



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

MARLON I. BROWN, DPA
ACTING DIRECTOR

MICHIGAN BOARD OF REAL ESTATE APPRAISERS NOVEMBER 14, 2023, MEETING

APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Real Estate Appraisers met on November 14, 2023, at 611 West Ottawa Street, Upper-Level Conference Room 4, Lansing, Michigan 48933.

CALL TO ORDER

Jumana Judeh, Chairperson, called the meeting to order at 9:08 a.m.

ROLL CALL

Members Present: Jumana Judeh, Certified Real Estate Appraiser, Chairperson
Delbert Denkins, Certified General Real Estate Appraiser, Vice Chairperson
James Hartman, Certified General Real Estate Appraiser
Jake Lew, Certified Residential Appraiser

Members Absent: Phyllis Howard, Public Member
Catherine Quayle, Certified Residential Real Estate Appraiser

Staff: Laury Brown, Senior Analyst, Compliance Section
Kimmy Catlin, Board Support, Boards and Committees Section
Jennifer Fitzgerald, Assistant Attorney General
Kerry Przybylo, Manager, Boards and Committees Section

APPROVAL OF AGENDA

MOTION by Hartman, seconded by Lew, to approve the agenda as presented.

A voice vote was held.

MOTION PREVAILED

APPROVAL OF MINUTES

MOTION by Denkins, seconded by Lew, to approve the minutes from September 19, 2023, as presented.

A voice vote was held.

MOTION PREVAILED

REGULATORY CONSIDERATIONS

Hearing Report

Kenneth Nicholson

MOTION by Hartman, seconded by Denkins, to receive the Hearing Report.

A voice vote was held.

MOTION PREVAILED

MOTION by Denkins, seconded by Lew, to discuss the matter.

A voice vote was held.

MOTION PREVAILED

Discussion was held.

MOTION by Hartman, seconded by Denkins, to fine the Respondent \$1,000.00 to be paid within 90 days. Failure to timely pay the fine results in minimum one day suspension of the license until the fine has been paid.

A roll call vote was taken: Yeas: Hartman, Lew, Denkins, Judeh
 Nays: None

MOTION PREVAILED

Rules Discussion

Przybylo presented the draft to the board and explained the promulgation process and timeline.

Discussion was held.

MOTION by Denkins, seconded by Lew, to approve the draft as written.

A roll call vote was taken: Yeas: Hartman, Lew, Denkins, Judeh

Nays: None

MOTION PREVAILED

OLD BUSINESS

None

NEW BUSINESS

Chair Report

None

Department Update

Przybylo stated that the bureau will hold the next Board Member Training on February 21, 2023, via Zoom. All board members are welcome to attend.

Przybylo stated that Marlon I. Brown, DPA, is the Acting Director of the Department.

Przybylo stated that Bryan Modelski is the Bureau Deputy Director.

PUBLIC COMMENTS

Beth Graham expressed concern with the removal of the class on Michigan law in the draft.

Graham expressed concern with the process of confirming a supervisor's credentials.

Courtney Gervais stated that it was difficult to find a supervisor.

The board revisited the draft rules after receiving public comment.

The board recommended adding language to R 339.23203a subrule (b) that requires the supervisory certified appraiser to submit proof to the trainee that he or she has complied with the supervisory educational requirements set forth in the AQB criteria.

MOTION by Denkins, seconded by Lew, to approve the draft with the recommended change.

A roll call vote was taken: Yeas: Hartman, Lew, Denkins, Judeh
 Nays: None

MOTION PREVAILED

ANNOUNCEMENTS

The next regularly scheduled meeting will be held March 12, 2024, at 9:00 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper-Level Conference Room 4, Lansing, Michigan.

ADJOURNMENT

MOTION by Lew, seconded by Hartman, to adjourn the meeting at 10:16 a.m.

A voice vote was held.

MOTION PREVAILED

Minutes approved by the Board on March 13, 2024.

Prepared By:
Kimmy Catlin, Board Support
Bureau of Professional Licensing

November 14, 2023

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

REAL ESTATE APPRAISERS - GENERAL RULES

Filed with the secretary of state on

These rules become effective immediately after filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the Michigan board of real estate appraisers by section 308 of the occupational code, 1980 PA 299, MCL 339.308; and on the director of the department of licensing and regulatory affairs by sections 202, 205, 210, 2601, 2605, and 2617 of the occupational code, 1980 PA 299, MCL 339.202, 339.205, 339.210, 339.2601, 339.2605, and 339.2617; and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 338.3501, 445.2001, 445.2011, 445.2025, and 445.2030)

R 339.23101, R 339.23104, R 339.23203, R 339.23203a, R 339.23301, R 339.23303, R 339.23307, R 339.23309, R 339.23311; R 339.23315; R 339.23317, R 339.23319, R 339.23321 and R 339.23403 of the Michigan Administrative Code are amended, R 339.23322, R 339.23322a, R 339.23322b, R 339.23322c, R 339.23322d, and R 339.23322e are added and R 339.23207, R 339.23316, R 339.23325 and R 339.23326 are rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.23101 Definitions.

Rule 101. (1) As used in these rules:

(a) **“AQB” means the Appraiser Qualification Board.**

(b) **“AQB Criteria” means “The Real Property Appraiser Qualification Criteria.” Section 2605 of the code, MCL 339.2605 mandates that the AQB Criteria, be utilized regarding education, examination, and experience for licensure.**

(c) “Board” means the Michigan board of real estate appraisers created under section 2603 of the code, MCL 339.2603.

