

Superseded 5/10/2016

61-2g-502 Disciplinary action -- Grounds.

- (1)
- (a) The board may order disciplinary action, with the concurrence of the division, against a person:
 - (i) registered, licensed, or certified under this chapter; or
 - (ii) required to be registered, licensed, or certified under this chapter.
 - (b) On the basis of a ground listed in Subsection (2) for disciplinary action, board action may include:
 - (i) revoking, suspending, or placing a person's registration, license, or certification on probation;
 - (ii) denying a person's original registration, license, or certification;
 - (iii) denying a person's renewal license, certification, or registration;
 - (iv) in the case of denial or revocation of a registration, license, or certification, setting a waiting period for an applicant to apply for a registration, license, or certification under this chapter;
 - (v) ordering remedial education;
 - (vi) imposing a civil penalty upon a person not to exceed the greater of:
 - (A) \$5,000 for each violation; or
 - (B) the amount of any gain or economic benefit from a violation;
 - (vii) issuing a cease and desist order;
 - (viii) modifying an action described in Subsections (1)(b)(i) through (vii) if the board, with the concurrence of the division, finds that the person complies with court ordered restitution; or
 - (ix) doing any combination of Subsections (1)(b)(i) through (viii).
- (c)
- (i) If the board or division issues an order that orders a fine or educational requirements as part of the disciplinary action against a person, including a stipulation and order, the board or division shall state in the order the deadline by which the person shall comply with the fine or educational requirements.
 - (ii) If a person fails to comply with a stated deadline:
 - (A) the person's license, certificate, or registration is automatically suspended:
 - (I) beginning on the day specified in the order as the deadline for compliance; and
 - (II) ending the day on which the person complies in full with the order; and
 - (B) if the person fails to pay a fine required by an order, the division may begin a collection process:
 - (I) established by the division by rule made in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; and
 - (II) subject to Title 63A, Chapter 3, Part 5, Office of State Debt Collection.
- (2) The following are grounds for disciplinary action under this section:
- (a) procuring or attempting to procure a registration, license, or certification under this chapter:
 - (i) by fraud; or
 - (ii) by making a false statement, submitting false information, or making a material misrepresentation in an application filed with the division;
 - (b) paying money or attempting to pay money other than a fee provided for by this chapter to a member or employee of the division to procure a registration, license, or certification under this chapter;
 - (c) an act or omission in the practice of real estate appraising that constitutes dishonesty, fraud, or misrepresentation;
 - (d) entry of a judgment against a registrant, licensee, or certificate holder on grounds of fraud, misrepresentation, or deceit in the making of an appraisal of real estate;

- (e) a guilty plea to a criminal offense involving moral turpitude that is held in abeyance, or a conviction, including a conviction based upon a plea of guilty or nolo contendere, of a criminal offense involving moral turpitude;
- (f) engaging in the business of real estate appraising under an assumed or fictitious name not properly registered in this state;
- (g) paying a finder's fee or a referral fee to a person not licensed or certified under this chapter in connection with an appraisal of real estate or real property in this state;
- (h) making a false or misleading statement in:
 - (i) that portion of a written appraisal report that deals with professional qualifications; or
 - (ii) testimony concerning professional qualifications;
- (i) violating or disregarding:
 - (i) this chapter;
 - (ii) an order of:
 - (A) the board; or
 - (B) the division, in a case when the board delegates to the division the authority to make a decision on behalf of the board; or
 - (iii) a rule issued under this chapter;
- (j) violating the confidential nature of governmental records to which a person registered, licensed, or certified under this chapter gained access through employment or engagement as an appraiser by a governmental agency;
- (k) accepting a contingent fee for performing an appraisal if in fact the fee is or was contingent upon:
 - (i) the appraiser reporting a predetermined analysis, opinion, or conclusion;
 - (ii) the analysis, opinion, conclusion, or valuation reached; or
 - (iii) the consequences resulting from the appraisal assignment;
- (l) unprofessional conduct as defined by statute or rule;
- (m) in the case of a dual licensed title licensee as defined in Section 31A-2-402:
 - (i) providing a title insurance product or service without the approval required by Section 31A-2-405; or
 - (ii) knowingly providing false or misleading information in the statement required by Subsection 31A-2-405(2); or
- (n) other conduct that constitutes dishonest dealing.