



LIZ MURRILL
ATTORNEY GENERAL

STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 94005
BATON ROUGE, LA
70804-9005

To: Mr. Summer S. Mire
Executive Director
Louisiana Real Estate Appraisers Board

From: Farra Mughal
Louisiana Department of Justice
Occupational Licensing Review Program

Date: June 9, 2026

Subject: Louisiana Real Estate Appraisers Board
Proposed Amendment to LAC 46:LXVII.10101 *et seq.*

I. SUMMARY

The Louisiana Real Estate Appraisers Board (the “**Board**”) proposes amending LAC 46:LXVII.10101 *et seq* (the “**Proposed Amendments**”) relative to rules governing real estate appraisers and appraisal management companies. The Board asserts that in compliance with Governor Landry’s April 1, 2025, Executive Order Number 25-038 and the annual reporting requirements of La. R.S. 49:964(D) and 966(K), the Board reviewed 100 percent of their administrative rules and determined that the Proposed Amendments are necessary, consistent with applicable law, and aligned with its mission to protect the public interest through the reasonable regulation of real estate appraisers and appraisal management companies.¹

The Proposed Amendments make sweeping technical and organizational changes to each of the Board’s current rules to improve clarity, remove obsolete provisions, eliminate duplicative language, update references to current law and nationally recognized standards, and repeal provisions that are no longer necessary. The Proposed Amendments also update §10303 to reflect the repeal of the former 90-day window for an applicant to apply to retake a failed examination in accordance with the changes made by Act 263 of the 2025 Regular Session of the Louisiana Legislature.

The Board published a Notice of Intent to promulgate the Proposed Amendment on January 20, 2026.² The Notice invited public comments on the Proposed Amendments through March 11, 2026 and received no written or oral public comments.³

¹ Louisiana Register Vol. 52 No. 1 at pgs. 98-105

² Id.

³ Id. at 105

Pursuant to La. R.S. 49:260, the Board submitted the Proposed Amendments to the Louisiana Department of Justice’s Occupational Licensing Review Program (“*OLRP*”) on March 26, 2026. The *OLRP* invited public comments on the Proposed Amendments March 27, 2026 through April 9, 2026 and received no comments.

The *OLRP* has the statutory authority to review the substance of each proposed occupational regulation submitted to ensure compliance with clearly articulated state policy and adherence to applicable state law.⁴ An occupational regulation is a “rule defined in the Administrative Procedure Act (“*APA*”) that has reasonably foreseeable anti-competitive effects. Any license, permit, or regulation established by a ... board not composed of a controlling number of active market participants is excluded.”⁵ Anti-Competitive behavior is an act, or series of acts, that have the effect of harming the market or the process of competition among businesses, or a tendency to reduce or eliminate competition, with no legitimate business purpose.⁶

The Louisiana *APA* defines a rule as any agency statement, guide, or requirement of general applicability that implements or interprets substantive law or policy, or that prescribes agency procedures or practices, excluding statements governing only internal agency management, declaratory rulings or orders, and provisions adopting, increasing, or decreasing fees.⁷ The term includes provisions establishing fines, penalties, preferential status, or licensure or certification criteria, as well as the amendment of an existing rule. A rule may be generally applicable, even if it applies only to an identifiable class or a limited geographical area.

As set forth below, the *OLRP* has determined the Board’s Proposed Amendments to LAC 46: LXVII.10101 *et seq.* are within the Board’s authority and adhere to clearly articulated state policy. Although certain amendments affect occupational licensing and professional regulation, the Proposed Amendments are largely technical and do not create new barriers to entry, restrict competition, or otherwise produce reasonably foreseeable anticompetitive effects. Therefore, the Proposed Amendments are approved for adoption as drafted.

II. ANALYSIS

The Board is authorized to protect the public interest by reasonably regulating real estate appraisers and appraisal management companies by promulgating rules in accordance with the Administrative Procedure Act (La. R.S. 49:950 *et seq.*), the Louisiana Real Estate Appraisers Law (La. R.S. 37:3391 *et seq.*), and the Appraisal Management Company Licensing and Regulation Act (La. R.S. 37:3415.1 *et seq.*). The Board has been granted the statutory authority to adopt any rules and regulations⁸ including regulating the issuance of real estate appraiser registrations and licenses,⁹ establishing administrative procedures for processing applications and issuing

⁴ LSA-R.S. 49:260 (D)(2)

⁵ LSA-R.S. 49:260 (G)(4)

⁶ Black’s Law Dictionary, 12th Edition p. 116

⁷ LSA-R.S. 49:951 (8)

⁸ LSA-R.S. 37:3395(A)(3)

⁹ LSA-R.S. 37:3395(A)(1)

registrations and licenses to real estate appraisers and trainees¹⁰ and conducting disciplinary proceedings to suspend or revoke licenses, and to censure and fine licensees,¹¹ in accordance with the provisions of the APA.

