

Proposed Rule
LSA Document #07-338

DIGEST

Amends [876 IAC 3-2-4](#) to ensure compliance with the Financial Institutions Recovery, Reform, and Enforcement Act of 1989 (12 U.S.C. 3331-3351), (Title XI) by requiring any appraiser whose license has been in inactive status to complete all of the necessary hours of continuing education for the years their license was inactive before being allowed to reactivate their license. Amends [876 IAC 3-5-1](#), [876 IAC 3-5-1.5](#), [876 IAC 3-5-2](#), [876 IAC 3-5-2.5](#), [876 IAC 3-5-3](#), [876 IAC 3-5-6](#), [876 IAC 3-5-6.1](#), [876 IAC 3-5-7](#), and [876 IAC 3-5-8](#) to implement rule changes based on Senate Enrolled Act 377, P.L.57-2007 regarding the approval of continuing education providers either by the Real Estate Appraiser Licensure and Certification Board or the Appraiser Qualifications Board under the oversight of the Appraisal Subcommittee, to ensure compliance with SEA 377-2007 by requiring defining what continuing education courses will be approved by the Real Estate Appraiser Licensure and Certification Board or the Appraiser Qualifications Board, to ensure compliance with SEA 377-2007 and Financial Institutions Recovery, Reform, and Enforcement Act of 1989 (12 U.S.C. 3331-3351) by clarifying what types of courses will be approved by the Real Estate Appraiser Licensure and Certification Board, to ensure compliance with SEA 377-2007 by repealing the requirement for providers of continuing education programs to seek approval from the Board, to ensure compliance with the Financial Institutions Recovery, Reform, and Enforcement Act of 1989 (12 U.S.C. 3331-3351), (Title XI) by repealing the ability for appraisers to use continuing education hours for their real estate broker's license to count towards the continuing education requirement for their appraiser license, and to permit Internet and distance-based continuing education provided the course is approved by the Appraiser Qualifications Board. Repeals [876 IAC 3-4](#), [876 IAC 3-5-4](#), [876 IAC 3-5-5](#), [876 IAC 3-5-9](#), [876 IAC 3-5-10](#), and [876 IAC 3-5-11](#). Effective 30 days after filing with the Publisher.

[IC 4-22-2.1-5 Statement Concerning Rules Affecting Small Businesses](#)

[876 IAC 3-2-4](#); [876 IAC 3-4](#); [876 IAC 3-5-1](#); [876 IAC 3-5-1.5](#); [876 IAC 3-5-2](#); [876 IAC 3-5-2.5](#); [876 IAC 3-5-3](#); [876 IAC 3-5-4](#); [876 IAC 3-5-5](#); [876 IAC 3-5-6](#); [876 IAC 3-5-6.1](#); [876 IAC 3-5-7](#); [876 IAC 3-5-8](#); [876 IAC 3-5-9](#); [876 IAC 3-5-10](#); [876 IAC 3-5-11](#)

SECTION 1. [876 IAC 3-2-4](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-2-4](#) Expiration of licenses

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-6-4](#); [IC 25-34.1](#)

Sec. 4. (a) Licenses issued under this article shall expire ~~January 1 of every even-numbered year.~~ **on a date established by the Indiana professional licensing agency under [IC 25-1-6-4\(j\)](#).**

(b) To renew a license, an individual must do the following:

- (1) Pay the fee required by section 7(b)(2) of this rule.
- (2) Complete an application for renewal on a form provided by the board.
- (3) Satisfactorily complete the continuing education required by [876 IAC 3-5](#).
- (4) Sign a statement under penalty of perjury that:
 - (A) the hours submitted are correct;
 - (B) the licensee attended and completed courses taken; and
 - (C) to the best of the licensee's knowledge, the courses completed meet the requirements of [876 IAC 3-5](#).

(c) When renewing a license, a licensee may apply for and receive an inactive license. Such an individual is exempt from the continuing education requirements stated in subsection (b)(3) and [876 IAC 3-5](#). The holder of an inactive license may not appraise real estate.

