

Regulations of Connecticut State Agencies

TITLE 12. Taxation

Agency

Office of Policy and Management

Subject

Certification of Revaluation Companies and Their Employees

Inclusive Sections

§§ 12-2b-1—12-2b-19

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Certification of Revaluation Companies and Their Employees

Part I

Certification Procedure: Companies

Sec. 12-2b-1. Definitions

As used in these regulations, the following terms have the meaning ascribed to them in this section.

“Secretary” means the Secretary of the Office of Policy and Management, or his designee.

“Certification” means the certification of competency issued by the Secretary stating that the company or employee has met the requirements of the certification program.

“Company” means a revaluation company as defined in Section 12-2c of the General Statutes.

“Employee” means an individual who is certified in accordance with these regulations.

“Appraisal foundation” means the not-for-profit corporation referred to in Section 1121 of Title XI of the Financial Institutions Recovery, Reform, and Enforcement Act of 1989.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-2. Certification of companies

No company shall perform any revaluation in Connecticut, unless such company is certified by the Secretary. No company shall be certified for the revaluation of real property unless such company employs at least one individual certified by the Secretary as a supervisor. No company shall be certified for the revaluation of personal property unless such company employs at least one individual certified by the Secretary for Personal Property Value Estimation.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-3. Form, content and filing of applications

(a) A company shall submit its application for certification on a form prepared by the Secretary. The application for certification shall include:

(i) The exact legal name of the company, any name under which the company is doing business and the address of its principal place of business;

(ii) The company’s state of incorporation;

(iii) The name, title, address and telephone number of the person to whom correspondence and communications regarding the application are to be addressed. Notice and other papers may be served upon the person so named, and such service shall be deemed service upon the company.

(b) Applications shall be submitted to the Secretary of the Office of Policy and Management.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-4. Annual reports

A company shall annually file a report with the Secretary on a form prepared by said Secretary. The annual report shall include a complete list of the company's certified employees, a list of all Connecticut municipalities under contract and the name, title, address and telephone number of the person to whom correspondence and communications regarding the company are to be addressed. The report shall be filed with the Secretary not later than March 1 of each year.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-5. Renewal of certification

(a) Certification of a company shall be valid for five years and shall expire on March 31 of the fifth year of certification.

(b) Not later than thirty days prior to the expiration of certification, the company shall file with the Secretary all materials and information necessary for recertification. The requirements and procedures for original applications set forth in Section 12-2b-3 of these regulations shall be applicable to applications for renewal of certification.

(c) After receipt of all materials and information necessary for completion of the recertification process, the Secretary shall complete an initial evaluation of the company's application for renewal. Each company's five-year performance will be reviewed by the Secretary before issuance of a renewal certificate.

(d) If the Secretary determines that the company has satisfactorily fulfilled the requirements provided herein, he shall issue the renewal of the company's certification.

(e) If the Secretary determines that the company has not satisfactorily fulfilled the requirements provided herein, the provisions of Section 12-2b-13 through Section 12-2b-16 of these regulations shall apply.

(Effective October 4, 1985; Amended March 30, 1999)

Part II

Certification Procedure: Employees

Sec. 12-2b-6. Certification of employees

All employees of a company, who estimate, set or adjust the valuation of real and personal property during any part of the revaluation process, are required to hold a valid certificate issued by the Secretary. Employees who perform the following functions must be certified by the Secretary:

- (a) Residential Value Estimation
- (b) Commercial and Industrial Value Estimation
- (c) Personal Property Value Estimation
- (d) Supervisor.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-7. Non-certified employees. Temporary certification

(a) The following employees of a company need not be certified, provided that they perform routine, non-supervisory duties and do not estimate, set or adjust the valuation of real and personal property during any part of the revaluation process:

- (i) Measurers and listers;
- (ii) Photographers;
- (iii) Linguists;
- (iv) File clerks;
- (v) Typists;
- (vi) Stenographers;
- (vii) Cartographers;
- (viii) Hearing clerks, provided their duties are specifically limited to general information purposes; and
- (ix) Ancillary personnel necessary for routine office functions.

