

A-Engrossed
Senate Bill 617

Ordered by the Senate April 24
Including Senate Amendments dated April 24

Sponsored by Senator WINTERS; Senators BAERTSCHIGER JR, FERRIOLI, GEORGE, GIROD, HANSELL, JOHNSON, KNOPP, KRUSE, OLSEN, THOMSEN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure.

Requires Appraiser Certification and Licensure Board to convene panel to determine whether objective basis exists to believe that alleged violation of provisions governing real estate appraisers has occurred before disciplining person.

A BILL FOR AN ACT

1
2 Relating to disciplinary proceedings of the Appraiser Certification and Licensure Board.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 674.**

5 **SECTION 2. (1) Before disciplining a person under ORS 674.140, the Appraiser Certif-**
6 **ication and Licensure Board shall convene a panel as described in this section to determine**
7 **whether an objective basis exists to believe that the alleged violation occurred.**

8 **(2) To convene a panel under this section, the board shall appoint three members from**
9 **among state licensed appraisers or state certified appraisers to serve on the panel.**

10 **(3) State licensed appraisers and state certified appraisers serving on a panel convened**
11 **under this section:**

12 **(a) May receive compensation, as determined by the board by rule;**

13 **(b) Shall receive actual and necessary travel and other expenses incurred in the per-**
14 **formance of duties required by this section; and**

15 **(c) Shall be considered agents of the board and the state for actions brought against the**
16 **state licensed appraiser or state certified appraiser that are related to the provision of ser-**
17 **vices under this section.**

18 **(4) If a panel convened under this section requests of the board information necessary**
19 **for the panel to make a determination under this section, the board shall provide the panel**
20 **with the requested information.**

21 **(5) A panel convened under this section shall determine within 30 days of convening**
22 **whether an objective basis exists to believe that the alleged violation occurred. If the panel**
23 **determines that an objective basis exists, the panel shall submit an order to the board set-**
24 **ting forth the specific violation that occurred and the facts giving rise to the determination.**

25 **(6)(a) Except as provided in subsection (8) of this section, the board may not commence**
26 **disciplinary proceedings under ORS 674.140 if the panel convened under this section deter-**
27 **mines that an objective basis does not exist to believe that the alleged violation occurred.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

1 **(b) The board may commence disciplinary proceedings under ORS 674.140 if:**

2 **(A) Subject to subsection (7) of this section, the panel determines that an objective basis**
3 **exists to believe that the alleged violation occurred; or**

4 **(B) In the event that the panel fails to make a determination within 30 days of convening,**
5 **the board independently finds that an objective basis exists to believe that the alleged vio-**
6 **lation occurred.**

7 **(c) Even if the panel makes a determination that an objective basis exists to believe that**
8 **the alleged violation occurred, the board is not required to commence disciplinary pro-**
9 **ceedings under ORS 674.140 unless the board independently finds that an objective basis ex-**
10 **ists to believe that the alleged violation occurred.**

11 **(7) Except as provided in subsection (6)(b)(B) of this section, the board may commence**
12 **disciplinary proceedings for only the specific violation for which a panel convened under this**
13 **section determines that an objective basis exists as specified in an order submitted under**
14 **subsection (5) of this section.**

15 **(8) Upon a finding of serious danger to the public health or safety, the board may impose**
16 **a form of discipline as allowed under ORS 183.430 (2).**

17 **(9) The board shall adopt rules to implement the provisions of this section.**

18 **(10) As used in this section, “objective basis” means a substantial objective basis for be-**
19 **lieving that more likely than not a violation of ORS 674.140 has occurred and a person subject**
20 **to discipline under ORS 674.140 has committed the violation.**

21