



Summary of Proposed Changes to Title 298 of the Nebraska Administrative Code November 17, 2022 Hearing

The Board proposes changes to chapters one through seven 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:

- Numerous changes related to the administration of the education program are made to implement the Real Property Appraiser Qualifications Criteria effective on January 1, 2022 (“2022 Criteria”), and the CAP Policies and Procedures effective on January 1, 2022 (2022 CAP”), adopted by the Appraiser Qualifications Board of The Appraisal Foundation. The definition of “correspondence education” is replaced with “distance education,” which is expanded to include “synchronous,” asynchronous,” and “hybrid.” In addition, “conference” is removed as a definition. A significant number of changes are also made to Chapter 6. The majority of these changes align the language in Chapter 6 with the 2022 Criteria and the 2022 CAP. Chapter 6 is also restructured for clarification. The “Requirements” sections for qualifying education, continuing education, and the supervisory real property appraiser and trainee course include duplicate language. The duplicated language is stricken from these sections and added to the general education section at the beginning of Chapter 6. Finally, the “Initial Application,” “Resubmission of Instructor Approval,” and “Expiration and Rescinding of Instructor Approval” sections are all stricken. The instructor qualifications remain, but the instructor is now considered a part of the education activity submission and approval (must have an instructor policy that requires the use of instructors that meet the requirements of Chapter 6). This change aligns with the reference to instructors in the AQB CAP Policies and Procedures.
- LB707, approved by Governor Ricketts on April 18, 2022, updated the Nebraska Real Property Appraiser Act to implement the Real Property Appraiser Qualifications Criteria (“2021 Criteria”) adopted by The Appraisal Foundation’s Appraiser Qualifications Board, effective on January 1, 2021; and to maintain compliance with Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (“Title XI”) 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 LB707. Specifically, the requirements for acceptance of PAREA, which includes how credit is awarded based on what PAREA program is completed by the applicant. Finally, the requirement that a temporary credential applicant provide a completion date is stricken.

- It is the Board's priority to reduce unnecessary regulatory burden and remove barriers to entry into the real property appraiser profession. The following changes address this very issue: The use of the synchronous (livestream) and hybrid (online and livestream) education delivery mechanisms for real property appraiser qualifying and continuing education is expanded; the acceptance of education completed in another jurisdiction is expanded by allowing for education offerings to meet the minimums established in the Real Property Appraiser Qualifications Criteria only, and by allowing distance education to be accepted if approved by any jurisdiction in which an applicant or real property appraiser holds a credential as verified through the Appraiser Registry of The Appraisal Subcommittee instead of their jurisdiction of residency only; the requirements for acceptance of PAREA are established; the review and approval procedures are updated to allow the Board's director to approve new applications for licensed and certified real property appraisers who apply through education, experience, and examination when minimum requirements are met and no extenuating circumstances exists requiring Board expertise; the requirement that no more than 50% of real property appraisal practice experience be obtained for work without a traditional client is removed in accordance with the 2022 Criteria; and education providers are no longer required to submit evidence of an education activity being AQB CAP approved, or an instructor being an AQB Certified USPAP Instructor when required.
- 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 following specific changes are made for one or more of the above reasons: The practicum course language is incorporated into the language that pertains to non-traditional experience, which is also expanded to better align with the actual language utilized in the Real Property Appraiser Qualifications Criteria; many of the aggregate maximum of 25% experience items are stricken as the Real Property Appraiser Qualifications Criteria specifically states that experience must be in appraisal work conforming to USPAP standards 1-6; the language "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 real property appraisal practice" is also stricken as such experience would be in conflict with the Real Property Appraiser Qualifications Criteria; "or" is stricken and replaced with "and" as the requirements in all three sections must be met for the application to be considered a completed application for a real property appraiser credential to be awarded by reciprocity; "prior to" is stricken and "by" is added as evidence of completion of the 7-hour National Uniform Standards of Professional Appraisal Practice Update course may be submitted on December 31; "applicant" is stricken and "real property appraiser" is added to better clarify that Chapter 4, § 001.10C, which pertains to continuing education requirements, is relevant to those that already hold a credential; "August 31" is stricken, and "June 30" is added in Chapter 4, § 002.01, to reflect current practice for when a credential holder will be notified of selection for a random criminal history record check; and the fee name is updated to "continuing education activity renewal application fee" in Chapter 4, § 003.04A.2 to harmonize this fee name with that in the Real Property Appraiser Act.

- Pursuant to Title XI, the Appraisal Subcommittee of the Federal Financial Institutions Examination Council (“ASC”) monitors each State’s appraiser and AMC regulatory programs to ensure the State: Recognizes and enforces the standards, requirements, and procedures prescribed by Title XI; has adequate authority to permit it to carry out its Title XI related functions; and makes decisions concerning appraisal standards, appraiser qualifications and supervision of appraiser practices consistent with Title XI. The ASC performed an State Off-Site Assessment (“SOA”) of the State of Nebraska Appraiser Regulatory Program and AMC Regulatory Program in February of 2022. The ASC observed that the information collected for Federally Regulated AMCs is beyond the authority of the AMC Rule and Revised Bulletin 2017 -01 issued April 16, 2018. The collection of this information is removed as requested by the ASC. The ASC also recommended that all references to the federal registries use the current names, “Appraiser Registry” and “AMC Registry.” All references throughout Title 298 are updated.
- The proposed changes to Title 298 include no fee changes and will have no fiscal impact on credential/registration holders and other political subdivisions.

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

- “Attendee” is stricken and “student” is added in Chapter 1, § 001.04 to better align with the language in the Real Property Appraiser Qualifications Criteria and the CAP Policies and Procedures (page 1).
- The definition “conference” is stricken (page 1) in Chapter 1 as “this type of education activity may be classified as “classroom” or “distance education,” which better aligns with the 2022 Criteria and CAP Policies and Procedures language.
- “Except for appraisal subject matter electives” is stricken and “Core curriculum does not include appraisal subject matter electives” is added in Chapter 1, § 001.07 for better clarity (page 1).
- The definition “correspondence education” is stricken (page 1) as “distance education” is the new definition utilized for an education activity previously considered to be “correspondence education”. This change is applied throughout.
- The definition “online education” is stricken, and “distance education” is added, which is expanded to include “synchronous,” “asynchronous,” and “hybrid” is added in Chapter 1, § 001.08 to align the language with the 2022 Criteria (page 2). This change is applied throughout.
- The definition “real property appraiser-in-charge” is added in Chapter 1, § 001.11 for clarification of the real property appraiser responsible for real property appraisal practice assistance provided by an applicant in the case of a licensed residential real property appraiser or certified residential real property appraiser obtaining real property appraisal practice experience outside of the scope of practice of their current classification.

