

To: JSP Legals
Cc: Kohtz, Tyler; Duerig, Katja
Subject: Notice of Hearing

For publication on Thursday, July 15, 2021. Text for public notice (Notice of Hearing):

NEBRASKA REAL PROPERTY APPRAISER BOARD NOTICE OF HEARING FOR CHANGES TO TITLE 298 OF THE NEBRASKA ADMINISTRATIVE CODE

The Nebraska Real Property Appraiser Board will hold a public hearing at 11:00 a.m. on Thursday, August 19, 2021 in the Nebraska Real Property Appraiser Board Office on the 1st Floor of the Nebraska State Office Building at 301 Centennial Mall South, Lincoln, Nebraska for proposed changes to Title 298 of the Nebraska Administrative Code. Draft copies of all rules and regulations to be adopted, amended, or repealed are available for examination at the Nebraska Real Property Appraiser Board office, Monday through Friday, between 8:00 a.m. and 5:00 p.m., and on the Nebraska Secretary of State's website at www.sos.ne.gov. The proposed changes to Title 298 reduce unnecessary regulatory burden and remove barriers to entry into the real property appraiser profession, include general updates for better clarification and administration, and harmonize Title 298 with the changes made to the Nebraska Real Property Appraiser Act through LB808 in 2020 and LB23 in 2021. The proposed changes to Title 298 will have no fiscal impact on credential/registration holders, the public, or other political subdivisions, but does include an administrative fee of \$50.00 for the preliminary history record review application as authorized by Neb. Rev. Stat. § 84-947(7). A description of the fiscal impact may be inspected at the Nebraska Real Property Appraiser Board office, Monday through Friday, between 8:00 a.m. and 5:00 p.m. All interested persons are invited to attend and testify orally or by written submission at the hearing. Interested persons may also submit written comments prior to hearing, which will be made part of the hearing record at the time of hearing if received by the Nebraska Real Property Appraiser Board on or before August 18, 2021. If auxiliary aids or reasonable accommodations are needed to participate in the hearing, or if hearing impaired, please contact the Board's office at 402-471-9015 by no later than Tuesday, August 17, 2021.

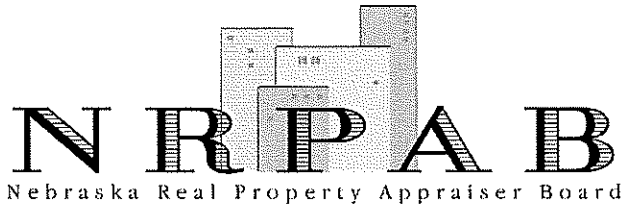
Tyler N. Kohtz
Director

Regards,

*Allison L. Nesper, Business and Licensing Program Manager
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**Title 298 August 19, 2021 Public Hearing
Proposed Change to Title 298 Fiscal Impact Statement**

The Nebraska Real Property Appraiser Board will hold a public hearing at 11:00 a.m. on Thursday, August 19, 2021 in the Nebraska Real Property Appraiser Board Office on the 1st Floor of the Nebraska State Office Building at 301 Centennial Mall South, Lincoln, Nebraska for proposed changes to Title 298 of the Nebraska Administrative Code. The proposed changes to Title 298 reduce unnecessary regulatory burden and remove barriers to entry into the real property appraiser profession, include general updates for better clarification and administration, and harmonize Title 298 with the changes made to the Nebraska Real Property Appraiser Act through LB808 in 2020 and LB23 in 2021.

The proposed changes to Title 298 will have no fiscal impact on credential/registration holders, the public, or other political subdivisions, but does include an administrative fee of \$50.00 for the preliminary history record review application as authorized by Neb. Rev. Stat. § 84-947(7). The preliminary history record review application fee is expected to generate no expenditures or revenues.

DRAFT/FINAL FISCAL IMPACT STATEMENT

Agency: Nebraska Real Property Appraiser Board	
Title: 298	Prepared by: Tyler Kohtz
Chapter: 1-8	Date prepared: July 13, 2021
Subject: Changes to Title 298	Telephone: 402-471-9015

Type of Fiscal Impact:

	State Agency	Political Sub.	Regulated Public
No Fiscal Impact	(X)	(X)	(X)
Increased Costs	()	()	()
Decreased Costs	()	()	()
Increased Revenue	()	()	()
Decreased Revenue	()	()	()
Indeterminable	()	()	()

Provide an Estimated Cost & a Description of Impact:

See attached document titled "Title 298 August 19, 2021 Public Hearing Proposed Change to Title 298 Fiscal Impact Statement."

State Agency:

Political
Subdivision:

Regulated
Public:

If indeterminable, explain why:



Summary of Proposed Changes to Title 298 of the Nebraska Administrative Code August 19, 2021 Hearing

The Board proposes changes to chapters one through eight of Title 298 of the Nebraska Administrative Code. Title 298 includes the rules and regulations for administration and enforcement of the Nebraska Real Property Appraiser Act (Neb. Rev. Stat. §§ 76-2201 – 76-2250) and the Appraisal Management Company Registration Act (Neb. Rev. Stat. §§ 76-3201 – 76-3222). Title 298 clarifies and defines the requirements and processes for real property appraiser credentialing, real property appraiser credential renewal, real property appraiser qualifying and continuing education activities, appraisal management company registration and renewal, and investigations. The Board's intent to amend Title 298 is due to the following:

- It is the Board's priority to reduce unnecessary regulatory burden and remove barriers to entry into the real property appraiser profession. Changes in Title 298 address this very issue. The word "Bachelor's" is stricken to allow that any degree in real estate from an accredited awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board of The Appraisal Foundation as required core curriculum, or the equivalent as determined by the AQB, be used in place of class hours in real property appraiser qualifying education. The review and approval procedures are updated to allow the Board's director to approve new applications for trainee real property appraisers, supervisory real property appraisers, reciprocal licensed and certified real property appraisers, education activities and instructors, and appraisal management company registrations when minimum requirements are met and no extenuating circumstances exists requiring Board expertise. Finally, the Board implemented procedures for the preliminary criminal history review as required by Neb. Rev. Stat. § 84-947.
- LB808, approved by Governor Ricketts on August 15, 2020, updated the Nebraska Real Property Appraiser Act for compliance with Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 ("Title XI"), the Uniform Standards of Professional Appraisal Practice ("USPAP"), and the Policy Statements of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council ("ASC Policy Statements"). The proposed changes to Title 298 harmonize the language in Title 298 with the changes made to the Real Property Appraiser Act through LB808. Specifically, a new defined term "real property appraisal practice," replaces all variations of substantially similar language for clarification and consistency; references to real property appraisers are updated to use the defined term "real property appraiser" for consistency; "Valuation" is added before "services" to clarify the nature of such service being performed by a real property appraiser; "Appraisal" or "appraisal review" are replaced by "assignment results" to utilize the definition of "assignment results" for clarity and consistency when referring to "report" where appropriate; and "valid" is stricken before "credential" for clarity and consistency as the stricken term is unnecessary.

- LB23, approved by Governor Ricketts on March 17, 2021, updated the Nebraska Real Property Appraiser Act to implement the Real Property Appraiser Qualifications Criteria (“2020 Criteria”) adopted by The Appraisal Foundation’s Appraiser Qualifications Board, effective on January 1, 2020 and May 15, 2020; and to maintain compliance with Title XI. The proposed changes to Title 298 harmonize the language in Title 298 with the changes made to the Real Property Appraiser Act through LB23. Specifically, the word “Bachelor’s” is stricken to allow that any degree in real estate from an accredited awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board of The Appraisal Foundation as required core curriculum, or the equivalent as determined by the AQB, be used in place of class hours in real property appraiser qualifying education.
- During the drafting of the proposed changes, emphasis was placed on the effectiveness of regulations in place, the clarity and applicability of the language in Title 298, and the public’s rights and welfare. Language is updated to reflect this emphasis.
- The proposed changes to Title 298 will have no fiscal impact on credential/registration holders and other political subdivisions, but does include an administrative fee of \$50.00 for the preliminary history record review application as authorized by Neb. Rev. Stat. § 84-947(7). The preliminary history record review application fee is expected to generate no expenditures or revenues.

More detail regarding the specifics of these changes can be found below:

- The defined term “real property appraisal practice” replaces any such terms and phrases: “appraisal practice,” “real property appraisal activity,” “appraisal practice or real property appraisal activity,” “a valuation assignment, evaluation assignment, or appraisal review assignment,” “an assignment not limited to value for an appraisal assignment, and not limited to an opinion about the quality of another appraiser’s work for an appraisal review assignment,” “appraising,” “the appraisal of, and review of appraisal of,” “the appraisal of,” “appraise,” “real property appraisal activities or other related activities,” “the making of an appraisal,” “practice,” “perform or performs real property appraisal activity” throughout Title 298. Utilization of the defined term “real property appraisal practice” harmonizes Title 298 with the language in the Real Property Appraiser Act for changes made by LB808.
- “Real property appraisal practice” is added before “assignments,” “experience,” and “assistance” to clarify the nature of such assignment, or the type of experience or assistance; and “assignment,” “experience,” and “assistance” is added after “real property appraisal practice” throughout Title 298 where applicable for clarity and consistency. Utilization of the defined term “real property appraisal practice” harmonizes Title 298 with the language in the Real Property Appraiser Act for changes made by LB808.
- “Real property” is added before the word “appraiser” where only “appraiser” exists throughout Title 298. Utilization of the defined term “real property appraiser” harmonizes Title 298 with the language in the Real Property Appraiser Act for changes made by LB808.

- Non-substantive language changes made for clarification, consistency, or to correct spelling and grammar errors; and section reference updates are not listed individually in this summary.
- “Valuation” is added before “services” to clarify the nature of such service being performed by a real property appraiser to harmonize Title 298 with the language in the Real Property Appraiser Act for changes made by LB808 in Chapter 1, § 009 (page 3); Chapter 1, § 010 (page 3); and Chapter 8, § 003.05A.1 (page 66).
- “AMC” is added before “Appraiser” to utilize the defined term “AMC Appraiser” in Chapter 1, § 009 (page 1) and Chapter 8, § 003.05A.1 (page 66).
- Chapter 1, § 013 is added to establish application procedures and requirements for the preliminary criminal history review as required by Neb. Rev. Stat. § 84-947 (page 3).
- “Bachelor’s” is stricken to allow that any degree in real estate from an accredited awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board of The Appraisal Foundation as required core curriculum, or the equivalent as determined by the AQB, be used in place of class hours in real property appraiser qualifying education to harmonize Title 298 with the language in the Real Property Appraiser Act for changes made by LB808 in Chapter 2, § 001.01A.2 (page 5); Chapter 2, § 001.02A.2 (page 7); Chapter 2, § 001.02B.1 (page 7); Chapter 2, § 001.03A.2 (page 8); Chapter 2, § 001.03D.2 (page 8); Chapter 2 § 001.03E.2 (page 9); Chapter 2, § 001.04A.2 (page 10); Chapter 2, § 001.04B.1 (page 10); Chapter 2, § 001.04B.2 (page 11); Chapter 2, § 001.04B.3 (page 11); Chapter 2, § 001.05B (page 12); and Chapter 6, § 002.01A (page 34) .
- “Credentialed” is stricken before “real property appraiser” and “trainee real property appraiser” for consistency and clarity as a real property appraiser is a credential holder to harmonize Title 298 with the language in the Real Property Appraiser Act for changes made by LB808 in Chapter 2, § 001.02B (page 7); Chapter 2, § 001.04B (page 10); Chapter 2, § 004.01D (page 17); Chapter 2, § 004.02H (page 22); Chapter 3, § 001.08 (page 25); Chapter 4, § 003.06 (page 30); and Chapter 6, § 004.02B (page 45).
- “Appraisal” or “appraisal review” is replaced by “assignment results” to utilize the definition of “assignment results” where appropriate for clarity and consistency when referring to “report” to harmonize Title 298 with the language in the Real Property Appraiser Act for changes made by LB808 in Chapter 2, § 002.03A (page 13); Chapter 2, § 002.04 (page 13); Chapter 2, § 002.06 (page 13); and Chapter 2, § 002.09 (page 14);
- Chapter 2 § 002.09(9) is amended to add “or non-traditional client” after “traditional client” to clarify that verification on the experience log must indicate that the client is traditional or non-traditional (page 14).
- Chapter 2 § 004.01C is amended to allow the Board’s director to approve new applications for trainee real property appraisers when the minimum requirements are met and no extenuating circumstances exist requiring Board expertise. Any applicant that may not meet one or more requirements for credentialing as a trainee real property appraiser will be placed before the Board for consideration at its next meeting (page 19).

- Chapter 2 § 004.01K is amended to allow the Board’s director to approve new applications for supervisory real property appraisers when the minimum requirements are met and no extenuating circumstances exist requiring Board expertise. Any applicant that may not meet one or more requirements for approval as a supervisory real property appraiser will be placed before the Board for consideration at its next meeting (page 20).
- Chapter 2 § 004.01P is amended to change the designation that may be used by a supervisory real property appraiser to “S.R.P.A.” to include “Real Property,” consistent with the changes made throughout Title 298 for harmonization with the language in the Real Property Appraiser Act for changes made by LB808 (page 21).
- “Credential” is stricken after “real property appraiser” and “trainee real property appraiser” for consistency and clarity as a real property appraiser is a credential holder. This change is to harmonize Title 298 with the language in the Real Property Appraiser Act for changes made by LB808 in Chapter 2, § 001.02B (page 7); Chapter 2, § 001.04B (page 10); Chapter 2, § 004.01D (page 17); Chapter 2, § 004.02H (page 22); Chapter 3, § 001.08 (page 25); Chapter 4, § 003.06 (page 30); and Chapter 6, § 004.02B (page 45).
- Chapter 3 §§ 001.03 through 001.06 are amended to allow the Board’s director to approve new applications for licensed and certified real property appraisers by reciprocity when the minimum requirements are met and no extenuating circumstances exist requiring Board expertise. Any applicant that may not meet one or more requirements for approval as a real property appraiser by reciprocity will be placed before the Board for consideration at its next meeting (page 24).
- Chapter 3 § 002.03 is amended to clarify that any applicant that may not meet one or more requirements for approval as a temporary real property appraiser will be placed before the Board for consideration at its next meeting (page 26).
- Chapter 4 § 001.11C is amended to strike “valid” before “credential.” The stricken language is unnecessary, and this change harmonizes Title 298 with the language in the Real Property Appraiser Act for changes made by LB808 (page 29).
- Chapter 4 § 003.04 is amended to clarify that any applicant for renewal of a real property appraiser credential that may not meet one or more requirements for approval will be placed before the Board for consideration at its next meeting (page 30).
- Chapter 6 § 001.07B is amended to add “applicants” to clarify that this section applies to online or correspondence activities for both applicants and credential holders (page 33).

- Language is amended to strike “is certified by the International Distance Education Certification Center” and add “meets the requirements of Section 001.07A of this Chapter” to specify that an IDECC certificate must be submitted, or the activity must be conducted by an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education, that awards academic credit for the distance education courses. This change recognizes that the education submission may include either option, not just the IDECC certificate in Chapter 6 § 002.02A.5 (page 36); Chapter 6 § 003.02A.5 (page 41); Chapter 6 § 004.04A.5 (page 49). The intent of this change is to better align Title 298 with the Real Property Appraiser Qualifications Criteria language.
- Chapter 6 §§ 002.02A.2j (page 36), 003.02A.2k (page 41), 004.04A.2j (page 49) is added to ensure that an online or correspondence activity conducted by an accredited college, community college, or university provides interaction in a reciprocal environment where the student has verbal or written communication with the instructor. Colleges, community colleges, or universities are not required to hold IDECC certification for online or correspondence education activities. For all activities that are IDECC approved, interaction in a reciprocal environment where the student has verbal or written communication with the instructor is a condition for approval. The intent of this change is to better align Title 298 with the Real Property Appraiser Qualifications Criteria language.
- Language is amended to strike “certified by the International Distance Education Certification Center” and add, “the qualification for online or correspondence delivery specified in Section 001.07A of this Chapter” to the reasons for resubmission of, or rescinding, an approved qualifying education activity, continuing education activity, or supervisory real property appraiser and trainee course. This amendment includes activities conducted by accredited colleges, community colleges, or universities that offers distance education programs and are approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education, that awards academic credit for the distance education courses in Chapter 6 § 002.03A (page 37); Chapter 6 § 002.04A (page 37); Chapter 6 § 003.03A (page 42); Chapter 6 § 003.04B (page 43); Chapter 6 § 004.05A (page 50); Chapter 6 § 004.06A (page 50).
- Chapter 6 §§ 002.02C and 002.02D are amended to allow the Board’s director to approve new applications for qualifying education activities when the minimum requirements are met by the education provider and the activity, and no extenuating circumstances exist requiring Board expertise. Any application for an education provider and activity that may not meet one or more requirements for approval as a qualifying education activity will be placed before the Board for consideration at its next meeting (page 37). Language is amended throughout Section 002 in Chapter 6 to strike any references to being approved “by the board” for harmonization with this change.

