



THE CALIFORNIA APPRAISER

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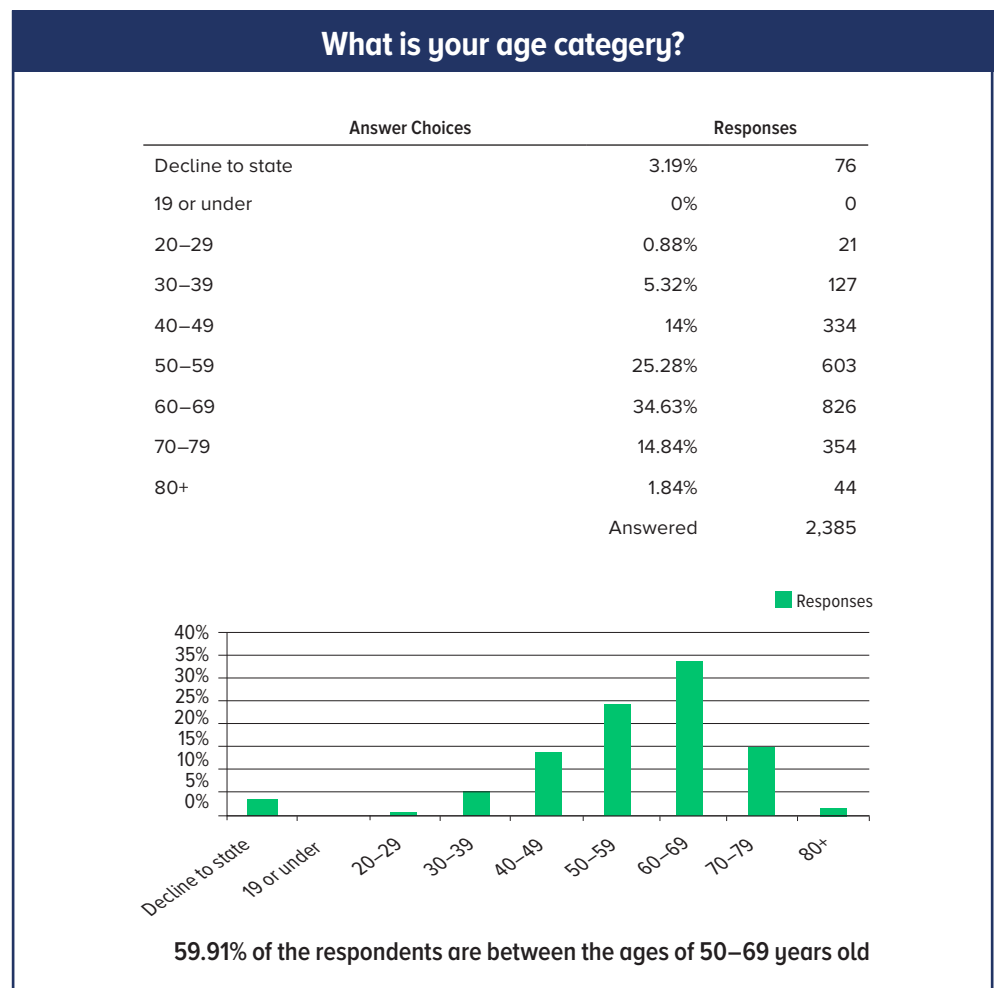
Our Mission: Safeguard public trust by promoting professionalism in the real estate appraisal industry through licensing, education, and enforcement.

Message from the Chief

We must begin by thanking everyone that took the time to participate in the demographic survey in June. The survey gleaned an amazing 27% response rate.

BREA DEMOGRAPHIC SURVEY 2023

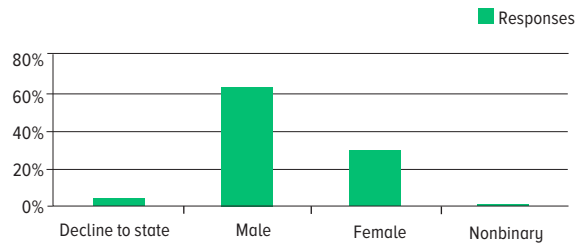
BREA received 2,500 responses to the survey within a two-week period. The information provided has and will help shape BREA's marketing and outreach efforts.



Highlighted are a selected few of the data findings due to the extensive volume of information collected.

Please select your applicable gender category.

Answer Choices	Responses	
Decline to state	3.74%	91
Male	65.20%	1,585
Female	30.40%	739
Nonbinary	0.66%	16
	Answered 2,431	

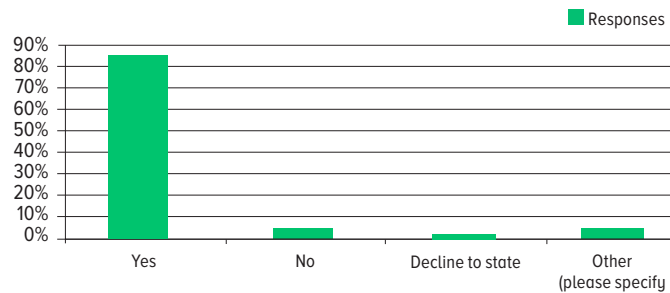


65.20% of the respondents are male

Please be advised the entire Demographic Survey data results will be published in BREAs legislative report by July 1, 2024, as required by AB948 (Holden).

