

West's Annotated Code of Maryland
Business Occupations and Professions
Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)
Subtitle 1. Definitions (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-101

§ 16-101. Definitions

Effective: July 1, 2012

[Currentness](#)

In general

(a) In this title the following words have the meanings indicated.

Appraisal

(b)(1) "Appraisal" means an analysis, conclusion, or opinion about the nature, quality, utility, or value of interests in or aspects of identified real estate.

(2) "Appraisal" includes:

(i) a valuation appraisal;

(ii) an analysis assignment; and

(iii) a review assignment.

(3) "Appraisal" does not include an opinion to a potential seller or third party by a person licensed under Title 17 of this article about the recommended listing price or recommended purchase price of real estate, provided that the opinion is not referred to as an appraisal.

Appraisal report

(c) "Appraisal report" means any communication, oral or written, of an appraisal.

Certificate

(d)(1) "Certificate" means, unless the context requires otherwise, a certificate issued by the Commission that allows an individual to provide certified real estate appraisal services.

(2) "Certificate" includes, unless the context requires otherwise, each of the following certificates:

- (i) a certificate to provide certified real estate appraisal services for general real estate; and
- (ii) a certificate to provide certified real estate appraisal services for residential real estate.

Certified appraisal report

(e) “Certified appraisal report” means an appraisal report prepared and signed by a certified real estate appraiser.

Certified real estate appraiser

(f)(1) “Certified real estate appraiser” means, unless the context requires otherwise, an individual who is certified by the Commission to provide certified real estate appraisal services.

(2) “Certified real estate appraiser” includes:

- (i) a certified real estate appraiser for general real estate; and
- (ii) a certified real estate appraiser for residential real estate.

Commission

(g) “Commission” means the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors.

Home inspection

(h) “Home inspection” means a written evaluation of one or more of the components of an existing residential building, including the heating system, cooling system, plumbing system, electrical system, structural components, foundation, roof, masonry structure, exterior and interior components, or any other related residential housing component.

Home inspector

(i) “Home inspector” means an individual who provides home inspection services for compensation.

License

(j) “License” means, unless the context requires otherwise, a license issued by the Commission to provide real estate appraisal services or to provide home inspection services.

Licensed home inspector

(k) “Licensed home inspector” means an individual who is licensed by the Commission to provide home inspection services.

Licensed real estate appraiser

(l) “Licensed real estate appraiser” means an individual who is licensed by the Commission to provide real estate appraisal services.

Provide certified real estate appraisal services

(m) “Provide certified real estate appraisal services” means to provide real estate appraisal services as a certified real estate

appraiser.

Provide home inspection services

(n) “Provide home inspection services” means to provide home inspection services as a licensed home inspector.

Provide real estate appraisal services

(o) “Provide real estate appraisal services” means to make for consideration an appraisal of real estate or prepare or sign an appraisal report in connection with a federally related transaction, as defined in the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989.¹

Real estate

(p)(1) “Real estate” means any interest in real property that is located in the State or elsewhere.

(2) “Real estate” includes:

(i) an interest in a condominium; and

(ii) a time-share estate or a time-share license, as those terms are defined in [§ 11A-101 of the Real Property Article](#).

Real estate appraiser trainee

(q) “Real estate appraiser trainee” means an individual who is licensed by the Commission to provide real estate appraisal services while:

(1) under the supervision of a supervising appraiser; and

(2) in training to become a licensed real estate appraiser or certified real estate appraiser.

Supervising appraiser

(r) “Supervising appraiser” means a certified residential real estate appraiser or a certified general real estate appraiser who has the responsibility of supervising one or more real estate appraiser trainees.

Supervision

(s)(1) “Supervision” means the responsibility of a supervising appraiser to provide on-site direction or immediately available direction, through written instructions or by electronic means, to real estate appraiser trainees performing real estate appraisal services.

(2) “Supervision” includes a supervising appraiser accepting direct responsibility for a real estate appraisal prepared by the real estate appraiser trainee while the trainee is under the supervising appraiser’s direction on a specific appraisal assignment.

Credits

Added by Acts 1990, c. 594. Amended by Acts 1991, c. 568. Renumbered from [Business Occupations and Professions § 15.5-101](#) by Acts 1994, c. 3, § 13, eff. Feb. 28, 1994. Amended by Acts 2000, c. 571, § 1, eff. Oct. 1, 2000; Acts 2001, c. 282, § 1, eff. Oct. 1, 2001; Acts 2001, c. 470, § 1, eff. Oct. 1, 2001; [Acts 2007, c. 649, § 1, eff. Jan. 1, 2008](#); [Acts 2012, c. 366, § 1, eff. July 1, 2012](#).

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

Footnotes

¹

[Pub.L. 101-73](#), Aug. 9, 1989, 103 Stat. 183.

MD Code, Business Occupations & Professions, § 16-101, MD BUS OCCUP & PROF § 16-101

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 2. State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-202

§ 16-202. Commission members

Effective: July 1, 2011

[Currentness](#)

Composition

(a)(1) The Commission consists of 15 members.

(2) Of the 15 members of the Commission:

(i) at least 2 shall be certified general real estate appraisers;

(ii) 2 shall be certified general real estate appraisers, certified residential real estate appraisers, or licensed real estate appraisers;

(iii) 2 shall be representatives of a financial institution who are not certified or licensed real estate appraisers or home inspectors;

(iv) 1 shall be a licensed home inspector who is a member of the American Society of Home Inspectors (ASHI);

(v) 1 shall be a licensed home inspector who is a member of the National Association of Home Inspectors;

(vi) 2 shall be licensed home inspectors without regard to affiliation with or membership in any society or association;

(vii) 4 shall be consumer members; and

(viii) 1 shall be a representative of an appraisal management company registered under Subtitle 5B of this title.

(3) The Governor shall:

(i) appoint the members with the advice of the Secretary and with the advice and consent of the Senate; and

(ii) consider demographic and geographic diversity when making appointments to the Commission.

