

NOTICE OF PUBLIC RULE HEARING AND BOARD MEETING

The Regulation and Licensing Department (Department) in consultation with the New Mexico Real Estate Appraiser Board (Board) will hold a rule hearing on Friday, February 23, 2024 at 9:00 a.m. pursuant to 61-30-7 (A), immediately followed by a Regular meeting of the Board to discuss and consider adoption of the proposed rules listed below. The rule hearing and subsequent Board meeting will be held at the Regulation and Licensing Department, 5500 San Antonio Drive NE, Albuquerque, NM 87109.

The hearing and subsequent board meeting may also be accessed via Cisco Webex Meetings by using the following link:

<https://nmrld.webex.com/nmrld/j.php?MTID=maee209c7b8dfe42ad2b14d640eb112b3>

Meeting Number: 2662 556 1154

Call In: 1-(844)-621-3956

The purpose of the rule hearing is to receive public comments related to proposed amendments, repeal, and/or replacement of the following rules that address changes to

16.62.6 NMAC - Examinations

16.62.7 NMAC – Issuance/Renewal of Apprentice Registration/Licenses/Certificates

16.62.8 NMAC – Educational Programs/Continuing Education

On January 16, 2024 copies of the proposed rules may be obtained by going to the Boards and Commissions Division, Real Estate Appraiser Board website at: <https://www.rld.nm.gov/boards-and-commissions/individual-boards-and-commissions/real-estate-appraisers/statutes-rules-and-rule-hearings/> or by contacting the Board Administrator for the Board at (505) 222-9882.

The Department and the Board will begin accepting public comments on the proposed rules beginning January 16, 2024. Please submit written comments on the proposed changes to Sarah McGeath, Board Administrator, via electronic mail at: NM.REAB@rld.nm.gov , or by regular mail at 5500 San Antonio Drive NE, Albuquerque, NM 87109 no later than February 22, 2024 at 5:00p.m.

Written comments received during the public comment period will be posted to the Board's website page linked above. Any person in attendance will be given the opportunity to present their comments at the rule hearing.

An individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or other form of auxiliary aid or service to attend or participate in the hearing or the special board meeting, please contact Sarah McGeath, Board Administrator (505) 222-9882 at least 7 days prior to the rule hearing and special board meeting. Public documents, including the proposed rules, meeting agenda and minutes, can be provided in various accessible formats.

Statutory Authority: Section 61-30-7(A)

Purpose of Proposed Rules: The purpose of the proposed amendments are to make the licensure process more efficient by removing the requirement of passing a jurisprudence exam with every license renewal.

Summary of Proposed Changes: The proposed amendments would remove the requirement of passing a jurisprudence exam with every license renewal.

Proposed Rule Changes are shown, with information to be removed with a strikethrough and bracketed ~~removed~~ and information to be added is underlined added.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 62 REAL ESTATE APPRAISERS
PART 6 EXAMINATIONS

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

16.62.6.2 SCOPE: All trainee real estate appraisers, licensed residential real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed or certified real estate appraisers.
[1/14/00; 16.62.6.2 NMAC - Rn & A, 16 NMAC 62.61.2, 09/13/2004; A, 01/01/2015; A, 02/03/2019]

16.62.6.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Real Estate Appraisers Act, Section 61-30-1 to -24, NMSA 1978.
[1/14/00; 16.62.6.3 NMAC - Rn, 16 NMAC 62.61.3, 09/13/2004; A, 09/26/2023]

16.62.6.4 DURATION: Permanent.
[1/14/00; 16.62.6.4 NMAC - Rn, 16 NMAC 62.61.4, 09/13/2004]

16.62.6.5 EFFECTIVE DATE: January 14, 2000, unless a later date is cited at the end of a section.
[1/14/00; 16.62.6.5 NMAC - Rn & A, 16 NMAC 62.6.5, 09/13/2004]

16.62.6.6 OBJECTIVE: This part provides for a national examination on real estate appraisal as a requirement for licensure or certification and for a state examination on state law and rules as a requirement for registration, licensure or certification.
[1/14/00; 16.62.6.6 NMAC - Rn, 16 NMAC 62.61.6, 09/13/2004]

16.62.6.7 DEFINITIONS: [RESERVED]

16.62.6.8 EXAMINATION REQUIREMENTS: All candidates for licensure or certification must successfully complete the appraiser qualifications board endorsed uniform state certifications/licensing examination or its equivalent.