- Chapter 6 § 003.02A.2j is added to clarify that written evidence must be included with a continuing education submission indicating that an appropriate mechanism is in place to ensure that the credential holder demonstrates knowledge of subject matter for an online or correspondence activity (page 41). This Real Property Appraiser Qualifications Criteria is met for qualifying education and the supervisory real property appraiser and trainee course by examination.
- Chapter 6 §§ 003.02C and 003.02D are amended to allow the Board's director to approve new applications for continuing education activities when the minimum requirements are met by the education provider and the activity, and no extenuating circumstances exist requiring Board expertise. Any application for an education provider and activity that may not meet one or more requirements for approval as a continuing education activity will be placed before the Board for consideration at its next meeting (page 42). Language is amended throughout Section 003 in Chapter 6 to strike any references to being approved "by the board" for harmonization with this change.
- Chapter 6 §§ 004.04C and 004.04D are amended to allow the Board's director to approve new applications for supervisory real property appraiser and trainee courses when the minimum requirements are met by the education provider and the activity, and no extenuating circumstances exist requiring Board expertise. Any application for an education provider and activity that may not meet one or more requirements for approval as a supervisory real property appraiser and trainee course will be placed before the Board for consideration at its next meeting (page 50). Language is amended throughout Section 004 in Chapter 6 to strike any references to being approved "by the board" for harmonization with this change.
- Chapter 6 §§ 005.02C and 005.02D are amended to allow the Board's director to approve new applications for instructors of an education activities when the minimum requirements are met by the applicant, and no extenuating circumstances exist requiring Board expertise. Any applicant that may not meet one or more requirements for approval as an education activity instructor will be placed before the Board for consideration at its next meeting (page 54). Language is amended throughout Section 005 in Chapter 6 to strike any references to being approved "by the board" for harmonization with this change.
- Chapter 6 § 005.01E is amended to strike 005.01E.1 through 005.01E.4 and clarify that being an AQB Certified USPAP Instructor is the only qualification for approval as an instructor of the qualifying education fifteen-hour National Uniform Standards of Professional Appraisal Practice Course, the continuing education seven-hour National Uniform Standards of Professional Appraisal Practice Update Course, and/or the supervisory real property appraiser and trainee course. 005.01E.1 through 005.01E.4 are already requirements for approval as an AQB Certified USPAP Instructor, and are therefore moot as a separate requirement in Title 298 (page 53).
- Chapter 7 §§ 001.03 and 001.04 are amended to allow the Board's director to approve new applications for registration as an appraisal management company when the minimum requirements are met by the applicant, and no extenuating circumstances exist requiring Board expertise. Any applicant that may not meet one or more requirements for approval as an appraisal management company will be placed before the Board for consideration at its next meeting (page 56).

- Chapter 7 § 002.03 is amended to clarify that any applicant for renewal of an appraisal management company registration that may not meet one or more requirements for approval will be placed before the Board for consideration at its next meeting (page 58).

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

CHAPTER 1 GENERAL PROVISIONS

- 001** Definitions of terms used in this Title, unless the context otherwise requires, are stated in the Real Property Appraiser Act, NEB. REV. STAT. § 76-2201 et. seq, (hereinafter referred to as “the Act”), the Appraisal Management Company Registration Act, NEB. REV. STAT. § 76-3201 et. seq. (hereinafter referred to as “the AMC Act”), and/or the Uniform Standards of Professional Appraisal Practice, and the definitions as follows:
- 001.01** Activity means any real property appraiser related education offering.
- 001.02** Automated Valuation Model means any computer software program that analyzes data using an automated process. The program may use regression, adaptive estimation, neural networking, expert reasoning, and/or artificial intelligence.
- 001.02A** An automated valuation model is a tool that delivers an estimation or calculation, and is not in itself an appraisal under NEB. REV. STAT. § 76-2204, or by itself a report under NEB. REV. STAT. § 76-2216.02. If the output from an automated valuation model is communicated as an analysis, conclusion, or opinion of value concerning identified real estate or identified real property that implies the exercise of judgment to the client, intended user, or the public by any person not exempt under NEB. REV. STAT. § 76-2221, the analysis, conclusion, or opinion of value is an appraisal under NEB. REV. STAT. § 76-2204 and communication of the analysis, conclusion, or opinion of value is a report under NEB. REV. STAT. § 76-2216.02.
- 001.03** Broker’s price opinion means an analysis, opinion, or conclusion prepared by a person licensed under the Nebraska Real Estate License Act in the ordinary course of his or her business relating to the price of specified interests in or aspects of identified real estate or identified real property for the purpose of (a) listing, purchase, or sale; (b) originating, extending, renewing, or modifying a loan in a transaction other than a federally related transaction; or (c) real property tax appeals.
- 001.04** Classroom education means any activity delivered in a setting where there is no geographical separation between the instructor(s) and attendee(s).
- 001.05** Conference means a formal or informal scheduled gathering in which many people discuss problems or ideas related to a particular topic.
- 001.06** Continuing education means any real property appraisal practice related activity creditable towards the renewal of a credential issued under the Act.
- 001.07** Core curriculum means those qualifying education courses, except for appraisal subject matter electives, adopted in the Real Property Appraiser Qualification Criteria by the Appraiser Qualifications Board of The Appraisal Foundation as required core curriculum for credentialing as a real property appraiser.
- 001.08** Correspondence education means (1) any activity delivered by technology, including but not limited to, the internet, satellite, or other telecommunications device, that requires a person to be engaged at a specific time, simultaneously tied to a live, active, verbal presentation by an instructor; or (2) any activity in which a person receives lessons and/or homework by mail, email, or the internet, and completes and returns the homework in order to receive a grade.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 001.09** Course means a qualifying education activity, continuing education activity, or supervisory real property appraiser and trainee activity that includes student material, instructor material, learning objectives, a timed outline, a matrix if applicable, and a final exam if applicable.
- 001.10** Online education means any activity delivered over the internet that does not require a person to be engaged at a specific time.
- 001.11** Qualifying education means any real property appraisal practice related education activity creditable towards obtaining a credential as a real property appraiser.
- 001.12** Secondary provider means any education provider that purchases rights to, or otherwise lawfully acquires from another education provider, activity materials to deliver.
- 001.13** True copy of report and workfile means any report and/or workfile submitted to the Board is an exact duplicate of the report submitted to the client, as well as the exact duplicate of the workfile associated with such report, including the quality and clarity of the print, charts, graphs, examples, photos, and any information referenced by this Title, and including organization and presentation of materials.
- 002** This Title applies to all persons engaged in real property appraisal ~~activity or appraisal practice~~ in the State of Nebraska, and all persons conducting business as an appraisal management company in the State of Nebraska.
- 003** The current edition of the Uniform Standards of Professional Appraisal Practice is adopted as the minimum standards governing ~~professional~~ real property appraisal practice in the State of Nebraska. A copy of such standards will be supplied with the issuance of each new real property appraiser credential, and with renewal of each real property appraiser credential. A copy of the Uniform Standards of Professional Appraisal Practice is on file and available for public inspection in the office of the Real Property Appraiser Board and may be examined in the office of the Secretary of State.
- 004** Each credential holder is required to notify the Board in writing within ten (10) days of any change of his or her place of business, which includes business name, address, phone number, and electronic mail address.
- 005** No advertisement by a credential holder in the State of Nebraska may use a name of a credential holder, classification of credentialing, credential holder identification number, other than as stated on the real property appraiser's credentialing card issued by the Board; and any advertisement stating an address is required to state the principal place of business as provided by the real property appraiser to the Board.
- 006** A certified real property appraiser who is approved by the Board as a supervisory real property appraiser, and is currently acting in a supervisory capacity for one or more trainee real property appraiser(s), may advertise him or herself as a supervisory real property appraiser, and may include the name of any trainee real property appraiser(s) that he or she is overseeing in a supervisory capacity, as long as the advertisement clearly identifies such person as a trainee real property appraiser. Trainee real property appraisers may not otherwise advertise.
- 007** Specialized knowledge means an advanced level of expertise obtained through education and experience with respect to a specific subject matter that includes an advanced understanding of the principles, practices, procedures and methods applicable to the subject matter, as well as the ability to apply such expertise to a problem requiring an expertise that a real property appraiser could only obtain through equivalent education and experience.
- 008** Salaried employee means any individual who is employed to perform services on behalf of an employer and whose compensation for the services is in the form of salary, or its equivalent, paid by the employer. Employee does not include an independent contractor.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

009 Each appraisal management company shall maintain a detailed record of appraisal management services provided under its registration. The detailed record includes, at minimum, the following information as applicable:

- (1) Copy of contract or agreement, which includes date of agreement with AMC appraiser to provide the valuation services,
- (2) Name of client and intended user(s),
- (3) Name and credential number of AMC appraiser,
- (4) Documentation verifying AMC appraiser's standing at the time of agreement,
- (5) Address of the property(ies) that is/are the subject of the appraisal management services,
- (6) Fees paid to the AMC appraiser,
- (7) Date of service completion,
- (8) Date payment-in-full was made to the AMC appraiser,
- (9) Copy of all communication between AMC appraiser and appraisal management company,
- (10) Proof that appraisal management company requires AMC appraiser to comply with USPAP,
- (11) AMC appraiser's signed consent to any subsequent, specified report modifications made by the appraisal management company,
- (12) Record of quality control or USPAP compliance, and
- (13) All original or revised copies of subject report as submitted.

010 Any person who alleges damage by a violation of the AMC Act may file a claim against a surety bond held by an appraisal management company registered in Nebraska. Such request will be in writing, and address the following items:

- (1) Name and contact information of requester,
- (2) Name, contact information, and Nebraska registration number of appraisal management company,
- (3) Address of property subject of request,
- (4) Date real property appraisal practice assignment was offered,
- (5) Date report was submitted,
- (6) Amount owed for valuation services rendered, and
- (7) Description of attempts to rectify the matter.

Any documentation in support of the request may be submitted along with the written request.

011 Each appraisal management company shall furnish to the board, at the time of making application, a surety bond in the amount of twenty-five thousand dollars. The surety bond is required to be maintained until one year after the date that the appraisal management company ceases operation in this state, which is the date on which the registration expires or the date on which the appraisal management company's request to surrender its registration is formally accepted.

012 ADMINISTRATIVE FEES

012.01 The fee for a Certificate of Registration required under the Nebraska Professional Corporation Act is \$25.00.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

013 APPLICATION FOR PRELIMINARY CRIMINAL HISTORY REVIEW

- 013.01** Pursuant to NEB. REV. STAT. § 84-947, a preliminary criminal history review will be performed by the Board to determine whether an individual's criminal conviction(s) would disqualify the individual from obtaining a credential as a Nebraska Real Property Appraiser, or from being a more than 10% owner of an Appraisal Management Company (AMC), ~~the Board~~.
- 013.02** Any applicant for the preliminary criminal history review must submit:
- 013.02.A** An application on a form approved by the Board;
- 013.02.B** A written statement that details information regarding individual's current circumstances, including the time since the offense, completion of the criminal sentence, rehabilitation efforts, employment history, and employment aspirations;
- 013.02.C** Any documentation in support of individual's written statement, including court records, communication and documentation related to the completion of the criminal sentence, evidence of rehabilitation, and testimonials; and
- 013.02.D** A non-refundable application fee of \$50.00.
- 013.03** Only the information provided by the applicant will be reviewed by the Board. The preliminary criminal history review is not a criminal history record check, or an application for credentialing as a real property appraiser or for registration as an AMC.
- 013.04** A determination will be issued by the Board in writing within ninety days after receiving an application for preliminary criminal history review. If the Board determines that the individual's criminal conviction(s) would disqualify the individual, the Board may advise the individual of any action the individual may take to remedy the disqualification.
- 013.05** If the Board finds that the individual has been convicted of one or more subsequent criminal convictions, the Board may rescind a determination upon finding that the subsequent criminal conviction(s) would be disqualifying.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

CHAPTER 2
REAL PROPERTY APPRAISER CREDENTIAL

001 EDUCATION

To qualify for a credential as a trainee real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, or certified general real property appraiser, an applicant must complete post-secondary education and qualifying education requirements established for each classification.

001.01 Trainee real property appraiser/supervisory real property appraiser

001.01A Pursuant to NEB. REV. STAT. § 76-2228.01 (1) (c), an applicant for the trainee real property appraiser credential must:

001.01A.1 Successfully complete a minimum of 75 hours in Board approved courses of study, which includes at least:

- (1) The 15-hour National Uniform Standards of Professional Appraisal Practice Course,
- (2) 30 hours of basic appraisal principles, and
- (3) 30 hours of basic appraisal procedures; or

001.01A.2 Hold a ~~bachelor's degree or higher~~ in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements, or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education.

001.01B An applicant for the trainee real property appraiser credential must provide a completion document evidencing that a board-approved supervisory real property appraiser and trainee course has been successfully completed within one year immediately preceding the date of application.

001.01C An applicant for approval as a supervisory real property appraiser must provide a completion document evidencing that a board-approved supervisory real property appraiser and trainee course has been successfully completed at the time the applicant was a certified real property appraiser. A certified real property appraiser disciplined by the Board or any other appraiser regulatory agency in another jurisdiction, which may or may not have limited the real property appraiser's legal eligibility to engage in real property appraisal ~~practice activity~~, is required to provide a completion document evidencing that a board-approved supervisory real property appraiser and trainee course was successfully completed after the successful completion of the most recent disciplinary action. The board-approved supervisory real property appraiser and trainee course may be completed as a student or as an instructor.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

001.01D Supervisory Real Property Appraiser and Trainee Course Completed in Another Jurisdiction

001.01D.1 Except for an online or correspondence activity, the Board may accept a supervisory real property appraiser and trainee course completed in another jurisdiction if:

001.01D.1a The course was approved as a supervisory real property appraiser and trainee course by the jurisdiction in which it was completed at the time the course was completed; and

001.01D.1b The supervisory real property appraiser and trainee course meets or exceeds the requirements for approval as a supervisory real property appraiser and trainee course outlined in Chapter 6 of this Title.

001.01D.2 The Board may accept an online or correspondence supervisory real property appraiser and trainee course completed in another jurisdiction if:

001.01D.2a The activity was approved as a supervisory real property appraiser and trainee course by the jurisdiction in which the applicant or credential holder was a legal resident at the time the course was completed; and

001.01D.2b The supervisory real property appraiser and trainee course meets or exceeds the requirements for approval as a supervisory real property appraiser and trainee course outlined in Chapter 6 of this Title.

001.01E If a trainee real property appraiser applicant, or a supervisory real property appraiser applicant, submits a supervisory real property appraiser and trainee course completed in another jurisdiction for consideration of acceptance by the Board, the applicant is required to meet the requirements specified in Section 001.01B or 001.01C of this Chapter.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

001.02 Licensed Residential Real Property Appraiser

001.02A Pursuant to NEB. REV. STAT. § 76-2230 (1) (c), an applicant for the licensed residential real property appraiser credential must:

001.02A.1 Successfully complete a minimum of 150 hours in board-approved courses of study, which includes at least:

- (1) The 15-hour National Uniform Standards of Professional Appraisal Practice Course,
- (2) 30 hours of basic appraisal principles,
- (3) 30 hours of basic appraisal procedures,
- (4) 15 hours of market analysis and highest and best use,
- (5) 15 hours of appraiser site valuation and cost approach,
- (6) 30 hours of sales comparison and income approaches, and
- (7) 15 hours of report writing and case studies; or

001.02A.2 Hold a ~~bachelor's degree or higher~~ in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements, or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education.

001.02B A ~~credentialed~~-real property appraiser may upgrade to the licensed residential real property appraiser credential by satisfying the appropriate qualifying education for the classification below:

001.02B.1 Pursuant to NEB. REV. STAT. § 76-2228.01 (4) (a), a trainee real property appraiser must successfully complete a minimum of 75 hours in the following board-approved courses of study, or hold a ~~bachelor's degree or higher~~ in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved as meeting qualifying education requirements or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education:

- (1) 15 hours of market analysis and highest and best use,
- (2) 15 hours of appraiser site valuation and cost approach,
- (3) 30 hours of sales comparison and income approaches, and
- (4) 15 hours of report writing and case studies.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

001.03 Certified Residential Real Property Appraiser

001.03A Pursuant to NEB. REV. STAT. § 76-2231.01 (1) (d), an applicant for the certified residential real property appraiser credential must:

001.03A.1 Successfully complete a minimum of 200 hours in board-approved courses of study, which includes at least:

- (1) The 15-hour National Uniform Standards of Professional Appraisal Practice Course,
- (2) 30 hours of basic appraisal principles,
- (3) 30 hours of basic appraisal procedures,
- (4) 15 hours of market analysis and highest and best use,
- (5) 15 hours of appraiser site valuation and cost approach,
- (6) 30 hours of sales comparison and income approaches,
- (7) 15 hours of report writing and case studies,
- (8) 15 hours of statistics, modeling, and finance,
- (9) 15 hours of advanced applications and case studies, and
- (10) 20 hours of appraisal subject matter electives; or

001.03A.2 Hold a ~~bachelor's degree or higher~~ in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved as meeting qualifying education requirements or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education.

001.03B One quarter hour credit is equivalent to .67 semester credit hours for college-level courses taken in a quarterly system versus a semester system.

001.03C Pursuant to NEB. REV. STAT. § 76-2231.01 (1) (b), in order to assist the Board with its evaluation of the applicant's college-level courses, the applicant may be required to submit copies of course related materials.

001.03D A trainee real property appraiser may upgrade to the certified residential real property appraiser credential by:

001.03D.1 Satisfying the post-secondary education requirements in NEB. REV. STAT. § 76-2231.01 (1) (b), or (1) (b) and (c) if applicable; and

001.03D.2 Pursuant to NEB. REV. STAT. § 76-2228.01 (5) (b), successfully completing a minimum of 125 hours in the following board-approved courses of study, or holding a ~~bachelor's degree or higher~~ in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved as meeting qualifying education requirements or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (1) 15 hours of market analysis and highest and best use,
- (2) 15 hours of appraiser site valuation and cost approach,
- (3) 30 hours of sales comparison and income Approaches,
- (4) 15 hours of report writing and case studies,
- (5) 15 hours of statistics, modeling, and finance,
- (6) 15 hours of advanced applications and case studies, and
- (7) 20 hours of appraisal subject matter electives.

001.03E A licensed real property appraiser may upgrade to the certified residential real property appraiser credential by:

001.03E.1 Satisfying one of the following:

001.03E.1a Having held a credential as a licensed real property appraiser for a minimum of five years, and having not been subject to a nonappealable disciplinary action by the Board or any other jurisdiction as specified in NEB. REV. STAT. § 76-2230 (3) (a) (ii) (B); or

001.03E.1b The post-secondary education requirements in NEB. REV. STAT. § 76-2231.01 (1) (b), or (1) (b) and (c) if applicable; and

001.03E.2 Pursuant to NEB. REV. STAT. § 76-2230 (3) (b), successfully completing a minimum of 50 hours in the following board-approved courses of study, or holding a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved as meeting qualifying education requirements or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education:

- (1) 15 hours of statistics, modeling, and finance;
- (2) 15 hours of advanced applications and case studies; and
- (3) 20 hours of appraisal subject matter electives.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

001.04 Certified General Real Property Appraiser

001.04A Pursuant to NEB. REV. STAT. § 76-2232 (1) (d), an applicant for the certified general real property appraiser credential must:

001.04A.1 Successfully complete a minimum of 300 hours in board-approved courses of study, which includes at least:

- (1) The 15-hour National Uniform Standards of Professional Appraisal Practice Course,
- (2) 30 hours of basic appraisal principles,
- (3) 30 hours of basic appraisal procedures,
- (4) 30 hours of general appraiser market analysis and highest and best use,
- (5) 30 hours of general appraiser site valuation and cost approach,
- (6) 30 hours of general appraiser sales comparison approach,
- (7) 60 hours of general appraiser income approach,
- (8) 30 hours of general appraiser report writing and case studies,
- (9) 15 hours of statistics, modeling, and finance, and
- (10) 30 hours of appraisal subject matter electives; or

001.04A.2 Hold a ~~bachelor's degree or higher~~ in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements, or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education.