- Chapter 2, § 001.01D (page 6), Chapter 2, § 001.06 (page 12), Chapter 4, § 001.10 (pages 30-31) are amended to allow for classroom and distance education activities completed in another jurisdiction to meet or exceed the requirements for approval as established in the Real Property Appraiser Qualifications Criteria adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation in lieu of Chapter 6 of Title 298 for credit to be awarded, and that distance education activities completed in another jurisdiction are approved by a jurisdiction in which the applicant is credentialed as verified through the Appraiser Registry of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council along with the jurisdiction of residency (jurisdiction of residency is current requirement). These changes open up the number of qualified education activities allowed, particularly for synchronous or hybrid education activities, reducing regulatory burden on applicants and credential holders.
- Chapter 2, § 002.01 (page 13) is amended to add “certified general real property appraiser” as a credential for obtaining real property appraisal experience in the State of Nebraska or as a resident of Nebraska. If a certified general real property appraiser were to allow his or her credential to lapse, he or she would need to re-apply for credentialing and meet all of the current requirements in place. Currently, Title 298 is not clear as to what experience is acceptable for inclusion on a real property appraisal practice experience log under this circumstance. Adding “certified general real property appraiser” allows a certified general real property appraiser the same option as a licensed residential real property appraiser or a certified residential real property appraiser for reporting and submitting real property appraisal practice experience. The language, “This Section does not apply to participation in a PAREA program” is also added as participation in a PAREA program is not considered to be engaging in real property appraisal practice for experience credit.
- Chapter 2, §§ 002.03 (page 13), 002.04 (page 13), 002.07 (page 14), 002.11 (page 16), 002.12A (page 16), 002.12C (page 17), 002.14 (page 17) are amended to reflect that the Board may not review an applicant’s real property appraisal practice experience for determination of acceptability. These changes are related to the review and approval procedures that provide for a committee review of an applicant’s real property appraisal practice experience, and allow the Board’s director to approve new applications for licensed and certified real property appraisers who apply through education, experience, and examination when minimum requirements are met and no extenuating circumstances exists requiring Board expertise.
- Chapter 2, §§ 002.04 (page 13), 002.05 (page 13), 002.09A (page 15) are amended to clarify that the requirements for the significant real property appraisal practice assistance, acceptable real property appraisal experience hours, and the real property appraisal practice experience log apply to licensed residential real property appraisers or certified residential real property appraisers obtaining real property appraisal practice experience outside of the scope of practice of their current classification for upgrading to a higher classification.
- “Or” is stricken after “and” and “the” is added in its place to clarify that both the supervisory real property appraiser or the real property appraiser-in-charge and the applicant verify that said real property appraisal practice experience is compliant with the Uniform Standards of Professional Appraisal Practice in Chapter 2, §§ 002.05 (page 13).

- Chapter 2, § 002.06 (page 14) is amended to strike the language requiring that real property appraisal practice experience gained for work without a traditional client cannot exceed 50% of the total real property appraisal practice experience requirement in accordance with the 2022 Criteria. In addition, language is added to allow for a practicum course approved by The Appraisal Foundation’s Appraiser Qualifications Board’s Course Approval Program as meeting the requirement for non-traditional client real property appraisal practice experience. This language aligns with the 2022 Criteria.
- In Chapter 2, § 002.07 (page 14), “Highest and best use,” “ad valorem tax appraisal,” and “feasibility analysis or study” are stricken from the aggregate maximum of 25% of acceptable experience items as the Real Property Appraiser Qualifications Criteria specifically states, “An applicant’s experience must be in appraisal work conforming to Standards 1, 2, 3, 4, 5, and/or 6, where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), and reporting conclusions.” “Practicum course of study adhering to AQB guidelines” is also stricken and reintroduced in Chapter 2, § 002.06.
- Chapter 2, § 002.08 (stricken) (page 14) is stricken. The 50% non-traditional real property appraisal experience requirement is stricken. The language, “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 real property appraisal practice” is stricken as the Real Property Appraiser Qualifications Criteria specifically states, “An applicant’s experience must be in appraisal work conforming to Standards 1, 2, 3, 4, 5, and/or 6, where the appraiser demonstrates proficiency in appraisal principles, methodology, procedures (development), and reporting conclusions.” There is no experience that would qualify under the above language that is also compliant with the Real Property Appraiser Qualifications Criteria.
- Chapter 2, § 002.08 (added) (page 14-15) harmonizes Title 298 with the LB707 changes to establish the requirements for PAREA to be accepted by the Board, which includes how credit is awarded based on what PAREA program is completed by the applicant. This language aligns with the Real Property Appraiser Qualifications Criteria.
- Chapter 2 § 002.11 (page 16) is amended to reflect that the Board may not review an applicant’s real property appraisal practice experience hours for determination of acceptability. These changes are related to the review and approval procedures that provide for a committee review of an applicant’s real property appraisal practice experience, and allow the Board’s director to approve new applications for licensed and certified real property appraisers who apply through education, experience, and examination when minimum requirements are met and no extenuating circumstances exist requiring Board expertise.
- Chapter 2 § 002.12 (page 16) is amended to move, “If the real property appraisal practice experience log submitted by the applicant is accepted” to provide for better clarification of the process utilized for review of an applicant’s real property appraisal practice experience.
- Chapter 2 § 002.12A (page 16) is amended to add the language, “will be selected” which was stricken from Section 002.12 related to the previously mentioned change.

- Chapter 2 § 002.12A.2 (page 16) are amended to strike the language, “by the Board’s staff” as this language is unnecessary and inconsistent with the language used throughout Section 002.
- Chapter 2 § 002.13 (page 17) is added to allow for a committee review of an applicant’s real property appraisal practice experience if it is determined by the Director that any appraisal review assignment results are found to be null or insignificant.
- Chapter 2 § 002.14 (page 17) is amended to strike, “applicable” before “real property appraisal practice experience requirements” and “it will notify” after the same language, and add “will be notified” after “the applicant” to provide for better clarification of the process utilized for review of an applicant’s real property appraisal practice experience.
- Chapter 2 § 002.15 (page 19) is added to move, “Verification of the applicant’s real property appraisal practice experience may be obtained from other persons as needed” from the stricken Section 002.16, and “the applicant may be required to submit additional details, reports or file memoranda” from Section 002.12C, to provide for better clarification of the process utilized for review of an applicant’s real property appraisal practice experience.
- Chapter 2 § 002.16 (page 19) is amended to strike, “the Board will consider” before “all information received,” and add “will be considered” after the same language to provide for better clarification of the process utilized for review of an applicant’s real property appraisal practice experience.
- Chapter 2, §§ 003.03 (page 20), 003.05 (page 20), 004.02D (page 24) are amended to reflect that the Board may not approve the applicant to sit for examination. These changes are related to the review and approval procedures that allow the Board’s director to approve new applications for licensed and certified real property appraisers who apply through education, experience, and examination when minimum requirements are met and no extenuating circumstances exists requiring Board expertise.
- Chapter 2, §§ 004.02C (page 23), 004.02D (page 24), 004.02E (page 24), 004.02F (page 24) are amended to reflect that the Board may not approve the application. These changes are related to the review and approval procedures that allow the Board’s director to approve new applications for licensed and certified real property appraisers who apply through education, experience, and examination when minimum requirements are met and no extenuating circumstances exists requiring Board expertise.
- During its SOA, the ASC recommended that all references to the federal registries use the current names, “Appraiser Registry” and “AMC Registry.” These references are updated in Chapter 2, §§ 004.02F (page 24), 004.02H (page 24), Chapter 3 §§ 001.06 (page 27), 001.08 (page 27), Chapter 4 § 003.02C (page 32), Chapter 6 § 004.03E(3) (page 56), Chapter 7 §§ 001.04C (page 66), 002.01C (page 68).
- “Or” is stricken and replaced with “and” as the requirements in all three sections must be met for the application to be considered a completed application for a real property appraiser credential to be awarded by reciprocity in Chapter 3, § 001.04 (page 26).
- “And completion date” is stricken from Chapter 3, § 002.01B, which harmonizes the temporary credential requirements with the changes made in LB707 (page 28).