Do you plan to renew your real estate appraisal license?

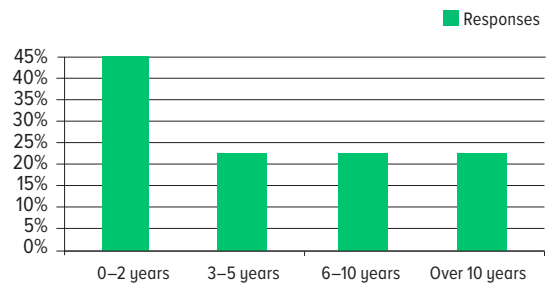
Answer Choices	Responses	
Yes	85.37%	2084
No	6.84%	167
Decline to state	2.79%	68
Other (please specify)	5%	122
	Answered 2,441	



87.37% of the respondents plan to renew their license

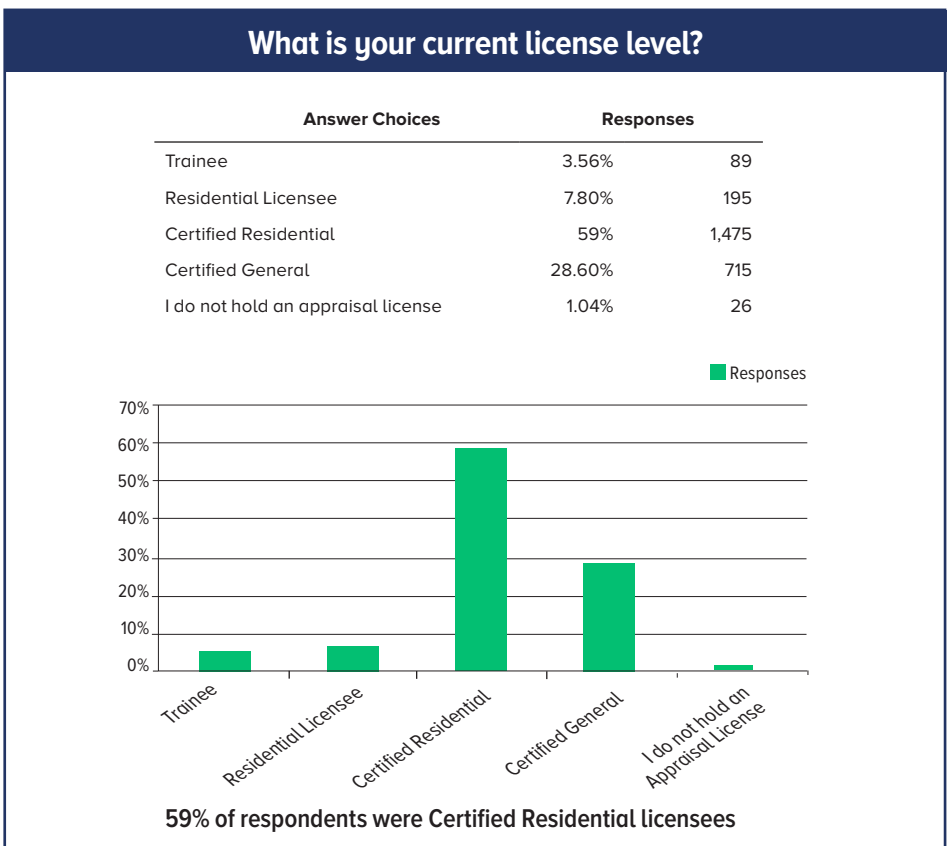
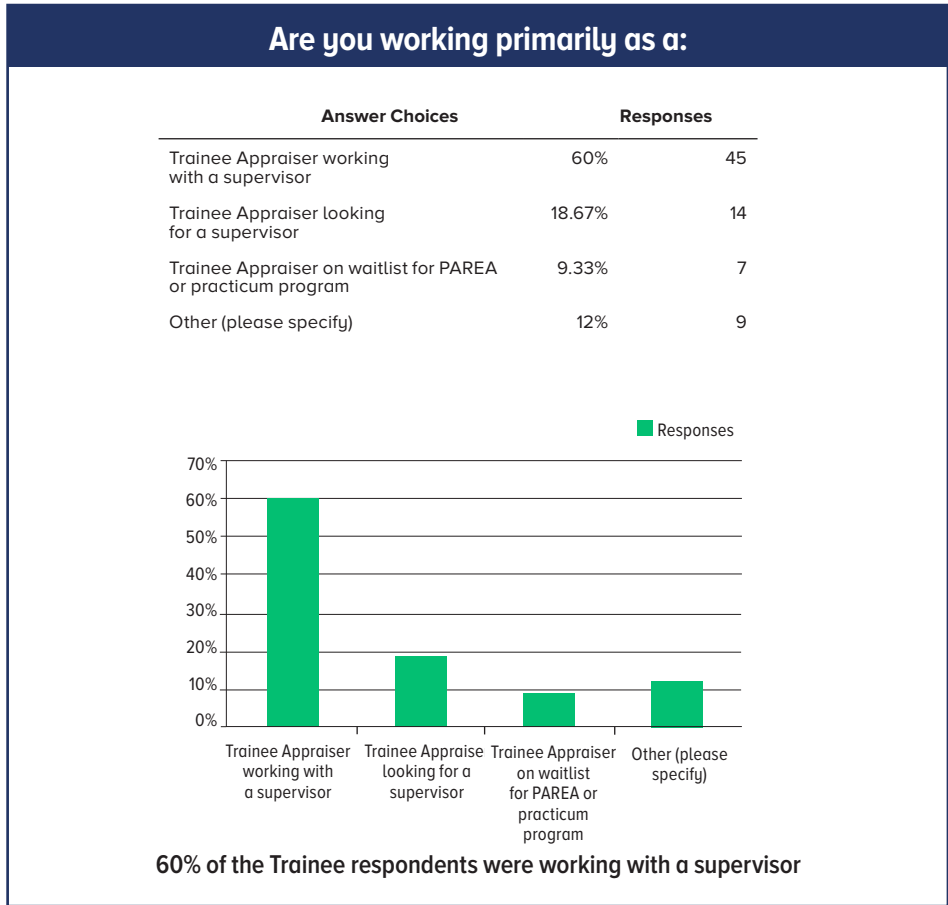
How many more years are you planning to maintain your appraiser license?

