Chapter 674

2009 EDITION

Real Estate Appraisers and Appraisal

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GENERAL PROVISIONS

674.010 Definitions. For purposes of this chapter:

(1) "Appraisal Foundation" means the Appraisal Foundation established on November 30, 1987, as a not-for-profit corporation under the laws of Illinois.

(2) "Appraisal Subcommittee" means the Appraisal Subcommittee of the Federal Financial Institutions Examination Council established pursuant to the federal Act.

(3) "Board" means the Appraiser Certification and Licensure Board established under ORS 674.305.

(4) "Federal Act" means Title XI of the Federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3310 et seq.).

(5) "Federal financial institution regulatory agency" means:

(a) The Board of Governors of the Federal Reserve System;

(b) The Federal Deposit Insurance Corporation;

(c) The Office of the Comptroller of the Currency;

(d) The Office of Thrift Supervision; or

(e) The National Credit Union Administration.

(6) "Federally related transaction" means any real estate-related financial transaction that:

(a) A federal financial institution regulatory agency or the Resolution Trust Corporation engages in, contracts for or regulates; and

(b) Requires the services of an appraiser.

(7) "Financial institution" means an insured depository institution as defined in section 3 of the Federal Deposit Insurance Act or an insured credit union as defined in section 101 of the Federal Credit Union Act.

(8) "Mortgage banker" has the meaning given that term in ORS 86A.100.

(9) "Professional real estate activity" has the meaning given that term in ORS 696.010.

(10) "Real estate appraisal activity" means the activity described in ORS 674.100.

(11) "Real estate-related financial transaction" means any transaction involving:

(a) The sale, lease, purchase, investment in or exchange of real property, including interests in real property, or the financing thereof;

(b) The refinancing of real property or interests in real property; and

(c) The use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities.

(12) "State certified appraiser" means an individual who has been certified as a state certified appraiser under ORS 674.310.

(13) "State licensed appraiser" means an individual who has been licensed as a state licensed appraiser under ORS 674.310.

(14) "State registered appraiser assistant" means an individual who has been registered as a state registered appraiser assistant under ORS 674.310. [1991 c.5 §2; 1993 c.465 §2; 1993 c.508 §41; 1993 c.744 §217; 2005 c.254 §1]

674.020 Purposes. The purposes of this chapter are to:

(1) Require that all real estate appraisals be performed in accordance with uniform standards by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision.

(2) Conform the law of this state to the requirements of federal law.

(3) Ensure the availability of state certified appraisers, state licensed appraisers and state registered appraiser assistants for the performance of real estate appraisal activity, including the performance of appraisals in federally related transactions, and to ensure effective supervision of the activities of state certified appraisers, state licensed appraisers and state registered appraiser assistants. [1991 c.5 §1; 1997 c.417 §1; 2005 c.254 §2]

CERTIFICATION, LICENSURE AND REGISTRATION

674.100 Persons engaged in real estate appraisal activity required to be certified, licensed or registered; exclusions; violations. (1)(a) A person may not engage in, carry on, advertise or purport to engage in or carry on real estate appraisal activity within this state without first obtaining certification, licensure or registration as provided for in ORS 674.310.

(b) Real estate appraisal activity is the preparation, completion and issuance of an opinion as to the value on a given date or at a given time of real property or an interest in real property, whether the activity is performed in connection with a federally related transaction or is not performed in connection with a federally related transaction. Notwithstanding any other provision of law, a state certified appraiser or a state licensed appraiser:

(A) Is not required to be licensed under ORS 696.022 to perform real estate appraisal activity or any other activity that constitutes the giving of an opinion as to the value of

real property or an interest in real property; and

(B) Is not subject to regulation under ORS 696.010 to 696.495 and 696.600 to 696.995 in connection with the performance of real estate appraisal activity or the performance of any other activity that constitutes the giving of an opinion as to the value of real estate or an interest in real estate.

