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Lieutenant Governor
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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Jun Maiquis
Department of Commerce, Community & Economic Development

FROM: Scott Meriwether, Office of the Lieutenant Governor 465.4081 

DATE: September 19, 2017

RE: Filed Permanent Regulations: Board of Certified Real Estate Appraisers

Board of Certified Real Estate Appraisers Regulations re: Standards for Acceptable Education (12 AAC 70.140(c))

Attorney General File:	JU2017200494
Regulation Filed:	9/18/2017
Effective Date:	10/18/2017
Print:	224, January 2018

cc with enclosures: Linda Miller, Department of Law
Judy Herndon, LexisNexis

ORDER CERTIFYING THE CHANGES TO REGULATIONS
OF THE BOARD OF CERTIFIED REAL ESTATE APPRAISERS


The attached one page of regulations, dealing with standards for acceptable education, is hereby certified to be a correct copy of the regulation changes that the Board of Certified Real Estate Appraisers adopted at its August 29, 2017 teleconference meeting, under the authority of AS 08.87.020, AS 08.87.110, and AS 08.87.310 and after compliance with the Administrative Procedure Act (AS 44.62), specifically including notice under AS 44.62.190 and 44.62.200 and opportunity for public comment under AS 44.62.210.

This action is not expected to require an increased appropriation.

On the record, in considering public comments, the Board of Certified Real Estate Appraisers paid special attention to the cost to private persons of the regulatory action being taken.

The regulation changes described in this order take effect on the 30th day after they have been filed by the lieutenant governor, as provided in AS 44.62.180.


DATE: August 29, 2017
Kenai, Alaska



David M. Derry, Chair
Board of Certified Real Estate
Appraisers

Scott Meriwether for FILING CERTIFICATION

I, Byron Mallott, Lieutenant Governor for the State of Alaska, certify that on September 18, 2017 at 4:07p.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


for Byron Mallott, Lieutenant Governor

Effective: October 18, 2017.

Register: 224, January 2018

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

I, BYRON MALLOTT, LIEUTENANT GOVERNOR OF THE STATE OF ALASKA, designate the following state employee to perform the Administrative Procedures Act filing functions of the Office of the Lieutenant Governor:

Scott Meriwether, Special Assistant

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 2nd, 2014.



A blue ink signature of Byron Mallott, written in a cursive style, positioned above a horizontal dotted line.

**BYRON MALLOTT
LIEUTENANT GOVERNOR**

Chapter 70. Board of Certified Real Estate Appraisers.

12 AAC 70.140(c) is amended to read:

(c) An applicant's classroom hours of education for certification as a general or residential real estate appraiser must include coverage of all topics listed in the applicable Appraiser Qualification Criteria developed by the Appraiser Qualifications Board of the Appraisal Foundation, *The Real Property Appraiser Qualification Criteria* effective January 1, **2015** [2008], ^{ALL CAPS !!! Delete text in bracket} located in the Appendix of *The Real Property Appraiser Qualification Criteria and Interpretations of the Criteria*, dated January 1, 2012, and adopted by reference.

(Eff. 7/16/92, Register 123; am 4/15/94, Register 130; am 12/13/94, Register 133; am 6/13/97, Register 142; am 6/5/98, Register 146; am 4/16/2004, Register 170; am 1/16/2005, Register 173; am 5/24/2007, Register 182; am 9/14/2012, Register 203; am 6/28/2015, Register 214; am 10/18/2017, Register 224)

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

Editor's note: Copies of the Appraiser Qualification Criteria adopted by reference in 12 AAC 70.140 are available from the Appraisal Qualifications Board of the Appraisal Foundation, 1155 15th Street, N.W., Suite 1111, Washington, DC 20005-3517; phone: (202) 347-7722; website at www.appraisalfoundation.org.

MEMORANDUM

State of Alaska Department of Law

To: The Honorable Byron Mallott
Lieutenant Governor
(hand delivery)

Date: September 18, 2017

File No.: JU2017200494

Tel. No.: 465-3600

From: Susan R Pollard *SRP*
Chief Assistant Attorney General
and Regulations Attorney
Legislation and Regulations Section

Re: Board of Certified Real Estate
Appraisers Regulation re: Standards
for Acceptable Education
(12 AAC 70.140(c))

We have reviewed the attached changes to the regulations from the Board of Certified Real Estate Appraisers that update qualification criteria adopted by reference.

