

TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD
October 18, 2016 Draft (LB717/LB139/LB731/General Update)

~~**TITLE 298 NAC - NEBRASKA REAL PROPERTY APPRAISER BOARD**~~

~~**CHAPTER 1**~~
~~**DEFINITIONS; APPLICABILITY; EFFECTIVE DATE**~~

~~001~~ Definitions of terms used in this Title, unless the context otherwise requires, shall be as stated in the Real Property Appraiser Act (hereinafter referred to as “the Act”), the *Uniform Standards of Professional Appraisal Practice*, and further definitions shall be as follows:

~~001.01~~ Board means the Real Property Appraiser Board;

~~001.02~~ 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 listing, purchase, or sale.

~~001.03~~ Credential means any registration, license, or certificate associated with becoming an appraiser trainee, registered appraiser, licensed residential appraiser, certified residential appraiser, or certified general appraiser.

~~001.04~~ Negligence means failure to meet reasonable standards of performance and act with prudent care; omission through thoughtlessness or imprudence.

~~001.05~~ Real estate or real property appraisal practice means the valuation services performed by an individual acting as an appraiser, including but not limited to appraisal, appraisal review, or appraisal consulting; and means an opinion of value, the act or process of developing an opinion of value, or pertains to appraising and related functions such as appraisal practice or appraisal services.

Comment: These three terms, appraisal, appraisal review, or appraisal

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~~consulting, are intentionally generic, and not mutually exclusive. For example, an opinion of value may be required as part of an appraisal review and is required as a component of the analysis in an appraisal consulting assignment. The use of other nomenclature for an appraisal, appraisal review, or appraisal consulting assignment (e.g., analysis, counseling, evaluation, study, submission, or valuation) does not exempt an appraiser from adherence to the Uniform Standards of Professional Appraisal Practice.~~

~~002~~ References in this Title to §76-2201, et seq., refer to sections of the Act, as contained in the Neb. Rev. Stat., as amended.

~~003~~ Standards and regulations set forth in this Title apply to every person who engages in any real property appraisal activity in the State of Nebraska, except as exempted under §76-2221.

~~004~~ This Title applies to all persons providing real property appraisal services, and to all real property appraisal activities in the State of Nebraska from and after January 1, 2010.

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CHAPTER 2 STANDARDS OF PRACTICE

~~001 Pursuant to NEB. REV. STAT. § 76-2237, the Board shall adopt and promulgate rules and regulations which may conform to the *Uniform Standards of Professional Appraisal Practice*. Under the authority of NEB. REV. STAT. § 76-2223 (12) (13) the Board shall review, establish, and adopt such rules and regulations annually. The 2010-2011 edition of the *Uniform Standards of Professional Appraisal Practice* is adopted and attached as the formal rules and regulations 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 resident registered, licensed residential, certified residential or certified general credential. Every real property appraiser shall comply with these rules and regulations. Certified copies of the *Uniform Standards of Professional Appraisal Practice* are 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.~~

~~002 Every credential holder in the State of Nebraska shall keep the Board informed of his or her principal place of doing business and shall notify the Board in writing within ten (10) days of any change of such address or telephone number. Non-compliance of this section shall result in the credential holder remitting an administrative processing fee of \$50 as part of his or her subsequent credential renewal.~~

~~003 No advertisement by a credential holder in the State of Nebraska shall use a name of a credential holder other than as stated on the appraiser's credential; and no advertisement shall state any address other than the principal place of business as provided by the appraiser to the Board.~~

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~~CHAPTER 3~~
~~APPRAISER TRAINEES~~

~~The requirements formerly found in Chapter 3 have been transferred to other appropriate chapters in Title 298.~~

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CHAPTER 4
EDUCATION ACTIVITIES; APPROVAL; RESTRICTIONS

~~001~~ Only educational courses and activities approved by the Board pursuant to this Title shall qualify for inclusion in the number of classroom hours required by the Act for eligibility for or renewal of a credential.

~~001.01~~ Credit for the classroom hour requirement, may be obtained from colleges or universities, community or technical colleges, private post secondary career schools, real property appraisal or real property related organizations, state or federal agencies or commissions, proprietary schools, other providers approved by the state certification/licensing agency, or other approved provider subscribing to the Appraiser Qualifications Board (AQB) Course Approval Program.

~~002~~ Each course of study to be included in the number of hours required for a credential must be conducted by an accredited university, college, technical community college, private post secondary career school, an appraisal society, institute, or association; or such other educational provider as may be approved by the Board. Additionally, providers of such courses of study must comply with the Nebraska Private Postsecondary Career Schools Act, NEB.REV.STAT § 85-1601, et seq.

~~003~~ Approval of instructors of appraisal courses of study shall take place every five (5) years. Criteria for approval of instructors of appraisal courses of study shall be as follows:

~~003.01~~ All instructors must meet the qualifications established pursuant to any other applicable law and the qualification standards as established by the Board and cited herein:

~~003.01A~~ A Masters degree or higher, which is directly related to the subject matter being taught.

OR

~~003.01B~~ A Bachelors degree or higher, provided the degree is

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~~in an area traditionally associated with the subject matter of appraisal, including related courses such as Business, Economics, Marketing, Accounting, Finance; and experience in real property appraisal as evidenced by a valid appraiser's credential or three years of real property appraisal experience, such as fee and staff appraisal, appraisal analysis, *ad valorem* tax appraisal, review appraisal, feasibility analysis or study.~~

~~OR~~

~~**003.01C** A highly qualified professional with a generally recognized professional designation from a professional appraisal organization and two years of education from a post-secondary institution.~~

~~OR~~

~~**003.01D** A Bachelors or higher degree in education and valid teacher certification in the individual's resident jurisdiction and appraisal experience as evidenced by a valid appraiser's credential, or three years of real property appraisal experience such as fee and staff appraisal, appraisal analysis, *ad valorem* tax appraisal, review appraisal, feasibility analysis or study.~~

~~OR~~

~~**003.01E** Instructional background in real property appraisal education and expertise in course being taught. In addition, instructor must have experience in real property appraisal as evidenced by a valid appraiser's credential or three years of real property appraisal experience such as fee and staff appraisal, appraisal analysis, *ad valorem* tax appraisal, review appraisal, feasibility analysis or study.~~

~~OR~~

~~**003.01F** There may be circumstances under which experience not requiring a real property appraiser credential could be substituted in the standards for instructors.~~

~~OR~~

~~**003.01G** Obtain prior approval from the Nebraska Department of Education for appropriate coursework approved by the Board.~~

~~**003.02** Temporary approval of an instructor may be granted in an~~

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~~emergency situation.~~

~~003.03 The Board may not approve, may not re-approve, or may withdraw approval of instructors for, but not limited to, the following reasons:~~

- ~~1.) Falsification of information on the application forms;~~
- ~~2.) Loss of appraiser's credential when needed as part of approval;~~
- ~~3.) Incompetence.~~

~~003.04 Approval of instructors may take place after a review of information supplied on forms issued by the Board. Renewal of instructor approval will take place every five years beginning with date of approval or on appropriate dates as determined by the Board. Renewal may take place after a review of information supplied on forms issued by the Board. These forms will request appropriate information regarding the instructional and other professional activities of the preceding five years.~~

~~003.05 Each instructor of the 15-hour National Uniform Standards of Professional Appraisal Practice Course and the seven-hour National Uniform Standards of Professional Appraisal Practice Update Course must be certified as such by the Appraiser Qualifications Board and must be a state-certified real property appraiser in good standing. Termination of qualifying instructor credentials by the Appraiser Qualifications Board automatically terminates the approval of the instructor by the Nebraska Real Property Appraiser Board.~~

~~004 Criteria for approval of appraisal courses of study for meeting the minimum qualifying education standards for a credential shall be as follows:~~

~~004.01 The provider must submit to the Board a properly completed application for approval of an education offering on forms provided by the Board and the provider must meet all other applicable laws.~~

~~004.02 The provider shall require full attendance at all sessions by all~~

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~~students at each class session and shall take attendance at all sessions. Full attendance shall mean attendance for 100 percent of each class session;~~

