



# THE NEBRASKA APPRAISER

News from the Nebraska Real Property Appraiser Board

Spring 2016

## Director's Comments



Director Tyler Kohtz

*Tyler Kohtz has been the Director for the Nebraska Real Property Appraiser Board since March of 2012. He is responsible for the development, implementation, and management of all programs for the agency, including the administration and enforcement of the Real Property Appraiser Act and the Appraisal Management Company Registration Act.*

## Rainbows and Rain Clouds

Just like the weather, spring is a very active time of the year for the Nebraska Real Property Appraiser Board. It is this time of year that the Board evaluates its programs to determine areas of success (rainbows), and areas in which the Board can improve (rain clouds). I spend a large portion of this part of the year analyzing processes, procedures, and budget performance. One of the primary purposes of the Board's strategic planning meeting held each June is to establish short and long term obstacles the Board may face, and develop a plan for when the rain clouds may move in. If there are any topics that you feel that the Board should be aware of for discussion, please feel free to call or email me with your ideas. After all, the Board is here for you. I hope you enjoy this inaugural edition of The Nebraska Appraiser.

## In This Issue

### Director's Comments:

- \* Rainbows and Rain Clouds
- \* What About the AMCS?

### NRPAB Quick Hits:

- \* Legislative and Rulemaking Update

### In the Spotlight:

- \* David Bloxham Appointed as At-Large Financial Institutions Representative on the Board

### Coming and Going:

- \* Who's New (January - March)
- \* Real Property Appraiser and AMC Numbers and Trends as of April 1 2016
- \* 2016 Real Property Appraiser Renewal Recap

### Financial Snapshot:

- \* Budget and Cash Balance as of March 31, 2016

### Compliance Corner:

- \* Change is in the Air

## Upcoming NRPAB Meetings:

- ♦ June 23, 2016 @ NRPAB Office (Conference Room)
- ♦ July 21, 2016 @ NRPAB Office (Conference Room)
- ♦ August 18, 2016 @ NRPAB Office (Conference Room)

\* The start time for each meeting can be found on the agenda posted to the Board's website at least 48 hours prior to the start of the meeting.

# What About the AMCs?

By Tyler N. Kohtz, Director

A question regularly asked of the Board is “What do you do about AMCs?” This question can have many different answers depending on the intent, but most often the question is asked in the context of oversight. It has been a while since the Board has publicly dispersed information concerning this topic, so now is a good time for a refresher.

In 2010, the Dodd-Frank Wall Street Reform and Consumer Protection Act brought major changes, which resulted in additional responsibilities for the Appraisal Subcommittee and state regulatory agencies. The Appraisal Management Company Registration Act ("AMC Registration Act") was enacted on January 1, 2012 to ensure that appraisal management companies (AMC") operate within the same regulatory environment as credentialed appraisers. In addition to providing AMC oversight, the AMC Registration Act was established to also protect the rights of appraisers that contract with AMCs for appraisal services.

As of April 31, 2016 there were 103 AMCs registered in Nebraska. Although the majority of organizations comply with the AMC Registration Act, it is still important to know what this set of laws means for both appraiser and AMCs. To begin, any organization that meets the requirements specified in [N.R.S. § 76-3202 \(3\)](#) shall be registered in the State of Nebraska. Any registered AMC is included in the Board’s “AMC Listing” found at the top of the page on the NRPAB website. If an organization is not found on this list, please contact the Board’s office for more information. Although an unlisted organization may be acting as an AMC without authorization from the Board, it would be incorrect to assume this. The organization may not meet the requirements of, or may be exempt from, the AMC Registration Act ([N.R.S. § 76-3204](#)).

While it is unlawful for an organization to conduct business in Nebraska as AMC without obtaining registration from the Board ([N.R.S. § 76-3203 \(1\)](#)), it is not unlawful for an appraiser to accept an appraisal assignment from an organization acting as an AMC not registered in Nebraska. However, conducting business with such an entity is at the appraiser’s own risk. As mentioned, the AMC Registration Act was established to not only provide AMC oversight, but to also protect the rights of appraisers that contract with AMCs.

