CHAPTER 1
GENERAL PROVISIONS

001 Definitions of terms used in this Title, unless the context otherwise requires, shall be as 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 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 Board means the Real Property Appraiser Board.

001.04 Broker's price opinion shall mean 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.

001.05 Classroom education means any activity delivered in a setting where there is no geographical separation between the instructor(s) and attendee(s).

001.06 Conference means a formal or informal scheduled gathering in which many people discuss problems or ideas related to a particular topic.

001.07 Continuing education means any appraisal related activity creditable towards the renewal of a credential issued under the Act.

001.08 Core curriculum means those qualifying education courses, except for appraisal subject matter electives, adopted in the Real Property Appraiser Qualification Criteria by the Appraiser Qualifications Board of The Appraisal Foundation as required core curriculum for credentialing as a real property appraiser.

001.09 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; (2) or 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.

001.10 Course means a qualifying education activity, continuing education activity, or supervisory appraiser and trainee activity that includes student material, instructor material, learning objectives, timed outline, a matrix if applicable, and a final exam if applicable.

001.11 Online education means any activity delivered over the internet that does not require a person to be engaged at a specific time.

001.12 Qualifying education means any appraisal related education activity creditable towards obtaining a credential as a real property appraiser.

001.13 True copy of report and workfile means any report and/or workfile submitted to the Board shall be an exact duplicate of the report submitted to the client, as well as the exact duplicate of the workfile associated with such report, including the quality and clarity of the print, charts, graphs, examples, photos, and any information referenced by this Title; and including organization and presentation of materials.

002 This Title applies to all persons engaged in real property appraisal activity or appraisal practice in the State of Nebraska, and all persons conducting business as an appraisal management company in the State of Nebraska.

003 Pursuant to NEB. REV. STAT. § 76-2237, the current edition of the Uniform Standards of Professional Appraisal Practice is adopted and attached as the minimum standards governing professional appraisal practice in the State of Nebraska and incorporated herein by reference as Attachment A. 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 Pursuant to NEB. REV. STAT. § 76-2244, each credential holder shall notify the Board in writing within ten (10) days of any change of his or her place of business, which includes address, phone number, fax number, and electronic mail address.

005 No advertisement by a credential holder in the State of Nebraska shall use a name of a credential holder, classification of credentialing, credential holder identification number, other than as stated on the real property appraiser's credentialing card issued by the Board; and no advertisement shall state any address other than the principal place of business as provided to the real property appraiser to the Board.

006 A certified real property appraiser who is approved by the Board as a supervisory 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 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 it clearly identifies such person as a trainee real property appraiser. Trainee real property appraisers may not otherwise advertise.

007 Adjunct to NEB. REV. STAT. § 76-2221 (4) (5), specialized knowledge means an advanced level of expertise obtained through education and experience with respect to a specific subject matter, which 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 Adjunct to NEB. REV. STAT. § 76-2221 (1), 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 Pursuant to NEB. REV. STAT. § 76-3212, each appraisal management company shall certify to the Board on a biennial basis that it maintains a detailed record of each request for appraisal services that it receives and the appraiser that performs the residential real estate appraisal services for the appraisal management company. The detailed record must include, at minimum, the following information as applicable:

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

010 Pursuant to NEB. REV. STAT. § 76-3203 (4), 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 shall be in writing, and must 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 assignment was offered,
(5) Date report was submitted,
(6) Amount owed for services rendered, and
(7) Description of attempts to rectify the matter.

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

011 ADMINISTRATIVE FEES

011.01 The fee for a Certificate of Registration required under the Nebraska Professional Corporation Act shall be $25.00.

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

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

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

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

001.01A.2 Hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements. If said degree 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, along with any supervisory appraiser applicant, must provide a completion document evidencing that the required seven-hour supervisory appraiser and trainee course has been successfully completed within one year for a trainee real property appraiser applicant, and within two years for a supervisory appraiser applicant, immediately preceding the date of application.

001.01C The Board may accept a supervisory appraiser and trainee course of at least seven-hours completed in another jurisdiction if:

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

001.01C.2 With the exception of the seven-hour requirement, the supervisory appraiser and trainee course meets or exceeds the requirements for approval as a supervisory appraiser and trainee course outlined in Chapter 7 of this Title; and

001.01C.3 The course was completed in a classroom and not online or by correspondence.

001.01D If a trainee real property appraiser applicant, or a supervisory appraiser applicant, submits a supervisory appraiser and trainee course completed in another jurisdiction for consideration of acceptance by the Board, the applicant must furnish documentation evidencing that the course:

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

001.01D.2 A document of completion for the course evidencing that the supervisory appraiser and trainee course has been successfully completed within one year for a trainee real property appraiser applicant, and within two years for a supervisory appraiser applicant, immediately preceding the date of application

001.02 Licensed Residential Real Property Appraiser

001.02A Pursuant to NEB. REV. STAT. § 76-2230 (1) (d), 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 residential market analysis and highest and best use,
(5) 15 hours of residential appraiser site valuation and cost approach,
(6) 30 hours of residential sales comparison and income approaches, and
(7) 15 hours of residential report writing and case studies; or

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

001.02B An applicant for the licensed residential real property appraiser credential must:

001.02B.1 Hold an associate degree, or higher, from an accredited, degree-awarding university, college, or community college; or

001.02B.2 Have successfully completed, as verified by the Board, 30 semester hours of coursework or its equivalent from an accredited, degree-awarding university, college, or community college that shall have included:

(1) At least two courses with a focus in English, grammar, writing, research, reporting and/or public speaking,
(2) At least one course with a focus in economics,
(3) At least one course with a focus in finance or accounting,
(4) At least one course with a focus in algebra, geometry,
(5) or higher mathematics, which does not include a college program deficiency course or a college entrance prerequisite course,
(6) At least one course with a focus in statistics,
(7) At least one course with a focus in word processing,
(8) At least two courses in business, law, marketing, or management education,
(9) At least one courses not intended to develop art, music, and/or athletic skills.

001.02B.3 For college-level courses taken in a quarterly system versus a semester system, one quarter hour credit is equivalent to .67 semester credit hours

001.02C A credentialed real property appraiser may upgrade to the licensed residential real property appraiser credential by satisfying the post-secondary education requirements in NEB. REV. STAT. § 76-2230 (1) (b), and the appropriate qualifying education for the classification below:

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

(1) 15 hours of residential market analysis and highest and best use,
(2) 15 hours of residential appraiser site valuation and cost approach,
(3) 30 hours of residential sales comparison and income approaches, and
(4) 15 hours of residential 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 residential market analysis and highest and best use,
(5) 15 hours of residential appraiser site valuation and cost approach,
(6) 30 hours of residential sales comparison and income approaches,
(7) 15 hours of residential report writing and case studies,
(8) 15 hours of statistics, modeling and finance,
(9) 15 hours of advanced residential applications and case studies, and
(10) 20 hours of appraisal subject matter electives; or

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

001.03B An applicant for the certified residential real property appraiser credential must hold a bachelor's degree, or higher, from an accredited degree-awarding college or university.

