

DEPARTMENT OF STATE
DIVISION OF PROFESSIONAL REGULATION
Council on Real Estate Appraisers
Statutory Authority: 24 Delaware Code, Section 4006(a)(1) (24 Del. C. §4006(a)(1))
24 DE Admin. Code 2930

PROPOSED

PUBLIC NOTICE

2930 Council on Real Estate Appraisers

Pursuant to 24 Del.C. §4006(a)(1), the Delaware Council on Real Estate Appraisers ("Council") has proposed revisions to its Rules and Regulations. The Council proposes these amendments to advance its primary objective, which is to protect the general public, specifically those persons who are the direct recipients of real estate appraisal services, regulated by 24 Del.C., Ch. 40, and its secondary objectives to maintain minimum standards of practitioner competency and to maintain certain standards in the delivery of services to the public.

Amendments are proposed to Section 2.0 because, starting on January 1, 2026, the qualifying education requirements for licensure and certification will include mandatory hours of study on the topics of valuation bias and fair housing laws and regulations. Continuing education requirements will also change to incorporate mandatory study of these subject matters.

Amendments are proposed to regulation subsections 2.1.3.4.2.3, 4.1.1, 4.1.7, and 4.1.8 to provide clarification of how and by whom appraisal reports should be signed, including the proper abbreviations to be used by certified and licensed appraisers when signing appraisal reports.

Amendments are proposed to Section 9.0. These propose to delete provisions regarding record-keeping which are superfluous because of the requirements of the Delaware Freedom of Information Act, 29 Del.C., Chapter 100. The new Section 9.0 provides regulation regarding the registration, pursuant to 24 Del.C. §4022, of Appraisal Management Companies, which was previously not addressed within the Council's regulations.

Additional revisions are technical and style changes consistent with the *Delaware Administrative Code Drafting and Style Manual*.

The Council will hold a public hearing on July 16, 2024, at 9:30 a.m. in conference room A on the second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Anyone wishing to receive a copy of the proposed rules and regulations may obtain a copy from the Delaware Council on Real Estate Appraisers, 861 Silver Lake Boulevard, Dover, Delaware 19904. Persons wishing to submit written comments may forward these to the Council at the above address or to Tashana.Branch@delaware.gov.

In accordance with 29 Del.C. §10118(a), the final date to receive written comments will be July 31, 2024. The Council will deliberate on all the public comments at its regularly scheduled meeting thereafter.

2930 Council on Real Estate Appraisers

1.0 Application for Appraiser License or Certificate

- 1.1 Application. A person who wishes to file an application for a real property appraiser license or certificate must use the Council approved online system.
- 1.2 Filing and Fees
 - 1.2.1 Properly completed online applications together with the appropriate fee(s) must be received through the Council approved online system prior to scheduling the examination.
 - 1.2.2 A processing fee set by the Division of Professional Regulation will be charged for the following:
 - 1.2.2.1 Initial application and licensure for appraiser trainee license
 - 1.2.2.2 Initial application and licensure for licensed real property appraiser license
 - 1.2.2.3 Initial application and certification for certified residential real property appraiser certificate
 - 1.2.2.4 Initial application and certification for certified general real property appraiser certificate
 - 1.2.2.5 Renewal

- 1.2.2.6 Duplicate license and certificate
- 1.2.2.7 Roster
- 1.2.2.8 Federal Appraiser Registry
- 1.2.2.9 Letter of Good Standing

1.2.3 Fees shall be paid through the Council approved online system.

4 DE Reg. 1504 (03/01/01)

9 DE Reg. 1377 (03/01/06)

22 DE Reg. 867 (04/01/19)

27 DE Reg. 442 (12/01/23)

2.0 Appraiser Licensing and Certification

2.1 Qualifications for Appraiser Licensure and Certification

2.1.1 The qualifications for licensure or certification shall conform to the criteria established by the Appraisal Qualifications Board (AQB) of the Appraisal Foundation for:

- 2.1.1.1 certified general real property appraiser;
- 2.1.1.2 certified residential real property appraiser;
- 2.1.1.3 licensed real property appraiser; and
- 2.1.1.4 trainee real property appraiser.

2.1.2 The Real Property Appraiser Qualification Criteria set by the AQB is available online from The Appraisal Foundation website at <https://www.appraisalfoundation.org>.

2.1.3 Trainee Real Property Appraiser

2.1.3.1 Examination: There is no examination requirement for the Trainee Appraiser classification, but the Trainee Appraiser shall pass the appropriate end-of-course examinations in all of the prerequisite qualifying education courses in order to earn credit for those courses.

2.1.3.2 Qualifying Education: ~~Education~~ Education

2.1.3.2.1 Application Prerequisites

2.1.3.2.1.1 As the prerequisite for application For an applicant before January 1, 2026, the applicant must have completed 75 AQB-approved hours of qualifying education as specified in the Required Core Curriculum.

2.1.3.2.1.2 For an application beginning January 1, 2026, an applicant must have completed 83 AQB-approved hours of qualifying education.

2.1.3.2.1.3 Additionally, All applicants must pass the course examinations and pass the 15-Hour National USPAP Course (or its AQB-approved equivalent) and examination as part of the ~~75~~ required hours. All qualifying education must be completed within the 5 year period immediately preceding the date of application for a Trainee Appraiser credential.

~~2.1.3.2.4~~ 2.1.3.2.2 Required Core Curriculum: Curriculum

- 2.1.3.2.2.1 Basic Appraisal Practices – 30 hours
- 2.1.3.2.2.2 Basic Appraisal Procedures – 30 hours
- 2.1.3.2.2.3 15-Hour National USPAP Course or its equivalent – 15 hours

2.1.3.2.2.4 Valuation Bias and Fair Housing Laws and Regulations or its equivalent, beginning January 1, 2026 - 8 hours

2.1.3.3 Responsibilities of Supervisors of State Licensed Trainees

2.1.3.3.1 A state licensed appraiser trainee may assist in the completion of an appraisal report, including an opinion of value, and may co-sign an appraisal, provided that ~~he/she~~ the appraiser trainee is actively and personally supervised by a state certified real property appraiser, provided that the appraisal report is reviewed and signed by the state certified real property appraiser, and provided that the certified appraiser accepts total responsibility for the appraisal report. An appraiser trainee is permitted to have more than 1 supervising appraiser. As of January 1, 2008 and in accord with the AQB qualification criteria in effect as of that date, only certified appraisers in good standing may supervise trainees.

2.1.3.3.2 A state certified real property appraiser may employ a person as a state licensed appraiser trainee to assist in the performance of real estate appraisals, provided that the state certified real property appraiser:

2.1.3.3.2.1 Provides direct supervision of the state licensed appraiser trainee; "Direct Supervision" means to:

- 2.1.3.3.2.1.1 Personally inspect with the trainee the interior and exterior of each property appraised, until such time as the Supervisory Appraiser determines the Trainee Appraiser is competent to inspect the property in accordance with the COMPETENCY RULE of USPAP for the property type;
- 2.1.3.3.2.1.2 Personally review and sign each appraisal report prepared by the trainee;
- 2.1.3.3.2.1.3 Accept full responsibility for the report;
- 2.1.3.3.2.1.4 Assign work to the trainee only if the trainee is competent to perform such work;
- 2.1.3.3.2.1.5 Approve and sign the report as being independently and impartially prepared and in compliance with USPAP, these rules and regulations, and applicable statutory requirements; and
- 2.1.3.3.2.1.6 Co-sign with the trainee a Council-approved appraiser trainee checklist relating to the trainee's work involved in the appraisal report. The trainee shall complete the appraiser trainee checklist and the completed and co-signed checklist shall be made part of the appraisal report submitted to the client.
- 2.1.3.3.2.2 Reviews all appraisal reports and supporting data used in connection with appraisals in which the services of a state licensed appraiser trainee is utilized;
- 2.1.3.3.2.3 Complies with all provisions of subsection 4.1.7 regarding appraisal reports;
- 2.1.3.3.2.4 Reviews and approves a trainee's experience log maintained pursuant to subsection 2.1.3.4.2.2. The supervisor shall make available to the trainee a copy of any appraisal report that the trainee assisted in preparing that is requested for review by the Council;
- 2.1.3.3.2.5 Beginning January 1, 2008, a supervising appraiser shall not supervise more than 3 trainees at 1 time.
- 2.1.3.3.2.6 Signs an affidavit affirming that the Supervisory Appraiser is a state certified real property appraiser and that the Supervisory Appraiser shall comply with all rules and policies regarding supervisory appraisers; and
- 2.1.3.3.2.7 Immediately advises the Council in writing when the certified appraiser is no longer supervising the trainee. The writing shall include the last known address of the appraiser trainee along with a copy of the letter from the supervisor to the trainee advising the trainee that his/her employment has been terminated or the letter of resignation from the trainee to the supervisor, whichever is applicable.
- 2.1.3.3.3 Effective July 1, 2009, any certified appraiser who has been sanctioned by the Council within the preceding 3 years shall not be eligible to supervise trainees for 3 years after the date of completion of the sanction. Where the sanction is a letter of reprimand, the date of completion is the date that the letter is signed and mailed. Where the sanction is a fine, the date of completion is the date that the fine is paid. Where the sanction is probation or suspension, the date of completion is the date when the license is reinstated in full with no restrictions or limitations. State certified appraisers who were sanctioned by the Council prior to July 1, 2009 are exempt from this provision.
- 2.1.3.3.4 Effective January 1, 2014, a State-certified Supervisory Appraiser shall have been state certified for a minimum of 3 years prior to being eligible to become a Supervisory Appraiser. A State-certified Supervisory Appraiser shall be in good standing and not have been subject to any disciplinary action within the last 3 years that affects the Supervisory Appraiser's legal ability to engage in appraisal practice.
- 2.1.3.3.5 Effective January 1, 2015, the Supervisory Appraiser shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB prior to supervising a trainee appraiser. The course shall be oriented toward the requirements and responsibilities of supervisory appraisers and expectations for trainees. The course must be completed by the trainee appraiser prior to obtaining a trainee appraiser credential, and completed by the supervisory appraiser prior to supervising a trainee appraiser.
- 2.1.3.4 Responsibilities of State Licensed Appraiser Trainees
 - 2.1.3.4.1 All appraiser trainees must be licensed as required under 24 **Del.C.** Ch. 40. All qualifying education must be completed within the 5 year period prior to the date of submission of an application for a trainee appraiser license. A trainee appraiser is permitted to have more than 1 supervisory appraiser.
 - 2.1.3.4.2 A State licensed trainee may assist in the performance of real estate appraisals provided that:

- 2.1.3.4.2.1 The trainee shall only work under the direct supervision of 1 or more State certified real property ~~appraiser(s)~~ appraiser; an individual who is no longer supervised shall not engage in the act of appraising until a new license is issued showing a new supervisor;
 - 2.1.3.4.2.2 The trainee shall maintain an appraisal experience log on a form provided by the Council and certified by the supervising appraiser;
 - 2.1.3.4.2.3 The trainee shall inspect the property and participate in the appraisal process ~~in order to~~ receive experience credit for the hours spent. ~~In order for~~ For the trainee to receive experience log credit, either the contribution of the trainee shall be identified in the report, with the trainee identified by name, state and license number, or the trainee shall sign the appraisal report in compliance with subsection 4.1.7. ~~The appraisal shall be signed by the trainee as follows:~~
 - ~~The trainee shall place on the "other" line in the signature section of the appraisal forms, his or her license # and the title "appraiser Trainee" in the appropriate places. For example:~~
 - ~~"or other (describe) Appraiser Trainee State# X4-xxx"~~
 - 2.1.3.4.2.4 The trainee shall ensure that the log is available at all times for inspection by the Council;
 - 2.1.3.4.2.5 When performing appraisal assignments, the trainee shall carry on his/her person the license issued by the Council; and
 - 2.1.3.4.2.6 The trainee co-signs with the supervising appraiser a Council-approved appraiser trainee checklist relating to the trainee's work involved in the appraisal report. The trainee shall complete the appraiser trainee checklist and the completed and co-signed checklist shall be made part of the appraisal report submitted to the client.
 - 2.1.3.4.3 Effective January 1, 2015, the Appraiser trainee shall be required to complete a course that, at a minimum, complies with the specifications for course content established by the AQB prior to obtaining a trainee appraiser license. This course is in addition to the qualifying education hours needed for trainee licensure. The course shall be oriented toward the requirements and responsibilities of supervisory appraisers and expectations for trainees. The course must be completed by the trainee appraiser prior to obtaining a trainee appraiser credential, and completed by the supervisory appraiser prior to supervising a trainee appraiser.
- 2.1.4 Licensed Residential Real Property Appraiser
- 2.1.4.1 General
 - 2.1.4.1.1 The Licensed Residential Real Property Appraiser classification applies to the appraisal of non-complex 1-to-4 residential units having a transaction value less than \$1,000,000, and complex 1-to-4 residential units having a transaction value less than \$400,000.
 - 2.1.4.1.2 Complex 1-to-4 unit residential property appraisal means one in which the property to be appraised, the form of ownership, or the market conditions are atypical.
 - 2.1.4.1.3 For non-federally related transaction appraisals, transaction value shall mean market value.
 - 2.1.4.1.3.1 The classification includes the appraisal of vacant or unimproved land that is utilized for 1-to-4 residential units, or for which the highest and best use is for 1-to-4 residential units.
 - 2.1.4.1.3.2 The classification does not include the appraisal of subdivisions for which a development analysis/appraisal is necessary.
 - 2.1.4.1.4 All Licensed Residential Real Property Appraisers must comply with the COMPETENCY RULE of USPAP.
 - 2.1.4.2 Examination
 - 2.1.4.2.1 The AQB-approved Licensed Residential Real Property Appraiser examination must be successfully completed. The only alternative to successful completion of the Licensed Residential examination is the successful completion of the Certified Residential or Certified General examination.
 - 2.1.4.2.2 The prerequisites for taking the AQB-approved examination are completion of:
 - 2.1.4.2.2.1 One hundred fifty AQB-approved class hours; and
 - 2.1.4.2.2.2 Completion of the requirements specified in subsection 2.1.4.3 "Qualifying Education"; and
 - 2.1.4.2.2.3 Satisfaction of the requirements of subsection 2.1.4.4 "Experience".
 - 2.1.4.3 Qualifying Education
 - 2.1.4.3.1 ~~The~~ Prior to January 1, 2026, the Licensed Residential Real Property Appraiser classification requires completion of 150 AQB-approved class hours.

2.1.4.3.2 Beginning January 1, 2026, the Licensed Residential Real Property Appraiser classification requires completion of 158 AQB-approved class hours.

2.1.4.3.3 As part of the ~~150~~ required hours, the applicant shall successfully complete the 15-Hour National USPAP Course, or its AQB-approved equivalent, and the examination. There is no alternative to successful completion of the USPAP Course and examination.

~~2.1.4.3.2~~ 2.1.4.3.4 Appraisers holding a valid Trainee Appraiser credential may satisfy the educational requirements for the Licensed Residential Real Property Appraiser credential by successfully completing the following additional 75 educational hours:

• <u>2.1.4.3.4.1</u>	Residential Market Analysis and Highest and Best Use	15 Hours
• <u>2.1.4.3.4.2</u>	Residential Appraiser Site Valuation and Cost Approach	15 Hours
• <u>2.1.4.3.4.3</u>	Residential Sales Comparison and Income Approaches	30 Hours
• <u>2.1.4.3.4.4</u>	Residential Report Writing and Case Studies	15 Hours
		TOTAL 75 Hours

2.1.4.4 Experience

2.1.4.4.1 One thousand hours of appraisal experience are required to be obtained in no fewer than 6 months.; or

2.1.4.4.2 Successful completion of a Licensed Residential PAREA program as specified in subsection 2.1.7 "Practical Applications of Real Estate Appraisal (PAREA)".

2.1.5 Certified Residential Real Property Appraiser

2.1.5.1 General

2.1.5.1.1 The Certified Residential Real Property Appraiser classification qualifies the appraiser to appraise 1-to-4 residential units without regard to value or complexity.

2.1.5.1.1.1 The classification includes the appraisal of vacant or unimproved land that is utilized for 1-to-4 residential units purposes or for which the highest and best use is for 1-to-4 residential units.

2.1.5.1.1.2 The classification does not include the appraisal of subdivisions for which a development analysis/appraisal is necessary.

2.1.5.1.2 All Certified Residential appraisers must comply with the COMPETENCY RULE of USPAP.

2.1.5.2 Examination

2.1.5.2.1 The AQB-approved Certified Residential Real Property Appraiser examination must be successfully completed. The only alternative to successful completion of the Certified Residential examination is the successful completion of the Certified General examination.

2.1.5.2.2 The prerequisites for taking the AQB-approved examination are completion of:

2.1.5.2.2.1 Two hundred AQB-approved class hours;

2.1.5.2.2.2 Completion of the requirements specified in subsection 2.1.5.3 "Qualifying Education"; and

2.1.5.2.2.3 Satisfaction of the requirements of subsection 2.1.5.4 "Experience".

2.1.5.3 Qualifying Education

2.1.5.3.1 All college-level education must be obtained from a degree-granting institution accredited by the Commission on Colleges, a national or regional accreditation association, or by an accrediting agency that is recognized by the US Secretary of Education.

2.1.5.3.2 Applicants with a college degree from a foreign country may have their education evaluated for "equivalency" by 1 of the following:

- An accredited, degree-granting domestic college or university;
- A foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services (NACES); or
- A foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a state licensing board that issues credentials in another discipline.

2.1.5.3.3 The Certified Residential Real Property Appraiser classification requires completion of 200 AQB-approved class hours. As part of the 200 required hours, the applicant shall successfully complete the 15-Hour National USPAP Course, or its AQB-approved equivalent, and the examination. There is no alternative to successful completion of the USPAP Course and examination.

2.1.5.3.4 Applicants for Certified Residential credential must satisfy at least 1 of the following 5 options:

- 2.1.5.3.4.1 Possession of a Bachelor's Degree in any field of study;
- 2.1.5.3.4.2 Possession of an Associate's Degree in a field of study related to:
 - Business Administration;
 - Accounting;
 - Finance;
 - Economics; or
 - Real estate.
- 2.1.5.3.4.3 Successful completion of 30 semester hours of college-level courses that cover each of the following specific topic areas and hours:
 - English Composition (3 semester hours);
 - Microeconomics (3 semester hours);
 - Macroeconomics (3 semester hours);
 - Finance (3 semester hours);
 - Algebra, Geometry, or higher mathematics (3 semester hours);
 - Statistics (3 semester hours);
 - Computer Science (3 semester hours);
 - Business or Real Estate Law (3 semester hours); and
 - Two elective courses in any of the topics listed above or in accounting, geography, agricultural economics, business management, or real estate (3 semester hours each).
- 2.1.5.3.4.4 Successful completion of at least 30 semester hours of College Level Examination Program (CLEP) examinations from each of the following subject matter areas:
 - College Algebra (3 semester hours);
 - College Composition (6 semester hours);
 - College Composition Modular (3 semester hours);
 - College Mathematics (6 semester hours);
 - Principles of Macroeconomics (3 semester hours);
 - Principles of Microeconomics (3 semester hours);
 - Introductory Business Law (3 semester hours);
 - Information Systems (3 semester hours).
- 2.1.5.3.4.5 Any combination of subsections 2.1.5.3.4.2 and 2.1.5.3.4.4 above that ensures coverage of all topics and hours identified in subsection 2.1.5.3.4.3.
- 2.1.5.3.5 As an alternative to the requirements in subsection 2.1.5.3.4 above, individuals who have held a Licensed Residential credential for a minimum of 5 years may qualify for a Certified Residential credential by satisfying all of the following:
 - 2.1.5.3.5.1 No record of any adverse, final, and non-appealable disciplinary action affecting the Licensed Residential appraiser's legal ability to engage in appraisal practice within the 5 years immediately preceding the date of application for a Certified Residential credential;
 - 2.1.5.3.5.2 Successful completion of the additional required qualifying education as specified in subsection 2.1.5.3;
 - 2.1.5.3.5.3 Successful completion of the required experience as specified in subsection 2.1.5.4;
 - 2.1.5.3.5.4 Successful completion of the Certified Residential Real Property Appraiser examination as specified in subsection 2.1.5.2.1.
- 2.1.5.3.6 Appraisers holding a valid Trainee Appraiser credential may satisfy the educational requirements for the Certified Residential Real Property Appraiser credential by successfully completing the following additional educational hours:

• Residential Market Analysis and Highest and Best Use	15 Hours
• Residential Appraiser Site Valuation and Cost Approach	15 Hours
• Residential Sales Comparison and Income Approaches	30 Hours
• Residential Report Writing and Case Studies	15 Hours
• Statistics, Modeling and Finance	15 Hours
• Advanced Residential Applications and Case Studies	15 Hours
• Appraisal Subject Matter Electives	20 Hours
TOTAL 125 Hours	
- 2.1.5.3.7 Appraisers holding a valid Licensed Residential Real Property Appraiser credential may satisfy the educational requirements for the Certified Residential Real Property Appraiser credential by successfully completing the following additional educational hours:

- Statistics, Modeling and Finance 15 Hours
- Advanced Residential Applications and Case Studies 15 Hours
- Appraisal Subject Matter Electives 20 Hours

TOTAL 50 Hours

- 2.1.5.3.8 Appraisers holding a valid Trainee Appraiser credential wishing to change to the Certified Residential Real Property Appraiser classification must also satisfy the college-level education requirements as specified in subsection 2.1.5.3.4.
- 2.1.5.3.9 Appraisers holding a valid Licensed Residential Real Property Appraiser credential wishing to change to the Certified Residential Real Property Appraiser classification who do not meet the requirements outlined in subsection 2.1.5.3.5 must also satisfy the college-level education requirements as specified in subsection 2.1.5.3.4.
- 2.1.5.3.10 Appraisers holding a valid Licensed Residential Real Property Appraiser credential wishing to change to the Certified Residential Real Property Appraiser classification who meet the requirements outlined in subsection 2.1.5.3.5 do not need to satisfy the college-level education requirements as specified in subsection 2.1.5.3.4.
- 2.1.5.4 Experience
- 2.1.5.4.1 One thousand five hundred hours of appraisal experience obtained in no fewer than 12 months; or
- 2.1.5.4.2 Successful completion of a Certified Residential PAREA program as specified in subsection 2.1.7 "Practical Applications of Real Estate Appraisal (PAREA)".
- 2.1.6 Certified General Real Property Appraiser
- 2.1.6.1 General
- 2.1.6.1.1 The Certified General Real Property Appraiser classification qualifies the appraiser to appraise all types of real property.
- 2.1.6.1.2 All Certified General appraisers must comply with the COMPETENCY RULE of USPAP.
- 2.1.6.2 Examination
- 2.1.6.2.1 The AQB-approved Certified General Real Property Appraiser examination must be successfully completed. There is no alternative to successful completion of the exam.
- 2.1.6.2.2 The prerequisites for taking the AQB-approved examination are completion of:
- 2.1.6.2.2.1 Three hundred AQB-approved class hours; and
- 2.1.6.2.2.2 Completion of the requirements specified in subsection 2.1.6.3 "Qualifying Education"; and
- 2.1.6.2.2.3 Satisfaction of the requirements of subsection 2.1.6.4 "Experience".
- 2.1.6.3 Qualifying Education
- 2.1.6.3.1 Applicants for the Certified General credential must hold a Bachelor's degree or higher from an accredited college or university. The college or university must be a degree-granting institution accredited by the Commission on Colleges, a national or regional accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education. Applicants with a college degree from a foreign country may have their education evaluated for "equivalency" by 1 of the following:
- An accredited, degree-granting domestic college or university;
 - A foreign degree credential evaluation service company that is a member of the National Association of Credential Evaluation Services (NACES); or
 - A foreign degree credential evaluation service company that provides equivalency evaluation reports accepted by an accredited degree-granting domestic college or university or by a state licensing board that issues credentials in another discipline.
- 2.1.6.3.2 The Certified General Real Property Appraiser classification requires completion of 300 AQB-approved class hours. As part of the 300 required hours, the applicant shall complete the 15-Hour National USPAP Course, or its AQB-approved equivalent, and the examination. There is no alternative to successful completion of the USPAP Course and examination.
- 2.1.6.3.3 Applicants must demonstrate that their education includes the core courses listed in these criteria, with particular emphasis on non-residential properties. Residential is defined as "composed of 1-to-4 residential units."
- 2.1.6.3.4 Appraisers holding a valid Trainee Appraiser credential may satisfy the educational requirements for the Certified General Real Property Appraiser credential by successfully completing the following additional educational hours:

- General Appraiser Market Analysis and Highest and Best Use 30 Hours
- Statistics, Modeling and Finance 15 Hours
- General Appraiser Sales Comparison Approach 30 Hours
- General Appraiser Site Valuation and Cost Approach 30 Hours
- General Appraiser Income Approach 60 Hours
- General Appraiser Report Writing and Case Studies 30 Hours
- Appraisal Subject Matter Electives 30 Hours

TOTAL 225 Hours

2.1.6.3.5 Appraisers holding a valid Licensed Residential Real Property Appraiser credential may satisfy the educational requirements for the Certified General Real Property Appraiser credential by successfully completing the following additional educational hours:

- General Appraiser Market Analysis and Highest and Best Use 15 Hours
- Statistics, Modeling and Finance 15 Hours
- General Appraiser Sales Comparison Approach 15 Hours
- General Appraiser Site Valuation and Cost Approach 15 Hours
- General Appraiser Income Approach 45 Hours
- General Appraiser Report Writing and Case Studies 15 Hours
- Appraisal Subject Matter Electives 30 Hours

TOTAL 150 Hours

2.1.6.3.6 Appraisers holding a valid Certified Residential Real Property Appraiser credential may satisfy the educational requirements for the Certified General Real Property Appraiser credential by successfully completing the following additional educational hours:

- General Appraiser Market Analysis and Highest and Best Use 15 Hours
- General Appraiser Sales Comparison Approach 15 Hours
- General Appraiser Site Valuation and Cost Approach 15 Hours
- General Appraiser Income Approach 45 Hours
- General Appraiser Report Writing and Case Studies 10 Hours

TOTAL 100 Hours

2.1.6.3.7 Trainee Appraisers, Licensed Residential Real Property Appraisers, and Certified Residential Real Property Appraisers wishing to change to the Certified General Real Property Appraiser classification must also satisfy the requirements in subsections 2.1.6.3.1 and 2.1.6.3.3.

2.1.6.4 Experience

2.1.6.4.1 Three thousand hours of appraisal experience obtained during no fewer than 18 months is required, of which at least 1,500 hours must be in non-residential appraisal work; or

2.1.6.4.2 Successful completion of a Certified Residential PAREA program as specified in subsection 2.1.7 "Practical Applications of Real Estate Appraisal (PAREA)" and at least 1,500 hours of experience in non-residential appraisal work. This combination of a PAREA program and non-residential appraisal work shall be obtained in no fewer than 18 months.

2.1.7 Practical Applications of Real Estate Appraisal (PAREA)

2.1.7.1 PAREA programs approved by the AQB may serve as an alternative to the experience requirements.

2.1.7.2 In order to qualify as creditable experience, PAREA programs must be AQB approved and meet all the required elements found in the PAREA section of the Real Property Appraiser Qualification Criteria.

2.1.7.3 Applicants using PAREA training as alternative experience must submit a certificate of completion, subject to the following:

2.1.7.3.1 Applicants may not receive partial credit for PAREA training;

2.1.7.3.2 Applicants may not receive a certificate of completion until all required components of PAREA training have been successfully completed and approved by a program mentor;

2.1.7.3.3 Certificates of completion must not contain an expiration date or other constraints that either limit or restrict the applicant's ability to receive appropriate credit.

2.1.7.4 Applicants successfully completing approved PAREA programs may receive the following experience credit:

2.1.7.4.1 Applicants completing an approved Licensed Residential PAREA program:

2.1.7.4.2 Licensed Appraiser Credential: up to 100% percent of the required experience hours.

2.1.7.4.3 Certified Residential Credential: up to 67% percent of the required experience hours.

2.1.7.4.4 Certified General Credential: up to 33% percent of the total required experience, none of which is eligible towards the required non- residential hours.

2.1.7.5 Applicants completing an approved Certified Residential PAREA program:

2.1.7.5.1 Licensed Appraiser Credential: up to 100% percent of the required experience hours.

2.1.7.5.2 Certified Residential Credential: up to 100% percent of the required experience hours.

2.1.7.5.3 Certified General Credential: up to 50% percent of the total required experience, none of which is eligible towards the required non-residential hours.

2.2 License and Certificate Renewal

2.2.1 In September of each odd numbered year, the Division of Professional Regulation will send renewal notices to the email address on file of all licensees and certificate holders. Certificates and licenses will expire on October 31st of each odd numbered year.

2.2.2 As a condition of renewal, all licensees and certificate holders, either resident or reciprocal, shall be required to satisfy the continuing education requirements set forth in subsection 2.3 of this Section.

2.2.3 A licensee or certificate holder shall not perform appraisals after a license has expired. A licensee or certificate holder may renew a certificate or license within 60 days of its expiration. After 60 days, the individual must reapply as a new applicant.

2.2.4 A licensee or certificate holder may apply for inactive status for an indefinite time period if he or she is not performing appraisals in Delaware.

2.2.4.1 Persons with an inactive license or certificate must complete the same continuing education requirement as active licensees or certificate holders. Evidence of completion is due at renewal as provided in subsection 2.3.

2.2.4.2 An inactive license or certificate can be reactivated by notifying the Council through the Council approved online system.

