** [AS 08.24.290](#) is amended to read:

15 **Sec. 08.24.290. Suspension, revocation, or refusal to renew or grant a**
16 **license or certificate.** The department may suspend, revoke, or refuse to renew or
17 grant a license issued or applied for under this chapter if the licensee or applicant or a
18 partner, associate, or major stockholder of a collection agency has [SINCE THE
19 DATE OF THE APPLICATION] been disbarred from the practice of law or been
20 convicted of fraud, embezzlement, obtaining money under false pretenses, a crime
21 involving moral turpitude, extortion, conspiracy to defraud, violation of a provision of
22 this chapter, or violation of a regulation adopted under authority of this chapter.

23 * **Sec. 27.** [AS 08.24.340](#) is amended to read:

24 **Sec. 08.24.340. Statement of persons employed by agency.** (a) **A** [WITHIN
25 15 DAYS AFTER LICENSURE UNDER THIS CHAPTER, A] collection agency
26 shall submit annually to the department a list of all persons employed by the agency [.
27 THEREAFTER, UPON HIRING A NEW EMPLOYEE, THE COLLECTION
28 AGENCY SHALL, WITHIN 15 DAYS AFTER THE HIRING, SUBMIT TO THE
29 DEPARTMENT THE NAME OF THE NEWLY HIRED EMPLOYEE AND THE
30 FURTHER INFORMATION REQUIRED BY (b) OF THIS SECTION].

31 (b) There shall be submitted in the annual report with the name of each
01 [THE] employee employed by the collection agency the following information:

- 02 (1) the employee's residence address;
- 03 (2) the employee's length of residence in the state;
- 04 (3) a statement of any [THE] new employee's previous employment in
05 the last year;

06 (4) further information which the department may require.

07 (c) Any statement of previous employment [THE STATEMENT] shall be
08 verified by the employee before a notary public or other person authorized to
09 administer oaths.

10 (d) The owner or licensed operator of the collection agency shall also state on
11 [UPON] the form submitted the date on [UPON] which any [THE] new employee was
12 hired and that the new employee is an employee of the collection agency at the time
13 the form is executed.

14 * **Sec. 28.** [AS 08.36.075](#)(a) is amended to read:

15 (a) The Department of Health and Social Services [BOARD] shall establish
16 standards that comply with applicable federal law for the registration, use, and
17 inspection of dental radiological equipment, including standards for record keeping
18 relating to the control panels and the use of the equipment [. THE BOARD MAY
19 CHARGE A FEE FOR DENTAL RADIOLOGICAL EQUIPMENT REGISTERED
20 UNDER THIS SECTION].

21 * **Sec. 29.** [AS 08.36.100](#) is amended to read:

22 **Sec. 08.36.100. License required.** Except as provided in [AS 08.36.238](#) [AND
23 08.36.254], a person may not practice, or attempt to practice, dentistry without a
24 license.

25 * **Sec. 30.** [AS 08.42.085](#)(c) is amended to read:

26 (c) The department shall issue a temporary license under AS 08.01.062
27 [PERMIT VALID FOR ONE YEAR] to an applicant who meets the requirements of
28 this section [. THE DEPARTMENT SHALL RENEW A PERMIT FOR ONE YEAR
29 IF THE TRAINEE APPLIES FOR RENEWAL ON A FORM PROVIDED BY THE
30 DEPARTMENT AND SHOWS THAT THE TRAINING ACTIVITY CONTINUES
31 TO SATISFY THE REQUIREMENTS OF THIS SECTION]. The department shall
01 charge a fee for processing applications and renewals under this section that will be
02 sufficient to cover administrative costs.

03 * **Sec. 31.** [AS 08.55.010](#)(b) is amended to read:

04 (b) An individual who is a physician or an audiologist may deal in hearing
05 aids without being licensed under this chapter, but shall comply with [AS 08.55.050](#),
06 [08.55.070](#), [08.55.100](#), [08.55.110](#)(a), and [08.55.130\(7\) - \(12\)](#) [[08.55.130\(7\) - \(13\)](#)]
07 when dealing in hearing aids.

08 * **Sec. 32.** [AS 08.55.020](#)(b) is amended to read:

09 (b) On or before the expiration of a license under this chapter, a licensee may
10 apply for renewal of the license, and the department shall renew the license if the
11 licensee pays the renewal fee [, HAS A CURRENT BUSINESS LICENSE TO ACT
12 AS A HEARING AID DEALER UNDER [AS 43.70.020](#),] and provides evidence
13 satisfactory to the department that the individual has not engaged in conduct that is a
14 ground for imposing disciplinary sanctions under [AS 08.55.130](#).

15 * **Sec. 33.** [AS 08.55.110](#)(b) is amended to read:

16 (b) In addition to the other rights and remedies the purchaser or lessee of a
 17 hearing aid may have, the purchaser or lessee of a hearing aid has the right to cancel
 18 the sale or lease by giving written notice of the cancellation to the hearing aid dealer if
 19 (1) the hearing aid dealer is not a physician or an audiologist, and
 20 within 60 days from the receipt by the purchaser or lessee of the hearing aid or the
 21 notice to be provided under (c) of this section, whichever receipt is later, a physician
 22 or an audiologist advises the person in writing to cancel the sale or lease and specifies
 23 in writing the medical or audiological reason for the advice; or
 24 (2) the hearing aid dealer, if not a physician or audiologist, has violated
 25 a provision of this chapter in the sale or lease of the hearing aid to the person;
 26 (3) the hearing aid dealer who is a physician or audiologist has violated
 27 (a) or (c) - (h) of this section or [AS 08.55.050](#), 08.55.070, 08.55.100, or [08.55.130\(7\) -](#)
 28 [\(12\)](#) [08.55.130(7) - (13)] in the sale or lease of the hearing aid to the person.
 29 * **Sec. 34.** [AS 08.64.279](#) is amended to read:
 30 **Sec. 08.64.279. Interview for permits.** An applicant for an intern permit, a
 31 resident permit, or a temporary permit under [AS 08.01.062](#) [FOR LOCUM TENENS
 01 PRACTICE] may be interviewed in person by the board, a member of the board, the
 02 executive secretary of the board, or a person designated for that purpose by the board.
 03 * **Sec. 35.** [AS 08.84.010](#)(b) is amended to read:
 04 (b) The board shall control all matters pertaining to the licensing of physical
 05 therapists, physical therapy assistants, occupational therapists, and occupational
 06 therapy assistants and the practice of physical therapy and the practice of occupational
 07 therapy. The board shall
 08 (1) pass upon the qualifications of applicants;
 09 (2) provide for the examination of applicants;
 10 (3) issue [TEMPORARY PERMITS AND] licenses to persons
 11 qualified under this chapter;
 12 (4) suspend, revoke, or refuse to issue or renew a license under
 13 [AS 08.84.120](#);
 14 (5) keep a current register listing the name, business address, date, and
 15 number of the license of each person who is licensed to practice under this chapter;
 16 (6) adopt regulations under [AS 44.62](#) (Administrative Procedure Act)
 17 necessary to carry out the purposes of this chapter including regulations establishing
 18 qualifications for licensure and renewal of licensure under this chapter.
 19 * **Sec. 36.** [AS 08.84.150](#) is amended to read:
 20 **Sec. 08.84.150. License required; exceptions.** (a) It is unlawful for a person
 21 to practice physical therapy without being licensed under this chapter unless the
 22 person is
 23 (1) a student in an accredited physical therapy program;
 24 (2) a graduate of a foreign school of physical therapy fulfilling the
 25 internship requirement of [AS 08.84.032](#), and then only unless under the continuous
 26 direction and immediate supervision of a physical therapist; or
 27 (3) issued a temporary [LIMITED] permit under [AS 08.01.062](#)
 28 [[AS 08.84.075](#)].
 29 (b) A person may not provide services that the person describes as
 30 occupational therapy without being licensed under this chapter unless the person is
 31 (1) a student in an accredited occupational therapy program or in a
 01 supervised field work program;
 02 (2) a graduate of a foreign school of occupational therapy fulfilling the
 03 internship requirement of [AS 08.84.032](#), and then only unless under the continuous
 04 direction and immediate supervision of an occupational therapist;
 05 (3) an occupational therapist or occupational therapy assistant
 06 employed by the United States government while in the discharge of official duties;
 07 (4) granted a temporary [LIMITED] permit under [AS 08.01.062](#)
 08 [[AS 08.84.075](#)];
 09 (5) licensed under this title and uses occupational therapy skills in the
 10 practice of the profession for which the license is issued; or
 11 (6) employed as a teacher or teacher's aide by an educational
 12 institution and is required to use occupational therapy skills during the course of
 13 employment, if
 14 (A) the occupational therapy skills are used under a program
 15 implemented by the employer and developed by a licensed occupational
 16 therapist;
 17 (B) the employer maintains direct supervision of the person's
 18 use of occupational therapy skills; and
 19 (C) the person does not represent to
 20 (i) be an occupational therapist or occupational therapy
 21 assistant; and
 22 (ii) practice occupational therapy.
 23 * **Sec. 37.** [AS 08.98.120](#)(a) is amended to read:
 24 (a) A person may not practice veterinary medicine, surgery, or dentistry unless
 25 the person is licensed as a veterinarian under this chapter or has a temporary permit
 26 issued under [AS 08.01.062](#) [[AS 08.98.186](#)], except that a person may perform
 27 functions authorized by
 28 (1) regulation of the board if the person is licensed as a veterinary

29 technician; or

30 (2) a permit issued under [AS 08.02.050](#) if the person is employed by

31 an agency that has a permit issued under [AS 08.02.050](#).

01 * **Sec. 38.** [AS 08.98.165](#)(a) is amended to read:

02 (a) An applicant is qualified to receive a license as a veterinarian who

03 (1) is a graduate of an accredited veterinary school or who has

04 successfully completed **a foreign graduate certification process approved by the**

05 **board** [THE EDUCATIONAL COMMISSION FOR FOREIGN VETERINARY

06 GRADUATES CERTIFICATION PROCESS];

07 (2) has, within the 60 months preceding application for the license,

08 passed a national examination for veterinarians approved by the board;

09 (3) has passed the written examination of the state on specific Alaska

10 issues of veterinary practice;

11 (4) is in good standing, as defined by the board in regulations; and

12 (5) has paid required fees.

13 * **Sec. 39.** [AS 08.98.180](#) is amended to read:

14 **Sec. 08.98.180. Temporary license.** A person who **is granted a temporary**

15 **license by the department under AS 08.01.062 must work** [MEETS THE

16 REQUIREMENTS OF [AS 08.98.165](#)(a)(1), (4), AND (5) IS ENTITLED TO BE

17 TEMPORARILY LICENSED AFTER APPLYING FOR EXAMINATION IF THE

18 PERSON WORKS] under the supervision of a licensed veterinarian [. A LICENSE

19 ISSUED UNDER THIS SECTION IS VALID UNTIL THE RESULTS OF THE

20 EXAMINATIONS ARE PUBLISHED. A PERSON MAY NOT RECEIVE MORE

21 THAN ONE TEMPORARY LICENSE. AN APPLICATION FOR A TEMPORARY

22 LICENSE MUST BE SIGNED BY THE SUPERVISING VETERINARIAN AND

23 ACCOMPANIED BY THE TEMPORARY LICENSE FEE REQUIRED UNDER

24 [AS 08.98.190](#)].

25 * **Sec. 40.** [AS 09.65.290](#)(e)(4) is amended to read:

26 (4) "sports or recreational activity"

27 (A) means a commonly understood sporting activity, whether

28 undertaken with or without permission, including baseball, softball, football,

29 soccer, basketball, hockey, **boxing, mixed martial arts, sparring or**

30 **wrestling matches**, bungee jumping, parasailing, bicycling, hiking,

31 swimming, skateboarding, horseback riding and other equine activity, farm

01 touring, dude ranching, mountain climbing, river floating, whitewater rafting,

02 canoeing, kayaking, hunting, fishing, backcountry trips, mushing, backcountry

03 or helicopter-assisted skiing, alpine skiing, Nordic skiing, snowboarding,

04 telemarking, snow sliding, snowmobiling, and off-road and all-terrain vehicle

05 use;

06 (B) does not include

07 (i) [BOXING CONTESTS, SPARRING OR

08 WRESTLING MATCHES, OR EXHIBITIONS THAT ARE

09 SUBJECT TO THE REQUIREMENTS OF [AS 05.10](#);

10 (ii)] activities involving the use of devices that are

11 subject to the requirements of [AS 05.20](#); or

12 **(ii)** [(iii)] skiing or sliding activities at a ski area that are

13 subject to the requirements of [AS 05.45](#).

14 * **Sec. 41.** [AS 31.05.009](#)(a) is amended to read:

15 (a) Members shall be qualified as follows:

16 (1) one member shall be a petroleum engineer who

17 (A) holds a certificate of registration as an engineer under

18 [AS 08.48](#) and, under regulations adopted to implement that chapter, has

19 qualified as a petroleum engineer; or

20 (B) has earned a degree from a university in the field of

21 engineering and has at least 10 years of professional subsurface experience in

22 the oil and gas industry in drilling, well operations, production process

23 operations, reservoir engineering, or a combination thereof; for the purposes of

24 this subparagraph, a person meets the requirement of earning a degree in the

25 field of engineering if the person obtains an undergraduate or graduate degree

26 in engineering that meets the requirements for program accreditation by the

27 Engineering Accreditation Commission of the Accreditation Board for

28 Engineering and Technology and the person completes university or industry

29 training specific to petroleum engineering that illustrates application of

30 engineering principles to the problems encountered and methods used in the

31 petroleum industry, including drilling, production, reservoir engineering, fluid

01 flow through subsurface formations, and hydrocarbon transportation;

02 (2) one member shall be a geologist who

03 (A) holds a national certification as a professional geologist **by**

04 **the American Institute of Professional Geologists** [UNDER [AS 08.02.011](#)]

05 and has professional experience in the field of petroleum geology; or

06 (B) has earned a degree in the field of geology from a

07 university accredited in the field of geology and has a minimum of 10 years

08 professional experience in the field of petroleum geology; and

09 (3) one member who shall have training or experience that gives the

10 person a fundamental understanding of the oil and gas industry in the state.

11 * **Sec. 42.** [AS 44.29.020](#) is amended by adding a new subsection to read:
 12 (d) The Department of Health and Social Services shall establish standards
 13 that comply with federal law for the registration, use, and inspection of dental
 14 radiological equipment, including standards for record keeping relating to equipment
 15 control panels and use.

16 * **Sec. 43.** [AS 44.46.020](#) (a) is amended to read:
 17 (a) The Department of Environmental Conservation shall
 18 (1) have primary responsibility for coordination and development of
 19 policies, programs, and planning related to the environment of the state and of the
 20 various regions of the state;
 21 (2) have primary responsibility for the adoption and enforcement of
 22 regulations setting standards for the prevention and abatement of all water, land,
 23 subsurface land, and air pollution, and other sources or potential sources of pollution
 24 of the environment, including by way of example only, petroleum and natural gas
 25 pipelines;
 26 (3) promote and develop programs for the protection and control of the
 27 environment of the state;
 28 (4) take actions that are necessary and proper to further the policy
 29 declared in [AS 46.03.010](#);
 30 (5) adopt regulations for
 31 (A) the prevention and control of public health nuisances;
 01 (B) the regulation of sanitation and sanitary practices in the
 02 interest of public health;
 03 (C) standards of cleanliness and sanitation in connection with
 04 the construction, operation, and maintenance of a camp, cannery, food
 05 handling establishment, food manufacturing plant, mattress manufacturing
 06 establishment, industrial plant, school, barbershop, hairdressing, [HAIR
 07 BRAIDING,] manicuring, esthetics, tattooing, permanent cosmetic coloring,
 08 body piercing, or ear piercing establishment, soft drink establishment, beer and
 09 wine dispensaries, and for other similar establishments in which lack of
 10 sanitation may create a condition that causes disease;
 11 (D) the regulation of quality and purity of commercially
 12 compressed air sold for human respiration.