001.03C A credentialed real property appraiser may upgrade to the certified residential real property appraiser credential by satisfying the post-secondary education requirements in NEB. REV. STAT. § 76-2231.01 (1) (b), and the appropriate qualifying education for the classification below:

001.03C.1 Pursuant to NEB. REV. STAT. § 76-2228.01 (5) (b), a trainee real property appraiser must successfully complete a minimum of 125 hours in the following Board approved courses of study, or hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements. If said degree does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in Board-approved qualifying education:

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

001.03C.2 Pursuant to NEB. REV. STAT. § 76-2230 (3) (b), a licensed residential real property appraiser must successfully complete a minimum of 50 hours in the following Board approved courses of study, or hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements. If said degree 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 residential applications and case studies, and
(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 bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements. If said degree does not satisfy all required qualifying education for credentialing, the remaining hours shall be completed in Board-approved qualifying education.

001.04B An applicant for the certified general real property appraiser credential must hold a bachelor's degree, or higher, from an accredited degree-awarding college or university.

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

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

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

001.04C.2 Pursuant to NEB. REV. STAT. § 76-2230 (4) (b), a licensed residential real property appraiser must successfully complete a minimum of 150 hours in the following Board approved courses of study, or hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements. If said degree 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.

001.04C.3 Pursuant to NEB. REV. STAT. § 76-2231.01 (3) (b), a certified residential real property appraiser must successfully complete a minimum of 100 hours in the following Board approved courses of study, or hold a bachelor's degree or higher in real estate from an accredited degree-awarding college or university that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements. If said degree 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.

001.05 An applicant for the trainee, licensed residential, certified residential, or certified general real property appraiser credential must provide evidence that the required qualifying education has been successfully completed. Each applicant will be required to furnish:

001.05A A document of completion for each qualifying education course; and/or

001.05B An official transcript from the university or college at which the applicant obtained a bachelor's degree or higher in real estate that has had all or part of its curriculum approved by the Appraiser Qualifications Board as meeting qualifying education requirements. 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 The Board may accept a qualifying education activity completed in another jurisdiction if:

001.06A.1 The activity was approved as qualifying education by the jurisdiction in which it was completed at the time the activity was completed;

001.06A.2 The qualifying education activity meets or exceeds the requirements for approval as a qualifying education activity outlined in Chapter 7 of this Title; and

001.06A.3 The activity was completed in a classroom and not online or by correspondence.

001.06B If the applicant submits a qualifying education activity completed in another jurisdiction for consideration of acceptance by the Board, the applicant must furnish documentation evidencing that the activity:

001.06B.1 Was approved as qualifying education by the jurisdiction in which it was completed, at the time it was completed; and

001.06B.2 A document of completion for the activity.

001.07 An applicant for the licensed residential, 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 Appraisal experience obtained within the State of Nebraska, or as a resident of the State of Nebraska, for credentialing as a licensed residential, certified residential, or certified general real property appraiser must be acquired as a trainee real property appraiser, registered real property appraiser, licensed residential real property appraiser, or certified residential real property appraiser.

002.02 At the Board's discretion, up to 50% of the appraisal experience required for credentialing as a licensed residential, certified residential, or certified general real property appraiser may be obtained in another jurisdiction. This experience may be accepted by the Board if the experience is compliant with the laws of the jurisdiction in which it was obtained.

002.03 An applicant's hours of 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 an appraisal; 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 assistance for experience credit to be awarded by the Board. An applicant may apply his or her signature, along with the supervisory appraiser's signature if applicable, to the appraisal certification; or the applicant must be given attribution in the appraisal, which shall include a description of the applicant's assistance.

002.05 Experience hours obtained in any manner considered to be exempt from the Real Property Appraiser Act per NEB. REV. STAT. § 76-2221 shall not be credited to the applicant, unless the applicant and/or supervisory appraiser verifies that said experience is compliant with the Uniform Standards of Professional Appraisal Practice.

002.06 There need not be a client in a traditional sense (i.e. a client hiring an appraiser for a business purpose) in order for an appraisal to qualify for experience, but experience gained for work without a traditional client cannot exceed 50% of the total experience requirement.

002.07 Appraisal 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 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) appraisal review assignment,
(6) practicum courses of study adhering to AQB guidelines,
(7) appraisal analysis, and
(8) restricted appraisal reports.

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

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

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

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

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

002.11 A separate log shall be maintained by a trainee real property appraiser for each of his/her Board designated supervisory appraisers. It is the responsibility of both the supervisory 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 appraiser while engaged in real property appraisal activity for a single appraisal assignment, each log shall reflect the specific number of hours and description of work performed in that assignment with each supervisory appraiser.

002.12 A trainee real property appraiser shall be entitled to obtain copies of reports, and workfiles for those reports, he or she has prepared. The supervisory 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 appraiser provided testimony related to the assignment, whichever period expires last.

002.13 A representative sampling of appraisal experience submitted by the applicant on his or her experience log will be evaluated to determine if the experience meets the requirements of the Act and this Chapter. If the experience log submitted by the applicant is approved, a minimum of three reports shall be selected from the experience log for review to qualify the experience; one report shall be selected by the applicant. The following additional criteria is applied to the report selection for each level of credential:

002.13A To qualify the experience of an applicant for the licensed residential real property appraiser credential, a minimum of three reports related to residential property shall be selected.

002.13B To qualify the 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 of 0 to 20 years, and one report related to a residential property 20 years or older shall be selected. Two selected reports must include at least two approaches to value.

002.13C To qualify the experience of an applicant for the certified general real property appraiser credential, a minimum of three reports related to income producing properties shall be selected. Two selected reports must include all three approaches to value.

002.14 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.

002.15 At the Board's discretion, at least one of the three requested reports will be, at a minimum, reviewed for compliance with the Uniform Standards of Professional Appraisal Practice on a form approved by the Board. The Board may enter into a contract with a qualified disinterested third party certified appraiser for completion of an appraisal review assignment on any of the requested reports at no cost to the applicant to assist the Board with its review. The Board may require the applicant to submit additional details or to submit additional reports or file memoranda prepared by the applicant.

002.16 Verification of the applicant's experience may be obtained from other persons as needed.

002.17 If the Board determines an applicant may not meet the applicable experience requirements, it will notify the applicant in writing. The Board may, at its discretion, request a written response from the applicant to the Board's findings as to the applicant's 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 appraisal experience.

002.17A If the applicant's appraisal 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 logs with additional hours of appraisal experience, and/or submit one or more additional reports.

002.17A.1 If the Board requires the completion of additional education, the applicant will be notified of the conditions for the additional education in writing.

002.17A.2 If the Board requires the submission of one or more supplemental logs, the applicant will be notified of the conditions for the supplemental log(s) in writing. The Board may select a representative sampling of one or more additional report(s) for review from any supplemental experience log requested by the Board to qualify the experience. If the Board selects any additional report(s) from a supplemental experience Log:

002.17A.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.