(~~bd~~) “Code” means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(~~ee~~) “Transaction value” means either of the following:

(i) For loans or other extensions of credit, or for sales, leases, purchases, and investments, or in exchanges of real property, the market value of the real property interest involved.

(ii) For the pooling of loans or interests in real property for resale or purchase, the amount of the loan or market value of the real property calculated with respect to each loan or interest in real property.

(f) “PAREA” means Practical Applications of Real Estate Appraisal.

(g) “USPAP” means the Uniform Standards of Professional Appraisal Practice created by the Appraisal Foundation’s Appraisal Standards Board. Section 2605 of the code, MCL 339.2605 mandates that licensees perform appraisals utilizing the USPAP that are in effect at the time the appraisal is performed.

(2) **Unless otherwise defined in these rules, the terms**~~A term~~ defined in articles 1 to 6 and 26 of the code, MCL 339.101 to 339.606 and 339.2601 to 339.2637, ~~has~~**have** the same meaning ~~when~~**as** used in these rules.

R 339.23104 Exemption from standard.

Rule 104. The following are exempt from the requirements of the ~~Uniform Standards of Professional Appraisal Practice (USPAP)~~, Standard 3 and Standard 4:

(a) A board member who is performing an investigation or testifying at an adjudicatory hearing on behalf of the department.

(b) A board member who is serving in the capacity of a reviewer while reviewing the work experience of an applicant for licensure.

(c) An investigator employed by or retained by the department who is performing an investigation or testifying at an adjudicatory hearing.

PART 2. LICENSING

R 339.23203 Appraisal experience for licensure; satisfactory evidence.

Rule 203. An applicant's experience hours must comply with 1 of the following requirements:

(a) All of the following requirements:

(i) Appraisal experience, demonstrated by copies of reports and file memoranda. The applicant shall submit a detailed log to the department that includes all of the following information:

(A) Date of each appraisal assignment.

(B) Property address.

(C) Property type.

(D) Description of work performed by the applicant.

(E) Scope of the review and level of supervision of the applicant's supervisory certified appraiser consistent with the AQB criteria, ~~as that term is defined in section 2601(b) of the code, MCL 339.2601, and R 339.23203a.~~

(F) A clear indication of the time devoted to each appraisal.

(ii) Work samples that must include the **supervisory certified appraiser's** signature and state certification number. ~~of the supervisory certified appraiser.~~

(iii) Experience in each of the following areas of the appraisal process:

(A) Defining the appraisal problem.

(B) Gathering and analyzing data.

(C) Applying all appropriate valuation approaches, including cost approach, market approach, income approach, and methodology.

(D) Arriving at an opinion of value.

(E) Reporting the opinion of value.

(iv) Documents that support the information contained in ~~an~~ **the** application, **including the an** applicant's experience log, ~~or an~~. **An** affidavit of work experience **is** accepted instead of an experience log **if dated** before July 1, 2013. The documents and information described in this subdivision must be maintained for not less than 6 years after the date of application.

(b) The requirements of an ~~Appraiser Qualification Board (AQB) approved practical applications or real estate appraisal (PAREA)~~ program. An applicant that meets the requirements of this subdivision shall submit to the department a certificate of completion from the provider of an AQB approved PAREA program.

R 339.23203a Supervisory certified appraiser.

Rule 203a. (1) A supervisory certified appraiser shall comply with the supervisory certified appraiser qualifications in the AQB criteria.

(2) Before supervising, a supervisory certified appraiser shall complete a course that, ~~at a minimum,~~ complies with the specifications for course content established by the AQB criteria **and provide proof of completion of the course to the department.**

(3) A supervisory certified appraiser shall provide each real estate appraiser trainee with documentation establishing that he or she has completed the requisite supervision course referenced in subrule 2 of this rule.

~~(3)~~**(4)** A supervisory certified appraiser shall not supervise more than 3 real estate appraiser trainees pursuant to the AQB criteria unless written authorization by the department is granted, under subrule (4) of this rule, to exceed the number of trainees at any 1 time.

~~(4)~~**(5)** The department may authorize a supervisory certified appraiser to exceed the maximum number of trainees allowed to be supervised under subrule (3) of this rule, provided all of the following are complied with:

(a) The applicant **contacts the department by email to request permission to supervise more than 3 real estate appraiser trainees.** ~~submits an application on a form provided by the department and approved by the board to the department.~~

(b) The supervisory certified appraiser submits proof to the department that he or she has complied with the supervisory certified appraiser qualifications in the AQB criteria and has more than 5 years of experience as an appraiser.

(c) The supervisory certified appraiser ~~agrees in his or her application to~~ **attests that he or she will** limit supervision to no more than 6 trainees at any 1 time, with no more than 3 trainees with less than 1 year of experience.

(d) The supervisory certified appraiser prepares and maintains trainee progress reports on each trainee and makes them available to the department until the trainee becomes certified or licensed or after 2 years ~~has~~ **have** lapsed since supervising the trainee, whichever is earlier.

(e) The supervisory certified appraiser provides the department with a mentoring plan for each trainee before supervising the trainee.

R 339.23207—Market analysis by real estate licensees; acceptable experience.

Rescinded

~~Rule 207. Market analysis as performed by a real estate licensee may be included in the experience required in R 339.23203, if both of the following conditions are met:~~

~~(a) The applicant provides proof that he or she was properly licensed as a real estate broker, associate broker, or salesperson when the real estate market analysis was performed.~~

~~(b) The analysis is prepared in conformity with standards 1 and 2 of USPAP, and the individual can demonstrate that he or she is using similar techniques as appraisers to value properties and effectively utilizes the appraisal process.~~

PART 3. APPRAISER EDUCATION

R 339.23301 Definitions.