001.04B A ~~credentialed~~ real property appraiser may upgrade to the certified general real property appraiser credential by satisfying the post-secondary education requirements in NEB. REV. STAT. § 76-2232 (1) (b), or (1) (b) and (c) if applicable, and the appropriate qualifying education for the classification below:

001.04B.1 Pursuant to NEB. REV. STAT. § 76-2228.01 (6) (b), a trainee real property appraiser must successfully complete a minimum of 225 hours in the following board-approved courses of study, or hold a ~~bachelor's degree or higher~~ in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved as meeting qualifying education requirements or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education:

- (1) 30 hours of general appraiser market analysis and highest and best use,
- (2) 30 hours of general appraiser site valuation and cost approach,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (3) 30 hours of general appraiser sales comparison approach,
- (4) 60 hours of general appraiser income approach,
- (5) 30 hours of general appraiser report writing and case studies,
- (6) 15 hours of statistics, modeling, and finance, and
- (7) 30 hours of appraisal subject matter electives.

001.04B.2

Pursuant to NEB. REV. STAT. § 76-2230 (4) (b), a licensed residential real property appraiser must successfully complete a minimum of 150 hours in the following board-approved courses of study, or hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved as meeting qualifying education requirements or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education:

- (1) 15 hours of general appraiser market analysis and highest and best use,
- (2) 15 hours of general appraiser site valuation and cost approach,
- (3) 15 hours of general appraiser sales comparison approach,
- (4) 45 hours of general appraiser income approach,
- (5) 15 hours of general appraiser report writing and case studies,
- (6) 15 hours of statistics, modeling, and finance, and
- (7) 30 hours of appraisal subject matter electives.

001.04B.3

Pursuant to NEB. REV. STAT. § 76-2231.01 (3) (b), a certified residential real property appraiser must successfully complete a minimum of 100 hours in the following board-approved courses of study, or hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved as meeting qualifying education requirements or the equivalent as determined by the Appraiser Qualifications Board. If said degree or equivalent does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in board-approved qualifying education:

- (1) 15 hours of general appraiser market analysis and highest and best use,
- (2) 15 hours of general appraiser site valuation and cost approach,
- (3) 15 hours of general appraiser sales comparison approach,
- (4) 45 hours of general appraiser income approach, and
- (5) 10 hours of general appraiser report writing and case studies.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

- 001.05** An applicant for the trainee, licensed residential, certified residential, or certified general real property appraiser credential must provide evidence that the required qualifying education has been successfully completed. Each applicant will be required to furnish:
- 001.05A** A document of completion for each qualifying education course; and/or
 - 001.05B** An official transcript from the university or college at which the applicant obtained a ~~bachelor's degree or higher~~ in real estate that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements, or the equivalent as determined by the Appraiser Qualifications Board. Transcripts may be submitted in paper, or electronically through a secure site if the transcript is marked as official and the Board is provided access directions directly from the school.
- 001.06 Qualifying Education Completed in Another Jurisdiction**
- 001.06A** Except for an online or correspondence activity, the Board may accept a qualifying education activity completed in another jurisdiction if:
 - 001.06A.1** The activity was approved as qualifying education by the jurisdiction in which it was completed at the time the activity was completed; and
 - 001.06A.2** The qualifying education activity meets or exceeds the requirements for approval as a qualifying education activity outlined in Chapter 6 of this Title.
 - 001.06B** The Board may accept an online or correspondence qualifying education activity completed in another jurisdiction if:
 - 001.06B.1** The activity was approved as qualifying education by the jurisdiction in which the credential holder was a legal resident at the time the activity was completed; and
 - 001.06B.2** The qualifying education activity meets or exceeds the requirements for approval as qualifying education activity outlined in Chapter 6 of this Title.
 - 001.06C** If the applicant submits a qualifying education activity completed in another jurisdiction for consideration of acceptance by the Board, the applicant will furnish a document of completion for the activity.
- 001.07** An applicant for the certified residential or certified general real property appraiser credential shall furnish an official transcript from the university, college, or community college as proof that the post-secondary education requirements have been met. Transcripts may be submitted in paper, or electronically through a secure site if the transcript is marked as official and the Board is provided access directions directly from the school.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002 EXPERIENCE

- 002.01** After January 1, 2014, real property appraisal practice experience obtained within the State of Nebraska, or as a resident of the State of Nebraska, for credentialing as a licensed residential, certified residential, or certified general real property appraiser must be acquired as a trainee real property appraiser, registered real property appraiser, licensed residential real property appraiser, or certified residential real property appraiser.
- 002.02** At the Board's discretion, up to 50% of the real property appraisal practice experience required for credentialing as a licensed residential, certified residential, or certified general real property appraiser may be obtained in another jurisdiction. This real property appraisal practice experience may be accepted by the Board if the real property appraisal practice experience is compliant with the laws of the jurisdiction in which it was obtained.
- 002.03** An applicant's hours of real property appraisal practice experience submitted to the Board for review and determination of acceptability by the Board shall:
- 002.03A** Demonstrate the applicant's progressive responsibility in the development and reporting of assignment results appraisal, which includes analyzing factors that affect value, defining the problem, gathering and analyzing data, applying the appropriate analysis and methodology, arriving at an opinion, and correctly reporting the opinion; and
- 002.03B** Be completed in compliance with the Uniform Standards of Professional Appraisal Practice.
- 002.04** An applicant must provide significant real property appraisal practice assistance for real property appraisal practice experience credit to be awarded by the Board. An applicant may apply his or her signature, along with the supervisory real property appraiser's signature if applicable, to the appraisal certification; or the applicant must be given attribution in the assignment results appraisal report, which ~~will~~ includes a description of the applicant's significant real property appraisal practice assistance.
- 002.05** Real property appraisal practice Experience hours obtained in any manner considered exempt from the Real Property Appraiser Act per NEB. REV. STAT. § 76-2221 will not be credited to the applicant, unless the applicant and/or supervisory real property appraiser verifies that said real property appraisal practice experience is compliant with the Uniform Standards of Professional Appraisal Practice.
- 002.06** There need not be a client in a traditional sense (i.e. a client hiring a real property appraiser for a business purpose) in order for an assignment results appraisal report to qualify for real property appraisal practice experience, but real property appraisal practice experience gained for work without a traditional client cannot exceed 50% of the total real property appraisal practice experience requirement.
- 002.07** Real property Appraisal practice experience submitted to the Board for review and determination of acceptability by the Board may include no more than an aggregate maximum of 25% of the total number of real property appraisal practice experience hours in the following areas or a combination from the following areas:
- (1) mass appraisal,
 - (2) highest and best use analysis,
 - (3) ad valorem tax appraisal,
 - (4) feasibility analysis or study,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (5) appraisal review,
- (6) practicum courses of study adhering to AQB guidelines,
- (7) appraisal analysis, or
- (8) restricted appraisal reports.

Real property appraisal practice Experience hours obtained in the areas specified above are considered to be work without a traditional client, and are applied to the 50% real property appraisal practice experience allocation in Section 002.06 of this Chapter.

002.08 With the exception of Section 002.06 and Section 002.07 of this Chapter, the Board may accept areas of experience upon demonstration by the applicant that such experience directly relates to training and improvement of skills used in the actual practice of real property appraisal practice.

002.09 Each applicant for the licensed residential, certified residential, or certified general real property appraiser credential will furnish a log of his or her most recent real property appraisal practice experience claimed on a form approved by the Board. The real property appraisal practice experience must be in chronological order on the log, and include an applicant signature, and the supervisory real property appraiser signature if applicable, on each page. At a minimum, the real property appraisal practice experience log shall identify the following:

- (1) The date the assignment results appraisal report was signed,
- (2) Name of client and property identification, which includes a legal description or address,
- (3) Description of real property appraisal practice work as performed by the applicant,
- (4) Scope of supervisory real property appraiser review if applicable,
- (5) Type of property,
- (6) Type of report,
- (7) Approaches to value utilized,
- (8) Verification that assignment results appraisal work is compliant with the Uniform Standards of Professional Appraisal Practice,
- (9) Verification that the assignment results appraisal report was for a traditional client or non-traditional client, and
- (10) Number of hours worked by the applicant and supervisory real property appraiser if applicable.

002.10 The real property appraisal practice experience log format in effect at the time application is made to the Board will be accepted, as well as any previously approved experience log formats in effect at the time the real property appraisal practice experience was obtained and recorded. All real property appraisal practice experience requirements in place at the time application is made to the Board are applicable regardless of the real property appraisal practice experience log format submitted.

002.11 A separate real property appraisal practice log shall be maintained by a trainee real property appraiser for each of his/her Board designated supervisory real property appraisers. It is the responsibility of both the supervisory real property appraiser and the trainee real property appraiser to ensure the log is accurate, current, and complies with the requirements of the Act and this Title. When the trainee real property appraiser is under the direct supervision of more than one supervisory real property appraiser while engaged in real property appraisal practice activity for an single appraisal assignment, each log shall reflect the specific number of hours and description of work performed in that real property appraisal practice assignment with each supervisory real property appraiser.

002.12 A trainee real property appraiser is entitled to obtain copies of reports he or she has prepared and workfiles for those reports. The supervisory real property appraiser shall keep copies of reports for a period of five years, or at least two years after the final disposition of any judicial proceedings in which the real property appraiser provided testimony related to the real property appraisal practice assignment, whichever period expires last.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 002.13** Pursuant to NEB. REV. STAT. §§ 76-2230 (1)(d), 76-2231.01 (1)(e), and 76-2232 (1)(e), the Board will consider the aggregate number of real property appraisal practice experience hours reported on each real property appraisal practice experience log submitted by the applicant beginning on the experience-log entry indicating the earliest date on which real property appraisal practice experience an appraisal was obtained signed and ending on the date the application for credentialing as a licensed residential, certified residential, or certified general real property appraiser credential was signed by the applicant.
- 002.14** A representative sampling of real property appraisal practice experience submitted by the applicant on his or her real property appraisal practice experience log will be evaluated to determine if the real property appraisal practice experience meets the requirements of the Act and this Chapter. If the real property appraisal practice experience log submitted by the applicant is accepted, the Board's staff will select a minimum of three reports from the real property appraisal practice experience log for the Board's review to qualify the real property appraisal practice experience. The following additional criteria are applied to the report selection for each level of credential:
- 002.14A** To qualify the real property appraisal practice experience of an applicant for the licensed residential real property appraiser credential, a minimum of three reports related to residential property will be selected.
- 002.14B** To qualify the real property appraisal practice experience of an applicant for the certified residential real property appraiser credential, a minimum of one report related to a two-to-four unit residential property, one report related to a residential property 0 to 20 years old, and one report related to a residential property 20 years or older will be selected by the Board's staff. Two selected reports will include at least two approaches to value.
- 002.14C** To qualify the real property appraisal practice experience of an applicant for the certified general real property appraiser credential, a minimum of three reports related to income producing properties will be selected by the Board's staff. Two selected reports will include all three approaches to value.
- 002.15** The applicant will be notified of the selected reports in writing, and will have 10 business days from the date of receipt of the notification to submit a true and accurate copy of each report to the Board's office.
- 002.16** To assist the Board with its evaluation of the applicant's real property appraisal practice experience, at least one of the three requested reports will be, at a minimum, reviewed for conformity with the Uniform Standards of Professional Appraisal Practice. The Board may enter into a contract with a qualified disinterested third party certified real property appraiser for completion of an appraisal review assignment on any of the requested reports at no cost to the applicant. The Board may require the applicant to submit additional details or to submit additional reports or file memoranda prepared by the applicant.
- 002.17** Verification of the applicant's real property appraisal practice experience may be obtained from other persons as needed.
- 002.18** If the Board determines an applicant may not meet the applicable real property appraisal practice experience requirements, it will notify the applicant in writing. The Board may, at its discretion, request a written response from the applicant to the Board's findings as to the applicant's real property appraisal practice experience and/or invite the applicant to meet to discuss any deficiencies found in the report(s). Upon conclusion of the meeting, the Board may re-evaluate the applicant's real property appraisal practice experience.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 002.18A** If the applicant's real property appraisal practice experience is not acceptable to the Board, the Board may, at its own discretion, require the applicant to obtain additional education, and/or submit one or more supplemental real property appraisal practice experience logs with additional hours of real property appraisal practice experience, and/or submit one or more additional reports.
- 002.18A.1** If the Board requires the completion of additional education, the applicant will be notified of the conditions for the additional education in writing.
- 002.18A.2** If the Board requires the submission of one or more supplemental real property appraisal practice experience logs, the applicant will be notified of the conditions for the supplemental log(s) in writing. The Board may select a representative sampling of one or more additional report(s) for review from any supplemental ~~experience~~ log requested by the Board to qualify the real property appraisal practice experience. If the Board selects any additional report(s) from a supplemental ~~experience~~ log:
- 002.18A.2a** The applicant will be notified of the Board selected report(s) in writing, and will have 10 business days from the date of receipt of the notification to submit a true copy of each report to the Board's office. The Board may require the applicant to submit additional details or to submit additional reports or file memoranda prepared by the applicant.
- 002.18A.2b** Each additional report requested by the Board will be, at a minimum, reviewed for conformity with the Uniform Standards of Professional Appraisal Practice. At the Board's discretion, the Board may enter into a contract with a qualified disinterested third party certified real property appraiser for completion of an appraisal review assignment on any of the requested reports to assist the Board with its review. The applicant is responsible for any costs incurred by the Board for such review.
- 002.18A.3** If the Board requires submission of one or more additional reports, the applicant will be notified of the conditions for the additional report(s) in writing:
- 002.18A.3a** Upon receipt of the requested report(s), the Board may require the applicant to submit additional details or to submit additional reports or file memoranda prepared by the applicant.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002.18A.3b Each additional report requested by the Board will be, at a minimum, reviewed for conformity with the Uniform Standards of Professional Appraisal Practice. At the Board's discretion, the Board may enter into a contract with a qualified disinterested third party certified real property appraiser for completion of an appraisal review assignment on any of the requested reports to assist the Board with its review. The applicant is responsible for any costs incurred by the Board for such review.

002.18B If the applicant's real property appraisal practice experience is not acceptable upon review of the additional education, supplemental real property appraisal practice experience log(s), and/or additional report(s), the Board may deny the application.

002.19 When making a determination that an applicant may or may not meet the applicable real property appraisal practice experience requirements, the Board will consider all information received, including but not limited to real property appraisal practice experience logs, appraisal review reports, reports submitted by the applicant, any written responses received, any other details or file memoranda, any subsequent education requested by the Board to be completed by the applicant, and any information obtained during an informal meeting between the Board or its representative(s) and the applicant. An appraisal review report completed to assist the Board with its evaluation of the applicant's experience is not the sole factor in the Board's decision, but a tool utilized by the Board to assist with its decision.

003 EXAMINATION

Each applicant for the licensed residential, certified residential, and certified general real property appraiser credential shall pass the National Uniform Licensing and Certification Examination, as developed and approved by the Appraiser Qualifications Board of The Appraisal Foundation, prior to being issued a credential by the Board.

003.01 The Board may enter into contract with one or more Appraiser Qualifications Board-approved administrators for the National Uniform Licensing and Certification Examination. The format, content, method of administration of examinations, and passing standards, are determined by the Board. The date, time, and location for examinations are established by the test administrators.

003.02 Any applicant for the licensed residential, certified residential, or certified general real property appraiser credential may sit for the National Uniform Licensing and Certification Examination, as developed and approved by the Appraiser Qualifications Board of The Appraisal Foundation, in another jurisdiction if the applicant is approved by the Board to sit for examination, the examination is administered by a test administrator approved by the Appraiser Qualifications Board of The Appraisal Foundation, and the examination is administered and scored in accordance with the laws of that jurisdiction.

003.03 Upon approval of a processed application for credentialing as a licensed residential, certified residential, or certified general real property appraiser; approval of qualifying education; and approval and qualification of real property appraisal practice experience, an applicant may be approved by the Board to sit for examination. The applicant will be notified in writing or by electronic communication of the procedure for enrolling for the examination and examination site. The applicant will submit the required examination fee to the test administrator.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 003.04** An applicant may have up to three attempts to successfully pass the National Uniform Licensing and Certification Examination within twelve months from the date the applicant was approved by the Board to sit for examination. If an applicant fails to pass the examination on the first or second attempt, he or she may notify the Board for approval to retake the examination. An applicant who does not pass the examination may submit any required fees to the test administrator for retesting.
- 003.05** An applicant who has successfully passed the National Uniform Licensing and Certification Examination may provide an official copy of the test results to the Board's office within twelve months from the date the applicant was approved by the Board to sit for examination.
- 003.06** Each applicant shall follow the rules imposed by the administrator of the examination. No applicant may receive or give any assistance during an examination. Violation of these rules may be reason for denial of a credential.
- 003.07** In compliance with the Americans with Disabilities Act, reasonable accommodation will be provided to all applicants; and the Board may authorize an examination to be administered to an individual orally or by other technique.

004 APPLICATION

004.01 Trainee Real Property Appraiser and Supervisory Real Property Appraiser Requirements

004.01A Any applicant for the trainee real property appraiser credential must:

004.01A.1 Submit an application and required documentation on forms approved by the Board showing compliance by the applicant with all credentialing requirements established by the Act or by this Title;

004.01A.2 Pay a non-refundable application fee of \$150.00; and

004.01A.3 Pay a non-refundable criminal history record check fee of \$45.25.

004.01B Any application received at the Board's office considered to be incomplete will not be processed, and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

004.01C ~~If an application is processed, and the Board's director finds that the applicant meets the general and education requirements in the Act and this Title, the application will be considered a completed application and a credential may be issued to the applicant. If the Board's director finds that the applicant may not meet one or more of the requirements in the Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the applicant meets the general and education requirements in the Act and this Title, the application will be considered a completed application and a credential may be issued to the applicant.~~

004.01D Upon the approval as a trainee real property appraiser, the applicant will be issued:

- (1) A letter notifying him or her of his or her status as a Nebraska ~~credentialled~~-trainee real property appraiser,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (2) A wall certificate on a form approved by the Board, and
- (3) Instructions to access his or her credentialing card.