002.17A.2b Each additional report requested by the Board will be, at a minimum, reviewed for compliance 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 appraiser for completion of an appraisal review assignment on any of the requested reports to assist the Board with its review. The applicant shall be responsible for any costs incurred by the Board for such review.

002.17A.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 :

002.17A.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.

002.17A.3b Each additional report requested by the Board will be, at a minimum, reviewed for compliance 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 appraiser for completion of an appraisal review assignment on any of the requested reports to assist the Board with its review. The applicant shall be responsible for any costs incurred by the Board for such review.

002.17B If the applicant's appraisal experience is not acceptable upon review of the additional education, supplemental experience log(s), and/or additional report(s), the Board may deny the application.

003 EXAMINATION

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

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

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

003.03 Upon approval of a processed application for credentialing as a licensed residential, certified residential or certified general real property appraiser, approval of qualifying education, approval and qualification of appraisal experience, and the applicant's successful completion of the Nebraska law review, 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 shall 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 must notify the Board for approval to retake the examination. An applicant who does not pass the examination must 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 must 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 shall receive or give any assistance during an examination. Violation of these rules shall 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 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 $28.75.

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

004.01C If an application is processed, the applicant will be required to demonstrate a general knowledge of Nebraska law as it pertains to real property appraisal activity by successfully completing 70% or more of the questions on a review provided by the Board. The applicant shall have two attempts to successfully complete the review prior to the application being submitted to the Board for review.

004.01D If the Board finds that the applicant meets the general and education requirements in the Act and this Title, and the applicant has demonstrated a general knowledge of Nebraska law by successfully completing 70% or more of the questions on the review, the application will be considered a completed application and a credential may be issued to the applicant.

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

(1) A letter notifying him or her of their status as a Nebraska credentialed 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.

004.01F 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 pertains to credentialing. Before submitting a new application, the applicant may be required by the Board to:

004.01F.1 Complete additional education; and/or

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

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

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

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

004.01H.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

004.01H.1b Present a driver's license with a photograph to be copied by the Board.

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

004.01I A trainee real property appraiser may request approval for a supervisory appraiser at any time after he or she is issued a credential as a trainee real property appraiser by the Board that 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 appraiser must be submitted to the Board on a form approved by the Board.

004.01J Any applicant for approval as a supervisory 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 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 appraiser approval.

004.01K Any application for approval as a supervisory appraiser received at the Board's office considered to be incomplete will not be processed, and will be returned to the trainee real property appraiser as incomplete.

004.01L Any application for approval as a supervisory appraiser not considered to be incomplete will be processed and reviewed by the Board. 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 Board may approve the applicant as a supervisory appraiser.

004.01M Upon approval of a supervisory appraiser, the supervisory appraiser and the trainee real property appraiser will each be issued a letter notifying them of the supervisory appraiser's approval.

004.01N The Board may deny an application for approval as a supervisory appraiser at any time during the process if the Board finds that the supervisory appraiser applicant, or the trainee real property appraiser, fails to meet the requirements in the Act and/or this Title that pertains to approval as a trainee real property appraiser and/or approval as a supervisory appraiser. Before submitting a new application, the supervisory appraiser applicant and/or the trainee real property appraiser may be required by the Board to:

004.01N.1 Complete additional education; and/or

004.01N.2 Not reapply for the trainee real property appraiser classification, and/or approval as a supervisory appraiser, for an amount of time to be determined by the Board.

004.01O If the Board denies an application for approval as a supervisory appraiser, the trainee real property appraiser may file a new application for the supervisory appraiser applicant. The supervisory appraiser applicant must meet the requirements pertaining to approval as a supervisory appraiser in place at the time a new application is submitted to the Board.

004.01P If disciplinary action is taken against a supervisory appraiser by the Board, or any other appraiser regulatory agency in any other jurisdiction, the supervisory appraiser's approval shall be revoked as of the date of action by the Board or other jurisdiction.

004.01Q Any certified real property appraiser that has been approved by the Board as a supervisory appraiser, and is currently acting in a supervisory capacity for one or more trainee real property appraisers, may use the title supervisory 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, and certified general real property appraiser credential must:

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

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

004.02A.3 Pay a non-refundable criminal history record check fee of $28.75.

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

004.02C If an application is processed, the applicant will be required to demonstrate a general knowledge of Nebraska law as it pertains to real property appraisal activity by successfully completing 70% or more of the questions on a review provided by the Board. The applicant shall have two attempts to successfully complete the review prior to the application being submitted to the Board for review.

004.02D If the Board finds that the applicant meets the general, education, and experience requirements in the Act and this Title, and the applicant has demonstrated a general knowledge of Nebraska law by successfully completing 70% or more of the questions on the review, the Board may approve the applicant to sit for examination.

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

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

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

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

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

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

004.02J 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 pertains to credentialing. Before submitting a new application, the applicant may be required by the Board to:

004.02J.1 Complete additional education;

004.02J.2 Obtain additional appraisal experience; and/or

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

004.02K If the Board denies an application for any reason excluding the national criminal history record check, the applicant must file a new application and 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, the applicant shall pay any cost(s) associated any report(s) reviewed in accordance with Section 002 of this Chapter.

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

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

004.02L.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

004.02L.1b Present a driver's license with a photograph to be copied by the Board.

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

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 by 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.

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

001.02A 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;

001.02B Pay a non-refundable application fee of $150.00; and

001.02C Pay a non-refundable criminal history record check fee of $28.75.

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

001.03 If an application is processed, the applicant will be required to demonstrate a general knowledge of Nebraska law as it pertains to real property appraisal activity by successfully completing 70% or more of the questions on a review provided by the Board. The applicant shall have two attempts to successfully complete the review prior to the application being submitted to the Board for review.

001.04 If the Board finds that the applicant meets the requirements in the Act and this Title, the applicant has demonstrated a general knowledge of Nebraska law by successfully completing 70% or more of the questions on the review, and the applicant's jurisdiction of practice meets or exceeds the credentialing requirements in Nebraska as they exist on the date the application is received by the Board, the application will be a considered a completed application and a credential may be issued to the applicant.

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

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

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

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

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

001.09 The Board may deny an application at any time during the process if the applicant fails to meet the requirements in the Act and/or this Title that pertains 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 appraisal 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 must file a new application and 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 shall be 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 driver's license with a photograph to be copied by the Board.

001.11B If the applicant provides evidence acceptable to the Board that the fingerprint-based national criminal history record check result which 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 appraise real estate and real property 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, and 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 appraisal assignment and completion date;

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

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

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

002.03 If an application is processed, the applicant will be required to demonstrate a general knowledge of Nebraska law as it pertains to real property appraisal activity by successfully completing 70% or more of the questions on a review provided by the Board. The applicant shall have two attempts to successfully complete the review. If successful completion of the review is not achieved in two attempts, the application will be denied.