The Department of Law has reviewed the attached regulations against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This memorandum constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations.

The July 27, 2017 public notice and the August 29, 2017 certification of adoption both state that this action is not expected to require an increased appropriation. Therefore, a fiscal note under AS 44.62.195 is not required.

We have made some technical corrections to conform the regulations in accordance with AS 44.62.125; the department has approved of our corrections as technical. The corrections are shown on the attached copy of the regulations.

SRP:ljm

cc w/enc: (via email)

Hon. Chris Hladick, Commissioner, Department of Commerce, Community, and Economic Development
Micaela Fowler, Regulations Contact, Department of Commerce, Community, and Economic Development
Janey Hovenden, Director, Div. of Corporations, Business, and Professional Licensing, Department of Commerce, Community, and Economic Development
Jun Maiquis, Regulations Specialist, Div. of Corporations, Business, and Professional Licensing, Department of Commerce, Community, and Economic Development
Harriet Milks, Assistant Attorney General, Commercial and Fair Business Section

**NOTICE OF PROPOSED CHANGES RELATING TO STANDARDS FOR
ACCEPTABLE EDUCATION IN THE REGULATIONS OF THE
BOARD OF CERTIFIED REAL ESTATE APPRAISERS**

BRIEF DESCRIPTION: The Board of Certified Real Estate Appraisers proposes to adopt by reference the updated Real Property Appraiser Qualification Criteria.

The Board of Certified Real Estate Appraisers (Board) proposes to adopt regulation changes in Title 12, Chapter 70 of the Alaska Administrative Code including the following:

12 AAC 70.140, Standards for acceptable education, is proposed to be changed to adopt by reference the updated Real Property Appraiser Qualification Criteria.

You may comment on the proposed regulation changes, including the potential costs to private persons of complying with the proposed changes, by submitting written comments to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806. Additionally, the Board will accept comments by facsimile at (907) 465-2974 and by electronic mail at RegulationsAndPublicComment@alaska.gov. Comments may also be submitted through the Alaska Online Public Notice System by accessing this notice on the system at <http://notice.alaska.gov/186606>, and using the comment link. **The comments must be received not later than 5:00 p.m. on August 28, 2017.** Comments received after this deadline will not be considered by the Board.

You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/RealEstateAppraisers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

If you are a person with a disability who needs a special accommodation in order to participate in this process, please contact Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov not later than August 21, 2017 to ensure that any necessary accommodation can be provided.

A copy of the proposed regulation changes is available on the Alaska Online Public Notice System and by contacting Jun Maiquis at (907) 465-2537 or jun.maiquis@alaska.gov, or go to <https://www.commerce.alaska.gov/web/portals/5/pub/APR-0717.pdf>.

A copy of the material proposed for adoption by reference is available on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/RealEstateAppraisers.aspx>.

After the public comment period ends, the Board will either adopt the proposed regulation changes or other provisions dealing with the same subject, without further notice, or decide to take no action. The language of the final regulations may be different from that of the proposed regulations. **You should comment during the time allowed if your interests could be affected.** Written comments and questions received are public records and are subject to public inspection.

Statutory Authority: AS 08.87.020; AS 08.87.110; AS 08.87.310

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.87.020; AS 08.87.110; AS 08.87.310


Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 7/27/17


Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

For each occupation regulated under the Division of Corporations, Business and Professional Licensing, the Division keeps a list of individuals or organizations who are interested in the regulations of that occupation. The Division automatically sends a Notice of Proposed Regulations to the parties on the appropriate list each time there is a proposed change in an occupation's regulations in Title 12 of the Alaska Administrative Code. If you would like your address added to or removed from such a list, send your request to the Division at the address above, giving your name, either your e-mail address or mailing address (as you prefer for receiving notices), and the occupational area in which you are interested.