Rule 301. As used in this part:

(a) "Continuing education course" means a course that complies with the AQB criteria for continuing education courses, ~~and is approved by the department.~~, **and contributes to maintaining and increasing the licensee's skill, knowledge, and competency in real property appraising.**

(b) "Coordinator" means an individual who assumes, on behalf of a course sponsor, the responsibility ~~pursuant to these rules~~ for offering courses relating to the activities of real estate appraisers **in accordance with these rules.**

(c) "Instructor" means an individual who is determined to be qualified by the sponsor to instruct students or licensees in prelicensure or continuing education courses and ~~who~~ provides instruction directly and interactively ~~in contact~~ with students or licensees. An instructor may utilize guest speakers but shall bear ultimate responsibility to the sponsor for the quality of information imparted to students or licensees.

(d) "Prelicensure course" means a course that complies with the AQB criteria for prelicensure education courses and is approved by the department.

(e) "Sponsor" means an entity that meets the requirements of section 2617(2) of the code, MCL 339.2617, and ~~that~~ offers or proposes to offer either prelicensure appraiser education or continuing education.

R 339.23303 Education; submission of documentation by applicants for licensure.

Rule 303. (1) ~~In~~ **When** submitting documentation of prelicensure education obtained before the effective date of the code or from course sponsors that are not approved under these rules, the applicant shall show that the course was designed to teach individuals to perform appraisals or to augment a basic knowledge of appraisals with general information that the instructor then relates to the performance of appraisals.

(2) General educational courses, including business, economics, statistics, or law, or general courses in real estate or real estate law are not considered equivalent to approved prelicensure education unless a relationship to appraisal is shown in the course description, syllabus, or curriculum outline to the extent that 15 or more classroom hours are specifically related to appraisal. Classroom hours of credit must only be granted for hours that are specifically related to appraisal.

(3) An applicant's submission of documentation of prelicensure education must include all of the following information:

- (a) The date and place the course was taken.
- (b) The **sponsor's** name ~~of the sponsor, the sponsor's current address, and the sponsor's telephone number,~~ **and email address**, if available.
- (c) A copy of the course outline, syllabus, detailed curriculum, or similar information.
- (d) A copy of the certificate of completion.
- (e) The number of classroom hours spent in the course. ~~To have the education hours approved by the department, continuing education course sponsors utilizing distance-learning systems shall have an acceptable method of ensuring that the licensee achieves an equivalent to classroom hours.~~

(4) ~~In~~ **When** submitting documentation of education from institutions of higher education that are approved to grant degrees that confer credit hours rather than classroom hours, 1 credit hour is equivalent to 10 classroom hours of actual instruction for term credits and 15 classroom hours of instruction for semester credits.

(5) Documentation to support information on the application for course approval must be maintained for not less than 6 years after the date of the application.

(6) To assist applicants, the department shall maintain a list of courses that are acceptable to the department.

R 339.23307 Prelicensure education; Conduct conduct of courses.

Rule 307. (1) A course sponsor shall comply with all of the following requirements:

- (a) A sponsor shall not represent a course to licensees or to the public as meeting the requirements of the code and these rules until the course is approved by the department, unless the course advertises that it has been submitted for approval but has not yet been approved by the department.
- (b) A person shall not solicit for organizational membership, employment, or business-related products and services during qualifying course classroom hours.
- (c) A sponsor shall appoint an individual as coordinator for the sponsor's courses. The coordinator is responsible for supervising the program of courses and ensuring compliance with the code, these rules, and the AQB criteria. The coordinator does not need to be a licensee.
- (d) An instructor who meets the requirements of R 339.23309~~(3)~~ and (4) **and (5)** shall teach the course.
- (e) Each student or licensee shall be provided with a written syllabus that contains, at a minimum, all of the following information:
 - (i) The course title.
 - (ii) The times and dates of the course offering.
 - (iii) The name, business address, telephone number, **and email address** of the course coordinator, and the name of the instructor.
 - (iv) A detailed outline of the subject matter to be covered and the estimated time to be devoted to each subject.
- (f) A course must not be credited for more than 10 classroom hours of instruction in 1 day. Calculations of classroom hours for a course must not include any of the following:
 - (i) Meals.
 - (ii) Breaks.

- (iii) Registration.
- (iv) Required reading.
- (v) Outside assignments.
- (g) Each course must reflect the most current version of state and federal laws, regulations, and the AQB criteria.
- (h) A sponsor shall allow the department to review a course at any time or to inspect the records of a course sponsor during normal business hours.
- (i) A sponsor whose programs are transferred to another entity shall arrange for student or licensee records to be maintained permanently by the successor entity. The successor entity shall ensure that student or licensee records are available to students or licensees who need to verify their education.
- (2) A proprietary real estate appraiser sponsor licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103, shall continuously comply with the proprietary schools act.

R 339.23309 Prelicensure course sponsor; instructorSponsors; duties; instructors; duties.