~~**004.03** The course of study shall cover one or more of the topics listed in Section 005 of Chapter 5 of this Title. If the course of study is intended to be a complete course to meet the requirements for a credential the course shall include all such topics and provide the hours of study as required in Chapter 5 of this Title; and~~

~~**004.04** Each course of study shall be at least 15 hours of class time, not to exceed eight hours per day; and the student must successfully complete a closed book examination pertinent to such course at its end.~~

~~**004.05** In addition to courses of study directly approved by the Board, the Board may accept education obtained in courses of study held in another jurisdiction in which courses have been approved to meet the education requirements for such other jurisdiction, if that jurisdiction has adopted and enforces standards for the education of real property appraisers that are equivalent to the standards established by this Title.~~

~~**004.06** Courses of study directly approved by the Board to meet core curriculum course requirements on or after January 1, 2008 must be in modular format and have approval from the AQB Course Approval Program. Elective qualifying education or core curriculum course requirements must be completed in a classroom setting.~~

~~**005** Criteria for approval of continuing education activities shall be as follows:~~

~~———**005.01** The continuing education activity must contribute to the maintenance and improvement of the quality of real estate appraisal service provided to the public;~~

~~———**005.02** Each in-class continuing education activity must consist of at least two (2) in-class clock hours of instruction;~~

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~~005.03~~ The provider must submit a complete application as prescribed by the Board and the provider must meet all other applicable laws;

~~005.04~~ The provider shall require full attendance by all students at each class session and shall take attendance at all sessions. Full attendance shall mean attendance for 100 percent of each class session;

~~005.05~~ The continuing education requirement may be met by taking on-line Board approved education courses not to exceed 14 hours per continuing education period. The 7-Hour National USPAP Update Course cannot be completed on-line and must be completed in a classroom setting. On-line continuing education courses must conform in all respects to the AQB's criteria pertaining to continuing education delivered in that manner and must have the appropriate on-line delivery mechanism approval as a primary and secondary provider and a copy of the course on-line delivery approval must be submitted to this office and maintained in the file;

~~005.06~~ The following activities shall not be used toward meeting the continuing education requirement:

~~005.06A~~ Those that are specifically examination preparation in nature;

~~005.06B~~ Those that deal with office or business skills, such as typing, speed reading, memory improvement, body language, motivation, and similar activities;

~~005.06C~~ Those which are completed by a challenge examination (testing out of the activity);

~~005.06D~~ Meetings held in conjunction with an appraisal firm's general business;

~~005.06E~~ Orientation courses;

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~~———005.06F~~ Continuing education activities of the same content, or if in the opinion of the Board an activity is so similar as to be indistinguishable in content, it cannot be used for a minimum of four years after its use toward meeting the continuing education requirement;

~~———005.06G~~ An exception to 005.05F applies to the study of the 7-hour National Uniform Standards of Professional Appraisal Practice Update Course. The 7-hour National Uniform Standards of Professional Appraisal Practice Update Course must be taken in each two-year continuing education cycle. The update course must be taught by an Appraiser Qualification Board certified USPAP instructor who is a state-certified appraiser in good standing;

~~———005.06H~~ Continuing education activities taken to make up a deficiency of the continuing education requirement from a previous continuing education period may not be used toward the current period's continuing education requirement; and

~~———005.06I~~ Mentoring agreements for experience or disciplinary action.

~~———006~~ In addition to continuing education activities directly approved by the Board, the Board may accept continuing education activities conducted in another jurisdiction in which the activity is approved to meet the continuing education requirements for renewal of a credential in such other jurisdiction, if that jurisdiction has adopted and enforces standards for education that are equivalent to the standards established by this Title.

~~———007~~ All approved continuing education activities must be resubmitted for approval and reviewed every five years by the Board unless substantial changes are made in the activity prior to that time. If such changes are made, the activity must be submitted for review and approval. All materials submitted shall be retained by the Board.

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~~008~~ For purposes of determining the qualified hours of all educational offerings, an hour means 60 minutes, at least 50 minutes of which is devoted to actual classroom instruction. At least a one-half hour break shall be given to students by no later than the end of four hours of class in any day.

~~009~~ Decisions of the Board to deny approval of providers or activities may be reviewed by the Board when such review is requested within 20 days of notification of denial. The Board may at any time reevaluate an approved provider or activity. If a basis for reconsideration of denial or revocation of approval is found, the Board must notify the provider by mail at least 20 days prior to holding a hearing on the denial or revocation, and such review must be held in the same manner as provided for complaints as set forth in Chapter 9 of this Title.

~~010~~ After initial approval, approval of a substantial change, or renewal of approval of an educational activity, the provider must submit to the Board in advance of offering the activity, a notice of the scheduling of the activity in a form prescribed by the Board.

~~011~~ Each provider must keep attendance records in a manner intended to insure full-time attendance by students.

~~012~~ A document certifying satisfactory completion must be issued to each student upon completion of the course of study or continuing education activity. The document must display all information required by the Board, including, but not be limited to, name of provider, signature of provider and/or instructor, name of course, course number, hours of credit, dates of course or education activity, pass or fail statement (if applicable), and name of student.

~~013~~ Complete and accurate records must be established and maintained by each provider, as prescribed by the Board, for each individual student for five years following course presentation.

~~014~~ An alphabetical listing of the names and addresses of students who have met the requirements of completion at an education activity approved by the Board

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~~must be submitted to the Board within 90 days of the conclusion of the activity. Such listing shall constitute the provider's certification that the list includes only attendees who have met all attendance, completion, and examination requirements.~~

~~015 All providers of appraiser education courses of study related to the requirements for an initial credential must submit, with their request for approval of each course, a non-refundable fee of \$50. All providers of continuing education courses must submit, with their request for approval of each course, a non-refundable fee of \$25. A non-refundable fee of \$10 must be submitted with each application for five-year renewal of each continuing education activity.~~

~~016 By January 31 of each year, a provider must submit a list of all educational activities taught in Nebraska during the prior calendar year.~~

~~017 Education providers who fail to meet the student attendance reporting requirements to the Real Property Appraiser Board are subject to the following disciplinary actions:~~

~~a. Education providers shall be given a written notice delivered by certified mail that they have 30-day to meet the reporting obligations.~~

~~b. Failure after the 30-day notice shall result in a 90-day suspension of all approvals for education offerings following Board approval. Publish suspension status on the NRPAB education schedule to prevent students from completing education for which they will not receive credit.~~

~~c. Failure to meet obligations after suspension will result in termination of all rights and privileges following Board approval.~~

~~d. The Board will forward notice of withdrawal of approval to the Department of Education.~~

~~018 Nothing in this Chapter shall be construed to preclude educational offerings sponsored or conducted by the Board from being accepted toward meeting the continuing education requirement of the Act.~~

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CHAPTER 5
EDUCATION AND EXPERIENCE REQUIREMENTS

~~001~~ To qualify for a credential as a real property appraiser trainee, registered real property appraiser, licensed residential real property appraiser, certified residential real property appraiser, or certified general real property appraiser, an applicant must complete education requirements of the core curriculum established for each classification:

~~001.01~~ To qualify for the appraiser trainee credential, the applicant must satisfactorily complete a minimum of 75 hours in courses of study that are tested and selected from a core curriculum approved by the Board. The core curriculum must include the 15-hour National Uniform Standards of Professional Appraisal Practice Course as adopted by the Board, taught by an AQB-certified USPAP instructor who is a certified appraiser; 30 hours of basic appraisal principles, and 30 hours of basic appraisal procedures.

~~001.01A~~ Appraisers holding a valid appraiser credential may satisfy the education requirements for a trainee real property appraiser credential based on the following criteria:

~~a.~~ Holding a valid registered real property appraiser credential earned under requirements effective January 1, 2008, satisfies the education requirements. Appraisers holding a valid registered real property appraiser credential earned prior to January 1, 2008 must meet the core curriculum education requirements effective January 1, 2008.

~~b.~~ Holding a valid licensed real property appraiser credential earned under requirements effective January 1, 2008, satisfies the education requirements.

~~c.~~ Holding a valid certified residential real property appraiser credential earned under requirements effective January 1, 2008, satisfies the education requirements.

~~d.~~ Holding a valid certified general real property appraiser credential earned under requirements effective January 1, 2008, satisfies the education requirements.