Answer Choices	Responses	
0–2 years	13.29%	312
3–5 years	21.69%	509
6–10 years	24.71%	580
Over 10 years	40.31%	946
	Answered 2,347	



65.02% of the respondents are planning to maintain their license for 6–10 and over 10 years

In addition to the entire Demographic Survey data results, the Bureau will deliver a compilation of the information/data voluntarily submitted on the complaint forms since January 1, 2022.



Angela Jemmott, Bureau Chief



Did You Know?

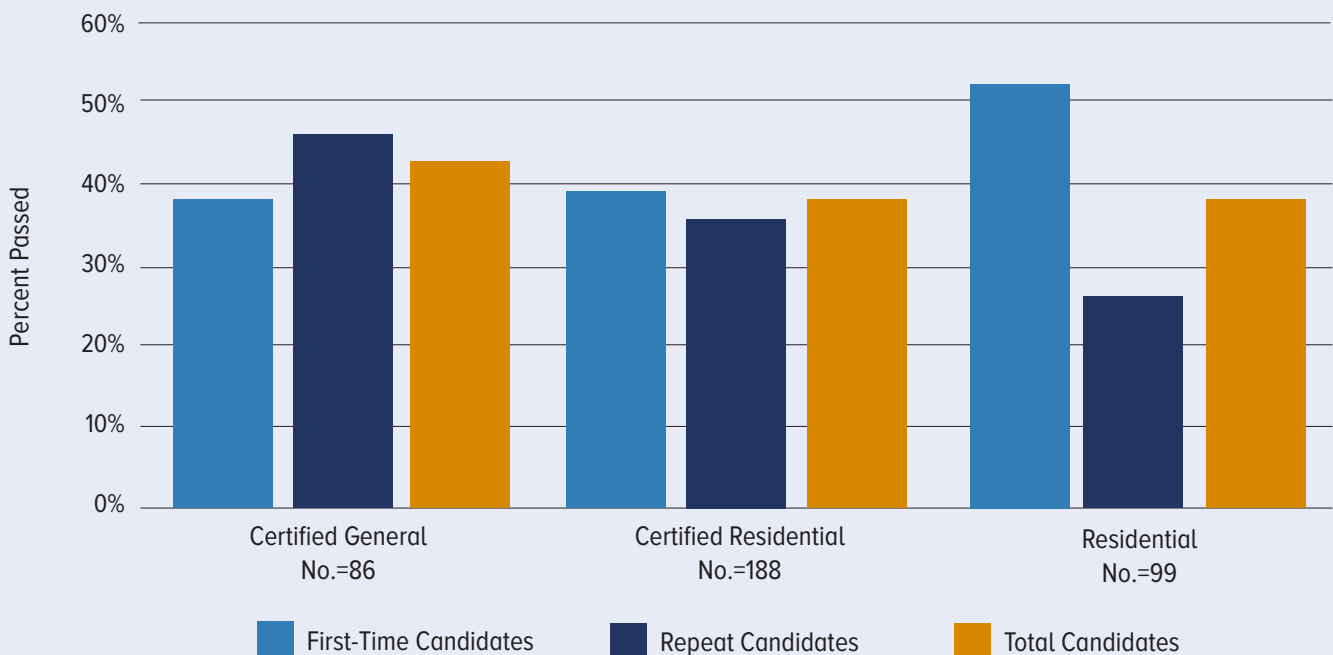
Check out The Appraisal Foundation’s [December newsletter](#) to stay up to date on the latest news! Learn about The Appraisal Foundation’s work, it’s roles, and responsibilities in the appraisal industry.