002.04 If the applicant meets the requirements in the Act and this Title, and the applicant has demonstrated a general knowledge of Nebraska law by successfully completing 70% or more of the questions on the review, the application will be considered a completed application and the temporary credential may be issued to the applicant.

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

002.05A A letter notifying him or her of their approval as a temporary credential holder, along with the terms of the temporary credential;

002.05B A credentialing card in a form approved by the Board; and

002.05C Instructions to access his or her credentialing card if needed.

002.06 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 pertains to temporary credentialing.

002.07 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 shall be denied if the reason for the request of the additional six-month approval is not directly related to the initial approval granted by the Board. Notice of the decision will be provided to the requestor in writing.

CHAPTER 4
RENEWAL OF REAL PROPERTY APPRAISER CREDENTIAL

001 CONTINUING EDUCATION

Every credential holder other than a temporary credential shall furnish evidence to the Board that he or she has satisfactorily completed 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 and a Board approved report writing update course of at least seven hours, 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 must be completed every two 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. Evidence of completion of the seven-hour National Uniform Standards of Professional Appraisal Practice Update course shall be submitted with the application for renewal prior to December 31 of the year in which the course is required.

001.02 A report writing update course of at least seven hours must be completed every four years, but not more than every two years. The four year period this course begins one day after the course was last completed, or one day after a new credential is issued by the Board. Evidence of completion of the report writing update course shall be submitted with the application for renewal prior to December 31 of the year in which the course is required.

001.03 Except for the seven-hour National Uniform Standards of Professional Appraisal Practice Update course and the Board approved report writing update course of at least seven hours, evidence of continuing education completion may be submitted to the Board's office at any time, and shall be submitted with the application for renewal at the end of a credential holder's two-year continuing education period.

001.04 Except for the seven-hour National Uniform Standards of Professional Appraisal Practice Update course, the Board approved report writing update course of at least seven hours, the seven-hour supervisory appraiser and trainee 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 if in the opinion of the Board is indistinguishable in content, cannot be used for a minimum of four years after its use toward meeting the continuing education requirements.

001.05 Evidence of participation as a student in each Board approved education activity submitted for continuing education credit shall include a document of completion from the education provider that affirms successful completion of each activity.

001.06 Evidence of attendance at an education activity sponsored or conducted by the Board submitted for continuing education credit shall include a document of completion from the Board that affirms attendance of such activity. The document shall include the name of credential holder, name of activity, location of course, course attendance date(s), number of hours completed, and signature of the Board's director.

001.07 Evidence of participation, other than as a student, in appraisal education processes and programs shall include 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.

001.08 A report writing course of at least seven hours successfully completed in another jurisdiction may be accepted as meeting the report writing update course requirement under NEB. REV. STAT. § 76-2236 (4), provided that the course meets or exceeds the requirements for approval as a report writing update course outlined in Chapter 7 of this Title, and applicant meets the requirements of Section 001.12 of this Chapter.

001.09 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.

001.10 Any education activity successfully completed as a result of disciplinary action taken by the Board may not be used toward the continuing education requirements.

001.11 Individual Program of Continuing Education

001.11A The Board may adopt an individual program of continuing education for a credential holder, which 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.

001.11B If an individual program of continuing education is adopted by the Board, the credential holder shall be notified of the individual program adopted for him or her in writing. The written notice shall contain all details, requirements, expectations, and the duration for which the individual program is in effect.

001.11C If an individual program of continuing education is denied by the Board, the credential holder shall be notified of the decision in writing.

001.12 Continuing Education Completed in Another Jurisdiction

001.12A The Board may accept a continuing education activity completed in another jurisdiction if:

001.12A.1 The activity was approved as continuing education by the jurisdiction in which it was completed at the time the activity was completed;

001.12A.2 The continuing education activity meets or exceeds the requirements for approval as continuing education activity outlined in Chapter 7 of this Title; and

001.12B If the applicant submits a continuing education activity completed in another jurisdiction for consideration of acceptance by the Board, the applicant must furnish:

001.12B.1 Evidence that the activity was approved as continuing education by the jurisdiction in which it was completed, at the time it was completed; and

001.12B.2 A document of completion for the course that affirms successful completion of the activity.

002 CRIMINAL HISTORY RECORD CHECK

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

003 APPLICATION

A credential issued under the Real Property Appraiser Act other than a temporary credential shall remain in effect until December 31 of the designated year unless surrendered, revoked, suspended, surrendered, 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 shall remain in effect until December 31of the second year of the two-year continuing education period. The entire two-year continuing education period must be satisfactorily completed prior to renewing a credential for a two-year period.

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

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

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

003.02 Except for the trainee real property appraiser credential and temporary credential, any applicant for renewal of a credential issued by the Board must:

003.02A Submit an application and required documentation for the appropriate classification on forms approved by the Board showing compliance by the applicant with all renewal and continuing education requirements established by the Act and by this Title;

003.02B Pay a non-refundable credentialing fee of $275.00 for each year of renewal;

003.02C Pay an annual National Registry fee of $40.00 for each year of renewal; and

003.02D Pay a non-refundable criminal history record check fee of $5.00 for each year of renewal for maintenance of the random fingerprint audit program.

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

003.04 Any application not considered to be incomplete will be processed. Any renewal application post-marked before November 30 will be reviewed by the Board's staff, and any application post-marked after November 30 will be reviewed by the Board. If a credential holder meets all renewal requirements in the Act and this Title, the application will be considered a completed application and the applicant's credential may be renewed.

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 subject to receipt of the record check report.

003.06 Upon renewal the credential holder will be issued:

(1) A notification informing him or her of their status as a Nebraska credentialed real property appraiser, and
(2) Instructions to access his or her credentialing card.

003.07 The renewal application may be denied at any time during the process if the applicant fails to meet the requirements in the Act and this Title that pertains to renewal of a credential. If a renewal application is denied for any reason excluding the national criminal history record check, the applicant must file a new application for credentialing and meet the credentialing requirements in place at the time the new application is submitted to the Board.

003.08 If the fingerprint-based national criminal history record check result is the basis for denial, the credential holder shall be 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 driver's license 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 which was the basis for denial is incorrect, the Board may reconsider the application.

CHAPTER 5
REAL PROPERTY APPRAISER INACTIVE STATUS

001 Every credential holder other than a temporary credential may request that his or her credential be placed on inactive status for a period not to exceed two years. If granted, the inactive status period begins on the date application was made to the Board. If the credential holder's credential expires during the inactive period, and the credential holder fails to reinstate his or her credential prior to the completion of the two year period, the credential holder shall reapply for credentialing and 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 will 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 pertains 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 will be returned to the applicant as incomplete. Any application not considered to be incomplete will be processed.

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.

CHAPTER 6
EDUCATION ACTIVITIES

001 GENERAL

001.01 The Board may at any time conduct an audit of any approved education activity to verify that activity is being conducted in accordance with the Act and this Title as approved by the Board.