- A.** The examination will be approved by the appraisal qualifications board of the appraisal foundation and will cover standard appraisal concepts.
- B.** Prior to issuance of an examination ticket, all credible education hours, qualifying experience credit, and the experience log, must be verified and found to be completed in full and acceptable to the board.
- C.** An applicant for licensing or certification will be denied and the results of the examination will be invalidated if: the applicant uses or possesses anything that gives the applicant an advantage other than silent, cordless, non-programmable calculator, Hewlett Packard calculator 12C or its equivalent; the applicant gives or receives any kind of aid during the examination; or someone other than the applicant takes the test or attempts to take the test for the applicant.
- D.** All calculator memories must be cleared before the examination. Operating manuals will not be allowed at the testing site.
- E.** The board will administer an examination on the New Mexico Real Estate Appraisers Act and board rules and regulations known as the state board jurisprudence examination which will require a score of seventy percent or more for a passing grade. This jurisprudence examination shall be taken during initial application for no charge, ~~[if this exam is failed then the exam can be taken a second time for a fee of \$95. If the second exam is failed then the application will be deemed incomplete and then referred to the board, at their next meeting, for decision]~~ the exam may be taken until a passing grade is achieved in order to proceed with the application process.
- F.** The applicant must take the examination prescribed by the board.

[1/14/00; 16.62.6.8 NMAC - Rn & A, 16 NMAC 62.61.8, 09/13/2004; A, 06/13/2008; A, 08/21/2010; A, 01/15/2017; A, 02/03/2019; A, 09/26/2023; A, 03/12/2024]

HISTORY OF 16.62.6 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the state records center and archives under:

REAB Rule 6, Examinations, filed 11/29/90.

Rule 7, Examinations, filed 4/6/93.

Rule 7, Examinations, filed 1/28/94.

History of Repealed Material: [RESERVED]

Other History:

Rule 7, Examinations (filed 1/28/94) was renumbered, reformatted and replaced by 16 NMAC 62.6, Examinations, effective 1/14/2000.

16 NMAC 62.6, Examinations (filed 12/29/99) was renumbered, reformatted, amended, and replaced by 16.62.6 NMAC, Examinations, effective 09/13/2004.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 62 REAL ESTATE APPRAISERS
PART 7 ISSUANCE/RENEWAL OF TRAINEE REGISTRATION/LICENSES/CERTIFICATES

16.62.7.1 ISSUING AGENCY: Regulation and Licensing Department - NM Real Estate Appraisers Board.
[10/1/97; 16.62.7.1 NMAC - Rn, 16 NMAC 62.7.1, 09/13/2004; A, 01/01/2015; A, 01/01/2017]

16.62.7.2 SCOPE: All trainee real estate appraisers, licensed residential real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed or certified real estate appraisers.

[10/1/97; 16.62.7.2 NMAC - Rn & A, 16 NMAC 62.7.2, 09/13/2004; A, 01/01/2015; A, 02/03/2019]

16.62.7.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Real Estate Appraisers Act, Section 61-30-1 to -24, NMSA 1978.

[10/1/97; 16.62.7.3 NMAC - Rn, 16 NMAC 62.7.3, 09/13/2004; A, 09/26/2023]

16.62.7.4 DURATION: Permanent.

[10/1/97; 16.62.7.4 NMAC - Rn, 16 NMAC 62.7.4, 09/13/2004]

16.62.7.5 EFFECTIVE DATE: October 1, 1997, unless a later date is cited at the end of a section.

[10/1/97; 16.62.7.5 NMAC - Rn & A, 16 NMAC 62.7.5, 09/13/2004]

16.62.7.6 OBJECTIVE: This part establishes guidelines for the issuance of initial licenses, provides requirements for license renewal and license expiration, licensee requirements and responsibilities, establishes continuing education requirements and guidelines for reinstatement of an expired license.

[10/1/97; 16.62.7.6 NMAC - Rn, 16 NMAC 62.7.6, 09/13/2004]

16.62.7.7 DEFINITIONS: [RESERVED]

[10/1/97; 16.62.7.7 NMAC - Rn & A, 16 NMAC 62.7.7, 09/13/2004; A, 11/25/06]

16.62.7.8 INITIAL LICENSE ISSUANCE: Initial licenses expire on April 30 in the second year of licensure. No license will be issued for longer than 24 months. Applications for licensure are valid for one year from the date of receipt.