To see all newsletters, press releases, annual reports, and more, click [here](#). ■

CA Exam Results

The following graph shows the California Appraisers Examination statistics from January 1, 2023, through September 30, 2023, as provided by PSI Services. The numbers indicate the pass rate by candidate and exam type.

**California Appraiser Examination Results
1/1/2023–9/30/2023**





Reconciliation: It's All About the Quality and Quantity of Your Data

Often, we here at BREA see the following statement in the Sales Comparison Approach Reconciliation:

“All comps given equal weight.”

Of course, it's possible when an appraiser is in a new tract-home subdivision that all the comps are recent, proximate, and so similar to the subject that each was roughly “equal” to the subject. Ask yourself, however, is this always the case?

Let's look at what USPAP requires:

Standards Rule 1-6(a): “In developing real property appraisal, an appraiser must reconcile the **quality and quantity** of data available and analyzed within the approaches used.”

Standards Rule 2-2(a)(x)(5): “The content of an Appraisal Report must be appropriate for the intended use of the appraisal and, at a minimum provide sufficient information to indicate that

the appraiser complied with the requirements of Standards 1 by **summarizing** the information analyzed and the reasoning that supports the analyses, opinions, and conclusions, including **reconciliation of the data and approaches**”

The key phrase in the above USPAP references is “**quality and quantity**” Were the comparables you found recent, proximate, and/or similar to the subject? How many comparables were available? Did you have to go outside of the defined subject neighborhood to find sales? Why? And which, of all the sales data available, was most similar sale (or sales) to the subject, and why?

So, remember to describe: How much data was available to you (quantity)? Were there good, representative comparable sales or rental data (quality)? You don't need to write a whole book—just summarize the data and explain your rationale. And remember not all comparables are truly equal to the subject. ■



Scope of Practice

Many appraisers do not fully understand their scope of practice requirements based on their license level. BREAs regularly get questions from appraisers who are unclear about whether they can accept an assignment based on property type or transaction value.

The Appraisal Foundation lists the following scope of practice requirements, based on license level:

LICENSED RESIDENTIAL

- A. The Licensed Residential Real Property Appraiser classification applies to the appraisal of non-complex one to four residential units having a transaction value less than \$1 million, and complex one-to-four residential units having a transaction value less than \$400,000.
- B. Complex one- to four-unit residential property appraisal means one in which the property to be appraised, the form of ownership, or the market conditions are atypical.
- C. For nonfederally related transaction appraisals, transaction value shall mean market value.
 - 1. The classification includes the appraisal of vacant or unimproved land that is utilized for one to four residential units, or for which the highest and best use is for one to four residential units.

- 2. The classification does not include the appraisal of subdivisions for which a development analysis/appraisal is necessary.
- D. All Licensed Residential Real Property Appraisers must comply with the Competency Rule of USPAP.

CERTIFIED RESIDENTIAL

- A. The Certified Residential Real Property Appraiser classification qualifies the appraiser to appraise one to four residential units without regard to value or complexity.
 - 1. The classification includes the appraisal of vacant or unimproved land that is utilized for one to four residential units purposes or for which the highest and best use is for one to four residential units.
 - 2. The classification does not include the appraisal of subdivisions for which a development analysis/appraisal is necessary.
- B. All Certified Residential appraisers must comply with the of Competency Rule USPAP.

CERTIFIED GENERAL

- A. The Certified General Real Property Appraiser classification qualifies the appraiser to appraise all types of real property.

(Scope of Practice continued on page 7)

- B. All Certified General appraisers must comply with the Competency Rule of USPAP

In addition, guidance from the Appraisal Qualifications Board of the Appraisal Foundation states:

“The scope of practice identified herein represents the consensus of the Appraiser Qualifications Board. The Federal Financial Institutions Regulatory Agencies, as well as other agencies and regulatory bodies, permit the Certified Residential (or Licensed) classification to appraise properties other than those identified within these Criteria. Individuals should refer to agency regulations and state law to determine the type of property that may be appraised by the Certified Residential (or Licensed) appraiser.”

In California, the Scope of Practice requirements (Title 10, Chapter 6.5, Section 3521 of California Code of Regulations) apply to federally related transactions as provided in Section 323.3 of Part 323 of Subchapter B of Chapter III of Title 12 of the Code of Federal Regulations (www.ecfr.gov/current/title-12/chapter-III/subchapter-B/part-323/subpart-A/section-323.3).