A. Proposed LAC 46:LXVII. 10101 *et seq.*

The Board proposes amending §10101, 10103, 10105, 10301, 10305, 10308, 10309, 10311, 10313, 10315, 10319, 10401, 10403, 10405, 10407, 10409, 10411, 10413, 10417, 10419, 10421, 10423, 10425, 10501, 10503, 10507, 10509, 10511, 10513, 10701, 30101, 30302, 30303, 30401, 30501, 30701, 30703, 30900, 30901, 30903, 30905, 30907, and 31103.

The Proposed Amendments to the rules (i) make technical changes to improve clarity, (ii) remove unnecessary and duplicative provisions already reflected elsewhere in the Board's rules, statutes, or APA, and (iii) repeal outdated provisions that are no longer applicable.

The Board has the authority to adopt any rules and regulations¹² including regulating the issuance of real estate appraiser registrations and licenses,¹³ establishing administrative procedures for processing applications and issuing registrations and licenses to real estate appraisers and trainees,¹⁴ and conducting disciplinary proceedings to suspend or revoke licenses, and to censure and fine licensees.¹⁵ Accordingly, it is within the Board's rules to make technical changes to improve the clarity and organization of the rules and repeal any outdated provisions.

Several of the proposed amendments concern matters traditionally associated with occupational regulation, including trainee supervision requirements (§10308), experience qualification standards and peer review procedures (§10309), continuing education requirements (§10409), appraisal management company licensure requirements (§30301), investigative authority (§10501), and disciplinary authority (§30901). However, the amendments do not impose new substantive requirements for licensure, education, supervision, discipline, or professional practice. Rather, the amendments simplify existing provisions, remove obsolete or duplicative requirements, conform the rules to existing statutory authority and nationally recognized appraisal standards, and eliminate provisions that are redundant of the Administrative Procedure Act or existing statutes.

Notably, the amendments to §10308 replace detailed state-specific supervisory requirements with references to the applicable editions of the Real Property Appraiser Qualification Criteria and the Uniform Standards of Professional Appraisal Practice, thereby aligning the Board's rules with nationally recognized standards. The amendments to §10309 streamline peer review committee provisions and clarify that applicants must satisfy the education and experience requirements established by the applicable edition of the Real Property Appraiser Qualification Criteria. The amendments to §10409 remove duplicative provisions and clarify the circumstances under which

¹⁰ LSA-R.S. 37:3395(A)(2)

¹¹ LSA-R.S. 37:3395(A)(6)

¹² LSA-R.S. 37:3395(A)(3)

¹³ LSA-R.S. 37:3395(A)(1)

¹⁴ LSA-R.S. 37:3395(A)(2)

¹⁵ LSA-R.S. 37:3395(A)(6)

education obtained through a non-approved provider may be credited toward continuing education requirements. Likewise, the amendments to §30301 remove provisions that are duplicative of existing statutory and Administrative Procedure Act requirements, including the repeal of the existing "good moral character" certification provision, while preserving the substantive licensure requirements established by law. The amendments to §§10501 and 30901 similarly remove provisions that are redundant of existing statutory investigative and disciplinary authority.

Accordingly, while these provisions fall within the scope of occupational regulation, they do not create new barriers to entry, restrict competition, reduce consumer choice, or otherwise produce reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260. Therefore, the Board may proceed with promulgation of the Proposed Amendments in accordance with the Louisiana APA without further modification.

B. Proposed LAC 46:LXVII. 10303- Examination

The Board proposes amending §10303 to reflect the repeal of the 90-day window for an applicant to apply to retake a failed examination in accordance with Act 263 of the 2025 Regular Session of the Louisiana Legislature.

While examination application requirements can create barriers to market entry for individuals desiring to engage in a profession or occupation that warrant review by the OLRP under La. R.S. 49:260, the proposed amendment to §10303 reduces these barriers by removing the window of time an applicant must reapply to retake a failed examination.

Additionally, repealing the 90-day window for applicants to apply to retake the licensing examination protects the public interest by removing an unnecessary administrative barrier that may prevent otherwise qualified individuals from becoming licensed appraisers due to missed deadlines. Applicants would still be required to pass the examination and satisfy all other licensing requirements, ensuring that professional competency standards remain intact. Thus, the proposed amendment could increase the number of licensed real estate appraisers in the state and improve public access to appraisal services.