ADDITIONAL REGULATION NOTICE INFORMATION
(AS 44.62.190(d))

1. **Adopting agency:** Board of Certified Real Estate Appraisers – Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing.
2. **General subject of regulation:** Standards for acceptable education.
3. **Citation of regulation:** 12 AAC 70.140.
4. **Department of Law file number:** To be assigned.
5. **Reason for the proposed action:** Update and clarification of current regulations, compliance with federal law and state statutes.
6. **Appropriation/Allocation:** Corporations, Business and Professional Licensing – #2360.
7. **Estimated annual cost to comply with the proposed action to:**
A private person: None.
Another state agency: None.
A municipality: None.
8. **Cost of implementation to the state agency and available funding (in thousands of dollars):**
No costs are expected in FY 2018 or in subsequent years.
9. **The name of the contact person for the regulation:**
Aiko Zaguirre, Licensing Examiner
Board of Certified Real Estate Appraisers
Division of Corporations, Business and Professional Licensing
Telephone: (907) 465-2588
E-mail: aiko.zaguirre@alaska.gov
10. **The origin of the proposed action:** Board of Certified Real Estate Appraisers.
11. **Date:** 7/27/17 **Prepared by:** 

Jun Maiquis
Regulations Specialist
(907) 465-2537

STATE OF ALASKA }
FIRST JUDICIAL DISTRICT } ss.

**AFFIDAVIT OF NOTICE OF PROPOSED ADOPTION OF REGULATIONS
AND FURNISHING OF ADDITIONAL INFORMATION**

I, Jun Maiquis, Regulations Specialist, of the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being sworn, state the following:

As required by AS 44.62.190, notice of the proposed adoption of changes to 12 AAC 70.140, dealing with standards for acceptable education, has been given by being:

1. published in a newspaper or trade publication;
2. furnished to interested persons;
3. furnished to appropriate state officials;
4. furnished to the Department of Law, along with a copy of the proposed regulations;
5. electronically transmitted to incumbent State of Alaska legislators;
6. furnished to the Legislative Affairs Agency, Legislative Legal and Research Services;
7. posted on the Alaska Online Public Notice System as required by AS 44.62.175(a)(1) and (b) and 44.62.190(a)(1);
8. furnished electronically, along with a copy of the proposed regulations, to the Legislative Affairs Agency, the chair of the Labor and Commerce Committee of the Alaska Senate and House of Representatives, the Administrative Regulation Review Committee, and the legislative council.


As required by AS 44.62.190(d), additional regulations notice information regarding the proposed adoption of the regulation changes described above has been furnished to interested persons and those in (5) and (6) of the list above. The additional regulations notice information also has been posted on the Alaska Online Public Notice System.

DATE: 9/6/17
Juneau, Alaska


Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 6 day of September, 2017.




Notary Public in and for the
State of Alaska
My commission expires: with office

STATE OF ALASKA

FIRST JUDICIAL DISTRICT

} ss.

AFFIDAVIT OF AGENCY RECORD OF PUBLIC COMMENT


I, Jun Maiquis, Regulations Specialist for the Department of Commerce, Community, and Economic Development, Division of Corporations, Business and Professional Licensing, being duly sworn, state the following:

In compliance with AS 44.62.215, the Board of Certified Real Estate Appraisers has kept a record of its use or rejection of factual or other substantive information that was submitted in writing as public comment and that was relevant to the accuracy, coverage, or other aspect of the Board of Certified Real Estate Appraisers regulations on dealing with standards for acceptable education.

DATE:

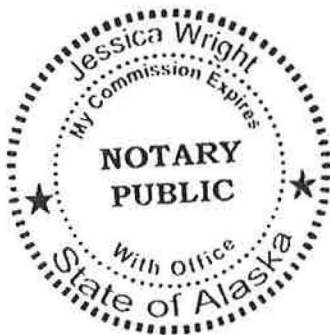
9/6/17

Juneau, Alaska


Jun Maiquis, Regulation

Jun Maiquis, Regulations Specialist

SUBSCRIBED AND SWORN TO before me this 6 day of September, 2017.



[Handwritten signature]

Notary Public in and for the
State of Alaska

My commission expires: with office

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RECEIVED
Juneau

AUG 08 2017

CBPL

AFFIDAVIT OF PUBLICATION

STATE OF ALASKA

THIRD JUDICIAL DISTRICT

Joleesa Stepetin

being first duly sworn on oath deposes and says that he/she is a representative of the Alaska Dispatch News, a daily newspaper. That said newspaper has been approved by the Third Judicial Court, Anchorage, Alaska, and it now and has been published in the English language continually as a daily newspaper in Anchorage, Alaska, and it is now and during all said time was printed in an office maintained at the aforesaid place of publication of said newspaper. That the annexed is a copy of an advertisement as it was published in regular issues (and not in supplemental form) of said newspaper on

July 30, 2017

and that such newspaper was regularly distributed to its subscribers during all of said period. That the full amount of the fee charged for the foregoing publication is not in excess of the rate charged private individuals.