Without the protection provided through the AMC Registration Act, an organization may prohibit an appraiser from including within the body of an appraisal report the fee the appraiser was paid by the AMC for the performance of the appraisal report, may have appraisal reviews completed by an appraiser not properly credentialed in Nebraska ([N.R.S. § 76-3208](#)), may not maintain proper records related to appraisal services requested and received ([N.R.S. § 76-3212](#)), and may alter, modify, or otherwise change a completed appraisal report without the appraiser’s written consent ([N.R.S. § 76-2313](#)).

More often than not, the intent of the question “What do you do about AMCs?” has to do with the fees paid by AMCs. In accordance with [N.R.S. § 76-3215](#), an AMC shall make payment of fees to an appraiser for the completion of an appraisal or valuation assignment within sixty days after the date on which the appraiser transmits or otherwise provides the completed appraisal report or valuation assignment to the appraisal management company or its assignee.

N.R.S. § 76-3215 also discusses appraiser panels, and appraiser rights to a hearing. Except within the first ninety days after an appraiser is first added to the appraiser panel, an AMC may not remove the appraiser from the panel or otherwise refuse to assign requests for appraisal services to an appraiser on the panel without: a) Notifying the appraiser in writing of the reasons why the appraiser is being removed from the panel ; and b) Providing an opportunity for the appraiser to respond to the notification from the appraisal management company.

On a final note, the [AMC Final Rule](#), implementing minimum requirements for State registration and supervision of AMCs, was issued by multiple federal agencies on June 9, 2015. The Board has three years to implement these requirements. During the upcoming summer and into the fall, the Board will be evaluating the effects that the AMC Final Rule has on the current statutes, and intends to introduce a bill during the 2017 legislative session to address needed changes to the AMC Registration Act. If you have any questions or concerns regarding AMCs, appraiser rights, the current statutes, or potential legislation, please do not hesitate to contact the Board’s office.

# NRPAB Quick Hits: Legislative and Rule Making Update

- ◆ The Board's biennial USPAP and AQB Appraiser Qualifications Criteria update bill was introduced by Senator Johnson on January 6, 2016 as [LB731](#). This bill includes updating all date references and definitions to meet current federal requirements, and some general administrative changes. LB731 was passed by the Nebraska State Legislature on March 31, 2016, and signed into law by Governor Ricketts on April 6, 2016. A Memo From the Board will be released to better detail all the changes included in LB731 once the bill is codified into statutes.
- ◆ Looking to the future, the Board will begin preparing an update to the Appraisal Management Company Registration Act for introduction during the 2017 legislative session. This bill will address any needed changes pertaining to the [AMC Final Rule](#) that was issued on June 9, 2015 by multiple federal agencies, implementing minimum requirements for State registration and supervision of appraisal management companies. In addition, this bill will address many administration and enforcement issues faced by the Board.
- ◆ The Board is currently in the final stages of completing an overhaul of [Title 298](#), the Board's rules and regulations. The changes to Title 298 address changes to the Real Property Appraiser Act that became effective in 2015, include restructuring and rewriting all chapters of Title 298 to provide clarity and address inconsistencies, address issues concerning the administration and enforcement of Title 298, and harmonize the language between the Act, USPAP, and Title 298. The Board held a public hearing on Thursday, January 21, 2016, and at its regular meeting on February 18, 2016, moved to formally repeal chapters one through eleven and adopt new chapters one through nine. The proposed changes were approved by the Attorney General's office on March 17, 2016, and are currently being reviewed by the Governor's Policy Research Office. Once the changes to Title 298 become effective, a Memo From the Board will be released to provide details of the included changes.