004.01E The Board may deny an application at any time during the process if the Board finds that the applicant fails to meet the requirements in the Act and/or this Title that pertain to credentialing. Before submitting a new application, the Applicant may be required by the Board to:

004.01E.1 Complete additional education; and/or

004.01E.2 Not reapply for the trainee real property appraiser classification for an amount of time to be determined by the Board.

004.01F If the Board denies an application for any reason excluding the national criminal history record check, the applicant may file a new application, and if so, meet the requirements in place at the time a new application is submitted to the Board.

004.01G If the fingerprint-based national criminal history record check result is the basis for denial, the applicant is entitled to a copy of his or her national criminal history record, and an opportunity to dispute the result.

004.01G.1 In order to receive a copy of such record, the applicant shall:

004.01G.1a In person, complete a form approved by the Board that relieves the Board from any liability related to the release of the national criminal history record; and

004.01G.1b Present a passport, driver's license, or other government-issued identification card with a photograph to be copied by the Board.

004.01G.2 If the applicant provides evidence acceptable to the Board that the fingerprint-based national criminal history record check result that was the basis for denial is incorrect, the Board may reconsider the application.

004.01H A trainee real property appraiser may request approval for a supervisory real property appraiser at any time after he or she is issued a credential as a trainee real property appraiser by the Board provided the credential is current and active. The trainee real property appraiser is not required to submit an additional application for approval as a trainee real property appraiser, or pay any additional fees. Each request made by a trainee real property appraiser for approval of a supervisory real property appraiser will be submitted to the Board on a form approved by the Board.

004.01I Any applicant for approval as a supervisory real property appraiser must apply his or her signature on the application submitted by a trainee real property appraiser showing compliance by the applicant with all supervisory real property appraiser requirements established by the Act or by this Title. Along with the application, the trainee real property appraiser must submit any documentation required for supervisory real property appraiser approval.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 004.01J** Any application for approval as a supervisory real property appraiser received at the Board's office considered to be incomplete will not be processed, and may be returned to the trainee real property appraiser as incomplete. Any application for approval as a supervisory real property appraiser not considered to be incomplete will be processed.
- 004.01K** ~~Any application for approval as a supervisory appraiser not considered to be incomplete will be processed. If the Board's director finds that the applicant meets the requirements in the Act and this Title, and the certified real property appraiser is in good standing, the application will be considered a completed application and the applicant may be approved as a supervisory real property appraiser. If the Board's director finds that the applicant may not meet one or more of the requirements in the Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the applicant meets the requirements in the Act and this Title, and the certified real property appraiser is in good standing, the application will be considered a completed application and the applicant may be approved as a supervisory real property appraiser.~~
- 004.01L** Upon approval of a supervisory real property appraiser, the supervisory real property appraiser and the trainee real property appraiser will each be issued a letter notifying them of the supervisory real property appraiser's approval.
- 004.01M** The Board may deny an application for approval as a supervisory real property appraiser at any time during the process if the Board finds that the supervisory real property appraiser applicant, or the trainee real property appraiser, fails to meet the requirements in the Act and/or this Title that pertain to approval as a trainee real property appraiser and/or approval as a supervisory real property appraiser. Before submitting a new application, the supervisory real property appraiser applicant and/or the trainee real property appraiser may be required by the Board to:
- 004.01M.1** Complete additional education; and/or
- 004.01M.2** Not reapply for the trainee real property appraiser classification, and/or approval as a supervisory real property appraiser, for an amount of time to be determined by the Board.
- 004.01N** If the Board denies an application for approval as a supervisory real property appraiser, the trainee real property appraiser may file a new application for the supervisory real property appraiser applicant. The supervisory real property appraiser applicant must meet the requirements pertaining to approval as a supervisory real property appraiser in place at the time a new application is submitted to the Board.
- 004.01O** If disciplinary action is taken against a supervisory real property appraiser by the Board, or any other appraiser regulatory agency in any other jurisdiction, the supervisory real property appraiser's approval will be revoked as of the date of action by the Board or other jurisdiction.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

004.01P Any certified real property appraiser that has been approved by the Board as a supervisory real property appraiser, and is currently acting in a supervisory capacity for one or more trainee real property appraisers, may use the title supervisory real property appraiser or designation "S.R.P.A." in conjunction with his or her name.

004.02 Licensed Residential, Certified Residential, and Certified General Real Property Appraiser Credentialing

004.02A Any applicant for the licensed residential, certified residential, and certified general real property appraiser credential must:

004.02A.1 Submit an application and required documentation for the appropriate classification on forms approved by the Board showing compliance by the applicant with all credentialing requirements established by the Act or by this Title;

004.02A.2 Pay a non-refundable application fee of \$150.00; and

004.02A.3 Pay a non-refundable criminal history record check fee of \$45.25.

004.02B Any application received at the Board's office considered to be incomplete will not be processed, and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

004.02C ~~If an application is processed,~~ and the Board finds that the applicant meets the general, education, and experience requirements in the Act and this Title, the Board may approve the applicant to sit for examination.

004.02D If an official copy of the test results is provided within twelve months from the date the applicant was approved by the Board to sit for examination showing that he or she has successfully passed the National Uniform Licensing and Certification Examination, the application will be considered a completed application and a credential may be issued to the applicant.

004.02E Within thirty days of approval by the Board that the applicant may be issued a credential ~~as a~~ for the licensed residential, certified residential, or certified general real property appraiser credential, an applicant shall pay a non-refundable credentialing fee of \$300.00 before the applicant is authorized to act as a real property appraiser within the applied for classification in this State.

004.02F Within thirty days of approval by the Board that the applicant may be issued a credential ~~as a~~ for the licensed residential, certified residential, or certified general real property appraiser credential, an applicant that does not hold a current licensed residential, certified residential, or certified general real property appraiser credential issued by the Board shall pay an annual National Registry fee of \$40.00 before the applicant is authorized to act as a real property appraiser in this State.

004.02G If an applicant fails to provide the required fees as specified in Section 004.02E and Section 004.02F of this Chapter, the application will be placed before the Board for reconsideration.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

004.02H Upon receipt of the required fees at the Board's office, the applicant will be issued:

- (1) A letter notifying him or her of his or her status as a Nebraska ~~eredentialed~~-real property appraiser, and that his or her credential will be entered into the Appraisal Subcommittee's National Registry,
- (2) A wall certificate on a form approved by the Board, and
- (3) Instructions to access his or her credentialing card.

004.02I The Board may deny an application at any time during the process if the applicant fails to meet the requirements in the Act and/or this Title that pertain to credentialing. Before submitting a new application, the applicant may be required by the Board to:

004.02I.1 Complete additional education;

004.02I.2 Obtain additional real property appraisal practice experience; and/or

004.02I.3 Not reapply for the same classification of credentialing for an amount of time to be determined by the Board.

004.02J If the Board denies an application for any reason excluding the national criminal history record check, the applicant may file a new application, and if so, meet the requirements in place at the time a new application is submitted to the Board. If a new application for credentialing in the same classification is received within one year of the Board's denial of a previous application by the applicant, and one or more reports were reviewed for conformity with the Uniform Standards of Professional Appraisal Practice by a qualified disinterested third party certified real property appraiser to assist the Board with evaluation of the applicant's experience for that previous application, the applicant shall pay any cost(s) associated with any report(s) reviewed in accordance with Section 002 of this Chapter.

004.02K If the fingerprint-based national criminal history record check result is the basis for denial, the applicant is entitled to a copy of his or her national criminal history record, and an opportunity to dispute the result.

004.02K.1 In order to receive a copy of such record, the applicant shall:

004.02K.1a In person, complete a form approved by the Board that relieves the Board from any liability related to the release of the national criminal history record; and

004.02K.1b Present a passport, driver's license, or other government-issued identification card with a photograph to be copied by the Board.

004.02K.2 If the applicant provides evidence acceptable to the Board that the fingerprint-based national criminal history record check result that was the basis for denial is incorrect, the Board may reconsider the application.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

CHAPTER 3 RECIPROCITY AND TEMPORARY REAL PROPERTY APPRAISER CREDENTIAL

001 RECIPROCITY

This Section applies to individuals currently credentialed in another jurisdiction who wish to obtain a non-temporary Nebraska credential. To qualify for a credential as a licensed residential real property appraiser, a certified residential real property appraiser, or a certified general real property appraiser through reciprocity, an applicant must be currently credentialed to appraise real estate and real property under the laws of another jurisdiction, and must comply with all of the provisions of the Real Property Appraiser Act and this Title relating to the appropriate classification of credentialing.

001.01 Any applicant for the licensed residential, certified residential, and certified general real property appraiser credential through reciprocity must:

001.01A Submit an application and required documentation for the appropriate classification on forms approved by the Board showing compliance by the applicant with all credentialing requirements established by the Act or by this Title;

001.01B Pay a non-refundable application fee of \$150.00; and

001.01C Pay a non-refundable criminal history record check fee of \$45.25.

001.02 Any application received at the Board's office considered to be incomplete will not be processed, and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

001.03 The application will be considered a completed application and a credential may be issued to the applicant, if t~~e~~ and the Board's director finds that the applicant:

001.03A M~~e~~ets the requirements in the Act and this Title; and

001.03B T~~h~~e requirements of the applicant's jurisdiction of practice meets or exceeds the minimum requirements of the Real Property Appraiser Qualification Criteria as adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation; and

001.03C -T~~h~~e regulatory program of the applicant's jurisdiction of practice specified in an application for credentialing is determined to be effective in accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council. An Appraisal Subcommittee finding of poor does not satisfy the requirement that the applicant's jurisdiction of practice is effective in accordance with Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

001.04 ~~the application will be considered a completed application and a credential may be issued to the applicant. If the Board's director finds that the applicant may not meet one or more of the requirements specified in Section 001.04A, 001.04B, or 001.04C of this Chapter, the application shall be placed before the Board for consideration. If the Board finds that the applicant meets the requirements specified in Section 001.04A, 001.04B, or 001.04C of this Chapter, the application will be considered a completed application and a credential may be issued to the applicant. For the purpose of this subsection, an Appraisal Subcommittee finding of poor does not satisfy the requirement that the applicant's jurisdiction of practice is effective in accordance with Title XI of the Financial Institutions Reform, Recover, and Enforcement Act of 1989.~~

~~001.03~~**001.05** Within thirty days of approval by the Board that the applicant may be issued a credential as a for the licensed residential, certified residential, or certified general real property appraiser credential, an applicant shall pay a non-refundable credentialing fee of \$300.00 before the applicant is authorized to act as a real property appraiser within the applied for classification in this State.

~~001.04~~**001.06** Within thirty days of approval by the Board that the applicant may be issued a credential as a for the licensed residential, certified residential, or certified general real property appraiser credential, an applicant that does not hold a current licensed residential, certified residential, or certified general real property appraiser credential issued by the Board shall pay an annual National Registry fee of \$40.00 before the applicant is authorized to act as a real property appraiser in this State.

~~001.05~~**001.07** If an applicant fails to provide the required fees as specified in Section 001.05 and Section 001.06 of this Chapter, the application will be placed before the Board for reconsideration.

~~001.06~~**001.08** Upon receipt of the required fees at the Board's office, the applicant will be issued:

- (1) A letter notifying him or her of his or her status as a Nebraska ~~credentialed~~ real property appraiser, and that his or her credential will be entered into the Appraisal Subcommittee's National Registry,
- (2) A wall certificate on a form approved by the Board, and
- (3) Instructions to access his or her credentialing card.

001.09 The Board may deny an application at any time during the process if the applicant fails to meet the requirements in the Act and/or this Title that pertain to credentialing. Before submitting a new application, the applicant may be required by the Board to:

001.09A Complete additional education;

001.09B Obtain additional real property appraisal practice experience; and/or

001.09C Not reapply for the same classification of credentialing for an amount of time to be determined by the Board.

001.10 If the Board denies an application for any reason excluding the national criminal history record check, the applicant may file a new application, and if so, meet the requirements in place at the time a new application is submitted to the Board.

001.11 If the fingerprint-based national criminal history record check result is the basis for denial, the applicant is entitled to a copy of his or her national criminal history record, and an opportunity to dispute the result.

001.11A In order to receive a copy of such record, the applicant shall:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

001.11A.1 In person, complete a form approved by the Board that relieves the Board from any liability related to the release of the national criminal history record; and

001.11A.2 Present a passport, driver's license, or other government-issued identification card with a photograph to be copied by the Board.

001.11B If the applicant provides evidence acceptable to the Board that the fingerprint-based national criminal history record check result that was the basis for denial is incorrect, the Board may reconsider the application.

002 TEMPORARY CREDENTIALIAL

For a nonresident to qualify for a temporary credential as a licensed residential real property appraiser, a certified residential real property appraiser, or a certified general real property appraiser, an applicant must be currently credentialed to ~~appraise real estate and engage in~~ real property appraisal practice under the laws of another jurisdiction, and must comply with all of the provisions of the Act and this Title relating to temporary credentialing.

002.01 Any applicant for a temporary licensed residential, certified residential, or certified general real Property appraiser credential must:

002.01A Submit an application and required documentation for the appropriate classification on forms approved by the Board showing compliance by the applicant with all temporary credentialing requirements established by the Act or by this Title;

002.01B Submit a letter of engagement or contract indicating the location(s) and property types of the real property appraisal practice assignment and completion date;

002.01C Pay a non-refundable temporary credential application fee of \$100.00; and

002.01D Pay a non-refundable temporary credentialing fee of \$50.00.

002.02 Any application received at the Board's office considered to be incomplete will not be processed, and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

002.03 If the applicant meets the requirements in the Act and this Title, the application will be considered a completed application and ~~the~~ temporary credential may be issued to the applicant by Board staff. If the Board's director finds that the applicant may not meet one or more of the requirements in the Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the applicant meets the requirements in the Act and this Title, the application will be considered a completed application and a temporary credential may be issued to the applicant.

002.04 Upon approval of the application, the applicant will be issued:

002.04A A letter notifying him or her of their approval as a temporary credential holder, along with the terms of the temporary credential;

002.04B A credentialing card in a form approved by the Board; and

002.04C Instructions to access his or her credentialing card if needed.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 002.05** An application may be denied at any time during the process if the applicant is found to not meet the requirements in the Act and this Title that pertain to temporary credentialing.
- 002.06** Any request for one additional six-month approval of a temporary credential shall be made to the Board on forms approved by the Board. The request will be denied if the reason for the request of the additional six-month approval is not directly related to the initial approval granted by the Board. Notice of the decision will be provided to the requestor in writing.

CHAPTER 4 RENEWAL OF REAL PROPERTY APPRAISER CREDENTIAL

001 CONTINUING EDUCATION

Every credential holder other than a temporary credential holder must satisfactorily complete no fewer than twenty-eight hours of approved continuing education activities in each two-year continuing education period. The basic requirements for continuing education are found in NEB.REV.STAT. § 76-2236. Except for the seven-hour National Uniform Standards of Professional Appraisal Practice Update course, hours may be completed at any time during the two-year continuing education period.

- 001.01** The seven-hour National Uniform Standards of Professional Appraisal Practice Update course or the seven-hour Instructor Recertification course must be completed at least once every two calendar years. The two-year period for this course begins one day after the course was last completed, or one day after a new credential is issued by the Board. A document certifying completion of the seven-hour National Uniform Standards of Professional Appraisal Practice Update course, or evidence of instructor certification by the Appraiser Qualifications Board, shall be submitted prior to December 31 of the year in which the course is required.
- 001.02** Except for the seven-hour National Uniform Standards of Professional Appraisal Practice Update course, evidence of continuing education completion may be submitted to the Board's office at any time during credential holder's two-year continuing education period.
- 001.03** Except for the seven-hour National Uniform Standards of Professional Appraisal Practice Update course, and any activity approved by the Board on an annual basis in which the content changes on an annual basis, any education activity of the same content, or in the opinion of the Board indistinguishable in content, cannot be used towards meeting the continuing education requirements within the same two-year continuing education period.
- 001.04** Evidence of participation as a student in each board-approved education activity submitted for continuing education credit includes a document of completion from the education provider that affirms successful completion of each activity.
- 001.05** Evidence of attendance at an education activity sponsored or conducted by the Board submitted for continuing education credit includes a document of completion from the Board that affirms attendance of such activity. The document is required to include the name of credential holder, name of activity, location of activity, activity attendance date(s), number of hours completed, and signature of the Board's director.
- 001.06** Evidence of participation, other than as a student, in real property appraisal practice education processes and programs includes a written description of the process or program and the credential holder's participation, along with any documents supporting the credential holder's participation. Evidence may include, but is not limited to, documentation showing hours of instruction and evidence of activity offering, program documents developed by the credential holder with evidence supporting credential holder's participation, and/or credit awarded for authorship or participation in publication.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 001.07** Any education activity successfully completed to make up a deficiency of the continuing education requirements in a two-year continuing education period may not be used toward the continuing education requirements in the subsequent continuing education period.
- 001.08** Any education activity successfully completed as a result of disciplinary action taken by the Board may not be used toward the continuing education requirements.
- 001.09 Individual Program of Continuing Education**
- 001.09A** The Board may adopt an individual program of continuing education for a credential holder, that is compliant with Appraiser Qualifications Board criteria for continuing education, upon receipt of a written request from the credential holder explaining:
- (1) The circumstances resulting in the request,
 - (2) Why an exception should be made,
 - (3) How an individual program of continuing education would benefit the credential holder, and
 - (4) The requested duration of such individual program of continuing education.
- 001.09B** If an individual program of continuing education is adopted by the Board, the credential holder will be notified of the individual program adopted for him or her in writing. The written notice will contain all details, requirements, expectations, and the duration for which the individual program is in effect.
- 001.09C** If an individual program of continuing education is denied by the Board, the credential holder will be notified of the decision in writing.
- 001.10 Continuing Education Completed in Another Jurisdiction**
- 001.10A** Except for an online or correspondence activity, the Board may accept a continuing education activity completed in another jurisdiction if:
- 001.10A.1** The activity was approved as continuing education by the jurisdiction in which it was completed at the time the activity was completed; and
- 001.10A.2** The continuing education activity meets or exceeds the requirements for approval as continuing education activity outlined in Chapter 6 of this Title.
- 001.10B** The Board may accept an online or correspondence continuing education activity completed in another jurisdiction if:
- 001.10B.1** The activity was approved as continuing education by the jurisdiction in which the credential holder was a legal resident at the time the activity was completed; and
- 001.10B.2** The continuing education activity meets or exceeds the requirements for approval as continuing education activity outlined in Chapter 6 of this Title.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

001.10C If the applicant submits a continuing education activity completed in another jurisdiction for consideration of acceptance by the Board, the applicant will furnish a document of completion for the course that affirms successful completion of the activity.