13 * **Sec. 44.** [AS 44.46.029](#) is amended to read:
 14 **Sec. 44.46.029. Dental radiological equipment.** This chapter does not
 15 authorize the department to register, inspect, test, or otherwise regulate dental
 16 radiological equipment or records relating to dental radiological equipment regulated
 17 by the **Department of Health and Social Services** [BOARD OF DENTAL
 18 EXAMINERS] under [AS 44.29.020](#) [[AS 08.36.075](#)].

19 * **Sec. 45.** [AS 05.05.010](#), 05.05.020, 05.05.030, 05.05.040; [AS 05.10.010](#), 05.10.020,
 20 05.10.030, 05.10.040, 05.10.050, 05.10.060, 05.10.070, 05.10.080, 05.10.090, 05.10.100,
 21 05.10.110, 05.10.120, 05.10.130, 05.10.140, 05.10.150, 05.10.160, 05.10.170;
 22 [AS 08.01.010](#) (4), 08.01.010 (13), 08.01.010 (21), 08.01.063, 08.01.064 (b), 08.01.064 (d);
 23 [AS 08.02.011](#); [AS 08.11.020](#), 08.11.025; [AS 08.13.160](#) (a), 08.13.160 (b), 08.13.170,
 24 08.13.220 (14); [AS 08.15.030](#); [AS 08.20.160](#), 08.20.163; [AS 08.24.370](#); [AS 08.26.050](#);
 25 [AS 08.36.254](#); [AS 08.45.035](#) (a), 08.45.035 (b); [AS 08.55.010](#) (a) (4), 08.55.010 (a) (6) (D),
 26 08.55.130 (13); [AS 08.63.130](#); [AS 08.64.101](#) (b) (2), 08.64.270, 08.64.275; [AS 08.68.210](#);
 27 [AS 08.70.130](#); [AS 08.80.150](#), 08.80.155; [AS 08.84.065](#), 08.84.075; [AS 08.86.135](#), 08.86.166;
 28 [AS 08.92.010](#), 08.92.020, 08.92.030, 08.92.035, 08.92.040, 08.92.050, 08.92.060, 08.92.070,
 29 08.92.080, 08.92.090; [AS 08.95.125](#); [AS 08.98.050](#) (8), 08.98.186, 08.98.190 (6),
 30 08.98.190 (7); [AS 25.27.244](#) (s) (2) (A) (i); [AS 43.70.025](#), 43.70.028; and [AS 44.29.027](#) are
 31 repealed.

01 * **Sec. 46.** The uncodified law of the State of Alaska is amended by adding a new section to
 02 read:

03 TRANSITION: REGULATIONS; BONDS. (a) The Department of Commerce,
 04 Community, and Economic Development, the Department of Health and Social Services, and
 05 the Department of Environmental Conservation may adopt regulations necessary to
 06 implement the changes made by this Act. The regulations take effect under [AS 44.62](#)
 07 (Administrative Procedure Act), but not before the effective date of the law implemented by
 08 the regulation.

09 (b) Notwithstanding the repeal of a statute by this Act, the Department of Commerce,
 10 Community, and Economic Development may amend or repeal regulations adopted by the
 11 athletic commission established in [AS 05.05.010](#), as that section read the day before the
 12 effective date of this Act, as necessary to carry out this Act.

13 (c) The Department of Commerce, Community, and Economic Development shall
 14 account for any licensee bond filed under [AS 05.10.090](#) or [AS 08.92.030](#), repealed by sec. 45
 15 of this Act, and take any action necessary to release a bond under [AS 05.10.090](#) or
 16 [AS 08.92.030](#), repealed by sec. 45 this Act.

17 * **Sec. 47.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 TRANSITION: SAVINGS CLAUSE. (a) Litigation, hearings, investigations, appeals,
 20 and other proceedings pending under a law amended or repealed by this Act, or in connection
 21 with functions transferred by this Act, continue in effect and may be continued and completed
 22 notwithstanding a transfer or amendment or repeal provided for in this Act.

23 (b) Certificates, orders, permits, and regulations issued or adopted under authority of

24 a law amended or repealed by this Act remain in effect for the term issued, or until revoked,
25 vacated, or otherwise modified under the provisions of this Act.

26 (c) Contracts, rights, liabilities, and obligations created by or under a law amended or
27 repealed by this Act, and in effect on the effective date of this Act, remain in effect
28 notwithstanding this Act's taking effect. Records, equipment, appropriations, and other
29 property of agencies of the state whose functions are transferred under this Act shall be
30 transferred to implement the provisions of this Act.

31 * **Sec. 48.** Sections 46 and 47 of this Act take effect immediately under [AS 01.10.070](#)(c).

01 * **Sec. 49.** Except as provided in sec. 48 of this Act, this Act takes effect January 1, 2021.

Director Chambers will be sending out correspondence to all boards regarding these bills. This spreadsheet is merely a quick reference for the board to see what is being proposed.

	Bill Reference	Summary Description	Notes
Sec 2	08.01.062 Temporary Licenses	Requires the department to issue a 180-day temporary license for qualified individual seeking licensure in AS 08.	Mandates the department to issue temporary licenses to qualified individuals.
Sec 3	08.01.064 Military Licensure	Adds reference to AS 08.01.062 and adds language to include military spouses.	Includes military licensure under temporary license. See Sec 45.
Sec 6	08.01.077	Adds a "reasonable basis review" of applicants with criminal convictions.	Boards will need to define "good moral character" and "moral turpitude" if used by board.
Sec 45	Repeals 08.01.063	Repeals current Military Courtesy License section.	This section is repealed to allow for changes made to temporary licensure including military licensure. See Sec 2 & 3.

(7) "good moral character" means the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States; for purposes of this standard, a determination of lack of "good moral character" may be based upon a consideration of all aspects of a person's character;

(28) "crime of moral turpitude" means a felony and any other crime that contains reckless, knowing, or intentional as the culpable mental element

(27) "crime of dishonesty" means a crime under [AS 11.46](#), or a crime under a similar statute or ordinance of this state or another jurisdiction;

When HB 157 and SB 216 are passed into law, the APR Board will need to know what they deem to be Good Moral Character. Once the laws are passed the APR board can make a motion approving their definition and adding it to regulation.

(7) "good moral character" means the absence of acts or conduct that would cause a reasonable person to have substantial doubts about an individual's honesty, fairness, and respect for the rights of others and for the laws of this state and the United States; for purposes of this standard, a determination of lack of "good moral character" may be based upon a consideration of all aspects of a person's character;

(28) "crime of moral turpitude" means a felony and any other crime that contains reckless, knowing, or intentional as the culpable mental element

(27) "crime of dishonesty" means a crime under [AS 11.46](#), or a crime under a similar statute or ordinance of this state or another jurisdiction;

When HB 157 and SB 216 are passed into law, the APR Board will need to know what they deem to be Moral Turpitude. Once the laws are passed the APR board can make a motion approving their definition and adding it to regulation.

Crimes That Would Prohibit Licensure

When HB 157 and SB 216 are passed into law, the APR Board will need to know what they deem to be crimes that would bar an appraisal applicant from licensure. Would there need to be a time limit for some crimes? Are there any crimes someone could commit that would permanently stop them from licensure? What types of proof would the board accept for rehabilitation? Once the laws are passed the APR board can make a motion approving the laws that would prevent or bar and applicant from being licensed. These need to be clearly spelled out in regulation.

Lunch

Regulations Update

STATE OF ALASKA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT PROCEDURES		Procedure No. DOL - 19	Page 1 of 2
		Effective Date December 1995	
SUBJECT BOARD/COMMISSION ACTION ON REGULATIONS		Supersedes	Dated
		APPROVED BY	
DIVISION Occupational Licensing	SECTION Licensing		

REQUEST FOR REGULATIONS: Then a board/commission requests a change in its regulations, the board/commission should explain, on the record during a properly noticed public meeting, the reason for the change and give detailed information on the change requested. The staff person responsible for the meeting minutes is also responsible for relaying the board/ commission's request to the regulations specialist through a draft copy of the minutes, plus any other information that explains the board/commission's request.

The regulations specialist will provide a draft copy of the requested changes in the regulations. It may be necessary to consult with the Department of Law on the board/commission's authority to make the changes requested. It may also be necessary for the board/commission to provide additional information in its intent before the regulations changes are drafted.

PUBLIC NOTICE OF REGULATIONS CHANGES: Once a board/commission has reviewed the draft of proposed regulations and agreed on the working of the proposed changes, the board/commission should state on the record whether it intends to hold a public hearing on the regulations. The responsible staff should give a draft copy of the minutes to the regulations specialist and provide the date, location, and time of the public hearing, if applicable.

The regulations specialist will prepare and distribute the public notice, including providing a copy of the notice and regulations to all board/commission members and the affected staff.

PUBLIC COMMENTS ON REGULATIONS: All notices of proposed regulations include an opportunity for the public to give written comments on the regulations and a specific invitation for comments on the cost of the proposed regulatory action. The board/commission is obligated to seriously consider all written comments, and oral comments of a hearing is held, before taking final action on the regulations. To be considered, written or oral comments must be submitted as instructed in the public notice.

The public notice also includes a deadline for submitting written comments. This deadline is strictly enforced, and letters received after the deadline will not be forwarded to a board/commission for its consideration. Written comments must be received at the address given in the public notice by the deadline date; the postmark date is not considered.

Comments received by phone will not be considered as written comments. The division will accept faced comments. Staff should inform anyone submitting oral comments outside of the public hearing that the comments will not become a part of the record of the regulations project.

Comment letters should be addressed to the regulations specialist. **If a staff member other than the regulations specialist receives a letter commenting on proposed regulations, the letter should be given to the regulations specialist immediately.**

At the close of the public comment period, the regulations specialist will compile the written comments and provide them to staff for distribution to board/commission members. The board/commission chair should ensure that all members have carefully considered the public comment letters before the board/commission takes action on the regulations.

REGULATION HEARINGS: If a board/commission chooses to hold a hearing on proposed regulations, the information about the public hearing must be included in the original or a supplemental notice of the proposed regulations. Hearings are usually held in conjunction with a regularly-scheduled meeting of the board/commission, and are always recorded. A board/commission may choose to use teleconferencing sites for the regulations hearing.

If a board/commission has not given notice of public hearing, the board/commission may not accept any oral comments on the regulations. If the board/commission accepts oral comments without having given notice of a public hearing, the board/commission is required to give supplemental notice and hold a hearing at a later date to allow other interested parties to give oral comments.

STATE OF ALASKA DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT PROCEDURES		Procedure No. DOL - 19	Page 2 of 2
		Effective Date December 1995	
SUBJECT BOARD/COMMISSION ACTION ON REGULATIONS		Supersedes	Dated
		APPROVED BY	
DIVISION Occupational Licensing	SECTION Licensing		

The board/commission chair often presides over the hearing. The general principle for conducting a regulations hearing is fairness. The board/commission may impose a time limit on commenters, but each commenter must be treated equally.

Staff should provide a sign-in sheet at the beginning of the hearing for those who plan to give oral comments.

FINAL ACTION BY THE BOARD/COMMISSION ON PROPOSED REGULATIONS: After carefully considering the written comments, any oral comments if a hearing was held, and discussing the costs of the proposal, the board/commission may take final action on proposed regulations. The board/commission's final action must be taken during a properly-noticed public meeting.

The board/commission may adopt the regulations as proposed, amend and adopt the regulations, or take no action on the regulations. If the board/commission amends the regulations beyond the summary of proposed changes it has given during the public notice process, the board/commission must give additional notice before adopting the regulations. It is important for the board/commission to explain the reason for its actions on the record. This is not only helpful in the preparation of the final draft of the regulations, but it is also important during the review of the regulations by the Department of Law and in case of a legal challenge to the regulations.

The record of the meeting should include how the board/commission considered the public comment in its deliberations. Also, the board/commission chair or other board/ commission member must make a statement on the record indicating how the board/commission gave special consideration to the cost to private persons. The board/commission must discuss the costs to private persons on the record, even if no comments on costs were submitted or if there are no apparent costs.

The board/commission's final action must be in the form of a motion that is passed.

The staff person responsible for the minutes of the meeting is also responsible for giving a draft copy of the minutes to the regulations specialist as soon as possible after the meeting.

FINAL REVIEW OF ADOPTED REGULATIONS: After a board/commission has adopted regulations, the regulations specialist will prepare the proper paperwork and submit the project to the Department of Law for final review. If approved by the Department of Law, then the project is sent to the Lieutenant Governor's office for filing.

The regulations specialist will notify board/commission members and affected staff of the effective date of approved regulations.

Steps in the Board Regulation Adoption Process

<i>Day 1</i>	<p>1</p> <p>At an open meeting, the board votes on language to change regulations. This motion is forwarded to the Division Regulations Specialist for drafting.</p>	<i>Day 65</i>	<p>7</p> <p>Division Regulations Specialist compiles answers to questions and posts FAQ on the program web page.</p>	<p><i>Once Regulations Are Effective</i></p> <p>14a</p> <p>Agency posts summary on Alaska Online Public Notice System</p> <p>14b</p> <p>Regulation published in Alaska Administrative Code</p> <p>14c</p> <p>Forms & FAQ updated on program web page</p>
<i>Day 30</i>	<p>2</p> <p>Once drafting is complete, the board holds another public meeting to edit or approve draft for public notice.</p>	<i>Day 75</i>	<p>8</p> <p>Regulations Specialist compiles public comments for distribution to board.</p>	
	<p>3</p> <p>Approved language is reviewed by Division attorney.</p>	<i>Day 90</i>	<p>9</p> <p>Board holds an open meeting to review public comments, make minor changes, and adopt regulations. Substantive changes may require additional drafting and public notice (Step 2).</p>	
	<p>4</p> <p>Department of Law opens file.</p>		<p>10</p> <p>Division submits final regulation package to Department of Law for review and approval, and to the Governor's office.</p>	
<i>Day 45</i>	<p>5</p> <p>Division publishes and distributes public notice, additional regulation notice information, and proposed regulation to all licensees and interested parties. Public notice posted in newspaper and on Alaska Online Public Notice System</p>		<p>11</p> <p>Agency attorney reviews regulation</p>	
	<p>6</p> <p>Public comment period and/or hearing (if applicable).</p>	<i>Day 110</i>	<p>12</p> <p>Regulations attorney reviews and either approves or disapproves regulation</p>	
		<i>Day 150</i>	<p>13</p> <p>Unless returned by the Governor, Lt. Governor's office files approved regulation; regulations become effective in 30 days</p>	

All timeframes are estimated, dependent upon staff and attorney workflow and board scheduling.

Steps in the Regulation Process for a Board and Commission (board)¹

Beginning the Process

1. At an open meeting, the board initiates and votes on proposed regulation changes.
2. **Reason:** Identify the reason for the proposed action, such as compliance with new or changed state law. If applicable, identify the law, order, decision, or other action of the federal government, or federal or state court, if that is the basis for the proposed action. The description need only be a sentence or two.
3. **Cost information:** In the meeting minutes there must be estimated costs in the aggregate to comply with the proposed action to:
 - A private person
 - Another state agency
 - A municipality

Cost information is described simply as an estimate of annual costs within the board's ability to determine due to its familiarity with the regulated community.

Example: The Board of Chiropractic Examiners is proposing to add three CE credits to their continuing competency requirements for a biennial license renewal. The proposal may cost

- A private person: \$50 per applicant/licensee
 - Another state agency: None known
 - A municipality: None known
4. Within 10 days of the meeting, board staff must transmit board minutes² or an excerpt of the minutes, draft language or proposals, and a completed Regulations FAQ Worksheet for the proposed regulation changes requested by the board to the Regulations Specialist.

What comes next: Regulations Specialist

5. The Regulations Specialist determines if there is authority in statute to adopt the proposed regulation changes.
6. The Regulations Specialist prepares a draft of regulation changes, using the Department of Law's *Drafting Manual for Administrative Regulations* for conformity and style, and works with board staff before submitting the final draft to the board for review/approval. In some instances the draft regulation changes will be reviewed by an AAG before the final draft is submitted to the board for review/approval.
7. Once completed, the draft proposed regulation changes are presented to the board at its next public meeting to review and approve the final draft, amends if needed, and requests that the approved draft be finalized and public noticed.

