

Valuers Code of Professional Ethics

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Exceptions to the Ethical Rules - If any part of an Ethical Rule is contrary to a law or regulation of any jurisdiction, such part shall be void and of no force or effect in such jurisdiction.

Definitions - The following definitions apply to the Valuers Code of Professional Ethics. All instances of the following terms in the Valuers Code of Professional Ethics shall have the definitions below.

Appraisal - The act or process of developing an opinion of value; an opinion of value. An appraisal must be numerically expressed as a specific amount, as a range of numbers, or as a relationship (e.g., not more than, more than, not less than, less than) to a stated amount.

Assignment Results - Opinions and conclusions developed in an appraisal or review.

Biased - Not reasonably supported, and favoring or promoting the cause or interest of the client, one's self, or another.

Client - The individual, group or entity who engage a Valuer to perform a service.

Confidential Information - Information that is either:

- identified by the client as confidential when providing it to a Valuer and that is not available from any other source; or
- classified as confidential or private by applicable law or regulation.

Credible - Worthy of belief; supported by analysis of relevant information. Credibility is always measured in the context of intended use.

Engagement - An agreement between a Valuer and a client to provide a service.

Hypothetical Condition - A condition that is presumed to be true when it is known to be false.

Intended Use - The Valuer's intent as to how the Report will be used.

Intended User - The party or parties the Valuer intends will use the Report.

Justified - Reasonably supported.

Know or Knowingly - The individual realizes what he or she is doing, is aware of the nature of his or her conduct, and is not acting through mistake or accident.

Comment: Knowledge can be inferred from the individual's conduct and from all the facts and circumstances surrounding the conduct. A determination of "knowingly" should be made in the context of the individual's training, background, and experience. An individual may have acted (or failed to act) "knowingly" if he or she acted in disregard of the requirements of the applicable Ethics and/or Standards or the profession's recognized methods

and techniques. The term “knowingly” includes not only what the individual knew, but also what the individual reasonably should have known given all the facts and circumstances of the conduct and the individual’s training, background, and experience.

Moral Turpitude - An act of baseness, vileness, or depravity in private and social duties which a person owes to other people or to society in general; an act contrary to accepted and customary rules of right and duty between people; in essence contrary to justice, honesty, or good morals.

Report - The final communication, written or oral, of an appraisal or review transmitted to the client. Finality is evidenced by the presence of the Valuer’s signature in written communication or a statement of finality in the oral communication of assignment results. All communications to the client prior to the final communication must be conspicuously designated as such.

Review - The act or process of developing and communicating an opinion to a client about the quality of another’s appraisal or review Report.

Special Assumption - An assumption, directly applicable to a specific appraisal or review, which, if found to be false, could alter the opinions or conclusions in an appraisal or review.

Valuation Practice - Services performed by an individual acting as a Valuer, including but not limited to providing appraisal and review opinions.

Value - The monetary relationship between properties and those who buy, sell, or use those properties. Value expresses an economic concept. As such, it is never a fact but always an opinion of the worth of a property at a given time in accordance with a specific definition of value. In Valuation Practice, value must always be qualified - for example, market value, liquidation value, or investment value.

Valuer - One who is expected to engage in Valuation Practice in an unbiased and competent manner. This term is synonymous with appraiser.

CANON 1: One Must Refrain from Conduct that is Detrimental to the Profession and the Public

Ethical Rules

ER 1-1

It is unethical to knowingly:

- (a) act in a manner that is misleading;
- (b) act in a manner that is fraudulent;
- (c) use, or fail to take steps to prevent another from using, a misleading Report;
- (d) transmit, or fail to take steps to prevent another from transmitting, a misleading Report; or
- (e) transmit a Report containing an analysis, opinion, or conclusion that reasonable Valuers would not believe to be justified.

ER 1-2

It is unethical to engage in conduct of any kind that leads to a conviction of a crime involving fraud, dishonesty, false statements, or moral turpitude.

ER 1-3

In Valuation Practice it is unethical to knowingly fail to properly identify the issue to be addressed and have the knowledge and experience to complete the service competently prior to agreeing to perform a service, or alternatively, to:

- (a) disclose the lack of knowledge and/or experience to the client before agreeing to perform the service;
- (b) take all steps necessary or appropriate to complete the service competently; and
- (c) describe the lack of knowledge and/or experience and the steps taken to complete the service competently in the Report.

ER 1-4

In Valuation Practice it is unethical in the performance of a service to knowingly fail to:

- (a) identify appropriate Standards to apply; and
- (b) disclose in any Report the Standards applied.

CANON 2: One must maintain appropriate records

Ethical Rules

ER 2-1

It is unethical for a Valuer to fail to maintain records, documented on any type of media, for each Report.

(a) Records for a written Report must include:

- a copy of the written Report(s); and
- any other data, information, and documentation necessary to support the Valuer's analyses, opinions and conclusions and to show compliance with the Valuers Code of Professional Ethics and applicable Standards of Practice, or references to the location(s) of such other documentation accessible to the Valuer.