2.3 Continuing Education (CE)

2.3.1 All licensees and certificate holders are required to attest to the completion of continuing education according to the following schedule:

2.3.1.1 No continuing education is required for fewer than 6 months of licensure;

2.3.1.2 Fourteen hours of continuing education are required after at least 6 months but fewer than 12 months of licensure; and

2.3.1.3 Twenty-eight hours of continuing education are required after 12 months of licensure by the end of the first renewal cycle.

2.4 Proof of continuing education is satisfied with an attestation by the licensee that he or she has satisfied the requirements of subsections 2.3, 2.5, 2.6, 2.7, 2.8, and 2.9.

2.4.1 Attestation shall be completed through the Council approved online system.

2.4.1.1 Continuing education satisfying subsections 2.3 and 2.5 must be completed prior to attestation.

2.4.1.2 Licensees and certificate holders selected for random audit will be required to supplement the attestation with attendance verification pursuant to subsection 2.14.

2.5 All licensees and certificate holders, except as provided in subsection 2.3.1.1, must complete as a condition of each renewal:

2.5.1 ~~The 7-hour National USPAP Update Course~~ 7-hour National USPAP Continuing Education Course or its equivalent as determined through the AQB Course Approval Program or by an alternate method established by the ~~AQB and AQB~~.

2.5.2 Between January 1, 2026 and October 31, 2027, 7 or more hours for Valuation Bias and Fair Housing Laws and Regulations or its equivalent as determined through the AQB Course Approval Program or by an alternative method established by the AQB. Beginning November 1, 2027, and thereafter 4 or more hours for Valuation Bias and Fair Housing Laws and Regulations or its equivalent.

~~2.5.2~~ 2.5.3 Beginning November 1, 2019, and thereafter 2 hours of continuing education on Delaware Law, Rules and Regulations.

2.6 Programs must be structured to maintain or increase an appraiser's skill, knowledge, and competency in real estate appraising. The following topics are appropriate but not exclusive:

- Influences on real estate value
- Legal consideration of appraisal
- Types of value
- Real estate markets and analysis
- Valuation process

- Property description
- Highest and best use
- Appraisal math & statistics
- Sales comparison approach
- Site value
- Cost approach
- Income approach
- Estimation of income and expenses
- Operating statement ratios
- Direct capitalization
- Cash flow estimates
- Measures of cash flow
- Discounted cash flow analysis
- Gross rent multiplier analysis
- Valuation of partial interests
- Appraisal standards and ethics
- Narrative report writing
- Appraisal Statistical concepts
- Ad valorem taxation
- Arbitration
- Development cost estimating
- Ethics and standards of professional practice
- Land use planning, zoning and taxation
- Management, leasing, brokerage, timesharing
- Property development
- Real estate appraisal (valuations/evaluations)
- Real estate financing and investment
- Real estate law
- Real estate litigation
- Real estate appraisal related computer applications
- Real estate securities and syndication
- Real property exchange
- Delaware law and regulations
- Topics on green buildings
- Seller concessions
- Developing opinions of real property value in appraisals (including personal property and/or business value)

2.7 Continuing education credit, up to 14 hours per licensure cycle, may also be granted for participation, other than as a student, in:

2.7.1 Teaching, not including preparation time.

2.7.2 Program ~~development~~ development.

2.7.3 Authorship of ~~textbooks~~ textbooks.

2.8 Continuing education credit may be awarded for participation in field trips, conferences, and trade association meetings, excluding travel time, if those activities specifically relate to real estate appraisal education, but for no more than 8 hours per licensure period. Continuing education credit may be awarded for a single state appraiser regulatory agency meeting per continuing education cycle. The meeting must be open to the public and must be a minimum of 2 hours in length. The total credit cannot exceed 7 hours. The appraiser must sign in and out of the meeting in order to be awarded continuing education credit.

2.9 A creditable hour is defined as 50 minutes out of each 60 minute segment. The educational offering must be at least 2 hours.

2.10 The Delaware Council on Real Estate Appraisers may approve the content of a distance education course after approval of the delivery mechanism is approved from 1 of the following sources:

2.10.1 AQB approved organizations providing approval of course design and delivery, such as the International Distance Education Certification Center (IDECC);

2.10.2 A college that qualifies for content approval and awards academic credit for the distance education course; or

2.10.3 A qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporates interactivity;

- 2.11 AQB-approved courses are automatically approved and do not need to be submitted for approval. All other courses must be approved by the Council to qualify as continuing education. Either the provider or the appraiser must apply to the Council for approval using the Council approved online system. Applicants seeking pre-approval must submit all required documentation at least 60 days before the scheduled offering.
- 2.12 A written, proctored examination is required for all qualifying education distance course offerings. AQB approved courses are automatically approved and do not need to be submitted for approval. The term written refers to an examination that might be written on paper or administered electronically on a computer workstation or other device.
- 2.13 Appraisers may not receive credit for completion of the same continuing education course offering within an appraiser's continuing education cycle.
- 2.14 Random audits will be performed by the Council to ensure compliance with the continuing education requirements. At least 25% of the licensees and certificate holders shall be audited at each renewal. The Council shall have the discretion to increase the percentage of licensees and certificate holders to be audited. Every licensee or certificate holder renewing during the permissible late period after the expiration of the license or certificate will be included in the audit.
 - 2.14.1 The Council will notify licensees and certificate holders within 60 days after renewal that they have been selected for audit.
 - 2.14.2 Licensees and certificate holders selected for random audit shall be required to submit verification within 30 days of the date of notification of selection for audit.
 - 2.14.3 Verification shall include such information necessary for the Council to assess whether the course or other activity meets the CE requirements in subsection 2.6, which may include, but is not limited to, the following information:
 - 2.14.3.1 Proof of attendance. While course brochures may be used to verify contact hours, they are not considered to be acceptable proof for use of verification of course attendance;
 - 2.14.3.2 Date of CE course;
 - 2.14.3.3 Instructor of CE course;
 - 2.14.3.4 Sponsor of CE course;
 - 2.14.3.5 Title of CE course; and
 - 2.14.3.6 Number of hours of CE course.
 - 2.14.4 The Council shall review all documentation submitted by licensees and certificate holders pursuant to the continuing education audit. If the Council determines that the licensee or certificate holder has met the continuing education requirements, his or her license shall remain in effect. If the Council determines that the licensee or certificate holder has not met the continuing education requirements, the licensee or certificate holder shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. Unjustified noncompliance with the continuing education requirements set forth in these rules and regulations shall constitute a violation of 24 **Del.C.** §4014(a)(5) and the licensee or certificate holder may be subject to 1 or more of the disciplinary sanctions set forth in 24 **Del.C.** §4016.
- 2.15 [Reserved.]
- 2.16 Federal Appraiser Registry. Licensees and certificate holders are required to be enrolled in the federal roster or registry of state licensed and state certified real property appraisers. The fee established for that purpose shall be paid biennially by the license or certificate holder to the State of Delaware.
- 2.17 Experience for Initial or Upgrade Applications
 - 2.17.1 States must ensure that appraiser experience logs conform to AQB Criteria. States may not accept an affidavit for experience credit claimed by applicants for certification. Effective July 1, 2013, States may not accept an affidavit for experience credit claimed by applicants for any federally recognized credential. The requirements of USPAP shall not apply to the Board, its agents, and employees while conducting an appraisal review for the purposes of confirming an applicant's experience.
 - 2.17.2 Validation Required. States must implement a reliable validation procedure to verify that each applicant's:
 - 2.17.2.1 Experience meets AQB Criteria;
 - 2.17.2.2 Experience is USPAP compliant; and
 - 2.17.2.3 Experience hours have been successfully completed consistent with AQB Criteria.
 - 2.17.3 Validation Procedures, Objectives and Requirements
 - 2.17.3.1 Selection of Work Product. Program staff or State board members must select the work product to be analyzed for USPAP compliance; applicants may not have any role in selection of work product. States must analyze a representative sample of the applicant's work product.

- 2.17.3.2 USPAP Compliance. For appraisal experience to be acceptable under AQB Criteria, it must be USPAP compliant. States must exercise due diligence in determining whether submitted documentation of experience or work product demonstrates compliance with USPAP. Persons analyzing work product for USPAP compliance must have sufficient knowledge to make that determination.
- 2.17.3.3 Determination of Experience Time Periods. When measuring the experience time period required by AQB Criteria, States must review each appraiser's experience log and note the dates of the first and last acceptable appraisal activity performed by the applicant. At a minimum, the time period spanned between those appraisal activities must comply with the AQB Criteria.
- 2.17.3.4 Supporting Documentation. States must maintain adequate documentation to support validation methods. The applicant's file, either electronic or paper, must include the information necessary to identify each appraisal assignment selected and analyzed by the State, notes, letters and/or reports prepared by the official(s) evaluating the report for USPAP compliance, and any correspondence exchanged with the applicant regarding the appraisals submitted. This supporting documentation may be discarded upon the completion of the first ASC Compliance Review performed after the credential issuance or denial for that applicant.

4 DE Reg. 1504 (03/01/01)

6 DE Reg. 1668 (06/01/03)

9 DE Reg. 1377 (03/01/06)

11 DE Reg. 813 (12/01/07)

11 DE Reg. 1499 (05/01/08)

13 DE Reg. 123 (07/01/09)

16 DE Reg. 221 (08/01/12)

17 DE Reg. 444 (10/01/13)

17 DE Reg. 927 (03/01/14)

19 DE Reg. 70 (07/01/15)

20 DE Reg. 65 (07/01/16)

21 DE Reg. 244 (09/01/17)

22 DE Reg. 867 (04/01/19)

24 DE Reg. 64 (07/01/20)

24 DE Reg. 947 (04/01/21)

25 DE Reg. 633 (12/01/21)

27 DE Reg. 442 (12/01/23)

3.0 Examination

- 3.1 The Council shall review each application to determine whether the applicant is qualified under 24 **Del.C.** §4008 to sit for the examination.
- 3.2 Applicants for licensure as a state licensed real property appraiser and for certification as a state certified residential or general real property appraiser shall successfully complete the examination as endorsed by the AQB and approved by the Council on Real Estate Appraisers.
- 3.3 The passing scores on the examinations shall be the scores recommended as passing by Assessment Systems, Inc., the successor agency or company then contracted by the Division of Professional Regulation for administering the examination as endorsed by the Council on Real Estate Appraisers.