Public Notice

8. NOTE: The board must **always** provide an opportunity for submission of written comments in the regulation-adoption process. Also, the board should determine if it wants to hold a public hearing on the proposed regulation changes at its next meeting. If it does, the location, date and time of the hearing needs to be included in the public notice. Public hearings are usually held in conjunction with a regularly-scheduled meeting of the board and are always recorded. Oral public hearing is optional; however, answering the following questions will help the board determine if an oral public hearing is needed:
 - Are the regulations controversial and is there likely to be substantial public interest in them?
 - Would those most affected by the regulations be better able to participate if an oral hearing were held?
 - Would the board benefit from a face-to-face or teleconferenced opportunity to receive comments on the proposed regulations from interested persons?
9. Regulations Specialist sends notice to Alaska Dispatch News (or other newspapers if warranted) for publication, all interested parties, and licensees, if warranted. The Regulations Specialist posts the notice on the Alaska Online Public Notice System, electronically transmits a copy of the notice and proposed regulation changes to all incumbent legislators and the Legislative Affairs Agency, House & Senate Labor & Commerce Committees, Legislative Council, Lt. Governor, Governor, and Department of Law (Law). It is also emailed to board members and affected staff, including the commissioner's office. Public notice will be posted on the board's webpage.

Comment Period

10. The Regulations Specialist or board staff shall make a good faith effort to answer relevant questions received at least 10 days before the end of the public comment period. Questions must be in writing or asked at the legally noticed public meeting. The Regulations Specialist or board staff shall answer questions in writing and make the questions and answers available on the Alaska Online Public Notice System and the board's webpage. FAQs will be posted on the board's webpage and updated when relevant questions are answered. The Regulations Specialist or board staff may, but are not required to, answer written questions received after the 10-day cutoff date.
11. After the comment deadline (at least 30 days in duration), comments received on proposed regulation changes are compiled and copied by the Regulations Specialist and given to board staff to include in the board packets for the next open board meeting to be considered prior to adopting. Comments received after the deadline should not be forwarded to the board and comments should not be taken at the board meeting from the public prior to adoption unless a hearing was noticed and the comments are heard by the board during the comment period.

Adoption

12. The board's options regarding the proposed regulation changes at its next meeting are:

- a. It can adopt the proposed regulation changes as written/publicly noticed, amend, and adopt them; or
 - b. Choose to take no action on them.
 - c. Substantive changes may require additional drafting and public notice (see Step 7 above).
13. When making a motion to adopt the regulations, the board is required to state on the record that it has reviewed any comments received, and considered the cost to private persons of the regulatory action being taken.
14. When regulation changes are adopted:
 - a. The chair signs the adoption/certification order; and
 - b. The board staff signs an affidavit of board action and/or affidavit of oral hearing (if applicable) and attaches it to the relevant minutes or an excerpt of the minutes and forwards to the Regulations Specialist.

Finalizing the regulation change process

15. Regulations Specialist prepares the final regulation package for transmittal to Department of Law for final review/approval, which includes the adopted regulations, certain affidavits, and other appropriate documents.
16. Assigned agency attorney reviews the regulations.
17. Regulations attorney reviews and either approves or disapproves regulation changes. Law reviews and will occasionally make edits. (On rare occasions, this may require the edited version to be re-adopted by the board at a subsequent meeting.) At the same time, the adopted regulations are submitted to the governor for review. The governor has 30 days to review the regulations under AS 44.62.040(c), and return the regulation for specified reasons.
18. Unless returned by the governor, when the governor and Law's review are complete, the adopted regulations are forwarded to the Lt. Governor for filing. Regulation changes are effective 30 days after filing unless a later effective date is specified in the adoption order.

Once regulations are effective

19. Agency posts summary of approved regulation changes on Alaska Online Public Notice System.
20. Agency updates statutes and regulations board webpage.
21. Regulation published in Alaska Administrative Code.

¹ The process may take six months to a year or longer to complete. It may be expedited if a board meets often or holds a teleconference following the written comment period to adopt the final regulations. Department of Law workload also plays a big part in the timeframe.

² Board minutes reflecting concisely what the project entails plays an important part in getting a project rolling. This is true for the initial stages and the final motion adopting the regulations following the public comment period due to the relevant minutes or an excerpt of the minutes being forwarded to the Department of Law with the final project.

Notes from Sher Zinn, Regulations Specialist, regarding proposed regulations.

In the following pages, the regulations in Black were approved by the board at the December meeting. Regulations in Red were suggested by Claire Brooks to align with federal requirements.

I do not know what the regulations subcommittee came up with at their meeting February 18th but those can be added to this project or substituted with the items in red.

The board needs to review the regulations in red and determine if these are sufficient. In addition, a renewal regulation should be approved by the board to ensure the CE requirements are completed during the “concluding licensing period”. An example for a renewal regulation is below.

2 OPTIONS-

12 AAC 70 is amended by adding a new section to read:

12 AAC 70.9XX. License renewal. An applicant for renewal of a real estate appraiser certification must submit

(1) a complete renewal application on a form provided by the department, including a statement of the continuing education requirements of 12 AAC 70.220 completed by the applicant during the concluding licensing period; and

(2) the biennial certificate renewal fee established in 12 AAC 02.370.

OR-Change the CE regulations under 12 AAC 07.220(a) by amending the subsection to read:

(a) At the time the certificate renewal, an applicant for renewal who has been certified for

(1) 24 months or more shall document satisfactory completion of at least 28 hours

of continuing education **during the concluding licensing period;**

(2) At least 185 days, but less than 24 months, shall document satisfactory completion of at least 14 hours of continuing education **during the concluding licensing period;**

(3) Less than 185 days is not required to meet continuing education requirements for that renewal.

Chapter 70. Board of Certified Real Estate Appraisers.

(Words in **boldface and underlined** indicate language being added; words [CAPITALIZED AND BRACKETED] indicate language being deleted. Complete new sections are not in boldface or underlined.)

12 AAC 70.108(c) is repealed:

(c) Repealed ____ / ____ / _____. [AN APPLICANT MAY NOT RECEIVE CREDIT FOR MORE THAN 1250 HOURS OF EXPERIENCE IN REAL PROPERTY APPRAISAL IN A 12-MONTH PERIOD.]

12 AAC 70.110(a) is amended to read:

(a) An applicant's qualifying work experience must be verified **on** [BY A COMBINATION OF AT LEAST THREE DIFFERENT INDIVIDUALS, ON] forms provided by the department, and, for an applicant for certification as a general real estate appraiser or a residential real estate appraiser, a log submitted by the applicant of appraisal work performed. If an applicant cannot, for good cause, provide work experience verification forms [FROM AT LEAST THREE DIFFERENT INDIVIDUALS], the board may, consider and approve other kinds of work experience verification.

12 AAC 70.160(a)(1)(E)(ii) is amended to read:

(ii) has not had a real estate appraiser certificate denied, cancelled, suspended, revoked, put on probation, or surrendered **for a substantive cause** in accordance with AS 08.87.135(b)(2);

12 AAC 70.160(b) is amended to read:

Register _____, _____ 2020 PROFESSIONAL REGULATIONS

(b) A person who owns more than 10 percent of a real estate management company must be of good moral character as defined in this section, and may not have had a real estate appraiser certificate denied, cancelled, suspended, revoked, put on probation, or surrendered **for a substantive cause** in accordance with AS 08.87.135(a)(7).

(Eff. 3/28/2019, Register 229; am ____/____/____, Register ____)

Authority: AS 08.87.020 AS 08.87.130 AS 08.87.135

12 AAC 70.165(3)(C) is amended to read:

(C) **a** [AN EMPLOYEE] director, officer, or agent.

12 AAC 70.165 is amended by adding a new subsection to read:

(b) A real estate appraisal management company may not remove an appraiser from the appraisal panel until after

(1) written notice has been sent to the appraiser of the removal from the appraiser panel;

(2) a written notice is received from the appraiser asking to be removed from the appraiser panel; or

(3) notice of death or incapacitation of the appraiser has been received. (Eff.

3/28/2019, Register 229; am ____/____/____, Register ____)

Authority: AS 08.01.065 AS 08.87.130 AS 08.87.135

AS 08.87.020

12 AAC 70.175(a) is amended to read:

Register _____, _____ 2020 PROFESSIONAL REGULATIONS

(a) A registered appraisal management company shall report annually on a form provided by the department and submit the registry fee required in 12 AAC 02.370(b)(5) for each appraiser on the appraiser panel performing appraisals for **covered** [FEDERALLY RELATED] transactions during the preceding calendar year.

12 AAC 70.175(b) is amended to read:

(b) Federally regulated appraisal management companies shall report annually to the board information required by AS 08.87.150 on a form provided by the department and submit the registry fee required in 12 AAC 02.370(b)(5) for each appraiser on the appraiser panel performing appraisals for **covered** [FEDERALLY RELATED] transactions during the preceding calendar year. (Eff. 3/28/2019, Register 229; am ____ / ____ / _____, Register _____)

Authority: AS 08.87.020 AS 08.87.135 AS 08.87.150
AS 08.87.130

12 AAC 70.990(11) is amended to read:

(11) “USPAP” means the Uniform Standards of Professional Appraisal Practice, developed by the Appraisal Foundation; [.]

12 AAC 70.990 is amended by adding a new subsection to read:

(12) “covered transactions” means any consumer credit transaction secured by the consumer’s principal dwelling. (Eff. 7/16/92, Register 123; am 4/15/94, Register 130; am 12/13/94, Register 133; am 6/5/98, Register 146; am 5/24/2007, Register 182; am 9/14/2012, Register 203; am 3/28/2019, Register 229; am ____ / ____ / _____, Register _____)

Authority: AS 08.87.020

12 AAC 70.935(c)(3) is amended to read:

(3) personally inspecting each appraised property with the trainee appraiser [UNTIL THE SUPERVISORY APPRAISER DETERMINES THAT THE TRAINEE APPRAISER IS COMPETENT,] in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, for the property type[; THE SUPERVISORY APPRAISER SHALL MAKE THE DETERMINATION OF COMPETENCY IN WRITING ON A FORM PROVIDED BY THE DEPARTMENT AND SHALL SUBMIT THE DETERMINATION TO THE DEPARTMENT NO LATER THAN 10 DAYS AFTER THE DATE OF THE DETERMINATION].

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Draft Statute as APR Board would like it:

Who is going to find Legislative support for the Bill?

Draft Statute as APR Board would like it:

Who is going to find Legislative support for the Bill?

Agenda Item # _____ Topic: _____

Board of Certified Real Estate Appraisers

Roll Call

Meeting Date: _____

Board Member	1 st	2 nd	Approve	Deny	Abstain	Comment
David Derry						
Wendy Lawrence						
Bill Barnes						
Renee Piszczek						
Ashlee Stetson						
		Motion:				

**CHAPTER 87.
REAL ESTATE APPRAISERS.**

Article

- 1. Board of Certified Real Estate Appraisers**
(§§ 08.87.010, 08.87.020)
- 2. Certification (§§ 08.87.100—08.87.120)**
- 3. Prohibited Practices and Disciplinary Proceedings**
(§§ 08.87.200, 08.87.210)
- 4. General Provisions (§§ 08.87.300—08.87.900)**

**ARTICLE 1.
BOARD OF CERTIFIED REAL ESTATE APPRAISERS.**

Section

- 10. Board created**
- 20. Powers and duties of board**

Sec. 08.87.020. Powers and duties of board. (a) In addition to the powers and duties conferred on the board by AS 08.01, the board shall

- (1) establish the examination specifications for certification as a general real estate appraiser, as a residential real estate appraiser and as an institutional real estate appraiser;
 - (2) adopt rules of professional conduct to establish and maintain a high standard of integrity in the real estate appraisal profession;
 - (3) adopt regulations necessary to carry out the purposes of this chapter, including regulations (A) necessary to comply with the requirements of (i) 12 U.S.C. 3331 – 3355 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act); the regulations adopted by the board under AS 08.87.110, 08.87.120, 08.87.135, 08.87.220, and 08.87.310 **may not be more stringent than the corresponding minimum requirements for receiving approval of the state's program of certification of real estate appraisers and registration of real estate appraisal management companies under 12 U.S.C. 3331 – 3355 or other federal law; and** (ii) 15 U.S.C. 1639e (Truth in Lending Act); **Remove “may not be more stringent than.” Maybe change more stringent to less stringent.**
 - (B) establishing registration procedures and standards for a real estate appraisal management company; and
 - (C) establishing the standards for the real estate appraisal management company's appraiser panel, including panel size and member qualifications; and
 - (4) report relevant information regarding a real estate appraisal management company's operation, including a disciplinary action under this chapter or a violation of state or federal law, to the Appraisal Subcommittee established under 12 U.S.C. 3310.
- (b) The board may
- (1) examine the records of a real estate appraisal management company operating in the state;
 - (2) require a real estate appraisal management company to submit reports, information, and documents to the board;
 - (3) investigate alleged violations of this chapter;
 - (4) conduct background investigations as provided in AS 08.87.135(c).

Appraiser Laws:

We didn't find any areas that were out of compliance but there are several areas where AK exceeds the minimum AQB Criteria. This appears to conflict with Alaska's statute: STATUTE 08.87.020 (3) states that regulations adopted by the Board for 08.87.110 (General, residential, and institutional real estate appraiser certificates), 08.87.120 (Continuing education requirements for renewal of a certificate) and 08.87.310 (Trainee appraiser; supervisory appraiser), may not be more stringent than Federal law. While States are allowed to be more restrictive than the Federal requirements, I thought you may want to know the areas we noticed that exceeded:

Draft Statute as APR Board would like it:

Who is going to find Legislative support for the Bill?

ARTICLE 2.
CONTINUING EDUCATION REQUIREMENTS.

Section

200. Application for continuing education course or seminar approval

210. Approved continuing education courses and seminars

215. Approved online courses

220. Hours of continuing education required

12 AAC 70.200. APPLICATION FOR CONTINUING EDUCATION COURSE OR SEMINAR APPROVAL. (a) A person or an organization wishing to sponsor a real estate appraisal continuing education course or seminar shall apply for board approval of that course or seminar by submitting

(1) a completed application on forms provided by the department;

(2) any fees required in 12 AAC 02.370;

(3) the following information:

(A) a complete course description, including the course or seminar title and a description of the learning objectives;

(B) an outline of the major topics covered by the course or seminar and the number of classroom hours allowed for each topic;

(C) the name of the course or seminar provider;

(D) repealed 6/22/2005;

(E) a copy of the attendance policy and a description of the procedures used for keeping a record of attendance;

(F) a course syllabus;

(G) a list of texts and instructional materials used in the course or seminar;

(H) the instructor's résumé that includes the instructor's

(i) name;

(ii) recognition in the real estate appraisal industry; and

(iii) professional designations and affiliations.

(b) An applicant for renewal may petition the board for approval of a course or seminar that the applicant believes will meet the requirements of 12 AAC 70.210.

(c) The board will award up to 10 hours of continuing education credit for nonstudent participation in an educational program as provided for in AS 08.87.120(b)(2). To receive credit under this subsection, an applicant for renewal shall provide the documentation necessary to substantiate the applicant's participation and experience, including

(1) information on the topics covered and the hours spent in the program; and

(2) documentation that the applicant's involvement in the program was in the technical and professional aspects of real estate appraisal and that the primary focus of the program was directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(d) Courses and seminars that are not approved by the Appraiser Qualifications Board (AQB) or the International Distance Education Certification Center (IDECC) are valid for three years from the date of initial approval.

(e) Courses and seminars approved by the Appraiser Qualifications Board (AQB) or the International Distance Education Certification Center (IDECC) are given an expiration date consistent with the organization's expiration date, as follows:

- (1) the department will update the course or seminar expiration date if the course provider submits recertification documents, but will not update the course or seminar expiration date if the AQB or IDECC recertification exceeds three years from the date of initial approval;
- (2) a course or seminar that expires after three years must be re-submitted if the provider requests re-approval.

(f) – Would add a new section with proposed drafting “(f) Courses and seminars approved by the Appraiser Qualifications Board (AQB) or the International Distance Education Certification Center (IDECC) only need to submit proof of certification by AQB and IDECC and not have to follow 12 ACC70.200 12-1 a thru e.