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~~001.01B All appraiser trainees shall work under the direct supervision of a real property appraiser in good standing who holds a credential as a certified real property appraiser issued by the Board. The supervising certified real property appraiser shall not be subject to any disciplinary action within the last two years.~~

~~001.01C Any advertising in the name of the supervising certified real property appraiser with whom the appraiser trainee is associated which lists the names of real property appraisers may include the name of an appraiser trainee so long as it clearly identifies such person as an appraiser trainee. Appraiser trainees may not otherwise advertise.~~

~~001.01D The scope of practice for the appraiser trainee credential is the appraisal of those properties that the supervising certified appraiser is permitted by his or her current credential and that the supervising certified appraiser is qualified and competent to appraise. Any existing credential holder acting as an appraiser trainee on a specific assignment is limited to the scope of practice for the supervising appraiser.~~

~~001.01E The appraiser trainee shall be entitled to obtain copies of appraisal reports he or she prepared. The supervising certified appraiser shall keep copies of appraisal reports for a period of five years, or at least two years after final disposition of any judicial proceedings in which the appraiser provided testimony related to the assignment, whichever period expires last.~~

~~001.01F All appraiser trainees must comply with the Competency Rule of the Uniform Standards of Professional Appraisal Practice (USPAP).~~

~~001.01G There is no examination requirement for the appraiser trainee credential, but the trainee shall pass examinations in the~~

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~~prerequisite courses in order to earn credit for core education courses.~~

~~001.01H As the prerequisite for application, an applicant must have completed 75 creditable class hours of qualifying education as specified in the required core curriculum. Additionally, applicants must pass the core curriculum examinations in the prerequisite required courses in order to earn credit for core education courses.~~

~~001.01H No experience is required as a prerequisite for the appraiser trainee credential.~~

~~001.01J The appraiser trainee shall be subject to direct supervision by a supervising appraiser in good standing who shall be state certified. The supervising certified appraiser shall be responsible for the training, guidance, and direct supervision of the appraiser trainee by:~~

~~a. Accepting responsibility for the appraisal report by signing and certifying that the report complies with USPAP;~~

~~b. Reviewing and signing the appraiser trainee's appraisal report(s); and~~

~~c. Personally inspecting each appraised property, if such inspection is required or appropriate, with the appraiser trainee until the supervising certified appraiser determines the appraiser trainee is competent, in accordance with the Competency Rule of USPAP for the property type.~~

~~001.01K The appraiser trainee is permitted to have more than one supervising certified appraiser, but a supervising certified appraiser may not supervise more than three (3) appraiser trainees at one time, unless a state program in the licensing jurisdiction provides for progress monitoring, supervising certified appraiser qualifications, and supervision and oversight requirements for supervising appraisers.~~

~~001.01L An appraisal log shall be maintained by the appraiser~~

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~~trainee and the supervising certified appraiser jointly. Both trainee and supervisor must sign the Board approved log. At a minimum, the appraisal log must include the following information:~~

- ~~a. Type of property;~~
- ~~b. Date of report;~~
- ~~c. Address of appraised property;~~
- ~~d. Description of work performed by the trainee and scope of the review and supervision of the supervising certified appraiser;~~
- ~~e. Number of actual work hours by the trainee on the assignment; and~~
- ~~f. The signature and state certification number of the supervising appraiser.~~

~~Separate appraisal logs shall be maintained for each supervising certified appraiser if applicable.~~

~~001.01M A trainee real property appraiser who remains in the classification in excess of two years shall be required in the third and successive years to successfully complete no fewer than fourteen hours of instruction in qualifying education courses or continuing education courses for each year of the period preceding the renewal and shall have completed the seven-hour National Uniform Standards of Professional Appraisal Practice Update Course, or its equivalent, at a minimum of every twenty-four months.~~

~~001.01N A trainee real property appraiser will be required to immediately file with the Real Property Appraiser Board a Supervisor/Trainee form for each supervisor.~~

~~**001.02** To qualify for the registered real property appraiser credential, the applicant must satisfactorily complete at least 90 class hours in courses of study that are tested and selected from a core curriculum approved by the Board. The core curriculum must include the 15-hour National Uniform~~

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~~Standards of Professional Appraisal Practice Course as adopted by the Board, taught by an AQB-certified USPAP instructor who is a certified appraiser, 30 hours of basic appraisal principles, 30 hours of basic appraisal procedures and 15 hours of Residential Report Writing and Case Studies.~~

~~001.02A Appraisers holding a valid appraiser credential may satisfy the education requirements for a registered real property appraiser credential based on the following criteria:~~

~~a. Holding a valid trainee real property appraiser credential may satisfy the education requirements by completing the following core curriculum education: 15 hours of Residential Report Writing and Case Studies;~~

~~b. Holding a valid licensed residential real property appraiser credential, a valid certified residential real property appraiser credential or a valid certified general real property appraiser credential satisfies the education requirements.~~

~~001.02B The scope of practice for the registered real property appraiser credential shall be limited to the appraisal of non-complex one to four residential units having a transaction value less than two hundred fifty thousand dollars (\$250,000).~~

~~001.02C An applicant for the registered real property appraiser credential, shall receive no more than three successive annual renewals as a registered credential. The Board shall not approve any initial application for the registered real property appraiser credential on and after January 1, 2012.~~

~~001.03 To qualify for the licensed residential real property appraiser credential, the applicant must satisfactorily complete at least 150 class hours in courses of study that are tested and selected from a core curriculum approved by the Board. The core curriculum must include the 15-hour National Uniform Standards of Professional Appraisal Practice Course, as adopted by the Board, taught by an AQB-certified USPAP instructor who is a certified appraiser; a minimum 30 hours of study in basic appraisal~~

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~~principles; a minimum 30 hours of study in basic appraisal procedures; a minimum 15 hours of study in residential market analysis and highest and best use; a minimum 15 hours of study in residential appraiser site valuation and cost approach; a minimum 30 hours of study in sales comparison and income approaches; and at least 15 hours of study in residential report writing and case studies.~~

~~001.03A Appraisers holding a valid appraiser credential may satisfy the education requirements for a licensed residential real property appraiser credential based on the following criteria:~~

~~a. Holding a valid trainee real property appraiser credential may satisfy the education requirements by completing the following education hours: 15 hours of Residential Market Analysis and Highest and Best Use; 15 hours of Residential Site Valuation and Cost Approach; 30 hours of Residential Sales Comparison and Income Approaches; and 15 hours of Residential Report Writing and Case Studies,~~

~~b. Holding a valid registered real property appraiser credential may satisfy the education requirements by completing the following education hours: 15 hours of Residential Market Analysis and Highest and Best Use; 15 hours of Residential Site Valuation and Cost Approach; 30 hours of Residential Sales Comparison and Income Approaches,~~

~~c. Holding a valid certified residential real property appraiser credential or a valid certified general real property appraiser credential satisfies the education requirements.~~

~~**001.03B** The scope of practice for the licensed residential real property appraiser credential, shall be limited to the appraisal of noncomplex property having one, two, three or four residential units with a transaction value of less than one million dollars (\$1,000,000) and complex property having one, two, three, or four residential units with a transaction value of less than two hundred fifty thousand dollars (\$250,000).~~

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~~001.04 To qualify for the certified residential real property appraiser credential, the applicant must satisfactorily complete at least 200 class hours in courses of study which are tested and selected from a core curriculum approved by the Board. The core curriculum must include the 15-hour National Uniform Standards of Professional Appraisal Practice course, as adopted by the Board, taught by an AQB-certified USPAP instructor who is a certified appraiser, as adopted by the Board; a minimum 30 hours of study in basic appraisal principles; a minimum 30 hours of study in basic appraisal procedures; a minimum 15 hours of study in residential market analysis and highest and best use; a minimum 15 hours of study in residential appraiser site valuation and cost approach; a minimum 30 hours of study in sales comparison and income approaches; a minimum 15 hours of study in residential report writing and case studies; a minimum 15 hours of study in statistics, modeling and finance; a minimum 15 hours of study in advanced residential applications and case studies; and a minimum 20 hours of study in appraisal subject matter electives.~~