001.02 The Board may at any time review activity and instructor materials approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program to verify that activity and/or instructor(s) meets the requirements of the Act and this Title as approved by the Board.

001.03 Board approval of activities does not transfer from one education provider to another, unless one education provider obtains the legal rights to all activities of another education provider.

001.04 Education providers and instructors must comply with the Nebraska Private Postsecondary Career Schools Act, NEB. REV. STAT § 85-1601, et seq. as applicable.

001.05 Nothing in this Chapter shall 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 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.

002 QUALIFYING EDUCATION

002.01 Requirements

002.01A All qualifying education activities shall be conducted as classroom education courses.

002.01B All core curriculum courses shall be approved as qualifying education by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program.

002.01C Any appraisal subject matter elective qualifying education activity must contribute to an attendee's development of appraiser related competency in any one or more of the following subjects:

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

002.01D All qualifying education activities shall contain current material, theory and methodologies.

002.01E All qualifying education activities shall be conducted in conformance with the materials, presentation methodologies, and policies as approved by the Board.

002.01F Education provider shall require 100% attendance for all hours as approved by the Board for successful completion of the activity by attendee(s).

002.01G Each qualifying education activity shall be at least 15 hours in length, not to exceed Eight hours per day. At least a one-half hour break shall be given to attendee(s) by no later than the end of four hours of class in any day.

002.01H Education providers shall require that attendee(s) successfully complete a proctored closed-book examination by answering a minimum of 70% of exam questions correctly.

002.01I Fifty minutes engaged in instruction equals one hour for a qualifying education activity.

002.01J A document certifying completion must 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 which are secure. The document shall include the name of education provider, signature of education provider and/or instructor, name of activity as approved by the Board, location at which activity was conducted or presentation method, date(s) the activity was conducted, activity number issued by the Board, number of Board approved hours, pass or fail statement, and name of attendee.

002.01K Education providers shall maintain a record of attendance for each qualifying education activity for a period of at least five years.

002.01L Education Provider shall provide an alphabetical listing of the names and addresses of attendee(s) who have met the requirements for completion of any qualifying education activity approved by the Board on a form approved by the Board. The alphabetical listing must be submitted to the Board within 30 days of the conclusion of the activity, and such listing shall constitute the education provider's certification that the list includes only attendee(s) who have met all attendance, completion, and examination requirements.

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 core curriculum course is approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program for qualifying education, or submit the following:

002.02A.2a An activity description, which clearly describes the content of the activity;

002.02A.2b An activity matrix reflecting hours of credit per topic;

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

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

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

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

(1) Covers the subject matter in sufficient depth to achieve the stated learning objectives,
(2) Provides appropriately balanced coverage of the subject matter in view of the stated learning objectives,
(3) Reflects current knowledge and practice, and
(4) Does not contain significant errors and/or deficiencies;

002.02A.2f Proctored closed book final examination that:

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

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

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

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

002.02A.2j A copy of the completion document;

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

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

002.02C Any application not considered to be incomplete will be processed and reviewed by the Board. If the Board finds that the education provider and submitted activity meets the requirements in the Act and this Title, the application will be considered a completed application and the Board may approve the qualifying education activity. The education provider will receive a written notification of approval, which outlines the details, including the number of hours the activity is approved for.

002.02D The application may be denied at any time during the process if the education Provider, submitted activity, or instructor(s) for the submitted activity fails to meet the requirements in the Act and this Title. If an application is denied, the Board will provide written notice of denial to the education provider, which shall include a description of the deficiencies found by the Board. The education provider shall have 60 days from the date of denial to rectify the deficiencies. If the deficiencies are not rectified within 60 days, the education provider must file a new application for approval of qualifying education activity and 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 substantial change to the materials, presentation, or policies,
(3) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,

(4) One or more instructors are added or removed by the education provider,
(5) The materials, theories, and/or methodologies are no longer current, or
(6) The activity content and/or policies are no longer communicated to the attendee(s) as presented to the Board for approval.

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.

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

002.04 Rescinding Approval

002.04A The Board may rescind approval of an qualifying 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) Substantial errors and/or deficiencies in the materials or presentation,
(4) The materials, theories, and/or methodologies are not current and/or practical,
(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,
(6) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,
(7) The instructor(s) responsible for the activity content and presentation is not approved by the Board,
(8) 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,
(9) The activity content and/or policies are not communicated to the attendee(s) as presented to the Board for approval, or
(10) A material violation of the Act or this Title by the education provider or instructor for 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, which shall include a description of the reasons for rescinding approval found by the Board. The education provider shall have 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 must file a new application for approval of the qualifying education activity and meet the requirements in place at the time a new application is submitted to the Board.

003 CONTINUING EDUCATION

003.01 Requirements

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

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

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

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

003.01D Education provider shall require 100% attendance for all hours as approved by the Board for successful completion of the activity by credential holder(s).

003.01E 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.

003.01F Examination hours shall not be included in the number of hours approved by the Board for continuing education activities.

003.01G Fifty minutes engaged in instruction equals one hour for a qualifying education activity.

003.01H A document certifying completion must 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 which are secure. The document shall include the name of education provider, signature of education provider and/or instructor, name of activity as approved by the Board, location at which activity was conducted or presentation method, date(s) the activity was conducted, activity number issued by the Board, number of Board approved hours, pass or fail statement, and name of credential holder.

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 Education providers shall provide an alphabetical listing of the names and addresses of attendee(s) who have met the requirements for completion of any continuing education activity approved by the Board on a form approved by the Board. The alphabetical listing must be submitted to the Board within 30 days of the conclusion of the activity, and such listing shall constitute the education provider's certification that the list includes only attendee(s) who have met all attendance, completion, and examination requirements.

003.01K The report writing update course of at least seven hours must contribute to a credential holder's understanding and application of Standard 2 in the Uniform Standards of Professional Appraisal Practice.

003.01L 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.

003.01M **Online and Correspondence Activities**

003.01M.1 Each online education and correspondence education activity shall be certified by International Distance Education Certification Center, or conducted by an accredited college, community college, or university that offers distance education programs and is approved or accredited by the Commission on Colleges, a regional or national accreditation association, or by an accrediting agency that is recognized by the U.S. Secretary of Education, that awards academic credit for the distance education courses.

003.01M.2 Each online education and correspondence education activity shall have an appropriate mechanism to ensure that credential holder demonstrates knowledge of subject matter.

003.01M.3 Electronic access must 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.

003.01M.4 All website links must be valid and active for online education and correspondence education activities at the time such activity is offered to the public for completion.

003.01N The following shall not be approved by the Board as continuing education:

(1) Activities that are specifically examination preparation in nature,
(2) Activities that deal with office or business skills,
(3) Activities which are completed by a challenge examination (testing out of the activity),
(4) Activities held in conjunction with an appraisal firm's general business,
(5) Orientation activities, and
(6) Mentoring activities designed for real property appraiser experience credit.

