

2016 Regular Session

HOUSE BILL NO. 679

BY REPRESENTATIVE SHADOIN

REAL ESTATE/APPRAISERS: Provides relative to administrative hearings and judicial review of final decisions

## 1 AN ACT

2 To amend and reenact R.S. 37:3415.20(B), relative to hearing decisions of the Louisiana  
3 Real Estate Appraisers Board; to provide for amendments with respect to judicial  
4 review of the final decisions of the board; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 37:3415.20(B) is hereby amended and reenacted to read as follows:

7 §3415.20. Disciplinary hearings

8 \* \* \*

9 ~~B.(1) The Nineteenth Judicial District Court of the state may review~~  
10 ~~questions of law involved in any final decision of the board. Any application for~~  
11 ~~review made by an aggrieved party shall be filed within thirty days after the final~~  
12 ~~decision of the board~~ The provisions of R.S. 49:964 shall apply to petitions of  
13 judicial review of any final decision of the board.

14 ~~(2) If the court finds that the Louisiana Real Estate Appraisers Board has~~  
15 ~~regularly pursued its authority and has not acted arbitrarily, it shall affirm the~~  
16 ~~decision, order, or ruling of the board. If a petition to review the final decision of the~~  
17 ~~board is filed, the case shall be specifically fixed for trial within thirty days from the~~  
18 ~~filing of an answer by the board.~~

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 679 Original

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Shadoin

**Abstract:** Provides for a broader scope of the district court's judicial review of final decisions of the La. Real Estate Appraisers Board (board).

Present law authorizes the board to conduct adjudicatory hearings in accordance with the Administrative Procedure Act. Proposed law retains present law.

Present law provides certain requirements with respect to judicial review of any final decision of the board. Requires an aggrieved party's petition for review to be filed in district court within 30 days after the final decision of the board. Requires the court's affirmation of the board's decision if the board is found to have acted pursuant to its authority and non arbitrarily. Further requires cases for trial to be fixed within 30 days of the board's filing of an answer to the petition. Present law limits the district court's judicial review of the board's final decisions to questions of law.

Proposed law deletes present law. Proposed law provides for an aggrieved party to petition the district court for judicial review of a final adjudicatory decision. Generally, proposed law provides for a broader scope of the district court's judicial review, such as review of procedure or error of law.

(Amends R.S. 37:3415.20(B))