4 DE Reg. 1504 (03/01/01)

9 DE Reg. 1377 (03/01/06)

4.0 General Appraisal Practice

4.1 Administrative Responsibilities

- 4.1.1 ~~A State licensed real property appraiser shall utilize the term "State licensed real property appraiser"; a State certified residential real property appraiser shall utilize the term "State certified residential real property appraiser"; and a State certified general real property appraiser shall utilize the term "State certified general real property appraiser" when performing and signing appraisals. The terms "certified" or "licensed" shall not be used in connection with appraisals or appraisers in any other form. A State licensed appraiser trainee shall use the term "State licensed appraiser trainee" or "appraiser trainee" and shall only co-sign appraisals along with a State licensed or State certified real property appraiser. Approved abbreviations are as follows:~~

~~DE Cert Gen followed by the certification number,~~

~~DE Cert Res followed by the certification number,~~

~~DE Lic Appr followed by the license number,
DE Appr Trainee followed by the license number.~~

4.1.1 Appropriate titles and approved abbreviations

- 4.1.1.1 A State certified general appraiser shall use the title of "State Certified General Real Property Appraiser". The approved abbreviation is DE Cert Gen X1-{insert credentialed certification number}.
 - 4.1.1.2 A State certified residential appraiser shall use the title of "State Certified Residential Real Property Appraiser". The approved abbreviation is DE Cert Res X2-{insert credentialed certification number}.
 - 4.1.1.3 A State licensed residential appraiser shall use the title of "State Licensed Residential Real Property Appraiser". The approved abbreviation is DE Lic Appr X3-{insert credentialed license number}.
 - 4.1.1.4 A State licensed appraiser trainee shall use the title of "State Licensed Appraisal Trainee" or "Appraiser Trainee". The approved abbreviation is DE Appr Trainee X4-{insert credentialed license number}.
- 4.1.2 The real property appraiser license or certificate of a State licensed or State certified real property appraiser shall be prominently displayed at the appraiser's place of business. The license of a State licensed appraiser trainee shall be prominently displayed at his or her supervisor's place of business.
- 4.1.3 The biennial license or certificate renewal pocket card issued by the Council to each State licensed or State certified real property appraiser shall be retained by the licensee or certificate holder as evidence of licensure or certification. When performing appraisals, the licensee or certificate holder shall carry on his/her person the pocket card issued by the Council.
- 4.1.4 When advertising or otherwise holding ~~himself/herself~~ oneself out as a real property appraiser, a State licensed real property appraiser shall identify ~~himself/herself~~ that real property appraiser as a "State licensed real property appraiser." A State certified residential real property appraiser shall identify ~~himself/herself~~ that real property appraiser as a "State certified residential real property appraiser". A State certified general real property appraiser shall identify ~~himself/herself~~ that real property appraiser as a "State certified general real property appraiser." A State licensed real estate appraisal trainee shall identify ~~himself/herself~~ that real property appraiser trainee as a "State licensed real estate appraiser trainee."
- 4.1.5 Licensure or certification as a real property appraiser is granted only to persons and does not extend to a business entity.
- 4.1.6 All licensees and certificate holders shall notify the Council in writing of each change of business address, residence address, e-mail address, business telephone number or trade name within 10 days of said change. The information provided shall be sufficiently descriptive to enable the Council to correspond with and locate the licensee or certificate holder. All licensees and certificate holders shall notify the Council in writing of each change of supervisor or employer, and shall provide the Council with the new supervisor's or employer's name, business address, and business telephone number.
- ~~4.1.7 Each written appraisal report prepared by or under the direction of a State licensed or State certified real property appraiser shall bear the signature of the State licensed or State certified appraiser, the license or certificate number of the licensee or certificate holder in whose name the appraisal report is issued, and the appropriate title such as "appraiser trainee" (as co-signer only), "State licensed real property appraiser," "State certified residential real property appraiser," or the designation "State certified general real property appraiser," or the approved abbreviations as specified in subsection 4.1.1. Said certified or licensed appraiser shall be fully responsible for the content of the report prepared under his or her direction. Where applicable, each appraisal report shall also indicate whether or not the State licensed or State certified appraiser has personally inspected the property, and shall identify any other person who assists in the appraisal process other than by providing clerical assistance.~~
- #### 4.1.7 Appraisal reports
- 4.1.7.1 Appraisal reports prepared by or under the direction of 1 or more State licensed or State certified real property appraisers shall bear:
 - 4.1.7.1.1 The signature of those State licensed or State certified appraisers;
 - 4.1.7.1.2 The license or certificate numbers of those State licensed or certified appraisers; and
 - 4.1.7.1.3 The appropriate titles or approved abbreviations, as specified in subsection 4.1.1, of those State licensed or certified appraisers.
 - 4.1.7.2 Any appraisal report signed by a State licensed appraiser trainee shall be co-signed by a supervising State certified appraiser according to subsection 2.1.3.3.

- 4.1.7.3 Each signatory shall be fully responsible for the content of the appraisal report prepared by them or under their direction.
- 4.1.7.4 Each appraisal report shall indicate whether or not each State licensed or certified appraiser has personally inspected the property.
- 4.1.7.5 Each appraisal report shall identify any other person who assists in the appraisal process other than by providing clerical assistance.

4.1.8 Each State certified or State licensed appraiser or appraisal trainee shall be responsible for the proper maintenance and retention of the appraisal records.

4 DE Reg. 1504 (03/01/01)

9 DE Reg. 1377 (03/01/06)

11 DE Reg. 813 (12/01/07)

11 DE Reg. 1499 (05/01/08)

12 DE Reg. 123 (07/01/09)

17 DE Reg. 444 (10/01/13)

17 DE Reg. 927 (03/01/14)

19 DE Reg. 70 (07/01/15)

20 DE Reg. 65 (07/01/16)

5.0 Temporary Practice & Reciprocity

- 5.1 Temporary Practice. The Division of Professional Regulation may grant temporary licensing or certification privileges to an appraiser licensed or certified in another state in accordance with 24 **Del.C.** §4010. No more than 3 temporary permits will be granted to the same individual per 12 month period.
- 5.2 Reciprocity. The Council may grant a reciprocal license in accordance with 24 **Del.C.** §4011 to applicants certified or licensed in another state whose requirements for certification or licensure are substantially similar to the State of Delaware.

9 DE Reg. 1377 (03/01/06)

21 DE Reg. 244 (09/01/17)

6.0 Guidelines for Qualifying Mass Appraisal Experience

6.1 Qualifying Mass Appraisal Experience

- 6.1.1 Qualifying mass appraisal experience must conform to USPAP Standard 6. Credit will be given for experience that demonstrates proficiency in appraisal principles, techniques, or skills used by appraisers practicing under USPAP Standard 1.
- 6.1.2 Components of the mass appraisal process that should be given credit are highest and best use analysis, model specification (developing the model), and model calibration (developing adjustments to the model). Other components of the mass appraisal process, by themselves, shall not be eligible for experience credit.
- 6.1.3 In order to evaluate the experience qualifications of ad valorem tax assessors with mass appraisal experience, the Council will review such applications considering the above - mentioned criteria, and shall review work samples for compliance with USPAP Standard 6. It is important to note that any individual appraisal reports prepared in conformity with USPAP Standards 1 and 2 are fully creditable as appraisal experience. Such reports are often prepared by ad valorem appraisers for defense of value work. Ad valorem appraisers are encouraged to apply for experience credit for full appraisals as well as for mass appraisal experience. An hour of experience is defined as actual verifiable time spent performing tasks in accordance with the Council Rules and Regulations. USPAP Standard 6 sets forth in detail the required work and the reporting of that work for ad valorem tax purposes. Unlike the fee appraiser who prepares and signs a report for each value estimate, the ad valorem appraiser typically prepares analyses and reports that support the appraisals for groups of properties. These efforts are focused on the specification and calibration of models (validation schedules) for these groups of properties.
- 6.1.4 Applicants seeking mass appraisal experience credit must demonstrate their experience using 1 of the following options:
 - 6.1.4.1 Develop the mass appraisal system (model specification and calibration that includes highest and best use analysis) or;
 - 6.1.4.2 Adjust an existing mass appraisal system to local market conditions (model calibration that includes highest and best use analysis).
- 6.1.5 Data collection for purposes of mass appraisal, defined as the on-site collection of property characteristics, is not by itself creditable as appraisal experience. However, as part of mass appraisal model specification

and/or calibration, the applicant accepts responsibility for the accuracy of market (sales) data used to develop and/or calibrate the models. Therefore, it is important that the applicant have a working familiarity with the range of properties in the sales sample and thus creditable experience is allowed for sales verification work in conjunction with the mass appraisal model specification/calibration process.

- 6.1.6 The applicant must have a documented data collection manual that specifies how each property characteristic was measured. For each property characteristic that influences the final value for any property, a complete specification of the variable must be available in the mass appraisal model (schedule) documentation. This documentation must detail how each property characteristic influences value and it must provide a basis in terms of market evidence for using these characteristics.
- 6.1.7 If the applicant is using an existing mass appraisal system, either mass appraisal vendor supplied or a commercial cost service, documentation must exist which supports how the valuation system was calibrated to local market conditions. If the cost approach is used, documentation must exist which illustrates the extraction of depreciation schedules from local market analysis.
- 6.1.8 If the applicant develops the mass appraisal model (schedule) specification, evidence derived directly from the local market must be available that supports the use of each property characteristic. For property characteristics included in the model that have a marginal influence on value (items generally included for public relations purposes), such items should be specifically identified and their contribution to value detailed.

6.2 Mass Appraisal Experience Log. Applicants seeking mass appraisal experience credit must complete the Mass Appraisal Experience Log on a form approved by the Council.

