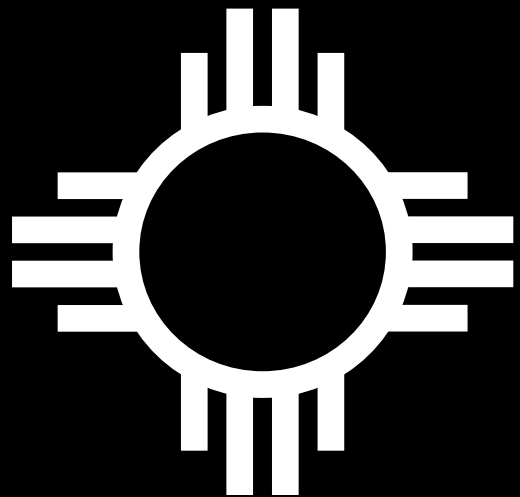


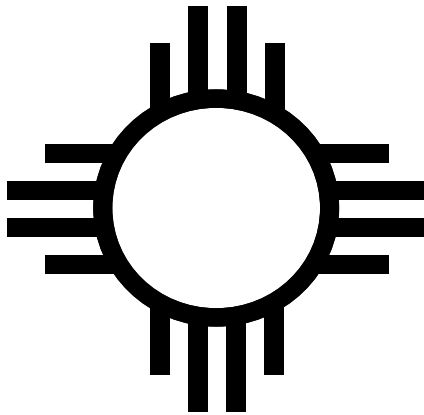
**NEW
MEXICO
REGISTER**



Volume XXV
Issue Number 23
December 15, 2014

New Mexico Register

**Volume XXV, Issue Number 23
December 15, 2014**



The official publication for all notices of rulemaking and filings of adopted, proposed and emergency rules in New Mexico

The Commission of Public Records
Administrative Law Division
Santa Fe, New Mexico
2014

COPYRIGHT © 2014
BY
THE STATE OF NEW MEXICO

ALL RIGHTS RESERVED

New Mexico Register

Volume XXV, Number 23

December 15, 2014

Table of Contents

Notices of Rulemaking and Proposed Rules

Health, Department of	
Notice of Public Hearing	753
Regulation and Licensing Department	
Construction Industries Division	
Notice of Public Hearing	753
Real Estate Appraisers Board	
Notice of Public Hearing	753

Adopted Rules

Effective Date and Validity of Rule Filings

Rules published in this issue of the New Mexico Register are effective on the publication date of this issue unless otherwise specified. “No rule shall be valid or enforceable until it is filed with the records center and published in the New Mexico register as provided by the State Rules Act. Unless a later date is otherwise provided by law, the effective date of a rule shall be the date of publication in the New Mexico register.” Section 14-4-5 NMSA 1978.

A=Amended, E=Emergency, N=New, R=Repealed, Rn=Renumbered

Game and Fish Department

19.35.6 NMAC	A	Authorized Uses of Wildlife for Education, Law Enforcement, Research and Scientific Purposes.....	755
19.35.7 NMAC	A	Importation of Live Non-Domestic Animals, Birds and Fish.....	755

Regulation and Licensing Department

Real Estate Appraisers Board

16.62.18 NMAC	N	Licensure for Military Members, Spouses and Veterans	757
16.62.1 NMAC	A	General Provisions	757
16.62.2 NMAC	A	Application for Apprentice	760
16.62.3 NMAC	A	Application for License.....	761
16.62.4 NMAC	A	Application for Residential Certificate.....	762
16.62.5 NMAC	A	Application for General Certificate.....	764
16.62.6 NMAC	A	Examinations.....	766
16.62.7 NMAC	A	Issuance/Renewal of Apprentice Registration /Licenses/Certificates	766
16.62.8 NMAC	A	Educational Programs/Continuing Education.....	766
16.62.9 NMAC	A	Certificate of Good Standing	768
16.62.10 NMAC	A	Temporary Practice	768
16.62.11 NMAC	A	Application for Reciprocity	770
16.62.12 NMAC	A	Fees	770
16.62.13 NMAC	A	Disciplinary Proceedings	771
16.62.15 NMAC	A	Retirement and Reinstatement	772
16.62.16 NMAC	A	Advertising	773
16.62.17 NMAC	A	Unlicensed Practice/Penalties.....	774
16.65.1 NMAC	A	General Provisions	774
16.65.2 NMAC	A	Registration Requirements	775

The New Mexico Register
Published by
The Commission of Public Records
Administrative Law Division
1205 Camino Carlos Rey
Santa Fe, NM 87507

The *New Mexico Register* is available free at <http://www.nmcpr.state.nm.us/nmregister>

The *New Mexico Register* is published twice each month by the Commission of Public Records, Administrative Law Division. The cost of an annual subscription is \$270.00. Individual copies of any Register issue may be purchased for \$12.00. Subscription inquiries should be directed to: The Commission of Public Records, Administrative Law Division, 1205 Camino Carlos Rey, Santa Fe, NM 87507. Telephone: (505) 476-7875 Fax: (505) 476-7910 E-mail: staterules@state.nm.us.

Notices of Rulemaking and Proposed Rules

NEW MEXICO DEPARTMENT OF HEALTH

NOTICE OF PUBLIC HEARING

The New Mexico Department of Health will hold a public hearing on the proposed repeal and replacement of 7.34.2 NMAC (“Advisory Board Responsibilities and Duties”), 7.34.3 NMAC (“Registry Identification Cards”), and 7.34.4 NMAC (“Licensing Requirements for Producers, Production Facilities and Distribution”). The hearing will be held on Monday, December 29th at 9:00 a.m. in the Harold Runnels Building auditorium, located at 1190 St. Francis Drive in Santa Fe, New Mexico. The public hearing will be conducted to receive public comment regarding proposed changes to these rules.

A copy of these materials may be obtained from, and written comments may be submitted to:

Andrea Sundberg, Program Coordinator
Medical Cannabis Program
New Mexico Department of Health
P.O. Box 26110
1190 St. Francis Dr., Suite S-3400
Santa Fe, NM 87502-6110
(505) 827-2451

If you are an individual with a disability who is in need of special assistance or accommodations to attend or participate in the hearing, please contact Andrea Sundberg at the above address or telephone number. The Department requests at least ten (10) days’ advance notice for special accommodations requests.

NEW MEXICO REGULATION AND LICENSING DEPARTMENT CONSTRUCTION INDUSTRIES DIVISION

STATE OF NEW MEXICO
CONSTRUCTION INDUSTRIES
COMMISSION
NOTICE OF PUBLIC HEARING

The Construction Industries Commission will convene a public hearing on proposed changes to NMAC 14.8.2 New Mexico Plumbing Code, NMAC 14.8.3 New Mexico Swimming Pool, Spa and Hot Tub Code, NMAC 14.9.2 New Mexico Mechanical Code, and NMAC 14.9.6 New Mexico Solar Energy Code before its designated hearing officer, at which

any interested person is invited submit data, views or arguments on the proposed changes, either orally or in writing, and to examine witnesses testifying at the hearing. The public hearing is scheduled as follows:

9:00 a.m., January 15, 2015 at the NM Regulation and Licensing Department (Main Conference Room), located at 5200 Oakland Avenue NE, in Albuquerque, NM.

Please Note: All persons wishing to participate in the public hearing remotely may do so telephonically dialing into:

Dial-in Number: 712-432-1212

Meeting ID: 788-223-117

Interested persons may secure copies of the proposed changes by accessing the CID website (www.rld.state.nm.us/construction) or by request from the Santa Fe CID Office - Toney Anaya Building, 2550 Cerrillos Road, Santa Fe, NM 87505. If you cannot attend the hearing, you may send your written comments to: Construction Industries Division, 2550 Cerrillos Road, Santa Fe, New Mexico 87505, Attention: Public Comments. Written comments may also be faxed to (505) 476-4702. All comments must be received no later than 5:00 p.m., on January 14, 2015. If you require special accommodations to attend the hearing, please notify CID by phone, email, or fax, of such needs no later than January 12, 2015. Telephone: 505-476-4700 (option “0”). Email: jerome.baca@state.nm.us; Fax No. (505) 476-4702.

NEW MEXICO REGULATION AND LICENSING DEPARTMENT REAL ESTATE APPRAISERS BOARD

NOTICE OF PUBLIC HEARING

Public Rule Hearing and Regular Board Meeting

The New Mexico Real Estate Appraisers Board (“Board”) will hold a public rule hearing to consider proposed rules to the Real Estate Appraisers Rules and the Appraisal Management Company Rules. The hearing will be held on Wednesday, January 21, 2015, at the City of Albuquerque City Council Committee Room, 9th Floor in the City/County Building located at One Civic Plaza, Albuquerque, New Mexico 87102. The rule hearing will

begin at 9:00 a.m. followed by the regular scheduled Board Meeting in which the Board will adopt the rules and discuss items on the agenda.

The purpose of the rule hearing is to consider adoption of proposed amendments and addition, to the following Real Estate Appraisers Board Rules and Regulations in 16.62.1 NMAC General Provisions and the Appraisal Management Company Rules and Regulations in 16.65.1 NMAC General Provisions.

The Board may enter into Executive Session pursuant to § 10-15-1.H of the Open Meetings Act, to discuss matters related to the issuance, suspension, renewal or revocation of licenses.

The Board’s proposed rules will be available by December 21, 2014, on the Board’s website at: www.rld.state.nm.us/boards/Real_Estate_Appraisers.aspx. Individuals requesting copies of proposed rules may also contact the Real Estate Appraisers Board, Toney Anaya Building, 2550 Cerrillos Road, P.O. Box 25101, Santa Fe, New Mexico 87505, or by calling (505) 476-4622. A copy of the agenda for the regular board meeting will be available at least seventy-two (72) hours prior to the meeting and will be posted on the board’s website. The agenda may also be obtained by contacting the Board Office.

In order for the Board Members to review public comments in their meeting packets prior to the meeting, individuals who do not wish to attend the hearing may submit written or recorded comments. Written or recorded comments must be received no later than January 11, 2015, by 5:00 P.M. Individuals wishing to present their comments at the hearing need to provide eight (8) copies of any comments or proposed changes for distribution to the Board and staff.

Persons with a disability who need a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting may contact the Board Office at (505) 476-4622 at least ten (10) days in advance notice to provide requested alternative formats and special accommodations.

End of Notices and Proposed Rules Section

This page intentionally left blank

Adopted Rules

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.35.6 NMAC, Sections 7 and 9, effective 12-15-2014.

19.35.6.7 DEFINITIONS:

A. “Applicant”: A person who has submitted an application for a permit pursuant to this rule.

B. “Apprentice”: A person who is over the age of 14 and is in training under the direct supervision of a permittee or sub-permittee, who assists in the use of wildlife for scientific and educational purposes.

C. “Carnivore”: Any animal within the order carnivora.

~~[C:]~~ **D. “Department”:** The New Mexico department of game and fish.

~~[D:]~~ **E. “Director”:** Shall mean the director of the department of game and fish.

~~[E:]~~ **E. “Designated cooperator”:** Shall mean a person designated in writing by the director of the department of game and fish, as an official cooperator of the agency.

~~[F:]~~ **G. “Educational purposes”:** Shall mean the possession or take of protected wildlife as specimens for educational programs and instructional display as approved by the department.

~~[G:]~~ **H. “Permit”:** A document issued pursuant to this rule that authorizes a person to conduct specific activities involving protected wildlife.

~~[H:]~~ **I. “Protected wildlife”:** Shall mean those taxonomic groups listed in Chapter 17, NMSA 1978, including any species that are listed as either state or federally threatened or endangered.

~~[I:]~~ **J. “Scientific purposes”:** Shall mean the possession or take of protected wildlife for conducting research or monitoring for management purposes, as approved by the department.

~~[J:]~~ **K. “Sub-permittee”:** Shall mean a person authorized by a permit to conduct specified activities in the absence of a permit holder.

~~[K:]~~ **L. “Take”:** Shall mean the act of killing, capturing, pursuing, harassing, salvaging, retaining, or sacrificing protected wildlife by any means or device including attempting to take by the use of any method.

[19.35.6.7 NMAC - Rp, 19 NMAC 35.6.7 & 19 NMAC 36.2.7, 12/30/2013; A, 12/15/2014]

19.35.6.9 PERMIT ISSUANCE:

A. Permits may be issued

or denied under the authority of the director or his/her designee.

B. Authorizations and permits shall only be issued to individuals and not to parties or organizations.

C. Only those individuals that the applicant intends to utilize to take or possess protected wildlife when outside the immediate oversight and supervision of the permittee will be listed as sub-permittees.

D. A permit shall not be issued to applicants who cannot demonstrate sufficient wildlife handling qualifications and containment and confinement facilities to ensure the humane care of captive wildlife.

E. Applicant must obtain a permit prior to conducting requested activities.

F. Upon issuance of a permit, containment and confinement facilities shall be subject to random inspection by department employees.

G. Initial permits shall be issued for one year. Permit renewals may be approved for up to three years subject to director approval.

H. Each permit shall specify the number and species of protected wildlife the permittee shall be authorized to collect, possess, or handle for scientific or educational purposes.

I. Applications for permits or permit renewals shall not be considered if the applicant is subject to pending criminal charges or violations of any municipal, state or federal law relating to wildlife or other animal violations.

J. The state game commission must review any permit application for the possession or use of any carnivore that is held, possessed or released on private property for the purpose of recovery, reintroduction, conditioning, establishment or reestablishment in New Mexico. The director shall only issue a department permit in accordance with commission direction following their review of an application submitted under this section of rule.

[19.35.6.9 NMAC - Rp, 19.35.6.8 NMAC, 12/30/2013; A, 12/15/2014]

NEW MEXICO DEPARTMENT OF GAME AND FISH

This is an amendment to 19.35.7 NMAC, Sections 7, 8 and 19, effective 12/15/2014.

19.35.7.7 DEFINITIONS:

A. “Accredited laboratory”

A lab recognized for CWD testing by the New Mexico department of game and fish.

B. “Animal health emergency” A situation in which people or animals are at risk of exposure to infectious or contagious diseases as determined by the director.

C. “APHIS” Animal and plant health inspection service, United States department of agriculture.

D. “Applicant” Any person or entity that causes or submits a department application for importation.

E. “Carnivore” Any animal within the order carnivora.

~~[E:]~~ **F.** “Certificate of compliance” An official department document declaring an applicant’s ability to resume importation application eligibility.

~~[F:]~~ **G.** “Certified Herd” A herd that has attained certified status as defined in the current USDA chronic wasting disease program standards.

~~[G:]~~ **H.** “Closed herd sales” Sales of animals from a herd directly to the buyer in a manner that allows the buyer to transport the animals from the producer’s premises directly to the buyer’s premises without contact with animals from another herd, and without contact with other pens or transport facilities used by any other herd.

~~[H:]~~ **I.** “Chronic Wasting Disease” or “CWD” is a transmissible spongiform encephalopathy of cervids.