(d) To reactivate an inactive license, a licensee must:

- (1) complete an application for reactivation; ~~and~~
- (2) have obtained the number of qualifying continuing education hours **that would have been** required by the

provisions of [876 IAC 3-5-1](#) within the two (2) years preceding the filing of the application. **had the license been active for all years the licensee was in inactive status; and (3) within the continuing education required by subdivision (2), have obtained seven (7) hours of Uniform Standards of Professional Appraisal Practice as required by [876 IAC 3-5-1.5\(a\)\(1\)](#) that covered the version of the Uniform Standards of Professional Appraiser Practice in effect at the time the application for reactivation is filed.**

(Indiana Real Estate Commission; [876 IAC 3-2-4](#); filed Sep 24, 1992, 9:00 a.m.: 16 IR 736; filed Jan 8, 1993, 4:00 p.m.: 17 IR 771; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2113; filed Jun 14, 1995, 11:00 a.m.: 18 IR 2790; errata filed Jul 3, 1995, 12:00 p.m.: 18 IR 2796; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1758; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Dec 3, 2002, 3:00 p.m.: 26 IR 1106; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))

SECTION 2. [876 IAC 3-5-1](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-1](#) Continuing education requirements

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-4](#); [IC 25-34.1](#)

Sec. 1. (a) As a prerequisite to renewal of a real estate appraiser license or certification, excluding a trainee license during the first five (5) years of licensure, the licensee or certificate holder shall satisfactorily complete twenty-eight (28) classroom hours of continuing education within that two (2) year renewal period from a real estate appraiser continuing education course provider **courses approved by the Appraiser Qualifications Board as provided for in [IC 25-1-4-0.5\(1\)\(B\)](#) or by the board under this rule.** However, a licensee or certificate holder initially licensed during the first year of a two (2) year renewal period shall be required to complete only fourteen (14) classroom hours of continuing education, and a licensee or certificate holder initially licensed during the second year **within the last one hundred eighty-five (185) days** of a two (2) year renewal period shall not be required to obtain any hours of continuing education.

(b) After holding a trainee's license for a five (5) year period, a trainee is required to satisfactorily complete the continuing education requirement in each following renewal cycle:

- (1) If the five (5) year period ends in the first year of a two (2) year renewal cycle, the trainee will be required to complete fourteen (14) hours of continuing education for the remainder of that renewal period.
- (2) If the five (5) year period ends in the second year of two (2) year renewal cycle, the trainee shall not be required to obtain any hours of continuing education for that renewal cycle.

(c) The following criteria ~~applies~~ **apply** to determine the number of hours:

- (1) A classroom hour of instruction is defined as fifty (50) minutes of each sixty (60) minute hour segment.
- (2) Credit toward the classroom hour requirement may be granted only where the length of the educational offering is at least two (2) hours.
- ~~(3) No more than eight (8) hours of continuing education may be acquired during any one (1) day.~~
- ~~(4) Credit for the classroom hour requirement may be obtained from approved providers, which may include organizations of the following types:~~
 - ~~(A) Colleges or universities.~~
 - ~~(B) Community or junior colleges.~~
 - ~~(C) Real estate appraisal or real estate related organizations.~~
 - ~~(D) State or federal agencies or commissions.~~
 - ~~(E) Proprietary schools.~~
 - ~~(F) Other providers approved by the board.~~
 - ~~(G) Providers approved by the Appraiser Qualification Board of the Appraisal Foundation.~~
- ~~(5) Credit may be granted for education offerings which cover real estate appraisal and related topics which are consistent with the following continuing education requirements:~~
 - ~~(A) Ad valorem taxation.~~
 - ~~(B) Arbitrations.~~
 - ~~(C) Business courses related to real estate appraisal.~~
 - ~~(D) Construction estimating.~~
 - ~~(E) Ethics and standards of professional practice.~~
 - ~~(F) Land use planning, zoning, and taxation.~~

