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**OFFICE OF THE LIEUTENANT GOVERNOR
ALASKA**

M E M O R A N D U M

TO: Victoria Caltagirone
Department of Commerce, Community and Economic Development

FROM: April Simpson, Office of the Lieutenant Governor 
465.4081

DATE: February 3, 2023

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

Board of Certified Real Estate Appraisers regulations re: Education, Courtesy Licenses,
and Definitions (12 AAC 70.140 - .990)

Attorney General File:	2022200465
Regulation Filed:	2/3/2023
Effective Date:	3/5/2023
Print:	245, April 2023

cc with enclosures: Colleen Bailey, Department of Law
Judy Herndon, LexisNexis
Jun Maiquis, Regulations Specialist



THE STATE
of ALASKA
GOVERNOR MIKE DUNLEAVY

Department of Law

CIVIL DIVISION

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February 1, 2023

The Honorable Nancy Dahlstrom
Lieutenant Governor
State of Alaska
P.O. Box 110001
Juneau, AK 99581-0001

Re: 12 AAC 70.140-.990: Board of Certified Real Estate Appraisers -
Education, Courtesy Licenses, and Definitions
Our file: 2022200465

Dear Lieutenant Governor Dahlstrom:

The Department of Law has reviewed the attached regulations of the Board of Certified Real Estate Appraisers against the statutory standards of the Administrative Procedure Act. Based upon our review, we find no legal problems. This letter constitutes the written statement of approval under AS 44.62.060(b) and (c) that authorizes your office to file the attached regulations. The regulations were adopted by Board of Certified Real Estate Appraisers after the close of the public comment period.

The regulations concern the acceptability of online education courses and update continuing education requirements, courtesy licenses, and definitions.

The September 23, 2022 public notice and the November 10, 2022 order certifying the changes 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 corrections are incorporated into the attached copy of the regulations.

Sincerely,

TREG TAYLOR
ATTORNEY GENERAL

By: **Rebecca C. Polizzotto**
Rebecca C. Polizzotto
Chief Assistant Attorney General
Legislation, Regulations, and
Legislative Research Section

Digitally signed by
Rebecca C. Polizzotto
Date: 2023.02.01
15:25:18 -09'00'

RCP/ehp

CC w/enclosure: Jun Maiquis, Regulations Specialist 2
Department of Commerce, Community and Economic Development

Brad Sharp, Assistant Attorney General
Department of Law

Steven C. Weaver, Assistant Attorney General
Department of Law

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


The attached ^{four}~~three~~ pages of regulations, dealing with the acceptability of online education courses, continuing education requirements, courtesy license, and definitions, are certified to be a correct copy of the regulation changes that the Board of Certified Real Estate Appraisers adopted at its November 1, 2022 meeting, under the authority of AS 08.01.062, AS 08.87.020, AS 08.87.110, AS 08.87.120, 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: November 10, 2022


Ashlee Stetson, Chair
Board of Certified Real Estate
Appraisers

April Simpson
for Nancy Dahlstrom

FILING CERTIFICATION

I, ~~Kevin Meyer~~, Lieutenant Governor for the State of Alaska, certify that on February 3, 2023 at 11:15 a.m., I filed the attached regulations according to the provisions of AS 44.62.040 – 44.62.120.


for Kevin Meyer, Lieutenant Governor
Nancy Dahlstrom

Effective: March 5, 2023

Register: 245, April 2023

FOR DELEGATION OF THE LIEUTENANT GOVERNOR'S AUTHORITY

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

**Josh Applebee, Chief of Staff
Kady Levale, Notary Administrator
April Simpson, Regulations and Initiatives Specialist**

IN TESTIMONY WHEREOF, I have signed and affixed the Seal of the State of Alaska, in Juneau, on December 11th, 2022.



A handwritten signature in blue ink, reading "Nancy Dahlstrom", is written over a horizontal dotted line.

**NANCY DAHLSTROM
LIEUTENANT GOVERNOR**

Chapter 70. Board of Certified Real Estate Appraisers.

