

21 NCAC 57A .0202 FITNESS FOR REGISTRATION, LICENSURE, OR CERTIFICATION

(a) The Appraisal Board shall consider the fitness for registration, licensure, or certification of each applicant. When the fitness of an applicant is in question, action by the Board shall be deferred until the applicant has demonstrated that the applicant possesses the requisite competency, truthfulness, honesty and integrity.

(b) When the application is deferred, the Board shall notify the applicant and the applicant shall be entitled to demonstrate his or her competency or fitness for registration or certification at a hearing before the Board.

(c) The inquiry into fitness for registration, licensure, or certification may include consideration of whether the applicant has:

- (1) had disciplinary action taken against any professional license in North Carolina or any other state;
- (2) committed or done any act that, if committed or done by any real estate trainee or appraiser, would be grounds pursuant to the North Carolina Appraiser's Act for disciplinary action including the suspension or revocation of registration, licensure, or certification; or
- (3) been convicted of or pleaded guilty to any criminal act, or whether any such actions or charges are pending.

(d) All applicants for registration, licensure, or certification shall obtain a criminal records check that is satisfactory to the Board. This records check must have been performed within 60 days of the date the completed application for registration, licensure, or certification is received by the Board. Applicants shall pay the vendor directly for the cost of these reports.

(e) In order to be satisfactory to the Board, the criminal records check must contain all of the following:

- (1) a state court felony and misdemeanor criminal records search for each state lived in for at least the last seven years;
- (2) a state probation and incarceration check for each state lived in for at least the last seven years;
- (3) a federal court felony and misdemeanor criminal records check;
- (4) a state sex offender search for each state lived in for at least the last seven years;
- (5) a federal sex offender search; and
- (6) an address trace on the applicant's Social Security number.

(f) Notice to the applicant that his or her competency or fitness for registration, licensure, or certification is in question shall be sent by the Board in writing, by certified mail, return receipt requested, to the address shown upon the application. The applicant shall have 60 days from the date of receipt of this notice to request a hearing before the Board. Failure to request a hearing within this time constitutes a waiver of the applicant's right to a hearing on his or her application for registration, licensure, or certification, and the application shall be deemed denied. Nothing in this Rule shall be interpreted to prevent an applicant from reapplying for registration, licensure, or certification.

History Note: Authority G.S. 93E-1-6; 93E-1-10;

Eff. July 1, 1994;

Amended Eff. February 1, 2014; January 1, 2013; September 1, 2008; July 1, 2005; August 1, 2002; April 1, 1999;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. October 3, 2017.