

The Department of Financial and Professional Regulation is posting these proposed rules in an effort to make the public aware of possible changes that may have an impact on the profession.

The general public may submit written comments to the Department during the first 45 day public comment period. Any suggested changes will be considered by the Department and the appropriate Board.

These proposed rules were published in the October 15, 2010 Illinois Register. The 45 day comment period will end November 29, 2010.

Please submit written comments to Craig Cellini as stated in the attached notice.

THESE PROPOSED CHANGES ARE NOT IN EFFECT AT THIS TIME AND THE ADOPTED RULES MAY DIFFER FROM THOSE ORIGINALLY PUBLISHED.

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DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION

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TITLE 68: PROFESSIONS AND OCCUPATIONS

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SUBCHAPTER b: PROFESSIONS AND OCCUPATIONS

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AUTHORITY: Implementing and authorized by the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

SOURCE: Emergency rules adopted at 16 Ill. Reg. 16196, effective September 30, 1992, for a maximum of 150 days; rules adopted at 17 Ill. Reg. 1589, effective January 26, 1993; emergency

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amendment at 17 Ill. Reg. 6668, effective April 19, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. 13494, effective July 30, 1993; amended at 18 Ill. Reg. 2379, effective January 28, 1994; emergency amendment at 18 Ill. Reg. 3006, effective February 10, 1994, for a maximum of 150 days; amended at 18 Ill. Reg. 8428, effective May 24, 1994; amended at 19 Ill. Reg. 9176, effective June 26, 1995; emergency amendment at 19 Ill. Reg. 12503, effective August 16, 1995, for a maximum of 150 days; amended at 19 Ill. Reg. 16604, effective December 1, 1995; amended at 20 Ill. Reg. 6488, effective April 30, 1996; recodified from Chapter VII, Department of Professional Regulation, to Chapter VIII, Office of Banks and Real Estate, pursuant to PA 89-23 and PA 89-508, at 20 Ill. Reg. 11984; amended at 21 Ill. Reg. 1685, effective January 27, 1997; amended at 21 Ill. Reg. 5538, effective April 18, 1997; emergency amendment at 22 Ill. Reg. 4132, effective February 4, 1998, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 8534, effective April 29, 1998, for a maximum of 150 days; old Part repealed by emergency rulemaking at 22 Ill. Reg. 12979, effective July 1, 1998, for a maximum of 150 days; new Part adopted by emergency rulemaking at 22 Ill. Reg. 13011, effective July 1, 1998, for a maximum of 150 days; old Part repealed and new Part adopted at 22 Ill. Reg. 20815, effective November 20, 1998; old Part repealed at 26 Ill. Reg. 10883 and new Part adopted by emergency rulemaking at 26 Ill. Reg. 10844, effective July 1, 2002, for a maximum of 150 days; old Part repealed at 26 Ill. Reg. 17689 and new Part adopted at 26 Ill. Reg. 17692, effective November 27, 2002; emergency amendment at 27 Ill. Reg. 14653, effective August 29, 2003, for a maximum of 150 days; amended at 28 Ill. Reg. 824, effective December 29, 2003; amended at 29 Ill. Reg. 16445, effective October 13, 2005; amended at 31 Ill. Reg. 4741, effective March 9, 2007; amended at 33 Ill. Reg. 7121, effective May 14, 2009; amended at 35 Ill. Reg. _____, effective _____.

SUBPART A: DEFINITIONS

Section 1455.10 Definitions

Unless otherwise clarified by this Part, definitions set forth in the Act also apply for the purposes of this Part.

"Act" means the Real Estate Appraiser Licensing Act of 2002 [225 ILCS 458].

"Applicant" means a person applying for licensure under this Act as a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser. Any applicant or any person who holds himself or herself out as an applicant is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act. [5 ILCS 100].

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"Appraisal management company" means any corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that directly or indirectly performs the following appraisal management services:

administers networks of independent contractors and/or employee appraisers to perform real estate appraisal assignments for clients;

receives requests for real estate appraisal services from clients and, for a fee paid by the client, enters into an agreement with one or more independent appraisers to perform the real estate appraisal services contained in the request; or

otherwise serves as a third-party broker of appraisal management services between clients and appraisers. For the purposes of this Part, a corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity owned by one or more Illinois State Certified General Real Estate Appraisers or State Certified Residential Real Estate Appraisers holding more than 50% interest in the corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity is not an appraisal management company.

"Board" or "AQB" means the Appraiser Qualification Board.

"Classroom hour" or "hour" as it pertains to the education requirements means classroom attendance for a minimum of 50 minutes of lecture or its equivalent through a distance learning program approved by the Division.

"Client" means the party or parties who engage an appraiser, by employment or contract, in a specific assignment. If an appraisal management company is the party engaging the appraiser, the appraisal management company is considered the client.

"Department" means the Department of Financial and Professional Regulation.

"Direct supervision" means that an appraiser is directing and overseeing the production of each appraisal assignment pursuant to Section 1455.315.

"Director" means the Director of the Department of Financial and Professional Regulation-Division of Professional Regulation.

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"Division" means the Department of Financial and Professional Regulation-Division of Professional Regulation.

"Experience/work log" means the form described in Section 1455.190 that verifies an appraiser's experience and work history.

"License" means a certificate of authority, permit or registration issued by the Division.

