

CHAPTER 101-03.1-02 DISCIPLINARY ACTION

Section

- 101-03.1-02-01 Types of Disciplinary Action
- 101-03.1-02-02 Consideration [Repealed]
- 101-03.1-02-03 Modification of Disciplinary Action
- 101-03.1-02-04 Notice of Disciplinary Action
- 101-03.1-02-05 Notice of Status

101-03.1-02-01. Types of disciplinary action.

Disciplinary action by the board may consist of the following:

1. **Revocation.** Revocation terminates an individual's status as an apprentice, licensed, or certified appraiser. When a permit has been revoked the permittee shall surrender the permit immediately to the board. When a permit has been revoked the permittee may not directly or indirectly engage in, advertise, conduct the business of, or act in any capacity as an apprentice, licensed, or certified appraiser.
2. **Suspension.** Suspension is the removal of a permittee's privilege to act as an apprentice, licensed, or certified appraiser for a specified minimum period of time. When a permit has been suspended the permittee shall surrender the permit to the board for the period of suspension. When a permit has been suspended the permittee may not directly or indirectly engage in, advertise, conduct the business of, or act in any capacity as an apprentice, licensed, or certified appraiser, but must maintain the permit by properly renewing it and complying with continuing education requirements.
3. **Monetary fine.** A monetary fine must be reasonable in light of the conduct of the permittee. A monetary fine may include an amount sufficient to reimburse the board for the cost of a disciplinary action, or to prevent the permittee from obtaining a financial benefit as a result of the permittee's unprofessional or improper conduct.
4. **Issuance of letter of reprimand.** Reprimand is a form of discipline which declares the conduct of the permittee improper, but does not limit the permittee's right to act as an apprentice, licensed, or certified appraiser. Letters of reprimand shall be sent to the permittee. The letter of reprimand shall be placed in the permittee's file.
5. **Probation.**

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

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

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

101-03.1-02-02. Consideration.

Repealed effective January 1, 2008.

101-03.1-02-03. Modification of disciplinary action.

The board, on its own motion or upon application, at any time after the imposition of any discipline may reconsider its prior action and reinstate or restore such permit or reduce the severity of its prior disciplinary action. The taking of any such further action or the holding of a hearing with respect thereto shall rest in the sole discretion of the board.

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

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-22

101-03.1-02-04. Notice of disciplinary action.

The board shall notify the disciplinary enforcement agency of other jurisdictions in which the permittee is admitted about any disciplinary action. The board may cause a notice of disciplinary action to be published in the board's newsletter. The notice may clearly identify the permittee affected by the disciplinary action and contain a summary of the circumstances which resulted in the action taken, including a reference to the appropriate rule or statute.

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

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-22

101-03.1-02-05. Notice of status.

Within ten days after the date of the order by which a permittee's license or certificate is revoked or suspended, the permittee may be required to cause notice to be given by registered or certified mail, return receipt requested, to all current clients.

The board may direct the issuance of notice to such financial institutions or others as may be necessary to protect the interest of clients and other members of the public.

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

General Authority: NDCC 43-23.3-03

Law Implemented: NDCC 43-23.3-22