It's important for appraisers who are completing assignments for federally related transactions to be familiar with the various sections of that federal regulation, particularly the definitions, including the definitions of “Commercial real estate transaction,” “Complex appraisal,” “Federally related transaction” “Residential real estate transaction,” and “Transaction value.” Those definitions will help the appraiser better communicate with their client to identify the appraisal problem to be solved, including appropriate assignment conditions, and determine competency on the part of the appraiser.

Many appraisers are surprised to learn that scope of practice requirements, such as limits on transaction values and property types, are not a USPAP requirement. However, as part of a valuation service, USPAP does require every appraiser to communicate with the client to determine an appropriate Scope of Work and be competent to perform the service. Ultimately, it is up to the client and appraiser to decide how the state and federal regulations apply to a particular assignment—which is why understanding the regulations and other requirements that apply is an important part of complying with USPAP. ■

Common Issues With the Cost Approach in Residential Appraisals

When you accept an appraisal assignment that includes an assignment condition requiring the development and reporting of the cost approach, you must complete it in a manner that is credible and not misleading. Below are common deficiencies that the Bureau often sees that diminish the credibility and contribute to a misleading report in the development and reporting of the Cost Approach.

One of the most common issues BREAs notes in both investigations and work sample audits in license applications is that the appraiser “reverse engineers” or “backs into” the Cost Approach value so that it agrees with the Sales Comparison Approach value. This is most often evident in the site value, but also in the replacement/reproduction cost, depreciation, “as is” value of site improvements, and/or all of the above. Instead of analyzing one or more (or all) of the various values and costs, the appraiser invents a number that fills in the gap between the result of the Sales Comparison Approach and the other figures used in the Cost Approach.

Site value is often problematic. Rather than perform a credible analysis of the subject's site, the appraiser subtracts the opined depreciated building costs from the results of the Sales Comparison Approach and attributes the remainder to the site. Usually the appraiser will cite “extraction” or “abstraction,” however, it is neither. This is not a credible methodology and sometimes the resulting site value stands out as clearly not credible. In this instance, the appraiser did not perform an independent approach to value. They started with a predetermined value (the result of the Sales Comparison Approach), and then backed into a result that would support the sales comparison analysis.

BREA occasionally sees illogical values included for the “as is” value of site improvements. An example might be an “as is” value of site improvements that is much greater than the site value by itself, particularly when the apparent site improvements are minimal. An appraiser must be familiar with the various site valuation techniques. Whatever methodology the appraiser decides to use, it must be done in a credible manner.

It can also be evident when the building costs are not credible. BREAs see this in building costs that are not supported by the cited source or when appraisers cite sources that don't exist. Sometimes the appraiser cites a quality rating that is different than the quality rating available within the cited source of cost data and/or different than described elsewhere in the report, such as reporting "Q4" in the Sales Comparison Approach, but "C3" in the Cost Approach. It is also significant when an appraiser fails to include a building cost for additional amenities such as a pool, guest house, or other structure. An appraiser must use a credible source, must use a quality rating consistent with the cited data source and consistent with the cited quality elsewhere in the report, and must estimate the cost new of all the improvements being appraised.

Another common issue is evident in the depreciation, particularly when the appraiser failed to include external or functional depreciation identified elsewhere in the report. If an appraiser has determined that the contributory value of an improvement such as a pool, guest house, or other amenity, is less than the cost of that amenity minus the physical depreciation, this additional depreciation needs to be reflected in the Cost Approach. If the subject suffers external obsolescence because it backs to a freeway, then that obsolescence should be reflected in the Cost Approach. (If the appraiser accounts for that obsolescence in the site value, then the commentary should explain that.) Depreciation that is not consistent

with the reported condition of the subject is another problem. For example, it doesn't make sense if the appraiser reports an effective age of one year but depreciates the improvements by 50%. An appraiser must credibly estimate the difference between the cost new and the present worth of the improvements.

When the Cost Approach has an obvious and significant error but somehow manages to result in a value that supports the Sales Comparison Approach, it affects the credibility of your entire report. Remember, when you develop a Cost Approach, you must do it credibly, regardless of the weight (or lack thereof) that it is given in the final valuation. The appraiser needs to correctly employ the methodologies they cite and must only cite data sources that they used. Appraisers must credibly develop and report opinions of site value, cost new of the improvements (if any), and depreciation.

The Cost Approach and the other approaches don't necessarily have to be the same. Your job as an appraiser is to reconcile them. And if they're significantly different, consider that information a helpful "red flag." Maybe it's an indicator that your Sales Comparison Approach has a flaw. (And now you know why it's important to develop the Cost Approach independently and credibly!)