The introductory language of 12 AAC 70.140(f) is amended to read:

(f) The board will award credit toward the classroom hour requirement for initial certification or trainee registration for completion of a course by online [DISTANCE] education if the course

...

12 AAC 70.140(f)(5) is amended to read:

(5) has been presented by a college or university accredited by the Commission on Colleges or a regional accreditation association that offers online [DISTANCE] education programs in other disciplines; and

(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; am 3/28/2019, Register 229; am 3 / 5 / 2023, Register 245)

Authority: AS 08.87.020 AS 08.87.110 AS 08.87.310

12 AAC 70.210(c)(4) is amended to read:

(4) online [DISTANCE] education courses approved by the International Distance Education Certification Center (IDECC).

12 AAC 70.210(e) is amended to read:

(e) The board will award continuing education credit for completion of a course by

Register 245, April 2023 PROFESSIONAL REGULATIONS

online [DISTANCE] education if the course meets the requirements of 12 AAC 70.140(f).

(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 12/30/99, Register 152; am 9/14/2012, Register 203; am 6/28/2015, Register 214; am 12/28/2018, Register 228; am 3 / 5 / 2023, Register 245)

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.215(c)(3) is amended to read:

(3) [DISTANCE EDUCATION] courses approved by the Appraiser

Qualifications Board Course Approval Program of the Appraisal Foundation **including**
qualifying education and continuing education in the asynchronous or synchronous format;

(Eff. 1/7/2001, Register 157; am 1/16/2005, Register 173; am 6/28/2015, Register 214; am 3 / 5 / 2023, Register 245)

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.220(d) is amended to read:

(d) **Hours** [UP TO ONE-HALF OF THE HOURS] required by this section may be obtained through **online courses** [DISTANCE EDUCATION] approved under 12 AAC 70.210 or online courses approved under 12 AAC 70.215.

(Eff. 7/16/92, Register 123; am 12/13/94, Register 133; am 1/7/2001, Register 157; am 4/16/2004, Register 170; am 1/16/2005, Register 173; am 6/22/2005, Register 174; am 9/14/2012, Register 203; am 6/28/2015, Register 214; am 4/8/2021, Register 238; am 3 / 5 / 2023, Register 245)

Authority: AS 08.87.020 AS 08.87.120

12 AAC 70.920(d) is amended by adding a new paragraph to read:

(5) evidence of a contract to provide appraisal for the appraisal assignment under
(c) of this section.

*(((Publisher – please move the “and” connector from the end of paragraph 12 AAC 70.920(d)(3)
to the end of paragraph 12 AAC 70.920(d)(4))))*

12 AAC 70.920(e) is repealed:

(e) Repealed 3 / 5 / 2023.

(Eff. 7/16/92, Register 123; am 12/13/94, Register 133; am 12/30/99, Register 152; am
2/13/2002, Register 161; am 4/16/2004, Register 170; am 9/14/2012, Register 203; am
3 / 5 / 2023, Register 245)

Authority: AS 08.01.062 AS 08.87.020

12 AAC 70.990 is amended by adding new paragraphs to read:

(13) "classroom" means a traditional classroom or a synchronous or asynchronous
online course.

(14) "asynchronous"

(A) means non-real-time transmission of instruction, classwork, and
discussion between an instructor and a student;

(B) does not include digital versatile discs (DVDs) or other physical
media, except as provided by an instructor as part of course material;

Register 245, April 2023 PROFESSIONAL REGULATIONS

(15) "synchronous" means instruction, classwork, and discussion between an instructor and a student is able to occur in real-time. (Eff. 7/16/92, Register 123; am 4/15/94, Register 130; am 12/13/94, Register 133; am 6/5/98, Register 146; am 5/24/2007, Register 182; am 9/14/2012, Register 203; am 3/28/2019, Register 229; am 4/8/2021, Register 238; am 3 / 5 / 2023, Register 245)

Authority: AS 08.87.020