[10/1/97; 16.62.7.8 NMAC - Rn & A, 16 NMAC 62.7.8, 09/13/2004; A, 01/15/2017; A, 02/03/2019]

16.62.7.9 RENEWAL PERIOD AND EXPIRATION: All licenses will expire every two years on April 30.

[10/1/97; 16.62.7.9 NMAC - Rn & A, 16 NMAC 62.7.9, 09/13/2004; A, 02/03/2019]

16.62.7.10 RENEWAL PROCESS:

A. A completed renewal application, accompanied by the required fee as defined in 16.62.12.8 NMAC and completion of 28 hours of continuing education, is required. Renewal applications may be submitted online or by mail, and must be completed, post-marked or delivered to the board office on or before April 30 of the renewal year.

B. Deferrals may not be granted to credential holders, except in the case of individuals returning from active military duty. Licensees returning from active military duty may be placed in active status for a period of up to 90 days pending completion of all continuing education requirements.

C. The board shall audit a percentage of renewal applications each renewal period to verify the continuing education requirement has been met. The licensee must maintain proof in the form of certificates issued by the education providers (transcripts not acceptable) of continuing education courses taken for the past four years. The board reserves the right to audit a licensee's continuing education records as it deems necessary.

D. As part of the renewal process, applicants are required to attest that they have reviewed and are familiar with Real Estate Appraisers rules 16.62.1 NMAC through 16.62.18 NMAC.

[10/1/97; 16.62.7.10 NMAC - Rn & A, 16 NMAC 62.7.10, 09/13/2004; A, 11/25/2006; A, 06/13/2008; A, 01/16/2011; A, 01/15/2017; A, 02/03/2019]

16.62.7.11 LICENSEE RESPONSIBILITY:

A. The board assumes no responsibility for renewal applications not received by the licensee for any reason. It is the licensee's responsibility to make a timely request for the renewal form if one has not been received thirty days prior to license expiration.

B. It is the sole responsibility of the licensee to maintain records of the qualifying education they have completed.

[10/1/97; 16.62.7.11 NMAC - Rn & A, 16 NMAC 62.7.11, 09/13/2004; A, 11/25/06]

16.62.7.12 REQUIRED CONTINUING EDUCATION:

A. Twenty-eight hours as defined in 16.62.8.7 NMAC of continuing education in courses approved by the board, which must include the appraisal qualification board (AQB) approved seven-hour national uniform standards of professional appraisal practice (USPAP) update course, are required in each two-year renewal period.

B. For continuing education cycle periods of 185 days to 365 days, 14 hours of continuing education is required. For continuing education cycle periods of less than 185 days, no hours of continuing education are required.

C. Effective with the first biennial renewal period and each subsequent renewal, a seven hour class in the national uniform standards of professional appraisal practice update course is required as part of the continuing education requirement. Successful completion includes passing an exam, if required, by the appraiser qualifications board (AQB).

~~**D.** Successful completion jurisprudence examination will be required of every trainee, licensee and certificate holder as a condition of renewal in each biennial renewal.~~

~~**E.**~~ **D.** Educational offerings taken by an individual in order to fulfill the class hour requirement for a different classification than his/her current classification may be simultaneously counted towards the continuing education requirement of his/her current classification.

~~**F.**~~ **E.** Credit towards the continuing education hour requirements for each appraiser classification may be granted only where the length of the educational offering is at least two hours.

[10/1/97; 16.62.7.12 NMAC - Rn & A, 16 NMAC 62.7.12, 09/13/2004; A, 11/25/2006; A, 08/21/2010; A, 01/16/2011; A, 01/15/2017; A, 02/03/2019; A, 09/26/2023; A, 03/12/2024]

16.62.7.13 RENEWAL AFTER DEADLINE: A license not renewed on the renewal date is expired.

[10/1/97; 16.62.7.13 NMAC - Rn, 16 NMAC 62.7.13, 09/13/2004; A, 01/16/2011]

16.62.7.14 REINSTATEMENT OF EXPIRED LICENSE: An expired license may be reinstated within 30 days after expiration upon:

A. submission of an application,

B. payment of the required biennial renewal fee,

C. proof of completion of all required continuing education hours that would have been required if the credential holder were in an active status. The required hours must also include the most recent edition of the seven-hour national USPAP update course (or its AQB-approved equivalent),

D. payment of the administrative reinstatement fee.

E. Criminal history background check: All applicants for initial issuance or reinstatement of a certificate and license in New Mexico shall be required to be fingerprinted to establish positive identification for a state and federal criminal history background check.

(1) The applicant will register online, through the approved Department of Public Safety website, with the board's Originating Agency Identification (ORI) number and make payment with registration. After the process is complete, the applicant will receive a registration confirmation.