Remember, there is no language you can add to your report that relieves you of the requirement to develop a credible Cost Approach, and reconcile it with the other approaches to value, even if you're only developing it because of an assignment condition. ■



Quick Reminders



Supervisory/Trainee course:

Licensed trainees must make sure their supervisors complete a supervisory/trainee course prior to training with their supervisors. If the supervisor does not complete the course prior to training, the experience hours for the trainee will not count.

USPAP Only Renewal Cycle:

Appraisers who are on their two-year renewal cycle must complete the following:

- An approved seven-hour National USPAP Update Course.

Full Continuing Education Renewal Cycle:

Appraisers who are on their **four-year** continuing education cycle must complete the following:

Already Turned in for prior renewal:

- Seven-hour National USPAP Update Course (one is required for each two-year renewal cycle).

Must be turned in for Full Education Renewal Cycle:

- Seven-hour National USPAP Update Course (one is required for each two-year renewal cycle).
- Four-hour course titled “Federal and State Laws and Regulations.”
- Three-hour course titled “Cultural Competency and Elimination of Bias.”
- Thirty-five hours of **additional** BRE-approved continuing education (CE) courses.

Please note: The seven-hour National USPAP Update course submitted on the two-year renewal cycle is already on file and counted for you totaling 56 hours.

Duplicating Courses:

Appraisers may not receive credit for completing the same CE course within the same four-year CE cycle.

Examination Time:

Basic education (BE) courses can be counted for CE credit: however, no credit will be given for the exam time. Example: If an appraiser wanted to use a 15-hour “Residential Market Analysis Highest and Best Use” course for their renewal, it would only count as 14 hours of CE credit.

Online Education Courses:

The Appraisal Qualification Board (AQB) Criteria requires that Asynchronous online education courses not offered by an accredited college or university must be approved by the International Distance Certification Center (IDECC). If the online course(s) are not IDECC-approved, the appraiser will not receive the BE/CE credit for those courses.

Upgrade Education Courses:

Upgrade courses can count towards CE if the education is taken within the four-year CE cycle of the license renewal.

15-hour National USPAP Course:

The 15-hour National USPAP Course **will not satisfy** the mandatory seven-hour National USPAP Update course required every two years. ■



Legal Corner

Office of the Comptroller of the Currency's Focus on Appraisal Bias and Discrimination

On September 28, 2023, the Office of the Comptroller of the Currency (OCC) released its Bank Supervision Operating Plan for Fiscal Year 2024–25. One key area of heightened focus for supervisory strategies included appraisal bias in fair lending:

“Fair lending supervision activities should encompass the full life cycle of credit products including the potential for mortgage lending discrimination resulting from **appraisal bias or discriminatory property evaluations.**”

OCC is one of 13 federal agencies on President Joe Biden's Property Appraisal and Valuation Equity (“PAVE”) Task Force, an interagency initiative to combat bias in home appraisals. The Task Force was directed to (i) evaluate the causes, extent, and consequences of appraisal bias and (ii) establish a transformative set of recommendations to root out racial and ethnic bias in home valuations.

Similarly, USPAP, the generally recognized ethical and performance standards for the appraisal profession in the United States, made recent changes to address bias and discrimination. Beginning January 1, 2024, USPAP's Ethics Rule will address bias and discrimination in a new section within the Ethics Rule titled “Nondiscrimination” and within changes to Advisory Opinions 39 and 40.

In recent years, California has also made strides to combat appraisal bias and discrimination. Assembly Bill 948 was signed into law on September 28, 2021, which required licensed appraisers to complete courses in cultural competency and elimination of bias, and required BREa to modify its complaint form to allow the complainant to select whether they felt the appraisal was below, at, or above market value.

POTENTIAL IMPACTS TO APPRAISERS

Bias and discrimination in housing and appraising is not a novel issue. USPAP's Ethics Rule currently requires an appraiser to not perform an assignment with bias, and Fannie Mae requires an appraiser to certify, in part, that they acted unbiased. Therefore, OCC's recently announced focus on appraisal bias and discrimination within the credit product lifestyle should not come as a surprise; however, this recent announcement should highlight the essential role and importance of an appraiser to act independently, fairly, and objectively when performing home appraisals and valuations.

POTENTIAL IMPACTS TO BREa

BREa's mission is to protect the public trust, including investigating complaints of appraisal bias and discrimination. It is too soon to determine whether OCC's strategic focus on appraisal discrimination in mortgage lending will increase the number of complaints received by BREa.

If you suspect bias or discrimination by an appraiser in California, you can file an [online complaint](#) or complete and mail the [complaint form](#) to BREa.

To read more about the OCC's Bank Supervision Operating Plan for 2024, [click here.](#) ■



Requirements of a BREa Initial Application Background Review

As required by Business and Professions Code section 11343, a new initial applicant for a Real Estate Appraiser license will need to have fingerprints processed, as described below:

In California, the process will be via Live Scan on the **Form 8016—Request for Live Scan**. The Form 8016 is available on BREa's [website](#). There are multiple California Live Scan processing locations available throughout California. An applicant needs to complete this Live Scan **at the same time** the applicant is submitting an initial application. Upon completion of the Live Scan fingerprinting, the California Department of Justice will process and notify BREa of the fingerprinting result directly.