4 DE Reg. 1504 (03/01/01)

9 DE Reg. 1377 (03/01/06)

7.0 Standards of Appraisal Practice

7.1 Appraisal Standards

- 7.1.1 In performing the acts and services of a state licensed or state certified real property appraiser, every appraiser trainee, state licensed and state certified real property appraiser shall comply with those appraisal practice standards known as the "Uniform Standards of Professional Appraisal Practice" (USPAP) and any subsequent amendments thereto, promulgated by the Appraisal Standards Board of the Appraisal Foundation or its successor organization, which standards are hereby adopted by reference.
- 7.1.2 Copies of the "Uniform Standards of Professional Appraisal Practice" are available from The Appraisal Foundation, Distribution Center, P.O. Box 381, Annapolis Junction, MD 20701-09381. An electronic version is available from the Foundation Store at the website of The Appraisal Foundation at www.Appraisalfoundation.org.

9 DE Reg. 1377 (03/01/06)

8.0 Complaints and Hearing Procedures

- 8.1 Complaints. The Council incorporates by reference the procedures for investigation of complaints by the Division of Professional Regulation as set forth in 29 **Del.C.** §8735.
- 8.2 Hearing Procedures. All hearings shall be in accordance with the Administrative Procedures Act, 29 **Del.C.** §§10121-10129.

4 DE Reg. 1504 (03/01/01)

24 DE Reg. 64 (07/01/20)

9.0 Public Disclosure

- 9.1 ~~Public Notice. All meetings shall be convened in compliance with the Freedom of Information Act (FOIA) in 29 **Del.C.** Ch. 100.~~
- 9.2 ~~Meeting Minutes. Minutes shall be kept of all meetings in accordance with the Freedom of Information Act.~~
 - 9.2.1 ~~Said minutes shall include a record of those present.~~
 - 9.2.2 ~~The minutes shall also include a record by individual members, on each vote taken, as well as any action agreed upon.~~
 - 9.2.3 ~~It shall be the responsibility of the Council's Administrative Assistant to prepare said minutes and keep a copy on file with the Division of Professional Regulation.~~
- 9.3 ~~Council Records~~
 - 9.3.1 ~~It shall be the responsibility of the Division of Professional Regulation to maintain the Council's records and to make them accessible to the general public.~~

9.3.2 ~~No person shall be denied reasonable access to the public records of the Council. Copies of records may be obtained from the Administrative Assistant at a cost per page as established by the Division.~~

9.3.3 ~~Records will be open to the public as provided in the Freedom of Information Act.~~

~~4 DE Reg. 1504 (03/01/04)~~

9.0 Appraisal Management Companies

9.1 Appraisal Management Companies ("AMCs") registered with the State of Delaware shall be enrolled in the federal registry of state-registered AMCs. The registered AMC shall pay the fee established for that purpose. The Division of Professional Regulation shall collect and transmit the information necessary to populate the Federal roster or registry along with the fees collected for that purpose. If an AMC listed on the federal registry is no longer registered with or operating in Delaware, the Division of Professional Regulation shall notify the Appraisal Subcommittee as soon as practicable.

9.2 In addition to the exemptions from registration set forth in 24 Del.C. §4023, an AMC that is a subsidiary owned and controlled by an insured depository institution, as defined in 12 U.S.C. §1813 and regulated by the Office of the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, or the Federal Deposit Insurance Corporation shall be exempt from registration. However, such AMC must report the information required to be submitted by the Council to the Appraisal Subcommittee, pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act, any federal regulation promulgated thereunder, and any policy or rule established by the Appraisal Subcommittee and pay an annual registry fee to the Council in an amount determined by the Appraisal Subcommittee in accordance with federal law. The Council shall transmit the annual registry fee and the required information to the Appraisal Subcommittee or its successor entity.

9.3 Only AMCs that meet the federal definition of an AMC shall be required to register and pay associated fees in Delaware.

10.0 Assessors

10.1 Definitions

The following words and terms, when used in this regulation, have the following meanings, unless the context clearly indicates otherwise:

"Ad valorem taxation purposes" The establishment of the value of real property as determined by a government employee or revaluation company personnel on contract with a governmental entity for real estate tax assessment.

"Appraisal assessing profession" The body of individuals who are deemed to be qualified to perform ad valorem tax appraisals.

"Assessor" A person responsible for the valuation of real property for ad valorem taxation purposes.

"Business with which a licensed assessor is associated" A business in which the licensed assessor or a member of the licensed assessor's immediate family is a director, officer, owner or employee, or has a financial interest.

"Conflict of interest" A situation in which a licensed assessor uses the licensed assessor's employment or confidential information received through the course of the employment for the private pecuniary benefit of the licensed assessor, a member of the licensed assessor's immediate family, or a business with which the licensed assessor or a member of the licensed assessor's immediate family is associated.

"Financial interest" A financial interest in a legal entity engaged in business for profit which comprises more than 5% of the equity of the business or more than 5% of the assets of the economic interest in indebtedness.

"Immediate family" A parent, spouse, child, brother, sister, grandparent or grandchild and, when living in the family household (or under a common roof), all other individuals related by blood or marriage.

"Licensed assessor" An individual who has completed a minimum of 90 hours of basic courses of study covering the appraisal assessing profession and has obtained a certification from the Board.

"Real estate tax assessment" A valuation placed on real property for governmental purposes by a government employee or revaluation company personnel on contract with a government.

10.2 Certification requirements. An assessor employed on or before June 30, 2011, who does not hold the title of "licensed assessor," and an assessor employed after June 30, 2011, shall obtain certification as a assessor within 3 years from the effective date of these regulations.

10.3 Application process

10.3.1 *Application forms.* Application forms for certification as a licensed assessor may be obtained from the Division of Professional Regulations.

- 10.3.2 *Application fee.* The application form shall be accompanied by the fee for certification as an assessor. The application fee is nonrefundable. Payment shall be in the form of a personal check or money order.
- 10.4 *Scope of practice.* Assessors and revaluation company personnel who receive certification as an assessor may perform appraisals of real property only in limited circumstances, that is, for tax assessment/governmental purposes.
- 10.5 *Qualifications for certification as an assessor*
- 10.5.1 To be considered for certification as an assessor, an assessor shall meet the following requirements. The assessor shall:
- 10.5.1.1 Have a high school diploma or its equivalent, or 2 years of assessing experience; and
- 10.5.1.2 Be 18 years of age or older; and
- 10.5.1.3 Have successfully completed a minimum of 90 qualifying education hours of courses of study in subjects covering the appraisal assessing profession, including coverage of the topics in subsection 10.6 (relating to required courses of study).
- 10.5.2 An applicant for certification as an assessor who has demonstrated compliance with the requirements of subsection 10.5.1 and subsection 10.6 will be granted a certificate by the Board.
- 10.5.3 Applicants who hold a certified residential or certified general appraiser license from the Board do not need a certification as an assessor, but may practice assessing in this state.
- 10.6 *Required courses of study*
- 10.6.1 *Courses of study.* The applicant for certification as an assessor shall submit evidence to the Board of having completed 90 classroom/on-line hours of courses in subjects covering the appraisal assessing profession. The following topics are appropriate, but not exclusive:
- 10.6.1.1 Influence in real estate value.
- 10.6.1.2 Legal considerations influencing value.
- 10.6.1.3 Types of values.
- 10.6.1.4 Economic principles.
- 10.6.1.5 Real estate markets and analysis.
- 10.6.1.6 Valuation process.
- 10.6.1.7 Property description.
- 10.6.1.8 Highest and best use analysis.
- 10.6.1.9 Appraisal statistical concepts.
- 10.6.1.10 Sales comparison approach.
- 10.6.1.11 Site value.
- 10.6.1.12 Cost approach.
- 10.6.1.13 Income approach, including direct and yield capitalization techniques.
- 10.6.1.14 Valuation of partial interests.
- 10.6.1.15 Uniform Standards of Professional Appraisal Practice.
- 10.6.1.16 Narrative report writing.
- 10.6.1.17 Assessment law and practice.
- 10.6.1.18 Mass appraisal systems.
- 10.6.1.19 Mapping.
- 10.6.2 Courses must be approved by the Council to qualify as meeting the requirements of these rules. Either the provider or the assessor must apply to the Council for approval using a form approved by the Council.
- 10.7 *Continuing education requirement*
- 10.7.1 Except as provided in subsection 10.7.2, a licensed assessor shall complete 14 classroom hours of continuing education-including at least 7 hours on USPAP and at least 3 hours on the law, rules, and regulations of the Council-during each biennial renewal period as a condition of renewal of certification for the next biennial renewal period. Seven hours may be completed via on-line, video or remote instruction; and 7 hours must be completed in a traditional classroom setting, with an instructor during every biennial renewal period.
- 10.7.2 No continuing education is required for fewer than 12 months of licensure.
- 10.7.3 Proof of continuing education is satisfied with an attestation by the licensed assessor that he or she has satisfied the requirements of these rules.
- 10.7.3.1 Attestation must be completed electronically since the renewal is accomplished online.