(2) Results will be sent to the board electronically. The board shall not issue a certificate or license until the applicant's background check has been successfully completed.

(3) Out-of-State applicants, who are unable to visit an approved live scan fingerprinting facility, may follow the same registration process and submit a hardcopy fingerprint card to the approved live scan fingerprinting facility. The results will be sent to the board electronically. The board shall not issue a certificate or license until the applicant's background check has been successfully completed.

F. The board may, in its discretion, treat the former trainee, license or certificate holder as a new applicant and further require that the applicant be reexamined as a condition to reissue a license or certificate. [10/1/97; 16.62.7.14 NMAC - Rn & A, 16 NMAC 62.7.14, 09/13/2004; A, 01/01/2015; A, 01/15/2017; A, 09/26/2023]

16.62.7.15 CHANGE OF MAILING ADDRESS, PHYSICAL BUSINESS ADDRESS AND E-MAIL

ADDRESS: A trainee, license or certificate holder shall report to the board in writing any change of mailing, physical business, and e-mail address. Failure to do so within 30 days is grounds for trainee, license or certificate suspension.

[10/1/97; 16.62.7.15 NMAC - Rn & A, 16 NMAC 62.7.15, 09/13/2004; A, 06/13/08; A, 01/01/2015; A, 01/15/2017]

16.62.7.16 EXEMPTION FROM ISSUANCE LICENSE OR CERTIFICATE;

A. The process of analyzing, without altering, an appraisal report, except appraisal reviews as defined in the Definitions under Paragraph (5) of Subsection A of 16.62.1.7 NMAC of General Provisions AND The Uniform Standards of Professional Appraisal Practice, that is part of a request for mortgage credit, is a specialized service as defined in Subsection Q of Section 61-30-3 NMSA 1978 and is exempt from the requirements of licensing or certification.

B. The process of completing an appraisal review, as defined in the Definitions under Paragraph (5) of Subsection A of 16.62.1.7 NMAC of General Provisions AND as defined by the Uniform Standards of Professional Appraisal Practice, completed by a review appraiser holding a valid license or certification and completing the appraisal review from a location outside of New Mexico, is exempt from the requirements of licensing or certification, provided the appraisal reviewer has a valid license or certification that corresponds with or is higher than the level of licensure or certification required to perform the appraisal under review.

[16.62.7.16 NMAC – N, 02/03/2019]

HISTORY OF 16.62.7 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

REAB Rule 7, Issuance/Renewal of License/Certification, filed 11/29/90.

REAB Rule 7, Amendment 1, filed 10/3/91.

Rule 8, Issuance/Renewal of Registrations/Licenses/Certificates, filed 4/6/93.

Rule 8, Issuance/Renewal of Registrations/Licenses/Certificates, filed 1/28/94.

Rule 8, Issuance/Renewal of Registrations/Licenses/Certificates, filed 12/19/94.

History of Repealed Material: [RESERVED]

Other History:

Rule 8, Issuance/Renewal of Registrations/Licenses/Certificates (filed 12/19/94) was renumbered, reformatted and replaced by 16 NMAC 62.7, Issuance/Renewal of Registrations/Licenses/Certificates, effective 10/01/1997.

16 NMAC 62.7, Issuance/Renewal of Registrations/Licenses/Certificates (filed 08/29/1997) was renumbered, reformatted, amended, and replaced by 16.62.7 NMAC, Issuance/Renewal of Registrations/Licenses/Certificates, effective 09/13/2004.

TITLE 16 OCCUPATIONAL AND PROFESSIONAL LICENSING
CHAPTER 62 REAL ESTATE APPRAISERS
PART 8 EDUCATIONAL PROGRAMS/CONTINUING EDUCATION

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

16.62.8.2 SCOPE: All trainees, licensed residential real estate appraisers, residential certified real estate appraisers, general certified real estate appraisers and temporary licensed or certified real estate appraisers.
[3/14/00; 16.62.8.2 NMAC - Rn & A, 16 NMAC 62.8.2, 09/13/2004; A, 01/01/2015; A, 02/03/2019]

16.62.8.3 STATUTORY AUTHORITY: These rules are promulgated pursuant to the Real Estate Appraisers Act, Section 61-30-1 to -24, NMSA 1978.
[3/14/00; 16.62.8.3 NMAC - Rn, 16 NMAC 62.8.3, 09/13/2004; A, 09/26/2023]