- In Chapter 4, § 001.01 (page 29), “prior to” is stricken and “by” is added as evidence of completion of the 7-hour National Uniform Standards of Professional Appraisal Practice Update course may be submitted on December 31.
- “Applicant” is stricken and “real property appraiser” is added to better clarify that continuing education requirements are relevant to those that already hold a credential in Chapter 4, § 001.10C (page 31).
- In Chapter 4, § 002.01 (page 31), “August 31” is stricken, and “June 30” is added to reflect current practice for when a credential holder will be notified of selection for a random criminal history record check.
- In Chapter 5, § 001 (page 34), “Made to the Board” is stricken and “approved” is added after “date of application was” for better clarification and to reflect current practices.
- The language, “The expiration date of any continuing education activity will remain the same as approved under the previous education provider” is added in Chapter 6, § 001.03 (page 36) for better clarification.
- Chapter 6, §§ 001.07 (page 36), 001.08 (page 36), 001.11 (page 36), 001.12 (page 37), 001.13 (page 37), 001.14 (page 37) are added to Section 001, “General” education, and stricken from Section 002.01 (pages 39-40), “Requirements” under “Qualifying Education,” 003.01A (pages 46-47), “Requirements” under “Continuing Education,” and Section 004.01 (pages 53-54), “Requirements” under “Supervisory Real Property Appraiser and Trainee Course.” This language is moved to eliminate repeated language and to consolidate the general education requirements in one area.
- Chapter 6, § 001.09 (page 36) is added to Section 001, “General” education, and stricken from Section 002.01K (pages 40), “Requirements” under “Qualifying Education.” This language is moved to align the language with the AQB CAP Policies and Procedures in which this language applies to all education.
- Distance education requirements found in Chapter 6, § 001.15 (pages 37-39) are amended to align the language with the 2022 Criteria and the 2022 CAP requirements to incorporate the requirements for distance education components and delivery mechanism approval.
- “Real property appraiser and client” is added before “communication” in Chapter 6, § 002.01B (page 39) due to ASC Policy Manager observation that this language is too vague.
- Chapter 6, §§ 002.02A2 (pages 40-43), 003.02A.2 (pages 47-50), 004.04A.2 (pages 57-59) are amended to align the language with the 2022 CAP requirements for education activity submission and approval.
- Chapter 6, §§ 002.02B.1 (page 43), 003.02B.1 (pages 50) are amended to allow an activity identified by the education provider as approved by the AQB of The Appraisal Foundation through its CAP program for qualifying and continuing education be verified by staff as such through The Appraisal Foundation’s AQB Approved Courses list found on its website instead of the education provider including evidence of AQB CAP approval with the application. This removes an unnecessary burden placed on education providers.

- Chapter 6, §§ 002.02B.2 (page 43), 003.02B.2 (page 50), 004.04B.1 (page 60) are amended to allow that certification of an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation be verified through The Appraisal Foundation's Find an AQB Certified USPAP Instructor found on its website for education activities requiring the use of a AQB Certified USPAP Instructor. This removes an unnecessary burden placed on education providers.
- The "Resubmission of Approved Activity" language in Chapter 6, §§ 002.03A (page 44), 003.03A (page 51), 004.05A (page 60) is amended to harmonize the reasons for resubmission with the changes made to qualifying education activities, continuing education activities, supervisory real property appraiser and trainee courses, and instructors.
- The "Resending Approval" language in Chapter 6, §§ 002.04A (page 45), 003.04B (page 52), 004.06A (page 61) is amended to harmonize the reasons for rescinding of approval with the changes made to qualifying education activities, continuing education activities, supervisory real property appraiser and trainee courses, and instructors.
- In Chapter 6, § 003.04A.2 (page 52), "Renewal" is stricken after "application" and before "fee," and "renewal" is added before "application" to use the correct language for this fee as established in Neb. Rev. Stat. § 76-2241.
- Chapter 6, § 005 (pages 62-65) is restructured to consolidate the instructor requirements for clarity, and to strike all "Initial Application," "Resubmission of Instructor Approval," and "Expiration and Rescinding of Instructor Approval" language to align the language with the AQB CAP Policies and Procedures and remove an unnecessary burden placed on education providers. The instructor(s) for an education activity will be identified on the education provider's application submitted for approval of the activity. Such identification must include first name, last name, email address, and phone number, and state the instructor's qualification as specified in Section 005.01 of this Chapter. An education provider must have a written instructor qualifications policy that requires the use of instructors who meet the requirement of the Act and Section 005.
- During its SOA, the ASC noted that information required of Federally Regulated AMCs that is beyond the authority of the AMC Rule and Revised Bulletin 2017 -01 issued April 16, 2018. The ASC recommended that the reporting requirements concerning AMC appraisers for federally regulated AMCs be removed from Title 298. The language identifying the information is stricken in Chapter 7, § 003.01 (page 69).
- During its SOA, the ASC noted that the AMC Rule requires states to collect federally regulated AMC information to be reported through the AMC Registry. "Non-refundable application fee" is changed to "reporting form processing fee" in 298 NAC Chapter 7, § 003.03 for federally regulated AMCs to more accurately reflect the reporting process (page 69).



**Title 298 November 17, 2022 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, November 17, 2022 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 maintain compliance with Title XI of the federal Financial Institutions Reform, Recovery, and Enforcement Act of 1989; harmonize Title 298 with the changes made to the Nebraska Real Property Appraiser Act through LB707 in 2022; reduce unnecessary regulatory burden and remove barriers to entry into the real property appraiser profession; include general updates for better clarification and administration; and include updates concerning the administration of the education program to implement the Real Property Appraiser Qualifications Criteria effective on January 1, 2022 and the AQB Course Approval Program Policies and Procedures effective on January 1, 2022, as adopted by the Appraiser Qualifications Board of The Appraisal Foundation.

