



OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2017-693A

Christine McEntire, Director
Oklahoma Real Estate Appraiser Board
3625 N.W. 56th St., Ste. 100
Oklahoma City, OK 73112

September 21, 2017

Dear Director McEntire:

This office has received your request for a written Attorney General Opinion regarding agency action that the Oklahoma Real Estate Appraiser Board intends to take with respect to licensee 13162SLA. The licensee is a State Licensed Appraiser. The licensee has applied to the Board for an upgrade to Certified Residential Appraiser. The Board has determined that the licensee has not met the criteria required for the upgrade as the licensee's appraisal reports that were submitted to the Board as part of the upgrade application process did not meet the required minimum standards. Accordingly, the proposed action of the Board is to deny the application for upgrade.

The Oklahoma Certified Real Estate Appraisers Act, 59 O.S.2011 & Supp.2016, §§ 858-700–858-732, authorizes the Oklahoma Real Estate Appraiser Board to issue certificates to individuals who wish to engage in real estate appraisal. *See id.* §§ 858-704(A), 858-706(B)(3). There are are 4 classes of certified real estate appraisers: State Licensed Appraiser; State Certified Residential Appraiser; State Certified General Appraiser; and Trainee Appraiser. *See* 59 O.S.2011, §858-710(A). The Act empowers the Board to upgrade a licensee's real estate appraiser certification upon application of the licensee and upon the licensee's demonstration that certain educational and experiential requirements have been met. *See* 59 O.S.Supp.2016, § 858-713(C); *see also* 59 O.S.2011, § 858-712; 59 O.S.Supp.2016, § 858-706(B)(1-4); OAC 600:10-1-4; OAC 600:10-1-6. In particular, the Act specifically provides that “[e]ach applicant for certification upgrade to a . . . state certified residential . . . appraiser shall be required to meet the prerequisites for the certification sought as provided in Section 858-712 of this title and the minimum requirements promulgated by the Appraiser Qualifications Board of the Appraisal Foundation[.]” 59 O.S.Supp.2016, § 858-713(C). During the review of an application for upgrade, the Board will consider “all qualifications and experience [of the applicant] including review of sample appraisal reports submitted[.]” *Id.* The Board has the authority to approve or deny the upgrade application. *See id.* The Board may reasonably believe that its proposed action of denying the licensee's upgrade application ensures that appraisers meet the minimum requirements for their level of classification.

It is, therefore, the official opinion of the Attorney General that the Oklahoma Real Estate Appraiser Board has adequate support for the conclusion that these actions advance the State of Oklahoma's policy to ensure that real estate appraisers are qualified.



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