~~[I:]~~ **J.** “CWD-Exposed Animal” is an animal that is part of a CWD-positive herd, or that has been exposed to a CWD-positive animal or contaminated premises within the previous 60 months.

~~[J:]~~ **K.** “CWD-Exposed herd” is a herd in which a CWD-positive animal resided within 60 months prior to that animal’s diagnosis as CWD-positive.

~~[K:]~~ **L.** “CWD-Positive herd” is a herd in which a CWD-positive animal resided at the time it was diagnosed and which has not been released from quarantine.

~~[L:]~~ **M.** “CWD-Suspect animal” is an animal for which unofficial CWD test results, laboratory evidence, or clinical signs suggest a diagnosis of CWD, but for which laboratory results have been inconclusive or not yet conducted.

~~[M:]~~ **N.** “CWD-Suspect herd” is a herd for which laboratory evidence or clinical signs suggest a diagnosis of CWD, but for which laboratory results have been inconclusive or not yet conducted.

~~[N:]~~ **O.** “CWD-Trace-Back herd” is an exposed herd in which a CWD-positive animal has resided during the 60 months prior to the diagnosis.

~~[O:]~~ **P.** “CWD-Trace-Forward

herd” is a CWD-exposed herd that has received CWD-exposed animals from a CWD-positive herd during the 60 months prior to the diagnosis of CWD in the CWD-positive herd.

[P:] Q. “Dangerous animal” An animal that due to its nature, biology or its behavior, including predatory or venomous animals, that may present a risk to the health, safety or well-being of the public or other animals including native wildlife, domestic pets or livestock.

[Q:] R. “Department” Shall mean New Mexico department of game and fish.

[R:] S. “Director” Shall mean the director of the department of game and fish.

[S:] T. “Importer” Any person or entity that causes an animal to be brought, transported or shipped into New Mexico with the exception of common mail carriers and delivery service providers during the course of their regular duties.

[T:] U. “Invasive animal” Any non-native animal, except protected wildlife, including any aquatic invasive species (AIS), whose introduction into New Mexico may cause or is likely to cause harm to the economy, environment, protected wildlife, human health or safety.

[U:] V. “Isolation” A period of time imported animals are separated and observed. The observation pen must have fences at least eight feet high. The isolation pen must prevent nose-to-nose contact with all wild ungulates during the observation period.

[V:] W. “Mixed herd” A herd comprised of animals from different sources and held to allow contact or commingling.

[W:] X. “Mixed herd sales” Sales from sale barns, auctions, private arrangements, or other facilities that allow joint penning or adjacent penning of animals from more than one closed herd, or otherwise facilitate or permit commingling, direct contact, or holding, boarding, or sharing the premises by more than one herd simultaneous or successively in time.

[X:] Y. “Non-domesticated animal” For the purposes of this rule, any animal species that is wild by nature not listed as semi-domesticated or protected under chapter 17 NMSA, 1978.

[Y:] Z. “NPPI” National poultry improvement program.

[Z:] AA. “Official Animal Identification” A device or means of animal identification approved by USDA to uniquely identify individual animals nationally. The animal identification must include a nationally unique identification number that adheres to one of the following:

- (1) national uniform ear tagging system.
- (2) animal

identification number (AIN)

(3) premises-based number system using a premises identification number (PIN) in conjunction with a livestock production numbering system

(4) any other numbering system approved by USDA for the identification of animals in commerce.

[AA:] BB. “Protected wildlife” Shall mean those taxonomic groups of mammals, birds and fish listed in Chapter 17 NMSA, 1978, including any species that are listed as either state or federally threatened or endangered.

[BB:] CC. “Release from captivity” For the purpose of this rule, the act of removing from confinement, letting go, liberating or setting free any imported, live non-domesticated animal into the wild.

[CC:] DD. “Semi-domesticated animal” For the purpose of this rule, the director may designate an animal species as semi-domesticated in those instances where individual members of such species are commonly tamed, raised, bred or sold in captivity.

[DD:] EE. “Species importation list” A list containing protected, non-game and semi-domesticated animal species established, maintained, updated or amended by the director of the New Mexico department of game and fish. The species importation list may contain importation requirements, restrictions and conditions for each animal species listed.

[EE:] FF. “Qualified expert” Only a person officially designated by the director to import a specific non-domesticated animal.

[FF:] GG. “Undesirable animal” An animal that may have adverse impacts to health, management or safety.

[GG:] HH. “USDA” United States department of agriculture. [19.35.7.7 NMAC - Rp, 19.35.7.7 NMAC, 1-31-14; A, 12/15/2014]

19.35.7.8 IMPORTATION OF LIVE NON-DOMESTICATED

ANIMALS: It shall be unlawful to import any live non-domesticated animal into New Mexico without first obtaining appropriate permit(s) issued by the director except those animals identified within the species importation list group I. The state game commission must review any permit application for the importation of any carnivore that will be held, possessed or released on private property for the purpose of recovery, reintroduction, conditioning, establishment or reestablishment in New Mexico. The director shall only issue a department permit in accordance with commission direction following their review of an application submitted under this section of rule. Permits will only be

issued when all application requirements and provisions have been met. Failure to adhere to or violation of permit provisions may result in the applicant/importer becoming ineligible for importation(s). The pendency or determination of any administrative action or the pendency or determination of a criminal prosecution for the same is not a bar to the other. [19.35.7.8 NMAC – Rp, 19.35.7.8 NMAC, 1-31-14; A, 12/15/2014]

19.35.7.19 RELEASE FROM CAPTIVITY FOR IMPORTED

ANIMALS: No person shall release from captivity an imported animal into New Mexico except by obtaining a release permit from the director. The transfer of an imported animal from one person to another person does not constitute a release from captivity.

A. Prior to approval by the director an applicant must:

- (1) submit a plat of the release area;
- (2) submit verification that landowners, tribal officials, state officials, federal officials and county officials that may be directly affected by the release have been notified of the potential release in writing and have been given 20 days to respond to the release; responses must be submitted with the application; it is the responsibility of the applicant to notify the above and submit responses to the department; failure to notify as indicated herein or to submit responses will result in the application being rejected until this condition is met and any compliance fees are paid;

(3) demonstrate that the intended release is provided for in state or federal resource or species management plans or strategies (CWCS).

B. Any individual or group of isolated animals in which signs of infectious or contagious disease is evident will not be released, will remain in isolation, and, at the recommendation of the state veterinarian:

(1) the animals shall be treated and restored to health until they no longer pose a threat of infection to wild, free ranging wildlife or to other captive animals in the facility; or

(2) the isolated animals shall be destroyed and remains will be disposed in a manner conforming to state, federal or local rules and regulations.

C. The director shall not approve any release permit that conflicts with current conservation management.

D. The state game commission must review any permit application for any carnivore that will be held, possessed or released on private land for the purpose of recovery.

reintroduction, conditioning, establishment or reestablishment in New Mexico. The director shall only issue a department permit in accordance with commission direction following their review of an application submitted under this section of rule.

[19.35.7.19 NMAC - Rp, 19.35.7.19 NMAC, 1-31-14; A, 12/15/2014]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

**TITLE 16 OCCUPATIONAL
AND PROFESSIONAL LICENSING
CHAPTER 62 REAL ESTATE
APPRAISERS
PART 18 LICENSURE FOR
MILITARY MEMBERS, SPOUSES AND
VETERANS**

16.62.18.1 ISSUING AGENCY:

New Mexico Regulation and Licensing Department.

[16.62.18.1 NMAC - N, 01/01/2015]

16.62.18.2 SCOPE: This part sets

forth application procedures to expedite licensure for military service members, spouses and veterans.

[16.62.18.2 NMAC - N, 01/01/2015]

16.62.18.3 STATUTORY

AUTHORITY: These rules are promulgated pursuant to Section 61-1-34 of the Uniform Licensing Act, NMSA 1978, Section 61-1-1 to 34 (1957, as amended through 2013) and the Real Estate Appraisers Act, Sections 61-30-1 to 24 NMSA 1978.

[16.62.18.3 NMAC - N, 01/01/2015]

16.62.18.4 DURATION:

Permanent.

[16.62.18.4 NMAC - N, 01/01/2015]

16.62.18.5 EFFECTIVE DATE:

January 1, 2015, unless a later date is cited at the end of a section.

[16.62.18.5 NMAC - N, 01/01/2015]

16.62.18.6 OBJECTIVE: The

purpose of this part is to expedite licensure for military service members, spouses and veterans pursuant to Chapter 61, Article 30 NMSA 1978.

[16.62.18.6 NMAC - N, 01/01/2015]

16.62.18.7 DEFINITIONS:

A. "Military service member" means a person who is serving in the armed forces of the United States or in an active reserve component of the armed

forces of the United States, including the national guard.

B. "Recent veteran" means a person who has received an honorable discharge or separation from military service within the two years immediately preceding the date the person applied for an occupational or professional license pursuant to this section.

[16.62.18.7 NMAC - N, 01/01/2015]

16.62.18.8 APPLICATION REQUIREMENTS:

A. Applications for registration shall be completed on a form provided by the board.

B. The information shall include:

(1) completed application and fee;

(2) satisfactory evidence that the applicant holds a license that is current and in good standing, issued by another jurisdiction, including a branch of armed forces of the United States, that has met the minimal licensing requirements that are substantially equivalent to the licensing requirements for the occupational or professional license the applicant applies for pursuant to Chapter 61, Article 30 NMSA 1978.;

(3) proof of honorable discharge (DD214) or military ID card or accepted proof of military spouse status.

[16.62.18.8 NMAC - N, 01/01/2015]

16.62.18.9 RENEWAL REQUIREMENTS: A license issued pursuant to this section shall not be renewed unless the license holder satisfies the requirements for the issuance set forth in 16.62.2 NMAC and for the renewal of a license set forth in 16.62.7 NMAC.

[16.62.18.9 NMAC - N, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.1 NMAC, Sections 1, 2, 7, 8 and 12, effective 01/01/2015.

16.62.1.1 ISSUING AGENCY: Regulation and Licensing Department, NM Real Estate Appraisers Board [-P.O. Box- 25401, Santa Fe, NM 87504].

[1/14/00; 16.62.1.1 NMAC - Rn, 16 NMAC 62.1.1, 09/13/2004; A, 01/01/2015]

16.62.1.2 SCOPE: All [apprentice] trainee real estate appraisers, licensed real estate appraisers, residential

certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [1/14/00; 16.62.1.2 NMAC - Rn & A, 16 NMAC 62.1.2, 09/13/2004; A, 01/01/2015]

16.62.1.7 DEFINITIONS: The following rules and regulations are for the purpose of implementing the provisions of the New Mexico Real Estate Appraisers Act.

A. Terms starting with the letter 'A' are defined as follows:

(1) "Acceptable" appraisal experience includes, but is not limited to the following: fee and staff appraisal, ad valorem tax appraisal, review appraisal, market analysis, real estate counseling/consulting, highest and best use analysis and feasibility analysis. All experience claimed must be obtained after January 30, 1989, and must be in conformance with applicable national uniform standards of professional appraisal practice (USPAP). Appraisal experience acceptable toward licensing or certification must have been gained under the supervision of an appraiser who is certified at a level equal to or greater than the license or certificate the applicant is seeking.

(2) "Appraisers act" or "act" means the New Mexico Real Estate Appraisers Act as defined in Section 61-30-1 NMSA 1978.

(3) "Appraisal management company (AMC)" means a corporation, partnership, sole proprietorship, subsidiary, limited liability company or other business entity that:

(a) contracts with independent appraisers to perform real estate appraisal services for clients;

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

(c) otherwise serves as a third-party broker of appraisal management service between clients and appraiser.

(4) "Appraisal review" is the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, or an appraisal review [-or appraisal consulting- assignment].

(5) "Assignment" means one or more real estate appraisals and written appraisal report(s) covered by a single contractual agreement for a specified number of properties.

B. Terms starting with the

letter 'B'. [RESERVED]

C. Terms starting with the letter 'C' are defined as follows:

(1) "Complaint committee" shall be appointed by the board. The chairperson of the committee shall be an appraiser board member. The board appointed complaint committee is for the purpose of review of complaints and shall make recommendations to the board as to its findings. No real estate appraiser organization shall have a majority membership on the committee.

(2) "Complex" means a one to four family residential property appraisal in which the property to be appraised, the form of ownership, or the market conditions are atypical.

(3) "Content approval for distance education" non-academic credit college courses provided by a college shall be approved by the appraiser qualifications board (AQB) and the New Mexico real estate appraisers board.

D. Terms starting with the letter 'D' are defined as follows:

(1) "Direct supervision" means that a supervising appraiser is physically present to direct and oversee the production of each appraisal assignment.

(2) "Duly made application" means an application to the New Mexico real estate appraisers board including Subparagraphs (a) through (g) set out below, in addition to any other requirements of the board:

(a) a completed application on the form provided by the board; the form must be signed by the applicant attesting to the truthfulness of the information provided in the application;

(b) letters of verification from at least three individuals who are not related to the applicant but who are acquainted personally and professionally with him/her and who can attest that the applicant is of good moral character; and is competent;

(c) a statement attesting that he/she is a native, a naturalized citizen or a legal resident of the United States;

(d) transcripts or certificates or statements showing successful completion of the required appraisal courses;

(e) a recent photograph of the applicant in which the applicant clearly is discernible; the photograph must be at least two inches by three inches in size;

(f) a check or money order for the fees set out in 16.62.12.8 NMAC;

(g) an appraiser experience log recorded on the

forms approved by the board or on another approved form, if required.]:

(1) a completed application on the form provided by the board; the form must be signed by the applicant attesting to the truthfulness of the information provided in the application; electronic signatures shall be acceptable;

(2) letters of verification from at least three individuals who are not related to the applicant but who are acquainted personally and professionally with him/her and who can attest that the applicant is of good moral character; and is competent;

(3) a statement attesting that he/she is a native, a naturalized citizen or a legal resident of the United States;

(4) transcripts or certificates or statements showing successful completion of the required appraisal courses;

(5) a recent photograph of the applicant in which the applicant clearly is discernible; the photograph must be at least two inches by three inches in size;

(6) a check or money order for the fees set out in 16.62.12.8 NMAC;

(7) an appraiser experience log recorded on the forms approved by the board or on another approved form, if required.

E. Terms starting with the letter 'E' are defined as follows:

(1) "Education advisory committee" shall be appointed by the board for the purpose of review of applications for course approval and sponsorship approval of appraiser educational offerings and shall make recommendations to the board as to its findings. Membership in a professional organization or association shall not be a prerequisite to serve on the committee. No real estate appraiser organization shall have a majority membership on the committee.

(2) "Ethics rule" emphasizes the personal and professional obligations and responsibilities of the individual appraiser.

(3) "Experience" is defined as verifiable time spent in performing tasks in accordance with the definition of "appraisal" and "appraisal assignment", as stated in the act, Section 61-30-3, NMSA 1978. Such tasks include inspecting and analyzing properties; assembling and analyzing relevant market data; forming objective opinions as to the value, quality or utility of such properties; and preparing reports or file memoranda showing data, reasoning and conclusions. Professional responsibility for the valuation function is essential for experience credit.