- ~~(G) Litigation.~~
- ~~(H) Management, leasing, brokerage, and timesharing.~~
- ~~(I) Property development.~~
- ~~(J) Real estate appraisal (valuations or evaluations).~~
- ~~(K) The Uniform Standards of Professional Appraisal Practice.~~
- ~~(L) Real estate financing and investment.~~
- ~~(M) Real estate law.~~
- ~~(N) Real estate litigation.~~
- ~~(O) Real estate appraisal related computer applications.~~
- ~~(P) Real estate securities and syndication.~~
- ~~(Q) Real property exchange.~~

(d) Notwithstanding subsection (a), **up to fifty percent (50%)** of continuing education credit may be granted for participation, other than as a student in appraisal educational programs, as follows:

- (1) Teaching.
- (2) Program development.
- (3) Authorship of textbooks.

(e) A licensee is not entitled to continuing education credit for any classroom hours ~~which~~ **that** were used for required prelicensure education under [876 IAC 3-3](#).

(f) The continuing education requirement is to ensure that appraisers participate in educational programs that maintain and increase their skill, knowledge, and competency in real estate appraising.

(g) The board may verify any information concerning continuing education that is submitted by the licensee or certificate holder as evidence supporting the course information. The board may require licensees or certificate holders to provide information regarding the continuing education hours claimed on the individual's renewal. Failure to do so may lead to disciplinary action as ~~provided for in~~ [IC 25-1-11](#), **under** [IC 25-1-4-5](#) or [IC 25-1-4-6](#).

(h) It is the responsibility of each licensee or certificate holder to retain evidence to support the courses taken for a period of ~~twenty-four (24) months~~ **three (3) years** after the end of the renewal period for which the renewal application is submitted to the board. These records shall include one (1) or more of the following:

- (1) Course attendance verification by the sponsor.
- (2) Certificates of course completion.
- (3) Continuing education attendance history by employer or third party.
- (4) Other evidence of support and justification.

(Indiana Real Estate Commission; [876 IAC 3-5-1](#); filed Sep 24, 1992, 9:00 a.m.: 16 IR 747; filed Dec 8, 1993, 4:00 p.m.: 17 IR 779; filed Apr 10, 1995, 10:00 a.m.: 18 IR 2123; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1764, eff Jan 1, 1998 [[IC 4-22-2-36](#) suspends the effectiveness of a rule document for thirty (30) days after filing with the secretary of state. LSA Document #97-65 was filed Dec 24, 1997.]; filed Apr 12, 2001, 12:30 p.m.: 24 IR 2705, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 184; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))

SECTION 3. [876 IAC 3-5-1.5](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-1.5](#) Mandatory continuing education courses; approved providers

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-11](#); [IC 25-34.1-3-9.5](#); [IC 25-34.1-8](#)

Sec. 1.5. (a) Every renewal ~~cycle~~, **period**, the following continuing education requirements must be met:

- (1) Seven (7) hours of Uniform Standards of Professional Appraisal Practice.
- (2) Four (4) hours consisting of all of the following:
 - (A) Statute concerning disciplining appraisers, [IC 25-1-11](#).
 - (B) Statute concerning appraiser licensing laws, [IC 25-34.1-8](#), [IC 25-34.1-3-8](#), and [IC 25-34.1-3-9](#); [IC 25-34.1-3-9.5](#).
 - (C) Administrative rules governing appraiser licensing laws, this article, excluding [876 IAC 3-6-2](#) and [876](#)

[IAC 3-6-3.](#)

(b) Case studies, which may include references to appropriate provisions of the Uniform Standards of Professional Appraisal Practice, may be used in the courses required in subsection (a)(2).