(2) Real estate appraisal activity excludes activity that is not performed in connection with a federally related transaction and that:

(a) Is performed by a nonlicensed regular full-time employee of a single owner of real estate, if the activity involves the real estate of the employer and is incidental to the employee's normal, nonreal estate activities;

(b) Is performed by a nonlicensed regular full-time employee whose activity involves the real estate of the employer, when the activity is the employee's principal activity, but the employer's principal activity or business is not the appraisal of real estate;

(c) Is performed by an attorney at law rendering services in the performance of duties as an attorney at law;

(d) Is performed by a registered geologist, registered professional engineer or architect rendering services as a registered geologist, registered professional engineer or architect;

(e) Is performed by a certified public accountant rendering services as a certified public accountant;

(f) Is performed by a mortgage banker rendering services as a mortgage banker;

(g) Constitutes a letter opinion or a competitive market analysis as those terms are defined in ORS 696.010 that, by administrative or judicial order or subpoena, is compelled from an individual licensed to engage in professional real estate activity under ORS 696.022;

(h) Is performed by a salaried employee of the federal government, the State of Oregon or a political subdivision of the federal government or the State of Oregon while engaged in the performance of the duties of the employee;

(i) Is limited to analyzing or advising of permissible land use alternatives, environmental impact, building and use permit procedures or demographic market studies, if the performance of the activities does not involve the rendering of an opinion as to the value of the real estate in question;

(j) Is performed by a professional forester appraising or valuing timber, timberland or both as part of services performed as a private consultant in forest management, but only if, in the case of timberland, the appraisal or valuation is limited to the use of the land as forestland;

(k) Is limited to giving an opinion in an administrative or judicial proceeding regarding the value of real estate for taxation;

(L) Is limited to giving an opinion regarding the value of real estate by a person who is not licensed under ORS chapter 696, if the person's business is not the appraisal, selling or listing of real estate and the activity is performed without compensation. This paragraph does not apply to a person conducting transactional negotiations on behalf of another person for transfer of an interest in real property;

(m) Is limited to transferring or acquiring an interest in real estate by a person who is not licensed under ORS chapter 696; or

(n) Is performed by a home inspector acting within the scope of a certificate or license issued under ORS chapter 701.

(3)(a) Real estate appraisal activity does not include an analysis, evaluation, opinion, conclusion, notation or compilation of data prepared by a financial institution or affiliate, a consumer finance company licensed under ORS chapter 725 or an insurance company or affiliate, made for internal use only by the financial institution or affiliate, consumer finance company or the insurance company or affiliate, concerning an interest in real estate for ownership or collateral purposes by the financial institution or affiliate, the consumer finance company licensed under ORS chapter 725 or the insurance company or affiliate. Nothing in this subsection shall be construed to excuse a financial institution or affiliate from complying with the provisions of Title XI of the federal Financial Institutions Reform, Recovery and Enforcement Act of 1989 (12 U.S.C. 3310 et seq.).

(b) As used in this subsection, "evaluation" means a study of the nature, quality or utility of a parcel of real estate or interests in, or aspects of, real property in which a value estimate is not necessarily required.

(4)(a) As used in this section, "purport to engage in or carry on real estate appraisal activity" means the display of a card, sign, advertisement or other printed, engraved or written instrument bearing the person's name in conjunction with the term "appraiser," "licensed appraiser," "certified appraiser," "appraiser assistant," "registered appraiser assistant" or "appraisal" or an oral statement or representation of certification, licensure or registration by the Appraiser Certification and Licensure Board made by a person.

(b) Each display or statement described in paragraph (a) of this subsection by a per-

son not licensed, certified or registered by the board is a separate violation under ORS 674.850 or 674.990.

(c) In a proceeding under ORS 674.850 or 674.990, a display or statement described in paragraph (a) of this subsection shall be considered prima facie evidence that the person named in the display or making the statement purports to engage in or carry on real estate appraisal activity. [1991 c.5 §3; 1993 c.465 §1; 1993 c.744 §218; 1997 c.417 §2; 2001 c.196 §1; 2001 c.300 §62; 2005 c.254 §3; 2007 c.319 §33]

674.105 Authority of Appraiser Certification and Licensure Board to require fingerprints. For the purpose of requesting a state or nationwide criminal records check under ORS 181.534, the Appraiser Certification and Licensure Board may require the fingerprints of a person who is applying for, or holds, a license, certificate or registration, or is applying for renewal of a license, certificate or registration, that is issued by the board, or of a person who:

(1)(a) Is employed or applying for employment by the board;

(b) Provides services or seeks to provide services to the board as a contractor, vendor or volunteer; and

(2) Is, or will be, working or providing services in a position:

(a) In which the person is providing information technology services and has control over, or access to, information technology systems that would allow the person to harm the information technology systems or the information contained in the systems;

(b) In which the person has access to information, the disclosure of which is prohibited by state or federal laws, rules or regulations or information that is defined as confidential under state or federal laws, rules or regulations;

(c) That has payroll functions or in which the person has responsibility for receiving, receipting or depositing money or negotiable instruments, for billing, collections or other financial transactions or for purchasing or selling property or has access to property held in trust or to private property in the temporary custody of the state; or