(b) A non-certified employee of a company may receive temporary certification from the Secretary, provided the company and the employee jointly apply to the Secretary, describing the experience and educational background of the employee and stating the reason for such request. A temporary certification shall be valid for a period not to exceed one hundred-eighty days.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-8. Application for certification. Qualifications

(a) An individual desiring to be certified shall file an application with the Secretary not later than fourteen days preceding the date of the examination on an application form provided by the Secretary. Applications shall be submitted to the Secretary of the Office of Policy and Management.

(b) For the purposes of these regulations experience in the fields of assessing, revaluation or appraising shall include employment as a real estate appraiser, real estate broker, real estate salesperson, assessor, assistant assessor, lister for a municipal revaluation company, appraiser for a governmental jurisdiction or an appraiser for a municipal revaluation company.

(c) Applicants for certification in Residential Value Estimation shall furnish documentary evidence of having not less than two years of experience in the fields of assessing, revaluation or appraising.

(d) Applicants for certification in Commercial and Industrial Value Estimation shall furnish documentary evidence of having not less than three years of experience in the fields of assessing, revaluation or appraising.

(e) Applicants for certification in Personal Property Value Estimation shall furnish documentary evidence of having not less than two years of experience in the fields of assessing, revaluation or appraising.

(f) Applicants for certification as a Supervisor shall furnish documentary evidence of

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having not less than three years of experience in the fields of assessing, revaluation or appraising and of having a current certification in Residential Value Estimation and Commercial and Industrial Value Estimation.

(g) The Secretary shall review applications and supporting documents, determine the eligibility of the applicant for the examination and notify the applicant of his or her status in writing.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-9. Examinations

(a) The Secretary shall prepare or cause to be prepared written examinations covering the fields of assessment practice, the principles of valuation for mass appraisals and the supervision of a mass appraisal project in order to determine knowledge, ability and competence of applicants.

(b) Examinations shall be held at least once annually at places and times set by the Secretary, with at least thirty days' advance notice given by the Secretary. Such notice shall be provided to each company certified in accordance with Sections 12-2b-1 to 12-2b-5 of the Regulations of Connecticut State Agencies and to each person having submitted a written request to the Secretary for advance notification of the scheduling of such examinations.

(c) All examinations shall be graded by the Secretary and the applicant shall be notified of the outcome. Papers will not be returned to the applicant.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-10. Waiver of examination requirement

(a) Application to waive the examination requirement regarding Residential Value Estimation, as set forth in Section 12-2b-9 of these regulations, shall be made to the Secretary. The examination requirement may be waived by the Secretary for an applicant who has obtained a designation from an appraisal sponsor of the appraisal foundation. Such designation shall have been obtained through a combination of both examination(s) and the writing of a demonstration narrative appraisal report in the area of residential valuation.

(b) Application to waive the examination requirement regarding Commercial and Industrial Value Estimation, as set forth in Section 12-2b-9 of these regulations, shall be made to the Secretary. The examination requirement may be waived by the Secretary for an applicant who has obtained a designation from an organization that is a member of the appraisal foundation. Such designation shall have been obtained through a combination of both examinations(s) and the writing of a demonstration narrative appraisal report in the area of commercial and/or industrial valuation.

(c) Application to waive the examination requirement regarding Personal Property Value Estimation, as set forth in Section 12-2b-9 of these regulations, shall be made to the Secretary. The examination requirement may be waived by the Secretary for an applicant who has obtained a designation from an organization that is a member of the appraisal foundation. Such designation shall have been obtained through a combination of both

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examination(s) and the writing of a demonstration narrative appraisal report in the area of personal property valuation.

(d) Application to waive the examination requirement for supervisor, as set forth in Section 12-2b-9 of the Regulations of Connecticut State Agencies, shall be made to the Secretary. The examination requirement may be waived by the Secretary for an applicant who meets the requirements set forth in subsection (f) of Section 12-2b-8 of the Regulations of Connecticut State Agencies and who has a designation from an organization that is a member of the appraisal foundation. Such designation shall be related to mass appraisal project supervision.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-11. Issuance of certificate. Renewal of certification

(a) Upon satisfactory fulfillment by an applicant of the requirements provided herein, the Secretary shall issue to the applicant an appropriate certificate designating his or her competency. Such certificate shall be valid for five years and shall expire on April 30th in the fifth year of certification.

