



THE NEBRASKA APPRAISER

News from the Nebraska Real Property Appraiser Board

Winter 2022

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.

Winter Missed the Memo this Year

If you recall, in last winter's newsletter I commented on each Lincolnite's participation in the citywide aerobic and strength exercises—digging ourselves out from our record-setting snowfall. According to the Lincoln Journal Star, the second-largest snow in 72 years fell in January 2021. This winter “missed the memo” that it was time to disrupt our lives on a fairly regular basis. Since December 1st, snowfall totals are 10-15 inches below normal for this time of year in southeast Nebraska and temperatures have been very mild. Although winter weather may be unpredictable, the Board's activities are very consistent during the winter months. The Board has elected officers for 2022, Kevin Hermsen joins the Board as its Second Congressional District Certified Real Property Appraiser representative, and LB707 is before the Nebraska State Legislature to update the Nebraska Real Property Appraiser Act for compliance with Title XI. I hope that you enjoy this edition of The Nebraska Appraiser. As always, the Board is here for you, so please feel free to contact me by phone or email with any questions or comments.

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Upcoming NRPAB Meetings:

- ◆ April 21, 2022 @ NRPAB Office (Conference Room)
- ◆ May 19, 2022 @ NRPAB Office (Conference Room)
- ◆ June 16, 2022 @ NRPAB Office (Conference Room)

These meeting dates are all tentative. Please check the Board's Facebook page or website for information as these dates approach. The start time for each meeting can be found in the public notice and on the agenda posted to the Board's website at least 48 hours prior to the start of the meeting. Any meeting also held by virtual conferencing will be stated as such in the public notice for that meeting.

Should I Accept this Assignment?

Appraisal Management Company Registration Requirements

By Tyler N. Kohtz, Director

You open up your email to find a new email from XYZ AMC inviting you to join their appraiser panel. As with all emails these days, you first start to evaluate the legitimacy of the email and XYZ AMC. Your research concludes that XYZ AMC is in fact an organization that offers appraisal management company services in the State of Nebraska, so you sign up to be a member of the organization's appraiser panel. A few weeks later you receive another email from XYZ AMC with an offer for an appraisal assignment. The offer is lucrative, so you accept it. Did you miss anything?

Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 was amended by the Dodd–Frank Wall Street Reform and Consumer Protection Act signed into law on July 21, 2010, which requires states to register and supervise the operations and activities of appraisal management companies (“AMCs”). The Appraisal Management Company Registration Act (“AMC Registration Act”) was established on January 1, 2012, authorizing the Real Property Appraiser Board (“Board”) to register and oversee AMCs in Nebraska. The Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the National Credit Union Administration, the Consumer Financial Protection Bureau, and the Federal Housing Finance Agency, jointly, by rule, established minimum requirements to be applied by states to register and supervise the operations and activities of AMCs; the AMC Rule was adopted on June 9, 2015 with an effective date of August 10, 2018. The AMC Registration Act was updated on July 19, 2018 to address the requirements of the AMC Rule.

As of March 1, 2022, there were 94 AMCs registered in Nebraska. Although the majority of organizations comply with the AMC Registration Act, it is still important to understand what this set of laws mean. To begin, any organization that meets the definition of appraisal management company in [Neb. Rev. Stat. § 76-3202\(6\)](#), and provides appraisal management services as specified in [N.R.S. § 76-3202\(7\)](#), shall be registered as an AMC 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 for registration, may be a federally regulated AMC, or may be exempt from the AMC Registration Act under [N.R.S. § 76-3204](#).

While it is unlawful for an organization not exempt from the AMC Registration Act to directly or indirectly engage in or attempt to engage in business as an AMC or to advertise or hold itself out as engaging in or conducting business as an AMC in Nebraska without first obtaining a registration, unless the organization does not meet the minimum requirements for qualification as an AMC, or meets the requirements as a federally regulated AMC ([N.R.S. § 76-3216\(1\)](#)), it is not unlawful for a real property appraiser to accept an appraisal assignment from such organization acting as an AMC not registered in Nebraska. However, conducting business with such an entity is at the real property appraiser's own risk. As mentioned, the AMC Registration Act was established to provide AMC oversight, but the AMC Registration Act also provides certain protection for real property appraisers who contract with AMCs.

