**20:14:11:03.  Grounds for disciplinary action.** The following acts and omissions are grounds for disciplinary action:

 (1)  Failing to meet the minimum qualifications for certification, licensure, or registration established by or pursuant to this article;

 (2)  Procuring or attempting to procure a credential, when filing an initial or renewal application with the department for certification, licensure, or registration under this article, by:

 (a)  Making a false statement;

 (b)  Submitting false information;

 (c)  Making a material misrepresentation; or

 (d)  Through fraudulent measures;

 (3)  Paying money or other valuable consideration other than the fees provided for by this article to any employee of the department to procure a credential;

 (4)  Committing an act that constitutes:

 (a)  Dishonesty;

 (b)  Fraud; or

 (c)  Misrepresentation;

 (5)  Entry of a final civil or criminal judgment against a credential holder on grounds of fraud, misrepresentation, or deceit in the making of an appraisal;

 (6)  Being convicted or pleading guilty or nolo contendere to a misdemeanor involving moral turpitude or to a felony before a court of competent jurisdiction in this or any other state;

 (7)  Failing to report a criminal conviction within 30 days of final judgment;

 (8)  Engaging in the business of real estate appraising under an assumed or fictitious name;

 (9)  Paying a finder's fee or a referral fee to any person in connection with the appraisal of real estate, other than an intracompany payment for business development;

 (10)  Making a false or misleading statement in that portion of a written appraisal report that deals with professional qualifications or in any testimony concerning professional qualifications;

 (11)  Violating any provision of this article;

 (12)  Violating the confidential nature of any information to which a credential holder gained access through employment for evaluation assignments or valuation assignments;

 (13)  Accepting a fee for performing a real estate appraisal valuation assignment or evaluation assignment if the fee is or was contingent upon the real estate appraiser reporting a predetermined analysis, opinion, or conclusion on the value of the property being appraised;

 (14)  Negligence, refusal, or incompetence in developing an appraisal, preparing an appraisal report, or communicating an appraisal, including failure to follow the standards and ethical rules adopted by the department;

 (15)  Being disciplined with suspension, denial, censure, reprimand, or revocation of a credential by another state or jurisdiction;

 (16)  Submitting fraudulent materials to another state or jurisdiction to become registered, licensed, or certified;

 (17)  Being disciplined with suspension, denial, censure, reprimand, or revocation of a credential by another regulated occupation, trade, or profession;

 (18)  Having an investigation or disciplinary action of a credential by the department, another state or jurisdiction, or another regulated occupation, trade, or profession pending in this state or another state or jurisdiction;

 (19)  Performing an appraisal or an appraisal review requiring the services of a certified, licensed, or registered appraiser while not certified, licensed, or registered by the department;

 (20)  Filing a complaint against another appraiser falsely alleging a violation of any provision of this article as a means of retribution;

 (21)  Failing to comply with a final order of the secretary;

 (22)  Failing to meet the responsibilities as a supervisory appraiser; or

 (23)  Voluntary surrender of a credential in lieu of disciplinary action by another state or jurisdiction.

 **Source:** 18 SDR 36, effective August 25, 1991; 20 SDR 9, effective August 1, 1993; 20 SDR 18, effective August 12, 1993; 21 SDR 49, effective September 18, 1994; 22 SDR 91, effective January 1, 1996; 23 SDR 113, effective January 12, 1997; 24 SDR 91, effective January 8, 1998; 26 SDR 120, effective March 27, 2000; 29 SDR 99, effective January 15, 2003; 34 SDR 200, effective January 28, 2008; 35 SDR 175, effective January 1, 2009; 36 SDR 112, effective January 11, 2010; 38 SDR 214, effective June 21, 2012; 41 SDR 217, effective June 29, 2015; 42 SDR 98, effective January 5, 2016; 44 SDR 27, effective August 14, 2017; 47 SDR 71, effective December 14, 2020.

 **General Authority:** SDCL 36-21B-3(12).

 **Law Implemented:** SDCL 36-21B-1, 36-21B-3(12).