The proposed changes to Title 298 will have no fiscal impact on credential/registration holders, the public, or other political subdivisions.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 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 studentattendee(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**~~ **001.05** 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~~

~~**001.06** 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. Core curriculum does not include appraisal subject matter electives.~~

~~**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

November 17, 2022 Hearing Draft (Legislative)

- ~~001.09~~001.07 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.
- ~~001.01~~001.08 Distance education means any activity based on the geographical separation of student and instructor. Components of distance education include synchronous, asynchronous, and hybrid.
- ~~Online education means any activity delivered over the internet that does not require a person to be engaged at a specific time.~~
- 001.08A Synchronous means the instructor and students interact simultaneously online, similar to a phone call, video chat or live webinar, or web-based meeting.
- 001.08B Asynchronous means the instructor and student interaction is non-simultaneous; the student progresses at his or her own pace and follows a structured content and quiz/exam schedule.
- 001.08C Hybrid means the learning environment allows for classroom, synchronous, and/or asynchronous interaction.
- ~~001.11~~001.09 Qualifying education means any real property appraisal practice related education activity creditable towards obtaining a credential as a real property appraiser.
- ~~001.12~~001.10 Secondary provider means any education provider that purchases rights to, or otherwise lawfully acquires from another education provider, activity materials to deliver.
- 001.11 Real property appraiser-in-charge means the real property appraiser engaged in real property appraisal practice within the scope of practice for his or her classification, responsible for the significant real property appraisal practice assistance provided by an applicant in the case of a licensed residential real property appraiser or certified residential real property appraiser obtaining real property appraisal practice experience outside of the scope of practice of their current classification.
- ~~001.13~~001.12 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 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 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- 005** No advertisement by a credential holder in the State of Nebraska may use a name of a credential holder, classification of credentialing, or 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.
- 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 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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.

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).

013.02 Any applicant for the preliminary criminal history review must submit:

013.02A An application on a form approved by the Board;

013.02B 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;

013.02C 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

013.02D 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

November 17, 2022 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 **b**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 degree 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, 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

November 17, 2022 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 classroom education supervisory real property appraiser and trainee course completed in another jurisdiction if, at the time that the supervisory real property appraiser and trainee course was completed, the course:

001.01D.1a ~~The course was~~ Is 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 m~~ Meets or exceeds the requirements for approval as a supervisory real property appraiser and trainee course as established in the Real Property Appraiser Qualifications Criteria adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation outlined in Chapter 6 of this Title.

001.01D.2 The Board may accept a distance education ~~online or correspondence~~ supervisory real property appraiser and trainee course completed in another jurisdiction if, at the time the supervisory real property appraiser and trainee course was completed, the course:

001.01D.2a ~~The activity was~~ Is approved as a supervisory real property appraiser and trainee course by the jurisdiction in which the applicant ~~or credential holder was~~ is a legal resident ~~at the time the course was completed,~~ or is approved as a supervisory real property appraiser and trainee course by a jurisdiction in which the applicant is credentialed as verified through the Appraiser Registry of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council; and

001.01D.2b ~~The supervisory real property appraiser and trainee course m~~ Meets or exceeds the requirements for approval as a supervisory real property appraiser and trainee course as established in the Real Property Appraiser Qualifications Criteria adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation. outlined in Chapter 6 of this Title.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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.

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 degree 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 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 degree 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,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- (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.

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 degree 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

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 degree 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,
- (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 degree 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

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- (3) 20 hours of appraisal subject matter electives.

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 degree 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 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 degree 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,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- (2) 30 hours of general appraiser site valuation and cost approach,
- (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 degree 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 degree 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

November 17, 2022 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 degree 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, t~~The Board may accept a classroom education qualifying education activity completed in another jurisdiction if, at the time the activity was completed, the qualifying education activity:

001.06A.1 ~~Is 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 ~~M~~The ~~qualifying education activity~~ meets or exceeds the requirements for approval as a qualifying education activity as established in the Real Property Appraiser Qualifications Criteria adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation outlined in Chapter 6 of this Title.

001.06B The Board may accept ~~an online or correspondence~~ distance education qualifying education activity completed in another jurisdiction if, at the time the activity was completed, the qualifying education activity:

001.06B.1 ~~I~~The ~~activity s~~was approved as qualifying education by the jurisdiction in which the applicant ~~credentialed holder~~ is was a legal resident ~~at the time the activity was completed, or is~~ approved as qualifying education by a jurisdiction in which the applicant is credentialed as verified through the Appraiser Registry of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council; and

001.06B.2 ~~M~~The ~~qualifying education activity~~ meets or exceeds the requirements for approval as qualifying education activity as established in the Real Property Appraiser Qualifications Criteria adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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.

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,~~ or certified general real property appraiser. This Section does not apply to participation in a PAREA program.

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, 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 signature of the supervisory real property appraiser in the case that the applicant is a trainee real property appraiser's signature if applicable, or the real property appraiser-in-charge in the case that the applicant is a licensed residential real property appraiser or a certified residential real property appraiser if applicable, to the appraisal certification; or the applicant must be given attribution in the assignment results report, which 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 ~~the/or~~ supervisory real property appraiser in the case that the applicant is a trainee real property appraiser, or the real property appraiser-in-charge in the case that the applicant is a licensed residential real property appraiser or a certified residential real property appraiser if applicable, verifies that said real property appraisal practice experience is compliant with the Uniform Standards of Professional Appraisal Practice.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 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. A practicum course approved by The Appraisal Foundation's Appraiser Qualifications Board's Course Approval Program may satisfy the non-traditional client real property appraisal practice experience requirement. Experience credit shall be granted for the actual classroom hours of instruction and hours of documented research and analysis as awarded from the practicum course approval process.~~

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,~~
- ~~(5)(2) appraisal review,~~
- ~~(6) practicum courses of study adhering to AQB guidelines,~~
- ~~(7)(3) appraisal consulting analysis, or~~
- ~~(8)(4) restricted appraisal reports.~~

~~**002.08** 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. 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 real property appraisal practice.~~

~~**002.08** Pursuant to NEB. REV. STAT. §§ 76-2230 (1)(d), 76-2231.01 (1)(e), and 76-2232 (1)(e), an applicant for the licensed residential, certified residential, or certified general real property appraiser credential may provide a document of completion evidencing the successful completion of a PAREA program.~~

~~**002.08A** A document evidencing the successful completion of a PAREA program must include the name of PAREA program provider, evidence that PAREA program is approved by the Appraiser Qualifications Board, indicate that the type of PAREA program completed is either the licensed residential or the certified residential program, the name of the applicant, and a statement that the applicant successfully completed the PAREA program.~~

~~**002.08B** Except for hours of experience required to be in nonresidential appraisal work in NEB. REV. STAT. § 76-2232 (1)(e)(i), the following real property appraisal practice experience credit will be awarded for the successful completion of a PAREA program:~~

~~**002.08B.1** For a licensed residential PAREA program, 100% of hours of experience required in NEB. REV. STAT. § 76-2230 (1)(d)(i); 67% of the hours of experience required in NEB. REV. STAT. § 76-2231.01 (1)(e)(i); and 33% of the hours of experience required in NEB. REV. STAT. § 76-2232 (1)(e)(i).~~

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

002.08B.2 For a certified residential PAREA program, 100% of hours of experience required in NEB. REV. STAT. § 76-2230 (1)(d)(i); 100% of the hours of experience required in NEB. REV. STAT. § 76-2231.01 (1)(e)(i); and 50% of the hours of experience required in NEB. REV. STAT. § 76-2232 (1)(e)(i).