"Licensee" means a person who has been issued a license under the Act or this Part. Anyone who holds himself or herself out as a licensee or who is accused of unlicensed practice is considered a licensee for purposes of enforcement, investigation, hearings, and the Illinois Administrative Procedure Act.

"Secretary" means the Secretary of the Department of Financial and Professional Regulation.

"Supervising appraiser" means a State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser in good standing with the Division. A supervising appraiser shall not have been subject to discipline within the last two years. The supervising appraiser shall possess a minimum of 2 years of experience as a practicing certified licensed appraiser. A State Certified General Real Estate Appraiser or a State Certified Residential Real Estate Appraiser may engage in direct supervision of an Associate Real Estate Trainee Appraiser. A State Certified General Real Estate Appraiser may engage in direct supervision of a State Certified Residential Real Estate Appraiser.

"USPAP" the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board pursuant Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 USC 3331 et seq.) and incorporated by reference in Section 1455.240.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART B: LICENSING REQUIREMENTS

Section 1455.100 Application for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License; Application for an Associate Real Estate Trainee Appraiser License; Application by Non-Resident for Licensure by Endorsement~~Reciprocity~~

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- a) Each applicant for a State Certified General Real Estate Appraiser License and a State Certified Residential Real Estate Appraiser License shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the qualifying pre-license education requirements as provided by Section 1455.150 of this Part;
 - 4) A score report/application that provides proof of successful completion of the qualifying education and pre-license experience requirements as provided by Subpart D; and
 - 5) Proof of successful completion of the examination authorized by the Division and endorsed by the Appraiser Qualification Board (AQB).
- b) Each applicant for an Associate Real Estate Trainee Appraiser License shall submit to the Division:
- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320;
 - 3) Proof of successful completion of the qualifying pre-license education requirements as provided by Subpart C; and
 - 4) A score report/application that provides proof of successful completion of the examination authorized by the Division.
- c) Each non-resident applicant for a State Certified General Real Estate Appraiser license or a State Certified Residential Real Estate Appraiser ~~real estate appraiser license applying by endorsement issued pursuant to Section 5-30 of the Act from a jurisdiction with which the Division has a valid reciprocal agreement~~ shall submit to the Division:

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- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
- 2) The fee as provided by Section 1455.320; and
- 3) A certification of good standing from the jurisdiction of the applicant's place of residence or by a search by the Division of the Appraisal Subcommittee's (ASC) National Registry history that may be obtained from the ASC at 2000 K Street, NW, Suite 310, Washington, DC 20006 or at its website at www.asc.gov; ~~and 4) Consent to jurisdiction pursuant to Section 5-30(b) of the Act. For the purposes of this subsection (c), the Division shall issue a license reflecting the rank for which the non-resident is qualified (Certified General Real Estate Appraiser, Certified Residential Real Estate Appraiser or Associate Real Estate Appraiser), as determined by the requirements for licensure in the jurisdiction that licensed the non-resident applicant compared to the requirements of the Act and this Part.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.110 Application for Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Late Renewal of State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License; Expiration Date

- a) Each applicant for renewal of a State Certified General Real Estate Appraiser License, State Certified Residential Real Estate Appraiser License, and Associate Real Estate Trainee Appraiser License shall submit to the Division:
 - 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- b) Any person who fails to submit a renewal application and renew his or her license by the expiration date of the license may renew his or her license for a period of 2 years following the expiration date of his or her license by submitting to the

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Division:

- 1) An application, provided by the Division and signed by the applicant, on which all questions have been answered;
 - 2) The fee and late penalty as provided by Section 1455.320; and
 - 3) Proof of successful completion of the continuing education requirements as provided by Subpart C.
- c) For the purposes of this Section, all licenses shall expire on September 30 of odd numbered years.
- d) Any person who fails to submit a renewal application pursuant to this Section within 2 years after the expiration date shall not be eligible to renew his or her license, and must meet the requirements of a new applicant as required by the Act and this Part.
- e) License renewals shall not be processed until proof of successful completion of continuing education is submitted and awarded credit by the Division. Licensees unable to provide satisfactory evidence of completed continuing education for the prescribed renewal cycle shall have their license automatically suspended.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART C: EDUCATION REQUIREMENTS

Section 1455.150 Qualifying~~Pre-License~~ Education Requirements; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser; Non-Resident Qualifying~~Pre-License~~ Education

- a) Residential – No Experience Prior to July 1, 2006 – Application After December 31, 2007
An applicant for licensure as a State Certified Residential Real Estate Appraiser who has not gained appraisal experience prior to July 1, 2006 and files an application after December 31, 2007 shall meet the following criteria.
- 1) 2500 hours of AQB Appraisal Experience;
 - 2) 200 hours of modular appraisal education as stated in the Guide Notes

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(GN-1) of the AQB 2008 Criteria;