~~In addition, the applicant must hold either:~~

- ~~i) an Associate degree, or higher, from an accredited college, community college, or university, or~~
- ~~ii) successfully pass 21 semester credit hours or the equivalent in the following collegiate subject matter courses from an accredited college, community college, or university: English Composition; Principles of Economics (Micro or Macro); Finance; Algebra, Geometry, or higher mathematics; Statistics; Introduction to Computers—Word Processing/ Spreadsheets; and Business or Real Estate Law. If an accredited college or university (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) accepts the College Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the~~

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~~college course.~~

~~001.04A Appraisers holding a valid appraiser credential may satisfy the education requirements for a certified residential real property appraiser credential based on the following criteria:~~

~~a. Holding a valid trainee real property appraiser credential may satisfy the education requirements by completing the following education hours: 15 hours of Residential Market Analysis and Highest and Best Use; 15 hours of Residential Site Valuation and Cost Approach; 30 hours of Residential Sales Comparison and Income Approaches; 15 hours of Residential Report Writing and Case Studies; 15 hours of Advanced Residential Applications and Case Studies; 15 hours of Statistics, Modeling and Finance; and 20 hours of an appraisal elective qualifying education. In addition, the college level education requirements as specified in 001.04i or 001.04ii, must be satisfied.~~

~~b. Holding a valid registered real property appraiser credential may satisfy the education requirements by completing the following education hours: 15 hours of Residential Market Analysis and Highest and Best Use; 15 hours of Residential Site Valuation and Cost Approach; 30 hours of Residential Sales Comparison and Income Approaches; 15 hours of Residential Report Writing and Case Studies; 15 hours of Advanced Residential Applications and Case Studies; 15 hours of Statistics, Modeling and Finance; and 20 hours of an appraisal elective qualifying education. In addition, the college level education requirements as specified in 001.04i or 001.04ii, must be satisfied.~~

~~c. Holding a valid licensed residential real property appraiser credential may satisfy the education requirements by completing the following education hours: 15 hours of Advanced Residential Applications and Case Studies; 15 hours of Statistics, Modeling and Finance; and 20 hours of an appraisal elective qualifying education. In addition, the college level education requirements as specified in 001.04i or 001.04ii, must be satisfied.~~

~~d. Holding a Certified General Real Property Appraiser~~

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~~— credential satisfies the education requirements.~~

~~————— **001.04B** The scope of practice of certified residential real property appraiser shall be limited to the appraisal of property having one, two, three, or four residential units without regard to transaction value or complexity.~~

~~————— **001.05** To qualify for general certification the certified general real property appraiser credential, the applicant must satisfactorily complete at least 300 class hours in courses of study which are tested and selected from a core curriculum approved by the Board. The core curriculum must include the 15-hour National Uniform Standards of Professional Appraisal Practice Course, as adopted by the Board, taught by an AQB-certified USPAP instructor who is a certified appraiser, as adopted by the Board; a minimum 30 hours of study in basic appraisal principles; a minimum 30 hours of study in basic appraisal procedures; a minimum 30 hours of study in general appraiser market analysis and highest and best use; a minimum 15 hours of study in statistics, modeling and finance; a minimum 30 hours of study in general appraiser sales comparison approach; a minimum 30 hours of study in general appraiser site valuation and cost approach; a minimum 60 hours of study in general appraiser income approach; a minimum 30 hours of study in general appraiser report writing and case studies; and a minimum 30 hours of study in appraisal subject matter electives.~~

~~————— In addition, the applicant must either hold:~~

~~————— i) a Bachelors degree, or higher, from an accredited college, community college, or university, or~~

~~————— ii) In lieu of the Bachelors degree a candidate must successfully pass 30 semester credit hours the equivalent in the following collegiate subject matter courses from an accredited college, community college, or university: English Composition; Micro-Economics; Macro-Economics; Finance; Algebra, Geometry, or higher mathematics; Statistics; Introduction to~~

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~~Computers—Word Processing/ Spreadsheets; Business or Real Estate Law; and two elective courses in accounting, geography, agricultural economics, business management, or real estate. If an accredited college or university (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) accepts the College Level Examination Program® (CLEP) examination(s) and issues a transcript for the exam, showing its approval, it will be considered as credit for the college course.~~

~~001.05A Appraisers holding a valid appraiser credential may satisfy the education requirements for a certified general real property appraiser credential based on the following criteria:~~

~~a. Holding a valid trainee real property appraiser credential may satisfy the education requirements by completing the following education hours: 30 hours of General Appraiser Market Analysis and Highest and Best Use; 30 hours of General Appraiser Site Valuation and Cost Approach; 30 hours of General Appraiser Sales Comparison Approach; 60 hours of Income Approach; 30 hours of General Appraiser Report Writing and Case Studies; 15 hours of Statistics, Modeling and Finance; and 30 hours of an appraisal elective qualifying education. In addition, the college level education requirements as specified in 001.05i or 001.05ii, must be satisfied.~~

~~b. Holding a valid registered real property appraiser credential may satisfy the education requirements by completing the following education hours: 30 hours of General Appraiser Market Analysis and Highest and Best Use; 30 hours of General Appraiser Site Valuation and Cost Approach; 30 hours of General Appraiser Sales Comparison Approach; 60 hours of Income Approach; **30** hours of General Appraiser Report Writing and Case Studies; 15 hours of Statistics, Modeling and Finance; and 30 hours of an appraisal elective qualifying education. In addition, the college level education requirements as specified in 001.05i or 001.05ii, must be~~

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~~—satisfied.~~

~~—c. Holding a valid licensed residential real property appraiser—
—credential may satisfy the education requirements by completing the
—following education hours: 15 hours of General Appraiser Market
—Analysis and Highest and Best Use; 15 hours of General Appraiser
—Site Valuation and Cost Approach; 15 hours of General Appraiser
—Sales Comparison Approach; 45 hours of Income Approach; 15
—hours of General Appraiser Report Writing and Case Studies; 15
—hours of Statistics, Modeling and Finance; and 30 hours of an
—appraisal elective qualifying education. In addition, the college—
—level education requirements as specified in 001.05i or 001.05ii,
—must be satisfied.~~

~~—d. Holding a certified residential real property appraiser—
—credential may satisfy the education requirements by completing the
—following education hours: 15 hours of General Appraiser Market
—Analysis and Highest and Best Use; 15 hours of General Appraiser
—Site Valuation and Cost Approach; 15 hours of General Appraiser
—Sales Comparison Approach; 45 hours of Income Approach; 10
—hours of General Appraiser Report Writing and Case Studies; and
—10 hours of an appraisal elective qualifying education. In addition,
—the college level education requirements as specified in 001.05i or—
—001.05ii, must be satisfied.~~

~~—**001.05B** The scope of practice for the certified general real
property appraisal credential shall apply to the appraisal of all types of
real property.~~

~~—**001.06** To qualify for renewal of a credential, the credential holder
must satisfactorily complete at least 28 hours of continuing appraisal
education every two years. At any time during the two year continuing
education period the credential holder may complete all or part of the required
education hours. The two year continuing education period for all new
credential holders credentialed prior to July 1 begins at the time the credential
is issued and is completed on December 31 of the following year. The two~~

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~~year continuing education period for all new credential holders credentialed after July 1 begins with the next January 1st following the issuance of a credential. All such education must be in activities which have received prior approval of the Board.~~

~~**001.07** At least once during every two year continuing education period, credential holders must successfully take the seven hour National Uniform Standards of Professional Appraisal Practice Update course taught by an AQB certified USPAP instructor who is a certified appraiser.~~

~~**001.08** At least once every four years beginning January 1, 2009 a credential holder must successfully complete a Board approved report writing and case studies update seminar for a minimum of seven hours.—~~

~~**002** Approved qualifying education core curriculum courses may be used toward meeting the continuing education requirement, except that such courses may not be retaken and counted for a period of four years. When an individual seeks a different credential than that held, credit awarded for the classroom hour requirement also may be awarded for the continuing education requirement. Also, the 15 hour National Uniform Standards of Professional Appraisal Practice Course taught by an AQB certified USPAP instructor who is a certified appraiser, when successfully taken as continuing education, may be counted subsequently as qualifying core curriculum education. The examination for such course must have been taken and passed within two years of application to count for qualifying core curriculum education. For initial credentialing the appraisal principles and appraisal procedures courses must have been completed successfully with a passing score within five years of application. No course may be counted more than once for meeting the qualifying core curriculum education requirement; and no course may be counted if it is substantially the equivalent of any other course that has been counted for such purposes.~~