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 Submit evidence that continuing education course is approved by The Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program for continuing education, or submit the following:

003.02A.2a An activity description, which clearly describes the content of the activity;

003.02A.2b An activity matrix reflecting hours of credit per topic;

003.02A.2c A timed outline that accounts for the general flow and recommended time spent on topics contained within the activity;

003.02A.2d Written learning objectives that include the following:

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

003.02A.2e Student and instructor materials used for the activity that:

(1) Covers the subject matter in sufficient depth to achieve the stated learning objectives,
(2) Provides appropriately balanced coverage of the subject matter in view of the stated learning objectives,
(3) Reflects current knowledge and practice, and
(4) Does not contain significant errors and/or deficiencies;

003.02A.2f A written instructor policy that requires the use of instructors who meet the requirements of the Act and this Title;

003.02A.2g A written attendance policy that requires attendance to be verified in accordance with the Act and this Title;

003.02A.2h A written record retention policy;

003.02A.2i A copy of completion document; and

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; or

003.02A.2k A written description detailing the activity content coverage of Standard 2 of the Uniform Standards of Professional Appraisal Practice for any activity in which approval is requested as a seven-hour report writing update course.

003.02A.3 If applicable, submit evidence that online activity is certified by the International Distance Education Certification Center;

003.02A.4 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 will be returned to the education provider as incomplete.

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

003.02D The application may be denied at any time during the process if the education Provider, submitted activity, or instructor(s) for the submitted activity fails to meet the requirements in the Act and this Title. If an application is denied, the Board will provide written notice of denial to the education provider, which shall include a description of the deficiencies found by the Board. The education provider shall have 60 days from the date of denial to rectify the deficiencies. If the deficiencies are not rectified within 60 days, the education provider must file a new application for approval of continuing education activity and 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 certification by the International Distance Education Certification Center,
(3) There is a substantial change to the materials, presentation, or policies,
(4) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,
(5) One or more instructors are added or removed by the education provider,
(6) The materials, theories, and/or methodologies are no longer current, or
(7) The activity content and/or policies are no longer communicated to the credential holder(s) as presented to the Board for approval.

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.

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

003.04 Expiration and Rescinding Approval

003.04A A continuing education activity shall expire on the date five years after the date of approval by the Board. An education provider may renew a continuing education activity not required to be resubmitted as specified in Section 003.03A of this Chapter by:

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

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

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

(1) Falsification of information submitted for activity approval,
(2) A change in approval by Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program,
(3) A change in status of certification by the International Distance Education Certification Center,
(4) Substantial errors and/or deficiencies in the materials or presentation,
(5) The materials, theories, and/or methodologies are not current and/or practical,
(6) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,
(7) The instructor(s) responsible for the activity content and presentation is not approved by the Board,
(8) 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,
(9) The activity content and/or policies are not communicated to the credential holder(s) as presented to the Board for approval, or
(10) A material violation of the Act or this Title by the education provider or instructor for 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, which shall include a description of the reasons for rescinding approval found by the Board. The education provider shall have 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 must file a new application for approval of the continuing education activity and meet the requirements in place at the time a new application is submitted to the Board.

004 SEVEN-HOUR SUPERVISORY APPRAISER AND TRAINEE COURSE

004.01 Requirements

004.01A All trainee and supervisory appraiser courses shall be conducted as a classroom education course.

004.01B All trainee and supervisory appraiser courses shall contain current material, theory and methodologies.

004.01C All trainee and supervisory appraiser courses shall be conducted in conformity with the materials, presentation methodologies, and policies as approved by the Board.

004.01D Education providers shall require 100% attendance for all hours as approved by the Board for successful completion of the trainee and supervisory appraiser course by attendee(s).

004.01E Each trainee and supervisory appraiser course shall be 7 hours in length. 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.

004.01F Education provider shall require that attendee(s) successfully complete a proctored
closed-book examination by answering a minimum of 70% of exam questions correctly.

004.01G Fifty minutes engaged in instruction equals one hour for a trainee and supervisory appraiser course.

004.01H A document certifying completion must be issued to each attendee upon completion of a trainee and supervisory appraiser course. The document may be transmitted to the attendee in person, by mail, by email, or by any other electronic means which are secure. The document shall include the name of education provider, signature of education provider and/or instructor, name of course as approved by the Board, location at which course was conducted, date(s) the course was conducted, activity number issued by the Board, number of Board approved hours, pass or fail statement, and name of attendee.

004.01I Education provider shall maintain a record of attendance for each trainee and supervisory appraiser course for a period of at least five years.

004.01J Education Provider shall provide an alphabetical listing of the names and addresses of attendee(s) who have met the requirements for completion of any trainee and supervisory appraiser course approved by the Board on a form approved by the Board. The alphabetical listing must be submitted to the Board within 30 days of the conclusion of the course, and such listing shall constitute the education provider's certification that the list includes only attendee(s) who have met all attendance, completion, and examination requirements.

004.02 Course Objectives

004.02A The course must provide adequate information to ensure the supervisory appraiser understands the qualifications and responsibilities of that role. Specifically, that the attendee(s) understand:

(1) Minimum qualifications for becoming and remaining a supervisory appraiser,
(2) Jurisdictional credentialing requirements for both supervisory appraisers and trainee real property appraisers,
(3) Expectations and responsibilities of being a supervisory appraiser,
(4) Basics of the Uniform Standards of Professional Appraisal Practice,
(5) Responsibilities and requirements of a supervisory 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 a trainee real property appraiser,
(2) Jurisdictional credentialing requirements for trainee real property appraisers,
(3) Minimum qualifications for becoming and remaining a supervisory appraiser,
(4) Processes and roles of the entities involved in establishing qualifications for credentialed appraisers,
(5) Expectations and responsibilities of the trainee real property appraiser,
(6) Qualifications to become a credentialed 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 appraiser credentials and disciplining appraisers,

(4) The typical structure of appraiser regulating bodies, and Overview of the role of professional 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 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
(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 appraiser, and at a minimum, must include and discuss the following topics:

(1) The expectations and responsibilities of the supervisory 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 appraiser to understand the minimum requirements of both the supervisory appraiser and trainee real property appraiser,
(3) The expectations and responsibilities of the supervisory 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 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 appraiser to verify that the supervisory appraiser and trainee real property appraiser are properly documenting all appropriate experience logs,
(6) The expectations and responsibilities of the supervisory 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 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 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 appraiser to immediately notify the trainee real property appraiser if the supervisory 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, must include and discuss the following topics:

(1) The expectations and responsibilities of the trainee real property appraiser to have a basic understanding of the minimum requirements to become a trainee real property appraiser,

(2) The expectations and responsibilities of the trainee real property appraiser to have an understanding about the importance of selecting an appropriate supervisory appraiser. Points covered shall include:

a) Description of the supervisory appraiser-trainee real property appraiser relationship as a long-term commitment by both parties,

b) Information indicating that the supervisory appraiser-trainee real property appraiser relationship is inherently connected to the "good standing" of the supervisory appraiser,

c) Information regarding the importance of selecting a supervisory 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 appraiser is no longer qualified to serve as a supervisory appraiser.