Citizenship requirement

(b) Each member of the Commission shall be a citizen of the State.

Consumer members

(c)(1) Each consumer member of the Commission:

(i) shall be a member of the general public;

(ii) may not be a licensee, holder of a certificate, or otherwise be subject to regulation by the Commission;

(iii) may not be required to meet the qualifications for the professional members of the Commission; and

(iv) may not, within 1 year before appointment, have had a financial interest in or have received compensation from a person regulated by the Commission.

(2) While a member of the Commission, a consumer member may not:

(i) have a financial interest in or receive compensation from a person regulated by the Commission; or

(ii) grade any examination given by or for the Commission.

Oath

(d) Before taking office, each appointee to the Commission shall take the oath required by [Article I, § 9 of the Maryland Constitution](#).

Term

(e)(1) The term of a member is 3 years.

(2) The terms of members are staggered as required by the terms provided for members of the Commission on January 1, 1991.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(5) A member may not serve for more than 2 consecutive 3-year terms.

Removal by Governor

(f) The Governor may remove a member for incompetence or misconduct.

Credits

Added by Acts 1990, c. 594. Renumbered from [Business Occupations and Professions § 15.5-602](#) by Acts 1994, c. 3, § 13, eff. Feb. 28, 1994. Amended by Acts 2001, c. 470, § 1, eff. Oct. 1, 2001; [Acts 2002, c. 226, § 1, eff. July 1, 2002](#); [Acts 2010, c. 72, § 5, eff. April 13, 2010](#); Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-202, MD BUS OCCUP & PROF § 16-202

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 2. State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-209

§ 16-209. Enforcement of title

Currentness

Hearings, oaths, subpoenas

(a)(1) The Commission shall administer and enforce the provisions of this title.

(2) In connection with any action to enforce the provisions of this title, the Commission may:

(i) hold hearings;

(ii) administer oaths;

(iii) issue a subpoena for the attendance of a witness to testify or the production of evidence; or

(iv) take depositions in the same manner as provided in civil cases in the State.

(3) The Police Department of Baltimore City, the sheriff of a county, or a private process server shall serve a subpoena issued under this subsection.

(4) If a person fails to comply with a subpoena issued under this subsection, on petition of the Commission or another party, a circuit court may compel compliance with the subpoena.

Injunctions

(b)(1) If the Commission concludes that conduct alleged to be a violation of any provision of this title may result in irreparable harm to a person, the Commission may sue to enforce a provision of this title by ex parte, interlocutory, or final injunction.

(2) In seeking an injunction under this subsection, the Commission is not required to:

(i) post bond, if the injunction is sought against a person who does not hold a license issued under this title;

(ii) allege or prove that an adequate remedy at law does not exist; or

(iii) allege or prove that substantial or irreparable damage would result from the continued violation of the provision.

Form and contents of complaint, investigations

(c)(1) Subject to the provisions of this section, the Commission shall conduct an investigation that relates to any complaint alleging that an unauthorized person has provided real estate appraisal services or home inspection services.

(2) A complaint shall:

(i) be in writing;

(ii) state specifically the facts on which the complaint is based; and

(iii) be submitted to the Commission.

(3) If a complaint is made by any person other than a member of the Commission, the complaint shall be made under oath by the person who submits the complaint.

Personal liability

(d) A member of the Commission may not be held personally liable for any action taken under this section.

Credits

Added as Business Occupations and Professions § 15.5-209 by Acts 1990, c. 594, § 1, eff. July 1, 1990. Renumbered as Business Occupations and Professions § 16-209 by Acts 1994, c. 3, § 13, eff. Feb. 28, 1994. Amended by Acts 2001, c. 470, § 1, eff. Oct. 1, 2001; [Acts 2005, c. 192, § 1, eff. Oct. 1, 2005](#).

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-209, MD BUS OCCUP & PROF § 16-209

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 2. State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-210.2

§ 16-210.2. Appraisal Management Company Hearing Board

Effective: July 1, 2011

[Currentness](#)

In general

(a) The Commission shall establish an appraisal management company hearing board.

Board members

(b)(1) The hearing board consists of three members of the Commission, appointed by the Commission.

(2) Of the three positions on the appraisal management company hearing board:

(i) one shall be a representative of a financial institution;

(ii) one shall be a consumer member; and

(iii) one shall be a representative of an appraisal management company.

Chair of Board

(c) From among the members of the hearing board, the Commission shall designate a chair.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-210.2, MD BUS OCCUP & PROF § 16-210.2

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 2. State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-211

§ 16-211. Commission matters referred to Hearing Board

Effective: April 10, 2012

[Currentness](#)

Hearings

(a) The Commission shall refer to the appropriate hearing board for a hearing any matter for which a hearing may be required under § 16-701, § 16-701.1, or § 16-701.2 of this title.

Powers of Hearing Board

(b) The hearing board may exercise the same powers and shall conduct a hearing in accordance with the same procedures applicable to the Commission under § 16-602 of this title.

Disciplinary actions

(c)(1) The hearing board shall determine if there is a reasonable basis to believe that there are grounds for disciplinary action under this title against a licensee.

(2)(i) If the hearing board finds a reasonable basis as provided under paragraph (1) of this subsection, the hearing board shall:

1. hold a hearing on the matter; and
2. file its finding with the Commission.

(ii) If the hearing board does not find a reasonable basis as provided under paragraph (1) of this subsection, the hearing board shall dismiss the complaint.

(3) A hearing board shall advise the Commission specifically of any action brought against a licensee as a result of monetary loss, misappropriation of money, or fraud.

Exceptions to decisions of Hearing Board

(d)(1)(i) Within 15 days after the filing of a decision by a hearing board, the Commission or any of its members may file an

exception to the decision of the hearing board.

(ii) On the filing of an exception under subparagraph (i) of this paragraph, the Commission shall set a hearing on the matter.