## NRPAB Staff

### DIRECTOR

Tyler N. Kohtz

402-471-9015

[tyler.kohtz@nebraska.gov](mailto:tyler.kohtz@nebraska.gov)

### COMPLIANCE AND EDUCATION SPECIALIST

Grant Krieger

402-471-9024

[grant.krieger@nebraska.gov](mailto:grant.krieger@nebraska.gov)

### BUSINESS AND LICENSING SPECIALIST

John Brady

402-471-9015

[john.brady@nebraska.gov](mailto:john.brady@nebraska.gov)



301 Centennial Mall South, First Floor  
PO Box 94963  
Lincoln, NE 68509-4963

Phone: 402-471-9015

Fax: 402-471-9017

Website: [www.appraiser.ne.gov](http://www.appraiser.ne.gov)



[Visit NRPAB on Facebook](#)

### *Have questions? We have answers!*

Questions related to appraisal management company registration and renewal: [nrpab.amc@nebraska.gov](mailto:nrpab.amc@nebraska.gov)

Questions related to real property appraiser credentialing: [nrpab.credentialing@nebraska.gov](mailto:nrpab.credentialing@nebraska.gov)

Questions related to real property appraiser credential renewal: [nrpab.renewals@nebraska.gov](mailto:nrpab.renewals@nebraska.gov)

Questions related to real property appraiser education (QE & CE): [nrpab.education@nebraska.gov](mailto:nrpab.education@nebraska.gov)

Questions related to investigations, or how to file a grievance: [nrpab.compliance@nebraska.gov](mailto:nrpab.compliance@nebraska.gov)

General Questions: [nrpab.questions@nebraska.gov](mailto:nrpab.questions@nebraska.gov)

# In the Spotlight:

## David Bloxham Appointed to the At-Large Representative of Financial Institutions Position on Board

Governor Pete Ricketts appointed Nebraska Certified Residential Real Property Appraiser, David Bloxham, to the Nebraska Real Property Appraiser Board as the At-Large Representative of Financial Institutions on May 10, 2016. Newly appointed Board Member Bloxham was sworn in by Chief Deputy Secretary of State Collen Byelick at the Board's regular meeting on May 19, 2016.



Chief Deputy Secretary of State Collen Byelick administering the oath to new Board Member David Bloxham.

---

*"I am humbled by the opportunity to serve and look forward to a meaningful and productive term."*

- David Bloxham

---

Bloxham graduated from Boise State University in 2007 with a Bachelor's Degree in Business Administration. He has been a Certified Residential Real Property Appraiser since 2004, and was previously employed as a review appraiser for Fannie Mae. In 2013, Bloxham moved to the Nebraska City, Nebraska area with his wife, Rachael, and their two children, Ryder, seven, and Adelynn, two. He currently manages the residential appraisal process for First National Bank of Omaha. In his free time, Bloxham enjoys coaching youth soccer, fishing, hunting, and spending time with family and friends.

Bloxham's term on the Board will run through December 31, 2018. If you would like to offer your congratulations to David Bloxham, please email Director Kohtz at [tyler.kohtz@nebraska.gov](mailto:tyler.kohtz@nebraska.gov) with your comments.

## Coming and Going:

The Nebraska Real Property Appraiser Board would like to offer congratulations to the following individuals who received a real property appraiser credentials, and the organizations newly registered as an appraisal management companies, between January and March of 2016.

### **Trainee Real Property Appraisers**

Daniel Lamon, Omaha, NE - T2016002  
Greg Stunkle, Ansley, NE - T2016003  
Scott Pfeiffer, Norfolk, NE - T2016001