~~**003** Instructors of approved continuing education activities may use such instruction toward meeting the continuing education requirement, subject to all other restrictions set forth in this Title. No course may be counted more than once in any four year period, with the exception of instruction of the National Uniform~~

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~~Standards of Professional Appraisal Practice, which may be repeated in no less than 7-hour segments in each two-year continuing education cycle. No more than fifty percent (50%) of required education credit may be acquired through instruction.~~

~~004 Full attendance shall be required at all educational activities to be included toward either the qualifying core curriculum education or continuing education requirements. Full attendance shall mean attendance for at least 100 percent of each class session.~~

~~005 To meet the education requirements for a credential, the applicant must demonstrate coverage of the following topics as appropriate for the credential being acquired:~~

~~**A. Basic Appraisal Principles — 30 hours**~~

~~1. Real Property Concepts and Characteristics~~

~~a. Basic Real Property Concepts~~

~~b. Real Property Characteristics~~

~~c. Legal Descriptions~~

~~2. Legal Consideration~~

~~a. Forms of Ownership~~

~~b. Public and Private Controls~~

~~c. Real Estate Contracts~~

~~d. Leases~~

~~3. Influences on Real Estate Values~~

~~a. Governmental~~

~~b. Economic~~

~~c. Social~~

~~d. Environmental, Geographic and Physical~~

~~4. Types of Value~~

~~a. Market Value~~

~~b. Other Value Types~~

~~5. Economic Principles~~

~~a. Classical Economic Principles~~

~~b. Application and illustrations of the Economic Principles~~

~~6. Overview of Real Estate Markets and Analysis~~

~~a. Market Fundamentals, Characteristics, and Definitions~~

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- ~~_____ b. Supply Analysis~~
- ~~_____ c. Demand Analysis~~
- ~~_____ d. Use of Market Analysis~~
- ~~_____ 7. Ethics and How They Apply in Appraisal Theory and Practice~~
- B. Basic Appraisal Procedures—30 hours**
- ~~_____ 1. Overview of Approaches to Value~~
- ~~_____ 2. Valuation Procedures~~
 - ~~_____ a. Defining the Problem~~
 - ~~_____ b. Collecting and Selecting Data~~
 - ~~_____ c. Analyzing~~
 - ~~_____ d. Reconciling and Final Value Opinion~~
 - ~~_____ e. Communicating the Appraisal~~
- ~~_____ 3. Property Description~~
 - ~~_____ a. Geographic Characteristics of the Land/Site~~
 - ~~_____ b. Geologic Characteristics of the Land/Site~~
 - ~~_____ c. Location and Neighborhood Characteristics~~
 - ~~_____ d. Land/Site Considerations for Highest and Best Use~~
 - ~~_____ e. Improvements—Architectural Styles and Types of Construction~~
- ~~_____ 4. Residential Applications~~
- C. The 15-Hour National USPAP Course Or Its Equivalent—15 hours**
- ~~_____ 1. Preamble and Ethics Rule~~
- ~~_____ 2. Standard 1~~
- ~~_____ 3. Standard 2~~
- ~~_____ 4. Standards 3 to 10~~
- ~~_____ 5. Statements and Advisory Opinions~~
- D. Residential Market Analysis And Highest And Best Use—15 hours**
- ~~_____ 1. Residential Markets and Analysis~~
 - ~~_____ a. Market Fundamentals, Characteristics and Definitions~~
 - ~~_____ b. Supply Analysis~~
 - ~~_____ c. Demand Analysis~~
 - ~~_____ d. Use of Market Analysis~~
- ~~_____ 2. Highest and Best use~~
 - ~~_____ a. Test Constraints~~
 - ~~_____ b. Application of Highest and Best Use~~

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~~_____ c. Special Considerations~~

~~_____ d. Market Analysis~~

~~_____ e. Case Studies~~

~~E. Residential Appraiser Site Valuation and Cost Approach—15 hours~~

~~_____ 1. Site Valuation~~

~~_____ a. Methods~~

~~_____ b. Case Studies~~

~~_____ 2. Cost Approach~~

~~_____ a. Concepts and Definitions~~

~~_____ b. Replacement/Reproduction Cost New~~

~~_____ c. Accrued Depreciation~~

~~_____ d. Methods of Estimating Accrued Depreciation~~

~~_____ e. Case Studies~~

~~F. Residential Sales Comparison and Income Approaches—30 hours~~

~~_____ 1. Valuation Principles & Procedures—Sales Comparison Approach~~

~~_____ 2. Valuation Principles & Procedures—Income Approach~~

~~_____ 3. Finance and Cash Equivalency~~

~~_____ 4. Financial Calculator Introduction~~

~~_____ 5. Identification, Derivation and Measurement of Adjustments~~

~~_____ 6. Gross Rent Multipliers~~

~~_____ 7. Partial Interests~~

~~_____ 8. Reconciliation~~

~~_____ 9. Case Studies and Applications~~

~~G. Residential Report Writing and Case Studies—15 hours~~

~~_____ 1. Writing and Reasoning Skills~~

~~_____ 2. Common Writing Problems~~

~~_____ 3. Form Reports~~

~~_____ 4. Report Options and USPAP Compliance~~

~~_____ 5. Case Studies~~

~~H. Statistics, Modeling And Finance—15 hours~~

~~_____ 1. Statistics~~

~~_____ 2. Valuation Models (AVM's and Mass Appraisal)~~

~~_____ 3. Real Estate Finance~~

~~I. Advanced Residential Applications And Case Studies—15 hours~~

~~_____ 1. Complex Property, Ownership and Market Conditions~~

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~~2. Deriving and Supporting Adjustments~~

~~3. Residential Market Analysis~~

~~4. Advanced Case Studies~~

~~J. General appraiser Market Analysis & Highest & Best Use—30 hrs.~~

~~1. Real Estate Markets and Analysis~~

~~a. Market Fundamentals, Characteristics and Definitions~~

~~b. Supply Analysis~~

~~c. Demand Analysis~~

~~d. Use of Market Analysis~~

~~2. Highest and Best Use~~

~~a. Test Constraints~~

~~b. Application of Highest and Best Use~~

~~c. Special Considerations~~

~~d. Market Analysis~~

~~e. Case Studies~~

~~K. General Appraiser Sales Comparison Approach—30 hours~~

~~1. Value Principles~~

~~2. Procedures~~

~~3. Identification and Measurement of Adjustments~~

~~4. Reconciliation~~

~~5. Case Studies~~

~~L. General Appraiser Site Valuation and Cost Approach—30 hours~~

~~1. Site Valuation~~

~~a. Methods~~

~~b. Case Studies~~

~~2. Cost Approach~~

~~a. Concepts and Definitions~~

~~b. Replacement/Reproduction Cost New~~

~~c. Accrued Depreciation~~

~~d. Methods of Estimating Accrued Depreciation~~

~~e. Case Studies~~

~~M. General Appraiser Income Approach—60 hours~~

~~1. Overview~~

~~2. Compound Interest~~

~~3. Lease Analysis~~

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- ~~—— 4. Income Analysis~~
- ~~—— 5. Vacancy and Collection Loss~~
- ~~—— 6. Estimating Operating Expenses and Reserves~~
- ~~—— 7. Reconstructed Income and Expense Statement~~
- ~~—— 8. Stabilized net Operating Income Estimate~~
- ~~—— 9. Direct Capitalization~~
- ~~—— 10. Discounted Cash Flow~~
- ~~—— 11. Yield Capitalization~~
- ~~—— 12. Partial Interests~~
- ~~—— 13. Case Studies~~

~~N. General Appraiser Report Writing And Case Studies—30 hours~~

- ~~—— 1. Writing and Reasoning Skills~~
- ~~—— 2. Common Writing Problems~~
- ~~—— 3. Report Options and USPAP Compliance~~
- ~~—— 4. Case Studies~~

