

1 SB109  
2 134876-1  
3 By Senator Bussman  
4 RFD: Governmental Affairs  
5 First Read: 07-FEB-12  
6 PFD: 01/30/2012

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8 SYNOPSIS: Under existing law, termination dates are  
9 established for enumerated state agencies. The  
10 agencies are periodically reviewed by the Alabama  
11 Sunset Committee. After the review process is  
12 completed, the committee prepares its  
13 recommendations for the agencies to the Legislature  
14 in the form of sunset bills which either continue,  
15 terminate, or continue with modification each  
16 agency reviewed.

17 This bill would provide for the continuance  
18 of the Alabama Real Estate Appraisers Board until  
19 October 1, 2016, with the following change: To  
20 remove the authority of the board to discipline a  
21 licensee by private reprimand.

22  
23 A BILL  
24 TO BE ENTITLED  
25 AN ACT  
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1           Relating to the Alabama Sunset Law; to continue the  
2           existence and functioning of the Alabama Real Estate  
3           Appraisers Board with certain modifications; to amend Section  
4           34-27A-20, Code of Alabama 1975, so as to remove the authority  
5           of the board to discipline a licensee by private reprimand.

6           BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

7           Section 1. Pursuant to the Alabama Sunset Law, the  
8           Sunset Committee recommends the continuance of the Alabama  
9           Real Estate Appraisers Board until October 1, 2016, with the  
10          additional recommendation for statutory change as set out in  
11          Section 3.

12          Section 2. The existence and functioning of the  
13          Alabama Real Estate Appraisers Board, created and functioning  
14          pursuant to Sections 34-27A-1 to 34-27A-29, inclusive, Code of  
15          Alabama 1975, is continued until October 1, 2016, and those  
16          code sections are expressly preserved.

17          Section 3. Section 34-27A-20 of the Code of Alabama  
18          1975, is amended to read as follows:

19                "§34-27A-20.

20                "(a) The board may investigate the actions of a  
21          licensed real property appraiser on complaint or on its own  
22          motion, and may revoke or suspend the license, levy fines as  
23          provided in subsection (c), require completion of education  
24          courses, or discipline by public ~~or private~~ reprimand a  
25          licensed real property appraiser for any of the following acts  
26          or omissions:

1           "(1) Procuring or attempting to procure a license or  
2     certificate pursuant to this chapter by knowingly making a  
3     false statement, submitting false information, refusing to  
4     provide complete information in response to a question in an  
5     application for a license, or through any form of fraud or  
6     misrepresentation.

7           "(2) Failing to meet the minimum qualifications  
8     established by this chapter.

9           "(3) Paying money other than authorized by this  
10    chapter to any member or employee of the board to procure a  
11    license under this chapter.

12          "(4) A conviction, including a conviction based upon  
13    a plea of guilty or nolo contendere, of a crime which is  
14    substantially related to the qualifications, functions, and  
15    duties of a person developing real estate appraisals and  
16    communicating real estate appraisals to others, or a  
17    conviction involving moral turpitude.

18          "(5) An act or omission involving dishonesty, fraud,  
19    or misrepresentation with the intent to substantially benefit  
20    the certificate holder or another person, or with the intent  
21    to substantially injure another person.

22          "(6) Violation of any of the standards for the  
23    development or communication of real estate appraisals as  
24    provided in this section.

25          "(7) Failure or refusal without good cause to  
26    exercise reasonable diligence in developing an appraisal,

1 preparing an appraisal, in preparing an appraisal report, or  
2 in communicating an appraisal.

3 "(8) Negligence or incompetence in developing an  
4 appraisal, in preparing an appraisal report, or in  
5 communicating an appraisal.

6 "(9) Willfully disregarding or violating this  
7 chapter or the regulations of the board for the administration  
8 and enforcement of this chapter.

9 "(10) Accepting an appraisal assignment, as defined  
10 in Section 34-27A-24, when the employment itself is contingent  
11 upon the appraiser reporting a predetermined estimate,  
12 analysis, or opinion, or where the fee to be paid is  
13 contingent upon the opinion, conclusions, or valuation  
14 reached, or upon the consequences resulting from the appraisal  
15 assignment.

16 "(11) Violating the confidential nature of  
17 governmental records to which he or she gained access through  
18 employment or engagement as an appraiser by a governmental  
19 agency.

20 "(12) Entry of a final civil judgment against the  
21 person on grounds of fraud, misrepresentation, or deceit in  
22 the making of any appraisal of real property.

23 "(13) Presenting to the board, as payment for a fee  
24 or fine, a check that is returned unpaid.

25 "(14) Failing to keep for at least five years, a  
26 complete record or file of appraisal or specialized

1 assignments regulated under this chapter, in accordance with  
2 Uniform Standards of Professional Appraisal Practice and  
3 Section 34-27A-26.

4 "(15) Failing within a reasonable time to provide  
5 information or providing false information in response to a  
6 request by the board during an investigation or after a formal  
7 complaint has been filed.

8 "(16) Failing to pay by required deadlines, fees or  
9 fines levied by the board.

10 "(17) Failing to notify the board within a  
11 reasonable time of the filing of any civil action related to  
12 the appraisal practice or of any criminal prosecution filed  
13 against the appraiser.

14 "(b) In a disciplinary proceeding based upon a civil  
15 judgment, the real property appraiser shall be afforded an  
16 opportunity to present matters in mitigation and extenuation,  
17 but may not collaterally attack the civil judgment.

18 "(c) In addition to the disciplinary powers granted  
19 in subsection (a), the board may levy administrative fines for  
20 serious violations of this chapter or the rules and  
21 regulations of the board of not more than \$500 for each  
22 violation."

23 Section 4. The Legislature concurs in the  
24 recommendations of the Sunset Committee as provided in  
25 Sections 1, 2, and 3.

1                   Section 5. This act shall become effective  
2       immediately upon its passage and approval by the Governor, or  
3       its otherwise becoming law.