### **Certified Residential Real Property Appraisers**

Scott Hankins, Bellevue, NE - CR2016002  
Kyle Morgan, Wahoo, NE - CR2016001

### **Certified General Real Property Appraisers**

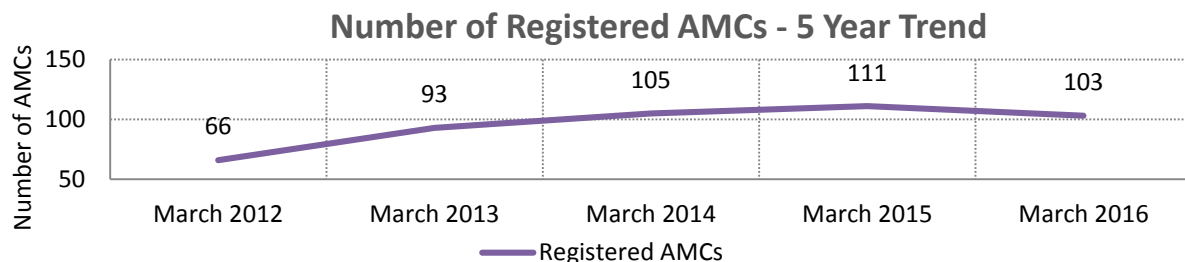
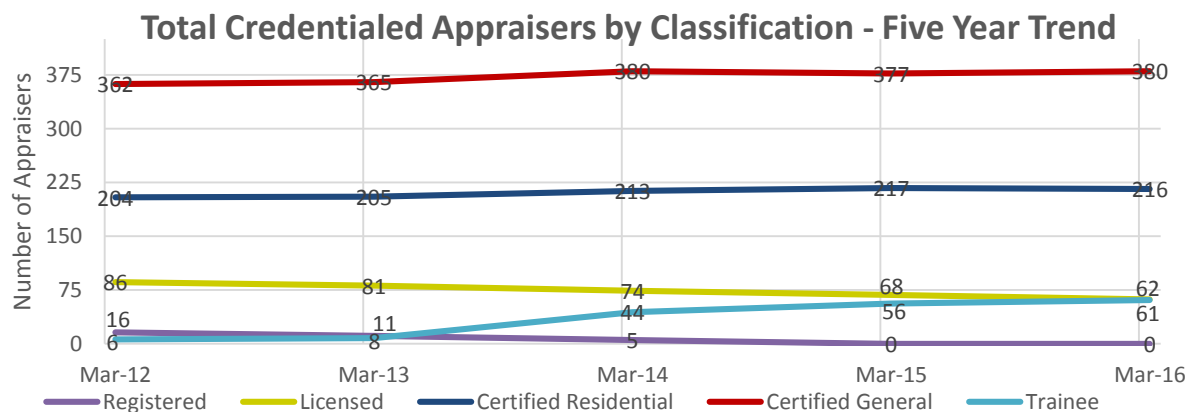
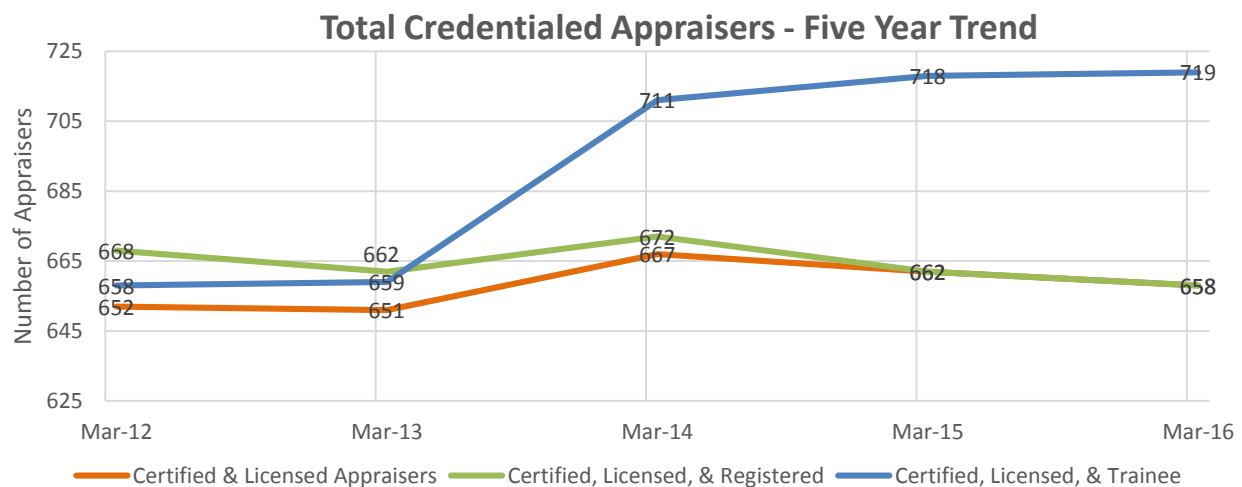
Marissa Cassman, Los Angeles, CA - CG2016003R  
Michelle Clark, Gainesville, GA - CG2016002R  
Robert Gehm, Yankton, SD, - CG2016005R  
Bradley Sheldrick, Omaha, NE, - CG2016004  
William Wright, Wichita Falls, TX. - CG2016007R  
Brian Younge, Village of Lakewood, IL - CG2016001R