~~**005** Applicants for the licensed residential credential, certified residential credential, or certified general credential must demonstrate, on forms provided by the Board, that they have met the appraisal experience requirements established in §§ 76-2230, 76-2231.01 and 76-2232. Each applicant will be required to furnish, under oath, a listing of his/her appraisal experience for each year for which experience is claimed. The Board will select a minimum of three reports from the log submission for review. Candidates for the licensed residential credential must submit at a minimum three Board-selected residential appraisal reports for review. Candidates for the certified residential credential must submit Board-selected residential appraisal reports, including one two-to-four unit residential property, one residence of 0 to 20 years, and one 20 years or older residence in summary or self-contained format and two reports must include at least two approaches to value. Candidates for the certified general credential must submit Board-selected appraisal reports on income-producing properties, two of which include all three approaches to value. Reports will not be returned. The Board may require applicants to submit additional details or to submit additional samples of appraisal reports or file memoranda prepared by the applicants, and the Board may seek verification of the applicant's experience from other persons.~~

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~~006~~ Each applicant's experience for the licensed residential credential, certified residential credential, or certified general credential will be based upon the number of hours of appraisal activity. To qualify for the license residential credential an applicant shall demonstrate, over no less than a 12-month period, at least 2,000 hours of appraisal experience acceptable to the Board. To qualify for the certified residential credential an applicant shall demonstrate, over no less than a 24-month period, at least 2,500 hours of appraisal experience acceptable to the Board. To qualify for the certified general credential an applicant shall demonstrate, over no less than a 30-month period, at least 3,000 hours of appraisal experience acceptable to the Board, which must include at least 1,500 hours in non-residential appraisal work.

~~007~~ An applicant's experience shall be subject to review and determination of acceptability by the Board as to hours and areas of experience. Acceptable appraisal experience 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:

- ~~a. mass appraisal~~
- ~~b. *ad valorem* tax appraisal;~~
- ~~c. review appraisal;~~
- ~~d. appraisal analysis;~~
- ~~e. highest and best use analysis;~~
- ~~f. feasibility analysis or study;~~
- ~~g. practicum courses of study adhering to AQB guidelines and;~~
- ~~h. restricted appraisal reports.~~

The Board may accept other 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 estate appraisal and conforms to the *Uniform Standards of Professional Appraisal Practice*.

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CHAPTER 6
APPLICATIONS FOR APPRAISER CREDENTIALS

~~001~~ Each applicant for issuance of a credential to engage in real property appraisal activities in the State of Nebraska must comply with the following requirements:

~~001.01~~ The applicant must submit a complete application on forms supplied by the Board, showing compliance by the applicant with all credential requirements established by the Act or by this Title.

~~001.02~~ The applicant must pay a non-refundable application fee of \$150.

~~001.02. A~~ The applicant must pay any additional fees for additional costs of reviewing supplementary appraisal reports or file memoranda presented by the applicant in resubmission of the application to verify and confirm experience in conformity with the *Uniform Standards of Professional Appraisal Practice*. A fee for review of reports shall relate to the costs involved and shall not exceed the following:

a. The resubmission fee for appraisal review for the licensed residential credential shall be no more than \$450.00.

b. The resubmission fee for appraisal review for the certified residential credential shall be no more than \$550.00.

c. The resubmission fee for appraisal review for the certified general credential shall be no more than \$900.00.

~~001.03~~ Any applicant for the licensed residential credential, certified residential credential, or a certified general credential is permitted to submit only one additional request for demonstration reports to the Board. If the applicant's demonstration report(s) fail to conform with the minimum *Uniform Standards of Professional Appraisal Practice* after the second submission of reports, the applicant will be required to complete additional

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~~education as prescribed by the Board and begin the application process again no less than six months after completing the additional education by filing a new application and meeting any new requirements.~~

~~—————**001.04** The application fee shall be valid for one full year from the date application is approved by the Board. The applicant who does not complete the application process by passing the examination and paying the appropriate annual fee within the prescribed time shall be required to file a new application, meeting any new requirements existing at the time of filing the new application.~~

~~—————**001.05** Any applicant required to take an examination must pay an examination fee established by a professional examination service that has contracted with the Board to administer Appraiser Qualifications Board approved examinations for each level of credential.~~

~~—————**002** Before any credential will be issued or renewed, the applicant must pay an annual non-refundable fee established by the Board, not to exceed the following:~~

- ~~————— a. Fee for appraiser trainee: \$300.00~~
- ~~————— b. Fee for registered credential: \$300.00~~
- ~~————— c. Fee for licensed residential credential: \$300.00~~
- ~~————— d. Fee for certified residential credential: \$300.00~~
- ~~————— e. Fee for certified general credential: \$300.00~~

~~plus any additional fees which may be established under the provisions of the Federal Institutions Reform, Recovery, and Enforcement Act of 1989. The appraiser trainee, registered, licensed residential, certified residential, or certified general fee shall be an annual fee.~~

~~—————**003** All credentials shall be in effect until December 31 following the date of issuance or until December 31 of the designated year and shall expire at midnight on that date, unless revoked, suspended, or cancelled prior to such date. Renewal applications shall be submitted on forms provided by the Board with appropriate fees included and proof of continuing education as required no later than November~~

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~~30 of the designated year.~~

~~004 Any credential holder who fails to submit a properly completed renewal application by November 30 of any year, but who submits such an application before the following July 1, may receive a renewal credential by submitting such application with proof of continuing education as required, the renewal fee, plus a late fee of \$25 per month or part of a month beginning with December.~~

~~005 Any credential holder who fails to submit a properly completed renewal application before July 1 following the expiration date shall not be eligible for renewal and must submit an application for a new credential, which shall include documentation of successful completion of a 15-hour National Uniform Standards of Professional Appraisal Practice course taught by an AQB-certified USPAP instructor who is a certified appraiser, within two months of new application. The applicant shall be subject to the education, experience, and examination requirements of the Act and of this Title.~~

~~006 Any person who continues to perform real property appraisal activities or related activities subject to the Act following the date of expiration of a credential shall be in violation of the Act and of this Title. Such person will be subject to any restrictions and penalties provided by the Act or by this Title; and any application by such person for a credential shall be subject to all requirements for issuance of a new credential.~~

~~007 The fee for a certificate of good standing may not exceed \$10.00 as authorized by §76-2250.~~

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CHAPTER 7
EXAMINATIONS

~~001~~ The Board will provide for AQB approved examinations to be administered and graded by one or more educational testing services. The format, content, and 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 educational testing service.

~~002~~ Any person who is determined to have not passed an examination within twelve months following approval of the applicant by the board shall have the right to appeal such determination to the Board within 20 days of notification of failure to pass the exam, and such appeal shall be heard by the Board, in the manner set forth for Complaints in Chapter 9 of this Title.

~~003~~ Upon payment of the application fee and determination that the application is complete and accurate and that the applicant is qualified for examination, the applicant will be notified in writing or by electronic communication of the procedure for enrolling for the next available examination, and location of examination site. The applicant will submit the required examination fee to the test administrator.

~~003.01~~ A passing score must be achieved by applicants for a credential on a uniform examination approved by the Appraisal Qualifications Board.

~~003.02~~ A passing score on the certified general examination will be accepted as a passing score for the registered, licensed residential, certified residential or certified general examinations. A passing score on the certified residential examination will be accepted as a passing score for the certified residential, licensed residential, and registered examinations. A passing score on the licensed residential examination will be accepted as a passing score on the examination for licensed residential and registered.

~~003.03~~ Applicants for a credential who take the uniform examination

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~~for a similar credential in another jurisdiction must meet the minimum scoring requirements of the jurisdiction in which the examination is given.~~

~~———004 Any applicant who does not pass the examination may submit the required fee to the test administrator and retest within one year of the date application is approved by the Board.~~

~~———004.01 An applicant may re-take the examination no more than two (2) times within the year of the approved application.~~

~~———004.02 If the applicant does not successfully pass the examination within one year of the Board approved application date, he or she must begin again the application process to the Board for the credential.~~

~~———005 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.~~

~~———006 In compliance with the Americans with Disabilities Act, reasonable accommodation will be provided all applicants; and the Board may authorize an examination to be administered to an individual orally or by other technique.~~

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CHAPTER 8
NONRESIDENT AND TEMPORARY APPRAISER CREDENTIALS

~~001~~ A nonresident seeking or holding a credential to engage in appraisal activities in the State of Nebraska shall comply with all requirements of this Act and this Title, except as specifically provided in this Title.