(2) If an exception is not filed within the time allowed under paragraph (1)(i) of this subsection:

(i) the decision of the hearing board shall be considered as the final decision of the Commission; and

(ii) any party aggrieved by the decision may take a judicial appeal as provided in this title.

Credits

Added by Acts 1990, c. 594. Renumbered from Business Occupations and Professions § 15.5-211 by Acts 1994, c. 3, § 13, eff. Feb. 28, 1994. Amended by Acts 2001, c. 470, § 1, eff. Oct. 1, 2001; Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011; [Acts 2012, c. 66, § 1, eff. April 10, 2012](#).

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-211, MD BUS OCCUP & PROF § 16-211

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 2. State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-218

§ 16-218. Appeals

Currentness

Any person aggrieved by a final decision of the Commission in a contested case, as defined in § 10-202 of the State Government Article, may take an appeal as allowed in §§ 10-222 and 10-223 of the State Government Article.

Credits

Added by Acts 1990, c. 594. Renumbered from Business Occupations and Professions § 15.5-218 by Acts 1994, c. 3, § 13, eff. Feb. 28, 1994. Amended by Acts 1995, c. 3, § 1, eff. March 7, 1995; Acts 2001, c. 470, § 1, eff. Oct. 1, 2001.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-218, MD BUS OCCUP & PROF § 16-218

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland
Business Occupations and Professions
Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors
Subtitle 5B. Real Estate Appraisal Management Companies

MD Code, Business Occupations & Professions, T. 16, Subt. 5B, Refs & Annos

[Currentness](#)

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, T. 16, Subt. 5B, Refs & Annos, MD BUS OCCUP & PROF T. 16, Subt. 5B, Refs & Annos

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-01

§ 16-5B-01. Definitions

Effective: July 1, 2011

[Currentness](#)

In general

(a) In this subtitle the following words have the meanings indicated.

Appraisal management company

(b) "Appraisal management company" means a third party authorized by a creditor of a consumer credit transaction secured by a consumer's principal dwelling, or by an underwriter of or other principal in the secondary mortgage markets, that directly or indirectly provides appraisal management services in connection with valuing properties collateralizing mortgage loans or mortgages incorporated in a securitization.

Appraisal review

(c)(1) "Appraisal review" means the act of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of an appraiser assignment.

(2) "Appraisal review" does not include an examination of an appraisal for grammatical, typographical, or other similar errors that do not make a substantive valuation change.

Appraiser

(d) "Appraiser" means a licensed real estate appraiser or a certified real estate appraiser.

Appraiser panel

(e) "Appraiser panel" means a network of licensed or certified appraisers who are independent contractors to the appraisal management company.

Competent appraiser

(f) "Competent appraiser" means an appraiser that satisfies each provision of the competency rule of the Uniform Standards of Professional Practice for a specific appraisal assignment that the appraiser has received, or may receive, from an appraisal management company.

Controlling person

(g) "Controlling person" means:

- (1) an owner, officer, or director of an appraisal management company;
- (2) an individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into:
 - (i) a contractual relationship with other persons for the performance of appraisal management services; and
 - (ii) agreements with appraisers for the performance of appraisals; or
- (3) an individual who possesses the power to direct or cause the direction of the management or policies of an appraisal management company.

Provide appraisal management services

(h) "Provide appraisal management services" means to, directly or indirectly, on behalf of a lender, financial institution, client, or other person in conjunction with a consumer credit transaction that is secured by a consumer's primary dwelling:

- (1) administer an appraisal panel;
- (2) recruit, retain, or select appraisers;
- (3) verify licensing or certification, negotiate fees and service level expectations, and review the qualifications of persons who are part of, or who wish to become part of, an appraiser panel;
- (4) contract with appraisers to perform appraisal assignments;
- (5) receive an order for an appraisal from one person, and deliver the order for the appraisal to an appraiser that is part of an appraiser panel for completion;
- (6) manage the process of having an appraisal performed, including the following administrative duties:
 - (i) receiving appraisal orders and reports;
 - (ii) submitting completed appraisal reports to creditors and underwriters;
 - (iii) collecting fees from creditors and underwriters for services provided; and
 - (iv) reimbursing appraisers for services performed;
- (7) track and determine the status of orders for appraisals;

(8) conduct quality control of a completed appraisal prior to the delivery of the appraisal to the person that ordered the appraisal; or

(9) provide a completed appraisal performed by an appraiser to a client.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-01, MD BUS OCCUP & PROF § 16-5B-01

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-02

§ 16-5B-02. Application of subtitle

Effective: July 1, 2011

[Currentness](#)

This subtitle does not apply to:

- (1) a person that exclusively employs appraisers on an employer-employee basis for the performance of appraisals; or
- (2) an entity that is a subsidiary owned and controlled by a financial institution and regulated by a federal financial institution regulatory agency.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-02, MD BUS OCCUP & PROF § 16-5B-02

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-03

§ 16-5B-03. Registration required before providing appraisal management services

Effective: July 1, 2011

[Currentness](#)

In general

(a) A person shall register with the Commission before the person:

- (1) engages or attempts to engage in business as an appraisal management company;
- (2) provides or attempts to provide appraisal management services; or
- (3) advertises or represents the person to be an appraisal management company.