(b) Not later than five days prior to the expiration of a certification issued on or after January 1, 1999, an individual shall file with the Secretary all materials and information necessary for recertification, including evidence of having met the continuing education requirements set forth in Section 12-2b-12 of these regulations. The requirements and procedures for original applications set forth in Section 12-2b-8 of these regulations shall be applicable to applications for renewal. No examination will be required for recertification unless the Secretary determines that such examination is necessary to ascertain the applicant's continuing competence in the fields of assessing, revaluation or appraising.

(1) The Secretary may grant an individual an extension of time to file the materials and information necessary for recertification, provided he receives a written request for such an extension not later than ninety days following the date on which the individual was required to submit such materials and information.

(c) Within thirty days after receipt of all materials and information necessary for completion of the recertification process, the Secretary shall complete an evaluation of the individual's application for renewal. Each applicant's five-year performance will be reviewed by the Secretary before issuance of a renewal certificate.

(d) If the Secretary determines that the applicant has fulfilled the requirements provided herein, he shall issue the renewal of the applicant's certification.

(e) If the Secretary determines that the applicant has not satisfactorily fulfilled the requirements provided herein or that an examination is a precondition for renewal of certification, the provisions of Section 12-2b-13 through Section 12-2b-16 of these regulations shall apply.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-12. Continuing education requirements

(a) In order for an individual to be recertified in accordance with Section 12-2b-11 of the Regulations of Connecticut State Agencies, he shall present evidence to the Secretary of having completed at least fifty hours of one or more property assessment or appraisal courses or workshops. Such course or workshop hours shall have been completed during the five-year period prior to the date on which the person's certification expires. Any such course or workshop shall be subject to approval by the Secretary. The Secretary shall approve a course or workshop sponsored by a nationally or state recognized appraisal or assessment organization, and may approve other such courses or workshops at the request of the individual seeking recertification, in accordance with the procedure set forth in subsection (b) of this section. With respect to an individual enrolled in such a course or workshop, credit shall be granted for each hour of actual attendance. An instructor of such a course or workshop, or a person presenting instruction in conjunction with such course or workshop, shall receive credit for each hour of instruction actually provided. If an individual enrolls in or provides instruction for the same course or workshop more than once during said five-year period, credit shall be granted only for the first course or workshop attended or taught.

(b) A request may be made to the Secretary for approval of a course or workshop that is not sponsored by a nationally or state recognized property appraisal or assessment organization. Such request shall be in writing and shall be accompanied by such documentation as the Secretary may require on a form prescribed for that purpose by said Secretary. The Secretary shall promptly consider the applicant's request and shall send written notice of his decision regarding the approval or denial of such course or workshop within two weeks of the date on which his decision is made. In the event the Secretary denies an applicant's request for approval, the notice containing the Secretary's decision shall include information as to how the applicant may request a reconsideration of said denial.

(c) A request for reconsideration of the Secretary's denial of a course or workshop shall be submitted to the Secretary in writing. Any such request, which shall include the reason why the appellant believes such course or workshop should be approved for credit purposes, shall be sent within ten business days of the date of the Secretary's notice of denial. Such request shall not be regarded as having been properly filed unless the documentation required by the Secretary is submitted with the request for reconsideration. A request for reconsideration that is not properly filed shall be denied by the Secretary. A person having properly filed a request for reconsideration may be required to appear before the Secretary to answer any pertinent questions or to supply any additional information that the Secretary deems necessary, provided such person is given not less than one week's notice of the requirement to appear.

(d) The Secretary shall reconsider his decision to deny approval of a course or workshop not later than thirty days following the receipt of a properly filed request for reconsideration. The applicant shall be sent written notice of the Secretary's decision regarding his

reconsideration of such course or workshop. Such decision shall be final.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-13. Revocation, suspension or denial of a renewal of certification

(a) The Secretary may revoke, suspend or deny the renewal of certification of a company or an employee when it is determined that the company or employee obtained a certificate through fraud, deceit or misrepresentation of its or his or her qualifications; has practiced fraud or deception in the performance of its or his or her duties; or that the company or employee is incompetent or unable to perform properly its or his or her duties.

(b) No revocation, suspension or denial of a renewal of a company's or an employee's certification shall be lawful unless prior to the institution of any such proceeding, the company or the employee is given notice of the facts or conduct which warrants the intended action and the opportunity to show compliance with the lawful requirements for the retention or renewal of certification.