(4) "Experience" will be submitted to the board in the form of a log, which indicates assignment information and type, compensation status, time spent on the assignment and whether the applicant signed the report. Experience credit claimed on the log must be attested to by the supervising appraiser. Experience logs are subject to review and request for supporting documentation.

(5) "Experience review process" is the method by which appraiser experience is approved for credit toward licensure or certification. The process includes the review of the experience log submitted by the applicant; selection of three or more entries for review of the reports and any additional file memoranda; and approval of experience hours claimed and conformance of reports with applicable national uniform standards of professional appraisal practice (USPAP) standards.

F. Term starting with the letter 'F' is defined as follows: "FIRREA" means the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and its amendments.

G. Terms starting with the letter 'G'. [RESERVED]

H. Terms starting with the letter 'H'. [RESERVED]

I. Terms starting with the letter 'I'. "IDECC" – international distance education certification center.

J. Terms starting with the letter 'J'. [RESERVED]

K. Terms starting with the letter 'K'. [RESERVED]

L. Terms starting with the letter 'L' are defined as follows:

(1) "Licensee" means [an apprentice] a trainee, license, residential certificate or general certificate.

(2) "Location" means the offices of the New Mexico real estate appraisers board will be located in Santa Fe, New Mexico.

M. Term starting with the letter 'M' is defined as follows: "Module" is an appraisal subject matter area (and required hours of coverage) as identified in the required core curriculum. All modules identified in the required core curriculum for a specific classification must be successfully completed to satisfy the educational requirements as set forth in the appraiser qualifications board (AQB) real property appraiser qualification criteria.

N. Term starting with the letter 'N' is defined as follows: "Nonresident appraiser" for the purpose of 61-30-20 of the New Mexico Real Estate Appraisers Act, nonresident applicants; reciprocity, means an individual who holds a current [apprentice] trainee registration, license, or certificate, and is in good

standing, in another state.

O. Terms starting with the letter 'O'. [RESERVED]

P. Terms starting with the letter 'P' are defined as follows:

(1) "Practicing appraiser" means a state licensed or certified appraiser in good standing, engaged in performing appraisal assignments.

(2) "Primary business location" means the geographical location of a business where the supervisor and trainee spend the majority of their time. A trainee may perform work only in areas where the supervising appraiser has competency [in the geographical location and property type] pursuant to USPAP.

Q. Terms starting with the letter 'Q'. [RESERVED]

R. Term starting with the letter 'R' is defined as follows: "Required core curriculum" is a set of appraisal subject matter (known as 'modules') which require a specified number of educational hours at each credential level; as set forth in the appraiser qualifications board (AQB) real property appraiser qualification criteria.

S. Term starting with the letter 'S' is defined as follows: "Supervisor" means a certified residential or certified general appraiser in good standing in the training jurisdiction and not subject to any disciplinary action within the last [two (2)] ~~three (3)~~ years that affects the supervisor's legal ability to engage in appraisal practice.

T. Term starting with the letter 'T' is defined as follows: "Trainee" means an individual taught to become a state licensed or certified appraiser under the direct supervision of a supervising appraiser.

U. Term starting with the letter 'U' is defined as follows: "Uniform standards of professional appraisal practice" (USPAP) means the uniform standard or the profession standard promulgated by the appraisal standards board of the appraisal foundation and adopted by rules pursuant to the Real Estate Appraiser Act and deals with the procedures to be followed in which an appraisal, analysis, or opinion is communicated.

V. Terms starting with the letter 'V'. [RESERVED]

W. Term starting with the letter 'W' is defined as follows: "Work file" is documentation necessary to support an appraiser's analyses, opinions, and conclusions.

X. Terms starting with the letter 'X'. [RESERVED]

Y. Terms starting with the letter 'Y'. [RESERVED]

Z. Terms starting with the letter 'Z'. [RESERVED]

[1/14/00; 16.62.1.7 NMAC - Rn & A, 16 NMAC 62.1.7, 09/13/2004; A, 11/25/06; A,

06/13/08; A, 11/15/08; A, 10/16/2009; A, 08/21/2010; A, 7/10/2011; A, 01/01/2015]

16.62.1.8 STANDARDS OF PROFESSIONAL PRACTICE, CODE OF PROFESSIONAL RESPONSIBILITY AND ADOPTION OF FIRREA:

A. The national uniform standards of professional appraisal practice (USPAP) as promulgated by the appraisal standards board of the appraisal foundation, and adopted and incorporated by reference are the minimum requirements. The appraisal standards board's code of professional responsibility, [as filed in the federal register:] are the minimum professional and ethical standards that will govern appraisers practicing in New Mexico.

B. The Financial Institutions Reform, Recovery and Enforcement Act (FIRREA, 12 U.S.C. 3351) and its current amendments are adopted and incorporated into these regulations by reference.

C. Pursuant to Title XI of FIRREA, as amended by the Dodd-Frank Act of 2010, the board shall:

(1) designate a high ranking officer, such as a board administrator, who will serve as the state's authorized registry official (SARO), and must ensure that non-public data is appropriately protected;

(2) provide to the ASC, in writing, information regarding the selected authorized registry official, and any individual(s) authorized to act on their behalf, and should ensure that the authorization information provided to the ASC is kept current; and

(3) adopt and implement a written policy to adequately protect the right of access.

[1/14/00; 16.62.1.8 NMAC - Rn & A, 16 NMAC 62.1.8, 09/13/2004; A, 11/25/06; A, 01/01/2015]

~~16.62.1.12 SUPERVISING APPRAISER/TRAINEE:~~

A. Supervision of trainees: An appraiser may engage a declared trainee to assist in the performance of real estate appraisals and related activities, provided the supervising certified real estate appraiser:

(1) has been certified for at least two years;

(2) has no more than three trainees working under his supervision at one time; prior to the date any trainee begins performing real estate appraisal and related activities under his or her supervision, the supervisor must inform the board of the name of the trainee on the declaration form prescribed by the board;

(3) actively and personally supervises the trainee;

the supervisor must also inform the board within ten days when a trainee is no longer working under his supervision;

(3) actively and personally supervises the trainee;

(a) when training for residential license or residential certification the supervisor must accompany the trainee on inspections of the subject property on the first 75 assignments; after that point, the trainee may perform the inspections without the presence of the supervisor provided the trainee is competent to perform those inspections in accordance with the competency rule of the national uniform standards of professional appraisal practice (USPAP) for the property type and provided the property is less than 100 miles from the supervisor's primary business location; the supervisor must accompany the trainee on all inspections of subject properties that are located more than 100 miles from the supervisor's primary business location; the supervisor and trainee must have primary business location in the same state;

(b) when training for general certification the supervisor must accompany the trainee on inspections of the subject property on the first 50 non-residential assignments; after that point, the trainee may perform the inspections without the presence of the supervisor provided the trainee is competent to perform those inspections in accordance with the competency rule of the national uniform standards of professional appraisal practice (USPAP) for the property type and market area; the supervisor and trainee must have primary business location in the same state;

(4) reviews all appraisal reports and supporting data used in connection with appraisals in which the services of a trainee are utilized; the trainee's supervisor is required to sign the appraisal report and certifies the report is in compliance with the uniform standards of professional appraisal practice (USPAP); the supervisor is required to sign the appraisal experience log at least every 30 days;

(5) must attend a supervisor/trainee education program approved by the appraisal board regarding the role of a supervisor prior to the declaration of the first new trainee or within 90 days after such supervision begins; if the supervisor does not take the class within 90 days after the supervision begins, the trainee may no longer work under the supervision of that supervisor until the class is taken; thereafter the supervisor must attend the class every other licensing cycle;

(6) shall not be employed by a trainee or by a company, firm or partnership in which the trainee has

a controlling interest.

~~B. Trainee. All trainees shall perform all real estate appraisal and related activities under the immediate, active, and personal supervision of a certified real estate appraiser. All appraisal reports must be signed by the trainees declared supervisor. By signing the appraisal report, the certified appraiser accepts responsibility with the trainee for the content of and conclusions of the report. A trainee may assist in the performance of real estate appraisals provided the trainee:~~

~~(1) maintains a log on a form prescribed by the board that includes, but is not limited to, each appraisal performed by the trainee, the type of the property appraised, type of appraisal performed, complete street address of the subject property, the date the report was signed, the number of hours claimed, the name of the supervisor for that appraisal, the supervisor's certificate number, and whether the supervisor accompanied the trainee on the inspection of the subject; the log must show all appraisals and related activities performed by the trainee and must be updated and signed by the supervisor at least every 30 days; a trainee can only receive credit for half of the hours claimed within the performed appraisal.~~

~~(2) must attend a supervisor/trainee education program approved by the appraisal board either before supervision begins or within 90 days after such supervision begins; if the trainee does not take the class within 90 days after supervision begins, the trainee shall not receive appraisal experience credit for appraisals performed until the class is taken;~~

~~(3) must assure that the supervisor has properly completed and sent the declaration form to the appraisal board on or before the day the trainee begins assisting the supervising appraiser;~~

~~(4) trainees shall not receive appraisal experience credit for appraisal and related activities performed in violation of Subsection B of 16.62.1.12 NMAC.]~~

[RESERVED]

[16.62.1.12 NMAC - N, 06/13/08; A, 10/16/2009; A, 08/21/2010; Repealed, 01/01/2015]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT REAL ESTATE APPRAISERS BOARD

This is an amendment to 16.62.2 NMAC, Sections 1, 2, 6, 7, 8, and 9, effective 01/01/2015.

16.62.2.1 ISSUING AGENCY: Regulation and Licensing Department, NM Real Estate Appraisers Board [~~P.O. Box 25101, Santa Fe, NM 87504~~]. [1/14/00; 16.62.2.1 NMAC - Rn, 16 NMAC 62.2.1, 09/13/2004; A, 01/01/2015]

16.62.2.2 SCOPE: All [apprentice] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [1/14/00; 16.62.2.2 NMAC - Rn & A, 16 NMAC 62.2.2, 09/13/2004; A, 01/01/2015]

16.62.2.6 OBJECTIVE: This part provides requirements for making application for apprenticeship as a real estate appraiser trainee. [1/14/00; 16.62.2.6 NMAC - Rn & A, 16 NMAC 62.2.6, 09/13/2004; A, 01/01/2015]

16.62.2.7 DEFINITIONS: Prior to 09/13/2004, all "apprentice real estate appraisers" were designated as "registered real estate appraisers". After 01/01/2015, all "apprentice real estate appraisers" were designated "trainee real estate appraisers". [1/14/00; 16.62.2.7 NMAC - Rn & A, 16 NMAC 62.2.7, 09/13/2004; A, 01/01/2015]

16.62.2.8 [APPRENTICE] TRAINEE: A holder of [an apprentice] a trainee registration, but not a license or certificate, is authorized to prepare appraisals of all types of real estate or real property, provided such appraisals are not described or referred to as "state licensed" or "state certified" and provided further, the [apprentice] trainee appraiser does not assume or use any title, designation or abbreviation likely to create the impression that he/she is a state-licensed or state-certified real estate appraiser. [Apprentices] Trainees are not qualified to perform under FIRREA, Title XI. An applicant for [apprentice] trainee real estate appraiser registration in the state of New Mexico must:

- A. be a legal resident of the United States;
- B. have reached the age of majority;
- C. within the five (5)

year period preceding the application, prove successful completion of real estate appraisal education of at least 75 board-approved classroom hours; real estate appraisal education programs completed for credit toward this requirement shall include coverage of the following topics, with emphasis on ethics, and basic appraisal principles and procedures in: basic appraisal principles - 30 hours; basic appraisal procedures - 30 hours; and the 15-hour national USPAP course or its equivalent;

D. comply with the competency rule of [the national uniform standards of professional appraisal practice] (USPAP).

E. courses taken in satisfying the qualifying education requirements shall not be repetitive in nature; each course credited toward the required number of qualifying education hours shall represent a progression in which the appraiser's knowledge is increased and none may be taken on-line;

F. demonstrate to the board that he/she is honest, trustworthy and competent;

G. successful completion of a written examination on the New Mexico Real Estate Appraisers Act, administered by the board;

H. pay the fees set out in 16.62.12.8 NMAC;

I. submit a duly made application to the board office;

J. [declared] declare a supervisor; and

K. successfully complete a supervisor/trainee course consistent with AQB criteria.

[1/14/00; 16.62.2.8 NMAC - Rn & A, 16 NMAC 62.2.8, 09/13/2004; A, 11/25/06; A, 06/13/08; A, 08/21/10; A, 7/10/2011; A, 01/01/2015]

16.62.2.9 SUPERVISING APPRAISER/TRAINEE:

A. Supervision of trainees: An appraiser may engage a declared trainee to assist in the performance of real estate appraisals and related activities, provided the supervising real estate appraiser:

(1) is in good standing and has been certified for at least three years;

(2) has no more than three trainees working under his/her supervision at one time;

(3) actively supervises the trainee by either being physically present or by a form of electronic communication; and

(4) is competent pursuant to USPAP in all appraisals supervised.

B. Prior to the date any

trainee begins performing real estate appraisal and related activities under his/her supervision, the supervisor must:

(1) inform the board of the name of the trainee on the declaration form prescribed by the board; the supervisor must also inform the board within ten days when a trainee is no longer working under his/her supervision; and

(2) attend a supervisor/trainee education program approved by the appraisal board regarding the role of a supervisor; if continuously supervising trainees, supervisors must attend the class at least every four years.

C. When training for residential license or residential certification the supervisor must accompany the trainee on complete interior inspections of the subject property on the first 50 assignments; after that point, the trainee may perform the inspections without the presence of the supervisor provided the trainee is competent to perform those inspections in accordance with the competency rule of USPAP for the property type.

D. When training for general certification the supervisor must accompany the trainee on inspections of the subject property on the first 25 non-residential assignments; after that point, the trainee may perform the inspections without the presence of the supervisor provided the trainee is competent to perform those inspections in accordance with the competency rule of USPAP for the property type and market area; the supervisor and trainee must have their primary business location in New Mexico.

E. The supervising appraiser shall:

(1) review all appraisal reports and supporting data used in connection with appraisals in which the services of a trainee are utilized;

(2) certify that the report is in compliance with USPAP;

(3) maintain an experience log jointly with the appraiser trainee to ensure the experience log is accurate, current and complies with the requirements of the trainee appraiser's credentialing jurisdiction;

(4) sign the appraisal experience log at least every 30 days and use the title "supervising appraiser" when signing;

(5) review the hours claimed on the log and address any discrepancies.

F. Appraisal experience logs shall include:

(1) type of property;

(2) date of report;

(3) address of appraised property;

(4) description of work performed by the trainee appraiser and the scope of the review and supervision of the supervisory appraiser;

(5) number of actual work hours by the trainee appraiser on the assignment; and

(6) the signature and state certification number of the supervising appraiser.