16.62.8.4 DURATION: Permanent.
[3/14/00; 16.62.8.4 NMAC - Rn, 16 NMAC 62.8.4, 09/13/2004]

16.62.8.5 EFFECTIVE DATE: March 14, 2000, unless a later date is cited at the end of a section.
[3/14/00; 16.62.8.5 NMAC - Rn & A, 16 NMAC 62.8.5, 09/13/2004]

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

16.62.8.7 DEFINITIONS: "Class Hours" for the purpose of fulfilling continuing education requirements includes approved courses offered over the internet or other distance learning modalities.
[3/14/00; 16.62.8.7 NMAC - Rn, 16 NMAC 62.8.7, 09/13/2004; A, 02/03/2019]

16.62.8.8 ACCEPTABLE COURSEWORK:

- A.** All coursework for original trainee registration, licensing and certification shall be given in 15-hour segments and have an examination administered at the end of the course.
 - B.** Successful completion of the examination is a requirement to submit the course for original trainee registration, licensure or certification credit.
 - C.** Courses taken in satisfying the qualifying education requirements shall not be repetitive in nature. Each course credited toward the required number of qualifying education hours shall represent a progression in which the appraiser's knowledge is increased.
- [3/14/00; 16.62.8.8 NMAC - Rn, 16 NMAC 62.8.8, 09/13/2004; A, 11/25/06; A, 01/01/2015; A, 09/26/2023]

16.62.8.9 RELEVANCE OF COURSEWORK: All coursework for original trainee, licensing or certification shall be in courses closely related to real estate appraisal. The board will not accept an applicant's completion of a course of a kind, which is designed to prepare students for examination, commonly known as a "cram course". All real estate appraisal coursework credited toward original trainee, shall have been completed no more than five years prior to the date of the application filed with the board.
[3/14/00; 16.62.8.9 NMAC - Rn & A, 16 NMAC 62.8.9, 09/13/2004; A, 11/25/06; A, 01/01/2015; A, 01/15/2017; A, 09/26/2023]

16.62.8.10 DISTANCE EDUCATION: Is defined as any education process based on the geographical separation of student and instructor. A distance education course offered over the internet or other distance learning modality is acceptable to meet class hour requirements if:

- A.** the course provides interaction; interaction is a reciprocal environment where the student has verbal or written communication with the instructor;
- B.** content approval is obtained from the appraiser qualifications board, or an accredited college, community college, or university that offers distance education programs and is approved or accredited by the

commission on colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. secretary of education; non-academic credit college courses provide by a college shall be approved by the appraiser qualifications board and state licensing jurisdiction; and

C. course delivery mechanism approval is obtained from one of the following sources:

(1) appraiser qualifications board approved organizations providing approval of course design and delivery;

(2) a college that qualifies for content approval in Subsection B above that awards academic credit for the distance education course; or

(3) a qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporate interactivity.

[3/14/00; 16.62.8.10 NMAC - Rn & Repealed, 16 NMAC 62.8.10, 09/13/2004; 16.62.8.10 NMAC - N, 06/13/08]

16.62.8.11 ACCEPTABLE CONTINUING EDUCATION: Courses approved for continuing education credit shall have significant intellectual or practical content and shall deal primarily with matters directly related to appraisal practice or to the ethical obligations of trainees, licensees and certificate holders. The primary objective of such courses shall be consistent with the board's charge to protect the public and to increase the professional competence of trainees, licensees and certificate holders. [3/14/00; 16.62.8.11 NMAC - Rn & A, 16 NMAC 62.8.11, 09/13/2004; A, 11/25/06; A, 08/21/2010; A, 01/01/2015; A, 02/03/2019]

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

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

B. Successful completion of the AQB approved seven hour national USPAP update course [~~and the jurisprudence examination~~] will be required of every trainee, licensee and certificate holder as a condition of renewal in each biennial renewal.

[3/14/00; 16.62.8.12 NMAC - Rn & A, 16 NMAC 62.8.12, 09/13/2004; A, 11/25/2006; A, 08/21/2010; A, 1/16/2011; A, 01/01/2015; A, 01/15/2017; A, 03/12/2024]

16.62.8.13 EDUCATION ADVISORY COMMITTEE: The board will appoint an education advisory committee for the purpose of reviewing courses and sponsors of education.

A. A committee approval shall go into effect immediately upon the committee's decision.

B. The board maintains the ability to review all approvals or disapprovals made by the committee.

[3/14/00; 16.62.8.13 NMAC - Rn, 16 NMAC 62.8.13, 09/13/2004; A, 08/21/2010; A, 01/01/2015]

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

A. Requests for approval must be made on board approved forms and include an outline and a code of conduct for instructors.