Signed

Joleesa Stepetin

Subscribed and sworn to before me
this 1st day of August, 2017

Britney Thompson

Notary Public in and for
The State of Alaska.
Third Division
Anchorage, Alaska

MY COMMISSION EXPIRES

2/23/2019
Notary Public
BRITNEY L. THOMPSON
State of Alaska
My Commission Expires Feb 23, 2019

NOTICE OF PROPOSED CHANGES RELATING TO STANDARDS FOR ACCEPTABLE EDUCATION IN THE REGULATIONS OF THE BOARD OF CERTIFIED REAL ESTATE APPRAISERS

The Board of Certified Real Estate Appraisers (Board) proposes to adopt regulation changes in Title 12, Chapter 70 of the Alaska Administrative Code including the following:

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You may submit written questions relevant to the proposed action to Jun Maiquis, Regulations Specialist, Division of Corporations, Business and Professional Licensing, P.O. Box 110806, Juneau, AK 99811-0806 or by e-mail at jun.maiquis@alaska.gov. **The questions must be received at least 10 days before the end of the public comment period.** The Board will aggregate its response to substantially similar questions and make the questions and responses available on the Alaska Online Public Notice System and on the Board's website at <https://www.commerce.alaska.gov/web/cbpl/ProfessionalLicensing/RealEstateAppraisers.aspx>. The Board may, but is not required to, answer written questions received after the 10-day cut-off date and before the end of the comment period.

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Statutory Authority: AS 08.87.020; AS 08.87.110; AS 08.87.310

Statutes Being Implemented, Interpreted, or Made Specific: AS 08.87.020; AS 08.87.110; AS 08.87.310

Fiscal Information: The proposed regulation changes are not expected to require an increased appropriation.

DATE: 7/27/17

/s/

Jun Maiquis, Regulations Specialist
Division of Corporations, Business and
Professional Licensing

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Published: July 30, 2017

FIRST JUDICIAL DISTRICT

AFFIDAVIT OF BOARD ACTION

I, Aiko Zaguirre, Licensing Examiner for the Board of Certified Real Estate Appraisers, being duly sworn, state the following:

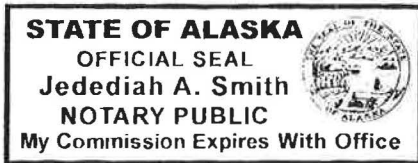
The attached motion dealing with standards for acceptable education was passed by the Board of Certified Real Estate Appraisers during its August 29, 2017 teleconference meeting.

Date:

Sept. 5th, 2017
Juneau, Alaska

Aiko Zaguirre, Licensing Examiner

SUBSCRIBED AND SWORN TO before me this 5 day of September, 2017.



Notary Public in and for the
State of Alaska

My commission expires: with officer

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

BOARD OF CERTIFIED REAL ESTATE APPRAISERS

MINUTES OF THE TELEPHONIC MEETING

Tuesday, August 29th, 2017

These are DRAFT minutes prepared by the staff of the Division of Corporations, Business and Professional Licensing. These minutes have not been reviewed or approved by the Board.

By the authority of AS 08.01.070(2), and in compliance with the provisions of AS 44.62, Article 6, a scheduled teleconference of the Board of Certified Real Estate Appraisers was held at the State Office Building, 333 Willoughby Avenue in Juneau, Alaska, on Tuesday, August 29th, 2017.

Agenda Item #1 **Call to Order/Roll Call** **9:01 a.m.**

The meeting was called to order at 9:01 a.m. by David Derry, Chair.

Those present, constituting a quorum of the Board:

David Derry, Chair, Certified General Real Estate Appraiser
Alfred Ferrara, Certified General Real Estate Appraiser
Robert Tracy, Certified Residential Real Estate Appraiser
Renee Piszczek, Mortgage Lending Member
Donald Faulkenburry, Public Member

Division Staff present in the meeting:

Aiko Zaguirre, Licensing Examiner

Present from the Public:

There was no one from the public present.