G. Separate appraisal logs shall be maintained for each supervising appraiser, if applicable.

H. The supervising appraiser shall not be employed by a trainee or by a company, firm or partnership in which the trainee has a controlling interest.

I. Trainees: All trainees shall perform all real estate appraisal and related activities under the immediate, active, and personal supervision of a certified real estate appraiser.

(1) All appraisal reports must be signed by the trainee's declared supervisor. By signing the appraisal report, the certified appraiser accepts responsibility with the trainee for the content of and conclusions of the report.

(2) A trainee may assist in the performance of real estate appraisals and claim full credit for the actual hours worked on an appraisal, provided the trainee maintains a log on a form prescribed by the board.

(a) The log must detail all appraisals and related activities performed by the trainee. The hours claimed on the log must be verifiable by either signature on the report or by other written documentation in the work file.

(b) The log must be updated and signed by the supervisor at least every 30 days.

(c) The log must contain a statement affirming that both the supervising appraiser and trainee have competence as defined by USPAP.

(3) Trainees must attend a supervisor/trainee education program approved by the appraisal board before supervision begins. The trainee shall not receive appraisal experience credit for appraisals performed until the class is taken.

(4) Trainees shall assure that the supervisor has properly completed and sent the declaration form to the appraisal board on or before the day the trainee begins assisting the supervising appraiser.

(5) Trainees shall not receive appraisal experience credit for appraisal and related activities performed in violation of this section.

[16.62.2.9 NMAC - N, 01/01/2015]

NEW MEXICO REGULATION AND LICENSING DEPARTMENT REAL ESTATE APPRAISERS BOARD

This is an amendment to 16.62.3 NMAC, Sections 1, 2 and 8, effective 01/01/2015.

16.62.3.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [~~P.O. Box~~ 25101, Santa Fe, NM 87504.] [10/1/97; 16.62.3.1 NMAC - Rn, 16 NMAC 62.3.1, 09/13/2004; A, 01/01/2015]

16.62.3.2 SCOPE: All [apprentice] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [10/1/97; 16.62.3.2 NMAC - Rn & A, 16 NMAC 62.3.2, 09/13/2004; A, 01/01/2015]

16.62.3.8 LICENSE: A holder of a license may appraise complex residential or nonresidential real estate provided such appraisals are not described or referred to as meeting the requirements of FIRREA. The holder of a license may not assume or use any title, designation or abbreviation likely to create the impression of certification.

A. For federally related transactions, the licensed real estate appraiser classification applies to the appraisal of non-complex one to four residential units having a transaction value less than \$1,000,000 and complex one to four residential units having a transaction value less than \$250,000.

B. Complex one-to four-family residential property appraisal means one in which the property to be appraised, the form of ownership, or the market conditions are atypical. For non-federally related transaction appraisals, transaction value shall mean market value.

C. All licensed real estate appraisers must comply with the competency rule of the national uniform standards of professional appraisal practice (USPAP)

D. Applicants for licensure in the state of New Mexico must:

(1) be a legal resident of the United States;

(2) have reached the age of majority;

(3) prove successful completion of real estate appraisal education of at least 150 board-approved classroom hours as outlined in the required core curriculum of the appraiser qualifications board (AQB); real estate appraisal education programs completed for

credit toward this requirement shall include coverage of the following modules (no more than 50% of the courses from courses (d) through (g) may be from courses offered over the internet or distance learning modalities):

(a) basic appraisal principles	30 hours
(b) basic appraisal procedures	30 hours
(c) the 15 hour national USPAP course and examination	15 hours
(d) residential market analysis and highest and best use	15 hours
(e) residential appraiser site valuation and cost approach	15 hours
(f) residential sales comparison and income approaches	30 hours
(g) residential report writing and case studies	15 hours]

(a) basic appraisal principles	30 hours
(b) basic appraisal procedures	30 hours
(c) the 15 hour national USPAP course and examination	15 hours
(d) residential market analysis and highest and best use	15 hours
(e) residential appraiser site valuation and cost approach	15 hours
(f) residential sales comparison and income approaches	30 hours
(g) residential report writing and case studies	15 hours

(4) successfully complete the appraiser qualifications board (AQB) approved licensed real estate appraiser examination; there is no alternative to successful completion of the examination; successful completion of the examination is valid for a period of 24 months, and the applicant must meet the requisite experience requirement within 24 months;

(5) courses taken in satisfying the qualifying education requirements shall not be repetitive in nature; each course credited toward the required number of qualifying education hours shall represent a progression in which the appraiser's knowledge is increased;

(6) demonstrate to the board that he/she is honest, trustworthy and competent;

(7) successfully complete a written examination on the New Mexico Real Estate Appraisers Act, administered by the board;

(8) pay the fee set out in 16.62.12.8 NMAC;

(9) meet the minimum criteria for state licensure issued by the appraisers qualifications board of the appraisal foundation;

(10) submit a duly made application to the board office;

(11) completion of thirty (30) semester hours of college-level education from an accredited college or university.

(Effective January 1, 2015, the appraiser qualifications board of the appraisal foundation adopted changes of the real property appraiser qualification criteria.)

E. Trainee appraisers wishing to change to the licensed appraiser classification must also satisfy the college-level education requirements.

F. Appraisers holding a valid trainee appraiser credential may satisfy the educational requirements of 75 board-approved hours for the licensed residential real property appraiser credential by completing the following additional educational hours:

(1) residential market analysis and highest and best use	15 hours
(2) residential appraiser site valuation and cost approach	15 hours
(3) residential sales comparison and income approaches	30 hours
(4) residential report writing and case studies	15 hours

G. Appraisers holding a valid residential or general certified appraiser credential satisfy the educational requirements for the licensed appraiser credential.

[E] H. Experience: Applicants for state licensure must have a minimum of 2,000 hours of experience obtained in no fewer than twelve (12) months in real property appraisal as defined in 16.62.1 NMAC, submitted on a form prescribed by the board and attested to by the supervising appraisers under whose supervision the experience was obtained.

[10/1/97; 16.62.3.8 NMAC - Rn & A, 16 NMAC 62.3.8, 09/13/2004; A, 11/25/06; A, 06/13/08; A, 08/21/10; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

**This is an amendment to 16.62.4 NMAC,
Sections 1, 2 and 8, effective 01/01/2015.**

16.62.4.1 ISSUING AGENCY:
Regulation and Licensing Department - NM
Real Estate Appraisers Board. [P.O. Box
25101, Santa Fe, NM 87504.]
[10/1/97; 16.62.4.1 NMAC - Rn, 16 NMAC
62.4.1, 09/13/2004; A, 01/01/2015]

16.62.4.2 SCOPE: All
[apprentice] trainee real estate appraisers,
licensed real estate appraisers, residential
certified real estate appraisers, general
certified real estate appraisers and
temporary licensed real estate appraisers.
[10/1/97; 16.62.4.2 NMAC - Rn & A, 16
NMAC 62.4.2, 09/13/2004; A, 01/01/2015]

**16.62.4.8 RESIDENTIAL
CERTIFICATION:** A holder of a
residential certificate is eligible to prepare
appraisals of all residential real estate
for federally related transactions or other
uses. He/she may appraise nonresidential
real estate provided such appraisals are
not described or referred to as meeting the

requirements of FIRREA. The holder of
a residential certificate may not assume or
use any title, designation or abbreviation
likely to create the impression of general
certification.

A. The certified residential
real estate appraiser classification qualifies
the appraiser to appraise one to four
residential units without regard to value
or complexity. The classification includes
the appraisal of vacant or unimproved
land that is utilized for one to four family
purposes or for which the highest and best
use is for one to four family purposes. The
classification does not include the appraisal
of subdivisions for which a development
analysis/appraisal is necessary.

B. All certified residential real estate appraisers must comply with the competency rule of the national uniform standards of professional appraisal practice (USPAP).

C. Applicants for certification in residential appraisal in the state of New Mexico must:

- (1) be a legal resident of the United States;
- (2) have reached the age of majority;
- (3) prove successful completion of real estate appraisal education of at least 200 board-approved classroom hours

as outlined in the required core curriculum of the appraiser qualifications board (AQB); real estate appraisal education programs completed for credit toward this requirement shall include coverage of the following modules (no more than 50% of the courses from courses (d) through (j). may be from courses offered over the internet or distance learning modalities):

_____ (a) basic appraisal principles	30 hours
_____ (b) basic appraisal procedures	30 hours
_____ (c) the 15 hour national USPAP course and examination	15 hours
_____ (d) residential market analysis and highest and best use	15 hours
_____ (e) residential appraiser site valuation and cost approach	15 hours
_____ (f) residential sales comparison and income approaches	30 hours
_____ (g) residential report writing and case studies	15 hours
_____ (h) statistics, modeling and finance	15 hours
_____ (i) advanced residential applications and case studies	15 hours
_____ (j) appraisal subject matter electives	20 hours]

_____ (a) basic appraisal principles	30 hours
_____ (b) basic appraisal procedures	30 hours
_____ (c) the 15 hour national USPAP course and examination	15 hours
_____ (d) residential market analysis and highest and best use	15 hours
_____ (e) residential appraiser site valuation and cost approach	15 hours
_____ (f) residential sales comparison and income approaches	30 hours
_____ (g) residential report writing and case studies	15 hours
_____ (h) statistics, modeling and finance	15 hours
_____ (i) advanced residential applications and case studies	15 hours
_____ (j) appraisal subject matter electives	20 hours

(4) hold [an associates degree or higher from an accredited college, junior college, community college or university unless the requirements of Paragraph (8) of Subsection D of 16.62.4.8 NMAC are satisfied] a bachelor's degree or higher from an accredited college or university; (Effective January 1, 2015, the appraiser qualifications board of the appraisal foundation adopted changes of the real property appraiser qualification criteria);

~~_____~~ [(5) in lieu of the associate degree, an applicant for the residential certification license shall have successfully passed each of the following collegiate subject matter courses from an accredited college, junior college, community college or university:

- ~~_____~~ (a) English composition;
- ~~_____~~ (b) principles of economics (micro or macro);
- ~~_____~~ (c) finance;
- ~~_____~~ (d) algebra, geometry or higher mathematics;
- ~~_____~~ (e) statistics;
- ~~_____~~ (f) computer science course;
- ~~_____~~ (g) business or real estate law;

~~_____~~ (6) total hours of equivalent college courses in lieu of an associates degree; 21 semester credit hours or its equivalent for the residential certified appraiser; if an accredited college or university (accredited by the commission of colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. secretary of education) accepts the college-level examination program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course;]

~~_____~~ [(7)] (5) pass examination: the appraiser qualifications board (AQB) approved certified real estate appraiser examination must be successfully completed; there is no alternative to successful completion of the examination; the requisite experience requirement must be met within 24 months, successful completion of the examination is valid for a period of 24 months;

~~_____~~ [(8)] (6) assure courses taken in satisfying the qualifying education requirements are not repetitive in nature; each course credited toward the required number of qualifying education hours shall represent a progression in which the appraiser's knowledge is increased;

~~_____~~ [(9)] (7) demonstrate to the board that he/she is honest, trustworthy and competent;

~~_____~~ [(10)] (8) successfully complete a written examination on the New Mexico Real Estate Appraisers Act, administered by the board;

~~_____~~ [(11)] (9) pay the fee set out in 16.62.12.8 NMAC;

~~_____~~ [(12)] (10) meet the minimum criteria for the state residential certificate classification issued by the Appraiser Qualifications Board (AQB) of the Appraisal Foundation;

~~_____~~ [(13)] (11) submit a duly made application to the board office.

D. Trainee and licensed appraisers wishing to change to the residential certified appraiser classification must also satisfy the college degree requirement.

E. Appraisers holding a valid general certified appraiser credential satisfy the educational requirements for the residential

certified appraiser credential.

F. Appraisers holding a valid trainee appraiser credential may satisfy the educational requirements of 125 board-approved hours for the certified residential real property appraiser credential by completing the following additional educational hours:

(1)	residential market analysis and highest and best use	15 Hours
(2)	residential appraiser site valuation and cost approach	15 Hours
(3)	residential sales comparison and income approaches	30 Hours
(4)	residential report writing and case studies	15 Hours
(5)	statistics, modeling and finance	15 Hours
(6)	advanced residential applications and case studies	15 Hours
(7)	appraisal subject matter electives	20 Hours

G. Appraisers holding a valid licensed residential real property appraiser credential may satisfy the educational requirements of 50 board-approved hours for the certified residential real property appraiser credential by completing the following additional educational hours:

(1)	statistics, modeling and finance	15 Hours
(2)	advanced residential applications and case studies	15 Hours
(3)	appraisal subject matter electives	20 Hours

[D] H. Experience: applicants for state residential certification must have a minimum of 2,500 hours of experience in real property appraisal obtained during no fewer than twenty-four (24) months as defined in 16.62.1 NMAC, submitted on a form prescribed by the board and attested to by the supervising appraiser under whose supervision the experience was obtained. [10/1/97; 16.62.4.8 NMAC - Rn & A, 16 NMAC 62.4.8, 09/13/2004; A, 11/25/06; A, 06/13/08; A, 08/21/10; A, 01/01/2015]

**NEW MEXICO REGULATION AND LICENSING DEPARTMENT
REAL ESTATE APPRAISERS BOARD**

This is an amendment to 16.62.5 NMAC, Sections 1, 2 and 8, effective 01/01/2015.

16.62.5.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [~~P.O. Box 25101, Santa Fe, NM 87504.~~] [10/1/97; 16.62.5.1 NMAC - Rn, 16 NMAC 62.5.1, 09/13/2004; A, 01/01/2015]

16.62.5.2 SCOPE: All [~~apprentice~~] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [10/1/97; 16.62.5.2 NMAC - Rn & A, 16 NMAC 62.5.2, 09/13/2004; A, 01/01/2015]

16.62.5.8 GENERAL CERTIFICATE: A holder of a general certificate may prepare appraisals on all real estate and may indicate that such appraisals are state certified.

A. All certified general real estate appraisers must comply with the competency rule of the national uniform standards of professional practice (USPAP).