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

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3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
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8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
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Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

**CHAPTER 70.
BOARD OF CERTIFIED REAL ESTATE APPRAISERS.**

Article

- 1. Application and Examination Requirements**
(12 AAC 70.100—12 AAC 70.150)
- 2. Continuing Education Requirements**
(12 AAC 70.200—12 AAC 70.220)
- 3. (Repealed)**
- 4. General Provisions (12 AAC 70.900—12 AAC 70.990)**

**ARTICLE 1.
APPLICATION AND EXAMINATION REQUIREMENTS.**

12 AAC 70.150. APPLICATION DEADLINE. To be scheduled for board review, an application for certification or course approval must be complete and filed with the department, as defined in 12 AAC 02.920, at least 15 days before the scheduled date of the board's application review.

Proposed change to remove this from regulation and let the board review applications on the date of every month they determine without having complete applications be required to sit for 15 days prior to review. This allows the board to review completed applications when they want without a 15 day hold.

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

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2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
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4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
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8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
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Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

- 12 AAC 70.108. WORK EXPERIENCE REQUIREMENTS FOR REAL ESTATE APPRAISER CERTIFICATION.** (a) An applicant for certification as a general real estate appraiser shall submit verification of 3,000 hours of appraisal work obtained continuously over a period of not less than 18 months. At least 1,500 hours of the appraisal work must be in nonresidential appraisal work. The board will only accept work experience that was obtained after January 30, 1989 and was performed in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time that the work experience was obtained.
- (b) An applicant for certification as a residential real estate appraiser shall submit verification of 1,500 hours of appraisal experience obtained continuously over a period of not less than 12 months. The board will only accept work experience that was obtained after January 30, 1989 and was performed in compliance with the USPAP in effect at the time that the work experience was obtained.
- (c) An applicant may not receive credit for more than 1,250 hours of experience in real property appraisal in a 12-month period.
- (d) In this section, a residential property is one to four residential units.

Notes from the ASC

*12 AAC 70.108. WORK EXPERIENCE REQUIREMENTS FOR REAL ESTATE APPRAISER CERTIFICATION. (c) An applicant may not receive credit for more than 1,250 hours of experience in real property appraisal in a 12-month period. **The AQB Criteria doesn't limit the number of hours someone can accumulate in 12-months. This provision also confuses your own regulation which was changed to reflect the 2018 AQB Criteria** - 12 AAC 70.108. WORK EXPERIENCE REQUIREMENTS FOR REAL ESTATE APPRAISER CERTIFICATION. (a) An applicant for certification as a general real estate appraiser shall submit verification of 3,000 hours of appraisal work obtained continuously over a period of not less than 18 months... (b) An applicant for certification as a residential real estate appraiser shall submit verification of 1,500 hours of appraisal experience obtained continuously over a period of not less than 12 months.*

Under 12 AAC 70.108(c) it would take a general real estate appraiser over 2 years to reach 3,000 hours and more than 12 months for the certified residential to reach 1,500 hours. I believe this will confuse applicants (and in fact heard evidence of this when a trainee called into the Board meeting we attended) not to mention it may be easily be challenged.

Draft regulation as APR board would like it to read.

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

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1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
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6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
10. What is the demonstrated public need or purpose of this regulation?
11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
12. What <u>positive</u> consequences may this regulation have on public or private people, businesses, or organizations?
13. What <u>negative</u> consequences may this regulation have on public or private people, business, or organizations?
14. If any <u>negative</u> consequences, please address the reasons why the public need for this change outweighs the negative impact.
15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
16. What type of notification outlining the changes will be required once the regulation is adopted? Check appropriate boxes. FAQ on website <input type="checkbox"/> Email to licensees <input type="checkbox"/> *Letter to licensees <input type="checkbox"/> <small>* Cost to board for mailing letter</small>

Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

12 AAC 70.220. HOURS OF CONTINUING EDUCATION REQUIRED. (a) At the time of certificate renewal, an applicant for renewal who has been certified for

(1) 24 months or more shall document satisfactory completion of at least 28 hours of continuing education;

(2) at least 185 days, but less than 24 months, shall document satisfactory completion of at least 14 hours of continuing education;

(3) less than 185 days is not required to meet continuing education requirements for that renewal.

(b) The board will not recognize continuing education hours claimed by an applicant for renewal for taking the same, or substantially identical, course more than once during a certification period.

(c) Except as provided in (d) of this section, credit is given for classroom and examination hours only and not for hours devoted to class preparation or completion of assignments. A classroom hour is defined in 12 AAC 70.910.

(d) Up to one-half of the hours required by this section may be obtained through distance education approved under 12 AAC 70.210 or online courses approved under 12 AAC 70.215.

Notes from the ASC –

12 AAC 70.220. HOURS OF CONTINUING EDUCATION REQUIRED (d) Up to one half of the hours required by this section may be obtained through distance education approved under 12 AAC 70.210 or online courses approved under 12 AAC 70.215.

AQB Criteria does not limit distance education.

Draft regulation as APR board would like it to read.

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

This worksheet is designed to help the board think through an anticipated regulations project. Staff will provide this worksheet to the board at the time a regulations project is being approved for public notice. This information will be used to develop a FAQ to be posted on the board's web page to help the public understand the project. Staff will submit the completed worksheet with the draft board minutes to the Regulations Specialist within 10 days of the meeting and provide a copy to the supervisor. Appropriate staff will be assigned to complete this worksheet if a division regulation. **NOTE: Use a separate worksheet for each section being proposed.**

1. Is the new regulation needed to comply with new legislation or federal law? If yes, effective date of new statute/federal law: _____ <i>(If appropriate, ensure the new regulation is in line with federal requirements prior to initiating a regulation project.)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
5. Is it a fee change or does it create a new fee? If yes: Does it move fees in the centralized regulations to a new number, therefore affecting other program regulations?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
6. Does it make changes to the requirements of licensees? If yes: All licensees Certain licensees (List: _____) Initial licensees	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
7. In addition to interested parties, who should receive the public notice? (All licensees or certain license types?)	

8. In addition to the 30-day minimum written notice, does the board request a public hearing? If yes, when and where.
9. What will the regulation do?
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11. What is the known or estimated cost of the new regulation to a private person, another agency, or a municipality (see Step 3 of the <i>Steps in the Regulation Process...</i>)?
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15. List any additional questions or comments that may arise from the public during the comment period. Include a response to the questions.
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Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

12 AAC 70.110. VERIFICATION OF WORK EXPERIENCE. (a) An applicant's qualifying work experience must be verified by a combination of at least three different individuals, on forms provided by the department, and, for an applicant for certification as a general real estate appraiser or a residential real estate appraiser, a log submitted by the applicant of appraisal work performed. If an applicant cannot, for good cause, provide work experience verification forms from at least three different individuals, the board may consider and approve other kinds of work experience verification.

Notes from the ASC –

12 AAC 70.110. VERIFICATION OF WORK EXPERIENCE. (a) An applicant's qualifying work experience must be verified by a combination of at least three different individuals...

AQB Criteria only requires the Supervisor to verify work experience by signing the trainee's work log.

Draft regulation as APR board would like it to read.

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

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2. Does the change add a new license type? If yes: Does it affect current licensees? Do current licensees/non-licensees already perform the service for which the new license type is required? Is there a grace period or date explicitly included in the regulation to allow for a transition period?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
3. Does it change the qualifications or requirements of an existing license? If yes, does it affect current licensees?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
4. Does it affect continuing education/competency requirements? If yes: Does it add additional requirements or hours? Does it clarify existing regulations? Is there an effective date in the future to give licensees time to comply?	Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/>
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Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

12 AAC 70.935. SUPERVISION OF TRAINEE APPRAISERS. (a) A supervisory appraiser shall
(c) A supervisory appraiser shall be responsible for the training, guidance, and direct supervision of the trainee appraiser by

(3) personally inspecting each appraised property with the trainee appraiser until the supervisory appraiser determines that the trainee appraiser is competent, in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, for the property type; the supervisory appraiser shall make the determination of competency in writing on a form provided by the department and shall submit the determination to the department not later than 10 days after the date of the determination.

Notes from the ASC –

12 AAC 70.935. SUPERVISION OF TRAINEE APPRAISERS. (3) personally inspecting each appraised property with the trainee appraiser until the supervisory appraiser determines that the trainee appraiser is competent, in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, for the property type; the supervisory appraiser shall make the determination of competency in writing on a form provided by the department and shall submit the determination to the department not later than 10 days after the date of the determination. Determination of competency form completed by supervisor for trainees. Supervisor must complete and turn in. If they find trainees went to properties on their own before the receipt of this form, experience does not count.

The AQB Criteria doesn't require Supervisors to notify the State when they feel the trainee is competent to inspect the property. Although this may or may not be considered "more stringent" than AQB Criteria, it could become a big problem for an applicant if the Supervisor forgets to complete the form as all experience gained without the Supervisor will be useless toward experience hours.

Draft regulation as APR board would like it to read.

Regulation Changes Questionnaire

Division/Board: _____ Meeting Date: _____

Regulation change being proposed: 12 AAC _____

General topic of the regulation: _____

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Staff submitting this worksheet: _____ Date submitted to Regulations Specialist: _____

Board Business

STATE OF ALASKA 2020

State Holidays

Date	Holiday
01/01	New Year's Day
01/20	MLK Jr.'s Birthday
02/17	Presidents' Day
03/30	Seward's Day
05/25	Memorial Day
07/04	Independence Day (observed 7/3)
09/07	Labor Day
10/18	Alaska Day (observed 10/19)
11/11	Veterans' Day
11/26	Thanksgiving Day
12/25	Christmas Day

Biweekly employees please refer to appropriate collective bargaining unit agreement for more information regarding holidays.

 Holiday



State calendar maintained by the
Division of Finance,
Department of Administration
<http://doa.alaska.gov/calendars.html>
Revised 10/31/2019

HOLIDAY CALENDAR

JANUARY

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

FEBRUARY

S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

MARCH

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

APRIL

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

MAY

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24	25	26	27	28	29	30
31						

JUNE

S	M	T	W	T	F	S
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7	8	9	10	11	12	13
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28	29	30				

JULY

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19	20	21	22	23	24	25
26	27	28	29	30	31	

AUGUST

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30	31					

SEPTEMBER

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
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26	27	28	29	30		

OCTOBER

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				1	2	3
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18	19	20	21	22	23	24
25	26	27	28	29	30	31

NOVEMBER

S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

DECEMBER

S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

Suggest Upcoming Agenda Items

Adjourn

Statutes and Regulations **Certified Real Estate** **Appraisers**

March 2019



DEPARTMENT OF COMMERCE, COMMUNITY,
AND ECONOMIC DEVELOPMENT

***DIVISION OF CORPORATIONS, BUSINESS
AND PROFESSIONAL LICENSING***

NOTE: The official version of the statutes in this document is printed in the Alaska Statutes, copyrighted by the State of Alaska. The official version of the regulations in this document is published in the Alaska Administrative Code, copyrighted by the State of Alaska. If any discrepancies are found between this document and the official versions, the official versions will apply.

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2. Real Estate Appraiser Regulations (12 AAC 70)	8

**CHAPTER 87.
REAL ESTATE APPRAISERS.**

Article

- 1. Board of Certified Real Estate Appraisers (§§ 08.87.010, 08.87.020)**
- 2. Certification (§§ 08.87.100—08.87.120)**
- 3. Prohibited Practices and Disciplinary Proceedings (§§ 08.87.200, 08.87.210)**
- 4. General Provisions (§§ 08.87.300—08.87.900)**

**ARTICLE 1.
BOARD OF CERTIFIED REAL ESTATE APPRAISERS.**

Section

- 10. Board created**
- 20. Powers and duties of board**

Sec. 08.87.010. Board created. There is created in the Department of Commerce, Community, and Economic Development the Board of Certified Real Estate Appraisers. The board is composed of five members appointed by the governor. At least one member shall be a person certified under this chapter as a general real estate appraiser, at least one member shall be a person certified under this chapter as a residential real estate appraiser, at least one member shall be an executive in a mortgage banking entity, and at least one member shall represent the public. The board shall elect a chair from among its membership.

Sec. 08.87.020. Powers and duties of board. (a) In addition to the powers and duties conferred on the board by AS 08.01, the board shall

- (1) establish the examination specifications for certification as a general real estate appraiser, as a residential real estate appraiser and as an institutional real estate appraiser;
 - (2) adopt rules of professional conduct to establish and maintain a high standard of integrity in the real estate appraisal profession;
 - (3) adopt regulations necessary to carry out the purposes of this chapter, including regulations
 - (A) necessary to comply with the requirements of
 - (i) 12 U.S.C. 3331 – 3355 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act); the regulations adopted by the board under AS 08.87.110, 08.87.120, 08.87.135, 08.87.220, and 08.87.310 may not be more stringent than the corresponding minimum requirements for receiving approval of the state's program of certification of real estate appraisers and registration of real estate appraisal management companies under 12 U.S.C. 3331 – 3355 or other federal law; and
 - (ii) 15 U.S.C. 1639e (Truth in Lending Act);
 - (B) establishing registration procedures and standards for a real estate appraisal management company; and
 - (C) establishing the standards for the real estate appraisal management company's appraiser panel, including panel size and member qualifications; and
 - (4) report relevant information regarding a real estate appraisal management company's operations, including a disciplinary action under this chapter or a violation of state or federal law, to the Appraisal Subcommittee established under 12 U.S.C. 3310.
- (b) The board may
- (1) examine the records of a real estate appraisal management company operating in the state;
 - (2) require a real estate appraisal management company to submit reports, information, and documents to the board;
 - (3) investigate alleged violations of this chapter;
 - (4) conduct background investigations as provided in AS 08.87.135(c).

**ARTICLE 2.
CERTIFICATION.**

Section

- 100. Certificate required**
- 110. General, residential, and institutional real estate appraiser certificates**
- 120. Continuing education requirements for renewal of certificate**

Sec. 08.87.100. Certificate required. A person is guilty of a class B misdemeanor who

- (1) does not hold a certificate issued by the board, whose certificate is suspended or revoked, or whose certificate has lapsed or terminated, and holds out as a certified real estate appraiser in any way, orally or in writing, directly or by implication;
- (2) is certified as a residential real estate appraiser and holds out as certified to appraise real estate other than
 - (A) residential real property of four or fewer units; or
 - (B) residential real property of 12 or fewer units when a net income capitalization analysis is not required by the terms of the appraisal assignment and a secondary mortgage market form is used; or
- (3) is certified as an institutional real estate appraiser and
 - (A) holds out as certified to appraise real estate other than
 - (i) residential real property of four or fewer units having a transaction value of less than \$1,000,000; or
 - (ii) commercial property having a transaction value of less than \$250,000;
 - (B) holds out as performing real estate appraisal services for a fee or for the public at large;
 - (C) accepts a fee for real estate appraisal services other than for services conducted as a full-time employee of a financial institution with offices in the state and other than a salary received as a full-time employee of the financial institution; or
 - (D) performs a real estate appraisal for other than the portfolio of the financial institution for which the person is employed.

Sec. 08.87.110. General, residential, and institutional real estate appraiser certificates. (a) The board shall issue a general real estate appraiser certificate to a person who presents evidence satisfactory to the board that the person

- (1) has successfully completed classroom instruction in subjects related to real estate appraisal, as required by the board in regulation, from an appraisal organization or academic institution approved by the board;
- (2) has successfully completed classroom instruction related to standards of professional practice as a real estate appraiser, as required by the board in regulation;
- (3) successfully completes an examination prescribed by the board;
- (4) has not been convicted of a crime involving moral turpitude; and
- (5) has paid the required fees.

(b) The board shall issue a residential real estate appraiser certificate to a person who presents evidence satisfactory to the board that the person

- (1) meets the requirements of (a)(2)(5) of this section; and
- (2) has successfully completed classroom instruction in subjects related to residential real estate appraisal, as required by the board in regulation, from an appraisal organization or academic institution approved by the board.