Information necessary for registration

(b) The registration required under subsection (a) of this section shall include:

- (1) the name of the person seeking registration;
- (2) the business address of the person seeking registration;
- (3) the phone contact information of the person seeking registration;
- (4) if the person seeking registration is not a corporation that is domiciled in the State, the name and contact information for the company's agent for service of process in this State;
- (5) the name, address, and contact information of any individual or any corporation, partnership, or other business entity that owns 10% or more of the person seeking registration;
- (6) a certification that the person seeking registration will verify that a person being added to the appraiser panel of the appraisal management company holds an appropriate license or certification in good standing in the State under this subtitle for the purpose of performing real estate appraisals;
- (7) a certification that the person seeking registration requires appraisers completing appraisals at its request to comply

with the Uniform Standards of Professional Appraisal Practice, including the requirements for geographic and product competence;

(8) a certification that the person seeking registration will require appraisals to be conducted independently as required by the appraisal independence standards under Section 129E of the Truth in Lending Act, including the requirements of payment of a reasonable and customary fee to appraisers when the appraisal management company is providing services for a consumer credit transaction secured by the principal dwelling of a consumer;

(9) a certification that the person seeking registration maintains a detailed record of each service request that it receives and the appraiser that performs the residential real estate appraisal services for the person under § 16-5B-09 of this subtitle;

(10) an irrevocable Uniform Consent to Service of Process in accordance with § 16-5B-04(c) of this subtitle; and

(11) any other information that the Commission reasonably requires to implement this subtitle.

Registrations not established prior to effective date of subtitle

(c) If the registration process required under subsection (a) of this section has not been established as of the effective date of this subtitle, an appraisal management company may, without being registered under this subtitle, continue to provide appraisal management services in accordance with this subtitle for 120 days after a registration process becomes available.

Services pending approval of registration

(d) An appraisal management company that has submitted a complete application for registration under subsection (b) of this section may continue to provide appraisal management services in accordance with this subtitle until the Commission makes a final decision to approve or deny the company's application for registration under this subtitle.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-03, MD BUS OCCUP & PROF § 16-5B-03

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-04

§ 16-5B-04. Registration applications

Effective: July 1, 2011

[Currentness](#)

Application form

(a) An applicant for registration as an appraisal management company shall submit to the Commission an application on a form required by the Commission.

Term of registration

(b) A registration issued under this subtitle is valid for 1 year.

Uniform Consent to Service of Process

(c) A person applying for registration as an appraisal management company shall complete an irrevocable Uniform Consent to Service of Process, as required by the Commission.

Registration fees

(d) The Commission may set by regulation reasonable fees for registering appraisal management companies under this subtitle.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-04, MD BUS OCCUP & PROF § 16-5B-04

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-05

§ 16-5B-05. Registration qualifications

Effective: July 1, 2011

[Currentness](#)

Persons or entities subject to discipline

(a) A person applying for registration as an appraisal management company may not be owned in whole or in part, directly or indirectly, by:

- (1) a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in any state; or
- (2) another entity that is owned by a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in any state.

Good character and reputation of owner

(b) The owner of an appraisal management company shall:

- (1) be of good character and reputation, as determined by the Commission; and
- (2) submit to a background investigation, as determined by the Commission.

Certification relating to ownership of person

(c) A person applying for registration as an appraisal management company shall certify to the Commission that it has reviewed each entity that owns the person and that no other entity that owns the person is directly owned by a person that has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in any state.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-05, MD BUS OCCUP & PROF § 16-5B-05

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-06

§ 16-5B-06. Designation of controlling person

Effective: July 1, 2011

[Currentness](#)

Contact between Commission and appraisal management company

(a) A person applying for registration as an appraisal management company shall designate an individual to serve as a controlling person that will be the main contact for all communication between the Commission and the appraisal management company.

Duties of controlling person

(b) The controlling person designated under subsection (a) of this section shall:

- (1) have never had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in any state, unless the license or certificate was subsequently granted or reinstated;
- (2) be of good character and reputation, as determined by the Commission; and
- (3) submit to a background investigation, as determined by the Commission.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-06, MD BUS OCCUP & PROF § 16-5B-06

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-07

§ 16-5B-07. Employment or business relationship with unlicensed appraiser prohibited

Effective: July 1, 2011

[Currentness](#)

An appraisal management company may not:

- (1) knowingly employ a person in a position in which the person has the responsibility to order appraisals or to review completed appraisals who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in any state, unless the license or certificate was subsequently granted or reinstated;
- (2) knowingly enter into an independent contractor arrangement for real estate appraisal services with a person who has had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in any state, unless the license or certificate was subsequently granted or reinstated; or
- (3) knowingly enter into a contract, an agreement, or any other business relationship, for the purpose of obtaining real estate appraisal services, with an entity that employs, has entered into an independent contract arrangement with, or has entered into a contract, an agreement, or any other business relationship with a person who has ever had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in any state, unless the license or certificate was subsequently granted or reinstated.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-07, MD BUS OCCUP & PROF § 16-5B-07

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-08

§ 16-5B-08. Confirmation of competent appraisers

Effective: July 1, 2011

[Currentness](#)

In general

(a) An appraisal management company shall require that an appraiser confirm in writing or via electronic means that an appraiser receiving the assignment is a competent appraiser for the performance of the appraisal being assigned.

Liability of appraisal management company

(b) An appraisal management company that has complied with subsection (a) of this section in relation to an assignment may not be held liable for a violation of this subtitle in relation to that assignment if the Commission subsequently determines that the appraiser completing the assignment violated the competency rule of the Uniform Standards of Professional Appraisal Practice.

Licensure or certification of appraiser required

(c) An employee of or independent contractor to the appraisal management company that performs an appraisal review on a property located in the State shall be an appraiser licensed or certified in the State.

Federally related transactions

(d) An appraisal management company may not enter into any agreements with an appraiser for the performance of appraisals in conjunction with federally related transactions unless it verifies that the appraiser is licensed or certified to perform the appraisal under this subtitle.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-08, MD BUS OCCUP & PROF § 16-5B-08

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-09

§ 16-5B-09. Recordkeeping requirements

Effective: July 1, 2011

[Currentness](#)

In general

(a) A person applying for registration as an appraisal management company shall certify to the Commission on an annual basis that it will maintain a detailed record of:

- (1) each service request that it receives; and
- (2) each appraiser that performs the appraisal for the appraisal management company.