001.11 Supervisory Real Property Appraiser Status

001.11A The supervisory real property appraiser status for any credential holder that fails to meet the requirements for renewal by December 31 of his or her designated year is immediately revoked as the credential holder no longer meets the requirements as a supervisory real property appraiser. Any trainee real property appraiser under the supervisory real property appraiser's supervision will be notified in writing that the supervisory real property appraiser is no longer eligible to engage in real property appraisal activity or appraisal practice.

001.11B If the credential holder successfully completes the requirements for renewal prior to July 1, his or her supervisory real property appraiser status is reinstated. Both the supervisory real property appraiser and the trainee real property appraiser will be notified in writing of the reinstatement and of the period of time in which the trainee real property appraiser's experience is not acceptable for experience credit for credentialing as a real property appraiser.

001.11C If the credential holder fails to successfully complete the requirements for renewal prior to July 1, the trainee real property appraiser may submit a new application for the approval of the credential holder if he or she obtains a ~~valid~~ credential as a real property appraiser issued under the Real Property Appraiser Act after July 1.

002 CRIMINAL HISTORY RECORD CHECK

002.01 Any credential holder randomly selected to submit, along with the application for renewal, two copies of legible ink-rolled fingerprint cards or equivalent electronic fingerprint submissions to the Board will be notified by certified mail no later than August 31 of the year in which the credential holder was selected for the criminal history record check.

003 APPLICATION

A credential issued under the Real Property Appraiser Act other than a temporary credential remains in effect until December 31 of the designated year unless surrendered, revoked, suspended, or canceled prior to such date. A credential, other than a trainee real property appraiser credential, may be renewed for one or two years; the trainee real property appraiser credential remains in effect until December 31 of the second year of the two-year continuing education period. The entire two-year continuing education period must be satisfactorily completed prior to renewing a credential for a two-year period.

003.01 Any applicant for renewal of a trainee real property appraiser credential must:

003.01A Submit an application and required documentation on forms approved by the Board showing compliance by the applicant with all renewal and continuing education requirements established by the Act and by this Title; and

003.01B Pay a non-refundable criminal history record check fee of \$5.00 for each year of renewal for maintenance of the random fingerprint audit program.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 003.02** Except for the trainee real property appraiser credential and temporary credential, any applicant for renewal of a credential issued by the Board must:
- 003.02A** Submit an application and required documentation for the appropriate classification on forms approved by the Board showing compliance by the applicant with all renewal and continuing education requirements established by the Act and by this Title;
- 003.02B** Pay a non-refundable credentialing fee of \$275.00 for each year of renewal;
- 003.02C** Pay an annual National Registry fee of \$40.00 for each year of renewal; and
- 003.02D** Pay a non-refundable criminal history record check fee of \$5.00 for each year of renewal for maintenance of the random fingerprint audit program.
- 003.03** Any application received at the Board's office considered to be incomplete will not be processed and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.
- 003.04** ~~Any application not considered to be incomplete will be processed.~~ Any renewal application post-marked before November 30 will be reviewed by the Board's staff, and ~~any application post-marked after November 30 will be reviewed by the Board.~~ If a credential holder meets all renewal requirements in the Act and this Title, the application will be considered a completed application and the applicant's credential may be renewed. If the Board's director finds that the applicant may not meet one or more of the renewal requirements in the Act and this Title, or the application is post-marked after November 30, the application shall be placed before the Board for consideration. If the Board finds that the applicant meets the renewal requirements in the Act and this Title, the application will be considered a completed application and the applicant's credential may be renewed.
- 003.05** If a criminal history record check report has not been returned to the Board's office by the State Patrol prior to December 31, and all other requirements for renewal in the Act and this Title are met prior to November 30, a credential may be renewed contingent upon the results of the criminal history record check report.
- 003.06** Upon renewal the credential holder will be issued:
- (1) A notification informing him or her of their status as a Nebraska ~~credentialed~~-real property appraiser, and
 - (2) Instructions to access his or her credentialing card.
- 003.07** The renewal application may be denied at any time during the process if the applicant fails to meet the requirements in the Act and this Title that pertain to renewal of a credential. If a renewal application is denied for any reason excluding the national criminal history record check, the applicant may file a new application for credentialing, and if so, meet the credentialing requirements in place at the time the new application is submitted to the Board.
- 003.08** If the fingerprint-based national criminal history record check result is the basis for denial, the credential holder is entitled to a copy of his or her national criminal history record, and an opportunity to dispute the result.
- 003.08A** In order to receive a copy of such record, the credential holder shall:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

003.08A.1 In person, complete a form approved by the Board that relieves the Board from any liability related to the release of the national criminal history record; and

003.08A.2 Present a passport, driver's license, or other government-issued identification card with a photograph to be copied by the Board.

003.08B If the credential holder provides evidence acceptable to the Board that the fingerprint-based national criminal history record check result that was the basis for denial is incorrect, the Board may reconsider the application.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

CHAPTER 5
REAL PROPERTY APPRAISER INACTIVE STATUS

001 Every credential holder other than a holder of a temporary credential may request that his or her credential be placed on inactive status for a period not to exceed two years. If granted, the inactive status period begins on the date application was made to the Board. If the credential holder's credential expires during the inactive period, and the credential holder fails to reinstate his or her credential prior to the completion of the two year period, the credential holder may reapply for credentialing, and if so, meet the current requirements in place at the time of application.

002 INACTIVE STATUS APPLICATION

002.01 Any credential holder making a request for a credential to be placed on inactive status must:

002.01A Submit an application on a form approved by the Board showing compliance by the applicant with all inactive status requirements established by the Act and by this Title;

002.01B Pay a non-refundable inactive credential application fee of \$100.00; and

002.01C Pay a non-refundable inactive credentialing fee of \$300.00.

002.02 Any application received at the Board's office considered to be incomplete will not be processed and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

002.03 If the applicant meets the requirements in the Act and this Title for inactive status, his or her credential may be placed on inactive status.

002.04 Upon being placed on inactive status, the credential holder will be issued a letter notifying him or her of the inactive status, along with the requirements and instructions for reinstatement of his or her credential.

002.05 An application for inactive status may be denied at any time during the process if the applicant fails to meet the requirements in the Act and/or this Title that pertain to the placement of a credential on inactive status.

003 REINSTATEMENT APPLICATION

003.01 Any credential holder making a request for a credential to be reinstated to active status must:

003.01A Submit an application on a form approved by the Board and documentation showing compliance by the applicant with all reinstatement requirements established by the Act and by this Title; and

003.01B Pay a non-refundable inactive credential application fee of \$100.00.

003.02 Any application received at the Board's office considered to be incomplete will not be processed and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 003.03** If the applicant meets the requirements in the Act and this Title for reinstatement of his or her credential, his or her credential may be removed from inactive status.
- 003.04** Upon credential being reinstated to active status, the credential holder will be issued a letter notifying him or her of reinstatement.
- 003.05** An application for reinstatement of a credential to active status may be denied at any time during the process if the applicant fails to meet the requirements in the Act and/or this Title that pertains to reinstatement of a credential to active status.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

CHAPTER 6
EDUCATION PROVIDER ACTIVITY REQUIREMENTS

001 GENERAL

- 001.01** The Board may at any time conduct an audit of any approved education activity to verify that activity is being conducted in accordance with the Act and this Title as approved by the Board.
- 001.02** The Board may at any time review activity and instructor materials approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program to verify that activity and/or instructor(s) meet the requirements of the Act and this Title as approved by the Board.
- 001.03** ~~Board~~ Approval of activities does not transfer from one education provider to another, unless one education provider obtains the legal rights to all activities of another education provider.
- 001.04** Education providers and instructors will comply with the Nebraska Private Postsecondary Career Schools Act, NEB. REV. STAT § 85-1601, et seq. as applicable.
- 001.05** Nothing in this Chapter may be construed to preclude education activities sponsored or conducted by the Board from being accepted as qualifying education or continuing education.
- 001.06** The Board maintains a schedule of education activities on its website as a tool to notify future applicants and current credential holders of upcoming education activities. Although education providers may provide notice to the Board of upcoming qualifying education activities, continuing education activities, and supervisory real property appraiser and trainee courses for inclusion on the schedule, the education provider is responsible for scheduling and notifying future applicants and current credential holders of upcoming education activities offered by the education provider.
- 001.07 Online and Correspondence Activities**
- 001.07A** Each online education and correspondence education activity shall be certified by the International Distance Education Certification Center, or conducted by an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education, that awards academic credit for the distance education courses.
- 001.07B** Each online education and correspondence education activity shall have an appropriate mechanism to ensure that the applicant or credential holder demonstrates knowledge of subject matter.
- 001.07C** Each online education and correspondence education activity must provide interaction in a reciprocal environment where the student has verbal or written communication with the instructor.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 001.07D** Electronic access is required to be provided to the Board for any online education activity, or for any correspondence education activity offered by electronic means, during evaluation and at any time the activity is offered to the public for completion, without having to complete the activity in sequential order, or without having to complete quizzes or examinations to proceed with the activity.
- 001.07E** All website links will be valid and active for online education and correspondence education activities at the time such activity is offered to the public for completion.
- 001.07F** At the Board's request, a transcript of the online or correspondence activity shall be provided to the Board.

002 QUALIFYING EDUCATION

002.01 Requirements

- 002.01A** All core curriculum courses shall be approved as qualifying education by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program, or be included as curriculum in a ~~bachelor's degree or higher~~ program of an accredited college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board of The Appraisal Foundation.
- 002.01B** Any appraisal subject matter elective qualifying education activity must contribute to an attendee's development of real property appraiser related competency in any one or more of the following subjects:
- (1) Real property Appraisal practice,
 - (2) Valuation methodology and/or techniques,
 - (3) Market fundamentals, characteristics, conditions, and analysis,
 - (4) Real property concepts, characteristics, and analysis,
 - (5) Communication,
 - (6) Computation, and/or
 - (7) Legal considerations.
- 002.01C** All qualifying education activities shall contain current material, theory, and methodologies.
- 002.01D** All qualifying education activities shall be conducted in conformance with the materials, presentation methodologies, and policies as approved by the Board.
- 002.01E** Each qualifying education activity shall be at least 15 hours in length, not to exceed eight hours per day. At least a one-half hour break shall be given to attendee(s) by no later than the end of four hours of class in any day.
- 002.01F** Education providers shall require that attendee(s) successfully complete a proctored closed-book examination.
- 002.01G** Fifty minutes engaged in instruction equals one hour for a qualifying education activity.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 002.01H** One semester credit hour received from an accredited college or university equals fifteen classroom hours of instruction.
- 002.01I** A document certifying completion will be issued to each attendee upon completion of any qualifying education activity. The document may be transmitted to the attendee in person, by mail, by email, or by any other electronic means that are secure. The document is required to include the name of education provider, signature of education provider and/or instructor, name of activity as approved by the Board, location at which activity was conducted or presentation method, date(s) the activity was conducted, number of hours, pass or fail statement, and name of attendee, or be an official transcript from a university or college that includes the name of activity as approved by the Board, the number of credit hours awarded, and the name of the attendee.
- 002.01J** Education providers shall maintain a record of attendance for each qualifying education activity for a period of at least five years.
- 002.01K** No qualifying education activity may rely upon a textbook as the primary instructional material. Textbooks are permitted to be used as a background reference for an activity; however, textbooks will not be reviewed as the activity. All qualifying education activities must contain sufficient stand-alone instructional materials supporting the specific activity learning objectives.
- 002.01L** Secondary providers shall obtain written evidence that the rights to a qualifying education activity have been purchased or lawfully acquired from the education provider that owns rights to activity materials.

002.02 Initial Application

- 002.02A** Any education provider applying for approval of a qualifying education activity must:
- 002.02A.1** Submit an application for the activity on forms approved by the Board showing compliance by the education provider and the activity with all requirements established by the Act or by this Title;
- 002.02A.2** Submit evidence that activity is approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program for qualifying education, or submit the following:
- 002.02A.2a** An activity description that clearly describes the content of the activity;
- 002.02A.2b** An activity matrix reflecting hours of credit per topic;
- 002.02A.2c** A timed outline that accounts for the general flow and recommended time spent on topics contained within the activity;

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002.02A.2d Written learning objectives that include the following:

- (1) The specific knowledge and/or skills attendee(s) are expected to acquire,
- (2) An explanation of how learning objectives are consistent with the activity description,
- (3) An explanation of how learning objectives are consistent with instructional materials, and
- (4) An explanation of how learning objectives are reasonably achievable within the number of hours allotted for the activity;

002.02A.2e Student and instructor materials used for the activity that:

- (1) Cover the subject matter in sufficient depth to achieve the stated learning objectives,
- (2) Provide appropriately balanced coverage of the subject matter in view of the stated learning objectives,
- (3) Reflect current knowledge and practice, and
- (4) Do not contain significant errors and/or deficiencies;

002.02A.2f A proctored closed-book final examination that:

- (1) Contains a sufficient number of questions to adequately test the subject matter covered,
- (2) Contains clear and unambiguous questions that are individually and collectively appropriate to measure student achievement of stated learning objectives, and
- (3) Utilizes The Appraisal Foundation USPAP final examination for the fifteen-hour Uniform Standards of Professional Appraisal Practice course;

002.02A.2g A written instructor policy that requires the use of instructors who meet the requirements of the Act and this Title;

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002.02A.2h A written attendance policy that requires attendance to be verified in accordance with the Act and this Title; and

002.02A.2i A written record retention policy; and

002.02A.2j If applicable, for an activity conducted by an accredited college, community college, or university, submit written evidence that online or correspondence activity provides interaction in a reciprocal environment where the student has verbal or written communication with the instructor;

002.02A.3 Pay a non-refundable qualifying education activity application fee of \$50.00;

002.02A.4 Submit a copy of the completion document;

002.02A.5 If applicable, submit evidence that online or correspondence activity meets the requirements of Section 001.07A of this Chapter is
~~certified by the International Distance Education Certification Center;~~ and

002.02A.6 If applicable, submit written evidence that the rights to the activity have been purchased or lawfully acquired from the education provider that owns rights to activity materials.

002.02B An application received at the Board's office considered to be incomplete will not be processed and may be returned to the education provider as incomplete. Any application not considered to be incomplete will be processed.

002.02C ~~Any application not considered to be incomplete will be processed and reviewed by the Board. If the Board finds that the Board's director finds that the education provider and submitted activity meet the requirements in the Act and this Title, the application will be considered a completed application and the Board may approve the qualifying education activity may be approved by the director. If the Board's director finds that the education provider and submitted activity may not meet one or more of the requirements in the Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the education provider and submitted activity applicant meets the requirements in the Act and this Title, the application will be considered a completed application and the qualifying education activity may be approved.~~
The education provider will receive a written notification of approval that outlines the details, including the number of hours for which the activity is approved.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002.02D The application may be denied by the Board at any time during the process if the education provider, submitted activity, or instructor(s) for the submitted activity fail to meet the requirements in the Act and this Title. If an application is denied, the Board will provide written notice of denial to the education provider that includes a description of the deficiencies found by the Board. The education provider has 60 days from the date of denial to rectify the deficiencies. If the deficiencies are not rectified within 60 days, the education provider may file a new application for approval of qualifying education activity, and if so, meet the requirements in place at the time a new application is submitted to the Board.

002.03 Resubmission of Approved Activity

002.03A An education provider shall resubmit a qualifying education activity for approval if:

- (1) There is a change in the status of approval by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program,
- (2) There is a change in the status of the qualification for online or correspondence delivery specified in Section 001.07A of this Chapter~~certification by the International Distance Education Certification Center,~~
- (3) There is a substantial change to the materials, presentation, or policies,
- (4) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,
- (5) One or more instructors are added or removed by the education provider,
- (6) The materials, theories, and/or methodologies are no longer current,
- (7) The activity content and/or policies are no longer communicated to the attendee(s) as ~~presented to the Board for approval,~~ or
- (8) There is a change to a secondary provider's rights to the activity.

002.03B The process and requirements for resubmission of a qualifying education activity are the same as specified in Section 002.02 of this Chapter. If a qualifying education activity is not approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program, only the requirements under Section 002.02A.2 of this Chapter that have changed since approval was granted ~~by the Board~~ must be included for resubmission.

002.03C Any education provider resubmitting a qualifying education activity must provide a written explanation detailing what changes have been made to the activity since approval was granted ~~by the Board~~.

002.04 Rescinding Approval

002.04A The Board may rescind approval of any qualifying education activity if the Board finds:

- (1) Falsification of information submitted for activity approval,
- (2) A change in approval by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program,
- (3) A change in the status of the qualification for online or correspondence delivery specified in Section 001.07A of this Chapter,
- (3) ~~certification by the International Distance Education Certification Center,~~

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (4) Substantial errors and/or deficiencies in the materials or presentation,
- (5) The materials, theories, and/or methodologies are not current and/or practical,
- (6) The activity has not been offered for a period of at least five years from the last date of completion ~~submitted to the Board~~ or the approval date if activity has not been offered,
- (7) A change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved ~~by the Board~~,
- (8) The instructor(s) responsible for the activity content and presentation are not approved ~~by the Board~~,
- (9) The activity content and/or policies are not communicated to the attendee(s) as ~~presented to the Board for approval~~,
- (10) A material violation of the Act or this Title by the education provider or instructor for the activity, or
- (11) A change to a secondary provider's rights to the activity.

002.04B If the Board finds reason to rescind its approval of an activity, the Board will provide written notice to the education provider that includes a description of the reason(s) for rescinding approval found by the Board. The education provider has 60 days from the date of notice to provide a written response to the Board's notice. If the response is satisfactory to the Board, the Board will not rescind its approval. If the response is not satisfactory to the Board, the Board may rescind approval of the activity. If approval is rescinded, the education provider may file a new application for approval of the qualifying education activity, and if so, meet the requirements in place at the time a new application is submitted to the Board.