~~002~~ A nonresident credential will be issued to an individual who maintains a credential or is otherwise authorized to appraise real estate and real property under the laws in his/her resident state, territory, or district for a minimum of two years upon completion of the following:

~~a.~~ Submitting a properly completed application on forms provided by the Board, together with the non-refundable application fee equal to the application fee of the resident credential; and

~~b.~~ Furnishing a verification letter to the Board from the regulatory authority of such person's state of domicile showing that:

~~i.~~ The nonresident maintains a valid credential in the resident state, territory, or district or other jurisdiction; and

~~ii.~~ The nonresident's credential is in good standing and no complaint against such person is pending, or states the nature and status of any pending disciplinary proceeding; and

~~iii.~~ Sufficient proof that resident state, territory, or district enforces appraisal activity requirements that are substantially equivalent to the requirements of the State of Nebraska; and

~~c.~~ Paying the credential fee in the same amount as established by the Board under Section 002 of Chapter 6 of this Title.

~~003~~ Any nonresident may be issued a licensed residential credential, certified residential credential, or certified general credential in this state with a

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~~licensed residential credential, certified residential credential, or a certified general credential issued by any other jurisdiction upon meeting all application requirements of the Act and of this Title.~~

~~004 A nonresident may obtain a temporary credential to engage in real estate or real property appraisal activities in the State of Nebraska for a specific assignment for a period not exceeding six months from the date of issuance, upon submitting a properly completed application on forms provided by the Board. The applicant shall submit, with the application, a non-refundable application fee of \$100.00. Before the temporary credential will be issued, the applicant must pay a non-refundable pocket card fee established by the Board, not to exceed the following:~~

- ~~i. Fee for temporary licensed residential credential: \$50.00~~
- ~~ii. Fee for temporary certified residential credential: \$50.00~~
- ~~iii. Fee for temporary certified general credential: \$50.00~~

~~005 A non-resident temporary credential may be granted one six-month extension upon written request to the Board.~~

~~006 A non-resident temporary applicant's credential status from their resident state will be verified by utilizing The Appraisal Subcommittee National Registry.~~

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CHAPTER 9
APPRAISER INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS

~~001~~ The Board will not enter into disputes solely concerning the valuation or evaluation of any property.

~~002~~ All credentialed real property appraisers and all applicants for a credential in the State of Nebraska shall be subject to the complaint procedures established by this Chapter for any alleged violations of the standards established by this Title, or for any violation of §76-2238 or any other provisions of the Act or of this Title. Such procedure shall not suspend or preclude any other proceedings otherwise allowed by the Act or by other law.

~~003~~ Grievances shall be in writing and signed, setting forth in clear and concise language the alleged violations of the Act or the Rules and Regulations of the Board.

~~004~~ The Board may, upon its own motion, and must, upon receipt of a written grievance of any aggrieved person, investigate the actions of the credentialed real property appraiser or applicant for a credential as a real property appraiser against whom the grievance is made to determine whether or not there is evidence of a violation. The Board may obtain technical or investigatory assistance. All persons appointed to assist with investigating and hearing the matter shall report their findings, in writing, to the Board for final determination by the Board.

~~005~~ In conducting an investigation, and prior to a formal hearing on the grievance, the Board may, in its discretion, request the person who is under investigation to answer the charges in writing or to appear before the Board or its designee to voluntarily and informally discuss the alleged violation.

~~006~~ If the investigation reveals that there is not good cause to believe that the credential holder has violated the Act or the Rules and Regulations promulgated by the Board, the matter will be dismissed and no formal complaint will be initiated by the Board.

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~~007 If the investigation discloses a probability that the actions of the person under investigation constitute a violation of the Act or the Rules and Regulations, a formal complaint may be prepared by the Board.~~

~~007.01 If the investigation reveals that the credential holder has violated the Act or the Rules and Regulations, a formal complaint may be prepared by the Board.~~

~~008 All disciplinary hearings for any violation of the Act or this Title will be governed by the Administrative Procedures Act and 297 NAC 4.~~

~~009 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 credential to avoid or expedite enforcement or disciplinary action does not preclude any enforcement action or sanction for any alleged violation and will prohibit any consideration for subsequent reinstatement or credentialing.~~

~~010 All investigations or disciplinary actions that are not formally dismissed will be published on the website when a disposition has been determined by the Board.~~

~~011 Disciplinary actions that may be taken include but are not limited to revocation, suspension, probation, admonishment, letter of reprimand, letter of advisory, and formal censure, of the credentialed real property appraiser and may or may not include an education requirement.~~

~~012 Nothing in this Chapter shall limit or preclude the Board in the performance of its investigatory duties under the Act.~~

~~_____~~
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~~CHAPTER 10~~
~~APPRAISAL MANAGEMENT COMPANIES~~

~~001~~ This Chapter applies to all Appraisal Management Companies operating in the State of Nebraska on and after January 1, 2012.

~~002~~ The following definitions apply to Appraisal Management Companies:

~~002.01~~ Act means the Nebraska Appraisal Management Company Registration Act, Neb. Rev. Stat. §§76-3201 to 76-3220.

~~002.02~~ Appraisal management company means, in connection with valuing real property collateralizing mortgage loans, mortgages, or trust deeds incorporated into a securitization, any external third party that oversees a network or panel of more than fifteen certified or licensed appraisers in this state or twenty five or more certified or licensed appraisers nationally within a given year and that is authorized, either by a creditor of a consumer credit transaction secured by a consumer's principal dwelling or by an underwriter of or other principal in the secondary mortgage markets:

- ~~(a)~~ To recruit, select, and retain appraisers;
- ~~(b)~~ To contract with certified or licensed appraisers to perform real property appraisal activity;
- ~~(c)~~ To manage the process of having an appraisal performed, including providing administrative duties such as receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for appraisal services provided, and reimbursing appraisers for appraisal services performed; or
- ~~(d)~~ To review and verify the work of appraisers;

~~002.03~~ Appraisal review means the act or process of developing and communicating an opinion about the quality of another appraiser's work that was performed as part of a real property appraisal activity, except that a quality control examination of an appraisal report shall not be an appraisal review;

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~~002.04~~ Appraisal services means residential valuation assignments performed by an individual acting as an appraiser, including, but not limited to appraisal, appraisal review, or consulting services;

~~002.05~~ Appraiser means an individual who holds a license or certification as an appraiser and is expected to perform valuation assignments competently and in a manner that is independent, impartial, and objective;

~~002.06~~ Appraiser panel means a group of licensed or certified independent appraisers that have been selected to perform appraisal services for a third party;

~~002.07~~ Board means the Real Property Appraiser Board;

~~002.08~~ Controlling person means;

~~(a) An officer or director of, or owner of greater than a ten percent interest in, a corporation, partnership, or other business entity seeking to act or acting as an appraisal management company in this state;~~

~~(b) An individual employed, appointed, or authorized by an appraisal management company that has the authority to enter into a contractual relationship with other persons for the performance of services requiring registration as an appraisal management company and that has the authority to enter into agreements with appraisers for the performance of appraisals; or~~

~~(c) An individual who possesses, directly or indirectly, the power to direct or cause the direction of the management or policies of an appraisal management company;~~

~~002.9~~ Federal financial institution regulatory agency means the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, the National Credit Union Administration, or

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~~the successor of any of such agencies;~~

~~**002.10** Federally related transaction means any real estate related financial transaction which:~~

~~(a) A federal financial institution regulatory agency or the~~

~~Resolution Trust Corporation engages in, contracts for, or regulates; and~~

~~(b) Requires the services of an appraiser;~~

~~**002.11** Owned and controlled means direct or indirect ownership or control of more than twenty-five percent of the voting shares of an appraisal management company;~~

~~**002.12** Person means an individual, firm, partnership, limited partnership, limited liability company, association, corporation, or other group engaged in joint business activities, however organized.~~

~~**002.13** Quality control examination means an examination of an appraisal report for compliance and completeness, including grammatical, typographical, or other similar errors;~~

~~**002.14** Real estate related financial transaction means any transaction involving:~~

~~(a) The sale, lease, purchase, investment in, or exchange of real property, including interests in real property or the financing thereof;~~

~~(b) The refinancing of real property or interests in real property;~~

~~or~~

~~(c) The use of real property or interests in real property as security for a loan or investment, including mortgage-backed securities;~~

~~**002.15** Relocation management company means a business entity in which the preponderance of its business services include relocation of employees as an agent or contracted service provider to the employer for the purposes of determining an anticipated sales price for the residence of an employee being relocated by the employer;~~

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~~003~~ Each Appraisal Management company applying for registration and renewal of registration to engage in appraisal management activities in the State of Nebraska must comply with the following requirements:

~~003.01~~ The applicant must submit a complete application on forms supplied by the Board showing compliance by the applicant with all registration requirements established by the Act or by this Title with appropriate fees as provided in Section 004 of this Chapter. The application will require the AMC to:

(a) Certify that the person seeking registration has a system and process in place to verify that an appraiser selected to the appraiser panel holds a credential in good standing in this state pursuant to the Real Property Appraiser Act.