(c) Notwithstanding (a) and (b) of this section, the board shall issue a general real estate appraiser or residential real estate appraiser certificate to a person who does not reside in this state and who

- (1) applies on the form required by the department;
- (2) pays the required fee; and
- (3) holds a valid certificate or license from a state whose requirements for real estate appraiser certification or licensing
 - (A) meet or exceed the appraiser certification standards in this chapter; and
 - (B) comply with 12 U.S.C. 3331 – 3351 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act).

(d) A certificate may be issued to a natural person only. A certified real estate appraiser may sign an appraisal report on behalf of a corporation, partnership, firm, or group practice.

(e) The board shall issue an institutional real estate appraiser certificate to a person who presents evidence satisfactory to the board that the person meets the educational and testing requirements of 12 U.S.C. 3331 – 3351 (Title XI, Financial Institutions Reform, Recovery, and Enforcement Act of 1989), as amended by 12 U.S.C. 5301 – 5641 (Dodd-Frank Wall Street Reform and Consumer Protection Act) and as implemented by the board, and that the person is a full-time employee of a financial institution with offices in the state. A person receiving certification under this subsection may perform an appraisal only

- (1) for and as an employee of a financial institution with offices in the state;
- (2) for the financial institution's own portfolio; and
- (3) of
 - (A) commercial property with a transaction value of less than \$250,000; or
 - (B) residential property of four or fewer units having a transaction value of less than \$1,000,000.

(f) A certificate issued under (e) of this section terminates when the person certified leaves the full-time employment of the financial institution with offices in the state for whom the person was employed when the certificate was issued.

(g) A person certified under (e) of this section as an institutional real estate appraiser may not perform real estate appraisal services for the general public or for a fee other than the salary the person receives as a full-time employee of a financial institution with offices in the state.

(h) Notwithstanding (a) – (c) of this section, the board may issue a general or residential real estate appraiser certificate to a person who does not meet the requirements of (a) – (c) of this section and who

- (1) applies on a form required by the department;

- (2) pays the required fee; and
- (3) successfully completes the National Uniform Licensing and Certification Examination issued or endorsed by the Appraiser Qualifications Board of the Appraisal Foundation, has previous real estate appraiser experience acceptable to the board, or successfully completes courses approved by the board.

Sec. 08.87.120. Continuing education requirements for renewal of certificate. (a) The board may not renew a certificate issued under this chapter unless the person applying for renewal presents evidence satisfactory to the board that the person has, within the two years preceding the application for renewal, attended classroom instruction, as required by the board in regulation, in courses or seminars that have received the approval of the board.

(b) The board may grant credit toward some or all of the requirements of (a) of this section to a person who has

- (1) successfully completed a program of study determined by the board to be equivalent for continuing education purposes to a course or seminar approved by the board for continuing education credit; or

- (2) participated, other than as a student, in educational programs that related to real estate analysis or real property appraisal theory, practice, or technique, including teaching, program development, and preparation of textbooks, monographs, articles, and other instructional materials.

(c) The board shall adopt regulations on continuing education to ensure that persons applying for renewal of certificates have thorough knowledge of current theories, practices, and technique of real estate analysis and appraisal. The regulations must provide for

- (1) procedures for the sponsor of a course or seminar to apply for board approval for continuing education credit; the regulations must require the sponsor to show that claimed attendance at a course or seminar can be verified; and

- (2) procedures for evaluating equivalency claims for applicants for certificate renewal under (b) of this section.

(d) In considering whether to approve courses and seminars under this section, the board shall give special consideration to courses, seminars, and other appraisal education programs developed by or under the auspices of organizations or associations of professional real estate appraisers that are utilized by those organizations or associations for the purposes of awarding real estate appraisal designations or of indicating compliance with the continuing education requirements of the organizations or associations.

(e) An amendment or repeal of a regulation adopted by the board under this section shall not operate to deprive a person holding a certificate under this chapter of credit toward renewal of the person's certificate for a course of instruction or seminar that had been completed by the person before the amendment or repeal of the regulation.

ARTICLE 3. REAL ESTATE APPRAISAL MANAGEMENT COMPANIES.

Section

130. Registration required

135. Requirements for registration of real estate appraisal management companies

140. Mandatory reporting

145. Statement of fees

150. Retention of records and inspection

155. Reporting requirements for federally regulated real estate appraisal management companies

160. Exemptions

Sec. 08.87.130. Registration required. (a) A person shall register as a real estate appraisal management company with the board to perform appraisal management services if the person

- (1) provides an appraisal management service

- (A) to a creditor or secondary mortgage market participant, including an affiliate; and

- (B) in connection with valuing a borrower's principal dwelling as security for a consumer credit transaction or incorporating consumer credit transactions into a securitization; and

- (2) oversees an appraiser panel.

(b) A person is guilty of a class B misdemeanor if the person engages in business as or holds out as a real estate appraisal management company, or performs or attempts to perform appraisal management services, at a time when the

- (1) person does not hold a registration issued by the board; or

- (2) registration issued by the board to the person is suspended, revoked, lapsed, or surrendered.

Sec. 08.87.135. Requirements for registration of real estate appraisal management companies. (a) The board shall register a real estate appraisal management company operating in the state if the company applies on a form approved by the board, pays the fee required under AS 08.01.065, and presents evidence satisfactory to the board that the company

- (1) has designated a controlling person who will be the main point of contact between the board and the company and who meets the requirements under (b) of this section;

(2) has, if the company is not a corporation that is domiciled in this state, filed with the department a written consent to service of process on a resident of this state for any court action arising from an activity regulated under this chapter or 12 U.S.C. 3331 – 3355 and provided the name and contact information for the company’s agent for service of process in this state;

(3) requires a real estate appraiser to comply with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation when completing appraisals at the company’s request;

(4) engages only appraisers who are certified under this chapter;

(5) has a process to verify that a person who is assigned to serve on an appraiser panel of the company

(A) is certified under this chapter and maintains a certification in good standing; and

(B) is qualified to conduct federally related transactions under federal law; in this subparagraph, “federally related transaction” means a real estate related transaction that involves an insured depository institution regulated by the United States Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or the National Credit Union Administration and requires the services of a real estate appraiser under the interagency appraisal rules;

(6) conducts appraisals independently and free from inappropriate influence and coercion as required under 12 U.S.C. 3353;

(7) is not directly or indirectly owned in whole or in part by a person that has had a certificate to act as a real estate appraiser denied, cancelled, suspended, revoked, put on probation, or surrendered in lieu of a pending revocation in any state unless the person has later had a certificate to act as a real estate appraiser granted or reinstated by the same state;

(8) has posted a surety bond in an amount required by the board, not to exceed \$50,000; and

(9) is owned by persons who meet the requirements under (c) of this section.

(b) A controlling person designated under (a) of this section

(1) must be actively certified in a state as a real estate appraiser at all times that the person is designated as a controlling person;

(2) may not have had a certificate to act as a real estate appraiser denied, cancelled, suspended, revoked, put on probation, or surrendered in lieu of a pending revocation in any state unless the person has later had the certificate to act as a real estate appraiser granted or reinstated; and

(3) must be of good moral character.

(c) A person who owns at least 10 percent of a real estate appraisal management company required to be registered under this chapter must be of good moral character as determined by the board and shall submit to a background investigation conducted by the board.

(d) The board shall provide a copy of a registration under this section to the Appraisal Subcommittee established under 12 U.S.C. 3310 on a form approved by the subcommittee.

(e) A registration under this section is valid for two years and may be renewed upon proof of continued compliance with the requirements of (a) – (c) of this section.

Sec. 08.87.140. Mandatory reporting. A real estate appraisal management company or a controlling person, employee, director, officer, or agent of a real estate appraisal management company that has reasonable cause to believe that a real estate appraiser has failed to comply with the Uniform Standards of Professional Appraisal Practice as adopted under 12 U.S.C. 3339 in a manner that materially affects a valuation appraisal shall report the noncompliance to the board and to the Appraisal Subcommittee established under 12 U.S.C. 3310.

Sec. 08.87.145. Statement of fees. (a) When reporting to a borrower, an appraisal management company shall separately state the fees

(1) paid to an appraiser for the completion of an appraisal; and

(2) charged to the borrower for appraisal management services by the appraisal management company.

(b) An appraisal management company may not include any fees for appraisal services listed in (a)(1) of this section as charges for an appraisal management service listed in (a)(2) of this section.

Sec. 08.87.150. Retention of records and inspection. A registered real estate appraisal management company or a real estate appraisal management company that has applied for registration shall allow the board to inspect and shall retain, for not less than the later of either five years after the date a file is submitted to the company or two years after final disposition of a related judicial proceeding,

(1) copies of all records related to requests for the company’s appraisal management services and the real estate appraisers who perform the appraisals;

(2) a written record of all substantive communications between a real estate appraisal management company registered under this chapter and a real estate appraiser relating to an appraisal or participation in an appraiser panel.

Sec. 08.87.155. Reporting requirements for federally regulated real estate appraisal management companies. (a) A real estate appraisal management company that is owned and controlled by an insured depository institution as defined in 12 U.S.C. 1813 and regulated by the United States Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation, shall annually submit to the board

information that the board is required to submit to the Appraisal Subcommittee established under 12 U.S.C. 3310, including a

- (1) report of intent to operate in the state; and
- (2) disclosure of whether the company is directly or indirectly owned in whole or in part by any person that has had a certificate to act as a real estate appraiser denied, cancelled, suspended, revoked, put on probation, or surrendered in lieu of a pending revocation in any state.

(b) If a person has had disciplinary action taken against the person under (a)(2) of this section, the board shall collect information related to whether the certificate to act as a real estate appraiser was denied, cancelled, suspended, revoked, put on probation, or surrendered in lieu of a pending revocation for a substantive cause and whether the person has later had the certificate to act as a real estate appraiser reinstated by the same state.

Sec. 08.87.160. Exemptions. AS 08.87.130 – 08.87.150, 08.87.215, and 08.87.220 do not apply to a

- (1) person who is employed by a department or division of an entity that provides appraisal management services only to that entity;
- (2) real estate appraisal management company that is
 - (A) owned and controlled by an insured depository institution; and
 - (B) regulated by the Consumer Financial Protection Bureau, the Federal Housing Finance Agency, the Board of Governors of the Federal Reserve system, the Federal Deposit Insurance Corporation, the United States Comptroller of the Currency, or the National Credit Union Administration; or
- (3) real estate appraiser who enters into an agreement with another real estate appraiser for the performance of an appraisal that upon completion results in a report signed by both the real estate appraiser who completed the appraisal and the real estate appraiser who requested completion of the appraisal.

ARTICLE 4. PROHIBITED PRACTICES AND DISCIPLINARY PROCEEDINGS.

Section

200. Prohibited practices

210. Disciplinary proceedings

215. Prohibited practices; real estate appraisal management companies

220. Disciplinary proceedings; real estate appraisal management companies

Sec. 08.87.200. Prohibited practices. A certified real estate appraiser may not

- (1) act negligently or incompetently or fail without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report, or communicating an appraisal;
- (2) wilfully disregard or violate a provision of this chapter or of a regulation adopted by the board under this chapter;
- (3) fail to comply with the Uniform Standards of Professional Appraisal Practice adopted by the Appraisal Standards Board of the Appraisal Foundation;
- (4) accept a fee for an appraisal assignment that is contingent upon the appraiser reporting a predetermined estimate, analysis, or opinion or upon the opinion, conclusion, or valuation reached, or upon the consequences resulting from the appraisal assignment;
- (5) knowingly make a false statement, submit false information, or fail to provide complete information in response to a question in an application for certification or for renewal of a certificate; or
- (6) violate the confidential nature of government records to which the person gains access through retention as an appraiser by the government agency.

Sec. 08.87.210. Disciplinary proceedings. The board may exercise its disciplinary powers under AS 08.01.075 if, after hearing, the board finds a certified real estate appraiser has

- (1) violated a provision of this chapter or a regulation adopted by the board under this chapter;
- (2) been convicted of a crime that involves moral turpitude; or
- (3) committed, while acting as a real estate appraiser, an act or omission involving dishonesty, fraud, or misrepresentation with the intent to benefit the appraiser or another person or to injure another person.

Sec. 08.87.215. Prohibited practices; real estate appraisal management companies. (a) A real estate appraisal management company may not, while registered in the state, retain or enter into a business relationship with an employee, contractor, or agent whose certificate to act as a real estate appraiser is denied, cancelled, suspended, revoked, put on probation, or surrendered in lieu of a pending revocation in any state unless the employee, contractor, or agent has later had a certificate to act as a real estate appraiser granted or reinstated by the same state.

(b) A real estate appraisal management company or a controlling person, employee, director, officer, or agent of a real estate appraisal management company may not

- (1) seek to influence a real estate appraiser through intimidation, coercion, extortion, or bribery;
- (2) condition payment of an appraisal fee on a real estate appraiser's opinion, conclusion, or valuation;

- (3) request that a real estate appraiser report a predetermined opinion, conclusion, or valuation;
- (4) alter, amend, or change an appraisal report submitted by a real estate appraiser without the real estate appraiser's written consent;
- (5) require a real estate appraiser to sign an indemnification agreement for a claim that does not arise from a service performed by the real estate appraiser;
- (6) prohibit an appraiser from recording in the body of the report submitted by the appraiser to the appraisal management company the fee that the appraiser was paid by the company for the performance of the appraisal;
- (7) prohibit lawful communication between a real estate appraiser and any other person who the real estate appraiser determines possesses information relevant to the appraisal;
- (8) engage in an act or practice with intent to impair a real estate appraiser's independence, objectivity, and impartiality;
- (9) knowingly make a false statement, submit false information, or fail to provide complete information in response to a question in an application for registration or renewal of a registration; or
- (10) violate this chapter or a regulation adopted under this chapter.

Sec. 08.87.220. Disciplinary proceedings; real estate appraisal management companies. The board may take disciplinary action under AS 08.01.075 or suspend or revoke a registration of a real estate appraisal management company if it finds that the

- (1) company or a controlling person, employee, director, officer, or agent of a real estate appraisal management company has violated a provision of this chapter or a regulation adopted by the board under this chapter;
- (2) company or a controlling person of the company has had a certificate to act as a real estate appraiser or a registration as a real estate appraisal management company denied, cancelled suspended, revoked, put on probation, or surrendered in lieu of a pending revocation in any state;
- (3) company fails to comply with the Uniform Standards of Professional Appraisal Practice under 12 U.S.C. 3339;
- (4) company performs appraisal management services in a manner that causes injury or loss to the public;
- (5) company has ceased to operate in the state as a real estate appraisal management company; or
- (6) company used fraud, deception, misrepresentation, or bribery in securing a registration under this chapter.

ARTICLE 5. GENERAL PROVISIONS.

Section

- 300. Retention of records**
- 310. Trainee appraiser; supervisory appraiser**
- 320. Actions by uncertified real estate appraisers prohibited**
- 330. Exemptions**
- 340. Appraisals by uncertified appraisers permitted**
- 900. Definitions**

Sec. 08.87.300. Retention of records. (a) A certified real estate appraiser shall retain copies of all written contracts engaging the appraiser's services for real property appraisal work, and all reports and supporting data assembled and formulated by the appraiser in preparing the reports, for at least five years after the date of the contract engaging the appraiser's services, five years after the date of the submittal of the appraisal reports to the client, or at least two years after the final disposition of litigation in which the appraiser provided testimony related to the engagement, whichever is longer.

(b) *[Repealed, Sec. 9 ch 42 SLA 2014.]*

(c) All records that a certified appraiser must maintain under (a) of this section shall be made available to the board or department for inspection and copying upon reasonable notice to the appraiser.

Sec. 08.87.310. Trainee appraiser; supervisory appraiser. The board may establish requirements for trainee appraisers and supervisory appraisers. The board shall ensure that the requirements conform with 12 U.S.C. 3345.

Sec. 08.87.320. Actions by uncertified real estate appraisers prohibited. A person may not bring an action in a court of this state for compensation for an act done or service rendered as a certified real estate appraiser if the person did not hold a certificate under this chapter at the time that the person performed the act or service or offered to perform the act or service.

Sec. 08.87.330. Exemptions. This chapter does not apply to a person who appraises real estate as part of the tax assessment process of a municipality.