Retention of records

(b) An appraisal management company shall retain the records required under subsection (a) of this section for 5 years after an appraisal is completed, or 2 years after final disposition of a judicial proceeding related to the assignment, whichever period expires later.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-09, MD BUS OCCUP & PROF § 16-5B-09

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-10

§ 16-5B-10. Failure to separate, disclose, or record fees prohibited

Effective: July 1, 2011

[Currentness](#)

In general

(a) An appraisal management company may not:

(1) knowingly fail to separate and disclose any fees charged to a client by the appraisal management company for the completion of an appraisal by an appraiser from the fees charged to a lender, client, or any other person by an appraisal management company for providing appraisal management services; or

(2) knowingly prohibit an appraiser from recording the fee that the appraiser was paid by the appraisal management company for the provision of real estate services within the appraisal report that is submitted by the appraiser to the appraisal management company.

Disciplinary action

(b) The Commission may not bring disciplinary action under § 16-702.2 of this title or recommend criminal sanctions under § 16-706 of this title based solely on subsection (a) of this section.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-10, MD BUS OCCUP & PROF § 16-5B-10

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-11

§ 16-5B-11. Inappropriate influence or coercion prohibited

Effective: July 1, 2011

[Currentness](#)

Appraisal independence standards

(a)(1) Each appraisal management company shall ensure that real estate appraisal services are provided independently and free from inappropriate influence and coercion under the appraisal independence standards established under Section 129E of the Truth in Lending Act.

(2)(i) An appraisal management company shall pay an appraiser reasonable and customary fees consistent with the presumptions of compliance defined under federal law.

(ii) The Commission may not bring disciplinary action under § 16-702.2 of this title or recommend criminal sanctions under § 16-706 of this title based solely on subparagraph (i) of this paragraph.

Improper influence or coercion prohibited

(b) An employee, partner, director, officer, or agent of an appraisal management company may not influence or attempt to influence the development, reporting, result, or review of an appraisal through coercion, extortion, collusion, compensation, inducement, intimidation, bribery, or any other means, including:

(1) compensating, colluding, or influencing, or attempting to compensate, collude, or influence a person involved in an appraisal for the purpose of causing the appraised value assigned under the appraisal to the property to be based on a factor other than the independent judgment of the appraiser;

(2) mischaracterizing, or suborning any mischaracterization of, the appraised value of a property in conjunction with a consumer credit transaction;

(3) seeking to influence an appraiser or otherwise encouraging a targeted value in order to facilitate the making or pricing of a consumer credit transaction;

(4) withholding or threatening to withhold timely payment for an appraisal report or for the provision of real estate appraisal services when the appraisal report or services are provided in accordance with a contract between the parties;

(5) withholding or threatening to withhold future business from an appraiser;

- (6) demoting or terminating or threatening to demote or terminate an appraiser;
- (7) expressly or impliedly promising future business, promotions, or increased compensation for an appraiser;
- (8) requiring an appraiser to indemnify an appraisal management company or hold an appraisal management company harmless for any liability, damage, losses, or claims arising out of the services provided by the appraisal management company, and not the services performed by the appraiser;
- (9) conditioning a request for an appraisal or the payment of an appraisal fee or salary or bonus on:
 - (i) an opinion, a conclusion, or a valuation to be reached; or
 - (ii) a preliminary estimate or opinion requested from an appraiser;
- (10) requesting that an appraiser provide:
 - (i) an estimated, predetermined, or desired valuation in an appraisal report; or
 - (ii) estimated values or comparable sales at any time before the appraiser's completion of an appraisal;
- (11) except for a copy of the sales contract for purchase transactions, providing to an appraiser an anticipated, estimated, encouraged, or desired value for a subject property or a proposed or target amount to be loaned to the borrower;
- (12) providing to an appraiser, or a person related to the appraiser, stock or other financial or nonfinancial benefits;
- (13) allowing the removal of an appraiser from an appraiser panel without prior written notice to the appraiser;
- (14) obtaining, using, or paying for a second or subsequent appraisal, or ordering an automated valuation model, in connection with a mortgage financing transaction unless:
 - (i) there is a reasonable basis to believe that the initial appraisal was flawed and the basis is clearly and appropriately noted in the loan file;
 - (ii) the subsequent appraisal or automated valuation model is done under a bona fide prefunding or postfunding appraisal review or quality control process;
 - (iii) a second appraisal is required under State or federal law; or
 - (iv) the second appraisal or automated valuation model is ordered by an appraisal management company in response to a

request by a client in order to satisfy client valuation policies for the property being appraised and the second appraisal or automated valuation model is ordered by the client prior to the completion of the first appraisal; or

(15) any other act impairing or attempting to impair an appraiser's independence or impartiality.

Actions not considered improper

(c) Nothing in subsection (a) or (b) of this section may be construed to prohibit an appraisal management company from asking an appraiser to:

(1) consider additional appropriate property information, including the consideration of additional comparable properties to make or support an appraisal;

(2) provide further detail, substantiation, or explanation for an appraiser's value conclusion; or

(3) correct errors in an appraisal report.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-11, MD BUS OCCUP & PROF § 16-5B-11

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-12

§ 16-5B-12. Duty of appraisal management company to report appraiser misconduct

Effective: July 1, 2011

[Currentness](#)

An appraisal management company shall inform the Commission when the appraisal management company has a reasonable basis to believe that:

(1) an appraiser has:

(i) failed to comply with the Uniform Standards of Professional Appraisal Practice;

(ii) violated applicable laws; or

(iii) engaged in unethical or unprofessional conduct; and

(2) the appraiser's conduct under item (1) of this section is likely to affect the value assigned to the consumer's principal dwelling.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-12, MD BUS OCCUP & PROF § 16-5B-12

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-13

§ 16-5B-13. Unprofessional conduct of appraisal management companies

Effective: July 1, 2011

[Currentness](#)

An appraisal management company commits unprofessional conduct if the appraisal management company:

- (1) requires an appraiser to modify an aspect of an appraisal report and the modification requested is not related to standard performance or noncompliance with the terms of engagement;
- (2) requires an appraiser to prepare an appraisal report if the appraiser has notified the appraisal management company that, in the appraiser's own professional judgment, the appraiser believes the appraiser does not have the necessary expertise for the specific geographic area;
- (3) requires an appraiser to prepare an appraisal report under a time frame that the appraiser has notified the appraisal management company that, in the appraiser's own professional judgment, the appraiser believes does not afford the appraiser the ability to meet all the relevant legal and professional obligations;
- (4) prohibits or inhibits communication between an appraiser and a lender, a real estate licensee, or any other person from whom the appraiser, in the appraiser's own professional judgment, believes information would be relevant;
- (5) requires the appraiser to do anything that does not comply with:
 - (i) the Uniform Standards of Professional Appraisal Practice; or
 - (ii) any assignment conditions and certifications required by the client; or
- (6) makes any portion of the appraiser's fee or the appraisal management company's fee contingent on a favorable outcome, including:
 - (i) a loan closing; or
 - (ii) a specific dollar amount being achieved by the appraiser in the appraisal report.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-13, MD BUS OCCUP & PROF § 16-5B-13

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-14

§ 16-5B-14. Payment of appraisers for appraisals or valuation assignments

Effective: July 1, 2011

[Currentness](#)

Timeliness of payment

(a) Except in cases of breach of contract or substandard performance of services, an appraisal management company shall pay an appraiser for the completion of an appraisal or valuation assignment within 60 days after the appraiser provides the completed appraisal or valuation study to the appraisal management company or its assignee.

Disciplinary action

(b) The Commission may not bring disciplinary action under § 16-702.2 of this title or recommend criminal sanctions under § 16-706 of this title based solely on subsection (a) of this section.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-14, MD BUS OCCUP & PROF § 16-5B-14

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-15

§ 16-5B-15. Appraisal reports

Effective: July 1, 2011

[Currentness](#)

Changes to completed appraisal report prohibited

(a) An appraisal management company may not change a completed appraisal report submitted by an appraiser by:

- (1) permanently removing the appraiser's signature or seal; or
- (2) adding information to, or removing information from, the appraisal report with an intent to change the valuation conclusion.

Digital signature or seal of appraiser

(b)(1) An appraisal management company may not require an appraiser to provide the appraisal management company with the appraiser's digital signature or seal.

- (2) Subject to the restrictions in the Uniform Standards of Professional Appraisal Practice, an appraiser may voluntarily provide the appraiser's digital signature to another person.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-15, MD BUS OCCUP & PROF § 16-5B-15

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-16

§ 16-5B-16. Registration numbers

Effective: July 1, 2011

[Currentness](#)

Number unique to appraisal management company

(a) The Commission shall issue a unique registration number to each appraisal management company that is registered in this State.

List of appraisal management companies

(b) The Commission shall publish annually a list of appraisal management companies.

Disclosure of registration number

(c) An appraisal management company shall disclose the company's registration number on any instrument utilized by the appraisal management company to procure appraisal services in this State.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-16, MD BUS OCCUP & PROF § 16-5B-16

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-17

§ 16-5B-17. Removal of appraiser from appraisal panel of company

Effective: July 1, 2011

[Currentness](#)

Notice and opportunity for appraiser to respond

(a) Except within 30 days after an appraiser is first added to the appraiser panel of an appraisal management company, an appraisal management company may not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an appraiser, without:

- (1) notifying the appraiser in writing of the reasons why the appraiser is being removed from the appraiser panel of the appraisal management company;
- (2) identifying the illegal conduct, violation of the Uniform Standards of Professional Appraisal Practice, violation of State licensing standards, or substandard performance or violations of contractual terms between the appraiser and the appraisal management company that the appraisal management company has a reasonable basis to believe that the appraiser has engaged in; and
- (3) providing an opportunity for the appraiser to respond.

Review of removal decision

(b)(1) An appraiser that is removed from the appraiser panel of an appraisal management company for alleged illegal conduct, a violation of the Uniform Standards of Professional Appraisal Practice, or a violation of State licensing standards may file a complaint with the Commission for a review of the decision of the appraisal management company.

(2) The Commission's review under paragraph (1) of this subsection is limited to determining whether:

- (i) the appraisal management company has complied with subsection (a) of this section; and
- (ii) the appraiser has committed a violation of:
 1. State law; or
 2. the Uniform Standards of Professional Appraisal Practice.

Hearing

(c)(1) If an appraiser files a complaint against an appraisal management company under subsection (b) of this section, the Commission shall schedule a hearing within a reasonable time, not exceeding 1 year, after the complaint is filed.

(2) The time specified under paragraph (1) of this subsection may be extended for good cause by the Commission on written notice to the parties.

Restoration of appraiser to panel

(d) If after opportunity for hearing and review, the Commission determines that an appraisal management company acted improperly in removing an appraiser from the appraiser panel, or that an appraiser did not commit a violation of State law or a violation of the Uniform Standards of Professional Appraisal Practice, the Commission shall order that an appraiser be restored to the appraiser panel of the appraisal management company that was the subject of the complaint.

Retaliation of company after adverse ruling prohibited

(e) If the Commission finds that the appraisal management company acted improperly in removing the appraiser from the appraiser panel, an appraisal management company may not:

(1) reduce the number of real estate appraisal assignments the company gives to an appraiser; or

(2) penalize the appraiser in any other manner.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-17, MD BUS OCCUP & PROF § 16-5B-17

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 5B. Real Estate Appraisal Management Companies (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-5B-18

§ 16-5B-18. Regulations

Effective: July 1, 2011

[Currentness](#)

The Commission may adopt regulations necessary to implement, administer, and enforce this subtitle.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-5B-18, MD BUS OCCUP & PROF § 16-5B-18

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland
Business Occupations and Professions
Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors
Subtitle 6. Procedures

MD Code, Business Occupations & Professions, T. 16, Subt. 6, Refs & Annos

[Currentness](#)

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, T. 16, Subt. 6, Refs & Annos, MD BUS OCCUP & PROF T. 16, Subt. 6, Refs & Annos

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland
Business Occupations and Professions
Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)
Subtitle 6. Procedures (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-601

§ 16-601. Commencement of proceedings by Commission

Effective: July 1, 2011

[Currentness](#)

In general

(a) Subject to the provisions of this section, the Commission shall start proceedings under [§ 16-701](#), [§ 16-701.1](#), or [§ 16-701.2](#) of this title on a complaint made to the Commission by any person.