Rule 309. (1) A sponsor is responsible for all of the following:

- (a) Complying with all laws, rules, and the AQB criteria, relating to appraiser education, including requirements related to class hours, content, course delivery mechanism, instructors, and examinations.
- (b) Providing students or licensees with current and accurate information.
- (c) Maintaining an atmosphere that is conducive to learning in the classroom.
- (d) Ensuring and certifying the attendance of students or licensees who are enrolled in courses.
- (e) Providing assistance to students or licensees and responding to questions relating to course materials.
- (f) Supervising all guest lecturers and **ensuring** relating all information that is presented **relates** to the practice of real estate appraisal.
- (2) **Appraiser education programs may be offered using** ~~Components of distance education~~ **delivered in include** synchronous, asynchronous, and hybrid **formats**. Sponsors shall ensure that all forms of distance education comply with the AQB criteria.
- ~~(3)~~**(a)** In synchronous distance education, the instructor and students shall interact simultaneously online, including phone calls, video chat, live webinars, or web-based meetings.
- ~~(4)~~**(b)** In asynchronous distance education, the instructor and student's interaction may be non-simultaneous, and the student may progress at his or her own pace and follow a structured course content and quiz-exam schedule.
- ~~(5)~~**(c)** In hybrid distance courses, also known as blended courses, the student may interact with the instructor both in-person and online through synchronous or asynchronous education.
- ~~(6)~~**(3)** The course must be equivalent to 15 classroom hours for ~~prelicensure courses and 2 classroom hours for continuing education courses~~.
- ~~(7)~~**(4)** A sponsor shall **only** select as instructors ~~only individuals~~ who can demonstrate mastery of the material being taught and who possess 1 of the following qualifications:

- (a) Experience as a faculty member of an institution of higher education that is approved to grant degrees.
- (b) A state licensed, certified residential, or certified general appraiser with 3 years of appraisal experience.
- ~~(c) Other experience acceptable to the sponsor for courses other than prelicensure courses.~~
- ~~(8)(5)~~ **(5)** Instructors of USPAP shall comply with the AQB instructor certification program as required by the ~~real property~~ AQB criteria.

R 339.23311 **Unacceptable prelicensure Courses** ~~courses, activities not acceptable for prelicensure or continuing education.~~

Rule 311. The department shall not approve a prelicensure ~~or continuing education~~ course or activity, nor shall it grant credit to a licensee for the USPAP course for any of the following:

- (a) Courses that are offered using distance education platforms that do not ~~provide student or licensee access to an instructor during the course.~~ **meet distance education course requirements of the AQB criteria.**
- (b) Courses that deal with employment-related topics including explanations of rights, benefits, and responsibilities; organizational structure; and on-the-job methods, processes, or procedures.
- (c) Membership in or service in an office, or on a committee of a professional, occupational, trade, or industry society or organization.
- (d) Conferences, delegate assemblies, or similar meetings of professional organizations for policy-making purposes.
- (e) Meetings and conventions of societies and associations; however, educational activities that are provided independently, by an approved course sponsor, and ~~that~~ are held concurrently with a meeting or convention of societies or associations may be given credit.
- (f) Attendance at lecture series, cultural performances, entertainment, or recreational meetings or activities, or participation in travel groups, unless these activities are an integral part of a course that is approved pursuant to these rules.
- (g) On-the-job training, apprenticeships, and other work experiences.
- (h) Courses in sales promotion, motivation, marketing, psychology, time management, mechanical office, or business skills, including typing, speed-reading, or the use of office machines or equipment other than calculators or computers.

R 339.23315 Denial, suspension, or rescission of approval to offer courses; violation of code or rules.

Rule 315. ~~A real estate sponsor or instructor is subject to the penalties of section 602 of the code, MCL 339.602, including reissuance of course approval, for any of the following reasons:~~ **Approval of a course will be rescinded if any of the following occur:**

- (a) **The sponsor or instructor fails** ~~Failing~~ to comply with the requirements of the code or these rules.

(b) **Graduates from the last 5 course offerings have** ~~Having a high rate of failure rate~~ **of more than 50 percent** on a licensing examination as a result of a lack of competent instruction.

(c) **The sponsor or instructor make** ~~Making~~ a substantial misrepresentation regarding ~~an appraisal education sponsor or course.~~ **the course.**

(d) **The sponsor or instructor pursue** ~~Pursuing~~ a continued course of misrepresentation or making false promises through agents, salespersons, advertising, or otherwise.

PART 3A. PRELICENSURE EDUCATION COURSE APPROVAL

R 339.23316 ~~Prelicensure education.~~ **Rescinded.**

~~Rule 316. Prelicensure education courses may be used to obtain credit for both prelicensure education and continuing education. However, the prelicensure exam may not be used toward continuing education hours.~~

R 339.23317 Prelicensure education; application for course approval; forms; requirements; unacceptable courses.

Rule 317. (1) An application for approval of a prelicensure real estate appraiser education course must be made on forms provided by the department. The department shall accept or reject the application.

(2) The application must include all of the following information:

(a) The course title.

(b) The number of classroom hours to be given for completion of the course.

(c) The name, business address, **email address**, and telephone number of the sponsor.

(d) The name, business address, **email address**, and telephone number of the course coordinator.

(e) The name, license number, and qualifications of instructors.

(f) The graduate pass rate on a licensing examination from the last 5 course offerings.

~~(f)(g)~~ (g) A detailed outline of the subject matter to be covered and the number of classroom hours to be devoted to each topic, as it will appear in the student or licensee syllabus.

~~(g)(h)~~ (h) A summary of the required topics for prelicensure that are covered in the course completed on the subject matter matrix provided by the department.

~~(h)(i)~~ (i) The methodology for verifying and monitoring attendance, including the class make-up policy. A sponsor shall have a written make-up policy for students or licensees who are absent from all or a part of regularly scheduled class sessions. If there are no opportunities to make up missed sessions, that policy must be stated.