[~~_____~~ B. Applicants for the general certificate in the state of New Mexico must:

- ~~_____~~ (1) be a legal resident of the United States;
- ~~_____~~ (2) have reached the age of majority;
- ~~_____~~ (3) successful completion of the appraisal qualifications board (AQB) approved general certified real estate appraiser examination is required; there is no alternative to successful completion of the examination
- ~~_____~~ (4) prove successful completion of real estate appraisal education of at least 300 board-approved classroom hours as outlined in the required core curriculum of the appraisal qualifications board (AQB); real estate appraisal education programs completed for credit toward this requirement shall include coverage of the following modules (no more than 50% of the courses from courses d. through j. may be from courses offered over the internet or distance learning modalities):

_____ (a)	basic appraisal principles	30 hours
_____ (b)	basic appraisal procedures	30 hours
_____ (c)	the 15 hour national USPAP course and examination	15 hours
_____ (d)	general appraiser market analysis and highest and best use	30 hours
_____ (e)	statistics, modeling and finance	15 hours
_____ (f)	general appraiser sales comparison approach	30 hours
_____ (g)	general appraiser site valuation and cost approach	30 hours
_____ (h)	general appraiser income approach	60 hours
_____ (i)	general appraiser report writing and case studies	30 hours
_____ (j)	appraisal subject matter electives	30 hours

~~_____~~ (5) hold a bachelors degree or higher from an accredited college, junior college, community college or university unless the requirements of Paragraph (8) of Subsection C of 16.62.5.8 NMAC are satisfied;

~~_____~~ (6) in lieu of the bachelors degree, an applicant for the general certification license shall have successfully passed each of the following collegiate subject matter courses from an accredited college, junior college, community college or university:

- ~~_____~~ (a) English composition;
- ~~_____~~ (b) micro-economics;

(c) macro economics;

(d) finance;

(e) algebra, geometry or higher mathematics;

(f) statistics;

(g) computer sciences;

(h) business or real estate law;

(i) two elective courses in accounting, geography, ageconomics, business management or real estate;

(7) total hours of equivalent college courses in lieu of an associates degree; 30 semester credit hours or its equivalent for the general certified appraiser; if an accredited college or university (accredited by the commission of colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. secretary of education) accepts the college-level examination program (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course;

(8) pass examination: the appraiser qualifications board (AQB) approved certified real estate appraiser examination must be successfully completed; there is no alternative to successful completion of the examination; the requisite experience requirement must be met within 24 months, successful completion of the examination is valid for a period of 24 months;

(9) assure courses taken in satisfying the qualifying education requirements are not repetitive in nature; applicants must demonstrate that their education includes the core courses listed in the criteria for certified general as identified by the appraiser qualifications board (AQB) required core curriculum, with particular emphasis on non-residential properties; residential is defined as "composed of one to four residential units"; each course credited toward the required number of qualifying education hours shall represent a progression in which the appraiser's knowledge is increased;

(10) demonstrate to the board that he/she is honest, trustworthy and competent;

(11) successfully complete a written examination on the New Mexico Real Estate Appraisers Act, administered by the board;

(12) pay the fee set out in 16.62.12.8 NMAC;

(13) meet the minimum criteria for state general certification classification issued by the

appraiser qualifications board (AQB) of the appraisal foundation;]

(14) submit a duly made application to the board office.

C. Experience: applicants for state general certification must have a minimum of 3,000 hours of experience in real property appraisal obtained during no fewer than thirty (30) months, of which, one thousand five hundred (1,500) hours must be in non-residential appraisal work as defined in Part 1, submitted on a form prescribed by the board and attested to by the duly certified general supervising appraiser under whose supervision the experience was obtained.].

B. Applicants for the general certificate in the state of New Mexico must:

(1) be a legal resident of the United States;

(2) have reached the age of majority;

(3) submit a duly made application to the board office.

(4) hold a bachelor's degree or higher from an accredited college or university;

(5) demonstrate to the board that he/she is honest, trustworthy and competent;

(6) successfully complete a written examination on the New Mexico Real Estate Appraisers Act, administered by the board;

(7) pay the fee set out in 16.62.12.8 NMAC;

(8) meet the minimum criteria for state general certification classification issued by the appraiser qualifications board (AQB) of the appraisal foundation; (Effective January 1, 2015, the appraiser qualifications board of the appraisal foundation adopted changes of the real property appraiser qualification criteria).

(9) successfully complete the appraisal qualifications board (AQB) approved general certified real estate appraiser examination; there is no alternative to successful completion of the examination; successful completion of the examination is valid for a period of 24 months; and

(10) successfully complete the real estate appraisal core curriculum educational requirements with a particular emphasis on non-residential properties.

C. Applicants shall successfully satisfy the core curriculum educational requirement of 300 board-approved courses by completing the following:

(1) basic appraisal principles 30 hours

(2) basic appraisal procedures 30 hours

(3) the 15 hour national USPAP course and examination 15 hours

(4) general appraiser market analysis and highest and best use 30 hours

(5) general appraiser sales comparison approach 30 hours

(6) general appraiser site valuation and cost approach 30 hours

(7) general appraiser income approach 60 hours

(8) general appraiser report writing and case studies 30 hours

(9) appraisal subject matter electives 30 hours

D. Appraisers holding a valid trainee appraiser credential may satisfy the educational requirements of 225 board-approved hours for the certified general real property appraiser credential by completing the following additional educational hours:

(1) general appraiser market analysis and highest and best use 30 hours

(2) statistics, modeling and finance 15 hours

(3) general appraiser sales comparison approach 30 hours

(4) general appraiser site valuation and cost approach 30 hours

(5) general appraiser income approach 60 hours

(6) general appraiser report writing and case studies 30 hours

(7) appraisal subject matter electives 30 hours

E. Appraisers holding a valid licensed residential real property appraiser credential may satisfy the educational requirements of 150 board-approved hours for the certified general real property appraiser credential by completing the following additional educational hours:

(1) general appraiser market analysis and highest and best use 15 hours

(2) statistics, modeling and finance 15 hours

(3) general appraiser sales comparison approach

15 hours	
(4) general	appraiser site valuation and cost approach
15 hours	
(5) general	appraiser income approach
45 hours	
(6) general	appraiser report writing and case studies
15 hours	
(7) appraisal	subject matter electives
30 hours	
F. Appraisers holding	a valid certified residential real property appraiser credential may satisfy the educational requirements of 100 board-approved hours for the certified general real property appraiser credential by completing the following additional educational hours:
(1) general	appraiser market analysis and highest and best use 15 hours
(2) general	appraiser sales comparison approach 15 hours
(3) general	appraiser site valuation and cost approach 15 hours
(4) general	appraiser income approach 45 hours
(5) general	appraiser report writing and case studies 10 hours
G. Experience: applicants	for state general certification must have a minimum of 3,000 hours of experience in real property appraisal obtained during no fewer than thirty (30) months, of which, one thousand five hundred (1,500) hours must be in non-residential appraisal work, submitted on a form prescribed by the board and attested to by the duly certified general supervising appraiser under whose supervision the experience was obtained. [10/1/97; 16.62.5.8 NMAC - Rn & A, 16 NMAC 62.5.8, 09/13/2004; A, 11/25/06; A, 08/21/10; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.6 NMAC, Sections 1 and 2, effective 01/01/2015.

16.62.6.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [P.O. Box 25101, Santa Fe, NM 87504.] [1/14/00; 16.62.6.1 NMAC - Rn, 16 NMAC 62.61.1, 09/13/2004; A, 01/01/2015]

16.62.6.2 SCOPE: All [apprentice] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [1/14/00; 16.62.6.2 NMAC - Rn & A, 16 NMAC 62.61.2, 09/13/2004; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.7 NMAC, Sections 1, 2, 14 and 15, effective 01/01/2015.

16.62.7.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [P.O. Box 25101, Santa Fe, NM 87504.] [10/1/97; 16.62.7.1 NMAC - Rn, 16 NMAC 62.7.1, 09/13/2004; A, 01/01/2015]

16.62.7.2 SCOPE: All [apprentice] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [10/1/97; 16.62.7.2 NMAC - Rn & A, 16 NMAC 62.7.2, 09/13/2004; A, 01/01/2015]

16.62.7.14 REINSTATEMENT OF EXPIRED LICENSE: An expired license may be reinstated within 90 days after expiration upon submission of an application, payment of the required renewal administrative reinstatement fee, proof of compliance with continuing education requirements, and payment of the reinstatement fee. The board may, in its discretion, treat the former [apprentice] trainee, license or certificate holder as a new applicant and further require that the applicant be reexamined as a condition to reissue a license or certificate. [10/1/97; 16.62.7.14 NMAC - Rn & A, 16 NMAC 62.7.14, 09/13/2004; A, 01/01/2015]

16.62.7.15 CHANGE OF ADDRESS: [An apprentice] A trainee, license or certificate holder shall report to the board in writing any change of business address. Failure to do so within 30 days is grounds for [apprentice] trainee, license or certificate suspension. [10/1/97; 16.62.7.15 NMAC - Rn & A, 16 NMAC 62.7.15, 09/13/2004; A, 06/13/08; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.8 NMAC, Sections 1, 2, 6, 8, 9, 11, 12, 13, 14 and 15 effective 01/01/2015.

16.62.8.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [P.O. Box 25101, Santa Fe, NM 87504.] [3/14/00; 16.62.8.1 NMAC - Rn, 16 NMAC 62.8.1, 09/13/2004; A, 01/01/2015]

16.62.8.2 SCOPE: All [apprentice real estate appraisers] trainees, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [3/14/00; 16.62.8.2 NMAC - Rn & A, 16 NMAC 62.8.2, 09/13/2004; A, 01/01/2015]

16.62.8.6 OBJECTIVE: This part provides requirements for approval of educational courses for [pre-apprentice] pre-trainee, pre-licensing, and pre-certification and continuing education credit. It establishes requirements for continuing education courses and sponsors. It establishes an education advisory committee to approve courses and sponsors [and make recommendations to the board]. [3/14/00; 16.62.8.6 NMAC - Rn, 16 NMAC 62.8.6, 09/13/2004; A, 11/25/06; A, 01/01/2015]

16.62.8.8 ACCEPTABLE COURSEWORK: All coursework for original [apprentice] trainee registration, licensing and certification shall be given in fifteen hour segments and have an examination administered at the end of the course. Successful completion of the examination is a requirement to submit the course for original [apprentice] trainee registration, licensure or certification credit. [3/14/00; 16.62.8.8 NMAC - Rn, 16 NMAC 62.8.8, 09/13/2004; A, 11/25/06; A, 01/01/2015]

16.62.8.9 RELEVANCE OF COURSEWORK: All coursework for original [apprenticeship] trainee, licensing or certification shall be in courses closely related to real estate appraisal. The board will not accept an applicant's completion of a course of a kind, which is designed to prepare students for examination, commonly known as a "cram course". All real estate appraisal coursework credited toward original [apprenticeship] trainee,

licensure or certification shall have been completed no more than ten (10) years prior to the date of the application filed with the board.
[3/14/00; 16.62.8.9 NMAC - Rn & A, 16 NMAC 62.8.9, 09/13/2004; A, 11/25/06; A, 01/01/2015]

16.62.8.11 ACCEPTABLE CONTINUING EDUCATION: Courses approved for continuing education credit shall have significant intellectual or practical content and shall deal primarily with matters directly related to appraisal practice or to the ethical obligations of [apprentices] trainees, licensees and certificate holders. The primary objective of such courses shall be consistent with the board's charge to protect the public and to increase the professional competence of [apprentices] trainees, licensees and certificate holders. No more than fourteen (14) of the hours may be from courses offered over the internet or other distance learning modalities.
[3/14/00; 16.62.8.11 NMAC - Rn & A, 16 NMAC 62.8.11, 09/13/2004; A, 11/25/06; A, 08/21/2010; A, 01/01/2015]

16.62.8.12 CONTINUING EDUCATION REQUIREMENTS: Thirty-two (32) hours of continuing education are required each biennial renewal period. Continuing education requirements for initial [apprentices] trainees, licenses and certificates issued for less than two full years are pro-rated as defined in 16.62.7.12 NMAC.

A. Individuals must successfully complete the seven (7) hour national uniform standards of professional appraisal practice (USPAP) update course, or its equivalent as approved by the appraiser qualifications board (AQB). Successful completion includes passing an exam if required by the appraiser qualifications board (AQB).

B. Successful completion of the AQB approved seven (7) hour national USPAP update course and the four (4) hour board approved renewal update course will be required of every [apprentice] trainee, licensee and certificate holder as a condition of renewal in each biennial renewal.
[3/14/00; 16.62.8.12 NMAC - Rn & A, 16 NMAC 62.8.12, 09/13/2004; A, 11/25/2006; A, 08/21/2010; A, 1/16/2011; A, 01/01/2015]

16.62.8.13 EDUCATION ADVISORY COMMITTEE: The board will appoint an education advisory committee for the purpose of reviewing courses and sponsors of education. [The committee will make recommendations to the board as to its findings.]

A. A committee [recommendation of] approval shall go into effect immediately upon the committee's decision [and shall not be subject to reversal by the board].

B. [A committee recommendation of disapproval shall not go into effect until the board has reviewed the committee's finding.] The board maintains the ability to review all approvals or disapprovals made by the committee.
[3/14/00; 16.62.8.13 NMAC - Rn, 16 NMAC 62.8.13, 09/13/2004; A, 08/21/2010; A, 01/01/2015]

16.62.8.14 APPROVAL OF SPONSORS: The board may approve individuals or organizations as course sponsors. Colleges and universities offering credit courses in real estate appraisal are also considered approved sponsors.

A. Requests for approval must be made on board approved forms and include a data storage device (CD or USB) containing an outline and a code of conduct for instructors.

B. The instructor selection and retention policy will include, at a minimum, the following requirements:

(1) instructors of qualifying education courses must be licensed by exam or certified at the same or a higher category than the level of classes they are engaged to teach.

(2) instructors engaged to teach the national uniform standards of professional appraisal practice (USPAP) course must qualify under the instructor evaluation policy for instructor selection for the national USPAP course developed by the appraisal foundation;

(3) instructors must teach only the appraisal foundation-approved national uniform standards of professional appraisal practice (USPAP) course;

(4) student critiques must be requested and maintained for each class given;

(5) a summary of the critiques and the pass rate of the class must be submitted to the board within 30 days after the course is completed;

(6) the sponsor shall provide a procedure for periodic monitoring of instructors in the classroom setting along with the sponsor application.

C. Approved sponsors shall comply with the following requirements to maintain approved status; the school must be conducted in accordance with these rules:

(1) to permit the board or its representative access to the school or classes being conducted and to make available to the board, upon request, all information pertaining to the

activities of the school required for the administration of the rules and regulations, including its financial condition;

(2) to advertise the school at all times in a form and manner free from misrepresentation, deception or fraud;

(3) assure that all representations made by anyone authorized by the school to act as its agent or solicitor for prospective students are free from misrepresentation, deception or fraud;

(4) when a school closes, all student records shall be submitted to the board within 30 days;

(5) to maintain current, complete, and accurate student records and instructor critiques or summaries which shall be accessible at all times to the board or its authorized representative; these records shall include, in addition to other information, a record of payments made, a record of attendance, and a record of units of work completed;

(6) to conduct all courses in accordance with outlines submitted to and approved by the board;

(7) to only certify course completion for students who have successfully taken and passed the course; credit cannot be given for students who pass a course by challenging the course;

(8) sponsors will be subject to renewal of approval every three (3) years or on a renewal period as determined by the AQB expiration date; the board assumes no responsibility for renewal courses not received from the sponsor for any reason; it is the sponsor's responsibility to make timely request(s) for the renewal of course(s) for board approval;

(9) sponsors must assure that all instructors:

(a) conduct all classes in accordance with board rules;

(b) ensure that all instruction is free from misrepresentation;

(c) instruct only from board-approved outlines;

(d) allow access to any class being instructed to any duly appointed representative of the board; and

(e) certify to his/her sponsor a true and correct record of students' attendance in his/her classes;

(10) failure to comply with this rule may result in the loss of approval of the sponsor; and

(11) the board reserves the right to disapprove an instructor.