(d) In which the person has access to personal information about employees or members of the public including Social Security numbers, dates of birth, driver license numbers, medical information, personal financial information or criminal background information. [2005 c.730 §59]

Note: 674.105 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 674 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

674.120 Nonresident certificate or license recognized; criteria. The Appraiser Certification and Licensure Board shall recognize temporarily the certificate or license of an appraiser issued by another state if:

(1) The appraiser's business is of a temporary nature; and

(2) The appraiser registers with the board. [1991 c.5 §8; 1993 c.465 §6]

674.130 Appraisal standards for federally related transactions. Notwithstanding any other provision of law, any real estate appraisal that is performed in connection with a federally related transaction shall be in writing and shall be performed and completed in accordance with the appraisal standards established by the federal financial institution regulatory agency having jurisdiction over the federally related transaction for which the appraisal is performed. In the event of any conflict between the provisions of any other law and the appraisal standards established by the federal financial institution regulatory agency having jurisdiction, the standards established by the federal financial institution regulatory agency shall prevail. [1991 c.5 §9]

674.140 Grounds for discipline. The Appraiser Certification and Licensure Board may suspend or revoke the certificate, license or registration of a state certified appraiser, a state licensed appraiser or a state registered appraiser assistant, reprimand a state certified appraiser, a state licensed appraiser or a state registered appraiser assistant, require additional education of a state certified appraiser, a state licensed appraiser or a state registered appraiser assistant or deny the issuance or renewal of a certificate, license or registration to an applicant if the state certified appraiser, state licensed appraiser or state registered appraiser assistant or applicant has done any of the following:

(1) Knowingly or negligently pursued a continued course of material misrepresentation in matters related to real estate appraisal activity, whether or not damage or injury resulted, or knowingly or negligently made a material misrepresentation or false material promise in a matter related to real estate appraisal activity, if the material misrepresentation or material false promise created a reasonable probability of damage or injury, whether or not damage or injury actually resulted.

(2) Disregarded or violated a provision of ORS 674.130 or 674.150 or the federal Act or a rule adopted under ORS 674.310.

(3) Knowingly or negligently made, printed, distributed or in any manner pub-

lished materially misleading or untruthful advertising, descriptions or promises, of such character as reasonably to induce a person to act to the damage or injury of the person, whether or not actual damage or injury resulted.

(4) Guaranteed, authorized or permitted a person to guarantee future profits that may result in the resale of real property.

(5) Failed for any reason to pay to the board the annual registry fee provided for under ORS 674.330 (1) or the fees provided for under ORS 674.330 (2).

(6) Failed or refused upon demand by the board to produce or to supply for inspection by the board true copies of any document, book or record in the individual's possession or control or concerning real estate appraisal activity transacted by the individual.

(7) Failed to maintain at all times any records that the individual is required to maintain under ORS 674.150.

(8) Accepted employment or compensation for performing or agreeing to perform a real estate appraisal activity contingent upon the reporting of a predetermined value or performed real estate appraisal activity on real estate in which the individual had an undisclosed interest.

(9) Entered a plea of nolo contendere or been found guilty of, or been convicted of, a felony or misdemeanor substantially related to the individual's trustworthiness or competence to engage in real estate appraisal activity.

(10) Knowingly authorized, directed or aided in the publication, advertisement, distribution or circulation of a material false statement or material misrepresentation concerning the individual's business.

(11) Demonstrated negligence or incompetence in performing an act for which the individual is required to hold a certificate, license or registration.

(12) Knowingly permitted an individual whose certificate, license or registration has been suspended or revoked to engage in real estate appraisal activity with or on behalf of a state certified appraiser or state licensed appraiser.

(13) Committed an act or conduct, whether of the same or of a different character specified in this section and whether or not in the course of real estate appraisal activity, that:

(a) Constitutes or demonstrates bad faith, incompetency or untrustworthiness, or dishonest, fraudulent or improper dealings; and

(b) Is substantially related to the fitness of the applicant or holder of a certificate, license or registration to conduct real estate appraisal activity. [1991 c.5 §12; 2001 c.332 §1; 2003 c.749 §14; 2005 c.254 §4]