~~(i)(j)~~ (j) The standards a student or licensee must meet to complete the course, including assignments, projects, examinations, and the passing score on the examination that must be given at the completion of the course for a student or licensee to demonstrate mastery of the material covered. ~~For a distance education course, a student must pass a written, closed book examination proctored by an official approved by the presenting college or university or by the sponsoring organization. Remote proctoring, including bio-metric proctoring, is acceptable. A written examination includes both written on paper or~~

~~administered electronically on a computer or other device. Oral examinations are not acceptable.~~

~~(j)~~**(k) Distance education courses, whether synchronous, asynchronous, or hybrid must comply with AQB criteria and require the student to pass a written, closed-book examination proctored by an official approved by the presenting college or university or by the sponsoring organization. Remote proctoring, including biometric proctoring, is acceptable. A written examination includes both written on paper or administered electronically on a computer or other device. Oral examinations are not acceptable.**

(1) Proof that the sponsor is an entity that may offer prelicensure real estate appraisal education courses under section 2617(2) of the code, MCL 339.2617.

(3) If a sponsor desires to change a course's content, instructors, speakers, or hours of credit, the sponsor shall reapply for ~~departmental~~ **department** approval of the changes to the course by completing an application for course approval, obtained from the department, not less than 30 days before the date the course is offered to students or licensees.

~~(4) Emergency changes to instructors and speakers that are unable to be submitted to the department not less than 30 days before the date of the continuing education course may be reviewed by the department if the department determines that the applicant was unable to submit the requested change not less than 30 days before the date of the continuing education course and the request submitted with the change supports the nature of the emergency.~~

~~(5)~~ The department shall notify the sponsor whether the proposed course change is approved. The sponsor shall not offer the course with the proposed changes without ~~departmental~~ **department** approval.

~~(6)~~ The department may determine that a proposed change cannot be made without the submission of additional supporting documentation or that the extent or number of changes requested require the sponsor to complete a new application for approval.

~~(7)~~ A department-approved course expires 3 years after the date of the course approval, at which time the course approval is subject to renewal. A sponsor shall notify the department of its intent to renew a previously approved course by submitting course renewal forms provided by the department. All of the following apply regarding course renewal:

(a) The completed course renewal forms must be received by the department not less than 60 days before the expiration date.

(b) If completed renewal forms are received by the department not less than 60 days before the expiration date, the course does not expire until reviewed by the department.

(c) If completed renewal forms are received by the department less than 60 days before the expiration date, approval of the course expires on the expiration date.

(d) Course renewal forms are not valid and are not accepted by the department less than 60 days before the expiration date.

(e) Sponsors requesting approval for a course less than 60 days before the expiration date shall complete and submit to the department an application for original course approval.

R 339.23319 Prelicensure education; student or licensee records; permanent record; course completion certificate.

Rule 319. (1) A course sponsor shall establish and permanently maintain a record for each student ~~or licensee~~. The record must contain all of the following information:

- (a) The student's ~~or licensee's~~ name and address.
- (b) The student's ~~or licensee's~~ date of birth.
- (c) The number of classroom hours attended.
- (d) The title of the course and the department's course completion number.
- (e) The date of course completion.
- (f) The student's ~~or licensee's~~ grade.
- (g) The licensee's real estate appraiser license number, if applicable.

(2) A course sponsor shall issue a certificate of completion to a student ~~or licensee~~ who completes the entire course and receives a passing grade in a prelicensure education course. The certificate must include all of the following information:

- (a) The name of the student ~~or licensee~~.
- (b) The name of the sponsor.
- (c) The name of the course attended.
- (d) The number of classroom hours completed by the student ~~or licensee~~.
- (e) The date of course completion.
- (f) The signature of the course coordinator or instructor.
- (g) The sponsor number assigned by the department.
- (h) The course approval number assigned by the department.

(3) Within 15 business days after the conclusion of a course, a sponsor shall certify to the department the names of students ~~and licensees~~ who complete an approved course in a manner approved by the department.

PART 3B. CONTINUING EDUCATION

~~339.23321 Continuing education; application for course approval; forms; requirements.~~
Continuing education requirements for the licensee.

Rule 321. (1) ~~An application for approval of a continuing education course must be made on forms provided by the department. The department shall accept or reject the application.~~

~~(2) The completed application forms must be submitted to the department not less than 60 days before the date the course is conducted.~~

~~(3) The application must include, but not be limited to, all of the following information:~~

- ~~(a) The course title.~~
- ~~(b) The number of classroom hours to be given for completion of the course.~~
- ~~(c) The name, business address, and telephone number of the sponsor.~~
- ~~(d) The name, business address, and telephone number of the course coordinator.~~
- ~~(e) The name, license number, and qualifications of instructors.~~
- ~~(f) An outline of the subject matter to be covered and the number of classroom hours to be devoted to each topic, as it will appear in the syllabus.~~

~~(g) The methodology for verifying and monitoring attendance. A licensee shall attend the entire course to obtain credit for the course. Credit for a distance learning course~~

requires completion of the entire course. A licensee shall not receive credit for attending the same course more than 1 time during the same license renewal cycle.

—(h) The standards a licensee must meet to complete the course, including assignments, projects, or examinations. The sponsor, at its discretion, may give course examinations. The sponsor shall require 1 of the following evaluations for an asynchronous distance education course:

—(i) A written examination proctored by an official approved by a college or university or by the sponsoring organization. Remote proctoring consistent with the requirements of the AQB criteria is acceptable. A written examination includes both written on paper or administered electronically on a computer or other device. Oral exams are not acceptable.

—(ii) Successful completion of prescribed course mechanism required to demonstrate knowledge of the subject matter.

—(i) Proof that the sponsor is an entity that may offer continuing education courses under section 2617(2) of the code, MCL 339.2617.

—(j) Information to demonstrate that the course meets the requirements of the AQB criteria and is designed to improve and maintain the capability of a licensee to perform activities regulated by the code.

