

**ARTICLE 101-03.1
DISCIPLINARY MATTERS**

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**CHAPTER 101-03.1-01
UNPROFESSIONAL CONDUCT**

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101-03.1-01-01. Unprofessional conduct.

Any of the following acts and omissions constitute a violation of the standards of professional appraisal practice and are grounds for disciplinary action or denial of an application:

1. Violation or attempted violation of North Dakota Century Code chapter 43-23.3 or the rules adopted by the board.
2. Failure to comply with the standards of professional appraisal practice and ethical rules specified by the uniform standards of professional appraisal practice and all other standards and ethical requirements adopted by the appraisal foundation.
3. Engaging in the business of real estate appraising under an assumed or fictitious name.
4. Paying a finder's fee or referral fee to any person in connection with the appraisal of real estate, but an intracompany payment for business development is not unethical.
5. Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualification.
6. Violation of the confidential nature of individual, business, or governmental records to which a permittee gained accesses through employment or engagement as an appraiser.
7. Performance of appraisal services beyond the permittee's level of competence.
8. Having been disciplined in another state, territory, or country relating to a permit or the authorization to practice as an appraiser.
9. Negligence, refusal, or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal.
10. Failing as a licensed or certified appraiser to actively and personally supervise an apprentice appraiser or any person not licensed or certified under the provisions of North Dakota Century Code chapter 43-23.3 who assists the licensed or certified appraiser in performing real estate appraisals.
11. Having become permanently or temporarily unfit to engage in appraisal activity because of physical, mental, emotional, or other causes. Suspension of a permit in cases where the permittee is temporarily unfit to conduct appraisal activity shall only be for the period of unfitness.

12. Commission of any act involving moral turpitude or dishonesty, whether the act is committed in the course of the individual's activities as an appraiser or otherwise.
13. Engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation.
14. Filing a frivolous complaint against a permitted appraiser.

History: Effective January 1, 1995; amended effective February 1, 2003; January 1, 2008; July 1, 2012.

General Authority: NDCC 43-23.3-03, 43-23.3-22

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-01-02. Reporting requirements.

1. A permittee having direct knowledge that any permittee has violated any provision of North Dakota Century Code chapter 43-23.3 or the rules adopted by the board shall report such knowledge to the board.
2. Upon being convicted of any act which is or would be punishable as a felony in this state, or upon being disciplined by the authority that regulates apprentice, licensed, or certified appraisers in another jurisdiction, an apprentice, licensed, or certified appraiser in this state shall notify the board of that fact within thirty days.

History: Effective January 1, 1995; amended effective January 1, 2008.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-01-03. Conflict of interest.

Any board member having an immediate personal, private, or financial interest in any matter pending before the board shall disclose the fact to the board and shall not vote upon such matter.

History: Effective January 1, 1995.

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-18, 43-23.3-22

101-03.1-01-04. Application of standards.

The requirements of the uniform standards of professional appraisal practices shall not apply to the board, its agents, and employees when reviewing appraisals as part of the application or disciplinary processes.

History: Effective July 1, 2012.

General Authority: NDCC 43-23-03

Law Implemented: NDCC 43-23-22