Form and contents of complaint

(b)(1) A complaint shall:

(i) be in writing; and

(ii) state specifically the facts on which the complaint is based.

(2) If a complaint is made by any person other than the Commission, the complaint shall be made under oath by the person who submits the complaint.

(3) A complaint may be accompanied by documentary or other evidence.

Investigation of complaint

(c) The Commission shall investigate each complaint submitted to the Commission if the complaint:

(1) alleges facts that establish a prima facie case that is grounds for disciplinary action under [§ 16-701](#), [§ 16-701.1](#), or [§ 16-701.2](#) of this title; and

(2) meets the requirements of this section.

Action on complaint

(d)(1) On conclusion of the investigation, the Commission shall determine if there is a reasonable basis to believe that there are grounds for disciplinary action under [§ 16-701](#), [§ 16-701.1](#), or [§ 16-701.2](#) of this title against an applicant or licensee.

§ 16-601. Commencement of proceedings by Commission, MD BUS OCCUP & PROF...

(2)(i) If the Commission finds a reasonable basis as provided under paragraph (1) of this subsection, the Commission shall act on the complaint as provided under § 16-602 of this subtitle.

(ii) If the Commission does not find a reasonable basis as provided under paragraph (1) of this subsection, the Commission shall dismiss the complaint.

Credits

Added by Acts 1990, c. 594. Renumbered from [Business Occupations and Professions § 15.5-601](#) by Acts 1994, c. 3, § 13, eff. Feb. 28, 1994. Amended by Acts 2001, c. 470, § 1, eff. Oct. 1, 2001; Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-601, MD BUS OCCUP & PROF § 16-601

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland
Business Occupations and Professions
Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)
Subtitle 6. Procedures (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-602

§ 16-602. Notice and hearing

Effective: July 1, 2011

[Currentness](#)

Right to hearing

(a) Except as otherwise provided in [§ 10-226 of the State Government Article](#), before the Commission takes any final action under [§ 16-701](#), [§ 16-701.1](#), or [§ 16-701.2](#) of this title, it shall give the individual against whom the action is contemplated an opportunity for a hearing before:

- (1) the Commission; or
- (2) the Hearing Board for proceedings under [§ 16-211](#) of this title.

Application of State Government Article

(b) The Commission shall give notice and hold the hearing in accordance with Title 10, Subtitle 2 of the State Government Article.

Oaths

(c) The Commission may administer oaths in connection with any proceeding under this section.

Notice sent by certified mail

(d) The hearing notice to be given to the individual shall be sent by certified mail to the last known address of the individual at least 10 days before the hearing.

Counsel

(e) The individual may be represented at the hearing by counsel.

Subpoenas

(f)(1) The Commission may issue subpoenas in connection with any proceeding under this section.

- (2) If a person fails to comply with a subpoena issued under this subsection, on petition of the Commission, a circuit court may compel compliance with the subpoena.

Absence of individual

(g) If, after due notice, the individual against whom the action is contemplated fails or refuses to appear, nevertheless the Commission may hear and determine the matter.

Credits

Added by Acts 1990, c. 594. Renumbered from [Business Occupations and Professions § 15.5-602](#) by Acts 1994, c. 3, § 13, eff. Feb. 28, 1994. Amended by Acts 1995, c. 3, § 1, eff. March 7, 1995; Acts 2001, c. 470, § 1, eff. Oct. 1, 2001; Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-602, MD BUS OCCUP & PROF § 16-602

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 7. Prohibited Acts; Penalties (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-701.2

§ 16-701.2. Denial, suspension, or revocation of registration

Effective: July 1, 2011

[Currentness](#)

Grounds for discipline

(a) Subject to the hearing provisions of [§ 16-602](#) of this title, the Commission may deny registration to any applicant for registration as an appraisal management company, reprimand any registered appraisal management company, or suspend or revoke the registration of an appraisal management company if the applicant or registrant:

- (1) fraudulently or deceptively obtains or attempts to obtain registration for the applicant or registrant or for another;
- (2) fraudulently or deceptively uses a registration;
- (3) under the laws of the United States or any state is convicted of:
 - (i) a felony; or
 - (ii) a misdemeanor that is directly related to the fitness and qualifications of the registrant to provide appraisal management services;
- (4) violates or attempts to violate any provision of this title;
- (5) violates or attempts to violate any regulation adopted under this title; or
- (6) violates [§ 14-127 of the Real Property Article](#).

Fines and penalties

(b)(1) Instead of or in addition to reprimanding a registrant or suspending or revoking a registration under this section, the Commission may impose a penalty not exceeding \$25,000 for each violation.

- (2) To determine the amount of the penalty imposed, the Commission shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the registrant; and
- (iv) any history of previous violations by the registrant.

(3) The Commission shall pay any penalty collected under this subsection into the General Fund of the State.