—(4) Approval is for a term of 3 years after the date that the department approved the course.

—(5) An application for renewal of an approved continuing education course must be made on forms provided by the department. All of the following apply to course renewal:

—(a) Course renewal forms must be received by the department not less than 30 days before the approval expiration date.

—(b) Course renewal forms are not accepted by the department if submitted less than 30 days before the expiration date.

—(c) Sponsors requesting approval for course renewal less than 30 days before the expiration date shall complete and submit to the department an application for original course approval.

—(d) If completed renewal forms are received by the department not less than 30 days before the expiration date, the course does not expire until the department reviews the application and makes a decision.

—(e) If completed renewal forms are not received by the department pursuant to the time frame established by this subrule, the course approval expires on the expiration date.

—(6) Subject to subrule (7) of this rule, all changes to the instructors, speakers, course content, or number of continuing education hours to be awarded for an approved continuing education course must be submitted to the department on forms provided by the department not less than 30 days before the date the continuing education course is offered to licensees.

—(7) Emergency changes to instructors and speakers that are unable to be submitted to the department not less than 30 days before the date of the continuing education course may be reviewed by the department if the department determines that the applicant was unable to submit the requested change not less than 30 days before the date of the continuing education course and the request submitted with the change supports the nature of the emergency.

~~(8) The department may revoke the approval status of any approved continuing education course any time the course fails to comply with these rules.~~

To renew a license, a licensee shall successfully complete 28 hours of continuing education every two calendar years. The continuing education must include all the following:

(a) The 7-hour national USPAP continuing education course, or its AQB approved equivalent, not less than every 2 calendar years. Equivalency is determined through the AQB course approval program or by an alternate method established by the AQB.

(i) Licensees who are credentialed in more than one jurisdiction do not have to take more than one 7-hour national USPAP continuing education course.

(ii) AQB certified USPAP instructors who successfully complete an instructor recertification course and exam, if an exam is required, within the current licensure cycle, have satisfied the 7-hour national USPAP continuing education course requirement.

(b) Beginning January 1, 2026, a course pertaining to valuation bias and fair housing law and regulations that which meets the content requirements of the AQB.

(i) The first time a licensee completes the continuing education requirement for this course, the course length must be 7 hours. If the licensee successfully completed a 7 hour, plus a 1-hour exam, course as part of their qualifying education, they have met this requirement.

(ii) Every 2 calendar years thereafter, the course length must be at least 4 hours.

(c) The remaining required continuing education hours must be completed with educational offerings that contribute to maintaining and increasing the licensee's skill, knowledge, and competency in real property appraising and are consistent with the AQB criteria and can be fulfilled at any time during the 2-year licensure cycle.

(2) A licensee shall not receive credit for attending the same course more than 1 time during the same licensure cycle.

(3) The department shall not approve a continuing education course or activity that is listed in R 339.23311.

(4) The department shall not grant waivers to a licensee who has failed to meet the continuing education requirements.

(5) The department shall not grant deferrals to a licensee, except in the case of an individual returning from active military duty, or an individual impacted by a state or federally declared disaster.

(a) The department may allow a licensee returning from active military duty to remain in active status for a period of up to 90 days pending completion of all continuing education requirements.

(b) The department may allow a licensee impacted by a state or federally declared disaster that occurs within 90 days before the end of the continuing education cycle to remain in active status for a period of up to 90 days after the end of the licensee's continuing education cycle, pending completion of all continuing education requirements.

R 339.23322 Activities that simultaneously count toward prelicensure education and continuing education requirements.

Rule 322. The following activities shall be simultaneously counted toward prelicensure education credit and continuing education requirements.

(a) Prelicensure education subject to the following:

(i) The exam taken in a prelicensure course may not be used toward continuing education hours.

(ii) The prelicensure course must be equivalent to 2 classroom hours.

(iii) When submitting documentation of education from institutions of higher education that are approved to grant degrees that confer credit hours rather than classroom hours, 1 credit hour is equivalent to 10 classroom hours of actual instruction for term credits and 15 classroom hours of instruction for semester credits.

(b) Up to one-half of a licensee's continuing education requirement may be granted for participation, other than as a student, in appraisal educational processes and programs, including, but not limited to, teaching or program development of an approved real estate appraiser course, authorship of textbooks, or similar activity. Credit for instructing a course or seminar can only be awarded once during the licensure cycle.

(c) The classroom hours for the completion of an instructor recertification course and exam if an exam is required.

(d) Educational offerings taken by a licensee to fulfill the class hour requirement for a different classification than the licensee's current classification may be simultaneously counted towards the continuing education requirement of the licensee's current classification.

R 339.23322a Application for continuing education course approval; forms; requirements.

Rule 322a. (1) An application for approval of a continuing education course must be made on forms provided by the department. The department shall accept or reject the application.

(2) The completed application forms must be submitted to the department not less than 60 days before the date the course is conducted.

(3) The application must include, but not be limited to, all the following information:

(a) The course title.

(b) The number of classroom hours to be given for completion of the course.

(c) The name, business address, email address, and telephone number of the sponsor.

(d) The name, business address, email address, and telephone number of the course coordinator.

(e) The name, license number, and qualifications of instructors.

(f) An outline of the subject matter to be covered and the number of classroom hours to be devoted to each topic, as it will appear in the syllabus.

(g) The methodology for verifying and monitoring attendance.

(i) A licensee shall attend the entire course to obtain credit for the course.

(ii) Continuing education course sponsors utilizing distance-learning systems shall have an acceptable method of ensuring that the licensee achieves an equivalent to classroom hours.