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.

~~002.09~~**002.09A** The real property appraisal practice experience must be in chronological order on the log, and include an applicant signature, and the signature of the supervisory real property appraiser in the case that the applicant is a trainee real property appraiser, or the signature of the real property appraiser-in-charge in the case that the applicant is a licensed residential real property appraiser or certified residential real property appraiser~~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 report was signed,
- (2) Name of client and property identification, which includes a legal description or address,
- (3) Description of real property appraisal practice as performed by the applicant,
- (4) Scope of supervisory real property appraiser review ~~if applicable, in the case that the applicant is a trainee real property appraiser, or the scope of review of the real property appraiser-in-charge in the case that the applicant is a licensed residential real property appraiser or certified residential real property appraiser if applicable,~~
- (5) Type of property,
- (6) Type of report,
- (7) Approaches to value utilized,
- (8) Verification that assignment results are compliant with the Uniform Standards of Professional Appraisal Practice,
- (9) Verification that the assignment results report was for a traditional client or non-traditional client, and
- (10) Number of hours worked by the applicant, and supervisory real property appraiser or real property appraiser-in-charge if applicable.

~~002.10~~**002.09B** 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~002.11~~002.09C 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 for an 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~~002.10 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.

~~002.13~~002.11 Pursuant to NEB. REV. STAT. §§ 76-2230 (1)(d)(~~i~~), 76-2231.01 (1)(e)(~~i~~), and 76-2232 (1)(e)(~~i~~), ~~the Board will consider~~ the aggregate number of real property appraisal practice experience hours considered for evaluation includes those hours reported on each real property appraisal practice experience log submitted by the applicant beginning ~~at~~ the log entry indicating the earliest date on which real property appraisal practice experience was obtained and ending on the date the application for credentialing as a licensed residential, certified residential, or certified general real property appraiser was signed by the applicant.

~~002.14~~002.12 ~~If the real property appraisal practice experience log submitted by the applicant is accepted, 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~~

002.12A ~~A~~ a minimum of three reports will be selected 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~~002.12A.1 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~~002.12A.2 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~002.14~~002.12A.3 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~~002.12B 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~~002.12C ~~To assist the Board with its evaluation of the applicant's real property appraisal practice experience, a~~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.~~

002.13 ~~Upon the receipt of appraisal review assignment results provided by one or more third party certified real property appraisers under contract with the Board, and the findings of the appraisal review assignment results are found to be null or insignificant by the director, an applicant's real property appraisal practice experience will be reviewed by a subcommittee consisting of two board members established by the director for determination as to whether the applicant's real property appraisal practice experience is acceptable in accordance with the Act and this Chapter.~~

002.13A ~~If the subcommittee finds that the applicant's real property appraisal practice experience meets the requirements of the Act and this Chapter, the subcommittee will notify the director of its decision. The subcommittee may authorize the director to notify the applicant of any appraisal review assignment results and issue a written advisory regarding any appraisal review assignment results.~~

002.13B ~~If the subcommittee finds that the applicant may not meet one or more of the requirements of the Act or this Chapter, the application shall be placed before the Board for consideration.~~

~~002.17~~ ~~Verification of the applicant's real property appraisal practice experience may be obtained from other persons as needed~~

~~002.18~~002.14 If the Board determines an applicant may not meet the ~~applicable~~ real property appraisal practice experience requirements, ~~it will notify~~ the applicant will be notified 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.

~~002.18A~~002.14A 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~002.18A.1~~002.14A.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~~002.14A.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 log requested by the Board to qualify the real property appraisal practice experience. If the Board selects any additional report(s) from a supplemental log:

~~002.18A.2a~~002.14A.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~~002.14A.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~~002.14A.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~~002.14A.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

November 17, 2022 Hearing Draft (Legislative)

~~002.18A.3b~~002.14A.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~~002.14B 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.

002.15 Verification of the applicant's real property appraisal practice experience may be obtained from other persons as needed, and the applicant may be required to submit additional details, reports or file memoranda.

~~002.19~~002.16 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 will be considered, 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, or 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- 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.
- 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

004.01C If 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 trainee real property appraiser,
- (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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- 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.
- 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** 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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.

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.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, or 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 the Board's director finds that the applicant meets the general, education, and experience requirements in the Act and this Title, the applicant may be Board ~~may~~ approved the applicant to sit for the National Uniform Licensing and Certification Examination ~~examination~~. 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 applicant may be approved to sit for the National Uniform Licensing and Certification Examination.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 the applicant is approved for issuance of a credential as a licensed residential, certified residential, or certified general real property appraiser 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 licensed residential, certified residential, or certified general real property appraiser, 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 licensed residential, certified residential, or certified general real property appraiser, 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 Appraiser 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.

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 real property appraiser, and that his or her credential will be entered into the Appraisal Subcommittee's National Appraiser 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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

November 17, 2022 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, or 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 the Board's director finds that the applicant:

001.03A Meets the requirements in the Act and this Title;

001.03B The requirements of the applicant's jurisdiction of practice meet or exceed the minimum requirements of the Real Property Appraiser Qualification Criteria adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation; and

001.03C The 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.

001.04 If the Board's director finds that the applicant may not meet one or more of the requirements specified in Section 001.03A, 001.03B, or 001.03C 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 001.03A, 001.03B, ~~and~~ 001.03C of this Chapter, the application will be considered a completed application and a credential may be issued to the applicant.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- 001.05** Within thirty days of approval that the applicant may be issued a credential as a licensed residential, certified residential, or certified general real property appraiser, 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.
- 001.06** Within thirty days of approval that the applicant may be issued a credential as a licensed residential, certified residential, or certified general real property appraiser, 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 Appraiser Registry fee of \$40.00 before the applicant is authorized to act as a real property appraiser in this State.
- 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 ~~re~~consideration.
- 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 real property appraiser, and that his or her credential will be entered into the Appraisal Subcommittee's National Appraiser 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:
- 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 CREDENTIAL

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 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 a 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 his or her 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.

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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 ~~by~~^{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 toward 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.

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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 The Board may accept a classroom education continuing education activity completed in another jurisdiction if, at the time the activity was completed, the continuing education activity:

001.10A.1 ~~Is The activity was~~ approved as classroom continuing education by the jurisdiction in which it was completed ~~at the time the activity was completed~~; and

001.10A.2 ~~MThe continuing education activity meets or exceeds the requirements for approval as a~~ continuing education activity as established in the Real Property Appraiser Qualifications Criteria adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation outlined in Chapter 6 of this Title.

001.10B The Board may accept a distance education ~~n-online or correspondence~~ continuing education activity completed in another jurisdiction if, at the time the activity was completed, the continuing education activity:

001.10B.1 ~~Is The activity was~~ approved as distance education for continuing education by the jurisdiction in which the credential holder ~~is~~ was a legal resident, ~~or is approved as continuing education by a jurisdiction in which the real property appraiser is credentialed as verified through the Appraiser Registry of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council~~ at the time the activity was completed; and

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

001.10B.2 ~~M~~The continuing education activity meets or exceeds the requirements for approval as continuing education activity as established in the Real Property Appraiser Qualifications Criteria adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation outlined in Chapter 6 of this Title.

