

This is an amendment to 16.62.2 Sections 3, 8, and 9 effective 9/26/2023

16.62.2.3 STATUTORY AUTHORITY: ~~[These rules are promulgated pursuant to the real estate appraisers board, Sections 61-30-7, 10, 10.1, 13 and 14 NMSA 1978 as amended.]~~ These rules are promulgated pursuant to the Real Estate Appraisers Act, Section 61-30-1 to Section 61-30-24, NMSA 1978. [1/14/2000; 16.62.2.3 NMAC - Rn, 16 NMAC 62.2.3, 9/13/2004; A, 09/26/2023]

16.62.2.8 TRAINEE: A holder of a trainee registration, but not a license or certificate, is authorized to prepare appraisals of all types of real estate or real property, provided such appraisals are not described or referred to as "state licensed" or "state certified" and provided further, the trainee appraiser does not assume or use any title, designation or abbreviation likely to create the impression that he/she is a state-licensed or state-certified real estate appraiser. Trainees are not qualified to perform under FIRREA, Title XI. An applicant for trainee real estate appraiser registration in the state of New Mexico must:

~~[A. be a legal resident of the United States;]~~

A. 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.

B. have reached the age of majority;

C. within the five year period preceding the application, prove successful completion of real estate appraisal education of at least 75 board-approved creditable class hours of qualifying education as outlined in the required core curriculum of the appraiser qualifications board (AQB); real estate appraisal education programs completed for credit toward this requirement shall include coverage of the following topics, with emphasis on ethics, and basic appraisal principles and procedures in: basic appraisal principles - 30 hours; basic appraisal procedures - 30 hours; and the 15-hour national USPAP course or its equivalent;

D. comply with the competency rule of (USPAP).

E. 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;

~~[F. demonstrate to the board that he/she is honest, trustworthy and competent;~~

~~G.]~~ **F.** successful completion of a written examination on the New Mexico Real Estate Appraisers Act, administered by the board;

~~[H.]~~ **G.** pay the fees set out in 16.62.12.8 NMAC;

~~[I.]~~ **H.** submit a duly made application to the board office;

~~[J.]~~ **I.** declare a supervisor or provide proof of enrollment in Practical Applications of Real Estate Appraisal (PAREA) program; and

~~[K.]~~ **J.** successfully complete a supervisor/trainee course, taught either in person or through distance education, consistent with AQB criteria, provided that successful completion of the course examination is required. [1/14/2000; 16.62.2.8 NMAC - Rn & A, 16 NMAC 62.2.8, 9/13/2004; A, 11/25/2006; A, 6/13/2008; A, 8/21/2010; A, 7/10/2011; A, 1/1/2015; A, 2/3/2019; A, 10/30/2021; A, 09/26/2023]

16.62.2.9 SUPERVISING APPRAISER/TRAINEE:

A. Supervision of trainees: An appraiser may engage a declared trainee to assist in the performance of real estate appraisals and related activities, provided the supervising real estate appraiser:

(1) has been state certified and in good standing for a period of at least three years, whether in New Mexico or another domestic jurisdiction of comparable real estate appraisal laws and regulations, prior to being eligible to become a supervising appraiser. A supervising appraiser does not need to have been state-certified and in good standing in New Mexico for any specific minimum period of time;

(2) shall not have been subject to any disciplinary action in any jurisdiction within the last three years that affected the supervising appraiser's legal eligibility to engage in appraisal practice. A supervisory appraiser subject to a disciplinary action shall be considered to have been in good standing three years after the successful completion or termination of any and all sanctions imposed against the appraiser;

(3) has no more than three trainees working under his/her supervision at one time;

(4) actively supervises the trainee by either being physically present or by a form of electronic communication; and

(5) is competent pursuant to USPAP in all appraisals supervised.