Because the Proposed Amendment is within the Board's statutory authority, is consistent with Act 263, adheres to clearly articulated state policy, and does not introduce new anticompetitive restrictions, the Board may proceed with promulgation as drafted.

C. Proposed LAC 46:LXVII. 10505-Cooperation

The Board proposes amending §10505 to specify that a respondent's failure to cooperate with a Board investigation constitutes a violation of the Board's rules in accordance with La. 37:3409(A)(2).

The Board has been granted the statutory authority to adopt any rules and regulations¹⁶ including regulating the issuance of real estate appraiser registrations and licenses¹⁷ and conduct disciplinary

¹⁶ LSA-R.S. 37:3395(A)(3)

¹⁷ LSA-R.S. 37:3395(A)(1)

proceedings to suspend or revoke licenses, and to censure and fine licensees.¹⁸ Accordingly, it is within the Board's authority to adopt a rule establishing a respondent's failure to cooperate with an investigation to constitute a violation of the rules.

By establishing a rule that a respondent is required to cooperate with a Board investigation, the Board is ensuring that it receives all necessary information to properly and effectively conduct investigations. Additionally, through effective oversight, the Board fulfills its duty to protect the public from the unprofessional, unauthorized, or unethical conduct by licensed practitioners.

The proposed amendment to §10505 does not establish new licensure qualifications or restrict market participation but confirms an enforcement mechanism that supports the Board's investigative authority and ensures that respondents cooperate with lawful investigations of the Board. Therefore, the proposed amendment does not introduce any reasonably foreseeable anticompetitive effects, falls within the Board's statutory authority, and adheres to clearly articulated state policy. The Board may proceed with promulgation of this amendment in accordance with the APA.

III. DETERMINATION

The Board is a state regulatory body created to protect the public interest by reasonably regulating real estate appraisers and appraisal management companies by promulgating rules in accordance with the Administrative Procedure Act (La. R.S. 49:950 *et seq*), the Louisiana Real Estate Appraisers Law (La. R.S. 37:3391 *et seq*), and the Appraisal Management Company Licensing and Regulation Act (La. R.S. 37:3415.1 *et seq*). The Board has the authority to adopt any rules and regulations¹⁹ including regulating the issuance of real estate appraiser registrations and licenses,²⁰ establishing administrative procedures for processing applications and issuing registrations and licenses to real estate appraisers and trainees,²¹ and conducting disciplinary proceedings to suspend or revoke licenses, and to censure and fine licensees.²²

The OLRP has determined the Proposed Amendments to §10101, 10103, 10105, 10301, 10305, 10308, 10309, 10311, 10313, 10315, 10319, 10401, 10403, 10405, 10407, 10409, 10411, 10413, 10417, 10419, 10421, 10423, 10425, 10501, 10503, 10507, 10509, 10511, 10513, 10701, 30101, 30302, 30303, 30401, 30501, 30701, 30703, 30900, 30901, 30903, 30905, 30907, and 31103 are technical, organizational, conforming amendments that do not create new barriers to entry, restrict competition, or produce reasonably foreseeable anticompetitive effects within the meaning of La. R.S. 49:260.

Additionally, the OLRP has determined the Proposed Amendments to §§ 10303 and 10505 constitute occupational regulations within the meaning of La. R.S. 49:260 because they concern licensure and disciplinary requirements applicable to licensees. However, these amendments are within the Board's statutory authority, adhere to clearly articulated state policy, and do not create

¹⁸ LSA-R.S. 37:3395(A)(6)

¹⁹ LSA-R.S. 37:3395(A)(3)

²⁰ LSA-R.S. 37:3395(A)(1)

²¹ LSA-R.S. 37:3395(A)(2)

²² LSA-R.S. 37:3395(A)(6)

reasonably foreseeable anticompetitive effects. The amendment to §10303 removes an administrative barrier to licensure, while the amendment to §10505 supports the Board's statutory investigative and enforcement functions.

As such, the Proposed Amendments are approved as submitted and may be promulgated by the Board in accordance with the Louisiana APA.

OFFICE OF THE ATTORNEY GENERAL
OCCUPATIONAL LICENSING REVIEW PROGRAM

A handwritten signature in blue ink, appearing to read "Farra Mughal".

Farra Mughal, OLRP
Public Protection Division
Louisiana Department of Justice
olrp@ag.louisiana.gov