- 3) Associates degree or equivalent as outlined by AQB; and
 - 4) If an individual applicant for licensure submits integrated course credit for approval, the course must have been approved by the Course Approval Program of the Appraiser Qualifications Board and a topic matrix revealing the exact number of hours for each section of course content must be provided for review. Only integrated course credit bundled together to equal a module will be accepted. Partial credit toward a module will not be accepted. It is the applicant's responsibility to demonstrate compliance as part of the application.
- b) Any person who makes application for an Associate Real Estate Appraiser License shall be required, as a pre-requisite to examination, to successfully complete 75 classroom hours of qualifying education~~pre-license instruction~~ in subjects related to real estate appraisal, as outlined by Subpart H of this Part, and shall include 15 hours of instruction relative to USPAP that is approved by the AQB and taught by an AQB certified instructor. All qualifying~~pre-license~~ education requirements shall only be accepted from education providers and courses approved by the Division.
- c) The Division may accept evidence of successful completion of qualifying~~pre-license~~ education credit from another jurisdiction, if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the minimum licensing requirements of the AQB Criteria and may be in modular format for licensure after January 1, 2008. A real estate appraiser who wishes to obtain credit for qualifying~~pre-license~~ education courses not licensed by the Division shall submit to the Division:
- 1) An application provided by the Division requesting approval for qualifying~~pre-license~~ education credit, signed by the applicant, on which all questions are answered;
 - 2) A certificate of successful completion provided by the education provider, a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested qualifying~~pre-license~~ education credit, or any other evidence to be considered by the Division; and
 - 3) The fee as provided in Section 1455.320.

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(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.160 Continuing Education Requirements for State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, and Associate Real Estate Trainee Appraiser; ~~and State Licensed Real Estate Appraiser~~; Non-Resident Continuing Education Approval

- a) CE Credit
 - 1) A State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser who makes application to renew his or her real estate appraiser license shall successfully complete the equivalent of 14 hours of approved continuing education per year preceding the renewal, e.g., a total of 28 hours of approved continuing education for a 2 year renewal. Continuing education may be obtained anytime during the pre-renewal period. Continuing education credit will only be accepted from education providers and courses approved by the Division.
 - 2) If a real estate appraiser was issued an initial license for less than 185 days prior to the expiration of the license, then no continuing education is required for that renewal. If a real estate appraiser has held a license 185 days or more prior to the expiration, but less than two years, then 14 hours of approved continuing education is required. ~~A State Licensed Real Estate Appraiser who makes application to convert his or her license to an Associate Real Estate Appraiser License pursuant to the Act and this Part shall be required to successfully complete the equivalent of 14 hours of approved continuing education per year preceding the conversion, e.g., a total of 28 hours of approved continuing education for the 2 years prior to conversion.~~
 - 3) A real estate appraiser must complete the 7-hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who also hold a current appraiser certification by a state during each pre-renewal period prior to renewing or converting his or her real estate appraiser license, unless the real estate appraiser was issued his or her initial license for a period of less than 185 days prior to the expiration date. A real estate appraiser must complete the 7-hour National USPAP Update Course or its

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equivalent within 6 months after the effective date of USPAP. Those real estate appraisers issued a license more than 6 months after the effective date of USPAP shall complete the 7-hour National USPAP Update Course within 6 months after licensure.

- b) CE Credit from Another Jurisdiction
The Division may accept evidence of successful completion of continuing education credit from another jurisdiction if that jurisdiction's requirements are substantially the same as the State of Illinois' and meet the recommendations of the AQB, and if the credit was earned during the appropriate pre-renewal period. A real estate appraiser who wishes to obtain credit for continuing education courses not licensed by the Division shall submit to the Division:
- 1) An application provided by the Division requesting approval for continuing education credit, signed by the applicant, on which all questions are answered;
 - 2) A certificate of successful completion provided by the education provider or a certification by the jurisdiction of the appraiser's place of residence of successful completion of the requested continuing education credit; and
 - 3) The fee as provided in Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART E: BUSINESS PRACTICES; STANDARDS AND SCOPE OF PRACTICE

Section 1455.230 Address Change; Street Address

It is the responsibility of the licensee to notify the Division in writing of a change of address within 15 days after the change. ~~The~~A licensee shall provide ~~may use a Post Office Box number, e.g., P.O. Box 1001, as a mailing address, but must additionally notify the Division of a street address of the licensee's residence or business location.~~ The licensee's address shall not be a Post Office Box or a mailbox located within a retail postal business.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.240 Uniform Standards of Professional Appraisal Practice (USPAP)

- a) Pursuant to Section 10-10 of the Act, the ~~2010~~2008 Uniform Standards of

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Professional Appraisal Practice (USPAP), effective January 1, ~~2010~~2008, by the Appraisal Standards Board (ASB) of the Appraisal Foundation (The Appraisal Foundation, 1029 Vermont Avenue, NW, Suite 900, Washington, D.C. 20005), are hereby incorporated by reference with no later amendments or editions.

- b) All real estate appraisers licensed under the Act shall practice in accordance with USPAP except where the standards are contrary to Illinois law or public policy (USPAP, Jurisdictional Exception).
- c) All investigators, auditors and examiners employed or retained by the Division are exempt from the requirements of USPAP Standard 3 while performing an investigation, audit or examination. If the Division files a formal complaint, a USPAP Standard 3 review shall be utilized by the Division, except the Division may limit the scope of Standard 3 to exclude valuation.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART F: ENFORCEMENT PROVISIONS

Section 1455.250 Grounds for Discipline

Pursuant to Section 15-10(a) of the Act, failure to comply with any of the following shall be considered a violation and may ~~be~~ subject a licensee to discipline as provided for in the Act and this Part:

- a) An appraiser shall identify an appraisal management company as the client if the appraisal management company is engaging the appraiser. If an appraisal management company is acting as an authorized agent for a financial institution, the appraiser shall identify the financial institution as the additional intended user.
 - 1) An authorized agent is defined as one approved by the board of directors for the financial institution and who has a specified level of authority relating to the appraisal process.
 - 2) An institution's board of directors is responsible for reviewing and adopting policies and procedures that establish and maintain an effective, independent real estate appraisal and evaluation program for all of its lending functions. In developing a real property appraisal, an appraiser shall analyze any prior sales of the property that occurred within three years if such information is readily available to the appraiser in the normal

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~~course of business. In developing a real property appraisal of one to four units of residential property, an appraiser shall analyze any prior listings of the property that occurred within three years if such information is readily available to the appraiser in the normal course of business.~~

- b) If a financial institution is identified as an additional intended user, the appraiser shall ascertain the relationship between the client/authorized agent and the financial institution by doing one of the following: ~~Work File~~
- 1) obtain a copy of the agreement between the client/authorized agent and the financial institution. This agreement shall set out the responsibilities and authority of the authorized agent. ~~An appraiser shall prepare a work file for each appraisal, appraisal review, or appraisal consulting assignment. The work file shall include the name of the client and identity, by name or type, of any other intended users, true copies (as transmitted to the client) of any written reports, documented on any type of media; summaries of any oral reports or testimony, or a transcript of the testimony, including the appraiser's signed and dated certification; and all other data information and documentation necessary to comply with this Part and all other applicable Sections of the Act and provisions of USPAP.~~
 - 2) obtain a letter written by the client/authorized agent in which the agent sets forth its level of responsibility and authority. If the client/authorized agent cannot provide the appraiser with documentation identifying them as a duly authorized agent for the financial institution, a statement must be included in the appraisal indicating that the report may not comply with the Interagency Appraisal and Evaluation Guidelines, adopted October 27, 1994 by the OCC, FRB, FDIC, and OTCA. ~~work file shall be in existence prior to and contemporaneous with the issuance of a written or oral report. A written summary of an oral report shall be added to the work file within a reasonable time after the issuance of the oral report. A work file shall be made available to the Division within 30 days after request.~~
 - 3) directly communicate with the financial institution to determine the scope of the appraisal assignment.
- c) When an appraisal management company engages an appraiser by employment or contract for a specific assignment, the appraiser shall prominently display the appraisal fee received from the appraisal management company in the certification as follows: "The compensation for this appraisal assignment is

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~~§ _____. "An appraiser shall perform assignments with impartiality, objectivity, and independence, and without accommodation of personal interests.~~

- d) ~~When preparing a real property appraisal or appraisal assignment, an appraiser shall not act as an advocate for any party.~~
- e) Letter of Transmittal
 - 1) ~~An appraiser who signs any part of the appraisal report, including letter of transmittal, must also sign the certification. An appraiser who signs any part of the appraisal report, including letter of transmittal, accepts full responsibility for the contents of the appraisal report and any violations of the Act, this Part or USPAP contained within the appraisal report.~~
 - 2) ~~For the purposes of this subsection (e), a letter of transmittal is any letter, cover page, memorandum or similar document that accompanies the appraisal report when it is transmitted to the client.~~

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.270 Additional Education; Reporting Requirements

The Division may require a licensee, pursuant to a compliance agreement or order:

- a) To complete additional continuing education or qualifying pre-license education coursework; and
- b) To provide any reports, records or other documents pertaining to appraisal activity that the Division may deem necessary to maintain standards of professional conduct, the competency of a licensee, and the protection of the public.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.290 Cooperation Required with the Division

Pursuant to Section 15-10(a)(17) of the Act, all licensees are required to fully cooperate with any audit, investigation, interrogatory, examination or request for information regarding any aspect of the licensee's appraisal practice or application for licensure. Full cooperation includes, but is not necessarily limited to providing to the Division within 30 days after its request:

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- a) A complete copy of a signed appraisal as it was transmitted to the client, including file memoranda, work files, supporting and/or verification documentation that are required to be maintained by the Act;
- b) Continuing education certificates or experience/work log that are required to be maintained by the Act or this Part; or
- c) A complete answer to any written interrogatory or request for clarification submitted to a licensee or applicant.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.310 Unprofessional Conduct

Dishonorable, unethical or unprofessional conduct includes, but is not limited to, the commission of any one of the following:

- a) Aiding or assisting another in the violation of the Act or this Part;
- b) Failing to satisfy a material term of a consent to administrative supervision order or consent order; ~~or~~
- c) Aiding, assisting or facilitating another in using or appropriating credentials or a license for the purpose of preparing an appraisal report; or-
- d) Delivering an appraisal report in a manner in which the appraiser knows, or should know, a true copy of the report will not be delivered to all intended users.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.315 Supervisor and Trainee Requirements

- a) Requirements of a Supervising Appraiser
 - 1) A supervising appraiser shall provide to the Division in writing the name and address of each Associate Real Estate Trainee Appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination of the engagement.
 - 2) A supervising appraiser shall instruct and directly supervise an Associate

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Real Estate Trainee Appraiser for any classification of license or certificate in the entire preparation of each appraisal. A supervising appraiser shall provide direct supervision, being personally and physically present, during the first 500 hours of experience for no fewer than 25 assignments. If a State Certified General Real Estate Appraiser is supervising an Associate Real Estate Trainee Appraiser, all appraisals completed during the first 500 hours of experience shall be non-residential appraisals. The supervising appraiser shall approve and sign all final appraisal documents certifying the appraisals are in compliance with USPAP.

b) Requirements of an Associate Real Estate Trainee Appraiser

1) An Associate Real Estate Trainee Appraiser shall provide to the Division in writing the name and address of each supervising appraiser within 10 days after engagement, and notify the Division in writing immediately upon termination after the engagement.