(b) Records for an oral Report must include:

- the name of the client and the identity, by name or type, of any other intended users;
- the Valuer's signed and dated certification;
- a written summary of the oral Report, or, if the presentation is in the form of testimony, a transcript of that testimony may be retained in the file in place of the summary; and
- all other data, information, and documentation necessary to support the Valuer's analyses, opinions and conclusions and to show compliance with the Valuers Code of Professional Ethics and applicable Standards of Practice, or references to the location(s) of such other documentation accessible to the Valuer.

A Valuer must possess the required records prior to the transmission of a Report.

ER 2-2

In Valuation Practice it is unethical to fail to retain required records for:

- (a) a period of five years from the date of the completion of the service;
- (b) a period of two years following final disposition of a proceeding in which the Valuer gave testimony as part of the service; or
- (c) a period of two years following the final disposition of a review of a service by a governmental licensing or credentialing body;

whichever period shall be the last to expire.

CANON 3: In Valuation Practice, a Valuer Must Develop and Report Unbiased Analyses, Opinions, and Conclusions

Ethical Rules

ER 3-1

In Valuation Practice it is unethical to knowingly contribute to or participate in the development, preparation, use or reporting of an analysis, opinion, or conclusion that is biased.

ER 3-2

In Valuation Practice it is unethical to knowingly permit an entity that is wholly or partially owned or controlled by a Valuer to contribute to or participate in the development, preparation, use, or reporting of an analysis, opinion, or conclusion that is biased.

ER 3-3

In Valuation Practice it is unethical to provide a service that is contingent upon reporting a predetermined analysis, opinion or conclusion.

ER 3-4

In Valuation Practice it is unethical to provide a service that includes a Hypothetical Condition, unless:

- (a) use of the Hypothetical Condition is required for legal purposes, for purposes of reasonable analysis, or for purposes of comparison;
- (b) use of the Hypothetical Condition results in a credible analysis; and
- (c) the Valuer complies with the applicable disclosure requirements set forth in the applicable Standards for Hypothetical Conditions.

ER 3-5

In Valuation Practice it is unethical to provide a service that includes a Special Assumption unless:

- (a) the Special Assumption is required to properly develop credible opinions and conclusions;
- (b) the Valuer has a reasonable basis for the Special Assumption;
- (c) use of the Special Assumption results in a credible analysis; and
- (d) the Valuer complies with the applicable disclosure requirements set forth in the applicable Standards for Special Assumptions.

ER 3-6

In Valuation Practice it is unethical to provide a service if a Valuer has any direct or indirect, current, or prospective personal interest in the subject or outcome of the service or with respect to the parties involved in the service, unless:

- (a) prior to agreeing to provide the service, the Valuer carefully considers the facts and reasonably concludes that he or she would remain unbiased and reasonable persons, under

- the same circumstances, would reach the same conclusion;
- (b) such personal interest is disclosed to the client prior to the Valuer agreeing to provide the service; and
 - (c) such personal interest is disclosed in each Report resulting from such service.

ER 3-7

In Valuation Practice it is unethical, during the period that commences at the time that a Valuer is contacted concerning a service and expires at the completion of such service, to knowingly acquire, or plan to acquire any direct or indirect, current, or prospective personal interest in the subject or outcome of the service or with respect to the parties involved in the service, unless:

- (a) the Valuer carefully considers the facts and reasonably concludes that he or she would remain unbiased and reasonable persons, under the same circumstances, would reach the same conclusion;
- (b) such personal interest is disclosed to the client and the Valuer obtains from the client a written statement consenting to or approving such acquisition or change of position; and
- (c) such personal interest is disclosed in each Report or other communication provided to the client resulting from such service.

CANON 4: One Must Not Violate Confidentiality

Ethical Rules

ER 4-1

In Valuation Practice it is unethical to disclose confidential information or an analysis, opinion, or conclusion specific to a service to anyone other than:

- (a) the client and those persons specifically authorized by the client;
- (b) third parties, when and to the extent that there is a legal obligation to do so by statute, ordinance, or court or regulatory order;
- (c) legal counsel, as reasonably necessary in the event of actual or threatened legal or regulatory action; and
- (d) authorized insurance representatives, for the purpose of seeking or maintaining professional liability insurance coverage.

CANON 5: One Must Not Advertise or Solicit in a Manner that is Misleading or Otherwise Contrary to the Public Interest

Ethical Rules

ER 5-1

It is unethical to utilize misleading advertising. Further, it is unethical to knowingly permit a business entity that one wholly or partially owns or controls to utilize misleading advertising.

ER 5-2

It is unethical to solicit services in a misleading manner. Further, it is unethical to knowingly permit an entity one wholly or partially owns or controls to solicit services in a misleading manner.

ER 5-3

It is unethical to fail to disclose in the Report the payment by the Valuer, or by an entity wholly or partially owned or controlled by the Valuer, of a referral fee, in cash or kind, paid in connection with the procurement of a service.

ER 5-4

It is unethical to prepare or use in any manner a resume or statement of qualifications that is misleading.