- 10.7.3.2 Licensed assessors selected for random audit will be required to supplement the attestation with attendance verification pursuant to subsection 10.7.4.
- 10.7.4 Random audits will be performed by the Council to ensure compliance with the CE requirements. At least 25% of the licensed assessors shall be audited at each renewal. The Council shall have the discretion to increase the percentage of licensed assessors to be audited.
 - 10.7.4.1 The Council will notify licensed assessors within 60 days after renewal that they have been selected for audit.
 - 10.7.4.2 Licensed assessors selected for random audit shall be required to submit verification within 30 days of the date of notification of selection for audit.
 - 10.7.4.3 Verification shall include such information necessary for the Council to assess whether the course or other activity meets the CE requirements, which may include, but is not limited to, the following information:
 - 10.7.4.3.1 Proof of attendance. While course brochures may be used to verify contact hours, they are not considered to be acceptable proof for use of verification of course attendance;
 - 10.7.4.3.2 Date of CE course;
 - 10.7.4.3.3 Instructor of CE course;
 - 10.7.4.3.4 Sponsor of CE course;
 - 10.7.4.3.5 Title of CE course; and
 - 10.7.4.3.6 Number of hours of CE course.
- 10.7.5 The Council shall review all documentation submitted by assessors pursuant to the continuing education audit. If the Council determines that the assessor has met the continuing education requirements, his or her license shall remain in effect. If the Council determines that the assessor has not met the continuing education requirements, the assessor shall be notified and a hearing may be held pursuant to the Administrative Procedures Act. Unjustified noncompliance with the continuing education requirements set forth in these rules and regulations shall constitute a violation of 24 **Del.C.** §4014(a)(5) and the assessor may be subject to 1 or more of the disciplinary sanctions set forth in 24 **Del.C.** §4016.
- 10.8 Continuing education subject matter
 - 10.8.1 Continuing education subject matter shall relate to assessment and appraisal practices. The following subjects are acceptable for continuing education:
 - 10.8.1.1 Ad valorem taxation.
 - 10.8.1.2 Arbitration.
 - 10.8.1.3 Business courses related to the practice of real estate appraisal.
 - 10.8.1.4 Development cost-estimating.
 - 10.8.1.5 Ethics and standards of professional practice.
 - 10.8.1.6 Land use planning, zoning and taxation.
 - 10.8.1.7 Management, leasing, brokerage and time sharing.
 - 10.8.1.8 Property development.
 - 10.8.1.9 Real estate appraisal.
 - 10.8.1.10 Real estate financing and investment.
 - 10.8.1.11 Real estate law.
 - 10.8.1.12 Real estate litigation.
 - 10.8.1.13 Real estate appraisal related computer applications.
 - 10.8.1.14 Real estate securities and syndication.
 - 10.8.1.15 Real property exchange.
 - 10.8.1.16 Mass appraisal model building.
 - 10.8.1.17 Mass appraisal model calibration.
 - 10.8.1.18 Assessment administration.
 - 10.8.1.19 Mapping.
 - 10.8.2 Continuing education credit, up to 14 hours per licensure cycle (non in-class hours), may also be granted for participation in:
 - 10.8.2.1 Teaching, including preparation time up to the number of hours spent teaching, for example, a 3 hour class can be submitted for 6 hours if the preparation time was at least 3 hours.
 - 10.8.2.2 Program development
 - 10.8.2.3 Authorship of textbooks

- 10.8.3 Continuing education credit may be awarded for participation in field trips, conferences, and trade association meetings, excluding travel time, if those activities specifically relate to assessor education, but for no more than 8 hours per licensure period.
- 10.8.4 A creditable hour is defined as 50 minutes out of each 60 minute segment. The educational offering must be at least 2 hours.
- 10.8.5 The Delaware Council on Real Estate Appraisers may approve the content of a distance education course after approval of the delivery mechanism is approved from 1 of the following sources:
 - 10.8.5.1 AQB approved organizations providing approval of course design and delivery, such as the International Distance Education Certification Center (IDECC);
 - 10.8.5.2 A college that qualifies for content approval and awards academic credit for the distance education course; or
 - 10.8.5.3 A qualifying college for content approval with a distance education delivery program that approves the course design and delivery that incorporates interactivity;
- 10.8.6 Courses must be approved by the Council to qualify as continuing education. Either the provider or the assessor must apply to the Council for approval using a form approved by the Council. Applicants seeking pre-approval must submit all required documentation 60 days before the scheduled offering.
- 10.9 Administrative Responsibilities
 - 10.9.1 The assessor license or certificate of a State licensed assessor shall be prominently displayed at the assessor's place of business.
 - 10.9.2 The biennial license or certificate renewal pocket card issued by the Council to each State licensed assessor shall be retained by the licensee as evidence of licensure. When performing assessments, the licensee shall carry on his/her person the pocket card issued by the Council.
 - 10.9.3 When advertising or otherwise holding himself/herself out as an assessor, a State licensed real assessor shall identify himself/herself as a "State licensed assessor."
 - 10.9.4 Licensure as an assessor is granted only to persons and does not extend to a business entity.
 - 10.9.5 All licensees shall notify the Division in writing of each change of contact information, including but not limited to business address, residence address, e-mail address, business telephone number or trade name within 10 days of said change. The information provided shall be sufficiently descriptive to enable the Council to correspond with and locate the licensee. All licensees shall notify the Council in writing of each change of supervisor or employer, and shall provide the Council with the new supervisor's or employer's name, business address, and business telephone number.
 - 10.9.6 Each written assessment prepared by or under the direction of a State licensed assessor shall bear the signature of the State licensed assessor, the license number of the licensee in whose name the assessment report is issued, and the appropriate title such as "State licensed assessor."
 - 10.9.7 Each State licensed assessor shall be responsible for the proper maintenance and retention of the assessment records.
- 10.10 Standards of Professional Conduct.
 - 10.10.1 *Preamble.* Licensed assessors shall comply with the act and this subchapter and conform to the standards of professional conduct in this section. Licensed assessors who fail to adhere to these standards will be subject to professional discipline under 24 **Del.C.** §4016.
 - 10.10.2 *Standard 1. General duties.* Licensed assessors shall perform their duties in accordance with the general and specific county assessment laws and generally accepted assessment standards. Licensed assessors shall perform all assessments in accordance with USPAP. Licensed assessors may obtain a copy of the current edition of USPAP by writing, telephoning or e-mailing the Appraisal Foundation at 1029 Vermont Avenue, N.W., Suite 900, Washington, D.C. 20005-3517, (202) 347-7722 or info@appraisalfoundation.org, respectively.
 - 10.10.3 *Standard 2. Public review of assessments and records.* Licensed assessors shall make property assessments available for public review and shall make all other records in their custody available for public review unless access to the records is specifically limited or prohibited by law or the information has been obtained on a confidential basis and the law permits the information to be treated confidentially.
 - 10.10.4 *Standard 3. Professional qualifications.* Licensed assessors shall use professional designations only when they are properly authorized to do so. Licensed assessors may not claim qualifications that are false, misleading or deceptive.
 - 10.10.5 *Standard 4. Limitations on activities.* Licensed assessors may not perform assessments or appraisal-related assignments that could reasonably be construed as being in conflict with their responsibilities to

their jurisdictions, employers or clients, in which they have unrevealed personal interests or biases, or that they are not qualified to perform.

- 10.10.6 *Standard 5. Contingent fees.* Licensed assessors may not perform an assessment or appraisal-related assignment if the employment itself is contingent upon the reporting of a predetermined analysis or opinion, or if the fee to be paid for the performance of the assignment is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the assignment.
- 10.10.7 *Standard 6. Advertising and promotion.* Licensed assessors may not make false, misleading or deceptive statements or claims in advertising or promotions to solicit assessment and appraisal-related assignments.
- 10.10.8 *Standard 7. Conflict of interest.* Licensed assessors who are government employees may not solicit or perform assessment and appraisal-related assignments that could create conflicts of interest or the appearance of conflicts of interest.

4 DE Reg. 1504 (03/01/01)

15 DE Reg. 888 (12/01/11)

16 DE Reg. 999 (03/01/13)

17 DE Reg. 444 (10/01/13)

17 DE Reg. 927 (03/01/14)

11.0 Crimes Substantially Related to the Practice of Real Estate Appraisal

- 11.1 Conviction of any of the following crimes, or of the attempt to commit or of a conspiracy to commit or conceal or of solicitation to commit any of the following crimes, is deemed to be substantially related to the practice of real estate appraisal in the State of Delaware without regard to the place of conviction:
 - 11.1.1 Murder by abuse or neglect in the second degree; class B felony. 11 **Del.C.** §633
 - 11.1.2 Murder by abuse or neglect in the first degree; class A felony. 11 **Del.C.** §634
 - 11.1.3 Murder in the second degree; class A felony. 11 **Del.C.** §635
 - 11.1.4 Murder in the first degree; class A felony. 11 **Del.C.** §636
 - 11.1.5 Unlawful sexual contact in the third degree; class A misdemeanor. 11 **Del.C.** §767
 - 11.1.6 Unlawful sexual contact in the second degree; class F felony. 11 **Del.C.** §768
 - 11.1.7 Unlawful sexual contact in the first degree; class D Felony. 11 **Del.C.** §769
 - 11.1.8 Rape in the fourth degree; class C felony. 11 **Del.C.** §770
 - 11.1.9 Rape in the third degree; class B felony. 11 **Del.C.** §771
 - 11.1.10 Rape in the second degree; class B felony. 11 **Del.C.** §772
 - 11.1.11 Rape in the first degree; class A felony. 11 **Del.C.** §773
 - 11.1.12 Continuous sexual abuse of a child; class B felony. 11 **Del.C.** §776
 - 11.1.13 Dangerous crimes against a child. 11 **Del.C.** §777, 777A
 - 11.1.14 Kidnapping in the second degree; class C felony. 11 **Del.C.** §783
 - 11.1.15 Kidnapping in the first degree; class B felony. 11 **Del.C.** §783A
 - 11.1.16 Arson in the third degree; class G felony. 11 **Del.C.** §801
 - 11.1.17 Arson in the second degree; class D felony. 11 **Del.C.** §802
 - 11.1.18 Arson in the first degree; class C felony. 11 **Del.C.** §803
 - 11.1.19 Burglary in the third degree; class F felony. 11 **Del.C.** §824
 - 11.1.20 Burglary in the second degree; class D felony. 11 **Del.C.** §825
 - 11.1.21 Burglary in the first degree; class C felony. 11 **Del.C.** §826
 - 11.1.22 Robbery in the second degree; class E felony. 11 **Del.C.** §831
 - 11.1.23 Robbery in the first degree; class B felony. 11 **Del.C.** §832
 - 11.1.24 Extortion; class E felony. 11 **Del.C.** §846
 - 11.1.25 Misapplication of property; class G felony. 11 **Del.C.** §848
 - 11.1.26 Theft of rented property; class G felony. 11 **Del.C.** §849
 - 11.1.27 Theft; class G felony; class A misdemeanor. 11 **Del.C.** §841
 - 11.1.28 Theft; lost or mislaid property; mistaken delivery. 11 **Del.C.** §842
 - 11.1.29 Theft; false pretense. 11 **Del.C.** §843
 - 11.1.30 Theft; false promise. 11 **Del.C.** §844
 - 11.1.31 Theft of services. 11 **Del.C.** §845