2) An Associate Real Estate Trainee Appraiser shall maintain an appraisal log for each supervising appraiser and, at a minimum, include the following in the log for each appraisal:

A) Type of property;

B) Date of report;

C) Property description;

D) Description of work performed by the trainee and scope of review and supervision by the supervising appraiser;

E) Number of actual work hours by the trainee on the assignment; and

F) The signature and State license number of the supervising appraiser.

(Source: Added at 35 Ill. Reg. _____, effective _____)

SUBPART G: ADMINISTRATIVE PROVISIONS

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Section 1455.320 Fees

- a) Initial application fee for appraiser license.
 - 1) The application fee for an initial license as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, and an Associate Real Estate Trainee Appraiser shall be \$225.
 - 2) In addition to the initial fee for an initial applicant as a State Certified General Real Estate Appraiser and a State Certified Residential Real Estate Appraiser prescribed in subsection (a)(1), each applicant shall pay \$75, which shall include the National Registry fee.
- b) Renewal application fee for appraiser license.
 - 1) The application fee to renew a license as a State Certified General Real Estate Appraiser or, a State Certified Residential Real Estate Appraiser ~~or a State Licensed Real Estate Appraiser~~ shall be calculated at \$250 per year, which shall include the National Registry fees.
 - 2) The application to renew an Associate Real Estate Trainee Appraiser License shall be calculated at \$150 per year.
 - 3) The application fee to renew a license that has expired, as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Trainee Appraiser, ~~or a State Licensed Real Estate Appraiser~~, shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- c) Application fee for temporary practice permit.

The application fee for a temporary practice permit pursuant to the Act and this Part shall be \$150. There shall be no additional fee required for an extension granted pursuant to the Act and this Part for a temporary practice permit.
- d) Initial application fee for a license as an education provider, a qualifying education ~~pre-license~~ course, and a continuing education course.
 - 1) The application fee for a license as an education provider shall be \$1050, plus course application fees.

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- 2) The application fee for a license for a qualifying education~~pre-license~~ course shall be \$150.
 - 3) The application fee for a license for a continuing education course shall be \$100.
- e) Application fee to renew a license as an education provider, a qualifying education~~pre-license~~ course, and a continuing education course.
- 1) The application fee to renew a license as an education provider shall be calculated at \$550 per year.
 - 2) The application fee to renew a license that has expired as an education provider shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 3) The application fee to renew a license as a qualifying education~~pre-license~~ course shall be calculated at \$100 per year.
 - 4) The application fee to renew a license that has expired as a qualifying education~~pre-license~~ course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
 - 5) The application fee to renew a license as a continuing education course shall be calculated at \$75 per year.
 - 6) The application fee to renew a license that has expired as a continuing education course shall be the sum of all lapsed renewal fees plus a \$50 late fee.
- f) For the purposes of determining if a license has expired under this Section, Department of Financial and Professional Regulation-Division of Professional Regulation (Division) shall consider the license expired if the postmark on the renewal application is a date later than the expiration date or, if delivered other than by mail, the license shall be considered expired if the renewal application is received by the Division on a date later than the expiration date.
- g) General-
- 1) All fees paid pursuant to the Act and this Part are non-refundable.

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- 2) The fee for the issuance of a duplicate license certificate or pocket card, for the issuance of a replacement license certificate or pocket card that has been lost or destroyed, or for the issuance of a license certificate or pocket card with a name or address change, other than during the renewal period, shall be \$25.
- 3) The fee for a certification of a licensee's record for any purpose shall be \$25.
- 4) The fee for a decorative wall license showing registration shall be the cost of producing the license.
- 5) The fee for a roster of persons licensed under the Act shall be the cost of producing the roster.
- 6) Applicants for an examination as a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser, or an Associate Real Estate Trainee Appraiser shall be required to pay a fee covering the cost of providing the examination. If a designated testing service is utilized for the examination, the fee shall be paid directly to the designated testing service. Failure to appear for the examination on the scheduled date, at the time and place specified, after the applicant's application for examination has been received and acknowledged, shall result in the forfeiture of the examination fee.
- 7) The fee for a copy of the transcript of any proceeding under the Act shall be the cost to produce the copy.
- 8) The fee for certifying any record, e.g., a copy of a disciplinary order or application, shall be \$1 per page.
- 9) The Division may charge an administrative fee not to exceed \$2,000, as a part of a compliance agreement issued with an administrative warning letter pursuant to Section 1455.280 of this Part.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART H: EDUCATION PROVIDER AND COURSE PROVISIONS