003 CONTINUING EDUCATION

003.01 Requirements

003.01A Any continuing education activity must contribute to a credential holder's development of real property appraiser related skill, knowledge, and competency in any one or more of the following subjects:

- (1) Real property Appraisal practice,
- (2) Valuation methodology and/or techniques,
- (3) Market fundamentals, characteristics, conditions, and analysis,
- (4) Real property concepts, characteristics, and analysis,
- (5) Communication,
- (6) Computation, and/or
- (7) Legal considerations.

003.01B All continuing education activities shall contain current material, theory, and methodologies.

003.01C All continuing education activities shall be conducted in conformance with the materials, presentation methodologies, and policies as approved ~~by the Board~~.

003.01D Each continuing education activity shall be at least two hours in length, not to exceed eight hours per day. At least a one-half hour break shall be given to credential holder(s) by no later than the end of four hours of class in any day.

003.01E Examination hours are not included in the number of hours approved ~~by the Board~~ for continuing education activities.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 003.01F** Fifty minutes engaged in instruction equals one hour for a continuing education activity.
- 003.01G** One semester credit hour received from an accredited college or university equals fifteen classroom hours of instruction.
- 003.01H** A document certifying completion will be issued to each attendee upon completion of any continuing education activity. The document may be transmitted to the attendee in person, by mail, by email, or by any other electronic means that are secure. The document is required to include the name of education provider, signature of education provider and/or instructor, name of activity as approved by the Board, location at which activity was conducted or presentation method, date(s) the activity was conducted, number of hours, pass or fail statement, and name of credential holder, or be an official transcript from a university or college that includes the name of activity as approved by the Board, the number of credit hours awarded, and the name of the attendee.
- 003.01I** Education providers shall maintain a record of attendance for each continuing education activity for a period of at least five years.
- 003.01J** The seven-hour Uniform Standards of Professional Practice Update course shall be approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program, or meet the Appraiser Qualifications Board's requirements for approval of an equivalent seven-hour Uniform Standards of Professional Appraisal Practice Update course.
- 003.01K** An activity in which the primary purpose is training in the use of a specific software, and not utilization of a software to improve competency in real property appraisal practice; valuation methodology and/or techniques; market fundamentals, characteristics, conditions, and analysis; real property concepts, characteristics, and analysis; communication; computation; and/or legal considerations, does not meet the requirements for approval as a continuing education activity.
- 003.01L** Secondary providers shall obtain written evidence that the rights to a continuing education activity have been purchased or lawfully acquired from the education provider that owns rights to activity materials.
- 003.02 Initial Application**
- 003.02A** Any education provider applying for approval of a continuing education activity must:
- 003.02A.1** Submit an application for the activity on forms approved by the Board showing compliance by the education provider and the activity with all requirements established by the Act or by this Title;

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 003.02A.2** Submit evidence that the activity is approved by The Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program for continuing education, or submit the following:
- 003.02A.2a** An activity description, which clearly describes the content of the activity;
- 003.02A.2b** An activity matrix reflecting hours of credit per topic;
- 003.02A.2c** A timed outline that accounts for the general flow and recommended time spent on topics contained within the activity;
- 003.02A.2d** Written learning objectives that include the following:
- (1) The specific knowledge and/or skills credential holders(s) are expected to acquire,
 - (2) An explanation of how learning objectives are consistent with the activity description,
 - (3) An explanation of how learning objectives are consistent with instructional materials, and
 - (4) An explanation of how learning objectives are reasonably achievable within the number of hours allotted for the activity;
- 003.02A.2e** Student and instructor materials used for the activity that:
- (1) Cover the subject matter in sufficient depth to achieve the stated learning objectives,
 - (2) Provide appropriately balanced coverage of the subject matter in view of the stated learning objectives,
 - (3) Reflect current knowledge and practice, and
 - (4) Do not contain significant errors and/or deficiencies;
- 003.02A.2f** A written instructor policy that requires the use of instructors who meet the requirements of the Act and this Title;
- 003.02A.2g** A written attendance policy that requires attendance to be verified in accordance with the Act and this Title;

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

003.02A.2h A written record retention policy; and

003.02A.2i A completed 7-Hour USPAP Course Checklist for AQB Equivalency Approval as developed and published by The Appraisal Foundation for any seven-hour Uniform Standards of Appraisal Practice Update course not approved by the Appraiser Qualifications Board of The Appraisal Foundation;

003.02A.2j If applicable, submit written evidence that an appropriate mechanism is in place to ensure that the credential holder demonstrates knowledge of subject matter for online or correspondence activity; and

003.02A.2k If applicable, for an activity conducted by an accredited college, community college, or university, submit written evidence that online or correspondence activity provides interaction in a reciprocal environment where the student has verbal or written communication with the instructor;

003.02A.3 Submit a copy of the completion document;

003.02A.4 If applicable, submit written evidence that the rights to the activity have been purchased or lawfully acquired from the education provider that owns rights to activity materials;

003.02A.5 If applicable, submit evidence that online or correspondence activity meets the requirements of Section 001.07A of this Chapter~~online activity is certified by the International Distance Education Certification Center;~~ and

003.02A.6 Pay a non-refundable continuing education activity application fee of \$25.00.

003.02B An application received at the Board's office considered to be incomplete will not be processed and may be returned to the education provider as incomplete. Any application not considered to be incomplete will be processed.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

003.02C ~~Any application not considered to be incomplete will be processed and reviewed by the Board. If the Board's director finds that the education provider and submitted activity meets the requirements in the Act and this Title, the application will be considered a completed application and the Board may approve the continuing education activity may be approved by the director. If the Board's director finds that the education provider and submitted activity may not meet one or more of the requirements in the Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the education provider and submitted activity meets the requirements in the Act and this Title, the application will be considered a completed application and the continuing education activity may be approved.~~ The education provider will receive a written notification of approval, which outlines the details, including the number of hours for which the activity is approved.

003.02D The application may be denied by the Board at any time during the process if the education provider, submitted activity, or instructor(s) for the submitted activity fails to meet the requirements in the Act and this Title. If an application is denied, the Board will provide written notice of denial to the education provider that includes a description of the deficiencies found by the Board. The education provider has 60 days from the date of denial to rectify the deficiencies. If the deficiencies are not rectified within 60 days, the education provider may file a new application for approval of continuing education activity, and if so, meet the requirements in place at the time a new application is submitted to the Board.

003.03 Resubmission of Approved Activity

003.03A An education provider shall resubmit a continuing education activity for approval if:

- (1) There is a change in the status of approval by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program,
- (2) There is a change in the status of ~~the qualification for online or correspondence delivery specified in Section 001.07A of this Chapter, certification by the International Distance Education Certification Center,~~
- (3) There is a substantial change to the materials, presentation, or policies,
- (4) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,
- (5) One or more instructors are added or removed by the education provider,
- (6) The materials, theories, and/or methodologies are no longer current,
- (7) The activity content and/or policies are no longer communicated to the credential holder(s) as presented to the Board for approval, or
- (8) There is a change to a secondary provider's rights to the activity.

003.03B The process and requirements for resubmission of a continuing education activity are the same as specified in Section 003.02 of this Chapter. If a continuing education activity is not approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program, only the requirements under Section 003.02A.2 of this Chapter that have changed since approval was granted by the Board must be included for resubmission.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

003.03C Any education provider resubmitting a continuing education activity will provide a written explanation detailing what changes have been made to the activity since approval was granted ~~by the Board~~.

003.04 Expiration and Rescinding Approval

003.04A Except for the seven-hour Uniform Standards of Professional Practice Update course, which expires on the date on which the approval by the Appraiser Qualifications Board expires, a continuing education activity expires on the date five years after the date of approval ~~by the Board~~. An education provider may renew a continuing education activity not required to be resubmitted as specified in Section 003.03A of this Chapter by:

003.04A.1 Submitting an application for the activity on forms approved by the Board showing compliance by the education provider and the activity with all requirements established by the Act or by this Title; and

003.04A.2 Paying a non-refundable continuing education activity application renewal fee of \$10.00.

003.04B The Board may rescind approval of a continuing education activity if the Board finds:

- (1) Falsification of information submitted for activity approval,
- (2) A change in approval by Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program,
- (3) ~~A change in status of the qualification for online or correspondence delivery specified in Section 001.07A of this Chapter,~~
- (3) ~~certification by the International Distance Education Certification Center,~~
- (4) Substantial errors and/or deficiencies in the materials or presentation,
- (5) The materials, theories, and/or methodologies are not current and/or practical,
- (6) A change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved ~~by the Board~~,
- (7) The instructor(s) responsible for the activity content and presentation are not approved ~~by the Board~~,
- (8) The activity content and/or policies are not communicated to the credential holder(s) as ~~presented to the Board for approval~~,ed,
- (9) A material violation of the Act or this Title by the education provider or instructor for the activity, or
- (10) A change in the secondary provider's rights to the activity.

003.04C If the Board finds reason to rescind its approval of an activity, the Board will provide written notice to the education provider that includes a description of the reasons for rescinding approval found by the Board. The education provider has 60 days from the date of notice to provide a written response to the Board's notice. If the response is satisfactory to the Board, the Board will not rescind its prior approval. If the response is not satisfactory to the Board, the Board may rescind approval of the activity. If approval is rescinded, the education provider may file a new application for approval of the continuing education activity, and if so, meet the requirements in place at the time a new application is submitted to the Board.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

004 SUPERVISORY REAL PROPERTY APPRAISER AND TRAINEE COURSE

004.01 Requirements

- 004.01A** All ~~trainee and supervisory~~ real property appraiser and trainee courses shall contain current material, theory, and methodologies.
- 004.01B** All ~~trainee and supervisory~~ real property appraiser and trainee courses shall be conducted in conformity with the materials, presentation methodologies, and policies as approved by the Board.
- 004.01C** Each ~~trainee and supervisory~~ real property appraiser and trainee course shall be at least two hours in length, not to exceed eight hours per day. At least a one-half hour break shall be given to attendee(s) by no later than the end of four hours of class in any day.
- 004.01D** Education providers shall require that attendee(s) successfully complete a closed-book examination by answering a minimum of 70% of exam questions correctly.
- 004.01E** Fifty minutes engaged in instruction equals one hour for a ~~trainee and supervisory~~ real property appraiser and trainee course.
- 004.01F** A document certifying completion will be issued to each attendee upon completion of a ~~trainee and supervisory~~ real property appraiser and trainee course. The document may be transmitted to the attendee in person, by mail, by email, or by any other electronic means that are secure. The document is required to include the name of education provider, signature of education provider and/or instructor, name of course as approved by the Board, location at which course was conducted or presentation method, date(s) the course was conducted, number of hours, pass or fail statement, and name of attendee.
- 004.01G** Education providers shall maintain a record of attendance for each ~~trainee and supervisory~~ real property appraiser and trainee course for a period of at least five years.
- 004.01H** Secondary providers shall obtain written evidence that the rights to a ~~trainee and supervisory~~ real property appraiser and trainee course ~~has~~ been purchased or lawfully acquired from the education provider that owns rights to activity materials.

004.02 Course Objectives

- 004.02A** The course must provide adequate information to ensure the supervisory real property appraiser understands the qualifications and responsibilities of that role. Specifically, that the attendee(s) understand:
- (1) Minimum qualifications for becoming and remaining a supervisory real property appraiser,
 - (2) Jurisdictional credentialing requirements for both supervisory real property appraisers and trainee real property appraisers,
 - (3) Expectations and responsibilities of being a supervisory real property appraiser,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (4) Basics of the Uniform Standards of Professional Appraisal Practice,
- (5) Responsibilities and requirements of a supervisory real property appraiser in maintaining and signing all appropriate trainee real property appraiser experience logs, and
- (6) Expectations and responsibilities of the trainee real property appraiser.

004.02B

The course must provide adequate information to ensure that a trainee real property appraiser understands the qualifications and responsibilities of that role. Specifically, that the attendee(s) understand:

- (1) Minimum qualifications for becoming and remaining a trainee real property appraiser,
- (2) Jurisdictional credentialing requirements for trainee real property appraisers,
- (3) Minimum qualifications for becoming and remaining a supervisory real property appraiser,
- (4) Processes and roles of the entities involved in establishing qualifications for ~~eredentialed~~ real property appraisers,
- (5) Expectations and responsibilities of the trainee real property appraiser,
- (6) Qualifications to become a ~~eredentialed~~ real property appraiser,
- (7) Basics of the Uniform Standards of Professional Appraisal Practice, and
- (8) Responsibilities and requirements of a trainee real property appraiser's role in maintaining and signing all appropriate trainee real property appraiser experience logs.

004.03 Course Content

004.03A

The course must provide adequate information pertaining to qualification and credentialing entities. Specifically, the following shall be included:

- (1) The role of The Appraisal Foundation,
- (2) The role of the Appraiser Qualifications Board in establishing qualifications for real property appraisers,
- (3) The jurisdiction's role in issuing real property appraiser credentials and disciplining real property appraisers,
- (4) The typical structure of real property appraiser regulating bodies, and overview of the role of professional real property appraiser organizations.

004.03B

The course must provide adequate information pertaining to qualifications for real property appraiser credentials. Specifically, the following shall be included:

- (1) Minimum qualifications for each real property appraiser classification,
- (2) Education, experience, and examination requirements for trainee, licensed residential, certified residential, and certified general real property appraiser credential, and
- (3) Supervisory real property appraiser qualifications.

004.03C

The course must provide an overview of the Uniform Standards of Professional Appraisal Practice relevant to trainee real property appraisers, which shall include the following topics:

- (1) Ethics Rule,
- (2) Competency Rule,
- (3) Scope of Work Rule,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (4) Record Keeping Rule, and
- (5) Standard 1 (Development) and Standard 2 (Reporting).

004.03D

The course must provide adequate information pertaining to the requirements, expectations, and responsibilities of a supervisory real property appraiser, and at a minimum, include and discuss the following topics:

- (1) The expectations and responsibilities of the supervisory real property appraiser to provide the trainee real property appraiser with a basic understanding of the Uniform Standards of Professional Appraisal Practice,
- (2) The expectations and responsibilities of the supervisory real property appraiser to understand the minimum requirements of both the supervisory real property appraiser and trainee real property appraiser,
- (3) The expectations and responsibilities of the supervisory real property appraiser to provide proper guidance to the trainee real property appraiser when he or she selects a specific credentialing path (i.e., licensed residential, certified residential, or certified general),
- (4) The expectations and responsibilities of the supervisory real property appraiser to monitor the trainee real property appraiser's progress in satisfying both the education and experience requirements necessary to achieve his or her selected credentialing path,
- (5) The expectations and responsibilities of the supervisory real property appraiser to verify that the supervisory real property appraiser and trainee real property appraiser are properly documenting all appropriate experience logs,
- (6) The expectations and responsibilities of the supervisory real property appraiser to accompany the trainee real property appraiser on all inspections until the trainee real property appraiser is competent to conduct inspections independently,
- (7) The expectations and responsibilities of the supervisory real property appraiser to monitor and provide assignments and duties that ensure the trainee real property appraiser is developing an understanding and progression of knowledge and experience of valuation methodologies and approaches to value applicable to the level of credential to be obtained,
- (8) The expectations and responsibilities of the supervisory real property appraiser to verify that the trainee real property appraiser is properly identified and acknowledged in the report in compliance with the Uniform Standards of Professional Appraisal Practice, and
- (9) The expectations and responsibilities of the supervisory real property appraiser to immediately notify the trainee real property appraiser if the supervisory real property appraiser is no longer qualified to supervise and/or sign the trainee real property appraiser's experience log.

004.03E

The course must provide adequate information pertaining to the requirements, expectations, and responsibilities of a trainee real property appraiser, and at a minimum, include and discuss the following topics:

- (1) The expectations and responsibilities of the trainee real property appraiser to have a basic understanding of the minimum requirements to become a trainee real property appraiser,
- (2) The expectations and responsibilities of the trainee real property appraiser to have an understanding about the importance of selecting an appropriate supervisory real property appraiser. Points covered shall include:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- a) Description of the supervisory real property appraiser-trainee real property appraiser relationship as a long-term commitment by both parties,
 - b) Information indicating that the supervisory real property appraiser-trainee real property appraiser relationship is inherently connected to the “good standing” of the supervisory real property appraiser,
 - c) Information regarding the importance of selecting a supervisory real property appraiser with the experience and competency that best matches the trainee real property appraiser’s selected credentialing path, and
 - d) Options for a trainee real property appraiser if a supervisory real property appraiser is no longer qualified to serve as a supervisory real property appraiser.
- (3) The expectations and responsibilities of the trainee real property appraiser to have an understanding of how to determine if an real property appraiser is qualified and in good standing to be a supervisory real property appraiser by searching the Appraisal Subcommittee National Registry and/or jurisdictional websites,
 - (4) The expectations and responsibilities of the trainee real property appraiser to understand it is the supervisory real property appraiser’s responsibility to monitor the progression of the trainee real property appraiser’s education and experience necessary to achieve the trainee real property appraiser’s selected credentialing path,
 - (5) The expectations and responsibilities of the trainee real property appraiser to understand it is the supervisory real property appraiser’s responsibility to provide assignments and duties that ensure the trainee real property appraiser is developing an understanding and progression of knowledge and experience of valuation methodologies and approaches to value applicable to the level of credential to be obtained,
 - (6) The expectations and responsibilities of the trainee real property appraiser to understand the responsibilities of both the trainee real property appraiser and the supervisory real property appraiser in properly documenting all appropriate trainee real property appraiser’s experience logs, and
 - (7) The expectations and responsibilities of the trainee real property appraiser to understand the supervisory real property appraiser must accompany the trainee real property appraiser on all inspections until he or she is competent to conduct inspections independently.

004.03F

The course shall include elective real property appraiser education as determined by the education provider. Education providers are strongly encouraged to address State law and regulations, and the effect of those laws and regulations on supervisory real property appraisers and trainee real property appraisers. This section may include the following topics:

- (1) Overview of state laws, regulations, and policies pertaining to real property appraisal practice,
- (2) Overview of the investigation process, including how it pertains to the following:
 - a) A grievance against a trainee real property appraiser,
 - b) A grievance against supervisory real property appraiser,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- c) Acts or omissions considered grounds for disciplinary action or denial of an application, and
- d) Formal complaints, formal hearings, and administrative law.