- 11.1.32 Identity theft; class D felony. 11 **Del.C.** §854
 - 11.1.33 Forgery; class F felony; class G felony. 11 **Del.C.** §861
 - 11.1.34 Possession of forgery devices; class G felony. 11 **Del.C.** §862
 - 11.1.35 Tampering with public records in the first degree; class E felony. 11 **Del.C.** §876
 - 11.1.36 Issuing a false certificate; class G felony. 11 **Del.C.** §878
 - 11.1.37 Fraudulent conveyance of public lands; class G felony. 11 **Del.C.** §911
 - 11.1.38 Fraudulent receipt of public lands; class G felony. 11 **Del.C.** §912
 - 11.1.39 Insurance fraud; class G felony. 11 **Del.C.** §913
 - 11.1.40 Home improvement fraud; class G felony. 11 **Del.C.** §916
 - 11.1.41 New home construction fraud; class B felony, class D felony, class G felony. 11 **Del.C.** §917
 - 11.1.42 Dealing in children; class E felony. 11 **Del.C.** §1100A
 - 11.1.43 Endangering the welfare of a child; class E or G felony. 11 **Del.C.** §1102
 - 11.1.44 Sexual exploitation of a child; class B felony. 11 **Del.C.** §1108
 - 11.1.45 Unlawfully dealing in child pornography; class B felony. 11 **Del.C.** §1109
 - 11.1.46 Possession of child pornography; class F felony. 11 **Del.C.** §1111
 - 11.1.47 Sexual offenders; prohibitions from school zones. 11 **Del.C.** §1112
 - 11.1.48 Sexual solicitation of a child; class C felony. 11 **Del.C.** §1112A
 - 11.1.49 Bribery; class E felony. 11 **Del.C.** §1201
 - 11.1.50 Receiving a bribe; class E felony. 11 **Del.C.** §1203
 - 11.1.51 Perjury in the second degree; class F felony. 11 **Del.C.** §1222
 - 11.1.52 Perjury in the first degree; class D felony. 11 **Del.C.** §1223
 - 11.1.53 Making a false written statement; class A misdemeanor. 11 **Del.C.** §1233
 - 11.1.54 Tampering with physical evidence; class G felony. 11 **Del.C.** §1269
 - 11.1.55 Hate crimes; class G felony, class F felony, class E felony, class D felony, class C felony, class B felony, class A felony. 11 **Del.C.** §1304
 - 11.1.56 Possession of a deadly weapon during commission of a felony; class B felony. 11 **Del.C.** §1447
 - 11.1.57 Possession of a firearm during commission of a felony; class B felony. 11 **Del.C.** §1447A
 - 11.1.58 Removing a firearm from the possession of a law enforcement officer; class C felony. 11 **Del.C.** §1458
 - 11.1.59 Organized crime and racketeering, class B felony. 11 **Del.C.** §1504
 - 11.1.60 Abuse of patient or resident in a long-term care facility; class C felony; class G felony, class A felony. 16 **Del.C.** §1136(a)
 - 11.1.61 Knowing or reckless abuse of an adult who is impaired; class D felony; class E felony; class G felony; class A felony. 31 **Del.C.** §3913
- 11.2 Crimes substantially related to the practice of appraisal shall be deemed to include any crimes under any federal law, state law, or valid town, city or county ordinance, that are substantially similar to the crimes identified in this rule.

4 DE Reg. 1504 (03/01/01)
9 DE Reg. 1377 (03/01/06)
11 DE Reg. 1499 (05/01/08)
21 DE Reg. 244 (09/01/17)
24 DE Reg. 64 (07/01/20)

12.0 Voluntary Treatment Option for Chemically Dependent or Impaired Professionals

- 12.1 If the report is received by the chairperson of the regulatory Council, that chairperson shall immediately notify the Director of Professional Regulation or his/her designate of the report. If the Director of Professional Regulation receives the report, he/she shall immediately notify the chairperson of the regulatory Council, or that chairperson's designate or designates.
- 12.2 The chairperson of the regulatory Council or that chairperson's designate or designates shall, within 7 days of receipt of the report, contact the individual in question and inform him/her in writing of the report, provide the individual written information describing the Voluntary Treatment Option, and give him/her the opportunity to enter the Voluntary Treatment Option.
- 12.3 In order for the individual to participate in the Voluntary Treatment Option, he/she shall agree to submit to a voluntary drug and alcohol screening and evaluation at a specified laboratory or health care facility. This initial

evaluation and screen shall take place within 30 days following notification to the professional by the participating Council chairperson or that chairperson's designate(s).

- 12.4 A regulated professional with chemical dependency or impairment due to addiction to drugs or alcohol may enter into the Voluntary Treatment Option and continue to practice, subject to any limitations on practice the participating chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional, deem necessary, only if such action will not endanger the public health, welfare or safety, and the regulated professional enters into an agreement with the Director of Professional Regulation or his/her designate and the chairperson of the participating Council or that chairperson's designate for a treatment plan and progresses satisfactorily in such treatment program and complies with all terms of that agreement. Treatment programs may be operated by professional Committees and Associations or other similar professional groups with the approval of the Director of Professional Regulation and the chairperson of the participating Council.
- 12.5 Failure to cooperate fully with the participating Council chairperson or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate in regard to the Voluntary Treatment Option or to comply with their requests for evaluations and screens may disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Council chairperson or that chairperson's designate or designates shall cause to be activated an immediate investigation and institution of disciplinary proceedings, if appropriate, as outlined in subsection 12.8 of this section.
- 12.6 The Voluntary Treatment Option may require a regulated professional to enter into an agreement which includes, but is not limited to, the following provisions:
 - 12.6.1 Entry of the regulated professional into a treatment program approved by the participating Council. Council approval shall not require that the regulated professional be identified to the Council. Treatment and evaluation functions must be performed by separate agencies to assure an unbiased assessment of the regulated professional's progress.
 - 12.6.2 Consent to the treating professional of the approved treatment program to report on the progress of the regulated professional to the chairperson of the participating Council or to that chairperson's designate or designates or to the Director of the Division of Professional Regulation or his/her designate at such intervals as required by the chairperson of the participating Council or that chairperson's designate or designates or the Director of the Division of Professional Regulation or his/her designate, and such person making such report will not be liable when such reports are made in good faith and without malice.
 - 12.6.3 Consent of the regulated professional, in accordance with applicable law, to the release of any treatment information from anyone within the approved treatment program.
 - 12.6.4 Agreement by the regulated professional to be personally responsible for all costs and charges associated with the Voluntary Treatment Option and treatment program(s). In addition, the Division of Professional Regulation may assess a fee to be paid by the regulated professional to cover administrative costs associated with the Voluntary Treatment Option. The amount of the fee imposed under this subparagraph shall approximate and reasonably reflect the costs necessary to defray the expenses of the participating Council, as well as the proportional expenses incurred by the Division of Professional Regulation in its services on behalf of the Council in addition to the administrative costs associated with the Voluntary Treatment Option.
 - 12.6.5 Agreement by the regulated professional that failure to satisfactorily progress in such treatment program shall be reported to the participating Council's chairperson or his/her designate or designates or to the Director of the Division of Professional Regulation or his/her designate by the treating professional who shall be immune from any liability for such reporting made in good faith and without malice.
 - 12.6.6 Compliance by the regulated professional with any terms or restrictions placed on professional practice as outlined in the agreement under the Voluntary Treatment Option.
- 12.7 The regulated professional's records of participation in the Voluntary Treatment Option will not reflect disciplinary action and shall not be considered public records open to public inspection. However, the participating Council may consider such records in setting a disciplinary sanction in any future matter in which the regulated professional's chemical dependency or impairment is an issue.
- 12.8 The participating Council's chairperson, his/her designate or designates or the Director of the Division of Professional Regulation or his/her designate may, in consultation with the treating professional at any time during the Voluntary Treatment Option, restrict the practice of a chemically dependent or impaired professional if such action is deemed necessary to protect the public health, welfare or safety.
- 12.9 If practice is restricted, the regulated professional may apply for unrestricted licensure upon completion of the program.

- 12.10 Failure to enter into such agreement or to comply with the terms and make satisfactory progress in the treatment program shall disqualify the regulated professional from the provisions of the Voluntary Treatment Option, and the participating Council shall be notified and cause to be activated an immediate investigation and disciplinary proceedings as appropriate.
- 12.11 Any person who reports pursuant to this section in good faith and without malice shall be immune from any civil, criminal or disciplinary liability arising from such reports, and shall have his/her confidentiality protected if the matter is handled in a nondisciplinary matter.
- 12.12 Any regulated professional who complies with all of the terms and completes the Voluntary Treatment Option shall have his/her confidentiality protected unless otherwise specified in a participating Council's rules and regulations. In such an instance, the written agreement with the regulated professional shall include the potential for disclosure and specify those to whom such information may be disclosed.

4 DE Reg. 1504 (03/01/01)

6 DE Reg. 1668 (06/01/03)

9 DE Reg. 1377 (03/01/06)

11 DE Reg. 813 (12/01/07)

11 DE Reg. 1499 (05/01/08)

13 DE Reg. 123 (07/01/09)

15 DE Reg. 888 (12/01/11)

15 DE Reg. 1708 (06/01/12)

16 DE Reg. 221 (08/01/12)

16 DE Reg. 999 (03/01/13)

17 DE Reg. 444 (10/01/13)

17 DE Reg. 927 (03/01/14)

19 DE Reg. 70 (07/01/15)

20 DE Reg. 65 (07/01/16)

21 DE Reg. 244 (09/01/17)

22 DE Reg. 867 (04/01/19)

24 DE Reg. 947 (04/01/21)

24 DE Reg. 64 (07/01/20)

25 DE Reg. 633 (12/01/21)

27 DE Reg. 442 (12/01/23)

27 DE Reg. 957 (06/01/24) (Prop.)