~~(c) In addition to meeting the requirements in subsection (a)(1), an instructor for the seven (7) hours of Uniform Standards of Professional Appraisal Practice course required by subsection (a)(1) must be:~~

~~(1) an Appraiser Qualification Board certified Uniform Standards of Professional Appraisal Practice instructor; and~~

~~(2) a state certified residential or certified general real estate appraiser.~~

~~However, if the course is taught by two (2) or more instructors, only one (1) is required to be a state certified residential or certified general real estate appraiser.~~

~~(d) The continuing education hours required by subsection (a)(2) must be from a continuing education provider approved under this rule and therefore may not be obtained under sections 9 through 11 of this rule.~~

~~(Indiana Real Estate Commission; [876 IAC 3-5-1.5](#); filed Apr 12, 2001, 12:30 p.m.: 24 IR 2707, eff Jan 2, 2002; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 185, eff Jan 2, 2004; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))~~

SECTION 4. [876 IAC 3-5-2](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-2](#) Application for board approval of real estate appraiser continuing education courses

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-4-0.5](#); [IC 25-34.1](#)

Sec. 2. (a) **This section and sections 2.5 through 8 of this rule apply to continuing education courses subject to board approval and not to courses approved by the Appraiser Qualifications Board as provided for in [IC 25-1-4-0.5\(1\)\(B\)](#). All courses more than seven (7) hours in length shall not qualify for board approval and therefore must be approved by the Appraiser Qualifications Board to qualify for continuing education credit. Courses of seven (7) hours of length or shorter shall qualify if approved by the Appraiser Qualifications Board or by the board under this rule. The seven (7) hour Uniform Standards of Professional Appraisal Practice course required under section 1.5(a)(1) of this rule only qualifies if approved by the Appraiser Qualifications Board.**

~~(b) Any request for approval of a real estate appraiser continuing education course provider by the board shall be made by written application for approval by filed with the board.~~

~~(Indiana Real Estate Commission; [876 IAC 3-5-2](#); filed Sep 24, 1992, 9:00 a.m.: 16 IR 747; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))~~

SECTION 5. [876 IAC 3-5-2.5](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-2.5](#) Criteria for approval of continuing education course

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-1-4-0.5](#); [IC 25-1-11](#); [IC 25-34.1](#)

~~Sec. 2.5. (a) Continuing education course providers~~ **Courses not approved by the Appraiser Qualifications Board, as provided for in [IC 25-1-4-0.5\(1\)\(B\)](#) and section 2 of this rule, must obtain approval be approved by the board under this section. of all courses. The content of the course must comply with section 1(c) subsection (b)(3) or 1.5(a) section 1.5(a)(2) of this rule.**

~~(b) In order to be an approved continuing education course, a course must satisfy the following criteria:~~

~~(1) The course must be a current offering of the continuing education course sponsor.~~

~~(2)~~ (1) The course must:

(A) involve a minimum of two (2) classroom hours of instruction on real estate appraisal or related topics; **and**

(B) be an education offering that is consistent with the purpose of continuing education and cover real property related appraisal topics, including, but not limited to:

(i) ad valorem taxation;

(ii) arbitration, dispute resolution;

(iii) courses related to real estate appraisal or consulting;

(iv) development cost estimating;

(v) ethics and standards of professional practice, USPAP;

(vi) land use planning, zoning;

(vii) management, leasing, timesharing;

(viii) property development, partial interests;

(ix) real estate law, easements, and legal interests;

(x) real estate litigation, damages, condemnation;

(xi) real estate financing and investment;

(xii) real estate appraisal-related computer applications; and

(xiii) real estate securities and syndication.

~~(3)~~ (2) The course materials or syllabus must include **the following:**

(A) A course description ~~which~~ **that** clearly describes the content of the course.

~~(4) The course materials or syllabus must include~~ (B) Specific learning objectives that:

~~(A)~~ (i) are appropriate for a continuing education course;

~~(B)~~ (ii) clearly state the specific knowledge and skills students are expected to acquire by completing the course;

~~(C)~~ (iii) are consistent with the:

(AA) course description; and

~~(D) are consistent with the~~ **(BB) instructional materials; and**

~~(E)~~ (iv) are reasonably achievable within the number of classroom hours allotted for the course.

~~(5)~~ (3) Instructional materials for students must be provided unless the applicant demonstrates that ~~such~~ **the** materials are not needed to accomplish the stated course objectives. Any such instructional materials must:

(A) be appropriate in view of the stated course learning objectives;

(B) reflect current knowledge and practice;

(C) contain no significant errors;

(D) reflect correct grammatical usage and spelling;

(E) effectively communicate and explain the information presented;

(F) be suitable in layout and format; ~~and~~

(G) be suitably bound or packaged; and

(H) be produced in a quality manner.