B. Prior to the date any trainee begins performing real estate appraisal and related activities under his/her supervision, the supervisor must:

(1) inform the board of the name of the trainee on the declaration form prescribed by the board; the supervisor must also inform the board within 10 days when a trainee is no longer working under his/her supervision; and

(2) complete a supervisor/trainee education program, either in person or via distance education consistent with the AQB and approved by the board, regarding the role of a supervisor provided further that:

(a) if continuously supervising trainees, supervisors must complete the class at least every four years;

(b) successful completion of the examination is not required; and

(3) this class may be used as part of the continuing education requirements for the biennial renewal cycle.

C. When training for residential license or residential certification the supervisor must accompany the trainee on complete interior inspections of the subject property on the first 25 assignments; after that point, the trainee may perform the inspections without the presence of the supervisor provided the trainee is competent to perform those inspections in accordance with the competency rule of USPAP for the property type.

D. When training for general certification the supervisor must accompany the trainee on inspections of the subject property on the first 25 non-residential assignments; after that point, the trainee may perform the inspections without the presence of the supervisor provided the trainee is competent to perform those inspections in accordance with the competency rule of USPAP for the property type and market area.

E. The supervising appraiser shall:

(1) review all appraisal reports and supporting data used in connection with appraisals in which the services of a trainee are utilized;

(2) certify that the report is in compliance with USPAP;

(3) maintain an experience log jointly with the appraiser trainee to ensure the experience log is accurate, current and complies with the requirements of the trainee appraiser's credentialing jurisdiction;

(4) sign the appraisal experience log at least every 30 days and use the title "supervising appraiser" when signing;

(5) review the hours claimed on the log and address any discrepancies.

F. Appraisal experience logs shall include:

(1) type of property;

(2) date of report;

(3) address of appraised property;

(4) description of work performed by the trainee appraiser and the scope of the review and supervision of the supervisory appraiser;

(5) number of actual work hours by the trainee appraiser on the assignment; and

(6) the signature and state certification number of the supervising appraiser.

G. Separate appraisal logs shall be maintained for each supervising appraiser, if applicable.

H. The supervising appraiser shall not be employed by a trainee or by a company, firm or partnership in which the trainee has a controlling interest.

I. Trainees: All trainees shall perform all real estate appraisal and related activities under the immediate, active, and personal supervision of a certified real estate appraiser through their declared supervisor or

through the Appraiser Qualifications Boards approved Practical Applications of Real Estate Appraisal (PAREA) program.

(1) All appraisal reports must be signed by the trainee's declared supervisor. By signing the appraisal report, the certified appraiser accepts responsibility with the trainee for the content of and conclusions of the report.

(2) A trainee may assist in the performance of real estate appraisals and claim full credit for the actual hours worked on an appraisal, provided the trainee maintains a log on a form prescribed by the board.

(a) The log must detail all appraisals and related activities performed by the trainee. The hours claimed on the log must be verifiable by either signature on the report or by other written documentation in the work file.

(b) The log must be updated and signed by the supervisor at least every 30 days.

(c) The log must contain a statement affirming that both the supervising appraiser and trainee have competence as defined by USPAP.

(d) An experience log submitted from a jurisdiction located outside of New Mexico will be accepted, provided all of the following criteria are satisfied:

(i) the experience where the appraisal experience occurred fully complied with all requirements of that jurisdiction;

(ii) the experience log meets the requirements of the jurisdiction where the appraisal experience occurred; and

(iii) both the trainee and supervisor attest to the accuracy and validity of the experience log.

(3) Trainees must complete a supervisor/trainee education program, either in person or via distance education, approved by the appraisal board before supervision begins. The trainee shall not receive appraisal experience credit for appraisals performed until the class is completed.

(4) Trainees shall assure that the supervisor has properly completed and sent the declaration form to the appraisal board on or before the day the trainee begins assisting the supervising appraiser.

(5) Trainees shall not receive appraisal experience credit for appraisal and related activities performed in violation of this section.

J. Notification of disciplinary complaint: A supervising appraiser shall notify all declared trainees within 10 days of receiving written notification by the board that a complaint has been filed against the supervising appraiser.

[16.62.2.9 NMAC - N, 1/1/2015; A, 1/15/2017; A, 2/3/2019; A, 10/30/2021; A, 09/26/2023]