674.150 Maintenance of appraisal records. Every state certified appraiser and every state licensed appraiser shall maintain records of all real estate appraisal activity conducted by the appraiser. The records shall at all times be open for inspection by the Appraiser Certification and Licensure Board or its duly authorized representatives. The records shall be maintained by the appraiser for a period of not less than five years after the date of completion of the appraisal to which the record pertains or for a period of not less than two years after final disposition of a judicial proceeding in which testimony relating to the records was given, whichever period expires later. [1991 c.5 §17; 1995 c.234 §1; 2001 c.332 §2]

674.160 Reciprocal agreements with other states; procedures. (1) If the administrator of the Appraiser Certification and Licensure Board determines that the standards, qualifications and examinations for licensing, certifying or registration of real estate appraisers of another state are substantially similar to the standards, qualifications and examinations required under this chapter and the rules adopted pursuant thereto, the administrator with approval of the Appraiser Certification and Licensure Board may enter into a reciprocal agreement with such other state to issue without examination licenses or certificates upon proof of licensing or certification in such other state and upon payment of appropriate fees.

(2) Reciprocal agreements may be terminated by the administrator with approval of the Appraiser Certification and Licensure Board upon a determination that the other state is not maintaining and enforcing standards, qualifications and examinations substantially similar to those of this state. [1993 c.465 §4]

674.170 [1993 c.465 §5; repealed by 2005 c.730 §77]

BOARD

674.305 Appraiser Certification and Licensure Board; appointment; term; compensation; conduct of business; rules. (1) The Appraiser Certification and Licensure Board is established. The board shall operate as a semi-independent state agency subject to ORS 182.456 to 182.472 for purposes of carrying out the provisions of this chapter. The board shall consist of seven members. The members shall be appointed by the Governor and must be residents of this state.

(2) The board shall be composed of:

(a) Five appraisers certified or licensed under ORS 674.310;

(b) One individual who is employed by a financial institution or a mortgage banker; and

(c) One individual who is a public member and who:

(A) Is not engaged in professional real estate activity;

(B) Is not a state certified or state licensed appraiser;

(C) Is not employed by a financial institution or a mortgage banker; and

(D) Does not have a direct financial interest in any person who is required, or whose employees or agents are required, to be state licensed or state certified appraisers.

(3) The term of office of each member is four years with two terms maximum, but a member serves at the pleasure of the Governor. Before the expiration of the term of a member, the Governor shall appoint a successor whose term begins on July 1 next following. A member is eligible for reappointment. If there is a vacancy for any cause, the Governor shall make an appointment to become immediately effective for the unexpired term. A member may not be appointed to serve more than two consecutive terms on the board.

(4) The board shall select one of its members as chairperson and another as vice chairperson, for such terms and with duties and powers necessary for the performance of the functions of such offices as the board determines.

(5) A majority of the members of the board constitutes a quorum for the transaction of business.

(6) The board shall meet at least once every three months at a place, day and hour determined by the board. The board also shall meet at other times and places specified by the call of the chairperson or of a majority of the members of the board.

(7) In accordance with applicable provisions of ORS chapter 183, the board shall adopt rules necessary for the administration of this chapter.

(8) The appointment of a member of the board is subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565. [1991 c.5 §4; 1993 c.18 §146; 1993 c.744 §219; 2001 c.521 §11; 2005 c.109 §4]

Note: Section 10, chapter 109, Oregon Laws 2005, provides:

Sec. 10. (1) Rules validly adopted by the Appraiser Certification and Licensure Board and in effect immediately prior to the effective date of this 2005 Act [June 6, 2005], including but not limited to rules adopting fees and rules establishing a board budget, shall continue in effect until amended, repealed or superseded by board action.

(2) ORS 182.460 and 182.468, the amendments to ORS 182.454 by section 2 of this 2005 Act and the repeal of ORS 674.349 and 674.361 by section 9 of this 2005 Act do not affect the status of any person employed by the board, any collective bargaining unit as the appropriate bargaining unit for board employees or any collective bargaining agreement.

(3) The account established by the board under ORS 674.364, as set forth in the 2003 Edition of Oregon Revised Statutes, shall be treated for all purposes as an account established under ORS 182.470.

(4) The amendments to ORS 674.850 and 674.990 by sections 7 and 8 of this 2005 Act apply to civil penalties imposed on or after the effective date of this 2005 Act. Notwithstanding ORS 182.470, any moneys collected by the board after the effective date of this 2005 Act for civil penalties imposed before the effective date of this 2005 Act shall be forwarded by the board for deposit to the General Fund.

