

ALABAMA REAL ESTATE APPRAISERS BOARD
ADMINISTRATIVE CODE

CHAPTER 780-X-1
ORGANIZATION, ADMINISTRATION
AND PROCEDURE

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780-X-1-.01 **Purpose.** The Alabama Real Estate Appraisers Board was created to ensure that the public is protected against dangers arising from attempts of incompetent or unscrupulous persons to practice the profession of real estate appraisal. This purpose is achieved through the establishment of minimum qualifications for licensure and certification in the profession of real estate appraisal, through the adoption of rules defining and delineating unlawful conduct, and through swift and effective discipline for those practitioners who violate the applicable laws or rules promulgated hereunder. The purpose is also achieved by establishing boundaries on the action of appraisal management companies to maintain appraiser independence.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-5.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991;

effective May 15, 1991. **Amended:** Filed November 18, 2011; effective December 23, 2011.

780-X-1-.02 Composition And Selection Of Board. The board shall consist of nine members, one of whom shall be a qualified individual from the general public, seven of whom shall be real property appraisers, and beginning on October 1, 2011, one of whom shall be a representative of an appraisal management company. Each member of the board, except for the representative of the appraisal management company, shall be a citizen of this state and no less than two of the nine board members shall be of a minority race. The overall membership of the board shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state. The Governor shall appoint the members of the Real Estate Appraisers and Appraisal Management Company Registration and Regulation Board. One appraiser member shall be appointed from each United States Congressional District in this state. Members serve staggered three-year terms and continue to serve upon the expiration of their term until appointment of their successor by the Governor and confirmation by the State Senate provided that no member shall serve as a member of the board for more than two consecutive terms. The representative of the appraisal management company, whose term begins on October 1, 2011, shall be selected from a list of three candidates submitted to the Governor by the Real Estate Valuation Advocacy Association, or its successor organization. This member shall serve a term of three years and shall not serve more than two consecutive terms.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-4.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991. **Repealed and New Rule:** Filed November 18, 2011; effective December 23, 2011.

780-X-1-.03 General Description Of Organization And Operation.

The Board is an independent agency of the State of Alabama. All costs of operating the Board, including administrative, secretarial, clerical and investigative, are paid from legislative appropriation and fees collected by the Board. The Attorney General and his/her assistants provide legal services to the Board. The Board may utilize the assistance of licensed real property appraisers as voluntary advisory panel members to assist the board in complying with this Rule.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code Of Ala. 1975, §§34-27A-4, 34-27A-27.
History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991, effective May 15, 1991. **Amended:** Filed April 21, 1994.
Emergency adoption: Filed May 5, 1994; effective June 1, 1994.
Amended: Filed June 22, 1994; effective July 27, 1994.

780-X-1-.04 Officers.

(1) Election. The Board shall elect annually the following officers: chairman, vice chairman and secretary.

(2) Compensation and expenses. Board members shall be compensated Three Hundred Dollars (\$300.00) per month of attendance at duly called Board meetings. In addition, each member of the Board shall be entitled to a per diem allowance on board meeting days as authorized by the Board, not to exceed the current per diem allowance for state employees, except that no out-of-state travel or mileage reimbursement for travel beyond Alabama borders shall be made for attendance at Board meetings.

Author: Alabama Real Estate Appraisers Board
Statutory Authority: Code of Ala. 1975, §§34-27A-4, 36-7-20.
History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991. **Amended:** Filed November 25, 2008; effective December 30, 2008. **Amended:** Filed November 18, 2011; effective December 23, 2011.

780-X-1-.05 Employment Of Personnel. The Board may employ investigators, attorneys and any other agents and employees and assistants as may from time to time be necessary to bring about and maintain a rigid administration and enforcement of the Alabama law regulating the practice of real estate appraising.

Author: Alabama Real Estate Appraisers Board
Statutory Authority: Code of Ala. 1975, §34-27A-5.
History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.06 Executive Director. The Board shall employ an executive director who shall be responsible for the administration of Board policy. The executive director is

designated as agent for the Board for service of legal process upon the Board. All correspondence to the Board, including requests for information and all submissions and other requests should be made to the executive director at the Board's headquarters at the following address:

Executive Director
Alabama Real Estate Appraisers Board
P.O. Box 304355
Montgomery, Alabama 36130

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-5.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991. **Amended:** Filed April 21, 1994.

Emergency adoption: Filed May 5, 1994; effective June 1, 1994.

Amended: Filed June 22, 1994; effective July 27, 1994. **Amended:** Filed August 21, 2001; effective September 25, 2001.