001.10C If the ~~real property appraiser applicant~~ submits a continuing education activity completed in another jurisdiction for consideration of acceptance by the Board, the ~~real property appraiser 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 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 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 ~~June~~August 30~~1~~ 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:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- 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.
- 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 Appraiser 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 renewal application post-marked before November 30 will be reviewed by the Board's staff. 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 his or her status as a Nebraska 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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:

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

November 17, 2022 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 ~~approved~~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

November 17, 2022 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

November 17, 2022 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 the activity is being conducted in accordance with the Act and this Title as approved.
- 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 the activity and/or instructor(s) meet the requirements of the Act and this Title as approved.
- 001.03** 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. The expiration date of any continuing education activity will remain the same as approved under the previous 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** All activities shall contain current material, theory, methodologies, and Uniform Standards of Professional Appraisal Practice requirements. Activities that include Uniform Standards of Professional Appraisal Practice citations and references must be updated as necessary to reflect changes in the Uniform Standards of Professional Appraisal Practice.
- 001.08** All activities shall be conducted in conformance with the materials, presentation methodologies, and policies as approved.
- 001.09** No 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 activities must contain sufficient stand-alone instructional materials supporting the specific activity learning objectives.
- 001.10** Fifty minutes engaged in instruction equals one hour for a qualifying education all activities. The prescribed number of activity hours includes time for examinations.
- 001.11** Except for qualifying education included as curriculum in a degree 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, one semester credit hour received from an accredited college or university equals fifteen classroom hours of instruction.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

001.12 A document certifying completion will be issued to each attendee upon completion of any 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, location at which activity was conducted or presentation method, date(s) 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, the number of credit hours awarded, and the name of the attendee.

001.13 Education providers shall maintain a record of attendance for each activity for a period of at least five years.

001.14 Secondary providers shall obtain written evidence that the rights to an activity have been purchased or lawfully acquired from the education provider that owns rights to activity materials.

001.07001.15 Distance Education ~~Online and Correspondence~~ Activities

001.15A A distance education activity approved as qualifying education must include a written, closed-book final examination. The examination must be proctored in person or remotely proctored by an official approved by the education provider. Bio-metric proctoring is acceptable. The examination may be written on paper or administered electronically on a computer workstation or other device. Oral exams are not acceptable.

001.15B An asynchronous distance education activity, or a hybrid distance education activity in which the learning environment includes asynchronous interaction, approved as continuing education, must include at least one of the following:

001.15B.1 A written examination proctored by an official approved by the education provider. Remote proctoring, including bio-metric procedures, is acceptable. The examination may be written on paper, or administered electronically on a computer workstation or other device. Oral exams are not acceptable; or

001.15B.2 Successful completion of prescribed activity mechanisms required to demonstrate knowledge of the subject matter.

001.15C During evaluation, and at any time a distance education activity is offered to the public, electronic access is required to be provided to the Board at the Board's request. The electronic access must provide administrative rights that allow for access to the activity, quizzes, and examinations without having to take the distance education activity in sequential order and without having to take quizzes or examinations to proceed with the activity.

001.15D All website links must be valid and active for a distance education activity at the time such activity is offered to the public.

001.15E At the Board's request, a transcript of the distance education activity must be provided to the Board.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~001.15F~~ Sections 001.15G through 001.15I of this Chapter are not applicable to a synchronous distance education activity, or a hybrid distance education activity in which the learning environment includes synchronous interaction but not asynchronous interaction, as these distance education activities provide for instruction and interaction substantially the same as classroom education.

~~001.07A~~001.15G Delivery mechanism approval must be obtained from one of the following sources for ~~each an asynchronous distance education online education and correspondence education activity~~ or a hybrid distance education activity in which the learning environment includes asynchronous interaction:

001.15G.1 The Appraiser Qualifications Board of The Appraisal Foundation;

001.15G.2 An organization approved by the Appraiser Qualifications Board of The Appraisal Foundation that provides approval of activity design and delivery; or

001.15G.3 ~~shall be certified by the International Distance Education Certification Center, or conducted by~~ An accredited degree-awarding community college, community college, or university that:

001.15G.3a ~~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; or-~~

001.15G.3b Maintains an education delivery program that approves activity design and delivery that incorporate interactivity.

~~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~~001.15H Each ~~asynchronous online education and correspondence education~~ distance education activity, or hybrid distance education activity in which the learning environment includes asynchronous interaction, must provide ~~interaction in a reciprocal environment where the student has verbal or written communication with the instructor.~~

~~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.~~

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~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~~001.15I At the Board's request, a transcript of the online or correspondence activity shall be provided to the Board. For an asynchronous distance education activity or a hybrid distance education activity in which the learning environment includes asynchronous interaction, an education provider must provide documentation evidencing delivery mechanism approval by the Appraiser Qualifications Board of The Appraisal Foundation; an organization approved by the Appraiser Qualifications Board of The Appraisal Foundation that provides approval of activity design and delivery; or an accredited degree-awarding community college, college, or university. Acceptable documentation includes the official standard documentation issued to the education provider by the entity that approves the delivery mechanism, or in the case of a an accredited degree-awarding community college, college, or university that offers distance education programs and awards academic credit for the distance education courses, a written description evidencing that the delivery mechanism provides interaction in a reciprocal environment where the student has verbal or written communication with the instructor.

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 degree 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) Real property appraiser and client 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.

~~002.01E~~002.01C 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- ~~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.
- ~~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, location at which activity was conducted or presentation method, date(s) 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, 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~~ For an activity not 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;

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

002.02A.2c A timed outline that accounts for the general flow and recommended time spent on topics contained within the activity;

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

- (1) ~~The specific knowledge and/or skills attendee(s) are expected to acquire, Are appropriate for a qualifying education activity,~~
- (2) ~~An explanation of how learning objectives are consistent with the activity description, Clearly state the specific knowledge and/or skills students are expected to acquire by completing the activity,~~
- (3) ~~An explanation of how learning objectives are consistent with instructional materials, and Are consistent with the activity description,~~
- (4) ~~An explanation of how learning objectives are reasonably achievable within the number of hours allotted for the activity; Are consistent with the textbook and other instructional materials,~~
- (5) ~~Are reasonably achievable within the number of hours allotted for the activity, and~~
- (6) ~~Include material to adequately cover the depth and breadth of the required topic area;~~

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 ~~theory, methods, and techniques~~ theory, methods, and techniques ~~knowledge and practice~~, and
- (4) ~~ND~~ ~~Do not~~ contain significant errors and/or deficiencies;