D. Sponsors may also be approved for seminars, conferences and

one-time courses. Approval is limited to the dates of the course and may not be renewed. [3/14/00; 16.62.8.14 NMAC - Rn, 16 NMAC 62.8.14, 09/13/2004; A, 11/25/2006; A, 01/16/2011; A, 01/01/2015]

16.62.8.15 APPROVAL OF COURSES:

A. All real estate appraisal courses except the appraisal qualifications board (AQB) approved fifteen (15) hour and seven (7) hour national USPAP courses, must have prior approval by the board if they are to be approved for credit towards continuing education or qualifying education. Beginning January 1, 2008, all qualifying education courses for [~~pre-apprentice~~] pre-trainee, pre-licensing and pre-certification must have been approved through the AQB course approval program. The AQB approved fifteen (15) hour national USPAP course and the seven (7) hour national USPAP update course do not require prior approval by the board with proof that the course was taught by an AQB certified national USPAP instructor who is also a residential or general certified appraiser. The course sponsor may certify in the form of a certificate provided to the student that the instructor meets the above board criteria.

B. All board approved real estate courses except the AQB approved fifteen (15) hour national USPAP course and the seven (7) hour national USPAP update course, as defined in Subsection A of this section, accepted for [~~pre-apprentice~~] pre-trainee, pre-licensing and pre-certification credit must: be a minimum length of at least fifteen (15) hours and include successful completion of an approved closed-book examination pertinent to that educational offering.

C. Application for course approval must be made to the board. No classes for credit may commence prior to board approval. The education advisory committee will review the application [~~and make a recommendation to the board~~] in accordance with 16.62.8.13 NMAC.

D. All course outlines approved by the board for [~~pre-apprenticeship~~] pre-trainee, pre-licensing, pre-certification [~~or~~] and continuing education credit shall become the property of the board and the outlines shall be available to all those board approved sponsors wishing to teach said courses.

E. All existing courses are subject to periodic review by the board. The board may at any time change the approval status of any course. [3/14/00; 16.62.8.15 NMAC - Rn & A, 16 NMAC 62.8.15, 09/13/2004; A, 11/25/2006; A, 01/16/2011; A, 7/10/2011; A, 01/01/2015]

16.62.8.16 ONE-ON-ONE

APPROVAL: The [~~board, upon recommendation of the~~] education advisory committee may approve continuing education credit on a one-on-one basis for courses that do not conform fully with 16.62.8.14 NMAC or 16.62.8.15 NMAC. [3/14/00; 16.62.8.16 NMAC - Rn, 16 NMAC 62.8.16, 09/13/2004 A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.9 NMAC, Sections 1, 2 and 8, effective 01/01/2015.

16.62.9.1 ISSUING AGENCY:

Regulation and Licensing Department - NM Real Estate Appraisers Board. [~~P.O. Box-25101, Santa Fe, NM 87504.~~] [3/15/00; 16.62.9.1 NMAC - Rn, 16 NMAC 62.9.1, 09/13/2004; A, 01/01/2015]

16.62.9.2 SCOPE: All

[~~apprentice real estate appraisers~~] trainees, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [3/15/00; 16.62.9.2 NMAC - Rn & A, 16 NMAC 62.9.2, 09/13/2004; A, 01/01/2015]

16.62.9.8 CERTIFICATE OF

GOOD STANDING/FEE: The board shall issue a certificate of good standing to any state [~~apprentice~~] trainee, licensed [~~or~~] and certified real estate appraiser who is currently or has been credentialed under the act by virtue of having met the following requirements.

A. The [~~apprenticeship~~] trainee, license [~~or~~] and certificate of the applicant must pay the required fees in full.

B. The applicant's appraiser [~~apprenticeship~~] trainee, license [~~or~~] and certificate must not be under suspension or revocation as a result of disciplinary action by the board, and the [~~apprenticeship~~] trainee, license [~~or~~] and certificate holder must not be the subject of a pending notice of contemplated action issued by the board.

C. The certificate of good standing shall specify the current license status and license history of the applicant. Verification of license history and good standing may also be obtained from the national registry of real estate appraisers.

D. The applicant must submit a written request and pay a fee set by the board for issuance of the certificate of good standing.

[2/28/94; 3/15/00; 16.62.9.8 NMAC - Rn & A, 16 NMAC 62.9.8, 09/13/2004; A, 11/25/06; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.10 NMAC, Sections 1, 2, 7, 8 and 9, effective 01/01/2015.

16.62.10.1 ISSUING AGENCY:

Regulation and Licensing Department - NM Real Estate Appraisers Board. [~~P.O. Box-25101, Santa Fe, NM 87504.~~] [3/15/00; 16.62.10.1 NMAC - Rn, 16 NMAC 62.10.1, 09/13/2004; A, 01/01/2015]

16.62.10.2 SCOPE: All

[~~apprentice~~] trainee real-estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [3/15/00; 16.62.10.2 NMAC - Rn & A, 16 NMAC 62.10.2, 09/13/2004; A, 01/01/2015]

16.62.10.7 DEFINITIONS:

[~~RESERVED~~] "Assignment" means one or more real estate appraisals and written appraisal report(s) covered by a single contractual agreement for a specified number of properties. [16.62.10.79 NMAC - N, 01/01/2015]

16.62.10.8 TEMPORARY PRACTICE PERMITS:

A. All persons who engage in the business of, act in the capacity of, advertise or display in any manner or otherwise assume to engage in the business of, or act as, a state real estate appraiser must have a board license or permit.

B. A temporary permit may be issued to non-resident appraiser licensed and certified appraiser for the purpose of performing an appraisal or an appraisal review.

[~~C. Applicants shall submit the following on a board approved form:~~

(1) ~~verification of license history and good standing as obtained from the national registry of real estate appraisers;~~

(2) ~~the classification of the license or certification they hold;~~

(3) ~~whether they are subject to disciplinary action in the state~~

in which they are licensed or certified;

(4) a statement certifying that the applicant's business in New Mexico is temporary and will not exceed 180 days;

(5) a statement identifying the specific assignment to which the temporary license will apply;

(6) an irrevocable statement consenting that suits and actions may be commenced against him/her in the proper court of any county of New Mexico arising from the applicant's actions as a state licensed or certified appraiser; and

(7) the fee specified in 16.62.12 NMAC;

(8) the board may obtain verification and certification from ASC website;

(9) temporary permit extension may be obtained upon the written request submitted to the board office by the temporary permit holder, a 30-day extension will be granted to the established expiration date to complete the specified assignment.

D. In appraisal review of a New Mexico real property, the reviewing appraiser must have a New Mexico residential certification or general certification from the state of New Mexico:

(1) In the case of a temporary practice permit for that one assignment, the temporary permit must be a residential certification or general certification that is the same or greater certification than that of the original appraiser of the appraisal.

(2) In the case of a review appraiser with an opinion of value, the review appraiser must have geographic competency and USPAP compliance with this competency in the report.]

C. Temporary practice for an appraisal review of a New Mexico real property:

(1) The reviewing appraiser must have a New Mexico residential certification or general certification.

(2) The temporary permit must be a New Mexico residential certification or general certification that is the same or greater certification than that of the original appraiser of the appraisal.

(3) In the case of a review appraiser with an opinion of value, the review appraiser must have national USPAP compliance with competency in the report.

D. Temporary practice for an appraisal assignment of a New Mexico real property

(1) Pursuant to Title XI, the board shall recognize, on a temporary basis, the certification or license

of a real estate appraiser issued by another state.

(2) The temporary permit may only be issued on an assignment basis. A single assignment may include one or more properties under a single contract with a single client.

(3) The out of state appraiser must comply with the national USPAP and with the board's statutes and rules.

(4) The out of state appraiser is subject to the board's jurisdiction.

E. Applicants shall submit a form approved by the board to include the following:

(1) verification of license history and good standing as obtained from the national registry of real estate appraisers; the board may obtain verification and certification from the ASC website;

(2) the classification of the license or certification they hold;

(3) whether they are subject to disciplinary action in the state in which they are licensed or certified; if subject to disciplinary action, submittal of a final order and letter of closer should also be submitted;

(4) a statement certifying that the applicant's business in New Mexico is temporary and will not exceed 180 days;

(5) a statement and accompanying contract identifying the specific assignment to which the temporary permit will apply;

(6) an irrevocable statement consenting that suits and actions may be commenced against him/her in the proper court of any county of New Mexico arising from the applicant's actions as a state licensed or certified appraiser;

(7) the fee specified in 16.62.12 NMAC.

F. A temporary permit extension may be obtained upon the written request submitted to the board office by the temporary permit holder; a one-time 30-day extension will be granted to complete the specified assignment.

[3/15/00; 16.62.10.8 NMAC - Rn, 16 NMAC 62.10.8, 09/13/2004; A, 11/25/06; A, 10/16/09; A, 08/21/10; A, 01/01/15]

16.62.10.9 PROVISIONS FOR EMERGENCY LICENSURE:

A. Licensed real estate appraisers currently licensed and in good standing, or otherwise meeting the requirements for New Mexico licensure in a state in which a federal disaster has been declared, may be licensed in New Mexico during the four months following

the declared disaster with the same level of licensure they currently hold at no cost upon satisfying the following requirements:

(1) receipt by the board of a completed application which has been signed and notarized and which is accompanied by proof of identity, which may include a copy of a [drivers] driver's license, passport or other photo identification issued by a governmental entity;

(2) refer to 16.62.2.8 NMAC, [apprentice] trainee; 16.62.3.8 NMAC, licensed; 16.62.4.8 NMAC, residential; and 16.62.5.8 NMAC, general;

(3) other required verification will be to contact the [applicants] applicant's prior licensing board by email, mail or telephone.

B. The board may waive the following requirements for licensure:

(1) application fees;

(2) taking and passing the NM state exam; the applicant will be required to take and pass the NM state exam within 60 days from the date the emergency license is issued.

C. The board may waive the specific forms required under 16.62.2.8, 16.62.3.8, 16.62.4.8 and 16.62.5.8 NMAC if the applicant is unable to obtain documentation from the federal declared disaster areas.

D. Nothing in this section shall constitute a waiver of the requirements for licensure contained in 16.62.2.8, 16.62.3.8, 16.62.4.8 and 16.62.5.8 NMAC.

E. Licenses issued under (the emergency provision) shall expire on April 30 following the date of issue, unless the board or an agent of the board approves a renewal application. Application for renewal shall be made on or before April 30 following the date of issue to avoid late renewal fees. The board reserves the right to request additional documentation, including but not limited to, recommendation forms and work experience verification forms prior to approving license renewal.

[16.62.10.9 NMAC - N/E, 11/10/05; A, 11/25/06; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.11 NMAC, Sections 1, 2 and 8, effective 01/01/2015.

16.62.11.1 ISSUING AGENCY: Regulation and Licensing Department, NM Real Estate Appraisers Board [~~P.O. Box 25101, Santa Fe, NM 87504~~]. [16.62.11.1 NMAC - N, 09/13/2004; A, 01/01/2015]

16.62.11.2 SCOPE: All [~~apprentice~~] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [16.62.11.2 NMAC - N, 09/13/2004; A, 01/01/2015]

16.62.11.8 APPLICATION FOR RECIPROCITY:

A. Applications for New Mexico state licensed appraiser, residential or general certified appraisers must hold an appraisers license or certificate in another state [~~and that state must extend the privilege of licensure or certification to New Mexico licensed or certified appraisers~~].

B. Applicants for reciprocity in the state of New Mexico must:

(1) come from a home state where the credentialing requirements meet or exceed the New Mexico board of real estate appraisers requirements;

(2) complete an application for New Mexico state licensed appraiser or certified appraiser, including the first page, the personal history questionnaire, three letters of verification, a 2" X 2" photograph;

(3) verification of license history and good standing as obtained from the national registry of real estate appraisers;

(4) submit copy of current license;

(5) pay the appropriate fee by check or money order; [~~(6) file an irrevocable consent in accordance with the provisions of NMSA 1978 Section 61-30-20.B. in that suits and actions may be commenced against the applicant under the process so described;~~]

[(7)] (6) comply with all the New Mexico board of real estate appraisers statutes, rules and regulations;

and

(7) rely on a credential from a home state that complies with Title XI as determined by the appraisal subcommittee;

C. A reciprocal license shall expire two years after issuance.

D. Renewal requirements shall be in the same manner and with the same requirements as for the same classification of certified or licensed appraiser as stated in 16.62.7 NMAC [16.62.11.8 NMAC - N, 09/13/2004; A, 11/25/06; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.12 NMAC, Sections 1, 2 and 8, effective 01/01/2015.

16.62.12.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [~~P.O. Box 25101, Santa Fe, NM 87504~~]. [2/29/96; 16.62.12.1 NMAC - Rn, 16 NMAC 62.12.1, 09/13/2004; A, 01/01/2015]

16.62.12.2 SCOPE: All [~~apprentice~~] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [2/29/96; 16.62.12.2 NMAC - Rn & A, 16 NMAC 62.12.2, 09/13/2004; A, 01/01/2015]

16.62.12.8 FEES: All fees required under the Real Estate Appraiser Act or these regulations are non-refundable unless otherwise noted.

A. Application fee for [~~apprenticeship~~] a trainee is \$200, which includes the initial [~~apprenticeship~~] trainee period.

B. Application fee for a license is \$300, which includes the initial licensing period.

C. Application fee for residential certification is \$300, which includes the initial licensing period.

D. Application fee for general certification is \$400, which includes the initial licensing period.

E. The fee for all examinations will be paid directly to the company who provides the exam.

F. The biennial renewal fee for [~~apprentice~~] trainee appraisers is

\$200. During the implementation of the biennial renewal schedule, renewals issued for less than a two-year period will be pro-rated at \$55 per year or portion of a year. Any renewal issued for less than six months will be charged \$30.

G. The biennial renewal fee for licensed appraisers is \$300. During the implementation of the biennial renewal schedule, renewals issued for less than a two-year period will be pro-rated at \$110 per year or portion of a year. Any renewal issued for less than six months will be charged \$55.

H. The biennial renewal fee for residential certified appraisers is \$300. During the implementation of the biennial renewal schedule, renewals issued for less than a two-year period will be pro-rated at \$110 per year or portion of a year. Any renewal issued for less than six months will be charged \$55.

I. The biennial renewal fee for general certified appraisers is \$355. During the implementation of the biennial renewal schedule, renewals issued for less than a two-year period will be pro-rated at \$155 per year or portion of a year. Any renewal issued for less than six months will be charged \$80.