Sec. 08.87.340. Appraisals by uncertified appraisers permitted. Nothing in this chapter precludes a person who is not certified as a real estate appraiser from appraising real estate for compensation if the person does not hold out to be a certified appraiser and if appraisal by a certified appraiser is not required by federal law.

Sec. 08.87.900. Definitions. In this chapter

(1) “analysis assignment” means an analysis, opinion, or conclusion prepared by a real estate appraiser that relates to the nature, quality, or utility of certified real estate or real property;

(2) “appraisal” means an analysis, opinion, or conclusion prepared by a real estate appraiser relating to the nature, quality, value, energy efficiency, or utility of specified interests in, or aspects of, identified real estate, and includes a valuation appraisal, an analysis assignment, and a review assignment;

(3) “appraisal assignment” means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested person rendering an unbiased analysis, opinion, or conclusion relating to the nature, quality, value, or utility or specified interests in, or aspects of, identified real estate;

(4) “appraisal management services” includes the performance of any of the following functions on behalf of a lender, financial institution, or other person:

(A) administration of an appraiser panel;

(B) recruitment, retention, or selection of real estate appraisers for the performance of appraisal services;

(C) contracting with real estate appraisers to perform appraisals;

(D) review of a completed appraisal before the delivery of the appraisal or review assignment to the person that ordered the appraisal;

(5) “appraiser panel” means a group of licensed or certified real estate appraisers who perform appraisals as independent contractors for a real estate appraisal management company;

(6) “appraisal report” means any communication, written or oral, of an appraisal;

(7) “board” means the Board of Certified Real Estate Appraisers;

(8) “borrower” means a person who applies for a mortgage loan;

(9) “company” means a real estate appraisal management company required to register under AS 08.87.130 that performs appraisal management services;

(10) “controlling person” means a person who

(A) owns more than 10 percent of a real estate appraisal management company;

(B) is an officer or director of a real estate appraisal management company;

(C) is employed and authorized by a real estate appraisal management company to enter into a contractual relationship with another person for the performance of appraisal management services or with a real estate appraiser to perform an appraisal; or

(D) has the authority to direct the management or policies of a real estate appraisal management company;

(11) “department” means the Department of Commerce, Community, and Economic Development;

(12) “general real estate appraiser” means a real estate appraiser certified to appraise all types of real property;

(13) “institutional real estate appraiser” means a real estate appraiser employed full-time by a financial institution with offices in the state;

(14) “principal dwelling” means a residential structure or mobile home that contains one to four units but does not include a vacation or second home unless the borrower buys or builds a new dwelling that will become the primary location that the borrower inhabits within a year after the purchase or completion of construction;

(15) “real estate” means an identified parcel or tract of land, including improvements, but excluding subsurface natural resource values;

(16) “real property” means one or more defined interests, benefits, and rights inherent in the ownership of real estate;

(17) “residential real estate appraiser” means a real estate appraiser certified to appraise residential real property, subject to the limitations of AS 08.87.100(2);

(18) “review assignment” means an analysis, opinion, or conclusion prepared by a real estate appraiser that forms an opinion as to the adequacy and appropriateness of a valuation appraisal or an analysis assignment;

(19) “valuation appraisal” means an analysis, opinion, or conclusion prepared by a real estate appraiser that estimates the value of an identified parcel of real estate, or identified real property at a particular time.

**CHAPTER 70.
BOARD OF CERTIFIED REAL ESTATE APPRAISERS.**

Article

1. **Application and Examination Requirements**
(12 AAC 70.100—12 AAC 70.150)
2. **Continuing Education Requirements**
(12 AAC 70.200—12 AAC 70.220)
3. **(Repealed)**
4. **General Provisions** (12 AAC 70.900—12 AAC 70.990)

**ARTICLE 1.
APPLICATION AND EXAMINATION REQUIREMENTS.**

Section

100. **Application for general real estate appraiser certification by examination**
105. **Application for residential real estate appraiser certification by examination**
106. **Application for general real estate appraiser or residential real estate appraiser certification by reciprocity**
107. **Application for institutional real estate appraiser certification by examination**
108. **Work experience requirements for real estate appraiser certification**
110. **Verification of work experience**
111. **Application for trainee appraiser to residential real estate appraiser certification**
112. **Application for trainee appraiser to general real estate appraiser certification**
113. **Application for residential real estate appraiser to general real estate appraiser certification**
115. **Education requirements for real estate appraiser certification**
120. **Application for certification by endorsement**
125. **Application for approval as a trainee appraiser**
126. **Application for approval as a supervisory appraiser**
130. **Real estate appraiser examinations**
140. **Approved appraiser organizations and academic institutions**
145. **Approval of course or seminar for initial certification or trainee registration**
150. **Application deadline**
160. **Real estate appraisal management company registration**
165. **Real estate appraisal management company and panel standards**
170. **Renewal of an appraisal management company registration**
175. **Annual reporting and federal registry requirements for appraisal management companies**
180. **Retention of records and inspection by the board**

12 AAC 70.100. APPLICATION FOR GENERAL REAL ESTATE APPRAISER CERTIFICATION BY EXAMINATION. (a) The board will issue a certification by examination to practice as a general real estate appraiser to an applicant who meets the requirements of AS 08.87.110(a), 12 AAC 70.130(a)(1), and this section.

(b) An applicant for certification under this section must

(1) submit a completed application, on a form provided by the department; the completed application must include

(A) the personal identification information requested on the form;

(B) official transcripts, notarized copies of certificates of completion, or other evidence of course completion acceptable to the board, that verify the classroom hours of instruction required in 12 AAC 70.115(a) or (b), as applicable;

(C) work experience verification forms and a log of completed appraisals, on a form provided by the department, that meet the requirements of 12 AAC 70.110 and that verify the real estate appraisal experience required in 12 AAC 70.108(a); and

(D) subject to the penalties of unsworn falsification as defined in AS 11.56.210, a list of crimes described in AS 08.87.110 and AS 08.87.210 for which the applicant has been convicted; and

(2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.105. APPLICATION FOR RESIDENTIAL REAL ESTATE APPRAISER CERTIFICATION BY EXAMINATION. (a) The board will issue a certification by examination to practice as a residential real estate appraiser to an applicant who meets the requirements of AS 08.87.110(b) and this section.

(b) An applicant for certification under this section must

- (1) submit a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) official transcripts, notarized copies of certificates of completion, or other evidence of course completion acceptable to the board, that verify the classroom hours of instruction required in 12 AAC 70.115(c) or (d), as applicable;
 - (C) work experience verification forms and a log of completed appraisals that meet the requirements of 12 AAC 70.110 and that verify the real estate appraisal experience required in 12 AAC 70.108(b);
 - (D) subject to the penalties of unsworn falsification as defined in AS 11.56.210, a list of crimes described in AS 08.87.110 and AS 08.87.210 for which the applicant has been convicted; and
 - (E) a copy of the work product from a minimum of two appraisals performed by the applicant, selected by the board, and included in the log of appraisals submitted under 12 AAC 70.110(a); and
- (2) pay any fees required in 12 AAC 02.370.
- (c) A certificate to practice under this section will not be issued until
 - (1) the board has approved the applicant's work product submitted under (b)(1)(E) of this section; and
 - (2) the applicant has passed the examination required under AS 08.87.110(b)(3) and 12 AAC 70.130.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.106. APPLICATION FOR GENERAL REAL ESTATE APPRAISER OR RESIDENTIAL REAL ESTATE APPRAISER CERTIFICATION BY RECIPROCITY. (a) The board will issue a certification to practice as a general real estate appraiser or residential real estate appraiser by reciprocity to an applicant who meets the requirements of AS 08.87.110(c) and this section.

- (b) An applicant for certification under this section must
 - (1) submit a completed application, on a form provided by the department; the completed application must include the personal identification information requested on the form;
 - (2) pay any fees required in 12 AAC 02.370; and
 - (3) submit verification of current certification or licensure from another state on a form provided by the department.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.107. APPLICATION FOR INSTITUTIONAL REAL ESTATE APPRAISER CERTIFICATION BY EXAMINATION. (a) The board will issue a certification by examination to practice as an institutional real estate appraiser to an applicant who meets the requirements of AS 08.87.110(e) and this section.

- (b) An applicant for certification under this section must
 - (1) submit a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) official transcripts, notarized copies of certificates of completion, or other evidence of course completion acceptable to the board, that verify the classroom hours of instruction required of general real estate appraisers in 12 AAC 70.115(a) or (b), as applicable; and
 - (C) proof of full-time employment with a financial institution with offices in this state; and
 - (2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.108. WORK EXPERIENCE REQUIREMENTS FOR REAL ESTATE APPRAISER CERTIFICATION. (a) An applicant for certification as a general real estate appraiser shall submit verification of 3,000 hours of appraisal work obtained continuously over a period of not less than 18 months. At least 1,500 hours of the appraisal work must be in nonresidential appraisal work. The board will only accept work experience that was obtained after January 30, 1989 and was performed in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) in effect at the time that the work experience was obtained.

- (b) An applicant for certification as a residential real estate appraiser shall submit verification of 1,500 hours of appraisal experience obtained continuously over a period of not less than 12 months. The board will only accept work experience that was obtained after January 30, 1989 and was performed in compliance with the USPAP in effect at the time that the work experience was obtained.
- (c) An applicant may not receive credit for more than 1,250 hours of experience in real property appraisal in a 12-month period.
- (d) In this section, a residential property is one to four residential units.

Authority: AS 08.87.020

Editor's note: A copy of the Uniform Standards of Professional Appraisal Practice, developed by the Appraisal Foundation, is available for inspection at the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811 or for purchase from the Appraisal Foundation, 1155 15th Street, N.W., Suite 1111, Washington, D.C. 20005.

12 AAC 70.110. VERIFICATION OF WORK EXPERIENCE. (a) An applicant's qualifying work experience must be verified by a combination of at least three different individuals, on forms provided by the department, and, for an applicant for certification as a general real estate appraiser or a residential real estate appraiser, a log submitted by the applicant of appraisal work performed. If an applicant cannot, for good cause, provide work experience verification forms from at least three different individuals, the board may consider and approve other kinds of work experience verification.

- (b) The board will accept a work experience verification form only if it is notarized and has been completed by
- (1) a licensed construction contractor;
 - (2) a federal or state regulated lender;
 - (3) a present or former employer of the applicant;
 - (4) an officer of a state or federal agency; or
 - (5) an officer of a company that customarily uses the services of a real estate appraiser who has recent knowledge of the applicant's experience on that company's behalf.
- (c) Repealed 12/13/94.
(d) Repealed 12/13/94.
(e) At the request of the board, an applicant for certification as a general real estate appraiser or a residential real estate appraiser shall submit a copy of the work product from any appraisal performed by the applicant and included in the log of appraisals submitted under (a) of this section.

Authority: AS 08.87.020

12 AAC 70.111. APPLICATION FOR TRAINEE APPRAISER TO RESIDENTIAL REAL ESTATE APPRAISER CERTIFICATION. (a) A trainee appraiser who is applying to transition as a certified residential real estate appraiser must

- (1) submit a completed application, on a form provided by the department; the application must include
 - (A) the personal identification information requested on the form;
 - (B) the official transcripts showing the applicant has met the degree requirements of 12 AAC 70.115(a);
 - (C) in addition to the core curriculum requirements in 12 AAC 70.115(f), documentation of completion of 125 additional core curriculum hours as specified in 12 AAC 70.115(d)(4) – (10);
 - (D) the determination of competency form described in 12 AAC 70.935(c)(3);
 - (E) the authorization for release of records form; and
 - (F) work experience verification forms and a log of completed appraisals that meet the requirements of 12 AAC 70.110 and 12 AAC 70.935(f) and that verify the real estate appraisal experience required in 12 AAC 70.108(b);
 - (2) submit a copy of the work product from a minimum of two appraisals performed by the applicant, selected by the board, and included in the log of appraisals submitted under 12 AAC 70.110(a); and
 - (3) pay any fees required in 12 AAC 02.370.
- (b) A certificate to practice under this section will not be issued until
- (1) the board has approved the applicant's work product submitted under (a)(2) of this section; and
 - (2) the applicant has passed the examination required under AS 08.87.110(h)(3) and 12 AAC 70.130.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

12 AAC 70.112. APPLICATION FOR TRAINEE APPRAISER TO GENERAL REAL ESTATE APPRAISER CERTIFICATION. (a) A trainee appraiser who is applying to transition as a certified general real estate appraiser must

- (1) submit a completed application, on a form provided by the department; the application must include
 - (A) the personal identification information requested on the form;
 - (B) the official transcripts showing the applicant has met the degree requirements of 12 AAC 70.115(a);
 - (C) in addition to the core curriculum requirements in 12 AAC 70.115(f), documentation of completion of 225 additional core curriculum hours as specified in 12 AAC 70.115(b)(4) – (10);
 - (D) the determination of competency form described in 12 AAC 70.935(c)(3);
 - (E) the authorization for release of records form; and
 - (F) work experience verification forms and a log of completed appraisals that meet the requirements of 12 AAC 70.110 and 12 AAC 70.935(f) and that verify the real estate appraisal experience required in 12 AAC 70.108(a);
 - (2) submit a copy of the work product from a minimum of two appraisals performed by the applicant, selected by the board, and included in the log of appraisals submitted under 12 AAC 70.110(a); and
 - (3) pay any fees required in 12 AAC 02.370.
- (b) A certificate to practice under this section will not be issued until
- (1) the board has approved the applicant's work product submitted under (a)(2) of this section; and

(2) the applicant has passed the examination required under AS 08.87.110(h)(3) and 12 AAC 70.130.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

12 AAC 70.113. APPLICATION FOR RESIDENTIAL REAL ESTATE APPRAISER TO GENERAL REAL ESTATE APPRAISER CERTIFICATION. A certified residential real estate appraiser who is applying to transition as a certified general real estate appraiser must

- (1) submit a completed application, on a form provided by the department; the application must include
 - (A) the personal identification information requested on the form;
 - (B) the official transcripts showing the applicant has met the degree requirements of 12 AAC 70.115(a);
 - (C) in addition to the core curriculum requirements in 12 AAC 70.115(b)(1), (2), and (3), documentation of completion of 100 additional core curriculum hours as specified in 12 AAC 70.115(b)(4) – (10); and
 - (D) the authorization for release of records form;
- (2) submit a copy of a non-residential work product from a minimum of two appraisals performed by the applicant, selected by the board, and included in the log of appraisals submitted under 12 AAC 70.110(a);
- (3) submit work experience verification forms and a log of completed appraisals that meet the requirements of 12 AAC 70.110 and that verify the real estate appraisal experience required in 12 AAC 70.108(a);
- (4) submit proof that the applicant has successfully completed and passed the examination described in AS 08.87.110(h)(3) and 12 AAC 70.130(a)(1); and
- (5) pay the fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.115. EDUCATION REQUIREMENTS FOR REAL ESTATE APPRAISER CERTIFICATION.

(a) An applicant for certification as a general real estate appraiser must document satisfactory completion of 300 creditable classroom hours of instruction that meet the requirements in 12 AAC 70.140 with emphasis on appraisal of nonresidential properties, and a bachelor's degree or higher in any field from an accredited college or university.

(b) An applicant for the Appraiser Qualification Board approved examination for certification as a general real estate appraiser shall document satisfactory completion of 300 creditable classroom hours as specified in the following core curriculum:

- (1) basic appraisal principles, 30 hours;
- (2) basic appraisal procedures, 30 hours;
- (3) the 15-hour National USPAP course or its equivalent, 15 hours;
- (4) general appraiser market analysis and the principle of the highest and best use of the property, 30 hours;
- (5) statistics, modeling, and finance, 15 hours;
- (6) general appraiser sales comparison approach, 30 hours;
- (7) general appraiser site valuation and cost approach, 30 hours;
- (8) general appraiser income approach, 60 hours;
- (9) general appraiser report writing and case studies, 30 hours;
- (10) appraisal subject matter electives, 30 hours, and may include hours over the minimum of the course topics required under this subsection.