If located out of state, the applicant should submit two specifically approved fingerprint cards named FD-258. These are available from BREa by mail upon request or possibly at the out-of-state fingerprinting facility. If out of state and submitting two FD-258 cards, these will need to be included with the initial application package and BREa will submit them to the California Department of Justice, which will process and notify BREa of the fingerprinting results directly.

Prior to issuing a license, BREa will review the fingerprinting results in accordance with California Code of Regulations sections 3722 and 3723, in addition to any other applicable laws and regulations. BREa's laws and regulations are available on BREa's [website](#). BREa will complete a review to determine if any further BREa steps are needed.

After a license is issued, a licensee must report to BREa, in writing, the occurrence of certain adverse events, including any felony or misdemeanor convictions, within 30 days of the date he or she has knowledge of the event (see [Business and Professions Code section 11318](#)). Also see the last page of this newsletter for a summary description of this requirement. ■



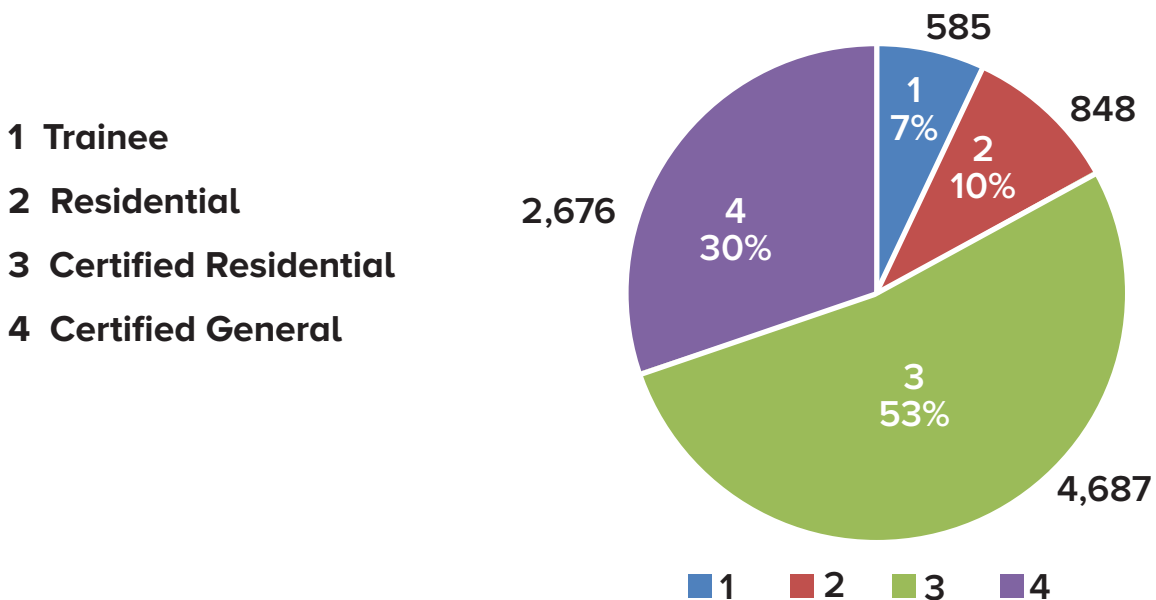


Licensing Stats

The following chart shows the breakdown of the licensed appraiser population by license level type. As of **11/6/2023**, there are **8,796** active appraisers: **7%** are Trainee level, **10%** are Residential level, **53%** are Certified Residential level, and **30%** are Certified General level.

Active Licensees as of November 6, 2023: **8,796** ■

Total License Population





Education

Course Providers Offering the 2024–2025 Seven-Hour National USPAP Update Courses

As of November 2023, BREA has approved eight course providers for the 2024–2025 Seven-Hour National USPAP Update course. We look forward to continued submissions of course providers.

This list of course providers can be found on our website: www.brea.ca.gov—select “Online Services,” then “Course Provider Search,” then click (“Search”). ■

As of November 2023:

2024–2025 7-Hour National Uspap Update Courses	Course Providers	Phone Number
2024–2025 7-hour National Update Course	Affiliated Appraisers Workshop	(866) 944-8583
2024–2025 7-hour National Uspap Course (A114)	American Society of Farm Managers & Rural Appraisers	(303) 692-1211
2024–2025 7-hour National Uspap Update Course	Appraiser eLearning, LLC	(615) 965-5705
2024–2025 7-hour National Uspap Update Course	Appraisal Institute	(312) 335-4144
2024–2025 7-hour National Uspap Update Course	Ken Hunsinger	(916) 420-0032
2024–2025 7-hour National Uspap Update Course	McKissock, LLC	(800) 328-2008
2024–2025 7-hour National Uspap Update Course	Real Estate Appraisers Association	(916) 764-7535
2024–2025 7-hour National Uspap Update Course	The Appraisal School, Inc	(818) 715-0943