J. The current fee for listing on the federal registry as charged by the appraisal subcommittee (ASC).

K. The application fee for a temporary practice [~~certificate~~] permit is [~~\$150~~] \$250.

L. The fee for replacement of [~~apprentice~~] trainee, license or certificate is \$50.

M. The fee for a certificate of good standing is \$25.

N. Administrative reinstatement fee is \$200.

O. Administrative late fee is \$100.00.

P. Administrative fees as follows:

(1) approved continuing education course is \$50;

(2) approval of continuing education sponsorship is \$75;

(3) licensee list is \$150;

(4) miscellaneous is \$25 up to a max of \$100.

[2/29/96; 16.62.12.8 NMAC - Rn, 16 NMAC 62.12.8, 09/13/2004; A, 08/21/2010; A, 01/16/2011; A, 7/10/2011; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.13 NMAC, Sections 1, 2, 6, 7, 8, 9, 10, 12 and 14, effective 01/01/2015.

16.62.13.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [P.O. Box 25101, Santa Fe, NM 87504.] [10/1/97; 16.62.13.1 NMAC - Rn, 16 NMAC 62.13.1, 09/13/2004; A, 01/01/2015]

16.62.13.2 SCOPE: All [apprentice] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [10/1/97; 16.62.13.2 NMAC - Rn & A, 16 NMAC 62.13.2, 09/13/2004; A, 01/01/2015]

16.62.13.6 OBJECTIVE: This part lists actions which can be the cause of disciplinary action by the board against [an apprentice] a trainee, licensee or certificate holder and provides a procedure for a respondent to accept a letter of reprimand pursuant to violations of law or regulations. [10/1/97; 16.62.13.6 NMAC - Rn, 16 NMAC 62.13.6, 09/13/2004; A, 11/25/06, A, 01/01/2015]

16.62.13.7 DEFINITIONS: "Complaint committee" shall be appointed by the board. Complaint committee chairperson shall be an appraiser board member. The complaint committee is for the purpose of [review of] evaluating complaints [and shall make recommendation(s) to the board as to its findings]. [10/1/97; 16.62.13.7 NMAC - Rn & A, 16 NMAC 62.13.7, 09/13/2004; A, 01/01/2015]

16.62.13.8 FILING COMPLAINT: Upon receipt of a sworn complaint against any person who is [an apprentice] a trainee, licensed or certified under the Real Estate Appraisers Act, the board [shall cause an investigation to be initiated.] may administratively evaluate the complaint to determine whether sufficient information of a potential violation of board statute or rules, or the national uniform standards of professional appraisal practice (USPAP) exists to pursue investigation and possible formal disciplinary action. Upon

receipt of a complaint, the board may:
A. evaluate or investigate the alleged violations;
B. refer the matter to a peer committee; or
C. dispose of a complaint if it determines that there is insufficient information, lack of probable cause, lack of jurisdiction or if the complaint is determined to be frivolous. [10/1/97; 16.62.13.8 NMAC - Rn & A, 16 NMAC 62.13.8, 09/13/2004; A, 01/01/2015]

16.62.13.9 REVIEW OF COMPLAINT: The chairman of the board shall appoint at least one appraiser member of the board to [review the results of investigation of] evaluate each complaint filed with the board.
A. The board member appointee/[reviewer] evaluator shall also be chairperson of the complaint committee. The administrative review of complaints shall be completed by this person.
B. The complaint committee may perform a regulatory review of an appraisal that is the subject of a complaint. Complaint committee members shall be competent to review an appraisal.
C. The complaint committee may refer the appraisal that is the subject of a complaint to a peer committee to perform a Standard 3 review of the appraisal.

~~(B)~~ D. Upon completion and review of the investigation initiated pursuant to this regulation, the board member appointee/[reviewer] evaluator along with the complaint committee shall either recommend the case be closed or shall submit to the board a recommendation for further disciplinary action.

E. If the board member appointee/evaluator and board counsel determine that there is insufficient information, lack of probable cause, lack of jurisdiction or if the complaint is determined to be frivolous, an investigation shall not be initiated and the complaint shall be deemed invalid and closed without further incident. [10/1/97; 16.62.13.9 NMAC - Rn & A, 16 NMAC 62.13.9, 09/13/2004; A, 01/01/2015]

16.62.13.10 RESPONDING TO COMPLAINT:
A. [Upon receipt of a sworn complaint] In response to an investigation against any person who is [an apprentice] a trainee, licensed or certified under the Real Estate Appraisers Act, the respondent must respond within ten (10) days of receipt as allowed by the Uniform Licensing Act.
B. Failure to respond

within time frame specified, may result in disciplinary action up to and including revocation of license at the discretion of the board.
[16.62.13.10 NMAC - N, 11/25/06; A, 01/01/2015]

16.62.13.12 REPRIMAND PUBLIC RECORD: The fact that [an apprentice] a trainee appraiser, license or certificate holder has received a letter of reprimand is a matter of public record. [10/1/97; 16.62.13.12 NMAC - Rn & A, 16 NMAC 62.13.12, 09/13/2004; A, 01/01/2015]

16.62.13.14 REFUSAL, SUSPENSION OR REVOCATION:
A. Disciplinary proceedings may be instituted by the sworn complaint of any person, including members of the board, filed with the board. The complaint shall conform with the provisions of the Uniform Licensing Act, Section 61-1-1 et seq., NMSA 1978.

B. In accordance with the procedures contained in the Uniform Licensing Act, the board may deny, revoke or suspend any [apprentice] trainee, license or certificate held or applied for upon finding, after a hearing, that the [apprentice] trainee appraiser, licensee, certificate holder or applicant has violated any provision of the Real Estate Appraisers Act (Section 61-30-1 et seq., NMSA 1978) or regulations or continually or repeatedly or persistently or willfully violated any of the prohibitions found hereinafter:

(1) obtaining or attempting to obtain any fee through fraud, misrepresentation, or other dishonesty;
(2) impersonating another person [apprenticed] trainee, licensed or certified to practice real estate appraisal or permitting or allowing any person to use his/her registration, license or certificate;

(3) aiding or abetting the practice of real estate appraisal by a person not [apprenticed] a trainee, licensed or certified by the board;

(4) the suspension or revocation by another state of [an apprentice] a trainee registration, license or certificate to practice real estate appraisal based upon acts by the [apprentice] trainee appraiser, certificate holder or licensee similar to acts described in the section;

(5) the solicitation of any person either by [an apprentice] a trainee appraiser, licensee or certificate holder or by one in his/her employ or under his/her control under circumstances suggesting that the appraiser or other person was taking advantage of the person being solicited from making a rational independent decision as to whether

or not to obtain the services of an appraiser, or any particular appraiser;

(6) falsifying of real estate appraisal records, whether or not for personal gain;

(7) practicing beyond the scope of the [apprenticeship] trainee, license or certificate as defined by state law and/or regulations;

(8) advertising in any manner that violates the board's regulation on advertising, as provided in 16.62.16 NMAC; or

(9) making false statements in any application for [apprenticeship] trainee, licensure or certification.

C. If the complaint committee, following an investigation and review, believes there is sufficient evidence that would justify denying, revoking or suspending a professional license or taking other disciplinary action, it will recommend to the board to issue a notice of contemplated action ("NCA").

D. Based on the board's decision, board staff will send a request for an NCA to the litigation division of the attorney general's office. The NCA request must include a description of the licensee's allegedly improper conduct and the provisions of the board's practice act and rules that the conduct allegedly violated. If the respondent is an applicant, the NCA must include an explanation as to why the board is contemplating denying licensure. An assistant attorney general in the litigation division, referred to as the "administrative prosecutor," will review the file. Based on his/her review, the administrative prosecutor may return the file to the board for additional investigation or information or will draft an NCA.

E. Constitutional due process principles require a board to conduct an administrative hearing at the timely request of a respondent who has been served with an NCA. The respondent is entitled to:

(1) a statement of the charge(s);

(2) notice of the time and place of the hearing;

(3) a hearing before an impartial decision maker;

(4) the right to cross-examine witnesses who testify against him/her;

(5) the right to present his or her own witnesses, and

(6) the right to be represented by an attorney or a licensed member of the profession or both.

[10/1/97; 16.62.13.14 NMAC - Rn & A, 16 NMAC 62.13.14, 09/13/2004; A, 11/25/06; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.15 NMAC, Sections 1, 2, 6, 8, 9, 10, 11, and 12, effective 01/01/2015.

16.62.15.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [~~P.O. Box 25101, Santa Fe, NM 87504.~~] [3/15/00; 16.62.15.1 NMAC - Rn, 16 NMAC 62.15.1, 09/13/2004; A, 01/01/2015]

16.62.15.2 SCOPE: All [apprentice] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [3/15/00; 16.62.15.2 NMAC - Rn & A, 16 NMAC 62.15.2, 09/13/2004; A, 01/01/2015]

16.62.15.6 OBJECTIVE: This part provides for inactive status, retirement and reinstatement of [an apprentice] a trainee, license or certificate under certain circumstances. [3/15/00; 16.62.15.6 NMAC - Rn & A, 16 NMAC 62.15.6, 09/13/2004; A, 01/01/2015]

16.62.15.8 RETIREMENT: Any appraiser who wishes to retire from practice shall notify the board in writing prior to the expiration of [the apprenticeship] trainee, license or certificate. The notice will be recorded in the minutes of the board. The appraiser shall be exempt from payment of the yearly renewal fees during the period of retirement.

A. No request for retirement status will be accepted if the appraiser is under investigation or facing disciplinary proceedings.

B. An appraiser does not have to meet an age requirement in order to request retirement status.

C. Licenses on retirement status will be reported to the national registry.

[3/15/00; 16.62.15.8 NMAC - Rn & A, 16 NMAC 62.15.8, 09/13/2004; A, 01/01/2015]

16.62.15.9 REINSTATEMENT: Any appraiser who has retired as provided in 16.62.15.8 NMAC, may, within two years from the date the active [apprenticeship] trainee, license or

certificate expired, [notify the board of his/her desire to resume active practice] apply to the board for reinstatement of license or certificate.

[3/15/00; 16.62.15.9 NMAC - Rn & A, 16 NMAC 62.15.9, 09/13/2004; A, 01/01/2015]

16.62.15.10 APPLICATION FOR REINSTATEMENT: [Upon receipt of written notice required in 16.62.15.9 NMAC, the board shall send to the retired appraiser, an application for reinstatement of the apprenticeship, license or certificate.]

A. The application for the reinstatement of [an apprentice] a license or certificate shall provide space for the applicant to provide the board the following information:

(1) the [serial] license number of the former [apprentice] trainee, license or certificate;

(2) the full name of the applicant;

(3) the date of the original issue;

(4) the date of the applicant's retirement.

B. The application must be completed and returned to the board with a check or money order in an amount equivalent to all lapsed renewal fees. In addition, the applicant for reinstatement of [apprenticeship] trainee, license or certificate must offer proof sufficient to satisfy the board that he/she has taken in the calendar year immediately [proceeding] preceding the application for reinstatement, a minimum of fourteen clock hours per year missed in refresher courses in addition to any hours of continuing education units the applicant might have been delinquent prior to retirement. Prior to reinstatement, the applicant must show proof that he or she is current with all continuing education hours required for each year in retirement status.

C. [Any appraiser who wishes reinstatement after retirement may apply at any time.] The application must be completed within two (2) years from the date the active trainee, license or certificate expired. The application will be reviewed by the board at its next regularly scheduled meeting. If the board finds the application in order and is satisfied that the applicant for reinstatement has fulfilled the requirements as specified, the board shall issue the applicant a registration, license or certificate.

D. No appraiser who has retired shall reactivate his/her practice until a new [apprentice] trainee registration, license or certificate is received. The appraiser shall not prepare an appraisal while in retirement status.

E. No application for retirement will be accepted if the appraiser

is under investigation or facing disciplinary proceedings;]
[3/15/00; 16.62.15.10 NMAC - Rn & A, 16 NMAC 62.15.10, 09/13/2004; A, 06/13/08; A, 01/01/2015]

16.62.15.11 INACTIVE STATUS:

A. The following criteria must be met for inactive status eligibility:
(1) the licensee must be in good standing; and
(2) the license must be current.

B. A licensee who fails to renew a license by April 30th of any year, shall renew the license in accordance with the Appraisal Act before the licensee can be considered for inactive status.

C. A licensee who wishes to be placed on inactive status shall:

(1) Notify the in writing prior to the expiration of the license or certificate. The notice will be recorded in the minutes of the board; and

(2) Pay the fees established by the board to be placed on inactive status.

D. A licensee on inactive status shall not engage in any activity for which registration is required.

E. Rendering or offering to render in appraisal services or engaging in the any appraisal activity while on inactive status shall be considered sufficient grounds for disciplinary action by the board.

F. When an appraiser holds an inactive license and represents himself/herself in public statements that include but are not limited to, paid or unpaid advertising, brochures, printed matter, directory listings, personal resumes or curricula vitae, interviews or comments for use in media, statements in legal proceedings, lectures, and public oral presentations, must disclose that with an inactive license, and shall not provide appraisal consulting.

G. Licensees on inactive status will be reported to the national registry.
[16.62.15.11 NMAC - N, 01/01/2015]

16.62.15.12 REINSTATEMENT FROM INACTIVE STATUS:

A. The inactive licensee may apply for reinstatement to active status within three (3) years after trainee, license or certificate has been placed on inactive status. The applicant shall complete an application for reinstatement to include the following:

- (1) the license number of the former apprentice/trainee, license or certificate;
- (2) the full name of the applicant;
- (3) the date of the

original issue;
(4) the date of the applicant's inactive status.

B. The application must be completed and returned to the board with a check or money order in an amount described in 16.62.12 NMAC. In addition, the applicant for reinstatement of trainee, license or certificate must provide satisfactory proof of completion of the continuing education requirements described in 16.62.8 NMAC.

C. The application will be reviewed by the board at its next regularly scheduled meeting. If the board finds the application is in order and is satisfied that the applicant for reinstatement has fulfilled the requirements as specified, the board shall issue the applicant a registration, license or certificate.

D. No appraiser who has an inactive status shall reactivate his/her practice until a new trainee registration, license or certificate is received.

E. No application for inactive status will be accepted if the appraiser is under investigation or facing disciplinary proceedings.

F. If the inactive licensee applies for reinstatement to active status more than three (3) years after trainee, license or certificate has been placed on inactive status, the applicant shall:

(1) complete an application for reinstatement to include the following:

- (a) the license number of the former trainee, license or certificate;
- (b) the full name of the applicant;
- (c) the date of the original issue;
- (d) the date of the applicant's inactive status;

(2) take and pass the state examination.

G. The application must be completed and returned to the board with a check or money order in an amount described in 16.62.12 NMAC. In addition, the applicant for reinstatement of traineeship, license or certificate must provide satisfactory proof of completion of the continuing education requirements described in 16.62.8 NMAC in addition to classroom hours:

- (1) Licensed and residential certified appraisers:
(a) 15 hour national USPAP;
(b) residential market analysis and highest and best use;
- (c) residential appraiser site valuation and cost approach;

(d) residential sales comparison and income approaches;

(e) residential report writing and case studies.
(2) general certified appraisers:

(a) 15 hour national USPAP;

(b) general appraiser market analysis and highest and best use;

(c) general appraiser site valuation and cost approach;

(d) general appraiser sales comparison and income approaches;

(e) general appraiser report writing and case studies;

(f) general appraiser income approach.