(5) The amendments to ORS 182.454, 182.472, 279A.025, 674.305, 674.330, 674.340, 674.850 and 674.990 by sections 1 to 8 of this 2005 Act and the repeal of ORS 674.343, 674.346, 674.349, 674.352, 674.355, 674.358, 674.361, 674.364 and 674.367 by section 9 of this 2005 Act do not affect the status of any:

(a) Suit;

(b) Interest in real or personal property;

(c) Suspension, revocation, probation, disqualification or other limitation or condition on holding a certificate or license; or

(d) Liability, duty or obligation incurred prior to the effective date of this 2005 Act. [2005 c.109 §10]

674.310 Duties and powers of board; rules. (1) The Appraiser Certification and Licensure Board shall:

(a) Have the power to do all things necessary and convenient to carry into effect the provisions of this chapter and the federal Act and to regulate the activities of state licensed appraisers, state certified appraisers and state registered appraiser assistants to ensure that real estate appraisals conform to the law in effect on the date of the real estate appraisal activity.

(b) Certify or license appraisers and register appraiser assistants as necessary to carry out the federal Act and the purposes set forth in ORS 674.020.

(c) Supervise the activities of state certified appraisers, state licensed appraisers and state registered appraiser assistants as provided in this chapter, to ensure that they perform real estate appraisal activity in strict conformance with the provisions of this chapter and of the federal Act, and that they otherwise comply with the provisions of this chapter in the conduct of their professional activities.

(d) Establish, keep current and, no less than annually, transmit to the Appraisal Subcommittee a roster listing state certified appraisers and state licensed appraisers.

(e) Collect and remit annual registry fees as required by ORS 674.330.

(2) Rules adopted by the Appraiser Certification and Licensure Board to govern real

estate appraiser certification and licensure shall conform with the requirements of the federal Act. The board shall adopt rules including but not limited to:

(a) Establishing programs for the certification, licensure or registration of individuals who engage in real estate appraisal activity.

(b) Establishing educational requirements for certification or licensure of appraisers and for the registration of appraiser assistants that ensure protection of the public interest and comply with the requirements of the federal Act. Education requirements for state licensed appraisers and state certified appraisers must meet the minimum criteria established by the Appraiser Qualification Board of the Appraisal Foundation.

(c) Establishing a professional code of responsibility for state certified appraisers and state licensed appraisers that is in conformance with the federal Act.

(d) Providing for registration of out-of-state appraisers as provided for under ORS 674.120.

(3) An individual may not be a state licensed appraiser or a state certified appraiser unless the individual has achieved a passing grade upon a suitable examination equivalent to the Uniform Certification Examination issued or endorsed by the Appraisal Qualification Board of the Appraisal Foundation.

(4) The Appraiser Certification and Licensure Board, acting through the administrator, may issue subpoenas to compel the attendance of witnesses and the production of papers, books, records, correspondence, agreements, memoranda and other material or relevant documents in investigations or proceedings pertaining to the powers and duties of the board.

(5) In the case of a person who refuses to respond to a subpoena issued by the Appraiser Certification and Licensure Board, the judge of the circuit court, on the application of the board administrator, shall order compliance with the board subpoena in the same manner as a proceeding for contempt for failure to respond to a subpoena of the court. [1991 c.5 §6; 1993 c.744 §220; 1997 c.417 §3; 2001 c.521 §12; 2005 c.254 §6]

674.320 Continuing authority of board. The lapsing or suspension of a certificate, license or registration by operation of law, by order of the Appraiser Certification and Licensure Board, by decision of a court of law or by the voluntary surrender of a certificate, license or registration by an appraiser or appraiser assistant does not deprive the board of jurisdiction to proceed with any investigation of or any action or disciplinary proceedings against the appraiser or appraiser assistant, or to revise or render null and void an order suspending or revoking the certificate, license or registration. [1991 c.5 §15; 2005 c.254 §7]

674.330 Fees; rules. (1) The Appraiser Certification and Licensure Board shall collect from each state certified appraiser and each state licensed appraiser an annual registry fee as required by the federal Act and in an amount determined by the Appraisal Subcommittee. All annual registry fees collected by the board under this subsection shall be remitted to the Federal Financial Institutions Examination Council in accordance with the federal Act.

(2) Except as provided in subsection (1) of this section and in addition to any fees required by subsection (1) of this section, the board may establish by rule fees to be charged and collected under this chapter. The fees established by the board may include, but need not be limited to, fees:

(a) For each certification or licensure examination administered under ORS 674.310.

(b) For each certificate or license awarded or issued under ORS 674.310.

(c) For each renewal of a certificate or license awarded or issued under ORS 674.310.