~~(6)~~ (4) For courses containing examinations, course examinations may consist of either a series of examinations or a comprehensive final examination, or both. The course examination must comply with the following criteria:

(A) The examination must contain a sufficient number of questions to adequately test the subject matter covered in the course.

(B) The amount of time devoted to examinations must be appropriate for the course.

(C) Examination questions must, individually and collectively, test at a difficulty level appropriate to measure attendee achievement of the stated course learning objectives.

(D) The subject matter tested by examination questions must be adequately addressed in the course instructional materials.

(E) Examination questions must be:

(i) written in a clear and unambiguous manner; and

~~(F) Examination questions must be~~ **(ii) accurate and the intended correct answer must clearly be the best answer choice.**

~~(7) The continuing education provider must have a written policy regarding instructor qualifications that requires the use of instructors who meet at least one (1) of the requirements in section 7 of this rule.~~

~~(8)~~ (7) The **provider of an approved** continuing education **course** provider must have a written attendance policy that requires the student attendance to be verified.

~~(9) If the course involves more than eight (8) classroom hours, the continuing education provider must have established a policy on course scheduling that provides for a maximum of eight (8) classroom hours of instruction in any given day and for appropriate breaks during each class session.~~

(Indiana Real Estate Commission; [876 IAC 3-5-2.5](#); filed Apr 26, 2004, 2:15 p.m.: 27 IR 2740; readopted filed Jul

SECTION 6. [876 IAC 3-5-3](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-3](#) Course records

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-34.1](#)

Sec. 3. **The provider of** an approved real estate appraiser continuing education course ~~provider~~ must retain records of students who complete the course for a minimum of six (6) years. The records must include **the following:**

- (1) Attendance records.
- (2) Examination score records (if applicable). ~~and~~
- (3) Duplicate copies of completion certificates.

(Indiana Real Estate Commission; [876 IAC 3-5-3](#); filed Sep 24, 1992, 9:00 a.m.: 16 IR 747; filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))

SECTION 7. [876 IAC 3-5-6](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-6](#) Approved real estate appraiser continuing education courses; certification requirements

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-34.1](#)

Sec. 6. (a) Upon completion of a continuing education course, the **course provider of the** approved real estate appraiser continuing education ~~sponsor~~ **course** shall provide all attendees a completion certificate ~~which~~ **that** must include the following information:

- (1) The attendee's name.
- (2) The name of the course sponsor.
- (3) The course title.
- (4) The course content.
- (5) The date and location of the course.
- (6) The hours completed.
- (7) Confirmation of a passing grade (if an examination is required).
- (8) Instructor's name, type of license or faculty position, license number, and issuing state.

~~(b) Licensees and certificate holders must retain the certificates described in subsection (a) for at least six (6) years after the end of the two (2) year renewal period in which the course was taken and make them available to the board upon request.~~

(Indiana Real Estate Commission; [876 IAC 3-5-6](#); filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))

SECTION 8. [876 IAC 3-5-6.1](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-6.1](#) Required instructional materials

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-34.1](#)

Sec. 6.1. (a) For the four (4) hours of the statutes and administrative rules concerning **the** appraisers course required by section 1.5(a)(2) of this rule, ~~a real estate appraiser continuing education~~ **the course** provider must provide to each of its students a current copy of the Indiana appraiser license law booklet.

(b) For the seven (7) hours of Uniform Standards of Professional Appraisal Practice (USPAP) course required by section 1.5(a)(1) of this rule, a real estate appraiser continuing education provider must provide to each of its students a current copy of the USPAP.