Section 1455.350 Education Provider Application; Requirements

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- a) In accordance with Section 20-5 of the Act, any person or entity seeking approval to provide qualifying education~~pre-license~~ and/or continuing education courses shall submit an application on forms provided by the Division along with the appropriate fee required by Section 1455.320.
- b) The program of qualifying education~~pre-license~~ and/or continuing education for a licensed education provider shall:
 - 1) Be approved by the provider's governing and/or supervising body;
 - 2) Utilize qualified instructors to instruct such courses as, but not limited to:
 - A) qualifying~~pre-license~~ education courses for a State Certified General Real Estate Appraiser (the instructor shall be a State Certified General Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
 - B) qualifying education~~pre-license~~ courses for a State Certified Residential Real Estate Appraiser or an Associate Real Estate Trainee Appraiser (the instructor shall be a State Certified General Real Estate Appraiser, a State Certified Residential Real Estate Appraiser or its equivalent from another jurisdiction, or a full time faculty member of a college or university);
 - C) continuing education courses (the instructor should have the appropriate education and experience in appraisal or the subject matter being taught); or
 - D) all instructors teaching USPAP courses shall be AQB certified instructors who also hold a current appraiser certification from a state; and
 - 3) Offer courses that are approved and licensed by the Division, and conform to the standards established in this Subpart.
- c) Facilities
 - 1) An education provider must provide an office for the maintenance of all

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records, office equipment and office space necessary for customer service.

- 2) The premises, equipment and facilities of the education provider shall comply with applicable community, state or federal fire codes, building codes, and health and safety standards.
 - 3) The education provider is subject to inspection prior to approval or at any time thereafter by authorized representatives of the Division. Inspections shall be conducted during regular business hours, with at least 48 hours advance notice.
 - 4) No education provider shall maintain an office, or conduct education courses, in a private residence.
 - 5) An education provider shall only conduct education courses in locations that are conducive to learning.
- d) Administration
- 1) No licensed education provider shall advertise that it is endorsed, recommended, or accredited by the Division. The education provider may indicate that it is licensed by, and the course of study has been approved and licensed by, the Division.
 - 2) Each education provider shall provide a prospective student prior to enrollment with information specifying the course of study to be offered, the tuition, the provider's policy regarding refunds, any additional fee for supplies, materials or books, and other matters that are material to the relationship between the provider and the student.
 - 3) Each education provider shall maintain for each student a record including the course of study undertaken, dates of attendance, and a transcript of courses satisfactorily completed. All records shall be maintained by the education provider for a period of 5 years and shall be made available to the student or to the Division upon request during regular business hours. An education provider may charge a student the cost of reproducing copies of a transcript.
 - 4) Each education provider shall upon request by the Division, provide evidence of financial resources available to equip and maintain its

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program, as documented by, e.g., a current balance sheet or an income statement.

- 5) Any out-of-state education providers shall reimburse the Division for all reasonable expenses incurred by the Division while inspecting their facilities.
- 6) Each education provider shall notify the Division of all proposed changes in ownership of the education provider at least 30 days prior to the change in ownership.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.360 Qualifying~~Pre-License~~ Education Course Requirements of Education Providers

- a) For the purposes of this Section, a course shall be defined as a course of instruction that meets the curriculum requirements of this Subpart for each license category and that is at least 15 hours in length.
- b) Each course shall meet the appropriate course curriculum prescribed in Section 1455.370 of this Subpart.
- c) Each course shall include an examination of a minimum of 25 questions for each 15 hours of instruction, e.g., a 15 hour course would require a 25 question examination, a 30 hour course would require a 50 question examination. The questions shall be either multiple choice or true/false or a combination. Open book examinations shall not be accepted. No student shall be deemed to have successfully completed the course unless he or she has scored a minimum of 70% on the course examination.
- d) The Division shall only grant approval for courses that are a part of an overall qualifying~~pre-license~~ education program for each license category; e.g., an education provider must have a 75 hour qualifying ~~education~~~~pre-license~~ program approved for an Associate Trainee Real Estate Appraiser, a 200 hour pre-license program approved for a State Certified Residential Real Estate Appraiser, and an education provider must have a 300 hour pre-license education program approved for a State Certified General Real Estate Appraiser. The Division will not review or recommend any course to the Board that consists of integrated course content not equaling a full module.

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- e) Each education provider who seeks approval of a course shall submit to the Division an application on forms provided by the Division, which shall include, but is not limited to, an outline and course description for each course, materials to be used in instruction, an examination with answer key, and the appropriate fee pursuant to Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.370 Qualifying Pre-License Course Curriculum; State Certified General Real Estate Appraiser; State Certified Residential Real Estate Appraiser; Associate Real Estate Trainee Appraiser

- a) ~~Qualifying Pre-license~~ education course work to obtain a license as a State Certified General Real Estate Appraiser shall consist of 300 classroom hours of instruction, which may include the 75 hour requirement for a ~~State Licensed Real Estate Appraiser License issued pursuant to a previous Act, the 75 hour requirement for an Associate Real Estate Trainee Appraiser License, or the 200 hour requirement for a State Certified Residential Real Estate Appraiser License.~~ The content for ~~qualifying education pre-license instruction~~ courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for pre-license instruction courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.
- b) ~~Qualifying Pre-license~~ education course work to obtain a license as a State Certified Residential Real Estate Appraiser shall consist of 200 classroom hours of instruction, which may include the 75 hour requirement for a ~~State Licensed Real Estate Appraiser issued pursuant to a previous Act or the 75 hour requirement for an Associate Real Estate Trainee Appraiser License.~~ The content for ~~qualifying education pre-license instruction~~ courses shall not be repetitive and shall represent a progression of instruction in which the appraiser's knowledge is increased. The core curriculum for ~~qualifying education pre-license instruction~~ courses shall be the core curriculum as approved and as revised by the Appraiser Qualifications Board of The Appraisal Foundation.
- c) ~~Qualifying Pre-license~~ education course work to obtain a license as an Associate Real Estate Trainee Appraiser shall consist of 75 classroom hours of instruction and the content of instruction shall include instruction in, but not limited to, the following topics:

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- 1) influences on real estate value;
- 2) legal considerations in appraisal;
- 3) types of value;
- 4) economic principles;
- 5) real estate markets and analysis;
- 6) valuation process;
- 7) property description;
- 8) highest and best use analysis;
- 9) appraisal statistical concepts;
- 10) sales comparison approach;
- 11) site value;
- 12) cost approach;
- 13) income approach;
- 14) valuation of partial interests;
- 15) appraisal standards and ethics; and
- 16) other topics approved by the Division.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.390 Continuing Education Course Requirements of Education Providers

- a) A continuing education course shall be at least 2 hours in length and shall meet the course curriculum prescribed in Section 1455.400 of this Subpart.

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- b) Each education provider who seeks approval of a continuing education course shall submit to the Division an application that shall include, but not limited to, an outline and description of the course and the number of hours sought and the appropriate fee pursuant to Section 1455.320.
- c) An education provider who also offers qualifying pre-license education courses may submit qualifying education pre-license courses for continuing education courses by submitting an application pursuant to subsection (b) of this Section. Only those qualifying education pre-license courses that have been approved and licensed by the Division as continuing education courses shall be approved for continuing education credit.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.400 Curriculum for Continuing Education Courses; Continuing Education Credit for Participation Other Than as a Student

- a) Continuing education courses for a State Certified General Real Estate Appraiser, State Certified Residential Real Estate Appraiser, or Associate Real Estate Trainee Appraiser, ~~or State Licensed Real Estate Appraiser~~ shall include the 7 hour National USPAP Update Course or its equivalent as determined by the AQB or an alternate method established by the AQB taught by an AQB certified instructor who holds a current appraiser certification by a state during the pre-renewal period prior to renewal or conversion of a license; shall increase his or her skill, knowledge and competency in real estate appraisal; and shall cover other real estate related appraisal topics, such as, but not limited to:
 - 1) Ad valorem taxation;
 - 2) Arbitration;
 - 3) Courses related to practice of real estate appraisal;
 - 4) Development cost estimating;
 - 5) Dispute resolution;
 - 6) Ethics and standards of professional practice;
 - 7) Land use planning, zoning;

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- 8) Management, leasing, timesharing;
 - 9) Property development partial interests;
 - 10) Real estate appraisal;
 - 11) Real estate law, easements, legal interests;
 - 12) Real estate litigation, damages, condemnation;
 - 13) Real estate financing and investment;
 - 14) Real estate appraisal related computer applications; and
 - 15) Real estate securities and syndication.
- b) Up to one-half of an individual's continuing education requirement may also be granted by the Division for participation, other than as a student, in appraisal educational processes and programs. Examples of activities for which credit may be granted are teaching, program development, authorship of textbooks, or similar activities that are determined by the Division to be equivalent to obtaining continuing education. AQB Certified USPAP Instructors, who have taught the 7-hour National USPAP Update Course or its equivalent, as qualifying education or continuing education, within the current renewal cycle, are exempt from taking the 7-hour National USPAP Update Course as a student. AQB Certified USPAP Instructors may be granted a maximum of 7 hours of continuing education per renewal cycle for teaching the 7-hour National USPAP Update Course or its equivalent. A real estate appraiser who wishes to obtain continuing education credit for these activities shall submit to the Division:
- 1) An application to request continuing education credit for participation other than as a student signed by the applicant and on which all questions are answered; and
 - 2) The fee provided by Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

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Section 1455.410 Distance Education

- a) For ~~qualifying pre-license~~ education or continuing education, distance education is defined as any educational process based on the geographical separation of instructor and student, e.g., CD ROM, on-line learning, correspondence courses, video conferencing, etc.
- b) Distance education courses may be approved and licensed by the Division if:
 - 1) the course is given by a licensed education provider;
 - 2) the education provider is approved and licensed by the Division;
 - 3) the distance education course meets the requirements for ~~qualifying pre-license~~ education and continuing education as provided in the Act and this Part and criteria established by the AQB;
 - 4) the education provider provides a means for a student to contact an instructor to answer questions.
- c) If the course given is for continuing education credit, the education provider shall be required to submit to the Division, with the course application, an examination of at least 25 questions with answer key, and the student shall be required to score a minimum of 70% on the examination.
- d) The education provider will be required to submit a policy indicating the manner in which distance education course examinations are to be taken. ~~Examinations shall be proctored by a representative of the education provider.~~ The policy must be approved by the Division.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.420 Expiration Date and Renewal for Education Providers and Qualifying Education~~Pre-License and Continuing Education Courses~~

- a) All education provider and ~~qualifying education pre-license~~ and continuing education course licenses shall expire on December 31 of even numbered years.
- b) Every education provider who wishes to renew his, her or its license and ~~qualifying education pre-license~~ and continuing education course licenses shall

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submit to the Division:

- 1) an application, provided by the Division, in which all questions have been answered;
- 2) any course materials must be submitted to the Division for review during the renewal application process; and
- 3) the fees as required by Section 1455.320.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

Section 1455.440 Transcript or Certificate of Completion

Within 21 days after completion of the course, each licensed education provider shall provide to each student who successfully completes an approved qualifying education~~pre-license~~ or continuing education course a certified transcript or certificate of completion. The certified transcript or certificate of completion shall include, but is not limited to, the following information:

- a) the student's name, address and license number (if applicable);
- b) the name and license number of the education provider;
- c) the name and license number of the course; and
- d) the approved hours completed.

