

DEPARTMENT OF CONSUMER AFFAIRS
TITLE 10. BUREAU OF REAL ESTATE APPRAISERS

PROPOSED REGULATORY LANGUAGE

Petitions to Remove Published Discipline from Bureau's Website

Legend:	Added text is indicated with an <u>underline</u> .
	Omitted text is indicated by (* * * *)
	Deleted text is indicated by strikeout .

Amend sections 3581 and 3582 in Article 5 and Adopt section 3734 in Article 12 of Chapter 6.5 of Title 10 of the California Code of Regulations to read as follows:

§ 3581. Fees

(a) Fees paid to the Bureau shall be submitted in the form of a money order, certified check, cashiers' check, preprinted personal or company check, authorized credit card, or governmental purchase order which shall clearly indicate the name of the applicant or licensee to whom it applies. Notwithstanding any other section, the Bureau may delay performance of any service until: (1) the personal or company check clears and the funds are deposited in the Bureau's accounts, or (2) the Bureau has received a payment from the credit card provider or has received confirmation of the receipt and deposit of funds provided by credit card that is not subject to cancellation, reversion, or return to the person submitting the payment or to any financial institution or other intermediary through which the payment was made.

(b) Cash is not acceptable for payment of any fee.

(c) Payment of any fee, fine or penalty submitted in the form of a preprinted personal or company check which was subsequently dishonored by the issuing institution shall be submitted to the Bureau in the form of a money order, certified check, cashiers' check, or government purchase order.

(d) To submit any fee required by this Chapter by credit card, an applicant, licensee, petitioner or other individual shall submit a completed form to the Bureau entitled “Authorized Credit Card Payments,” REA 2031 (New 8/2025), which is hereby incorporated by reference. For the purposes of this subdivision, “authorized credit card” shall mean VISA or Mastercard.

NOTE: Authority cited: Sections 11313 and 11400, Business and Professions Code.
Reference: Section 11400, Business and Professions Code.

§ 3582. Fee Schedule.

(a) Fees are scheduled pursuant to Sections 11400 through 11408 and 11317.2, Business and Professions Code.

(b) In addition to (a) above, the following is a schedule of additional fees:

1) Initial Application Fees

Application Review fee for new, renewal, upgrade, reciprocal, reinstatement, Certificate of Registration, and Certificate of Registration renewal applications	\$400
--	-------

Background fee for new, reciprocal, reinstatement, and controlling person applications	\$70
--	------

Child Support Review fee for new, reciprocal, reinstatement, and controlling person applications	\$10
--	------

Federal Registry fee for new, trainee upgrade, renewal, reciprocal, and reinstatement applications

Federal -- Appraiser	(as prescribed by the ASC)
----------------------	----------------------------

Federal -- Appraisal Management Company	(as prescribed by the ASC)
---	----------------------------

State Processing for Appraiser	\$25
--------------------------------	------

State Processing for Appraisal Management Company	\$110
---	-------

2) Issuance of Original or Renewal fee for new, renewal, upgrade, reciprocal, reinstatement, Certificate of Registration, and Certificate of Registration renewal applications Trainee Level	\$450
--	-------

Residential Level	\$450
Certified Levels	\$525
Appraisal Management Company	
Certificate of Registration	\$4,600
3) Late Renewal Fee (all license levels and Certificate of Registration)	
0 - less than 12 months	\$125
4) Reinstatement After Child Support Suspension	\$140
5) Temporary Practice Permit	\$235

6)	Petition for Equivalency (per course)	\$55
7)	<u>A. Petition Fee for Licensee to Request Removal of Posted Discipline from Website</u>	<u>\$200</u>
	<u>B. Petition Fee for Immediate Family Member or Heir of a Deceased Licensee to Request Removal of Posted Discipline from Website</u>	<u>\$116</u>
78)	Course Provider Application Review Fee	\$300 per submission
	Course Review Fee	\$200 per course
89)	Miscellaneous Fees:	
	Certification of Documents	\$5
	Change of Name (Business or Personal)	\$10

Duplicate License	\$50 with certification of loss
Duplicate Admit Letter	\$10 with certification of loss
Dishonored Check Fee	\$25 plus collection costs
Laws & Regulations Package	\$15 plus tax and postage
Letter of License History	\$40
Photocopy Costs	\$.10 each page plus postage