780-X-1-.07 **Rules Of Order.** All proceedings of the Board shall be governed by Roberts' Rules of Order, latest revised edition, except during disciplinary hearings and except where otherwise provided in these rules.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-5.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.08 **Order Of Business.** The normal order of business for a meeting shall be as follows unless otherwise amended by the Board:

- (a) Call to order
- (b) Verification by the executive director that a quorum of members is present
- (c) Approval of minutes of last meeting
- (d) Hearings to be held - public and/or disciplinary
- (e) Interview of applicants notified or requested to appear

- (f) Consideration of applications for licensure or certification
- (g) Committee reports
- (h) Correspondence (communications)
- (i) Open forum
- (j) Unfinished business
- (k) New business
- (l) Adjournment

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-5.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.09 **Quorum.** A quorum of the Board shall consist of five members of the Board with at least four of such members being appraiser members.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-4.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.10 **Meetings.**

(1) Meetings may be called by the chairman or by a quorum of the Board.

(2) Each member of the Board shall be given at least ten days' notice of the time, place, and purpose of any regular or special meeting by the chairman or executive director, unless such notice is waived by the individual member or unless such member is present at the called meeting.

(3) The Board shall hold at least one regular meeting each calendar quarter to conduct its business. Special meetings may be called as necessary and may be held at any place agreed upon by a quorum of the Board.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §§34-27A-4, 34-27A-5.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.11 **Questions Of Procedure And Evidence.** The chairman of the Board shall, in accordance with these rules, and except as otherwise provided in these rules, rule upon all questions of procedure and, in the event that evidence is taken, on the admissibility of that evidence. The decision of the chairman shall be final.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-5.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.12 **Voting.** All members of the Board, including the chairman, are entitled to vote and to make or second motions. A majority of those members of the Board present and voting on any matter shall decide that matter before the Board, except on procedural and evidentiary matters which are provided for in Rule 780-X-1-.11. The chairman shall vote as a member of the Board.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-5.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.13 **Use Of Forms.** All applications and requests for which the Board has prescribed a form must be made on the prescribed form. Copies of forms in use and instructions for their completion are available from the executive director.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §§34-27A-5, 34-27A-7, 34-27A-8, 41-22-4.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.14 Records.

(1) "Public record" for the purpose of these rules means all Board records which are reasonably necessary to record the business and activities required to be done or carried on by the Board so that the status and condition of such business and activities can be known to the public. Records which do not constitute "public records" include, but are not limited to, those received by a public officer in confidence, sensitive personnel records, complaints against registrants, and records the disclosure of which would be detrimental to the best interests of the public.

(2) Specific public records are available for inspection at Board headquarters during regular business hours.

(3) Any person wishing to obtain copies of specific public records may request same from the executive director, and will be supplied copies upon payment of the cost of copying, handling and postage, which costs will be estimated and set from time to time by resolution of the Board.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §§34-27A-5, 41-22-4.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991. **Amended:** Filed February 23, 1998; effective March 30, 1998.

780-X-1-.15 Registry. The Board shall, no less than annually, compile and publish a registry of the names and addresses of all persons both licensed and certified to perform federally related real estate appraisals. Copies of the directory shall be furnished annually to the federal agency designated by congress to receive it and shall be distributed or sold to the public upon request and upon payment of a fee to be set from time to time by resolution by the Board.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §34-27A-5(a)(3).

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.

780-X-1-.16 Declaratory Rulings.

(1) The Board may issue declaratory rulings to any person substantially affected by a rule with respect to the validity of the rule, or with respect to the applicability to any person, property, or state of facts of any rule or statute enforceable by the Board, or with respect to the meaning and scope of any order of the Board. Such rulings shall be issued provided:

(a) The petitioner shows that he/she is substantially affected by the rule in question;

(b) Sufficient facts are supplied in the request to permit the Board to make a valid determination; and

(c) The request arises from an actual question or controversy.

(2) A petition for a declaratory ruling shall be submitted in the following form:

Petition For Declaratory Ruling

On Rule No. _____

1. Petitioner

Name: _____

Address: _____

Telephone _____

2. All rules or statutes that may be involved in the petition, if known:

3. Clear and concise statement of the precise factual situation involved:

4. The exact question to which an answer is desired:

5. The reason for submitting the petition:

6. Full disclosure of the petitioner's interest:

7. Statement as to whether the petitioner's case is presently under consideration by the Alabama Real Estate Appraisers Board or in any pending proceedings:

8. Affidavit certification

Signature of Petitioner _____

Sworn to and Subscribed before me this the _____ day of _____, 19____.

Notary Public

(3) Such rulings will be made in accordance with the Alabama Administrative Procedure Act, Code of Ala. 1975, §41-22-11.

Author: Alabama Real Estate Appraisers Board

Statutory Authority: Code of Ala. 1975, §§34-27A-5, 41-22-11.

History: **Emergency adoption** filed February 15, 1991; effective February 18, 1991. **Permanent adoption** filed April 8, 1991; effective May 15, 1991.