002.02A.2f A proctored closed-book final examination that complies with the following:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- (1) ~~The examination c~~ontains a sufficient number of questions to adequately test the subject matter covered,
- (2) ~~The amount of time devoted to examination must be appropriate for the activity,~~
- (3) ~~Examination questions must, individually and collectively, test at a difficulty level appropriate to measure student achievement of the stated learning objectives,~~
- (4) ~~Successful completion of the examination requires the student to answer a minimum of 70% of the examination questions correctly,~~
- ~~(2)(5)~~ Examination questions must be written in a clear and unambiguous manner, ~~and~~ ~~Contains clear and unambiguous~~ questions that are individually and collectively appropriate to measure student achievement of stated learning objectives, ~~and~~
- ~~(3)(6)~~ ~~Utilizes~~ If applicable, ~~t~~he Appraisal Foundation USPAP final examination is utilized for the fifteen-hour Uniform Standards of Professional Appraisal Practice course;

002.02A.2g A written instructor qualifications policy that requires the use of instructors who meet the requirements of the Act and Section 005 of this Chapter~~this Title~~;

002.02A.2h An attendance policy that complies with the following:

- (1) For a classroom education activity, a written attendance policy that requires student attendance to be verified in accordance with the Real Property Appraiser Qualifications Criteria as adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation, or

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~(2) For a distance education activity, a written attendance policy that ensures that student achievement of the class hour requirement is met. A written attendance policy that requires attendance to be verified in accordance with the Real Property Appraiser Qualifications Criteria as adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation 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 ~~distance education online or correspondence~~ activity meets the requirements of Section 001.107A of this Chapter; 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.

~~**002.02B.1** An activity identified by the education provider as approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program for qualifying education will be verified as such through The Appraisal Foundation's AQB Approved Courses list found on its website.~~

~~**002.02B.2** Certification of an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation will be verified through The Appraisal Foundation's Find an AQB Certified USPAP Instructor found on its website for the qualifying education fifteen-hour National Uniform Standards of Professional Appraisal Practice Course.~~

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

002.02C If 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 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 meet 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.

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 qualifications for online or correspondence delivery~~ specified in Section 001.1507A of this Chapter under which a distance education activity was approved,
- (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 for any instructor under which an instructor was approved,
- (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 or administered to the attendee(s) as approved, 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 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 qualifications ~~for online or correspondence delivery~~ specified in Section 001.1507A of this Chapter under which a distance education activity was approved,
- (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 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,~~
- ~~(8)~~(7) The instructor(s) responsible for the activity content and presentation do not meet the qualifications specified in Section 005 of this Chapter~~are not approved~~,
- ~~(9)~~(8) The activity content and/or policies are not communicated or administered to the attendee(s) as approved,
- ~~(10)~~(9) A material violation of the Act or this Title by the education provider or instructor for the activity, or
- ~~(11)~~(10) 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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~~ Arbitration, dispute resolution,
- (7) ~~Legal considerations.~~ Ethics and standards of professional practice, USPAP,
- (8) Valuation bias, fair housing, and/or equal opportunity,
- (9) Land use planning, zoning,
- (10) Management, leasing, timesharing,
- (11) Property development, partial interests,
- (12) Real estate law, easements, and legal interests,
- (13) Real estate litigation, damages, condemnation,
- (14) Real estate financing and investment,
- (15) Real property appraisal-related computer applications,
- (16) Real estate securities and syndication,
- (17) Seller concessions and impact on value, and/or
- (18) Energy-efficient items and "green building" appraisals.

~~**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.~~

~~**003.01D**~~ **003.01B** 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 for continuing education activities.~~

~~**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.~~

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~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, location at which activity was conducted or presentation method, date(s) 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, 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~~003.01C 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~~003.01D 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;

003.02A.2 ~~For an~~Submit evidence that the activity ~~is not~~ 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;

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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, Are appropriate for a continuing education activity,~~
- (2) ~~An explanation of how learning objectives are consistent with the activity description, Clearly state the specific knowledge and/or skills students are expected to acquire by completing the activity,~~
- (3) ~~An explanation of how learning objectives are consistent with instructional materials, and Are consistent with the activity description,~~
- (4) ~~An explanation of how learning objectives are reasonably achievable within the number of hours allotted for the activity, Are consistent with the textbook and other instructional materials,~~
- (5) ~~Are reasonably achievable within the number of hours allotted for the activity, and~~
- (6) ~~Include material to adequately cover the depth and breadth of the required topic area;~~

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 theory, methods, and techniques~~knowledge and practice~~, and
- (4) ~~Do not~~ contain significant errors and/or deficiencies;

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

003.02A.2f If applicable, an examination that complies with the following:

- (1) The examination contains a sufficient number of questions to adequately test the subject matter covered,
- (2) The amount of time devoted to examination must be appropriate for the activity,
- (3) Examination questions must, individually and collectively, test at a difficulty level appropriate to measure student achievement of the stated learning objectives,
- (4) Successful completion of the examination requires the student to answer a minimum of 70% of the examination questions correctly, and
- (5) Examination questions must be written in a clear and unambiguous manner;

~~**003.02A.2f**~~**003.02A.2g** A written instructor qualifications policy that requires the use of instructors who meet the requirements of the Act and Section 005 of the Chapter~~this Title~~;

~~**003.02A.2g**~~**003.02A.2h** An ~~written~~ attendance policy that complies with the following:

- (1) For a classroom education activity, a written attendance policy that requires student attendance to be verified in accordance with the Real Property Appraiser Qualifications Criteria as adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation, or
- (2) For a distance education activity, a written attendance policy that ensures that student achievement of the class hour requirement is met in accordance with the Real Property Appraiser Qualifications Criteria as adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation; requires attendance to be verified in accordance with the Act and this Title;

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

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~003.02A.2i~~**003.02A.2j** 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 distance education online or correspondence activity meets the requirements of Section 001.~~1597A~~ of this Chapter; 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.

~~003.02B.1~~ An activity identified by the education provider as approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program for continuing education will be verified as such through The Appraisal Foundation's AQB Approved Courses list found on its website.

~~003.02B.2~~ Certification of an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation will be verified through The Appraisal Foundation's Find an AQB Certified USPAP Instructor found on its website for the continuing education seven-hour National Uniform Standards of Professional Appraisal Practice Update Course.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

003.02C If 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 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 meet 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 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 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 qualifications for online or correspondence delivery~~ specified in Section 001.1507A of this Chapter ~~under which a distance education activity was approved~~,
- (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 ~~for any instructor under which an instructor was approved~~,
- (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 ~~or administered to the credential holder(s)~~ as approved, 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 must be included for resubmission.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 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.

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. 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 renewal 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 qualifications ~~for online or correspondence delivery~~ specified in Section 001.1507A of this Chapter under which a distance education activity was approved,
- (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,~~
- ~~(7)(6)~~ The instructor(s) responsible for the activity content and presentation are not approved do not meet the qualifications specified in Section 005 of this Chapter,
- ~~(8)(7)~~ The activity content and/or policies are not communicated or administered to the credential holder(s) as approved,
- ~~(9)(8)~~ A material violation of the Act or this Title by the education provider or instructor for the activity, or
- ~~(10)(9)~~ 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

November 17, 2022 Hearing Draft (Legislative)

004 SUPERVISORY REAL PROPERTY APPRAISER AND TRAINEE COURSE

004.01 Requirements

~~004.01A~~ — All supervisory real property appraiser and trainee courses shall contain current material, theory, and methodologies.