Retrieve File/Records from Archives

\$25

State Registry (available on disk only)

Full List

\$55 plus tax and
postage

Special Request

\$90 plus tax and
postage

(c) Notwithstanding any other provision, a license or Certificate of Registration shall be automatically suspended if payment of any fees is dishonored or otherwise cancelled or reverted by the issuing institution or credit card provider for any reason. The license or Certificate of Registration shall remain suspended and shall not be renewed until receipt of all accumulated fees and penalties. Such a suspension shall be in addition to and not in place of any penalties imposed pursuant to this chapter and shall not relieve the licensee of his or her continuing education requirements.

(d) The fee to take an examination or reexamination for a license shall be set at an amount not to exceed the cost to the Bureau as determined by competitive bid. The Chief may provide that the applicant pay the fee directly to the examination provider.

(e) The fee(s) collected by the Bureau pursuant to this section shall be refunded if the Director determines, upon a person's written request for a refund and withdrawal of their application, renewal, petition or other applicable item, that the Bureau has not started its review of the applicable item(s).

NOTE: Authority cited: Sections 11313, 11317.2, 11343, 11350, 11352, 11400, 11401, 11404, 11405, 11406, 11406.5, 11408 and 11422, Business and Professions Code; and Section 17520, Family Code. Reference: Sections 11317.2, 11350, 11401, 11404, 11406 and 11406.5, Business and Professions Code.

§ 3734. Petitions for Removal of Posted License Discipline Information from the Bureau's Website.

(a) This section establishes the process and standards for a petition for: (1) a licensee, seeking removal of their own license discipline information from the Bureau's website ("the website") for license discipline with a posting date of no less than ten (10) years prior to the date of filing of the petition application specified in subdivision (c); and (2) an immediate family member or heir of a deceased former licensee seeking to remove that deceased licensee's discipline information for any duration, pursuant to Section 11317.2 of the Business and Professions Code.

(b) Definitions. For the purposes of this section, the following definitions shall apply:

(1) "Discipline" means that the license has been placed on probation, revoked, suspended, reprobved, censured, reprimanded, restricted, limited, or conditioned.

(2) "Heir" shall mean those individuals who are defined as heirs pursuant to California Probate Code section 44.

(3) "Immediate family member" shall mean spouse, registered domestic partner, child, stepchild, brother, sister, step-sibling, mother, father, or stepparent.

(4) "Immediate family member or heir petitioner" means an immediate family member or heir of a deceased licensee applying on behalf of a former and now deceased licensee for removal of discipline as specified in subdivision (a).

(5) "Licensee" means a person holding a current and active license as defined in Section 11302 of the Business and Professions Code.

(6) "Licensee petitioner" means a licensee applying on their own behalf for removal of discipline as specified in subdivision (a).

(7) "Pending investigation" shall mean any proceeding or investigation under the authority of any licensing jurisdiction in any state, district, or territory of the United States, federal agency or another country pursuant to which licensee discipline may be imposed on the petitioner that is substantially related to the qualifications, functions or duties of the licensee in accordance with Section 3722.

(8) "Posting of discipline" means placing or publishing disciplinary information about a licensee on the website as described in Section 11317.2 of the Business and Professions Code. The "date of posting" or "posting date" for the purposes of this section shall mean the effective date of the disciplinary action at issue.

(c) (1) To request that the Bureau remove an item or items from the posting of discipline, a licensee petitioner shall submit by mail to the Bureau a completed form titled "Petition Application for Removal of Discipline, REA 3070 (New 2/2026)," (REA 3070) which is hereby incorporated by reference, and pay the petition fee for licensee to request removal of posted discipline from website specified in Section 3582.

(2) To request that the Bureau remove an item or items from the posting of discipline, an immediate family member or heir petitioner shall submit by mail to the Bureau a completed form REA 3070 as specified in paragraph (1) and pay the petition fee for immediate family member or heir of a deceased licensee requesting removal of posted discipline from website specified in Section 3582.