Agenda Item #2 **Review Agenda** **9:02 a.m.**

David Derry, Chair, prompted the Board to review their meeting agenda.

Chairman Derry stated that as part of the meeting agenda, the Board would need to decide on their next meeting date, and noted that they should consider the date of the fall AARO Conference, which begins on October 13th.

On a motion duly made by Alfred Ferrara, seconded by Donald Faulkenbury, and approved unanimously, it was:

RESOLVED to approve the Agenda as written.

Agenda Item #3 Ethics Disclosure 9:03 a.m.

There were no ethical issues to disclose.

Agenda Item #4 Adoption of Regulation Changes 9:04 a.m.

With no ethical issues to disclose, the Board proceeded to adopt their proposed regulation change.

The Board first recognized the only comment from the public that they have received: a letter signed by James Park from the Appraisal Subcommittee (ASC), who acknowledged the regulation change. Mr. Derry asked Aiko Zaguirre, licensing examiner, if there were no other comments received, which she asserted to.

On a motion duly made by Donald Faulkenbury, seconded by Alfred Ferrara, and approved unanimously by a roll call vote, it was:

RESOLVED to accept the changes made in 12 AAC 70.140(c) STANDARDS FOR ACCEPTABLE EDUCATION, which replaces the reference date of the Real Property Appraiser Qualification Criteria from the January 1, 2008 version to the January 1, 2015 version as drafted for public comment on July 27th, 2017.

Roll Call vote:

Board Member	Approve	Deny	Recuse	Absent
David Derry	X			
Alfred Ferrara	X			
Robert Tracy	X			
Renee Piszczek	X			
Donald Faulkenbury	X			

As part of the discussion, the Board noted that there were no costs to a private person, public entity, or other state Department. The Board acknowledged this has been the subject

of federal compliance concerns, and that such changes would align with the Board's endeavor to follow both state and federal laws. Mr. Derry added that although the regulation change was minor, it was necessary in order for the Board to be compliant with the Appraisal Subcommittee's (ASC) federal requirements.

Agenda Item #5

ASC Preliminary Compliance Review

9:07 a.m.

After the adoption of the regulation changes, the Board continued to the review of the preliminary compliance reviews provided by the ASC.

Included in their meeting packet was the preliminary compliance review that the Appraisal Subcommittee had forwarded to the licensing examiner. Mr. Derry expressed his disbelief in receiving a policy statement regarding an undisclosed disciplinary action in the National Registry. Mr. Derry asked Ms. Zaguirre if she was made aware of the issue during their July 28th meeting in Anchorage. Ms. Zaguirre stated that she was briefly informed by Kristi Klamet, Policy Manager, regarding the unreported disciplinary action after the meeting, but was not given more information until after the ASC has submitted their preliminary review. Ms. Zaguirre also reported that she, together with Records and Licensing Supervisor, Laura Carrillo, and Program Coordinator, Colleen Kautz, had a teleconference with Ms. Klamet in regards to the preliminary review, and were informed that the undisclosed disciplinary action was from a case in 2015. Ms. Zaguirre added that the Board was given sixty (60) days to respond from the date of the preliminary review was sent, which should include the steps that the Division and the Board will be taking or has taken, in order to prevent the same mistake from happening in the future.

Ms. Zaguirre reported that one of the suggestions provided by Ms. Carrillo was to meet with the Board's investigator quarterly, so that all parties will be informed of any disciplinary actions taken or complaints received. Mr. Derry asked what disciplinary actions are usually reported, and if those actions are usually presented to the Board. Ms. Zaguirre reported that it was her understanding that all disciplinary actions reported to the National Registry should initially be presented to and approved by the Board, such as consent agreements, and any other formal board actions. Mr. Derry asked Donald Faulkenburry, who was a former investigator for the Division, and Alfred Ferrara, who has been a Board member for a long time, their recollection if whether or not the Board was made aware before a disciplinary action is reported to the national registry. Mr. Ferrara stated that he does not recall the Board being informed when there is an action to be reported to the national registry, to which Mr. Faulkenburry affirmed. Mr. Ferrara added that he is concerned that this audit finding might have been outstanding for a couple of years, however, was only discovered recently. Mr. Derry was curious if the process in reporting disciplinary actions involved acknowledgment from the Board. Mr. Faulkenburry stated that the reporting is