### **Appraisal Management Companies**

Singlesource Property Solutions, LLC. NE2016001  
Valuation Information Technology, LLC. NE2016002

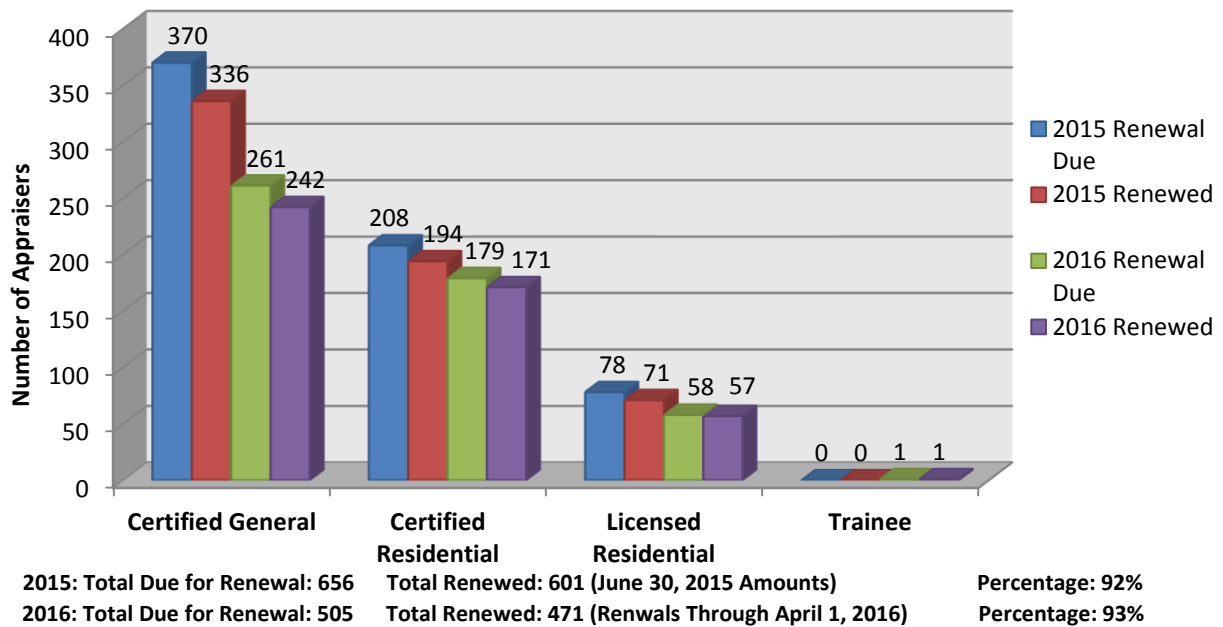
# Real Property Appraiser and AMC Numbers and Trends as of April 1, 2016

The charts below outline the five year trend for the number of Nebraska credentialed real property appraisers and Nebraska registered appraisal management companies up to April 1, 2016. There are currently 658 licensed residential, certified residential, and certified general real property appraisers in Nebraska, and 61 credentialed trainee real property appraisers. In addition, there are currently 103 appraisal management companies registered in Nebraska.