(3) The expectations and responsibilities of the trainee real property appraiser to have an understanding of how to determine if an appraiser is qualified and in good standing to be a supervisory appraiser by searching the Appraisal Subcommittee National Registry and/or jurisdictional websites,

(4) The expectations and responsibilities of the trainee real property appraiser to understand it is the supervisory 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 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 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 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 two hours of 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 appraisers and trainee real property appraisers. This section may include the following topics:

(1) Overview of state laws, regulations, and policies pertaining to real property appraisal practice,

(2) Overview of the investigation process, including how it pertains to the following:

a) A grievance against a trainee real property appraiser,
b) A grievance against supervisory appraiser,
c) Acts or omissions considered grounds for disciplinary action or denial of an application,
d) Formal complaints, formal hearings, and administrative law, and
e) Appraisal management companies, including the laws pertaining to.

004.04 Initial Application

004.04A Any education provider applying for approval of a supervisory 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 An course matrix reflecting hours of credit per topic;

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

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

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

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

(1) Covers the subject matter in sufficient depth to achieve the stated learning objectives,
(2) Provides appropriately balanced coverage of the subject matter in view of the stated learning objectives,
(3) Reflects current knowledge and practice, and
(4) Does not contain significant errors and/or deficiencies;

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

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

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

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

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

004.04A.2j A copy of completion document;

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

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

004.04C Any application not considered to be incomplete will be processed and reviewed by the Board. If the Board finds that the education provider and submitted course meets the requirements in the Act and this Title, the application will be considered a completed application and the Board may approve the supervisory appraiser and trainee course. The education provider will receive a written notification of approval, which outlines the details of approval.

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

004.05 Resubmission of Approved Supervisory Appraiser and Trainee Course

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

(1) There are substantial change to the materials, presentation, or policies,
(2) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,
(3) One or more instructors are added or removed by the education provider,
(4) The materials, theories, and/or methodologies are no longer current, or
(5) The course content and/or policies are no longer communicated to the attendee(s) as presented to the Board for approval.

004.05B The process and requirements for resubmission of a supervisory appraiser and trainee course are the same as specified in Section 004.04 of this Chapter.

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

004.06 Rescinding of Approval

004.06A The Board may rescind approval of a supervisory 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) There is a change in the qualifications as specified in Section 005.01 of this Chapter under which an instructor was approved by the Board,
(5) The instructor(s) responsible for the activity content and presentation is not approved by the Board,
(6) The activity has not been offered for a period of at least five years from the last date of completion submitted to the Board or the approval date if activity has not been offered,

(7) The course content and/or policies are not communicated to the attendee(s) as presented to the Board for approval, or
(8) A material violation of the Act or this Title by the education provider or instructor for 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, which shall include a description of the reasons for rescinding approval found by the Board. The education provider shall have 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 appraiser and trainee course. If approval is rescinded, the education provider must file a new application for approval of a supervisory appraiser and trainee course and meet the requirements in place at the time a new application is submitted to the Board.

005 INSTRUCTORS

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

005.01 Requirements

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

005.01A.1 Hold a bachelor's degree in any field and have at least three years of experience directly related to the subject matter to be taught;

005.01A.2 Hold a master's degree or higher in any field and have at least one year of experience directly related to the subject matter to be taught;

005.01A.3 Hold a master's degree or higher in a field that is directly related to the subject matter to be taught;

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

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

005.01B An instructor for any qualifying education activity, continuing education activity, or supervisory appraiser and trainee course, must meet qualifications established pursuant to any other applicable law.

005.01C An instructor for any qualifying education activity, continuing education activity, or supervisory appraiser and trainee course, shall not have a conviction, including a conviction based upon a plea of guilty or nolo contendere, of any felony unless his or her civil rights have been restored.

005.01D An instructor for any qualifying education activity, continuing education activity, or supervisory appraiser and trainee course, who holds a credential as a real property appraiser in Nebraska or any other jurisdiction shall:

005.01D.1 Maintain each credential in good standing in accordance with the laws of the jurisdiction in which each credential is held;

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

005.01D.3 Not have had disciplinary action taken against his or her credential that may constitute a violation of NEB. REV. STAT. § 76-2238 within three years.

005.01E Any instructor of the qualifying education fifteen-hour National Uniform Standards of Professional Appraisal Practice Course, the continuing education seven-hour National Uniform Standards of Professional Appraisal Practice Update Course, the continuing education seven-hour report writing update course, and/or the seven-hour supervisory appraiser and trainee course, must:

005.01E.1 Be an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation;

005.01E.2 Be a state-certified appraiser;

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

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

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

005.02 Initial Application

005.02A An education provider applying for approval of an instructor for any qualifying education activity, continuing education activity, or seven-hour supervisory 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, continuing education seven-hour report writing update course, and/or seven-hour supervisory appraiser and trainee course.

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

005.02C Any application not considered to be incomplete will be processed and reviewed by the Board. 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 Board may approve the instructor applicant for a specific activity. The education provider will receive a written notification of approval, which outlines the details of approval.

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

005.03 Resubmission of Instructor Approval

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

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

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 shall expire on the same date the activity is no longer approved.

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

(1) Falsification of information submitted for activity and/or instructor approval,
(2) A change in the status of instructor's certification as an AQB Certified USPAP Instructor by the Appraiser Qualifications Board of The Appraisal Foundation if certification is required for instructor approval,
(3) A change in the instructor's qualifications, as specified in Section 005.01 of this Chapter, under which he or she was approved by the Board as an instructor for an activity,
(4) A change in the status of approval of the activity by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program,
(5) Substantial errors and/or deficiencies in the materials or presentation of activity,
(6) The materials, theories, and/or methodologies of activity are not current and/or practical,

(7) The activity content and/or policies are not communicated as presented to the Board for approval, or

(8) A material violation of the Act or this Title by the education provider or instructor.

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, which shall include a description of reasons for rescinding approval found by the Board. The education provider shall have 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 must file a new application for instructor approval and meet the requirements in place at the time a new application is submitted to the Board.

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 will be returned to the applicant as incomplete.

001.03 Any application not considered to be incomplete will be processed and reviewed by the Board. 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 Board may issue a registration to the applicant.

001.04 Within sixty days of approval by the Board that the applicant may be issued registration as an appraisal management company by the Board, an applicant shall pay a non-refundable initial registration fee of $2000.00 before the applicant is authorized to conduct business as an appraisal management company in this State.

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.

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 pertains to registration. If the Board denies an application for any reason excluding the criminal history record check, the applicant must file a new application and 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 shall be 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 driver's license 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 which 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 shall notify the Board in writing within ten (10) calendar days of any change of such address or telephone number.