(c) An applicant for certification as a residential real estate appraiser must document satisfactory completion of 200 creditable classroom hours of instruction that meet the requirements in 12 AAC 70.140 with emphasis on appraisal of residential properties, and one of the following:

- (1) a bachelor's degree or higher in any field from an accredited college or university;
- (2) an associate's degree in a field of study related to business administration, accounting, finance, economics, or real estate;
- (3) successful completion of 30 semester hours of college level courses that cover each of the following specific topic areas and hours;
 - (A) English composition, three hours;
 - (B) microeconomics, three hours;
 - (C) macroeconomics, three hours;
 - (D) finance, three hours;
 - (E) algebra, geometry, or higher mathematics, three hours;
 - (F) statistics, three hours;
 - (G) computer science, three hours;
 - (H) business or real estate law, three hours; and
 - (I) two elective courses in any of the topics listed in (A) – (H) of this paragraph or in accounting, geography, agricultural economics, business management, or real estate, three hours each; or
- (4) successful completion of at least 30 semester hours of the College Level Examination Program (CLEP) examination in the following specific topic areas and hours;
 - (A) college algebra, three hours;
 - (B) college composition, six hours;
 - (C) college composition modular, three hours;

- (D) college mathematics, six hours;
- (E) principles of macroeconomics, three hours;
- (F) principles of microeconomics, three hours;
- (G) introductory business law, three hours; and
- (H) information systems, three hours.

(d) An applicant for the Appraiser Qualification Board examination for certification as a residential real estate appraiser shall document satisfactory completion of 200 creditable classroom hours as specified in the following core curriculum:

- (1) basic appraisal principles, 30 hours;
- (2) basic appraisal procedures, 30 hours;
- (3) the 15-hour national USPAP course or its equivalent, 15 hours;
- (4) residential market analysis and the principle of the highest and best use of the property, 15 hours;
- (5) residential appraiser site valuation and cost approach, 15 hours;
- (6) residential sales comparison and income approaches, 30 hours;
- (7) residential report writing and case studies, 15 hours;
- (8) statistics, modeling and finance, 15 hours;
- (9) advanced residential applications and case studies, 15 hours;
- (10) appraisal subject matter electives, 20 hours, and may include hours over the minimum of the course topics required under this subsection.

(e) In this section, “residential property” means property with one to four residential units.

(f) An applicant for approval as a trainee appraiser must document satisfactory completion of 75 creditable classroom hours as specified in the following core curriculum:

- (1) basic appraisal principles, 30 hours;
- (2) basic appraisal procedures, 30 hours;
- (3) the 15-hour national USPAP course or its equivalent, 15 hours.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.120. APPLICATION FOR CERTIFICATION BY ENDORSEMENT. (a) The board may issue a certification by endorsement to practice as a general real estate appraiser or residential real estate appraiser to an applicant who meets the requirements of AS 08.87.110(h) and this section.

(b) An applicant for certification under this section must

- (1) submit a completed application, on a form provided by the department; the completed application must include the personal identification information requested on the form; and
- (2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.125. APPLICATION FOR APPROVAL AS A TRAINEE APPRAISER. (a) The board will issue a certification approving a person as a trainee appraiser to an applicant who meets the requirements of 12 AAC 70.935 and this section.

(b) An applicant for certification under this section must

- (1) submit a completed application, on a form provided by the department; the completed application must include

- (A) the personal identification information requested on the form; and

- (B) proof that the applicant has successfully completed and passed 75 classroom hours of instruction that meet the requirements in 12 AAC 70.115(f) and 12 AAC 70.140(a), and the required courses that are specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers, and that comply with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; the course must be completed by the trainee appraiser before obtaining a training appraiser credential; all qualifying education must be completed within the five year period before the date of submission of a trainee appraiser application; and

- (2) pay any fees required in 12 AAC 02.370.

(c) To renew a certification as a real estate appraiser trainee, the applicant must

- (1) submit an application for renewal on a form provided by the department; and
- (2) provide evidence of satisfactory completion of 14 hours of continuing education credit.

Authority: AS 08.87.020 AS 08.87.310

12 AAC 70.126. APPLICATION FOR APPROVAL AS A SUPERVISORY APPRAISER. (a) The board will issue a certification approving a person as a supervisory appraiser to an applicant who is certified to practice as a general real estate appraiser or residential real estate appraiser and who meets the requirements of 12 AAC 70.935 and this section.

(b) An applicant for certification under this section must

- (1) submit a completed application, on a form provided by the department; the completed application must include
 - (A) the personal identification information requested on the form;
 - (B) proof that the applicant has successfully completed and passed the required courses that are specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers, and that comply with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; the course must be completed by the supervisory appraiser before obtaining a supervisory appraiser credential; and
- (2) pay any fees required in 12 AAC 02.370.

Authority: AS 08.87.020 AS 08.87.310

12 AAC 70.130. REAL ESTATE APPRAISER EXAMINATIONS. (a) To be certified as a real estate appraiser by examination, an applicant must pass the following examination within the 24 months immediately preceding the date of certification:

- (1) for general or institutional certification, the Uniform State General Certification Examination endorsed by the Appraiser Qualifications Board of The Appraisal Foundation; or
 - (2) for residential certification, the Uniform State Residential Certification Examination endorsed by the Appraiser Qualification Board of The Appraisal Foundation.
- (b) Repealed 1/16/2005.

Authority: AS 08.87.020 AS 08.87.110

12 AAC 70.140. STANDARDS FOR ACCEPTABLE EDUCATION. (a) To comply with the real estate appraisal education requirements of 12 AAC 70.115 for initial certification, or the registered trainee education requirements of 12 AAC 70.125, an applicant's classroom hours of instruction, as defined in 12 AAC 70.910, must relate directly to real estate appraisal theory or practices and must be obtained through

- (1) a member organization of the Appraisal Foundation;
 - (2) a junior college, college, or university;
 - (3) a course approved by the Appraiser Qualifications Board Educational Course Review Program;
 - (4) a real estate appraisal or real estate related organization;
 - (5) a state or federal agency or commission;
 - (6) a proprietary school; or
 - (7) another organization or academic institution approved by the board.
- (b) The board will credit only a course approved under 12 AAC 70.145 toward the classroom hours of instruction required for certification or registration.
- (c) An applicant's classroom hours of education for certification as a general or residential real estate appraiser must include coverage of all topics listed in the applicable Appraiser Qualification Criteria developed by the Appraiser Qualifications Board of the Appraisal Foundation, *The Real Property Appraiser Qualification Criteria* effective May 1, 2018, and adopted by reference.
- (d) Repealed 1/16/2005.
- (e) Repealed 6/28/2015.
- (f) The board will award credit toward the classroom hour requirement for initial certification or trainee registration for completion of a course by distance education if the course
- (1) meets the requirements of this section and 12 AAC 70.145(d);
 - (2) requires successful completion of a written final examination that is proctored by an official approved by the presenting college or university, or by the sponsoring organization;
 - (3) is presented to an organized group in an institutional setting with
 - (A) a person qualified and available to answer questions, provide information, and monitor student attendance;
 - (B) a minimum of two classroom hours;
 - (4) meets the requirements for courses established by the Appraiser Qualifications Board;
 - (5) has been presented by a college or university accredited by the Commission on Colleges or a regional accreditation association that offers distance education programs in other disciplines; and
 - (6) has received approval
 - (A) repealed 1/16/2005; or
 - (B) of the International Distance Education Certification Center's (IDECC) for the course design and delivery mechanism and either the approval of the
 - (i) Appraiser Qualifications Board through the AQB Course Approval Program; or
 - (ii) licensing or certifying jurisdiction where the course is being offered, for the content of the course.
- (g) The board will not award credit for noninstructional course time except for a maximum of 20 hours spent writing appraisal reports for a course on that subject. The number of hours credited under this subsection may not exceed 50 percent of the total classroom hours awarded for the course for which the appraisal reports were written. The board will award credit under this subsection for no more than one course during an applicant's total classroom hours of instruction.

(h) An applicant's classroom hours of instruction must include coverage of the full scope of the fundamentals of appraisal theory, principles, and practices. A course that is highly specialized or narrow in focus will not be credited toward an applicant's required classroom hours of instruction unless the applicant has also completed sufficient courses to cover the fundamental aspects of appraisal theory, principles, and practices.

(i) The board will not award credit for more than eight classroom hours of instruction per day. If no breakdown of instructional, assignment, and examination hours is given for a course or seminar, the board will award three and one half classroom hours of instruction for the last day of the course or seminar and seven classroom hours of instruction for all other days of the course or seminar.

(j) The board will require additional information if necessary to determine if an applicant's classroom hours of instruction meet the requirements in this section.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

Editor's note: Copies of the Appraiser Qualification Criteria adopted by reference in 12 AAC 70.140 are available from the Appraisal Qualifications Board of the Appraisal Foundation, 1155 15th Street, NW, Suite 1111, Washington, DC 20005-3517; phone: (202) 347-7722; website at www.appraisalfoundation.org.

12 AAC 70.145. APPROVAL OF COURSE OR SEMINAR FOR INITIAL CERTIFICATION OR TRAINEE REGISTRATION. (a) The board will use the standards established in this section to determine if a course or seminar is in a subject related to real estate appraisal and will be credited toward an applicant's total classroom hours of instruction.

(b) The board will review each course or seminar submitted with an individual's application for certification or registration and approve a course or seminar that meets the requirements of this section. The board will require an applicant to submit additional information, including the information required in (e)(3) - (10) of this section, if necessary to determine if a course or seminar meets the requirements in this section.

(c) The board will review and preapprove a course or seminar that meets the requirements of this section if an individual or organization submits the course or seminar to the board for preapproval under (e) of this section.

(d) To be approved by the board, a course or seminar must meet the following requirements:

(1) the primary focus of the course or seminar must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal;

(2) the course or seminar must be a minimum of 15 classroom hours in duration and include successful completion of a final examination; except as provided in 12 AAC 70.140(g), time spent on

(A) the final examination will be counted toward the minimum course duration or credited toward the total classroom hours of instruction required for certification or registration;

(B) an assignment will not be counted toward the minimum course duration or credited toward the total classroom hours of instruction required for certification or registration;

(3) the number of hours of instruction must be sufficient for quality instruction on the subject matter covered by the course or seminar.

(e) An individual or organization wishing to receive preapproval of a course or seminar shall submit to the board

(1) a completed application form for course approval;

(2) the course approval fee in 12 AAC 02.370;

(3) the name of the course or seminar provider;

(4) a complete course description, including the course title and a description of the learning objectives;

(5) a course syllabus;

(6) an outline of the major topics covered by the course or seminar and the number of classroom hours allowed for each topic;

(7) a list of texts and instructional materials used in the course or seminar;

(8) repealed 6/22/2005;

(9) the instructor's résumé that includes the instructor's

(A) name;

(B) recognition in the real estate appraisal industry; and

(C) professional designations and affiliations; and

(10) a copy of the attendance policy and a description of the procedures used for keeping a record of attendance.

(f) An individual or organization that has received preapproval of a course or seminar shall notify the board of any change in the information submitted under (e) of this section for an approved course or seminar.

(g) Course and seminar approval under this section is valid for three years from the date of approval.

(h) The board will maintain a list of courses and seminars approved under this section.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

12 AAC 70.150. APPLICATION DEADLINE. To be scheduled for board review, an application for certification or course approval must be complete and filed with the department, as defined in 12 AAC 02.920, at least 15 days before the scheduled date of the board's application review.

Authority: AS 08.87.020

12 AAC 70.160. REAL ESTATE APPRAISAL MANAGEMENT COMPANY REGISTRATION. (a) An applicant for registration as a real estate appraisal management company shall submit

(1) a complete notarized application on a form approved by the board and provided by the department that includes

- (A) the names and addresses of all owners of the company, including natural persons or entities;
- (B) the name and contact information of the company's agent if applicable under AS 08.87.135(a)(2);
- (C) a list of all certified real estate appraisers in the state who perform appraisals for the company;
- (D) a list of all states in which the appraisal management company performs appraisals;
- (E) the name of the controlling person and evidence satisfactory to the board that the controlling person

(i) has an active real estate appraiser certificate in good standing in a state;

(ii) has not had a real estate appraiser certificate denied, cancelled, suspended, revoked, put on probation, or surrendered in accordance with AS 08.87.135(b)(2); and

(iii) is of good moral character; and

(F) certification that the

(i) appraisers on the appraiser panel are in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) and are qualified to conduct federally related transactions under federal law;

(ii) owners are in compliance with (b) of this section; and

(iii) appraisals are conducted independently and free from inappropriate influence and coercion as required by AS 08.87.135(a)(6);

(2) the applicable fees required in 12 AAC 02.370; and

(3) a copy of a surety bond in the amount of \$50,000.

(b) Owners of the appraisal management company may not have had a real estate appraiser certificate denied, cancelled, suspended, revoked, put on probation, or surrendered in accordance with AS 08.87.135(a)(7). A person who owns at least 10 percent of a real estate management company must be of good moral character as defined in this section.

(c) "Good moral character" under this section is defined as a personal history of honesty, fairness, and respect for the rights of others and for state and federal law. A person applying for a registration is ineligible for registration due to failure to satisfy the requirement of good moral character if

(1) there is substantial connection between the lack of good moral character of the person and the professional responsibilities of an appraiser, a controlling person, or owner of an appraisal management company; and

(2) the finding by the board of lack of good moral character is supported by clear and convincing evidence.

Authority: AS 08.87.020 AS 08.87.130 AS 08.87.135

12 AAC 70.165. REAL ESTATE APPRAISAL MANAGEMENT COMPANY AND PANEL STANDARDS. A real estate appraisal management company operating in the state shall

(1) be registered in the state if the appraisal management company oversees a panel of more than 15 appraisers certified in the state, or 25 or more appraisers certified in two or more states within a 12-month period;

(2) have a process in place to verify that all appraisers are certified by the state and in good standing, and have geographic competency for the market area in which the appraisal is performed; and

(3) report to the board on a form provided by the department and submit the fee required in 12 AAC 02.370(b)(4) not later than 30 days after a change of

(A) the designated controlling person who meets the requirements of 12 AAC 70.160(a)(1)(E);

(B) an owner who owns more than 10 percent of the company who meets the requirements of 12 AAC 70.160(b); or

(C) an employee, director, officer, or agent.

Authority: AS 08.01.065 AS 08.87.130 AS 08.87.135
AS 08.87.020

12 AAC 70.170. RENEWAL OF AN APPRAISAL MANAGEMENT COMPANY REGISTRATION. A registered appraisal management company applying for renewal of a registration shall submit

(1) a completed renewal application, on a form provided by the department that meets the requirements of AS 08.87.135(e);

(2) the renewal fee required in 12 AAC 02.370; and

(3) proof of current bonding as described in 12 AAC 70.160(a)(3).

Authority: AS 08.01.065 AS 08.87.130 AS 08.87.135
AS 08.01.100

12 AAC 70.175. ANNUAL REPORTING AND FEDERAL REGISTRY REQUIREMENTS FOR APPRAISAL MANAGEMENT COMPANIES. (a) A registered appraisal management company shall report annually on a form provided by the department and submit the registry fee required in 12 AAC 02.370(b)(5) for each appraiser on the appraiser panel performing appraisals for federally related transactions in the state during the preceding calendar year.

(b) Federally regulated appraisal management companies shall report annually to the board information required by AS 08.87.155 on a form provided by the department and submit the registry fee required in 12 AAC 02.370(b)(5) for each appraiser on the appraiser panel performing appraisals for federally related transactions in the state during the preceding calendar year.

Authority: AS 08.87.020 AS 08.87.135 AS 08.87.155
AS 08.87.130

12 AAC 70.180. RETENTION OF RECORDS AND INSPECTION BY THE BOARD. A registered appraisal management company must retain all records as described in AS 08.87.150 and make the records available to the board or its designee upon request.

Authority: AS 08.87.020 AS 08.87.150

ARTICLE 2. CONTINUING EDUCATION REQUIREMENTS.

