

324A.156 Duties of registrants -- Recordkeeping.

- (1) A registrant that is an organization shall:
 - (a) Maintain a registered agent for service of process; and
 - (b) Provide to the board the information required by the Secretary of State concerning the organization's agent for service of process. If changes are made to the information required by the Secretary of State, the changes shall be provided to the board within five (5) business days.
- (2) A registrant shall maintain, or cause to be maintained, complete records of requests for appraisal services referred to an appraiser licensed or certified by the board, including without limitation records pertaining to the acceptance of fees from clients and payments to appraisers. The board may inspect records, without prior notice, periodically, or if the board determines that the records are pertinent to an investigation of a complaint against a registrant.
- (3) A registrant shall designate a controlling person or managing principal responsible for ensuring compliance with this section.
- (4) (a) The registrant shall file a form with the board:
 1. Documenting the identity of the person designated as the controlling person or managing principal; and
 2. Certifying the individual's acceptance of the responsibility of a controlling person or managing principal.(b) The registrant shall submit a new form to the board within five (5) business days after a change in its controlling person or managing principal.
(c) An individual registrant who operates as a sole proprietorship is deemed the managing principal under this section.
- (5) A registrant shall make and keep its accounts, correspondence, memoranda, papers, books, and other records in accordance with administrative regulations promulgated by the board. All records shall be retained for five (5) years unless the board establishes a different, longer retention period for particular types of records.
- (6) The registrant shall disclose, on all invoices, purchase orders, or other documents establishing work to be performed for or compensation due from its clients, itemized actual fees paid to any third party for services performed, including appraisal services, for the client through contract with or arrangement through the registrant. The disclosure shall include:
 - (a) The name of the third party performing the service, including a licensed appraiser performing appraisal services;
 - (b) The nature of the service and itemized fees paid to the third party for appraisal services or any other services performed; and
 - (c) Itemized fees or charges received by the registrant for appraisal management services.

If the disclosure made becomes inaccurate because of changes to services requested or performed, a revised or amended disclosure shall be provided by the end of the next business day after the change to services has been performed, and the revised or amended disclosure shall be clearly marked as

revised or amended and contain sufficient information for the client to identify the original disclosure referenced.

- (7) The provisions of this section do not exempt the registrant from any other reporting requirements contained within any federal or state law.

Effective: June 8, 2011

History: Created 2011 Ky. Acts ch. 58, sec. 4, effective June 8, 2011.