(iii) Credit for a distance learning course requires completion of the entire course.

(h) The standards a licensee must meet to complete the course, including assignments, projects, or examinations. The sponsor, at its discretion, may give course examinations. The sponsor shall require 1 of the following evaluations for an asynchronous distance education course:

(i) A written examination proctored by an official approved by a college or university or by the sponsoring organization. Remote proctoring consistent with the requirements of the AQB criteria is acceptable. A written examination includes both written on paper or administered electronically on a computer or other device. Oral exams are not acceptable.

(ii) Successful completion of prescribed course mechanism required to demonstrate knowledge of the subject matter.

(i) Proof that the sponsor is an entity that may offer continuing education courses under section 2617(2) of the code, MCL 339.2617.

(j) Information to demonstrate that the course meets the requirements of the AQB criteria and is designed to improve and maintain the capability of a licensee to perform activities regulated by the code.

(4) Approval is for a term of 3 years after the date the department approved the course.

(5) An application for renewal of an approved continuing education course must be made on forms provided by the department. All of the following apply to course renewal:

(a) Course renewal forms must be received by the department not less than 30 days before the approval expiration date.

(b) Course renewal forms are not accepted by the department if submitted less than 30 days before the expiration date.

(c) Sponsors requesting approval for course renewal less than 30 days before the expiration date shall complete and submit to the department an application for original course approval.

(d) If completed renewal forms are received by the department not less than 30 days before the expiration date, the course does not expire until the department reviews the application and makes a decision.

(e) If completed renewal forms are not received by the department pursuant to the time frame established by this subrule, the course approval expires on the expiration date.

(6) Subject to subrule (7) of this rule, all changes to the instructors, speakers, course content, or number of hours to be awarded for an approved continuing education course must be submitted to the department on forms provided by the department not less than 30 days before the date the continuing education course is offered to licensees.

(7) Emergency changes to instructors and speakers that are unable to be submitted to the department not less than 30 days before the date of the continuing education

course may be reviewed by the department if the department determines that the applicant was unable to submit the requested change not less than 30 days before the date of the continuing education course and the request submitted with the change supports the nature of the emergency.

(8) The department may revoke the approval status of any approved continuing education course any time the course fails to comply with these rules.

R 339.23322b Conduct of continuing education courses.

Rule 322b. (1) A course sponsor shall comply with all the following requirements:

(a) A sponsor shall not represent a course to licensees or to the public as meeting the requirements of the code and these rules until the course is approved by the department, unless the course advertises that it has been submitted for approval but has not yet been approved by the department.

(b) A person shall not solicit for organizational membership, employment, or business-related products and services during qualifying course classroom hours.

(c) A sponsor shall appoint an individual as coordinator for the sponsor's courses. The coordinator is responsible for supervising the program of courses and ensuring compliance with the code, these rules, and the AQB criteria. The coordinator does not need to be a licensee.

(d) An instructor who meets the requirements of R 339.23322c (4) and (5) shall teach the course.

(e) Each student or licensee shall be provided with a written syllabus that contains, at a minimum, all of the following information:

(i) The course title.

(ii) The times and dates of the course offering.

(iii) The name, business address, telephone number, and email address of the course coordinator, and the name of the instructor.

(iv) A detailed outline of the subject matter to be covered and the estimated time to be devoted to each subject.

(f) A course must not be credited for more than 10 classroom hours of instruction in 1 day. Calculations of classroom hours for a course must not include any of the following:

(i) Meals.

(ii) Breaks.

(iii) Registration.

(iv) Required reading.

(v) Outside assignments.

(g) Each course must reflect the most current version of state and federal laws, regulations, and the AQB criteria.

(h) A sponsor shall allow the department to review a course at any time or to inspect the records of a course sponsor during normal business hours.

(i) A sponsor whose programs are transferred to another entity shall arrange for the licensee's records to be maintained permanently by the successor entity. The successor entity shall ensure that licensee's records are available to licensees who need to verify their education.

(2) A proprietary real estate appraiser sponsor licensed under the proprietary schools act, 1943 PA 148, MCL 395.101 to 395.103, shall continuously comply with the proprietary schools act.

R 339.23322c Continuing education sponsor; instructor; duties.

Rule 322c. (1) A sponsor is responsible for all the following:

(a) Complying with all laws, rules, and the AQB criteria, relating to appraiser education, including requirements related to class hours, content, course delivery mechanism, instructors, and examinations.

(b) Providing licensees with current and accurate information.

(c) Maintaining an atmosphere that is conducive to learning in the classroom.

(d) Ensuring and certifying the attendance of licensees who are enrolled in courses.

(e) Providing assistance to licensees and responding to questions relating to course materials.

(f) Supervising all guest lecturers and ensuring all information that is presented relates to the practice of real estate appraisal.

(2) Appraiser education programs may be offered using distance education delivered in synchronous, asynchronous, and hybrid formats. Sponsors shall ensure that all forms of distance education comply with the AQB criteria.

(a) In synchronous distance education, the instructor and licensees shall interact simultaneously online, including phone calls, video chat, live webinars, or web-based meetings.

(b) In asynchronous distance education, the instructor and licensee's interaction may be non-simultaneous, and the licensee may progress at his or her own pace and follow a structured course content and quiz-exam schedule.

(c) In hybrid distance courses, also known as blended courses, the licensee may interact with the instructor both in-person and online through synchronous or asynchronous education.

(3) The course must be equivalent to 2 classroom hours.

(4) A sponsor shall only select instructors who can demonstrate mastery of the material being taught and who possess 1 of the following qualifications:

(a) Experience as a faculty member of an institution of higher education that is approved to grant degrees.