(Indiana Real Estate Commission; [876 IAC 3-5-6.1](#); filed Sep 30, 2003, 11:30 a.m.: 27 IR 533, eff Jan 1, 2004; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))

SECTION 9. [876 IAC 3-5-7](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-7](#) Instructors

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-34.1](#)

Sec. 7. (a) Each instructor ~~used by~~ **for** an approved real estate appraiser continuing education ~~provider~~ **course** must possess at least one (1) of the following minimum requirements:

- (1) Is a licensed or certified real estate appraiser or licensed real estate broker and has a bachelor's degree:
 - (A) with a major or minor in real estate from an accredited college or university; ~~Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in [876 IAC 3-6-2](#) and [876 IAC 3-6-3](#)) for each course that they teach.~~ **or**
 - (B) from an accredited college or university and a minimum of two (2) years of experience in real estate appraising.

Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in [876 IAC 3-6-2](#) and [876 IAC 3-6-3](#)) for each course that they teach.

- ~~(3)~~ **(2)** Is a licensed or certified real estate appraiser and a minimum of five (5) years of experience as a real estate appraiser. An instructor qualified under this subsection may not teach any course that contains subject matter that is beyond his or her licensed ability to appraise. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in [876 IAC 3-6-2](#) and [876 IAC 3-6-3](#)) for each course that they teach.

- ~~(4)~~ **(3)** Has two (2) years of experience as a qualified instructor or professor in the business, finance, or economics department of an accredited college or university.

- ~~(5)~~ **(4)** Has an Indiana real estate broker's license and a minimum of five (5) years of experience as a real estate broker. Each instructor qualified under this subdivision must also meet the competency requirements of the Uniform Standards of Professional Appraisal Practice (as adopted in [876 IAC 3-6-2](#) and [876 IAC 3-6-3](#)) for each course that they teach.

(b) In addition to meeting the requirements in subsection (a), an instructor for the seven (7) hours of Uniform Standards of Professional Appraisal Practice course required by section 1.5(a)(1) of this rule must be:

- (1) an Appraiser Qualification Board certified Uniform Standard of Professional Appraisal Practice instructor; ~~and~~

- ~~(2) a state-certified residential or certified general real estate appraiser.~~

However, if the course is taught by two (2) or more instructors, only one (1) is required to be a state-certified residential or certified general real estate appraiser.

(Indiana Real Estate Commission; [876 IAC 3-5-7](#); filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; filed Dec 24, 1997, 11:00 a.m.: 21 IR 1765; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; filed Aug 6, 2003, 12:00 p.m.: 27 IR 185, eff Jan 2, 2004; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))

SECTION 10. [876 IAC 3-5-8](#) IS AMENDED TO READ AS FOLLOWS:

[876 IAC 3-5-8](#) Instructors; prohibitions

Authority: [IC 25-34.1-3-8](#)

Affected: [IC 25-34.1](#)

Sec. 8. A **course provider of an approved** real estate appraiser continuing education ~~provider~~ **course** is prohibited from hiring, or retaining in its employ, an instructor who has:

- (1) had a real estate appraiser license revoked or suspended by any jurisdiction;
- (2) obtained or used, or attempted to obtain or use, in any manner, Indiana real estate appraiser licensing examination questions to be used on future examinations, unless authorized by law;
- (3) been convicted of a crime ~~which~~ **that** has a direct bearing on the individual's ability to competently instruct, including, but not necessarily limited to:
 - (A) violations of real estate appraiser laws; and
 - (B) abuse of fiduciary responsibilities;
- (4) falsely certified hours of attendance or grades for any student; or
- (5) unless allowed by law, refused to appear ~~and/or~~ **or** testify under oath, **or both**, at any hearing held by the board.

(Indiana Real Estate Commission; [876 IAC 3-5-8](#); filed Dec 8, 1993, 4:00 p.m.: 17 IR 780; readopted filed May 29, 2001, 10:00 a.m.: 24 IR 3238; readopted filed Jul 19, 2007, 1:16 p.m.: [20070808-IR-876070068RFA](#))

SECTION 11. THE FOLLOWING ARE REPEALED: [876 IAC 3-4](#); [876 IAC 3-5-4](#); [876 IAC 3-5-5](#); [876 IAC 3-5-9](#); [876 IAC 3-5-10](#); [876 IAC 3-5-11](#).

[Notice of Public Hearing](#)

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