(3) In accordance with Section 3582, once the Bureau has started its review of REA 3070, fees that were submitted with REA 3070 shall not be refunded even if the petitioner withdraws their petition, does not qualify in accordance with subdivisions (a) or (c)(4), or the Bureau denies the petition in accordance with subdivision (e).

(4) Notwithstanding subdivision (c)(1), a licensee petitioner shall not qualify for, and the Bureau shall reject as ineligible, any petition received requesting removal from the posting of discipline of either of the following: (1) a license revocation or (2) a voluntary surrender that was the result of a pending investigation.

- (5) Where a licensee petitioner seeks removal of their own discipline from the Bureau's website pursuant to subdivision (c), the Bureau shall consider and apply the criteria for rehabilitation set forth in paragraph (a) of Section 3723 when evaluating the petition and any evidence of rehabilitation submitted by the petitioner.
- (6) In evaluating a petition from a licensee under subdivision (c)(1), the Bureau shall take into consideration other violations that present a credible risk to the members of the public since the posting of discipline requested for removal. The Bureau shall consider, when assessing the credible risk to members of the public utilizing licensed activity by the petitioner, any evidence gathered from an investigation that reflects on petitioner's propensity to honestly and fairly engage in activities requiring a real estate appraiser's license or appraisal management company certificate. For purposes of this subdivision, a "credible risk" exists if any of the following circumstances apply:
- (A) Licensee petitioner is currently registered pursuant to the provisions of section 290 of the Penal Code or registered as a convicted sex offender in another state, district or territory of the United States.
- (B) Licensee petitioner is currently on criminal probation or parole.
- (C) Licensee petitioner has substantially related conviction(s) pursuant to Section 3722 that have occurred since the date of the posting of discipline requested for removal from the Bureau's website and the Petitioner has not demonstrated rehabilitation using the criteria set forth in Section 3723.
- (D) Licensee petitioner's license is currently subject to disciplinary restrictions by the Bureau including a suspension or a license placed on probation.
- (E) Licensee petitioner has professional license discipline that is substantially related to the qualifications, functions or duties of the licensee in accordance with Section 3722 from any other licensing agency, in or outside of California, that have occurred since the date of

posting of discipline requested for removal from the Bureau's website; and, the petitioner has not demonstrated rehabilitation using the criteria set forth in Section 3723.

(F) Licensee petitioner does not make themselves reasonably available for interview by the Bureau investigator in the course of the petition investigation.

(G) Licensee petitioner has not reimbursed the Bureau for payments made from the Recovery Account specified in Section 11411 of the Business and Professions Code associated with an application for payment filed pursuant to Section 11413 of the Business and Professions Code wherein the petitioner was the judgment debtor.

(d) Within 90 days of the date of receipt of form REA 3070, the Bureau shall give written notice to petitioner that:

(A) The petition is complete and the estimated time when the Bureau intends to issue a decision on the petition; or,

(B) The petition is incomplete. The written notice shall contain a description of what information is deficient and a deadline to provide the requested information to complete the petition before it is considered denied per subdivision (e)(3). A petition is deficient if the petitioner has not completed and provided the Bureau with all of the items required by subdivision (c)(1) or (2) as applicable, or any other information requested by the Bureau to complete the Petition.

(e) Grounds for denial. The Bureau shall deny a petition if any of the following conditions exist:

(1) The petitioner does not meet the requirements of this section or Section 11317.2 of the Code, as applicable.

(2) The Bureau finds a credible risk as described in subdivision (c)(6).

(3) The petitioner did not exercise due diligence in the completion of their application as specified in Section 3571.

(f) If the Bureau grants the petition after investigation, the Bureau will order removal of the eligible discipline item or items from the licensee's or a former deceased licensee's entry in the Public License Information feature on the website within five (5) business days from the date of the letter notifying the petitioner of the granting of the petition.

(g) If the Bureau denies the petition for removal of discipline from the Public License Information website feature, such denial shall be final, and the petitioner may not submit a new petition for a minimum of one year from the effective date of the denial.

(h) A petitioner who is denied must submit a new petition and fee to again seek the Bureau's approval to remove an item or items from the Bureau's posting of discipline.

NOTE: Authority cited: Sections 11313 and 11317.2, Business and Professions Code.
Reference: Section 11317.2, Business and Professions Code.