Without the protections provided to AMC appraisers in the AMC Registration Act, an organization may:

- Prohibit a real property appraiser from including the fee agreed upon between the organization and the real property appraiser for the performance of the appraisal within the body of a report that is submitted to the organization ([N.R.S. § 76-3208](#)).
- Require a real property appraiser to indemnify the organization or hold the organization harmless for any liability, damage, losses, or claims arising out of the services provided by the organization ([N.R.S. § 76-3208](#)).
- Alter, modify, or otherwise change a completed report submitted by a real property appraiser without his or her written consent ([N.R.S. § 76-3213](#)).

Should I Accept this Assignment? Appraisal Management Company Registration Requirements (continued)

- Not make payment of fees to a real property appraiser within sixty days after the date on which the real property appraiser transmits or otherwise provides the report to the organization or its assignee ([N.R.S. § 76-3215](#)).

[N.R.S. § 76-3203.01](#) also provides the following requirements for an AMC's management of an appraiser panel:

- Any AMC appraiser included on an AMC's appraiser panel shall remain on such appraiser panel until the date on which the AMC:
 - (a) Sends written notice removing him or her from the appraiser panel, which includes an explanation of the AMC's action, to the AMC appraiser.
 - (b) Receives written notice from the AMC appraiser requesting that he or she be removed from the appraiser panel.
 - (c) Receives written notice on behalf of the AMC appraiser of the death or incapacity of the AMC appraiser.
- Upon receipt of notice that he or she has been removed from the AMC's appraiser panel, an AMC appraiser shall have thirty days to provide a response to the AMC that removed the AMC appraiser from its appraiser panel. Upon receipt of the AMC appraiser's response, the AMC shall have thirty days to reconsider the removal and provide a written response to the AMC appraiser.
- Any AMC appraiser included on an AMC's appraiser panel engaged in real property appraisal practice as a result of an assignment provided by an AMC shall be free from inappropriate influence and coercion as required by the appraisal independence standards established under section 129E of the federal Truth in Lending Act, including the requirements for payment of a reasonable and customary fee to AMC appraisers when the AMC is engaged in providing appraisal management services.

- An AMC shall select an AMC appraiser from its appraiser panel for an assignment who is independent of the transaction and who has the requisite education, expertise, and experience necessary to competently complete the assignment for the particular market and property type.

Finally, [N.R.S. § 76-3212](#) requires that each AMC maintain a detailed record of appraisal management services provided under its registration, and upon request shall submit to the Board all books, records, reports, documents, and other information as deemed appropriate by the Board to administer and enforce the AMC Registration Act. If an entity that engages in business as an AMC fails to hold a registration issued by the Board, the organization may not maintain the records needed for investigation of any alleged wrongdoing.

As mentioned previously, while it is unlawful for an organization not exempt from the AMC Registration Act to directly or indirectly engage in or attempt to engage in business as an AMC in Nebraska without first obtaining a registration, unless the organization does not meet the minimum requirements for qualification as an AMC, or meets the requirements as a federally regulated AMC, it is not unlawful for a real property 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 real property appraiser's own risk. If you have any questions or concerns regarding AMCs, please do not hesitate to contact the Board's office.



NRPAB Quick Hits

- * Congratulations to Thomas Luhrs, who was elected as the Board's chairperson for 2022, and to Wade Walkenhorst, who was elected as the Board's vice chairperson for 2022. Luhrs has served on the Board since 2018, and was the vice chairperson in 2021. Board Member Walkenhorst has been a member of the Board since 2019. Both individuals have displayed the leadership qualities needed to continue the Board's momentum into 2022 and beyond.
- * LB706 was introduced by Senator Williams on January 5, 2022 to update the Nebraska Real Property Appraiser Act to implement the Real Property Appraiser Qualifications Criteria adopted by The Appraisal Foundation's Appraiser Qualifications Board, effective on January 1, 2021; and to maintain compliance with Title XI of FIRREA along with the Policy Statements of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council. The hearing before the Banking, Commerce, and Insurance Committee took place on January 24, 2022. LB706 was amended into LB707 through AM1859 on February 16, 2022. LB707 was passed to General File on an 8-0 Committee vote. More information can be found on the Nebraska State Legislature's website at: https://nebraskalegislature.gov/bills/view_bill.php?DocumentID=47057.