(b) Certify that the person seeking registration requires appraisers completing appraisal services to comply with the Uniform Standards of Professional Appraisal Practice.

(c) Certify that the person seeking registration has a system in place to verify that only licensed or certified appraisers are used for federally related transactions.

(d) Certify that the person seeking registration has a system in place to require that appraisals are conducted independently and free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the federal Truth in Lending Act, as amended, including the requirements for payment of a reasonable and customary fee to appraisers when the appraisal management company is providing appraisal services for a consumer credit transaction secured by the principal dwelling of a consumer.

(e) Certify that the person seeking registration 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:

i Date of agreement with appraiser to provide the

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- ~~_____ service;~~
- ~~_____ ii Name of client and intended user(s);~~
- ~~_____ iii Name and credential number of appraiser;~~
- ~~_____ iv Type and scope of service;~~
- ~~_____ v Address of the property that is the subject of the _____ service;~~
- ~~_____ vi Fees paid to the appraiser;~~
- ~~_____ vii Date of service completion;~~
- ~~_____ viii Date payment in full was made to the appraiser;~~
- ~~_____ ix Appraiser's signed consent to subsequent, _____ specified, report modifications, if applicable;~~
- ~~_____ x Verification that the appraiser is in good _____ standing;~~
- ~~_____ xi Record of quality control or USPAP compliance.~~

~~_____ (f) Documentation of surety bond in the amount of twenty five _____ thousand dollars.~~

~~_____ (g) Any information required by the board which is reasonably _____ necessary to comply the Nebraska Appraisal Management Registration _____ Act.~~

~~_____ **004** The Appraisal Management Company will submit, as established by the Board, a non-refundable application fee for registration of \$350.00 and a non-refundable initial registration fee of \$2,000.00.~~

~~_____ **005** 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, or cancelled prior to such date.~~

~~_____ **006** All Appraisal Management Company renewal applications shall be submitted on forms provided by the Board with a non-refundable fee for renewal of \$1,500.00 included and documentation, including the surety bond, as required no later than 30 days prior to expiration of the current registration.~~

~~_____ **007** Any Appraisal Management Company who fails to submit a properly completed renewal application by the deadline specified in 006, but who submits~~

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~~such an application within six months of expiration of the registration, may receive a renewal registration by submitting such application with documentation as required, by the Board, the renewal fee, plus a late fee of \$25 for each month or portion of a month the renewal application is late for up to six successive months from the registration expiration date.~~

~~———**008**—— 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.~~

~~———**009**—— Any person(s) who continues to perform as an Appraisal Management Company or related activities subject to the Act following the date of expiration of a registration shall be in violation of the Act and of this Title. Such person will be subject to any restrictions and penalties provided by the 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.~~

~~———**010**—— Every Appraisal Management Company registered in the State of Nebraska shall keep the Board informed of his or her principal place of doing business and shall notify the Board in writing within ten (10) days of any change of such address or telephone number.~~

~~———**011** Each person seeking registration as an appraisal management company in the state that is not domiciled in this state shall submit an irrevocable consent that service of process upon each person may be made by delivery of the process to the director of the Nebraska Real Property Appraiser Board if the plaintiff cannot, in the exercise of due diligence, effect personal service upon the person in an action against the applicant in a court of this state arising out of the person's activities in this state.~~

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~~CHAPTER 11~~
~~APPRAISAL MANAGEMENT COMPANY~~
~~INVESTIGATIONS AND DISCIPLINARY PROCEEDINGS~~

~~001~~ The Board will not enter into disputes solely concerning the valuation or evaluation of any property.

~~002~~ All registered Appraisal Management Companies and all applicants for a registration as an Appraisal Management Company in the State of Nebraska shall be subject to the complaint procedures established by this Chapter for any alleged violations of the standards established by this Title, or for any violation of The Nebraska Appraisal Management Company Registration Act (“Act”) or any other provisions of the Act or of this Title. Such procedure shall not suspend or preclude any other proceedings otherwise allowed by the Act or by other law.

~~003~~ Grievances shall be in writing and signed, setting forth in clear and concise language the alleged violations of the Act or the Rules and Regulations of the Board.

~~004~~ The Board may, upon its own motion, and must, upon receipt of a written grievance of any aggrieved person, investigate the actions of the registered Appraisal Management Company or applicant for a Appraisal Management Company registration against whom the grievance is made to determine whether or not there is evidence of a violation. The Board may obtain technical or investigatory assistance. All persons appointed to assist with investigating and hearing the matter shall report their findings, in writing, to the Board for final determination by the Board.

~~005~~ In conducting an investigation, and prior to a formal hearing on the grievance, the Board may, in its discretion, request the person who is under investigation to answer the charges in writing or to appear before the Board or its designee to voluntarily and informally discuss the alleged violation.

~~006~~ If the investigation reveals that there is not good cause to believe that the

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~~registered Appraisal Management Company has violated the Act or the Rules and Regulations promulgated by the Board, the matter will be dismissed and no formal complaint will be initiated by the Board.~~

~~007 If the investigation discloses a probability that the actions of the person under investigation constitute a violation of the Act or the Rules and Regulations, a formal complaint may be prepared by the Board.~~

~~007.01 If the investigation reveals that the credential holder has violated the Act or the Rules and Regulations, a formal complaint may be prepared by the Board.~~

~~008 All disciplinary hearings for any violation of the Act or this Title will be governed by the Administrative Procedures Act and 297 NAC 4.~~

~~009 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 any consideration for subsequent reinstatement or registration.~~

~~010 All investigations or disciplinary actions that are not formally dismissed will be published on the website when a disposition has been determined by the Board.~~

~~011 The Board may take disciplinary action to include but are not limited to censure, conditionally or unconditionally suspend or revocation of the registration issued to an appraisal management company under the Act or levy fines or impose civil penalties. The board may issue an admonishment, letter of reprimand, letter of advisory, and formal censure of the registered Appraisal Management Company. Any such order may also include the imposition of reasonable costs to be paid by the person subjected to such discipline.~~

~~012 Nothing in this Chapter shall limit or preclude the Board in the performance of its investigatory duties under the Act.~~

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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.

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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.

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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.

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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.

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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;

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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

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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:

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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

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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.

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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

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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.

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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:

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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.

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- 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.

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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.

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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:

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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.

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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 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.

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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.

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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

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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.

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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.

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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.

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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 31 of the second year of the two-year continuing education period. The entire two-year continuing education period must be satisfactorily completed prior to renewing a credential for a two-year period.

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

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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.

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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.

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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

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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.

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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.

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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.

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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;

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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;

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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,
- (~~1~~)⁽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.

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- (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.

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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.

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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.

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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;

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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

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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.

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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.

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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.

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- 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.

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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.

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- (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,

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- (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.

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- (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.

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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;

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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.

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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.

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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.

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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;

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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 AOB 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

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- 005.02A.3** Submit evidence of the instructor applicant's approval as an AOB 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.

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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.

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- (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.

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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.

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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.

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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.

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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.

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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.

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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.

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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);

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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:

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- 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.

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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.