Section

- 200. Application for continuing education course or seminar approval**
- 210. Approved continuing education courses and seminars**
- 215. Approved online courses**
- 220. Hours of continuing education required**

12 AAC 70.200. APPLICATION FOR CONTINUING EDUCATION COURSE OR SEMINAR APPROVAL. (a) A person or an organization wishing to sponsor a real estate appraisal continuing education course or seminar shall apply for board approval of that course or seminar by submitting

- (1) a completed application on forms provided by the department;
- (2) any fees required in 12 AAC 02.370;
- (3) the following information:

(A) a complete course description, including the course or seminar title and a description of the learning objectives;

(B) an outline of the major topics covered by the course or seminar and the number of classroom hours allowed for each topic;

(C) the name of the course or seminar provider;

(D) repealed 6/22/2005;

(E) a copy of the attendance policy and a description of the procedures used for keeping a record of attendance;

(F) a course syllabus;

(G) a list of texts and instructional materials used in the course or seminar;

(H) the instructor's résumé that includes the instructor's

(i) name;

(ii) recognition in the real estate appraisal industry; and

(iii) professional designations and affiliations.

(b) An applicant for renewal may petition the board for approval of a course or seminar that the applicant believes will meet the requirements of 12 AAC 70.210.

(c) The board will award up to 10 hours of continuing education credit for nonstudent participation in an educational program as provided for in AS 08.87.120(b)(2). To receive credit under this subsection, an applicant for renewal shall provide the documentation necessary to substantiate the applicant's participation and experience, including

(1) information on the topics covered and the hours spent in the program; and

(2) documentation that the applicant's involvement in the program was in the technical and professional aspects of real estate appraisal and that the primary focus of the program was directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(d) Courses and seminars that are not approved by the Appraiser Qualifications Board (AQB) or the International Distance Education Certification Center (IDECC) are valid for three years from the date of initial approval.

(e) Courses and seminars approved by the Appraiser Qualifications Board (AQB) or the International Distance Education Certification Center (IDECC) are given an expiration date consistent with the organization's expiration date, as follows:

(1) the department will update the course or seminar expiration date if the course provider submits recertification documents, but will not update the course or seminar expiration date if the AQB or IDECC recertification exceeds three years from the date of initial approval;

(2) a course or seminar that expires after three years must be re-submitted if the provider requests reapproval.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.210. APPROVED CONTINUING EDUCATION COURSES AND SEMINARS. (a) To be approved by the board, the primary focus of a continuing education course or seminar must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(b) The board will approve a course or seminar on the following topics if the course or seminar meets the requirements of (a) of this section:

- (1) repealed 9/14/2012;
- (2) construction cost estimating;
- (3) ethics and standards of professional appraisal practice;
- (4) land use planning, zoning, and taxation;
- (5) property development;
- (6) real estate appraisal (including valuations and evaluations);
- (7) real estate financing and investment;
- (8) real estate law;
- (9) real estate litigation;
- (10) real estate appraisal related computer applications;
- (11) other topics related to real estate appraisal that are approved by the board.

(c) In addition to the courses approved by the board under 12 AAC 70.200, the following courses are approved for continuing education when they are consistent with (a) of this section and an application provided by the department for course approval is submitted with the appropriate application fee and is approved by the board:

- (1) courses offered by a member organization of The Appraisal Foundation;
- (2) courses offered by a regionally accredited junior college, college, or university;
- (3) courses approved by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation; or
- (4) distance education courses approved by the International Distance Education Certification Center (IDECC).

(d) To be approved by the board, a continuing education course or seminar must include a minimum of two classroom hours, that meet the requirements of (a) of this section.

(e) The board will award continuing education credit for completion of a course by distance education if the course meets the requirements of 12 AAC 70.140(f).

(f) Course and seminar approval under this section is valid for three years from the date of approval.

(g) Consistent with Appraiser Qualification Criteria in *The Real Property Appraiser Qualification Criteria*, adopted by reference in 12 AAC 70.140, the board will award continuing education credit for participation in one in-person or teleconference board meeting each biennial licensing period if participation meets the requirements of this section:

- (1) the participant is a certified real estate appraiser subject to the requirements of 12 AAC 70.220;
- (2) the board meeting is a minimum of two hours;
- (3) the hours claimed for participation do not exceed seven hours;
- (4) attendance is maintained throughout the duration of the scheduled meeting;
- (5) participation is documented on a form provided by the department and returned to the board.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.215. APPROVED ONLINE COURSES. (a) To be approved by the board to meet the continuing education requirements of 12 AAC 70.220, the primary purpose of an online course must be directly related to the theories, concepts, principles, practices, techniques, methods, or problems applicable to one or more aspects of real property appraisal.

(b) The board will approve an online course on the following topics if the online course meets the requirements of (a) of this section:

- (1) repealed 6/28/2015;
- (2) construction cost estimating;
- (3) ethics and standards of professional appraisal practice;
- (4) land use planning, zoning, and taxation;
- (5) property development;
- (6) real estate appraisal, including valuations and evaluations;

- (7) real estate financing and investment;
 - (8) real estate law;
 - (9) real estate litigation;
 - (10) real estate appraisal related computer applications;
 - (11) other topics related to real estate appraisal that are approved by the board.
- (c) In addition to the online courses approved by the board under (b) of this section, the following online courses are approved for continuing education if they are consistent with (a) of this section:
- (1) courses presented by a regionally accredited junior college, college, or university that offers distance education programs in other disciplines;
 - (2) repealed 1/16/2005;
 - (3) distance education courses approved by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation;
 - (4) repealed 6/28/2015.

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.220. HOURS OF CONTINUING EDUCATION REQUIRED. (a) At the time of certificate renewal, an applicant for renewal who has been certified for

- (1) 24 months or more shall document satisfactory completion of at least 28 hours of continuing education;
- (2) at least 185 days, but less than 24 months, shall document satisfactory completion of at least 14 hours of continuing education;
- (3) less than 185 days is not required to meet continuing education requirements for that renewal.

(b) The board will not recognize continuing education hours claimed by an applicant for renewal for taking the same, or substantially identical, course more than once during a certification period.

(c) Except as provided in (d) of this section, credit is given for classroom and examination hours only and not for hours devoted to class preparation or completion of assignments. A classroom hour is defined in 12 AAC 70.910.

(d) Up to one-half of the hours required by this section may be obtained through distance education approved under 12 AAC 70.210 or online courses approved under 12 AAC 70.215.

(e) As part of the requirements of (a)(1) of this section, an applicant for renewal of a certificate shall document satisfactory completion of a seven-hour National USPAP Update Course, taught by an Appraiser Qualifications Board certified instructor who is a certified appraiser. The board will accept courses determined as equivalent by the Appraiser Qualifications Board Course Approval Program of the Appraisal Foundation. Completion of the 15-hour national USPAP course used for certification under 12 AAC 70.115 may not be used to satisfy the continuing education renewal requirements of the seven-hour USPAP Update Course required in this subsection.

Authority: AS 08.87.020 AS 08.87.120

Editor's note: A list of certified instructors by the Appraisal Foundation, Appraiser Qualification Board, may be obtained from the Appraisal Foundation, 1155 15th Street, N.W., Suite 1111, Washington, D.C. 20005.

ARTICLE 3. LIMITED CERTIFICATION.

Section

300. (Repealed)

310. (Repealed)

12 AAC 70.300. SCOPE OF LIMITED REAL ESTATE APPRAISER. (Repealed 4/15/94)

12 AAC 70.310. QUALIFICATIONS FOR LIMITED REAL ESTATE APPRAISER CERTIFICATION.
(Repealed 4/15/94)

ARTICLE 4. GENERAL PROVISIONS.

Section

900. Standards of practice

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12 AAC 70.900. STANDARDS OF PRACTICE. The standards of practice for certified real estate appraisers practicing in the state are those specified in AS 08.87.200(3).

Authority: AS 08.87.020 AS 08.87.200

Editor's note: The standards of practice referred to in 12 AAC 70.900 (*Uniform Standards of Professional Appraisal Practice*) are available from the Appraisal Foundation, publications department, 1029 Vermont Avenue, N.W., Suite 900, Washington, DC 20005-3517. Phone no. (202) 347-7722.

12 AAC 70.910. DEFINITION OF CLASSROOM HOUR. For the purposes of this chapter,

(1) except as provided in 12 AAC 70.145(d)(2)(A) and 12 AAC 70.220(c), one classroom hour equals a minimum of 50 minutes of instruction;

(2) one academic semester credit hour equals 15 classroom hours; and

(3) one academic quarter credit hour equals 10 classroom hours.

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.120

12 AAC 70.920. COURTESY LICENSE. (a) The board or the board's designee in the department will issue a courtesy license to a nonresident who is a certified or credentialed real estate appraiser in another state and who meets the requirements of this section.

(b) Repealed 12/13/94.

(c) A courtesy license is valid for one appraisal assignment, not to exceed 180 consecutive days. However, upon request the board will grant one 30-day extension. A person may be issued no more than two courtesy licenses in a 12-month period.

(d) An applicant for a courtesy license shall submit

(1) a completed application on the forms provided by the department;

(2) any fees required in 12 AAC 02.370;

(3) evidence of a certificate or an applicant's credentials as a real estate appraiser in good standing from another state; and

(4) an address for service of process.

(e) A courtesy license holder shall submit to the board a copy of the report prepared for the appraisal assignment for which the courtesy license was issued within 30 days of the completion of the assignment.

(f) The board's designee in the department shall issue a courtesy license within five days after receipt of the materials and fees required in (d) of this section unless those application materials indicate disciplinary action in another state.

(g) The board's designee in the department shall forward any courtesy license application and accompanying materials that indicate disciplinary action in another state to the board for its consideration to grant or deny the courtesy license.

(h) In compliance with 12 U.S.C. 331-3351 (Title XI, Financial Institutions Reform, Recovery and Enforcement Act of 1989), the board or the board's designee in the department will issue a courtesy license to a credentialed nonresident of this state for the purpose of providing appraisal services for federally-related transactions in this state.

(i) In this section, "credentialed" means a licensed or certified appraiser in good standing in another state.

Authority: AS 08.01.062 AS 08.87.020

12 AAC 70.930. FEDERAL REGISTRY. (a) In compliance with 12 U.S.C. 3338 (Financial Institutions Reform, Recovery, and Enforcement Act of 1989), the board will annually send to the Federal Financial Institutions Examination Council, Appraisal Subcommittee,

(1) a roster of all real estate appraisers certified in Alaska at that time; and

(2) an amount equal to the amount collected from each certified real estate appraiser listed on the roster identified in paragraph (1) of this section.

(b) At the time of initial certification and at the time of certificate renewal, a certified real estate appraiser shall submit to the department any annual federal registry fee established in 12 AAC 02.

Authority: AS 08.01.065 AS 08.87.100 AS 08.87.110

12 AAC 70.935. SUPERVISION OF TRAINEE APPRAISERS. (a) A supervisory appraiser shall

(1) be in good standing in this state and not subject to any disciplinary action within any jurisdiction within the last three years that affects the supervisory appraiser's legal eligibility to engage in appraisal practice; a supervisory appraiser subject to a disciplinary action is in good standing three years after the successful completion or termination of the sanction imposed against the appraiser;

(2) have been a state-certified appraiser for at least three years before being eligible to become a supervisory appraiser; and

(3) comply with the Competency Rule of the Uniform Standards of Professional Appraisal Practice for the property type and geographic location for which the trainee supervisor is being supervised.

(b) A supervisory appraiser may not supervise more than three trainee appraisers at one time.

(c) A supervisory appraiser shall be responsible for the training, guidance, and direct supervision of the trainee appraiser by

(1) accepting responsibility for a trainee appraiser's appraisal reports by signing each report and certifying that the report is in compliance with the Uniform Standards of Professional Appraisal Practice;

(2) reviewing the trainee appraisal reports; and

(3) personally inspecting each appraised property with the trainee appraiser until the supervisory appraiser determines that the trainee appraiser is competent, in accordance with the Competency Rule of the Uniform Standards of Professional Appraisal Practice, for the property type; the supervisory appraiser shall make the determination of competency in writing on a form provided by the department and shall submit the determination to the department not later than 10 days after the date of the determination.

(d) A trainee appraiser shall report to the department, on a form provided by the department, the identity of any supervisory appraiser. A trainee appraiser may have more than one supervisory appraiser. If a trainee appraiser has more than one supervisory appraiser, the trainee appraiser shall report the identity of each supervisory appraiser as required under this subsection.

(e) A supervisor-trainee relationship becomes effective on the date of receipt by the department of the original required form with original signatures.

(f) The supervisory appraiser and the trainee appraiser shall jointly maintain an appraisal log that for each appraisal includes at least

(1) identification of the type of property;

(2) the date of the report;

(3) the address of the appraised property;

(4) a description of work performed by the trainee appraiser and the scope of the review and supervision of the supervisory appraiser;

(5) the number of actual work hours by the trainee appraiser on the assignment; and

(6) the signature and state certification number of the supervisory appraiser; separate appraisal logs shall be maintained for each supervisory appraiser, if applicable.

(g) Before supervising a trainee appraiser, a supervisory appraiser shall complete a course that

(1) complies with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; and

(2) is specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers.

(h) The course that an applicant for certification under 12 AAC 70.125 as a trainee appraiser must take

(1) must

(A) comply with the specifications for course content established by the Appraiser Qualifications Board of the Appraisal Foundation; and

(B) be specifically oriented to the requirements and responsibilities of supervisory appraisers and trainee appraisers; and

(2) is not eligible towards the 75 hours of qualifying education required under 12 AAC 70.125.

Authority: AS 08.87.020 AS 08.87.310

12 AAC 70.940. RETENTION OF RECORDS. (a) An appraiser must prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. A work file must be in existence before the issuance of a written or oral report. A written summary of an oral report must be added to the work file within a reasonable time after the issuance of the oral report.

(b) The work file must include

(1) the name of the client and the identity, by name or type, of any other intended users;

(2) true copies of any written reports, documented on a type of media; a photocopy or an electronic copy of the entire signed report transmitted to the client satisfies the requirements of a true copy;

(3) summaries of any oral reports or testimony, or transcripts of testimony, including the appraiser's signed and dated certification; and

(4) all other data, information, and documentation necessary to support the appraiser's opinions and conclusions and to show compliance with USPAP, or reference to the locations of the documentation.

(c) An appraiser must retain the work file for a period of at least five years after preparation or at least three years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires later.

(d) An appraiser must have custody of the appraiser's work file, or make appropriate work file retention, access, and retrieval arrangements with the party having custody of the work file.

(e) An appraiser having custody of a work file must allow other appraisers with work file obligations related to an assignment appropriate access and retrieval for the purpose of

- (1) submission to state appraiser regulatory agencies;
- (2) compliance with due process of law;
- (3) submission to a duly authorized professional peer review committee; or
- (4) compliance with retrieval arrangements.

Authority: AS 08.87.020 AS 08.87.300

12 AAC 70.990. DEFINITIONS. In this chapter and in AS 08.87

(1) “appraisal experience” includes fee and staff appraisals, ad valorem tax appraisals, appraisal reviews, appraisal analysis, real estate counseling, and feasibility analysis and study, all of which must have been performed in accordance with the *Uniform Standards of Professional Appraisal Practices* described in 12 AAC 70.900;

(2) “board” means the Board of Certified Real Estate Appraisers;

(3) “certified real estate appraiser” means a real estate appraiser who is certified in Alaska under AS 08.87; it does not include persons certified by another licensing jurisdiction or organization;

(4) “department” means the Department of Commerce, Community, and Economic Development;

(5) “holds out as a certified real estate appraiser in any way” includes anyone who performs appraisal services on real estate located in Alaska;

(6) “transaction value” means the amount of the federally-related transaction and is not necessarily the value of the property being appraised;

(7) “institutional real estate appraiser” means a real estate appraiser employed full-time by a financial institution with an office in the state subject to the limitations set out in AS 08.87.110(e) - (g);

(8) “complete application” means an application that includes all documentation and fees required for certification in this chapter;

(9) “distance education” means an educational process where a geographical separation exists between the provider and student;

(10) “CLEP” means the College-Level Examination Program;

(11) “USPAP” means the Uniform Standards of Professional Appraisal Practice, developed by the Appraisal Foundation.

Authority: AS 08.87.020