(d) For each duplicate certificate or license, where the original license is lost or destroyed and affidavit made thereof.

(e) For the renewal of an inactive certificate or license.

(f) For the reactivation of an inactive certificate or license.

(g) For late renewal, in addition to the renewal fee.

(h) For a temporary registration provided for under ORS 674.120.

(i) For each application.

(j) For inactive status.

(k) For each walk-in examination.

(L) For each appraiser assistant registration.

(m) For each appraiser assistant renewal. [1991 c.5 §10; 1993 c.89 §1; 1993 c.465 §7; 2005 c.109 §5]

674.340 Board funds; Federal Registry Fund. (1) All moneys, fees and charges collected or received by the Appraiser Certification and Licensure Board pursuant to ORS 674.330 shall be paid into the account created by the board under ORS 182.470. All moneys in the account are appropriated continuously to the board to carry out the duties that the board is charged with administering.

(2) The Federal Registry Fund is established in the account created by the board

under ORS 182.470. Proceeds received under ORS 674.330 (1) shall be deposited in the Federal Registry Fund. The moneys in the Federal Registry Fund shall be used solely as set forth in ORS 674.330 (1). [1991 c.5 §11; 1993 c.744 §222; 2001 c.521 §13; 2005 c.109 §6]

674.343 [2001 c.521 §1; 2003 c.14 §428; repealed by 2005 c.109 §9]

674.346 [2001 c.521 §2; repealed by 2005 c.109 §9]

674.349 [2001 c.521 §3; 2003 c.794 §316; repealed by 2005 c.109 §9]

674.352 [2001 c.521 §4; repealed by 2005 c.109 §9]

674.355 [2001 c.521 §5; repealed by 2005 c.109 §9]

674.358 [2001 c.521 §6; 2003 c.794 §317; repealed by 2005 c.109 §9]

674.361 [2001 c.521 §7; repealed by 2005 c.109 §9]

674.364 [2001 c.521 §8; 2003 c.405 §9; repealed by 2005 c.109 §9]

674.367 [2001 c.521 §9; repealed by 2005 c.109 §9]

MISCELLANEOUS

674.405 Adjustments to appraisal not required based on form of conveyance. A person engaging in or carrying on real estate appraisal activity shall not be required to make adjustments to otherwise comparable sales solely on the basis of the form of the conveyance. [1993 c.41 §2]

674.410 Written report required to present testimony on appraisal. A person shall not testify or otherwise present evidence regarding an appraisal or appraisal report in a proceeding under ORS 183.413 to 183.497, a circuit court action or otherwise before a lawfully established board or commission unless the person has prepared a written report on the appraisal or appraisal report prior to presenting testimony or evidence. [1997 c.417 §7]

PENALTIES

674.850 Civil penalties. (1) The Appraiser Certification and Licensure Board may impose a civil penalty, not to exceed $500 for each violation, on a person who violates a provision of ORS 674.130 to 674.150 or a rule or final order of the board or a judgment made by a court upon application of the board.

(2) The board may impose a civil penalty on a person who violates ORS 674.100 (1) in an amount that is:

(a) Not less than $100 and not more than $500 for the first violation; and

(b) Not less than $500 and not more than $1,000 for a subsequent violation.

(3) In addition to the civil penalties set forth in subsection (2) of this section, the board may impose a civil penalty on a person who violates ORS 674.100 (1) in an amount that does not exceed the amount by which the person profited in the transaction in violation of ORS 674.100 (1).

(4) The board shall impose civil penalties under this section in the manner provided in ORS 183.745.

(5)(a) The provisions of this section are in addition to and not in lieu of other enforcement provisions contained in ORS 674.140 and 674.310.

(b) The civil penalty provisions of subsections (2) and (3) of this section are in addition to and not in lieu of the criminal penalties for uncertified, unlicensed or unregistered real estate appraisal activity in ORS 674.990.

(6) The remedies provided in this section are in addition to and not exclusive of other remedies provided by law. [1991 c.5 §§13,14; 1993 c.744 §223; 2003 c.576 §541; 2005 c.109 §7; 2005 c.254 §9a]

674.990 Criminal penalties. (1) Violation of ORS 674.100 (1) is a Class A misdemeanor.

(2) An officer, director, shareholder or agent of a corporation, or member or agent of a partnership or association, who personally participates in or is an accessory to a violation of ORS 674.100 (1) by the partnership, association or corporation, is subject to subsection (1) of this section. [1991 c.5 §16; 1997 c.417 §4; 2005 c.109 §8; 2005 c.254 §10a]