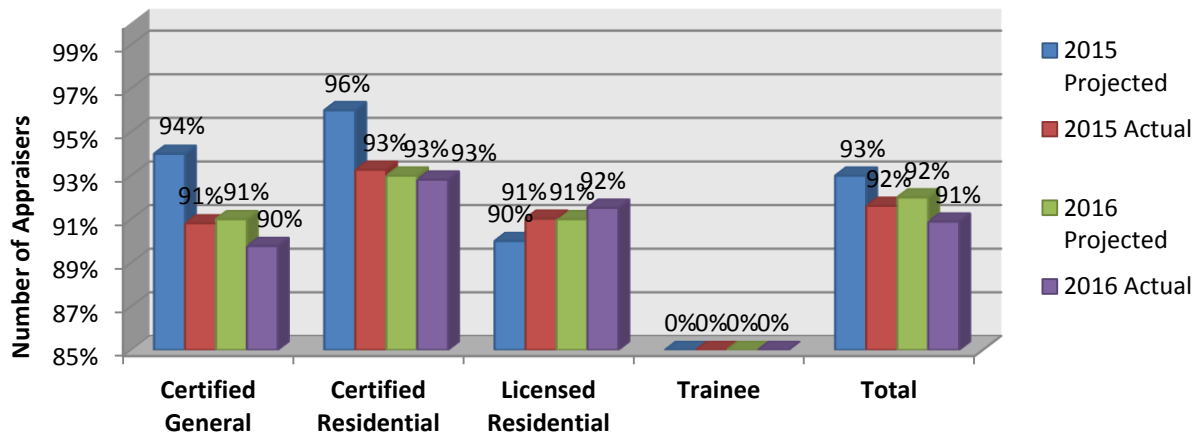


## Real Property Appraiser Renewal Recap as of April 1, 2016

The Board has worked hard to improve its ability to collect and analyze data. 2015 was the first year the Board was able to obtain information from its database concerning appraiser credential renewals. The charts below provide a brief recap regarding appraiser credential renewals for both 2015 and 2016.

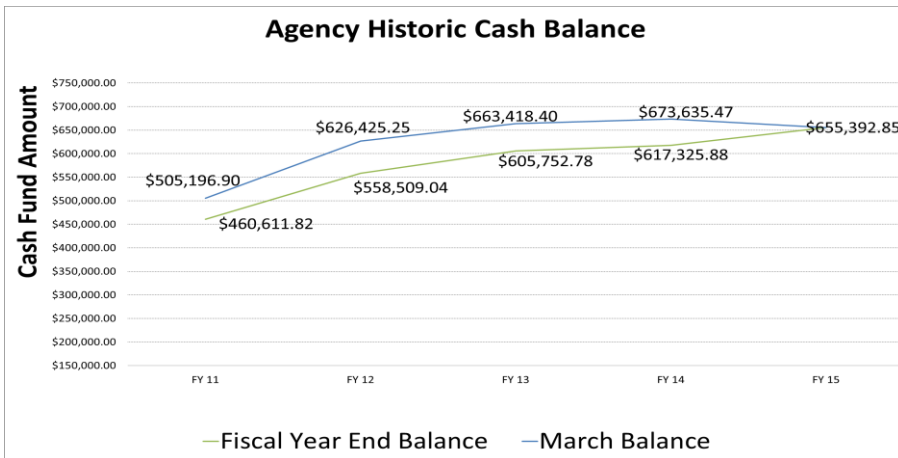
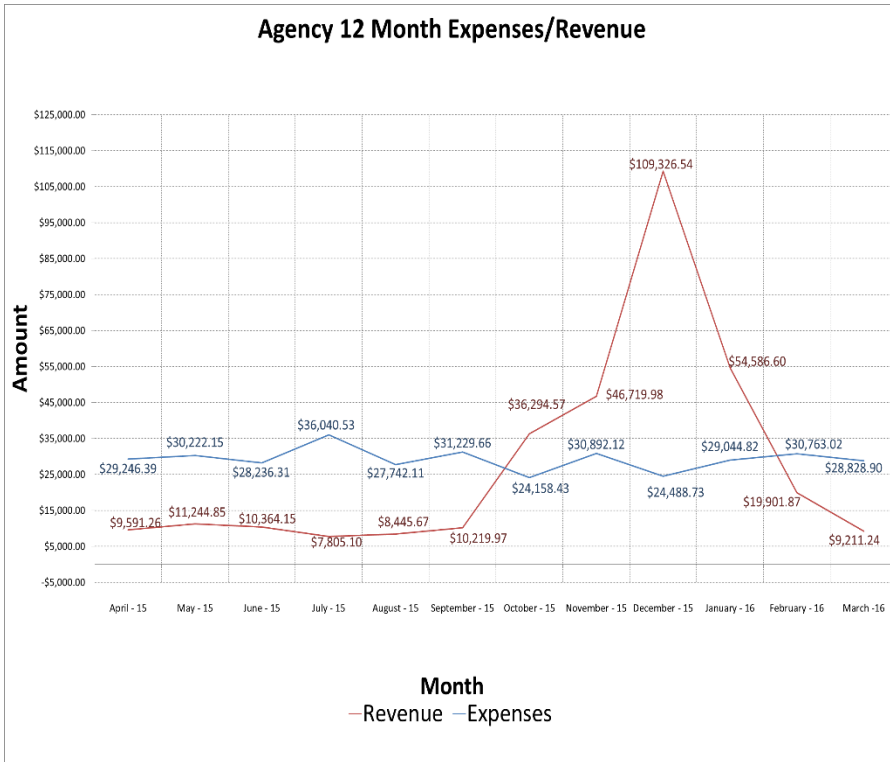