004.04 Initial Application

004.04A Any education provider applying for approval of a supervisory real property appraiser and trainee course must:

004.04A.1 Submit an application for the course on forms approved by the Board showing compliance by the education provider and the course with all requirements established by the Act or by this Title;

004.04A.2 Submit the following:

004.04A.2a A course description that clearly describes the content of the course, and meets the requirements specified in Section 004.03 of this Chapter;

004.04A.2b A course matrix reflecting hours of credit per topic;

004.04A.2c A timed outline that accounts for the general flow and recommended time spent on topics contained within the course;

004.04A.2d Written learning objectives that meet the requirements specified in Section 004.02 of this Chapter, and include the following:

- (1) The specific knowledge and/or skills attendee(s) are expected to acquire,
- (2) An explanation of how learning objectives are consistent with the course description,
- (3) An explanation of how learning objectives are consistent with instructional materials, and
- (4) An explanation of how learning objectives are reasonably achievable within the number of hours allotted for the course;

004.04A.2e Student and instructor materials used for the course that:

- (1) Cover the subject matter in sufficient depth to achieve the stated learning objectives,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (2) Provide appropriately balanced coverage of the subject matter in view of the stated learning objectives,
- (3) Reflect current knowledge and practice, and
- (4) Do not contain significant errors and/or deficiencies;

004.04A.2f A closed-book final examination that:

- (1) Contains a sufficient number of questions to adequately test the subject matter covered,
- (2) Contains clear and unambiguous questions that are individually and collectively appropriate to measure attendee's achievement of stated learning objectives;

004.04A.2g A written instructor policy that requires the use of instructors who meet the requirements of the Act and this Title;

004.04A.2h A written attendance policy that requires attendance to be verified in accordance with the Act and this Title; and

004.04A.2i A written record retention policy; and

004.04A.2j If applicable, for an activity conducted by an accredited college, community college, or university, submit written evidence that online or correspondence activity provides interaction in a reciprocal environment where the student has verbal or written communication with the instructor;

004.04A.3 Pay a non-refundable new supervisory real property appraiser and trainee course application fee of \$25.00;

004.04A.4 Submit a copy of the completion document;

004.04A.5 If applicable, submit evidence that online or correspondence activity meets the requirements of Section 001.07A of this Chapter~~online activity is certified by the International Distance Education Certification Center;~~ and

004.04A.6 If applicable, submit written evidence that the rights to the activity have been purchased or lawfully acquired from the education provider that owns rights to activity materials.

004.04B An application received at the Board's office considered to be incomplete will not be processed and may be returned to the education provider as incomplete. Any application not considered to be incomplete will be processed.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

004.04C ~~Any application not considered to be incomplete will be processed and reviewed by the Board. If the Board's director finds that the education provider and submitted course meets the requirements in the Act and this Title, the application will be considered a completed application and the Board may approve the supervisory real property appraiser and trainee course may be approved by the director. If the Board's director finds that the education provider and submitted course may not meet one or more of the requirements in the Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the education provider and submitted course meets the requirements in the Act and this Title, the application will be considered a completed application and the supervisory real property appraiser and trainee course may be approved. The education provider will receive a written notification of approval, which outlines the details- details, including the number of hours for which the course is approved of approval.~~

004.04D The application may be denied by the Board at any time during the process if the education provider, submitted course, or instructor(s) for the submitted course fail to meet the requirements in the Act and this Title. If an application is denied, the Board will provide written notice of denial to the education provider that includes a description of the deficiencies found by the Board. The education provider has 60 days from the date of denial to rectify the deficiencies. If the deficiencies are not rectified within 60 days, the education provider may file a new application for approval of a supervisory real property appraiser and trainee course, and if so, meet the requirements in place at the time a new application is submitted to the Board.

004.05 Resubmission of Approved Supervisory Real Property Appraiser and Trainee Course

004.05A An education provider shall resubmit a supervisory real property appraiser and trainee course for approval if:

- (1) There are substantial change to the materials, presentation, or policies,
- (2) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,
- (3) One or more instructors are added or removed by the education provider,
- (4) The materials, theories, and/or methodologies are no longer current,
- (5) The course content and/or policies are no longer communicated to the attendee(s) as ~~approved~~ presented to the Board for approval,
- (6) There is a change in the status of the qualification for online or correspondence delivery specified in Section 001.07A of this Chapter.~~There is a change in the status of certification by the International Distance Education Certification Center, or~~
- (7) There is a change to a secondary provider's rights to the activity.

004.05B The process and requirements for resubmission of a supervisory real property appraiser and trainee course are the same as specified in Section 004.04 of this Chapter. Only the requirements under Section 004.04A.2 of this Chapter that have changed since approval was granted by the Board must be included for resubmission.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

004.05C Any education provider resubmitting a supervisory real property appraiser and trainee course will provide a written explanation detailing what changes have been made to the course since approval was granted ~~by the Board~~.

004.06 Rescinding of Approval

004.06A The Board may rescind approval of a supervisory real property appraiser and trainee course if the Board finds:

- (1) Falsification of information submitted for activity approval,
- (2) Substantial errors and/or deficiencies in the materials or presentation,
- (3) The materials, theories, and/or methodologies are not current and/or practical,
- (4) A change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved ~~by the Board~~,
- (5) The instructor(s) responsible for the activity content and presentation are not approved ~~by the Board~~,
- (6) The activity has not been offered for a period of at least five years from the last date of completion submitted to the Board or the approval date if activity has not been offered,
- (7) The course content and/or policies are not communicated to the attendee(s) as approved ~~presented to the Board for approval~~,
- (8) A material violation of the Act or this Title by the education provider or instructor for the activity,
- (9) A change in the status of the qualification for online or correspondence delivery specified in Section 001.07A of this Chapter ~~A change in the status of certification by the International Distance Education Certification Center, or~~
- (10) A change to a secondary provider's rights to the activity.

004.06B If the Board finds reason to rescind its approval of a course, the Board will provide written notice to the education provider that includes a description of the reasons for rescinding approval found by the Board. The education provider has 60 days from the date of notice to provide a written response to the Board's notice. If the response is satisfactory to the Board, the Board will not rescind its prior approval. If the response is not satisfactory to the Board, the Board may rescind approval of the supervisory real property appraiser and trainee course. If approval is rescinded, the education provider may file a new application for approval of a supervisory real property appraiser and trainee course, and if so, meet the requirements in place at the time a new application is submitted to the Board.

005 INSTRUCTORS

An instructor is an individual who is responsible for ensuring that the activity content is communicated to the activity's audience as presented to the Board for approval, and that the activity contributes to the quality of valuation services provided to the public. An individual who communicates assigned materials or a portion of activity content under the authorization of the education provider, but is not responsible for the activity content, is not an instructor.

005.01 Requirements

005.01A An instructor for any qualifying education activity, continuing education activity, or supervisory real property appraiser and trainee course, must satisfy at least one of the following qualifications:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 005.01A.1** Hold a bachelor's degree in any field and have at least three years of experience directly related to the subject matter to be taught;
- 005.01A.2** Hold a master's degree or higher in any field and have at least one year of experience directly related to the subject matter to be taught;
- 005.01A.3** Hold a master's degree or higher in a field that is directly related to the subject matter to be taught;
- 005.01A.4** Have five years of real property appraisal practice teaching experience directly related to the subject matter to be taught; or
- 005.01A.5** Have seven years of real property appraisal practice experience directly related to the subject matter to be taught.
- 005.01B** An instructor for any qualifying education activity, continuing education activity, or supervisory real property appraiser and trainee course, must meet qualifications established pursuant to any other applicable law.
- 005.01C** An instructor for any qualifying education activity, continuing education activity, or supervisory real property appraiser and trainee course, may not have a conviction, including a conviction based upon a plea of guilty or nolo contendere, of any felony unless his or her civil rights have been restored.
- 005.01D** An instructor for any qualifying education activity, continuing education activity, or supervisory real property appraiser and trainee course, who holds a credential as a real property appraiser in Nebraska or any other jurisdiction shall:
- 005.01D.1** Maintain each credential in good standing in accordance with the laws of the jurisdiction in which each credential is held;
- 005.01D.2** Not have had a credential revoked, suspended, or have surrendered a credential in lieu of disciplinary action within three years; and
- 005.01D.3** Not have had disciplinary action taken against his or her credential that may constitute a violation of NEB. REV. STAT. § 76-2238 within three years.
- 005.01E** Any instructor of the qualifying education fifteen-hour National Uniform Standards of Professional Appraisal Practice Course, the continuing education seven-hour National Uniform Standards of Professional Appraisal Practice Update Course, and/or the supervisory real property appraiser and trainee course, must:
- 005.01E.1** Be an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation;
- 005.01E.2** Be a state-certified real property appraiser in good standing;

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

005.01E.3 Have an instructional background in real property appraisal practice education; and

005.01E.4 Have a minimum of five years of real property appraisal practice experience.

005.01F Temporary approval of an instructor may be granted in an emergency situation upon written request to the Board.

005.02 Initial Application

005.02A An education provider applying for approval of an instructor for any qualifying education activity, continuing education activity, or supervisory real property appraiser and trainee course, must:

005.02A.1 Submit an application for each activity on forms approved by the Board showing compliance by the instructor applicant with all requirements established by the Act or by this Title;

005.02A.2 Submit written evidence of the instructor applicant's qualifications related to the activity for which approval is requested; and

005.02A.3 Submit evidence of the instructor applicant's approval as an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation for approval as an instructor of any qualifying education fifteen-hour National Uniform Standards of Professional Appraisal Practice Course, continuing education seven-hour National Uniform Standards of Professional Appraisal Practice Update Course, and/or supervisory real property appraiser and trainee course.

005.02B An application received at the Board's office considered to be incomplete will not be processed and may be returned to the education provider as incomplete. Any application not considered to be incomplete will be processed.

005.02C ~~Any application not considered to be incomplete will be processed and reviewed by the Board. If the Board's director finds that the instructor applicant meets the requirements in the Act and this Title, the application will be considered a completed application and the Board may approve the instructor applicant may be approved for a specific activity. If the Board's director finds that the instructor applicant may not meet one or more of the requirements in the Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the instructor applicant meets the requirements in the Act and this Title, the application will be considered a completed application and the instructor applicant may be approved.~~ The education provider will receive a written notification of approval, which outlines the details of approval.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

005.02D The application may be denied ~~by the Board~~ at any time during the process if the education provider, the activity for which application for instructor approval is made, or the instructor applicant fails to meet the requirements in the Act and this Title. If an application is denied, the Board will provide written notice of denial to the education provider that includes a description of the deficiencies found by the Board. The education provider has 60 days from the date of denial to rectify the deficiencies. If the deficiencies are not rectified within 60 days, the education provider may file a new application for instructor approval, and if so meet the requirements in place at the time a new application is submitted to the Board.

005.03 Resubmission of Instructor Approval

005.03A An education provider shall resubmit an instructor for approval if:

- (1) There is a change in the status of instructor's certification as an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation if certification is required for instructor approval,
- (2) There is a change in the instructor's qualifications as specified in Section 005.01 of this Chapter under which he or she was approved ~~by the Board~~ as an instructor for an activity,
- (3) There is a change in the status of approval of the activity by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program,
- (4) There are substantial changes to the activity materials, presentation, or policies,
- (5) The activity materials, theories, and/or methodologies are no longer current,
- (6) The activity content and/or policies are no longer communicated to the attendee(s) as ~~presented to the Board for approval~~, or
- (7) There is a change to a secondary provider's rights to the activity.

005.03B The process and requirements for resubmission of an instructor are the same as specified in Section 005.02 of this Chapter.

005.04 Expiration and Rescinding of Instructor Approval

005.04A Approval as an instructor for an activity expires on the same date the activity is no longer approved.

005.04B The Board may rescind approval of an instructor for an activity if the Board finds:

- (1) Falsification of information submitted for activity and/or instructor approval,
- (2) A change in the status of instructor's certification as an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation if certification is required for instructor approval,
- (3) A change in the instructor's qualifications, as specified in Section 005.01 of this Chapter, under which he or she was approved ~~by the Board~~ as an instructor for an activity,
- (4) A change in the status of approval of the activity by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (5) Substantial errors and/or deficiencies in the materials or presentation of activity,
- (6) The materials, theories, and/or methodologies of activity are not current and/or practical,
- (7) The activity content and/or policies are not communicated as ~~presented to the Board for approval~~,
- (8) A material violation of the Act or this Title by the education provider or instructor, or
- (9) A change to a secondary provider's rights to the activity.

005.04C

If the Board finds reason to rescind its prior approval of an instructor, the Board will provide written notice to the education provider that includes a description of reasons for rescinding approval found by the Board. The education provider has 60 days from the date of notice to provide a written response to the Board's notice. If the response is satisfactory to the Board, the Board will not rescind its prior approval. If the response is not satisfactory to the Board, the Board may rescind approval of the instructor. If approval is rescinded, the education provider may file a new application for instructor approval, and if so, meet the requirements in place at the time a new application is submitted to the Board.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

CHAPTER 7
APPRAISAL MANAGEMENT COMPANY REGISTRATION

001 APPLICATION

To qualify for registration as an appraisal management company, an applicant must comply with all of the provisions of the AMC Act and this Title relating to registration.

001.01 Any applicant for registration as an appraisal management company must:

001.01A Submit an application and required documentation on forms approved by the Board showing compliance by the applicant with all registration requirements established by the AMC Act or by this Title; and

001.01B Pay a non-refundable application fee of \$350.00.

001.02 Any application received at the Board's office considered to be incomplete will not be processed and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

001.03 ~~Any application not considered to be incomplete will be processed and reviewed by the Board. If the Board's director finds that the applicant meets the general requirements in the AMC Act and this Title, the application will be considered a completed application, and the Board may approve issuance of a registration to the applicant.~~ applicant may be issued a registration as an appraisal management company. If the Board's director finds that the applicant may not meet one or more of the requirements in the AMC Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the applicant meets the general requirements in the AMC Act and this Title, the application will be considered a completed application and registration as an appraisal management company may be issued to the applicant.

001.04 Within sixty days of approval ~~by the Board~~ that the applicant may be issued registration as an appraisal management company, and before the applicant is authorized to conduct business as an appraisal management company in this State, the applicant shall:

001.04A Pay a non-refundable initial registration fee of \$2000.00;

001.04B On a form approved by the Board, submit the following information for any AMC appraiser who has performed an appraisal of real property or real estate for the applicant in connection with a covered transaction in the State of Nebraska during the twelve-month period ending ninety days prior to the date on which ~~the board approved issuance of a registration to the applicant was~~ approved. This requirement does not apply to appraisal management services provided by the applicant exempt under N.R.S. § 76-3204:

- (1) First and last name,
- (2) Credential number,
- (3) Number of appraisals performed,
- (4) Earliest appraisal submission date, and
- (5) Latest appraisal submission date; and

001.04C Pay an annual AMC National Registry fee in the amount of \$25.00 for each AMC Appraiser reported pursuant to Section 004.01B of this Chapter.

001.05 If an applicant fails to provide the required fees as specified in Section 001.04 of this Chapter, the application will be placed before the Board for reconsideration.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- 001.06** Upon receipt of the required fees at the Board's office, the applicant will be issued:
- 001.06A** A letter notifying the organization of their status as a Nebraska registered appraisal management company; and
 - 001.06B** A wall certificate on a form approved by the Board.
- 001.07** The Board may deny an application at any time during the process if the Board finds that the applicant fails to meet the requirements in the AMC Act and/or this Title that pertain to registration. If the Board denies an application for any reason excluding the criminal history record check, the applicant may file a new application, and if so, meet the requirements in place at the time a new application is submitted to the Board.
- 001.08** If the fingerprint-based national criminal history record check result is the basis for denial, the individual is entitled to a copy of his or her national criminal history record, and an opportunity to dispute the result.
- 001.08A** In order to receive a copy of such record, the individual shall:
 - 001.08A.1** In person, complete a form approved by the Board that relieves the Board from any liability related to the release of the national criminal history record; and
 - 001.08A.2** Present a passport, driver's license, or other government-issued identification card with a photograph to be copied by the Board.
 - 001.08B** If the individual provides evidence acceptable to the Board that the fingerprint-based national criminal history record check result that was the basis for denial is incorrect, the Board may reconsider the application.
- 001.09** Every Appraisal Management Company registered in the State of Nebraska shall keep the Board informed of the organization's principal place of doing business and notify the Board in writing within ten (10) calendar days of any change of such address or telephone number.

002 RENEWAL

An applicant for renewal of an appraisal management company registration must comply with all of the provisions of the AMC Act and this Title relating to registration.

- 002.01** Any applicant for renewal of a registration as an appraisal management company must, no later than sixty days prior to the expiration of the current registration:
- 002.01A** Submit an application and required documentation on forms approved by the Board showing compliance by the applicant with all registration and renewal requirements established by the AMC Act and by this Title, which includes the following information for any AMC appraiser who has performed an appraisal of real property or real estate for the applicant in connection with a covered transaction in the State of Nebraska during the twelve-month period ending ninety days prior to the expiration date of the current registration:
 - (1) First and last name,
 - (2) Credential number,
 - (3) Number of appraisals performed,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

- (4) Earliest appraisal submission date, and
- (5) Latest appraisal submission date;

002.01B Pay a non-refundable renewal registration fee of \$1500.00; and

002.01C Pay an annual AMC National Registry fee in the amount of \$25.00 for each AMC Appraiser reported pursuant to Section 002.01A of this Chapter.

002.02 Any application received at the Board's office considered to be incomplete will not be processed and may be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

002.03 ~~Any application not considered to be incomplete will be processed and~~ if the applicant meets the general requirements in the AMC Act and this Title, the application will be considered a completed application, and the registration may be renewed by board staff. If the Board's director finds that the applicant may not meet one or more of the requirements in the AMC Act and this Title, the application shall be placed before the Board for consideration. If the Board finds that the applicant meets the general requirements in the AMC Act and this Title, the application will be considered a completed application and the registration may be renewed. Upon approval, the appraisal management company will receive a letter notifying the organization of their status as a Nebraska registered appraisal management company.

002.04 The Board may deny an application at any time during the process if the Board finds that the applicant fails to meet the requirements in the AMC Act and/or this Title that pertain to registration or renewal. If the Board denies renewal of a registration for any basis excluding the criminal history record check, the applicant may file a new application, and if so, meet the requirements in place at the time a new application is submitted to the Board.