NRPAB Staff

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[Visit NRPAB on Facebook](#)

Have questions? We have answers!

Questions related to appraisal management company registration and renewal: nrpab.amc@nebraska.gov

Questions related to real property appraiser credentialing: nrpab.credentialing@nebraska.gov

Questions related to real property appraiser credential renewal: nrpab.renewals@nebraska.gov

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

Questions related to investigations, or how to file a grievance: nrpab.compliance@nebraska.gov

Questions related to Appraiser Login: nrpab.AppraiserLogin@nebraska.gov

General Questions: nrpab.questions@nebraska.gov

NRPAB Quick Hits

- ◆ In addition to LB707, the Board is also interested in many other legislative bills active during the current session. A summary of these bills, along with the link to the legislative information, can be found on the main page of the Board's website at: appraiser.ne.gov. Select the hyperlink titled "2022 Legislative Bills of NRPAB Interest" in the blue box on the right-hand side of the page. If you have any comments regarding any of the bills listed in this document, please feel free to contact the Board's office at 402-471-9015, or email Director Kohtz at tyler.kohtz@nebraska.gov.
- ◆ The Nebraska Real Property Appraiser Board retired no guidance documents, and adopted one new guidance document between October and December.
 - * **21-04:** Certification by the International Distance Education Certification Center for Correspondence Education Activities — Adopted October 21, 2021

All Guidance Documents are available for viewing on the Board's website at: https://appraiser.ne.gov/guidance_documents.html.

◆ Compliance Update

- * Between the months of October and December, there were four grievances filed against Nebraska credentialed real property appraisers, and the Board dismissed four grievances without prejudice and one with prejudice. No disciplinary actions were taken by the Board against any appraisers during this period.
- * Between the months of October and December, no grievances were filed against any appraisal management companies. During this time, no disciplinary actions were taken by the Board against any appraisal management companies.



Board Members

Chairperson of the Board
Thomas M. Luhrs, Imperial
Certified General Appraiser
Licensed Real Estate Broker Rep
Term Expires: January 1, 2023

Vice-Chairperson of the Board
Wade Walkenhorst, Lincoln
Financial Institutions Rep
Term Expires: January 1, 2024

Board Member
Bonnie M. Downing, Dunning
Certified General Appraiser
3rd District Representative
Term Expires: January 1, 2025

Board Member
Cody Gerdes, Lincoln
Certified General Appraiser
1st District Representative
Term Expires: January 1, 2026

Board Member
Kevin Hermsen, Gretna
Certified General Appraiser
2nd District Representative
Term Expires: January 1, 2027



What's new at The Appraisal Foundation?
appraisalfoundation.org



What's new at the Appraisal Subcommittee?
asc.gov



What's new at the AARO?
aaro.net

In the Spotlight: Kevin Hermsen Appointed to the Second Congressional District Certified Real Property Appraiser Position on Board

Governor Pete Ricketts appointed Nebraska Certified General Real Property Appraiser Kevin Hermsen to the Nebraska Real Property Appraiser Board as the Second Congressional District Certified Real Property Appraiser Representative on February 24, 2022. Newly appointed Board Member Hermsen was sworn in by Chief Deputy Secretary of State Colleen Byelick on March 17, 2022.



Kevin Hermsen being sworn in by Chief Deputy Secretary of State Colleen Byelick.

Hermsen, a Certified General Real Property Appraiser, is a partner at Mitchell and Associates. He is also a member of the Nebraska Chapter of the Appraisal Institute and holds the MAI designation. Hermsen has experience appraising a wide range of properties including land, subdivisions, retail, office, industrial, multi-family, golf courses, and hotels.

Hermsen and his wife, Amber, and their two boys, Ethan and Evan, reside in Gretna, Nebraska. In his free

time, Hermsen golfing and being involved with his children's sporting activities.