~~004.01B~~ — All supervisory real property appraiser and trainee courses shall be conducted in conformity with the materials, presentation methodologies, and policies as approved.

~~004.01C~~ 004.01A — Each 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 supervisory real property appraiser and trainee course.

~~004.01F~~ — A document certifying completion will be issued to each attendee upon completion of a 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, 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 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 supervisory real property appraiser and trainee course have 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,
- (4) Basics of the Uniform Standards of Professional Appraisal Practice,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- (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 real property appraisers,
- (5) Expectations and responsibilities of the trainee real property appraiser,
- (6) Qualifications to become a 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,
- (4) Record Keeping Rule, and

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- (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,

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- (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:
 - 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 a real property appraiser is qualified and in good standing to be a supervisory real property appraiser by searching the Appraisal Subcommittee ~~National Appraiser~~ 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:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- a) A grievance against a trainee real property appraiser,
- b) A grievance against a supervisory real property appraiser,
- 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 ~~that include the following:~~

- (1) ~~The specific knowledge and/or skills attendee(s) are expected to acquire. Clearly state the specific knowledge and/or skills students are expected to acquire by completing the activity.~~
- (2) ~~An explanation of how learning objectives are consistent with the course description. Are consistent with the activity description.~~
- (3) ~~An explanation of how learning objectives are consistent with instructional materials, and Are consistent with the textbook and other instructional materials.~~

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- (4) ~~An explanation of how learning objectives are reasonably achievable within the number of hours allotted for the course; Are reasonably achievable within the number of hours allotted for the activity, and~~
- (5) ~~Include material to adequately cover the depth and breadth of the required topic area;~~

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

004.04A.2f A closed-book final examination that complies with the following:

- (1) ~~The examination c~~ontains 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; The amount of time devoted to examination must be appropriate for the activity,~~
- (3) ~~Examination questions must, individually and collectively, test at a difficulty level appropriate to measure student achievement of the stated learning objectives, and~~
- (4) ~~Successful completion of the examination requires the student to answer a minimum of 70% of the examination questions correctly,~~
- (5) ~~Examination questions must be written in a clear and unambiguous manner;~~

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

004.04A.2g A written instructor qualifications policy that requires the use of instructors who meet the requirements of the Act and Section 005 of this Chapter~~this Title~~;

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

(1) For a classroom education course, a written attendance policy that requires student attendance to be verified in accordance with the Real Property Appraiser Qualifications Criteria as adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation, or

(2) For a distance education course, a written attendance policy that ensures that student achievement of the class hour requirement is met in accordance with the Real Property Appraiser Qualifications Criteria as adopted and promulgated by the Appraiser Qualifications Board of The Appraisal Foundation; 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 001.1507A of this Chapter; 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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.

004.04B.1 Certification of an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation will be verified through The Appraisal Foundation's Find an AQB Certified USPAP Instructor found on its website for a supervisory real property appraiser and trainee course.

004.04C If the Board's director finds that the education provider and submitted course meet 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 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 meet 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, including the number of hours for which the course is approved.

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 ~~is 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 ~~for any instructor under which an instructor was approved,~~
- (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 ~~or administered to the attendee(s)~~ as approved,
- (6) There is a change in the status of ~~the qualifications for online or correspondence delivery~~ specified in Section 001.107A of this Chapter ~~under which a distance education activity was approved,~~ or
- (7) There is a change to a secondary provider's rights to the activity.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 must be included for resubmission.

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.

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,~~
- ~~(5)~~(4) The instructor(s) responsible for the activity content and presentation ~~do not meet the qualifications specified in Section 005 of this Chapter are not approved,~~
- ~~(6)~~(5) 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)~~(6) The course content and/or policies are not communicated to the attendee(s) as approved,
- ~~(8)~~(7) A material violation of the Act or this Title by the education provider or instructor for the activity,
- ~~(9)~~(8) A change in the status of ~~the~~ qualifications ~~for online or correspondence delivery~~ specified in Section 001.1507A of this Chapter ~~under which a distance education activity was approved,~~ or
- ~~(10)~~(9) 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

005 INSTRUCTORS

~~Any instructor(s) that meet the education provider's instructor qualifications policy. An instructor is an individual who is responsible for ensuring that the activity content is communicated to the activity's audience as approved presented to the Board for approval, and that the activity contributes to the quality of valuation services provided to the public must be identified on the education provider's application submitted for approval of the activity. Such identification must include first name, last name, email address, and phone number, and state the instructor's qualification as specified in Section 005.01 of this Chapter. 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~~ **005.01** 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:

~~005.01A.1~~ **005.01A** 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~~ **005.01B** 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~~ **005.01C** Hold a master's degree or higher in a field that is directly related to the subject matter to be taught;

~~005.01A.4~~ **005.01D** Have five years of real property appraisal practice teaching experience directly related to the subject matter to be taught; or

~~005.01A.5~~ **005.01E** Have seven years of real property appraisal practice experience directly related to the subject matter to be taught.

~~005.01B~~ **005.02** 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~~ **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~~ **005.03** 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~~ **005.03A** Maintain each credential in good standing in accordance with the laws of the jurisdiction in which each credential is held;

~~005.01D.2~~ **005.03B** Not have had a credential revoked, suspended, or have surrendered a credential in lieu of disciplinary action within three years; and

~~005.01D.3~~ **005.03C** 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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~005.01E~~**005.04** An instructor for 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: be an AQB Certified USPAP Instructor, certified by the Appraiser Qualifications Board of The Appraisal Foundation.

~~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;

~~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.

~~005.05~~ The standing of an instructor identified on an education provider's application submitted for approval, who holds a credential as a real property appraiser in Nebraska or any other jurisdiction, may be verified through the Appraiser Registry of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

~~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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

~~005.02C~~ 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 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.

~~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 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 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 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 approved; 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:

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

- ~~(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 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;~~
- ~~(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 approved;~~
- ~~(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

November 17, 2022 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 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 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, 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 issuance of a registration to the applicant was approved. This requirement does not apply to appraisal management services provided by the applicant exempt under NEB. REV. STAT. § 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

November 17, 2022 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

November 17, 2022 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 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 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.

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.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 ~~reporting form processing~~~~application~~ fee of \$350.00.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 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

November 17, 2022 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 allegations(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

November 17, 2022 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

November 17, 2022 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 experience,
- (12) Limit or limitations on a credential holder or applicant, and/or upon the right to engage in real property appraisal practice 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

November 17, 2022 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

November 17, 2022 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

November 17, 2022 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 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), appraisal review report(s), AMC appraiser panel information, Uniform Standards of Professional Appraisal Practice compliance, AMC appraiser fees, and record of 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,
 - 003.05B.3** Discuss the allegations with the investigator.

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD

November 17, 2022 Hearing Draft (Legislative)

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 offense,
- (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.