(Source: Amended at 35 Ill. Reg. _____, effective _____)

SUBPART I: TRANSITION PROVISIONS

Section 1455.450 Appraiser Applicants – Transition Provisions (Repealed)

- a) ~~An applicant for a State Certified General Real Estate Appraiser or a State Certified Residential Appraiser License may be allowed to sit for examination by providing evidence of successful completion of the pre-requisite hours of pre-license education from courses previously approved and licensed by the Division, which license expired on or prior to December 31, 2002. Any course work taken after January 1, 2003 shall meet the requirements established by, and be approved~~

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~~and licensed under, the Real Estate Appraiser Licensing Act of 2002 and this Part.~~

- b) ~~An applicant for an Associate Real Estate Appraiser License may be allowed to sit for examination by providing evidence of successful completion of the pre-requisite 75 hours of pre-license education from courses previously approved and licensed for a State Licensed Real Estate Appraiser, which license expired on or prior to December 31, 2002. Any course work taken after January 1, 2003 shall meet the requirements established by, and be approved and licensed under, the Real Estate Appraiser Licensing Act of 2002 and this Part.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1455.460 Education Providers, Pre-License and Continuing Education Courses – Transition Provisions (Repealed)

- a) ~~All education providers and pre-license and continuing education courses approved and licensed with an expiration date of December 31, 2002 shall be accepted to meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part at the discretion of the Division until December 31, 2002, e.g., a pre-license course previously approved and licensed by the Division to meet the requirements to sit for a State Licensed Real Estate Appraiser examination may be used to allow an applicant to sit for an Associate Real Estate Appraiser License.~~
- b) ~~Any initial application for license as an education provider or pre-license or continuing education course submitted after July 1, 2002 shall meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~
- e) ~~Any approved and licensed education provider with a license expiration date of December 31, 2002 may renew his, her or its license, but must meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~
- d) ~~Any existing approved and licensed pre-license or continuing education course with an expiration date of December 31, 2002 or later shall only be approved to be renewed if the course meets the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part.~~
- e) ~~Any education provider who must modify or amend a pre-license or continuing education course approved under a previous Act to meet the requirements of the Real Estate Appraiser Licensing Act of 2002 and this Part shall submit the course as if it were an initial course application.~~

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- f) ~~The Division shall waive the renewal fees for a period of two years for existing approved and licensed pre-license or continuing education courses with an expiration date of December 31, 2002 or later and renewed pursuant to subsection (d) of this Section.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

SUBPART J: HEARINGS

Section 1455.470 Applicability (Repealed)

- a) ~~This Subpart shall govern contested cases as defined in Sections 1-30, 1-35 and 10-65 of the Illinois Administrative Procedure Act [5 ILCS 100/1-30, 1-35 and 10-65].~~
- b) ~~This Subpart shall apply to all hearings conducted under the jurisdiction of the Division (Real Estate Appraisal Administration) and the Secretary. Except as otherwise provided in this Subpart, hearings shall be conducted in accordance with 68 Ill. Adm. Code 1110.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1455.480 Administrative Law Judges (Repealed)

~~In any contested case, the Secretary shall employ an attorney, licensed to practice law in Illinois, to serve as an Administrative Law Judge (ALJ). The ALJ has the authority to conduct a hearing, take all necessary action to avoid delay, maintain order, and insure the development of a clear and complete record. The ALJ shall have all powers necessary to conduct a hearing, including the power to:~~

- a) ~~Administer oaths and affirmations;~~
- b) ~~Regulate the course of hearings, set the time and place for continued hearings, fix time for filing of documents, provide for the taking of testimony by deposition if necessary, and generally conduct the proceeding according to generally recognized administrative law;~~
- e) ~~Examine witnesses and direct witnesses to testify, limit the number of times any witness may testify, limit repetitious or cumulative testimony, and set reasonable~~

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~~limits on the amount of time each witness may testify;~~

- ~~d) Rule upon offers of proof and receive relevant evidence;~~
- ~~e) Direct parties to appear and confer for the settlement or simplification of issues, and otherwise conduct prehearing conferences;~~
- ~~f) Dispose of procedural requests or similar matters;~~
- ~~g) Continue the hearing from time to time when necessary;~~
- ~~h) Prepare for the Real Estate Appraisal Board written Findings of Fact, Conclusions of Law and Recommended Action for submission to the Secretary.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)

Section 1455.490 Disqualification of an Administrative Law Judge (Repealed)

- ~~a) Any interested party to a proceeding may, following notice and an opportunity to object, move to disqualify the assigned Administrative Law Judge on the basis of bias or conflict of interest. An adverse ruling rendered against the party or its representative in any previous matters shall not, in and of itself, constitute sufficient grounds for disqualification under this Section. The Secretary shall determine this issue as part of the record of the case. When an ALJ is disqualified, or it becomes impractical for him/her to continue, another presiding officer may be assigned unless it is further shown that substantial bias will result from the assignment.~~
- ~~b) No motion for disqualification shall be permitted after any substantive ruling has been made on the case by the ALJ, unless it pertains to a conflict of interest not previously disclosed.~~

(Source: Repealed at 35 Ill. Reg. _____, effective _____)