Hermsen's term on the Board will run through December 31, 2026. If you would like to offer your congratulations to Kevin Hermsen, please email Director Kohtz at tyler.kohtz@nebraska.gov with your comments.

"I am humbled and grateful for the opportunity to serve on the Nebraska Real Property Appraiser Board. I look forward to working with colleagues to ensure that ethical and responsible appraisal services continue to be provided to the public."

– Kevin Hermsen

Who's New?

The Nebraska Real Property Appraiser Board congratulates the following individuals who received real property appraiser credentials, and the organizations newly registered as appraisal management companies, between October and December of 2021.

Trainee Real Property Appraisers

Kaci Wozniak, Kearney NE – T2021028
Cody Bachtell, Tekamah NE - T2021029
Alexander Beck, Omaha NE – T2021030
Morea Shipley, Scottsbluff NE – T2021031
Trey Trauernicht, Sterling NE – T2021032
Ryan Flynn, Broken Bow NE – T2021033
Collin Massengale, Omaha NE – T2021034

Licensed Residential Real Property Appraisers

John Bruna, Fairbury NE – L2021002

Certified General Real Property Appraisers

Ryan Kelley, Madison WI – CG2021017R
Talani Casariego, New York NY – CG2021018R
James Hodge, Houston TX – CG2021019R
Cally Timm, Ravenna NE – CG2021020
Erik Lekberg, Clayton MO – CG2021021R
Tracey Burke, Naperville IL – CG2021022R
Ryan Sikorski, Milwaukee WI – CG2021023R
Hiew Kang, Atlanta GA – CG2021024R
Andrew Baker, Overland Park KS – CG2021025R