Course Providers Offering the Supervisory/Trainee Courses

As of November 2023:

Supervisory/Trainee Courses	Course Providers	Phone Number
Supervisory Appraiser Trainee Course	Appraisal Institute	(312) 335-4100
Supervisor Appraiser and Trainee Course	Dynasty School	(800) 888-8827
Supervisor-Trainee Course for California	McKissock, LLC	(800) 328-2008
Supervisory Appraiser and Trainee Appraiser Course	The CE Shop	(262) 565-5369
Supervisory and Trainee Appraiser Course	West Los Angeles College	(310) 849-5415



Enforcement Actions

Enforcement actions are based on the totality of the circumstances and the merits of each matter on a case-by-case basis, including the nature and severity of the offenses involved, prior disciplinary actions (if any), and circumstances that support a finding that the offender has been rehabilitated. Violation descriptions may be partial and summarized due to space limitations. For these reasons, cases may appear similar on the face yet warrant different sanctions.

For a description of the criteria followed by the Bureau in enforcement matters, refer to Title 10, Article 12 (commencing with section 3721) of the California Code of Regulations. Additional information on the individual actions is also available on the Bureau's website, www.brea.ca.gov. ■

(Enforcement Actions continued on page 15)

DISCIPLINARY ACTIONS

Licensee	License No	City of Business	Order Effective	Discipline
Nader Malek	32121	Los Angeles	6/16/2023	Surrender, Monetary Fine
Kenneth Evans	38341	East Garrison	6/16/2023	Stayed Revocation, Probation, Monetary Fine, Education
Marco Gutierrez	31617	Chino	6/16/2023	Stayed Revocation, Probation, Monetary Fine, Education
Christopher Wilkinson	21264	Stockton	6/22/2023	Revocation
AMR Appraisal dba Got Appraisals	1253	San Ramon	6/22/2023	Revocation
David Perkins	31262	San Diego	7/3/2023	Stayed Revocation, Probation, Monetary Fine, Education
Thomas S. Smith	37339	San Diego	7/10/2023	Stayed Revocation, Probation, Monetary Fine, Education
Hisashi N. Matsumoto	32446	Vista	7/17/2023	Stayed Revocation, Probation, Monetary Fine, Education
Min S. Kim	37056	Torrance	7/19/2023	Stayed Revocation, Probation, Monetary Fine, Education
Michael D. Turner	30968	Sherwood Forest	9/20/2023	Surrender
Kimberly F. Bellerose	26946	Sarasota	9/20/2023	Stayed Revocation, Probation, Monetary Fine
Jeffery M. Wright	25939	Benicia	10/13/2023	Surrender
James K. Valdez Jr.	40735	San Leandro	10/13/2023	Stayed Revocation, Probation, Monetary Fine, Education
Elizabeth Huang	3003926	Santa Clara	10/16/2023	Stayed Revocation, Probation, Monetary Fine, Education
Daniel Rinsch	29246	Santa Monica	10/13/2023	Stayed Revocation, Probation, Education, Costs

Reminders: Failure to Timely Notify the Bureau May Result in License Discipline

1. Notify the Bureau of Real Estate Appraisers (Bureau) of any changes to your contact information. California Code of Regulations section 3527 requires written notification to the Bureau within 10 days of any change to:
 - (1) name;
 - (2) residence or business phone number;
 - (3) residence, business, or mailing address; or
 - (4) out of state address;
- (a) Changes to an out of state address requires a Consent to Service of Process form (REA 3006)

Use the Change Notification and Miscellaneous Requests form (REA 3011) available on our website, www.brea.ca.gov; click on "Forms." Submit by mail the completed and signed form, the required fee, and any necessary documentation to:

**Bureau of Real Estate Appraisers
3075 Prospect Park Drive, Suite 190
Rancho Cordova, CA 95670**

***Note:** Although not a requirement, you can also use form REA 3011 to provide or update your e-mail address, which will allow the Bureau to send you newsletters and other important information.*

- 2. Notify the Bureau of any convictions, felony charges, or other license discipline.** Business and Professions Code section 11318 requires all licensees, applicants, and course providers report to BREA in writing **within 30 days** any of the following:

- (1) felony charges;
- (2) misdemeanor or felony convictions (including pleas); or
- (3) the cancellation, revocation, or suspension of a license, other authority to practice, or refusal to renew a license or other authority to practice as an occupational or professional license or course provider, by any other regulatory agency.

If you have questions about these notification requirements, contact the Bureau at (916) 552-9000. ■



**Bureau of Real Estate Appraisers
3075 Prospect Park Drive
Suite 190
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(916) 552-9000**



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