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

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

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

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

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

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

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

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

- (1) to permit the board or its representative access to the school or classes being conducted and to make available to the board, upon request, all information pertaining to the activities of the school required for the administration of the rules and regulations, including its financial condition;
- (2) to advertise the school at all times in a form and manner free from misrepresentation, deception or fraud;
- (3) assure that all representations made by anyone authorized by the school to act as its agent or solicitor for prospective students are free from misrepresentation, deception or fraud;
- (4) to maintain current, complete, and accurate student records and instructor critiques or summaries which shall be accessible at all times to the board or its authorized representative; these records shall include, in addition to other information, a record of payments made, a record of attendance, and a record of units of work completed;
- (5) to conduct all courses in accordance with outlines submitted to and approved by the board;
- (6) to only certify course completion for students who have successfully taken and passed the course; credit cannot be given for students who pass a course by challenging the course;
- (7) sponsors will be subject to renewal of approval every three (3) years or on a renewal period as determined by the AQB expiration date; the board assumes no responsibility for renewal courses not received from the sponsor for any reason; it is the sponsor's responsibility to make timely request(s) for the renewal of course(s) for board approval;
- (8) sponsors must assure that all instructors:
 - (a) conduct all classes in accordance with board rules;
 - (b) ensure that all instruction is free from misrepresentation;
 - (c) instruct only from board-approved outlines;
 - (d) allow access to any class being instructed to any duly appointed representative of the board; and
 - (e) certify to his/her sponsor a true and correct record of students' attendance in his/her classes;
- (9) failure to comply with this rule may result in the loss of approval of the sponsor; and
- (10) the board reserves the right to disapprove an instructor.

D. Sponsors may also be approved for seminars, conferences and one-time courses. Approval is limited to the dates of the course and may not be renewed.
[3/14/00; 16.62.8.14 NMAC - Rn, 16 NMAC 62.8.14, 09/13/2004; A, 11/25/2006; A, 01/16/2011; A, 01/01/2015; A, 02/03/2019; A, 09/26/2023]

16.62.8.15 APPROVAL OF COURSES:

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

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

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

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

E. All existing courses are subject to periodic review by the board. The board may at any time change the approval status of any course.

[3/14/00; 16.62.8.15 NMAC - Rn & A, 16 NMAC 62.8.15, 09/13/2004; A, 11/25/2006; A, 01/16/2011; A, 7/10/2011; A, 01/01/2015]

16.62.8.16 ONE-ON-ONE APPROVAL: The education advisory committee may approve continuing education credit on a one-on-one basis for courses that do not conform fully with 16.62.8.14 NMAC or 16.62.8.15 NMAC.

[3/14/00; 16.62.8.16 NMAC - Rn, 16 NMAC 62.8.16, 09/13/2004 A, 01/01/2015]

16.62.8.17 [RESERVED]

[3/14/00; 16.62.8.17 NMAC - Rn & A, 16 NMAC 62.8.17, 09/13/2004; A, 11/25/06]

16.62.8.18 EDUCATION CREDIT FOR TEACHING: Instructors who are also certified and licensed may receive up to one-half of their continuing education requirement from instruction of appraisal courses or seminars. Credit for instructing any given course or seminar can only be awarded once during a continuing education cycle.

[3/14/00; 16.62.8.18 NMAC - Rn & A, 16 NMAC 62.8.185, 09/13/2004]

HISTORY OF 16.62.8 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives under:

REAB Rule 8, Educational Programs/Continuing Education, filed 11/29/90.

REAB Rule 8, Amendment 1, Educational Programs/Continuing Education, filed 10/3/91.

REAB Rule 9, Educational Programs/Continuing Education, filed 4/6/93.

Rule 9, Educational Programs/Continuing Education, filed 1/28/94.

Rule 9, Educational Programs/Continuing Education, filed 8/2/95.

History of Repealed Material: [RESERVED]

Other History:

Rule 9, Educational Programs/Continuing Education (filed 8/2/95) was renumbered, reformatted and replaced by 16 NMAC 62.8, Educational Programs/Continuing Education, effective 03/14/2000.

16 NMAC 62.8, Educational Programs/Continuing Education (filed 02/14/2000) was renumbered, reformatted, amended, and replaced by 16.62.8 NMAC, Educational Programs/Continuing Education, effective 09/13/2004.