H. The application will be reviewed by the board at its next regularly scheduled meeting. If the board finds the application in order and is satisfied that the applicant for reinstatement has fulfilled the requirements as specified, the board shall issue the applicant a registration, license or certificate.

I. No appraiser who has an inactive status shall reactivate his/her practice until a new trainee registration, license or certificate is received.

J. No application for inactive status will be accepted if the appraiser is under investigation or facing disciplinary proceedings.

K. A licensee on inactive status shall not render or offer to render appraisal services or otherwise engage in the any appraisal practice until the board issues a new license.

[16.62.15.12 NMAC - N, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.16 NMAC, Sections 1, 2, 6 and 8, effective 01/01/2015.

16.62.16.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [P.O. Box-25101, Santa Fe, NM 87504.]
[3/15/00; 16.62.16.1 NMAC - Rn, 16 NMAC 62.16.1, 09/13/2004; A, 01/01/2015]

16.62.16.2 SCOPE: All [apprentice] trainee real estate appraisers,

licensed real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed real estate appraisers. [3/15/00; 16.62.16.2 NMAC - Rn & A, 16 NMAC 62.16.2, 09/13/2004; A, 01/01/2015]

16.62.16.6 OBJECTIVE: This part provides requirements for advertising by [apprentices] trainees, licensees and certificate holders.

[3/15/00; 16.62.16.6 NMAC - Rn & A, 16 NMAC 62.16.6, 09/13/2004; A, 01/01/2015]

16.62.16.8 REQUIREMENTS/LIMITATIONS

A. No appraiser shall advertise or procure another to advertise, nor personally solicit or procure another to personally solicit on his/her behalf or on the behalf of another, in a manner that is false, fraudulent or misleading.

B. No firm, group or association may advertise as being [an apprentice] a trainee, licensed or certified. The individual members of the firm, group or association must be listed along with the scope of their apprenticeship, licenses or certifications. Sole practitioners must include their name and the scope of their apprenticeship, license or certificate in every advertisement.

C. Advertisement for appraiser individuals or firms shall conform to the ethics provisions of the uniform standards of professional appraisal practice. [3/15/00; 16.62.16.8 NMAC - Rn & A, 16 NMAC 62.16.8, 09/13/2004; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.62.17 NMAC, Sections 1 and 2, effective 01/01/2015.

16.62.17.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board. [P.O. Box 25101, Santa Fe, NM 87504.] [3/15/00; 16.62.17.1 NMAC - Rn, 16 NMAC 62.17.1, 09/13/2004; A, 01/01/2015]

16.62.17.2 SCOPE: All [apprentice] trainee real estate appraisers, licensed real estate appraisers, residential certified real estate appraisers, general

certified real estate appraisers, temporary licensed real estate appraisers and members of the general public.

[3/15/00; 16.62.17.2 NMAC - Rn & A, 16 NMAC 62.17.2, 09/13/2004; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.65.1 NMAC, Section 7, effective 01/01/2015.

16.65.1.7 DEFINITIONS: All words and terms defined in the Appraisal Management Company Registration Act have the same meaning in these rules.

A. Terms starting with the letter 'A' are defined as follows.

(1) "Act" means the Real Estate Appraisal Management Company Registration Act.

(2) "Applicant" means a company who has submitted an application to the board seeking registration.

(3) "Appraisal" means the act or process of developing an opinion of the value of real property in conformance with the uniform standards for professional appraisal practice published by the appraisal foundation.

(4) "Appraisal foundation" means the appraisal foundation incorporated as an Illinois not-for-profit corporation on November 30, 1987, and which reference is made in the federal Financial Institutions Examination Council Act of 1978, as amended by Title 11, Real Estate Appraisal Reform Amendments."

(5) "Appraisal management company (AMC)" means a corporation, partnership, sole proprietorship, subsidiary, limited liability company or other business entity that:

(a) contracts with independent appraisers to perform real estate appraisal services for clients;

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

(c) otherwise serves as a third-party broker of appraisal management service between clients and appraiser.

(6) "Appraisal

management services" means the process of receiving a request for the performance of real estate appraisal services from a client, and for a fee paid by the client, entering into an agreement with one or more independent appraisers to perform the real estate appraisals services contained in the request.

(7) "Appraisal review" the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraisal, or an appraisal review [or appraisal consulting assignment].

(8) "Appraisal review report" is a report that develops or communicates an opinion about the quality of another appraiser work that was performed as part of an appraisal.

(9) "Appraisers Act" means the New Mexico Real Estate Appraisers Act as defined in NMSA 1978, Section 61-30-1 (1990).

(10) "Assignment" means one or more real estate appraisals and written appraisal report(s) covered by a single contractual agreement for a specified number of properties.

B. Terms starting with the letter 'B' are defined as follows.

(1) "Board" means the New Mexico real estate appraisers board.

(2) "Board file" means all documents that an AMC is required to create and maintain for the board.

C. Terms starting with the letter 'C' are defined as follows.

(1) "Client" means a person or entity that contracts with, or otherwise enters into an agreement with an appraisal management company for the performance of real estate appraisal services.

(2) "Complaint committee" is a board appointed committee that is composed for the purpose of reviewing complaints and making recommendation to the board as to its findings.

(3) "Controlling person" (CP) means:

(a) an owner, officer or director of a corporation, partnership, limited liability company or other business entity seeking to offer appraisal management services in this state;

(b) an individual employed, appointed or authorized by an appraisal management company that has the authority to enter into a contractual relationship with clients for the performance of appraisal management services and that has the authority to enter into agreements with independent for the performance of real estate appraisal

services; or

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

(4) "Clerical review" is a non-standard three review of the completeness of the appraisal.

D. Terms starting with the letter 'D'. [RESERVED]

E. Term starting with the letter 'E' is defined as follows:
 (1) "employee in charge (EIC)" means a designated employee of the appraisal management company, with the responsibilities and obligations to the board set forth with these rules.

(2) "evaluation" is a valuation permitted by the board's appraisal regulations for transactions that qualify for the appraisal threshold exception, business loan exception, or subsequent transaction exception.

F. Term starting with the letter 'F' is defined as follows: "FIRREA" means the Financial Institutions Reform, Recovery and Enforcement Act of 1989, and its amendments.

G. Terms starting with the letter 'G' [RESERVED]

H. Terms starting with the letter 'H' [RESERVED]

I. Terms starting with the letter 'I' [RESERVED]

J. Terms starting with the letter 'J' [RESERVED]

K. Terms starting with the letter 'K' [RESERVED]

L. Terms starting with the letter 'L' [RESERVED]

M. Terms starting with the letter 'M' [RESERVED]

N. Term starting with the letter 'N' is defined as follows: "nonresident appraiser" means an individual or entity that holds a current registration or license in another state.

O. Term starting with the letter 'O' is defined as follows: "outsourced appraisal review" is an appraisal review conducted by a licensed appraiser who is not an employee of the AMC.

P. Terms starting with the letter 'P' are defined as follows.

(1) "Panel" means a group of independent appraisers that have been selected by an appraisal management company to perform real estate appraisal services for the appraisal management company.

(2) "Peer review" is an opinion as to the completeness of [an other] another appraiser's work; completed by a licensed appraiser of similar experience and qualifications for the purpose of making a recommendation to the

board as to its findings.

Q. Terms starting with the letter 'Q' [RESERVED]

R. Terms starting with the letter 'R' [RESERVED]

S. Term starting with the letter 'S' is defined as follows: "staff appraiser" is an appraiser hired by an AMC as an employee, who is licensed by the board, to act as an appraiser and is subject to these rules.

T. Terms starting with the letter 'T' [RESERVED]

U. Term starting with the letter 'U' is defined as follows: "uniform standards of professional appraisal practice (USPAP)" means the uniform standards or professional appraisal practice promulgated by the appraisal foundation and adopted by rules pursuant to the Real Estate Appraiser Act. USPAP deals with the procedures to be followed in which an appraisal, analysis, or opinion is communicated.

V. Terms starting with the letter 'V' [RESERVED]

W. Term starting with the letter 'W' is defined as follows: "work file" is documentation necessary to support an appraiser's analyses, opinions, and conclusions.

X. Terms starting with the letter 'X' [RESERVED]

Y. Terms starting with the letter 'Y' [RESERVED]

Z. Terms starting with the letter 'Z' [RESERVED]

[16.65.1.7 NMAC - N, 10/16/09; A, 01/01/2015]

**NEW MEXICO
REGULATION AND
LICENSING DEPARTMENT
REAL ESTATE APPRAISERS
BOARD**

This is an amendment to 16.65.2 NMAC, Sections 8 and 12, effective 01/01/2015.

**16.65.2.8 AMC
REGISTRATION REQUIREMENTS:**

Each AMC applying to the board for registration shall:

A. designate one controlling person (CP) that will submit to service of process;

B. designate one employee in charge (EIC) that will be the main contact for all communication between the board and the AMC (CP may be designated as the EIC, if that person meets all qualifications required by the board);

C. specify all entities doing business as (DBA) under the AMC;

D. certify that all appraisers added to the panel of the AMC

hold a New Mexico license and certificate in good standing as an appraiser;

E. the AMC shall evaluate all appraisers within the renewal period to ensure that the real estate appraisal services are being conducted in accordance with the uniform standards of professional appraisal practices and board rules;

F. maintains a board file, containing:

(1) a detailed record of each service request and the independent appraiser that performs the real estate appraisal services for the AMC;

(2) certification and evaluation of all appraisers, as required under Subsections C and D;

(3) list of all non-taxable transaction certificates issued;

(4) a detailed record of the process and criteria that the AMC has in place to review the work of appraisers; and

(5) written procedure for contracting with and paying appraisers.

G. maintain a bond or other equivalent means of surety:

(1) a bond of [~~ten thousand dollars (\$10,000)~~] twenty-five thousand dollars (\$25,000) shall be underwritten by a corporate surety authorized to transact business in New Mexico; such bond shall meet the following conditions:

(a) payments from a bond required pursuant to this section shall only be used to cure violations caused by a registrant, confirmed by the board;

(b) claims against the bond shall be made within two years following the board's final decision and order, finding a violation;

(c) bonds shall be construed so that the corporate surety may pay claimants directly, upon approval by the board;

(~~e~~) (d) the total aggregate liability of the surety for all claims shall be limited to the face amount of the board;

(~~f~~) (e) the bond carrier shall provide to the board and to the AMC thirty [~~day's~~] days prior written notice of intent to cancel a bond required pursuant to this section; the surety for such a bond shall remain liable under the provisions of the bond for all obligations of the principal pertaining to bond terms that occur before the bond is canceled, expires or otherwise becomes ineffective;

(~~e~~) (f) failure to maintain the bond for the period required by law is cause for revocation of the AMC registration; and

(f) (g) if

the bond is canceled, expires or otherwise becomes ineffective during the period of the registration, the AMC shall immediately notify the board; if the AMC has not provided proof of a new bond before the fortieth day after the date on which the bond was canceled, expired or otherwise became ineffective, the AMC shall be subject to revocation of its registration for failure to maintain a bond;

(2) as an equivalent means of surety, an AMC may maintain an agreement of cash collateral assignment executed with a state or national bank or federally insured savings association authorized to do business in New Mexico as trustee; interest, if any, accumulating on the cash collateral assignment shall accrue to the AMC. [16.65.2.8 NMAC - N, 10/16/09; A, 01/16/11; A, 01/01/2015]

16.65.2.12 LETTERS OF ENGAGEMENT: Prior to placing an assignment for real estate appraisal services, the AMC shall give the appraiser a written letter of engagement that shall include the following minimum requirements. The written letter may be in electronic format.

A. An AMC must clearly indicate on each engagement letter that it is a requirement for an appraiser to be both product and geographically competent to complete the assignment. The acceptance of an assignment will serve as the appraiser's attestation that they are competent to accept the assignment. An AMC must clearly disclose its registration number on each engagement letter sent to an appraiser.

B. An AMC must disclose the following fees within the engagement letter sent to an appraiser;

(1) the total fee that will be collected by the AMC for the assignment; [and]

(2) the total amount that the AMC will retain from the fee charged, disclosed as a dollar amount; and

(3) direct the appraiser who performs the real estate appraisal activity to disclose in the body of the appraisal report:

(a) the total compensation, stated as a dollar amount, paid to the appraiser or, if the appraiser is employed by an appraisal company, to the appraiser's employer; and

(b) the total compensation retained by the AMC in connection with the real estate appraisal activity, stated as a dollar amount.

C. An AMC shall provide an NTTC to New Mexico licensed appraisers who perform appraisal services for an AMC who will subsequently resell the appraiser services to lenders. In order

to execute NTTC's to appraisers, an AMC must register with the New Mexico taxation and revenue department and obtain a combined reporting system (CRS) identification number for tax reporting purposes.

[16.65.2.12 NMAC - N, 10/16/09; 16.65.2.12 NMAC - N, 01/16/11; A, 01/01/2015]

End of Adopted Rules Section

Submittal Deadlines and Publication Dates 2014

Volume XXV	Submittal Deadline	Publication Date
Issue Number 24	December 16	December 30

New Mexico Register Submittal Deadlines and Publication Dates Volume XXVI, Issues 1-24 2015

Volume XXVI	Submittal Deadline	Publication Date
Issue Number 1	January 2	January 15
Issue Number 2	January 16	January 30
Issue Number 3	February 2	February 13
Issue Number 4	February 16	February 27
Issue Number 5	March 2	March 16
Issue Number 6	March 17	March 31
Issue Number 7	April 1	April 16
Issue Number 8	April 17	April 30
Issue Number 9	May 1	May 14
Issue Number 10	May 15	May 29
Issue Number 11	June 1	June 16
Issue Number 12	June 17	June 30
Issue Number 13	July 1	July 15
Issue Number 14	July 16	July 30
Issue Number 15	July 31	August 14
Issue Number 16	August 17	August 28
Issue Number 17	August 31	September 15
Issue Number 18	September 16	September 29
Issue Number 19	September 30	October 15
Issue Number 20	October 16	October 29
Issue Number 21	October 30	November 16
Issue Number 22	November 17	November 30
Issue Number 23	December 1	December 15
Issue Number 24	December 16	December 30

The *New Mexico Register* is the official publication for all material relating to administrative law, such as notices of rulemaking, proposed rules, adopted rules, emergency rules, and other material related to administrative law. The Commission of Public Records, Administrative Law Division, publishes the *New Mexico Register* twice a month pursuant to Section 14-4-7.1 NMSA 1978.

The New Mexico Register is available free online at <http://www.nmcpr.state.nm.us/nmregister>.
For further information, call 505-476-7875.