(Effective October 4, 1985; Amended March 30, 1999)

Part III

Contested Case Procedure

Sec. 12-1b-14. Contested cases

(a) A proceeding to revoke, suspend or deny renewal of a company's or an employee's certification shall be conducted as a contested case, in accordance with the provisions of the Uniform Administrative Procedures Act, specifically, Section 4-177 through Section 4-184 of the General Statutes.

(b) When the Secretary has reason to believe that a company or an employee has not complied with the lawful requirements for the retention or renewal of certification, he shall issue a complaint by certified mail to the company or the employee, which must contain:

- (i) Notice of the time, date, place and nature of the hearing;
- (ii) A statement of the statutory authority and jurisdiction for instituting the proceeding;
- (iii) A reference to the statutes or regulations allegedly violated;
- (iv) A short and plain factual statement of the acts or practices allegedly in violation of the law; and

(v) A statement that the company or the employee may be represented by an attorney.

(c) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-15. Conduct of hearings in contested cases

(a) Hearings in contested cases shall be presided over by the Secretary.

(b) The Secretary shall have the duty to conduct fair and impartial hearings, to make no public comments as to the merits of a complaint prior to its disposition, to take all proper

actions to avoid delay in the disposition of proceedings and to maintain order. The Secretary shall have all powers necessary to that end.

(c) Each party at a hearing shall have the right to present evidence, cross-examine witnesses, enter motions and objections, and assert all rights essential to a fair hearing. The rules of evidence shall be as prescribed in Section 4-178 of the General Statutes. The allegations of the complaint must be proved by reliable, probative and substantial evidence in order to sustain a decision adverse to the company or the employee.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-16. Final decision in contested cases

(a) The decision in a contested case, if adverse to the company or the employee, shall not be made until a proposed decision is served upon the company or the employee, and an opportunity is afforded to such company or employee to file exceptions and present briefs and request oral argument before the Secretary. The proposed decision shall contain a statement of the reasons therefore and of each issue of fact or law necessary to the proposed decision, prepared by the Secretary. The company or the employee by written stipulation may waive compliance with this section.

(b) The final decision or order in a contested case shall be rendered by the Secretary after due consideration of the entire record, including any briefs or oral arguments presented to him. A final decision or order adverse to a company or an employee in a contested case shall be made in writing and shall be served upon the company or the employee by certified mail.

(c) The Secretary shall proceed with reasonable dispatch to conclude any matter pending before him and shall render a final decision in all contested cases within ninety days following the close of evidence and filing of briefs in such proceedings.

(Effective October 4, 1985; Amended March 30, 1999)

Part IV

Complaint Procedure

Sec. 12-2b-17. Investigation

Upon receiving a complaint from a municipality, state agency or any other person, indicating or alleging that a company or an employee has failed to comply with the lawful requirements for the retention of its or his or her certificate, the Secretary shall conduct an investigation of said complaint. In addition, the Secretary may initiate such investigation upon his own motion.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-18. Form and filing. Content

(a) Complaints shall be in writing with the original signed by the complainant or his attorney. The original complaint shall be filed with the Secretary of the Office of Policy

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(b) A complaint shall contain the following information:

(i) The full name and address of the complainant, and the full name and address of the complainant's attorney, if any.

(ii) The full name of the company or the employee.

(iii) A specific reference to the section of the General Statutes or to the rules and regulations alleged to have been violated.

(iv) A plain and concise statement of the facts upon which the complaint is based, including the time, date and location of the violation.

(Effective October 4, 1985; Amended March 30, 1999)

Sec. 12-2b-19. Disposition of complaints

(a) After the filing of a complaint, the Secretary shall make a prompt preliminary investigation. If the complaint does not come within the Secretary's jurisdiction, the complainant will be so notified. The Secretary may at his discretion, refer the complaint to the appropriate agency for review.

(b) If, after investigation of the complaint, the Secretary is of the opinion that there is no substantial and competent evidence of violation, the complaint shall be dismissed. In the event of such dismissal, the complainant shall be notified, including the reasons for such dismissal.

(c) In cases where, after investigation, there is reason to believe that a company or an employee has failed to comply with the lawful requirements for retention of its or his or her certificate, the Secretary shall serve a formal complaint on the company or the employee and proceed in accordance with the provisions of Section 12-2b-13 through Section 12-2b-16 of these regulations.

(Effective October 4, 1985; Amended March 30, 1999)