002 RENEWAL

All appraisal management company registrations shall be in effect for two years from the date of issuance and shall expire at midnight on such date, unless revoked, suspended, surrendered, or cancelled prior to such date. To qualify for renewal of a 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.

002.01 Any applicant for renewal of a registration as an appraisal management company must, no later than thirty 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;

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

002.01C Submit any information required by the Board which is reasonably necessary to comply with the Nebraska Appraisal Management Registration Act, including but not limited to, the records maintained by the appraisal management company in compliance with NEB. REV. STAT. § 76-3212.

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

002.03 Any application not considered to be incomplete will be processed and if the applicant meets the general requirements in the AMC Act and this Title, the application will be considered a completed application, and the registration may be renewed. 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 which pertain to registration or renewal. If the Board denies renewal of a registration for any basis excluding the criminal history record check, the applicant must file a new application and 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 shall be entitled to a copy of his or her national criminal history record, and an opportunity to dispute the result.

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

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

002.05A.2 Present a driver's license 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 which was the basis for denial is incorrect, the Board may reconsider the application.

002.06 Any appraisal management company who fails to submit a properly completed renewal application by the deadline specified in Section 002.01 of this Chapter, but submits such an application for renewal within six months of expiration of the registration, may receive a renewal registration by submitting such application, documentation, and fees as required in Section 002.01 of this Chapter, plus a late processing fee of $25.00 for each month or portion of a month the renewal application is late for up to six successive months from the registration expiration date.

002.07 Any appraisal management company who fails to submit a properly completed renewal application within six months of the renewal deadline shall not be eligible for renewal and must submit an application for a new registration.

002.08 Any person(s) 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 shall be 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.

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 shall limit or preclude 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 shall be 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 shall be 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 shall vote on any matter in which he or she appointed by his or her fellow board members to participate in an investigation. Any person in contract with the Board to provide technical assistance shall report his or her findings to the Board's investigator as requested.

002.03 Upon receipt, the Board's investigator evaluates the grievance to determine jurisdiction and make a preliminary determination as to whether any violations of the Act have been alleged. Upon conclusion of the evaluation, the investigator shall make a recommendation to the Board as to whether sufficient evidence exists to proceed with an investigation or whether the grievance should be dismissed.

002.04 The Board reviews the recommendation of the investigator and determines whether the allegation(s) should be dismissed, or whether the allegation(s) should be investigated.

002.05 If the Board determines to proceed with an investigation, the following steps are generally followed:

002.05A If applicable, the aggrieved person shall be notified in writing that the grievance has been received, provided the investigation number assigned to the grievance, and directions to follow the investigation through the minutes of the Board meetings in which the grievance is discussed.

002.05B The person under investigation shall be notified in writing of the grievance against him or her, the allegations, and informed that he or she is being investigated.

002.05C In conducting an investigation, and prior to filing a formal complaint on the grievance, the person who is under investigation may be requested to:

002.05C.1 Submit documentation and information, including but not limited to, a true copy of a report(s) and workfile(s), within an appropriate period of time as determined by the investigator; and/or

002.05C.2 Answer the allegations, provide a response to the results of a technical review, and/or provide any other information concerning the investigation, in writing, electronically, or verbally as determined by the investigator.

002.05D In conducting an investigation, the aggrieved person may be requested to:

002.05D.1 Submit documentation and other information as requested;

002.05D.2 Respond to any request for information in writing, electronically, or verbally as determined by the investigator; and/or,

002.05D.3 Discuss the allegations with the investigator.

002.05E 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.

002.05F Upon the conclusion of an investigation, the Board's investigator shall prepare an investigative report. The report shall include documentation that supports the findings as needed and a recommendation to dismiss the allegation(s), or:

002.05F.1 In the case of a credential holder, file a formal complaint.

002.05F.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.

002.05G The Board may offer the person an opportunity to informally discuss the alleged violation(s) before the Board, request further investigation, dismiss the allegation(s), or:

002.05G.1 In the case of a credential holder, file a formal complaint.

002.05G.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.

002.05H If the investigation reveals that there is not good cause to believe that the person under investigation has violated the Act or the Rules and Regulations promulgated by the Board, 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.

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

002.05I.1 A formal complaint shall be prepared by the Board and served upon the credential holder under investigation.

002.05I.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) Appraisal Experience,
(12) Limit or limitations on credential holder or applicant, and/or upon the right to engage in real property appraisal activity and trainee real property appraiser supervision,
(13) Cease and desist order, and
(14) Costs associated with investigation.

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

002.09 Supervisory 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 appraiser shall be notified of the Board's concerns, and be provided a redacted copy of any technical review of the subject report completed at the request of the Board.

002.09B The supervisory 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 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 appraiser.

002.09D If the Board finds a probability that the actions of the supervisory appraiser constitutes 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 appraiser to take additional action; or the Board may upon its own motion, cause an investigation to be made.

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 shall be 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 shall 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 in contract with the Board to provide technical assistance shall report his or her findings to the Board's investigator as requested.

003.03 Upon receipt, the Board's investigator evaluates the grievance to determine jurisdiction and to make a preliminary determination as to whether any violations of the AMC Act have been alleged. Upon conclusion of the evaluation, the investigator shall make recommendation to the Board as to whether sufficient evidence exists to proceed with an investigation or that the grievance should be dismissed.

003.04 The Board reviews the recommendation of the investigator and determines whether the allegation(s) should be dismissed, or whether the allegation(s) should be investigated.

003.05 If the Board determines to proceed with an investigation, the following steps are generally followed:

003.05A If applicable, the aggrieved person shall be notified in writing that the grievance has been received, provided the investigation number assigned to the grievance, and directions to follow the investigation through the minutes of Board meetings in which the grievance is discussed.

003.05B The person under investigation shall be notified in writing of the grievance against the organization, the allegations, and informed that the person is being investigated.

003.05C In conducting an investigation, and prior to filing a formal complaint on the grievance, the person who is under investigation may be requested to:

003.05C.1 Submit documentation, including but not limited to, report(s) and workfile(s), appraisal review report(s) and workfiles, appraiser panel information, Uniform Standards of Professional Appraisal Practice compliance, appraiser fees, record of appraisal services within an appropriate period of time as determined by the investigator; and/or

003.05C.2 Answer the allegations, and/or provide any other information concerning the investigation, in writing, electronically, or verbally as determined by the investigator.

003.05D In conducting an investigation, the aggrieved person may be requested to:

003.05D.1 Submit documentation as requested;

003.05D.2 Respond to any request for information in writing, electronically, or verbally as determined by the investigator; and/or,

003.05D.3 Discuss the allegations with the investigator.

003.05E 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.

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

003.05G If the investigation reveals that there is not good cause to believe that the person under investigation has violated the AMC Act or the Rules and Regulations promulgated by the Board, 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.

003.05H If the investigation discloses evidence that the actions of the person under investigation constitute a violation of the AMC Act or the Rules and Regulations, a formal complaint may be prepared by the Board.

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

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

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