(b) A state licensed, certified residential, or certified general appraiser with 3 years of appraisal experience.

(c) Other experience acceptable to the sponsor.

(5) Instructors of USPAP shall comply with the AQB instructor certification program as required by the real property AQB criteria.

R 339.23322d Unacceptable continuing education courses, activities.

Rule 322d. The department shall not approve a continuing education course or activity, nor shall it grant credit to a licensee for the USPAP course for any of the following:

(a) Courses that are offered using distance education platforms that do not meet distance education course requirements of the AQB criteria.

(b) Courses that deal with employment-related topics including explanations of rights, benefits, and responsibilities; organizational structure; and on-the-job methods, processes, or procedures.

(c) Membership in or service in an office, or on a committee of a professional, occupational, trade, or industry society or organization.

(d) Conferences, delegate assemblies, or similar meetings of professional organizations for policy-making purposes.

(e) Meetings and conventions of societies and associations; however, educational activities that are provided independently, by an approved course sponsor, and are held concurrently with a meeting or convention of societies or associations may be given credit.

(f) Attendance at lecture series, cultural performances, entertainment, or recreational meetings or activities, or participation in travel groups, unless these activities are an integral part of a course that is approved pursuant to these rules.

(g) On-the-job training, apprenticeships, and other work experiences.

(h) Courses in sales promotion, motivation, marketing, psychology, time management, mechanical office, or business skills, including typing, speed-reading, or the use of office machines or equipment other than calculators or computers.

R 339.23322e Misleading information in continuing education courses.

Rule 322e. A person, including a sponsor, shall not provide misleading information about courses or any component of a course. Information is misleading when, taken as a whole, there is a probability that it deceives the class of persons that it is intended to influence. A sponsor shall not represent that the department's approval of a course is a recommendation or endorsement of the sponsor or the content of the course.

~~R 339.23325—Continuing education; course credit for instructors. Rescinded.~~

~~Rule 325. Real estate appraisers who are also instructors may earn up to ½ of their required real estate appraiser continuing education credit per license cycle by teaching an approved real estate appraiser course. Credit is granted to an instructor once in a licensing cycle for the same course either as a licensee or as an instructor.~~

~~R 339.23326—Continuing education requirements for a licensee. Rescinded.~~

~~Rule 326. (1) A licensed appraiser shall successfully complete the 7-hour national USPAP update course, or its equivalent, not less than every 2 years. Equivalency is determined through the AQB course approval program or by an alternate method established by the AQB.~~

~~(2) USPAP qualifying education credit is awarded only when the class is taught by at least 1 instructor who is an AQB-certified instructor and who is a certified residential real estate appraiser or a certified general real estate appraiser.~~

~~(3) Every 2 years, a licensed appraiser shall successfully complete not less than 2 hours of continuing education devoted to this state's appraiser license law and rules.~~

~~(4) Credit for attending the board of real estate appraisers meeting pursuant to the AQB criteria requires proof of attendance by submission of the department form with the signature of a board member or department staff person.~~

~~–(5) The department shall not grant waivers to a licensee who has failed to meet the continuing education requirements.~~

~~–(6) The department shall not grant deferrals to a licensee, except in the case of an individual returning from active military duty, or an individual impacted by a state or federally declared disaster. The department may allow a licensee returning from active military duty to remain in active status for a period of up to 90 days pending completion of all continuing education requirements. The department may allow a licensee impacted by a state or federally declared disaster that occurs within 90 days before the end of the continuing education cycle to remain in active status for a period of up to 90 days after the end of the licensee’s continuing education cycle, pending completion of all continuing education requirements.~~

PART 4. STANDARDS OF CONDUCT

R 339.23403 State-licensed real estate appraiser; certified residential real estate appraiser; certified general real estate appraiser; allowed functions.

Rule 403. (1) If a state-licensed real estate appraiser is properly qualified to undertake an assignment, a state-licensed real estate appraiser may perform any of the following appraisal services:

(a) Appraise properties that are not federally related transactions.

(b) Appraise **noncomplex** 1 to 4-family residential properties **having a, unless the transaction value less than is \$1,000,000.00 or more or the property is complex and must be appraised by a certified residential or certified general real estate appraiser, and complex 1 to 4 residential properties having a transaction value of less than \$400,000.00.**

(c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value is ~~less than~~ **does not exceed \$250,000.00\$500,000.00.**

(d) Assist a certified residential or certified general real estate appraiser in the development of an appraisal of a complex residential property or a nonresidential property that is the subject of a federally related transaction, as appropriate. The state-licensed real estate appraiser shall not sign the report. However, the certified residential or certified general real estate appraiser shall acknowledge the specific contributions of the state-licensed real estate appraiser within the appraisal report.

(2) A certified residential real estate appraiser, if properly qualified to undertake an assignment, may perform any of the following appraisal assignments:

(a) Appraise properties that are not federally related transactions.

(b) Appraise 1 to 4-family residential properties without regard to complexity or value.

(c) Appraise nonresidential properties for federally related transactions and real estate related financial transactions where the transaction value is ~~less than~~ **does not exceed \$250,000.00\$500,000.00.**

(d) Assist a certified general real estate appraiser in the development of an appraisal of a nonresidential property that is the subject of a federally related transaction, as appropriate. The certified residential real estate appraiser shall not sign the report. However, the certified general real estate appraiser shall identify the specific contributions of the certified residential real estate appraiser within the appraisal report.

(3) The licensee allowed to sign the report shall identify all participating licensees and their contributions to the report.