002.05 If the fingerprint-based national criminal history record check result is the basis for denial, the individual is ~~be~~ entitled to a copy of his or her national criminal history record, and an opportunity to dispute the result.

002.05A In order to receive a copy of such record, the individual shall:

002.05A.1 In person, complete a form approved by the Board that relieves the Board from any liability related to the release of the national criminal history record, and

002.05A.2 Present a passport, driver's license, or other government-issued identification card with a photograph to be copied by the Board.

002.05B If the individual provides evidence acceptable to the Board that the fingerprint-based national criminal history record check result that was the basis for denial is incorrect, the Board may reconsider the application.

002.06 Any appraisal management company who fails to meet the renewal application requirements specified in Section 002.01 of this Chapter may be eligible for renewal of a registration if, within six months of the registration expiration date, the requirements specified in Section 002.01A through Section 002.01C of this Chapter are met and a late processing fee of \$25.00 for each month or portion of a month the renewal application requirements are not met is received at the Board's office.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002.07 Any appraisal management company who fails to meet the requirements in the AMC Act and this Title pertaining to the renewal of a registration is not eligible for renewal and may submit an application for a new registration.

002.08 Any person who continues to perform as an appraisal management company or related activities subject to the AMC Act following the date of expiration of a registration is in violation of the AMC Act and of this Title. Such person will be subject to any restrictions and penalties provided by the AMC Act or by this Title, and any application by such person for a registration shall be subject to all requirements for issuance of a new registration.

003 FEDERALLY REGULATED APPRAISAL MANAGEMENT COMPANIES

A federally regulated appraisal management company must report all information required to be submitted to the Appraisal Subcommittee pursuant to Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, the AMC final rule, and any policy or rule established by the Appraisal Subcommittee related to its operation in this state, including, but not limited to, the collection of information related to ownership.

003.01 Any federally regulated appraisal management company that does not hold a registration as an appraisal management company issued by the Board must submit the information required for the AMC National Registry on a form approved by the Board, which includes the following information for any AMC appraiser who has performed an appraisal of real property or real estate for the federally regulated appraisal management company in connection with a covered transaction in the State of Nebraska during the twelve-month period as requested on the form approved by the Board:

- (1) First and last name,
- (2) Credential number,
- (3) Number of appraisals performed,
- (4) Earliest appraisal submission date, and
- (5) Latest appraisal submission date;

003.02 Pay an annual AMC Registry fee in the amount of \$25.00 for each AMC Appraiser reported pursuant to Section 003.01 of this Chapter; and

003.03 Pay a non-refundable application fee of \$350.00.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

CHAPTER 8
INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS

001 GENERAL

- 001.01** The Board will not enter into disputes that solely concern the valuation of any property.
- 001.02** Except for those filed by the Board, all grievances shall be in writing and signed, setting forth in clear and concise language the alleged violations of the Act, AMC Act, and/or the Rules and Regulations of the Board. Any documentation in support of the alleged violations shall be included with the grievance.
- 001.03** Nothing in this Chapter limits or precludes the Board in the performance of its investigatory duties under the Act or AMC Act.
- 001.04** All disciplinary hearings for any violation of the Act, AMC Act, and/or this Title will be governed by the Administrative Procedures Act and 297 NAC 4.
- 001.05** All investigations or disciplinary actions that are not formally dismissed are published on the Board's website for a period of ten years from the date of execution of a consent agreement or the date of order resulting in disciplinary action, and reported to the Appraisal Subcommittee of the Federal Financial Institutions Examination Council as required.

002 VIOLATION OF REAL PROPERTY APPRAISER ACT

- 002.01** Any person in the State of Nebraska is subject to the procedures established by this Chapter for any alleged violations of the Act, the standards established by this Title, or of this Title. Such procedure shall not suspend or preclude any other proceedings otherwise allowed by the Act or by other law.
- 002.02** If technical assistance is required to assist with the investigation and/or hearing, the Board may contract with or use a qualified person. A member of the Board may participate in the investigation; however, no board member may vote on any matter in which he or she is appointed by his or her fellow board members to participate in an investigation. Any person in contract with the Board to provide technical assistance for an investigation reports his or her findings to the Board's investigator as requested.
- 002.03** Upon receipt of a grievance not filed by the Board, the following steps are generally followed:
- 002.03A** If applicable, the aggrieved person will be notified in writing that the grievance has been received, and provided the investigation number assigned to the grievance; and directions to follow the matter through the minutes of the Board meetings in which the grievance is discussed.
- 002.03B** The person against whom the grievance is filed will be notified in writing of the grievance and the allegations, and may be requested to:
- 002.03B.1** Submit true copies of report(s) and workfile(s), within an appropriate period of time as determined by the investigator; and/or

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002.03B.2 Answer the allegations in writing, electronically, or verbally as determined by the investigator.

002.03C The Board's investigator evaluates the grievance, along with any information obtained pursuant to Section 002.03B of this Chapter, to determine jurisdiction and make a preliminary determination as to whether any violations of the Act or this Title have been alleged. Upon conclusion of the evaluation, the investigator will make a presentation to the Board as to whether sufficient evidence exists to proceed with an investigation.

002.03D The Board reviews the evidence provided by the investigator and determines whether the allegation(s) should be dismissed, or whether the allegation(s) should be investigated.

002.03D.1 If the Board determines that the allegation(s) should be investigated, the person under investigation will be notified of the investigation and any alleged violations of the Act or this Title in writing; or

002.03D.2 If the Board determines that the allegation(s) should be dismissed, the person under investigation will be notified of dismissal in writing.

002.04 For a grievance filed by the Board, the following steps are generally followed:

002.04A The person against whom the Board is considering filing a grievance will be notified in writing of the Board's concerns, and may be requested to submit true copies of report(s) and workfile(s), along with other information, within an appropriate period of time as determined by the investigator.

002.04B The Board's investigator evaluates the matter, along with any information obtained pursuant to Section 002.04A of this Chapter, to determine jurisdiction and make a preliminary determination as to whether any violations of the Act or this Title have been alleged. Upon conclusion of the evaluation, the investigator will make a presentation to the Board as to whether sufficient evidence exists to proceed with an investigation.

002.04C The Board reviews the evidence provided by the investigator and determines whether the matter should be investigated.

002.04C.1 If the Board determines that the matter should be investigated, the Board files a grievance and notifies the person under investigation of grievance, including any alleged violations of the Act or this Title in writing; or

002.04C.2 If the Board determines that the matter should not be investigated, notice of such determination is provided to the person against whom the Board was considering filing a grievance.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

- 002.05** If the Board determines to proceed with an investigation, the following steps are generally followed:
- 002.05A** In conducting an investigation, and prior to filing a formal complaint on the grievance, the person who is under investigation may be requested to:
- 002.05A.1** Submit additional documentation within an appropriate period of time as determined by the investigator; and/or
- 002.05A.2** Provide a response to the results of one or more technical reviews, and/or provide any other information concerning the investigation, in writing, electronically, or verbally as determined by the investigator.
- 002.05B** In conducting an investigation, the aggrieved person may be requested to:
- 002.05B.1** Submit documentation and other information as requested;
- 002.05B.2** Respond to any request for information in writing, electronically, or verbally as determined by the investigator; and/or,
- 002.05B.3** Discuss the allegations with the investigator.
- 002.05C** In conducting an investigation, the investigator may interview or request information in writing, electronically, or verbally as determined by the investigator, from any other person.
- 002.05D** Upon the conclusion of an investigation, the Board's investigator may prepare an investigative report. The report includes documentation that supports the findings as needed to dismiss the allegation(s), or:
- 002.05D.1** In the case of a credential holder, file a formal complaint.
- 002.05D.2** In the case of a person not holding a credential under the Act, issue a cease and desist order or refer the investigation to the appropriate county attorney for the consideration of formal charges.
- 002.05E** The Board may offer the person an opportunity to informally discuss the alleged violation(s) before the Board or with representative(s) of the Board, request further investigation, dismiss the allegation(s), or:
- 002.05E.1** In the case of a credential holder, file a formal complaint.
- 002.05E.2** In the case of a person not holding a credential under the Act, issue a cease and desist order or refer the investigation to the appropriate county attorney for the consideration of formal charges.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002.05F If the investigation reveals that there is not good cause to believe that the person under investigation has violated the Act or this Title, or the violation(s) is/are minor in nature as determined by the Board, the matter will be dismissed, and no formal complaint will be initiated by the Board, or cease and desist order issued by the Board. Upon dismissal, the Board may issue an advisory opinion, recommend a specific education activity, request to meet with the person under investigation to discuss the matter, or make any other recommendation that the Board deems beneficial to the person under investigation.

002.05G If the investigation discloses evidence that the actions of the person under investigation constitute a violation of the Act or this Title:

002.05G.1 A formal complaint is prepared by the Board and served upon the credential holder under investigation.

002.05G.2 A cease and desist order may be prepared by the Board and served upon the non-credential holder under investigation.

002.06 The Board may enter into a consent agreement or negotiated settlement at any time during an investigation, any time before a cease and desist order is issued in the case of a person not holding a credential under the Act, or any time after filing a formal complaint for any person credentialed under the Act. Voluntary surrender or nonrenewal of a credential or education activity to avoid or expedite enforcement or disciplinary action does not preclude any enforcement action or sanction for any alleged violation. In addition, voluntary surrender or nonrenewal of a credential will prohibit the credential holder from applying for subsequent reinstatement or credentialing.

002.07 Disciplinary action taken by the Board may include but is not limited to:

- (1) Revocation of a credential or education activity,
- (2) Suspension of a credential or education activity,
- (3) Denial of any application,
- (4) Probation,
- (5) Admonishment,
- (6) Censure,
- (7) Reprimand,
- (8) Advisement,
- (9) Education,
- (10) Examination,
- (11) Real property appraisal practice ~~e~~Experience,
- (12) Limit or limitations on a credential holder or applicant, and/or upon the right to engage in real property appraisal practice~~activity~~ and trainee real property appraiser supervision,
- (13) Cease and desist order, and
- (14) Costs associated with investigation.

002.08 Pursuant to NEB. REV. STAT. § 76-2248.01, at any time during or upon completion of an investigation, whenever in the judgement of the Board, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the Act or this Title, the Board may request that Attorney General maintain an action in the name of the State of Nebraska to abate and temporarily and permanently enjoin such acts and practices and to enforce compliance with the Act or this Title.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

002.09 Supervisory Real Property Appraiser

002.09A If any report submitted to the Board by a trainee real property appraiser for verification of experience as an applicant for credentialing is found to contain Uniform Standard of Professional Appraisal Practice deficiencies, the supervisory real property appraiser is notified of the Board's concerns, and is provided a redacted copy of any technical review of the subject report completed at the request of the Board.

002.09B The supervisory real property appraiser may be requested to:

002.09B.1 Submit documentation, including but not limited to, report(s) and workfile(s);

002.09B.2 Answer the results of a technical review in writing; and/or

002.09B.3 Voluntarily and informally discuss the results of a technical review with one or more board members.

002.09C If the Board finds that there is not good cause to believe that the supervisory real property appraiser has violated the Act or the Rules and Regulations promulgated by the Board, no consideration will be given to the certified real property appraiser's future activity as a supervisory real property appraiser.

002.09D If the Board finds a probability that the actions of the supervisory real property appraiser constitute a violation of the Act or the Rules and Regulations, a written advisement may be issued, which may or may not include a recommendation for the supervisory real property appraiser to take additional action; or the Board may upon its own motion cause an investigation to be made. If the Board determines to proceed with an investigation, the steps in Section 002.05 of this Chapter are generally followed.

002.10 Education Provider

002.10A If the actions of an education provider constitute an alleged violation of the Act or this Title, the education provider is notified of the Board's concerns in writing.

002.10B The education provider may be requested to answer the allegations in writing, submit documentation as requested, and/or voluntarily and informally discuss the alleged violations with the Board or its investigator.

002.10C If the Board finds that there is not good cause to believe that the education provider has violated the Act or this Title, the education provider will be notified in writing, which may or may not include advisement.

002.10D If the Board finds a probability that the actions of the education provider constitute a violation of the Act or this Title, the Board may upon its own motion, cause an investigation to be made. If the Board determines to proceed with an investigation, the steps in Section 002.05 of this Chapter are generally followed. If applicable, the education provider is notified of the Board's intent to rescind approval of an activity and any actions that may mitigate the Board's concerns.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

003 VIOLATION OF THE AMC REGISTRATION ACT

003.01 All registered appraisal management companies and all applicants for a registration in the State of Nebraska are subject to the complaint procedures established by this Chapter for any alleged violations of the AMC Act, the standards established by this Title, or of this Title. Such procedure shall not suspend or preclude any other proceedings otherwise allowed by the AMC Act or by other law.

003.02 If technical assistance is required to assist with the investigation and/or hearing, the Board may contract with or use qualified individuals or companies. A member of the Board may participate in the investigation; however, no board member may vote on any matter in which he or she was appointed by his or her fellow board members to participate in an investigation. Any person under contract with the Board to provide technical assistance for an investigation reports his or her findings to the Board's investigator as requested.

003.03 Upon receipt of a grievance not filed by the Board, the following steps are generally followed:

003.03A If applicable, the aggrieved person is notified in writing that the grievance has been received, and provided the investigation number assigned to the grievance, and directions to follow the matter through the minutes of the Board meetings in which the grievance is discussed.

003.03B The person against whom the grievance is filed is notified in writing of the grievance and the allegations, and may be requested to answer the allegations in writing, electronically, or verbally within an appropriate period of time as determined by the investigator.

003.03C The Board's investigator evaluates the grievance, along with any information obtained pursuant to Section 003.03B of this Chapter, to determine jurisdiction and to make a preliminary determination as to whether any violations of the AMC Act or this Title have been alleged. Upon conclusion of the evaluation, the investigator will make a presentation to the Board as to whether sufficient evidence exists to proceed with an investigation.

003.03D The Board reviews the evidence provided by the investigator and determines whether the allegation(s) should be dismissed, or whether the allegation(s) should be investigated.

003.03D.1 If the Board determines that the allegations(s) should be investigated, the person under investigation is notified of the investigation and any alleged violations of the AMC Act or this Title in writing; or

003.03D.2 If the Board determines that the allegation(s) should be dismissed, the person under investigation is notified of dismissal in writing.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
August 19, 2021 Hearing Draft (Legislative)

- 003.04** For a grievance filed by the Board, the following steps are generally followed:
- 003.04A** The person against whom the Board is considering filing a grievance against is notified in writing of the Board's concerns, and may be requested to submit information within an appropriate period of time as determined by the investigator.
 - 003.04B** The Board's investigator evaluates the matter, along with any information obtained pursuant to Section 003.04A of this Chapter, to determine jurisdiction and make a preliminary determination as to whether any violations of the AMC Act or this Title have been alleged. Upon conclusion of the evaluation, the investigator will make a presentation to the Board as to whether sufficient evidence exists to proceed with an investigation.
 - 003.04C** The Board reviews the evidence provided by the investigator and determines whether the matter should be investigated.
 - 003.04C.1** If the Board determines that the matter should be investigated, the Board files a grievance and notifies the person under investigation of grievance, including any alleged violations of the AMC Act or this Title in writing; or
 - 003.04C.2** If the Board determines that the matter should not be investigated, notice of such determination is provided to the person against whom the Board was considering filing a grievance.
- 003.05** If the Board determines to proceed with an investigation, the following steps are generally followed:
- 003.05A** In conducting an investigation, and prior to filing a formal complaint on the grievance, the person who is under investigation may be requested to:
 - 003.05A.1** Submit documentation, including but not limited to, report(s) and workfile(s), ~~and appraisal review report(s) and workfiles,~~ AMC appraiser panel information, Uniform Standards of Professional Appraisal Practice compliance, AMC appraiser fees, and record of appraisal-AMC appraiser valuation services within an appropriate period of time as determined by the investigator; and/or
 - 003.05A.2** Provide any other information concerning the investigation, in writing, electronically, or verbally as determined by the investigator.
 - 003.05B** In conducting an investigation, the aggrieved person may be requested to:
 - 003.05B.1** Submit documentation as requested;
 - 003.05B.2** Respond to any request for information in writing, electronically, or verbally as determined by the investigator; and/or,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

August 19, 2021 Hearing Draft (Legislative)

003.05B.3 Discuss the allegations with the investigator.

003.05C In conducting an investigation, the investigator may interview or request information in writing, electronically, or verbally as determined by the investigator, from any other person.

003.05D Upon the conclusion of an investigation, the Board's investigator may prepare an investigative report. The report includes documentation that supports the findings as needed to dismiss the allegation(s) or file a formal complaint.

003.05E If the investigation reveals that there is not good cause to believe that the person under investigation has violated the AMC Act or this Title, or the violation(s) is/are minor in nature as determined by the Board, the matter will be dismissed and no formal complaint will be initiated by the Board. Upon dismissal, the Board may issue an advisory opinion, or recommend a specific action that the Board deems beneficial to the person under investigation.

003.05F If the investigation discloses evidence that the actions of the person under investigation constitute a violation of the AMC Act or this Title, a formal complaint may be prepared by the Board.

003.06 The Board may enter into a consent agreement or negotiated settlement at any time before or after filing a formal complaint. Voluntary surrender or nonrenewal of a registration to avoid or expedite enforcement or disciplinary action does not preclude any enforcement action or sanction for any alleged violation and will prohibit the person under investigation from applying for subsequent reinstatement or registration.

003.07 Disciplinary action taken by the Board may include but is not limited to:

- (1) Conditional or unconditional revocation,
- (2) Conditional or unconditional suspension,
- (3) Fine,
- (4) Censure,
- (5) Admonishment,
- (6) Civil penalty not to exceed five thousand dollars for a first offense and; not to exceed ten thousand dollars for a second or subsequent offenses,
- (7) Advisement,
- (8) Cease and desist order, and/or
- (9) Costs associated with investigation.

003.08 Pursuant to NEB. REV. STAT. § 76-3222, at any time during or upon completion of an investigation, whenever in the judgement of the Board, any person has engaged or is about to engage in any acts or practices which constitute or will constitute a violation of the AMC Act or this Title, the Board may request that Attorney General maintain an action in the name of the State of Nebraska to abate and temporarily and permanently enjoin such acts and practices and to enforce compliance with the AMC Act or this Title.