### 2016 Percentage Projections/Actuals Renewals





# NRPAB Financial Snapshot as of March 31, 2016



## Nebraska Real Property Appraiser Board Members

*Chairman of the Board*  
**Marc V. Woodle**, Omaha  
Certified General Appraiser  
2<sup>nd</sup> District Representative  
Term Expires: January 1, 2017

*Vice Chairman of the Board*  
**Christopher R. Langemeier**, Schuyler  
Certified General Appraiser  
Licensed Real Estate Broker Rep  
Term Expires: January 1, 2018

*Board Member*  
**Sandra J. Gutwein**, Scottsbluff  
Certified General Appraiser  
3<sup>rd</sup> District Representative  
Term Expires: January 1, 2020

*Board Member*  
**Benjamin J. Hynek**, Lincoln  
Certified Residential Appraiser  
1<sup>st</sup> District Representative  
Term Expires: January 1, 2021

*Board Member*  
**David P. Bloxham**, Nebraska City  
Certified Residential Appraiser  
Financial Institutions Rep  
Term Expires: January 1, 2019

Your credentialing card,  
continuing education  
requirements, education  
history, and USPAP  
download are all found  
in the Appraiser Login  
on the Board's website.



# Compliance Corner:

The Compliance Corner is where the latest disciplinary actions taken by the Board will be found. Between the months of January through March, the Board took no disciplinary action against any appraiser or appraisal management company. There have been three grievances filed against appraisers and one grievance filed against an AMC. During this same time, the Board has also dismissed four Grievances.



## Change is in the Air

By Tyler N. Kohtz, Director

Recently, there have been a number of changes to the Board's investigative processes and procedures. The intent of the Board's regulatory program remains educational in practice when possible, but the focus of each investigation has shifted towards an "evidence based" investigation. This means that the Board will not consider information unless substantial evidence supports the allegation. Another change includes the Board's involvement. In the past, a board member would conduct the investigation, and the Board would adjudicate the grievance. Now the Board's staff carries out the investigation with the assistance of a subject matter expert and the Board's Special Assistant Attorney General, freeing the Board to focus only on the adjudication of the grievance. The intent of these changes is to ensure that investigations are well rounded, thorough, and fair to all involved.