Factors considered in determining discipline

(c) The Commission shall consider the following facts in the granting, denial, renewal, suspension, or revocation of a registration or the reprimand of a registrant when an applicant or registrant is convicted of a felony or a misdemeanor described in subsection (a)(3) of this section:

- (1) the nature of the crime;
- (2) the relationship of the crime to the activities authorized by the registration;
- (3) with respect to a felony, the relevance of the conviction to the fitness and qualification of the applicant or registrant to provide appraisal management services;
- (4) the length of time since the conviction; and
- (5) the behavior and activities of the applicant or registrant before and after the conviction.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-701.2, MD BUS OCCUP & PROF § 16-701.2

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland
Business Occupations and Professions
Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)
Subtitle 7. Prohibited Acts; Penalties (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-706

§ 16-706. Fines and penalties for violating title

Currentness

In general

(a) A person who violates any provision of this title is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$5,000 or imprisonment not exceeding 1 year or both.

Determination of penalty

(b)(1) The Commission may impose on a person who violates any provision of this title a penalty not exceeding \$5,000 for each violation.

(2) In setting the amount of the penalty, the Commission shall consider:

- (i) the seriousness of the violation;
- (ii) the harm caused by the violation;
- (iii) the good faith of the violator;
- (iv) any history of previous violations by the violator; and
- (v) any other relevant factors.

(3) The Commission shall pay any penalty collected under this subsection into the General Fund of the State.

Credits

Added by Acts 1990, c. 594. Renumbered from [Business Occupations and Professions § 15.5-706](#) by Acts 1994, c. 3, § 13, eff. Feb. 28, 1994. Amended by Acts 2001, c. 187, § 1, eff. Oct. 1, 2001; Acts 2001, c. 470, § 1, eff. Oct. 1, 2001; [Acts 2002, c. 19, § 1, eff. April 9, 2002](#).

§ 16-706. Fines and penalties for violating title, MD BUS OCCUP & PROF § 16-706

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-706, MD BUS OCCUP & PROF § 16-706

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland

Business Occupations and Professions

Title 16. Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors (Refs & Annos)

Subtitle 7. Prohibited Acts; Penalties (Refs & Annos)

MD Code, Business Occupations & Professions, § 16-707

§ 16-707. Penalties imposed by Commission

Currentness

In general

(a) The Commission may impose on a person who violates this title a civil penalty not exceeding \$5,000 for each violation, whether or not the person is licensed or holds a certificate under this title.

Determination of penalty

(b) In setting the amount of a civil penalty, the Commission shall consider:

- (1) the seriousness of the violation;
- (2) the good faith of the violator;
- (3) any previous violations;
- (4) the harmful effect of the violation on the complainant, the public, and the business of home inspections or real estate appraisals;
- (5) the assets of the violator; and
- (6) any other relevant factors.

Credits

Added by Acts 2001, c. 470, § 1, eff. Oct. 1, 2001. Amended by Acts 2002, c. 19, § 1, eff. April 9, 2002.

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Occupations & Professions, § 16-707, MD BUS OCCUP & PROF § 16-707

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

West's Annotated Code of Maryland
Business Regulation (Refs & Annos)
Title 2. Department of Licensing and Regulation

MD Code, Business Regulation, § 2-106.7

§ 2-106.7. State Commission of Real Estate Appraisers and Home Inspectors Fund

Effective: July 1, 2012

[Currentness](#)

Definitions

(a)(1) In this section the following words have the meanings indicated.

(2) “Commission” means the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors.

(3) “Fund” means the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors Fund.

Nature of Fund

(b)(1) There is a State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors Fund in the Department.

(2) The Fund is a special, nonlapsing fund that is not subject to [§ 7-302 of the State Finance and Procurement Article](#).

Contents of Fund

(c) The Fund consists of fees collected by the Commission and distributed to the Fund under Title 16 of the Business Occupations and Professions Article.

Use of Fund

(d) The Fund shall be used to cover the Commission’s actual documented direct and indirect costs of fulfilling the statutory and regulatory duties of the Commission.

Administration of Fund

(e) The Secretary or a designee of the Secretary shall administer the Fund.

Audits of Fund

(f) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in [§ 2-1220 of the State Government Article](#).

Unspent funds in excess of \$100,000

(g) At the end of each fiscal year, any unspent and unencumbered portion of the Fund in excess of \$100,000 shall revert to the General Fund of the State.

Investment earnings

(h) Any investment earnings of the Fund shall be credited to the General Fund.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011. Amended by [Acts 2012, c. 366, § 1, eff. July 1, 2012](#).

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Regulation, § 2-106.7, MD BUS REG § 2-106.7

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

End of Document

© 2013 Thomson Reuters. No claim to original U.S. Government Works.

West's Annotated Code of Maryland
Business Regulation (Refs & Annos)
Title 2. Department of Licensing and Regulation

MD Code, Business Regulation, § 2-106.8

§ 2-106.8. Fees of Commission based on direct and indirect costs

Effective: July 1, 2012

[Currentness](#)

Commission defined

(a) In this section, "Commission" means the State Commission of Real Estate Appraisers, Appraisal Management Companies, and Home Inspectors.

Calculation of direct and indirect costs

(b) In consultation with the Commission, the Secretary shall calculate annually the direct and indirect costs attributable to the Commission.

Fees based on cost calculations

(c) Beginning on July 1, 2011, the Commission shall establish fees based on the calculations provided by the Secretary under this section.

Restriction on fee increases

(d) Each fee established by the Commission may not be increased annually by more than 12.5% of the existing and corresponding fee of the Commission.

Fees set to produce funds for cost of regulation profession

(e) The fees established for each profession regulated under Title 16 of the Business Occupations and Professions Article shall be set so as to produce funds to approximate the cost of regulating each profession.

Credits

Added by Acts 2011, c. 269, § 1, eff. July 1, 2011; Acts 2011, c. 270, § 1, eff. July 1, 2011. Amended by [Acts 2012, c. 366, § 1, eff. July 1, 2012](#).

(C) 2013 Thomson Reuters. No Claim to Orig. US Gov. Works.

MD Code, Business Regulation, § 2-106.8, MD BUS REG § 2-106.8

The statutes and Constitution are current through all chapters of the 2013 Regular Session of the General Assembly, effective through July 1, 2013.