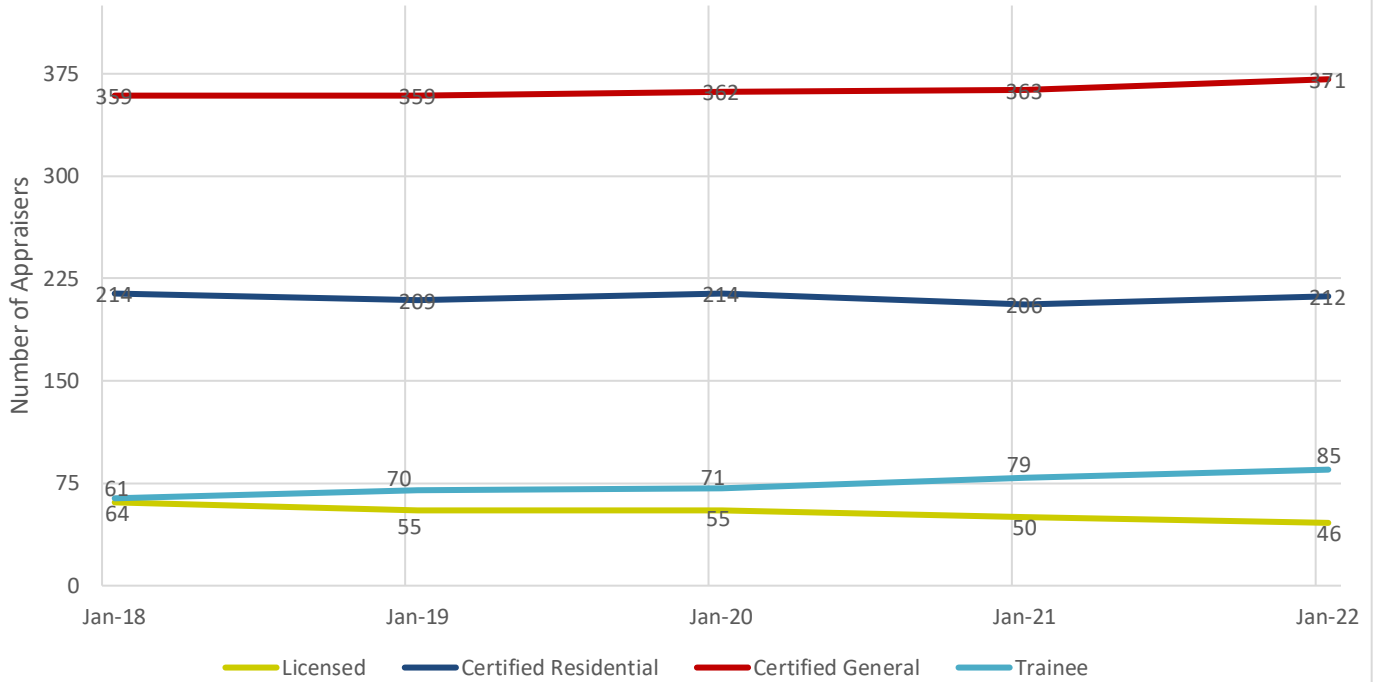
Appraisal Management Companies

TrUnion Appraisal Services LLC – NE2021008

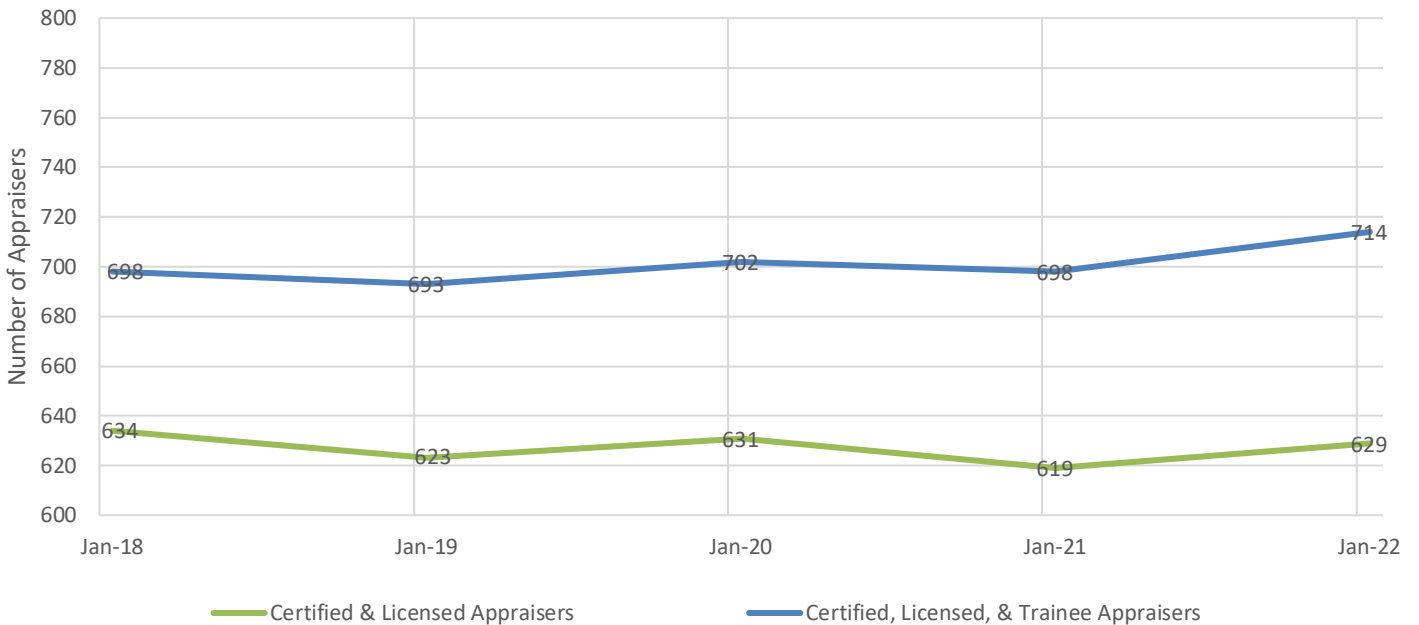
Real Property Appraiser and AMC Numbers and Trends as of January 1, 2022

The charts below outline the five-year trend for the number of Nebraska credentialed real property appraisers and Nebraska registered appraisal management companies as of January 1, 2022. There are currently 629 licensed residential, certified residential, and certified general real property appraisers in Nebraska, and 85 credentialed trainee real property appraisers. In addition, there are currently 94 appraisal management companies registered in Nebraska.

Total Real Property Appraisers by Classification - Five Year Trend

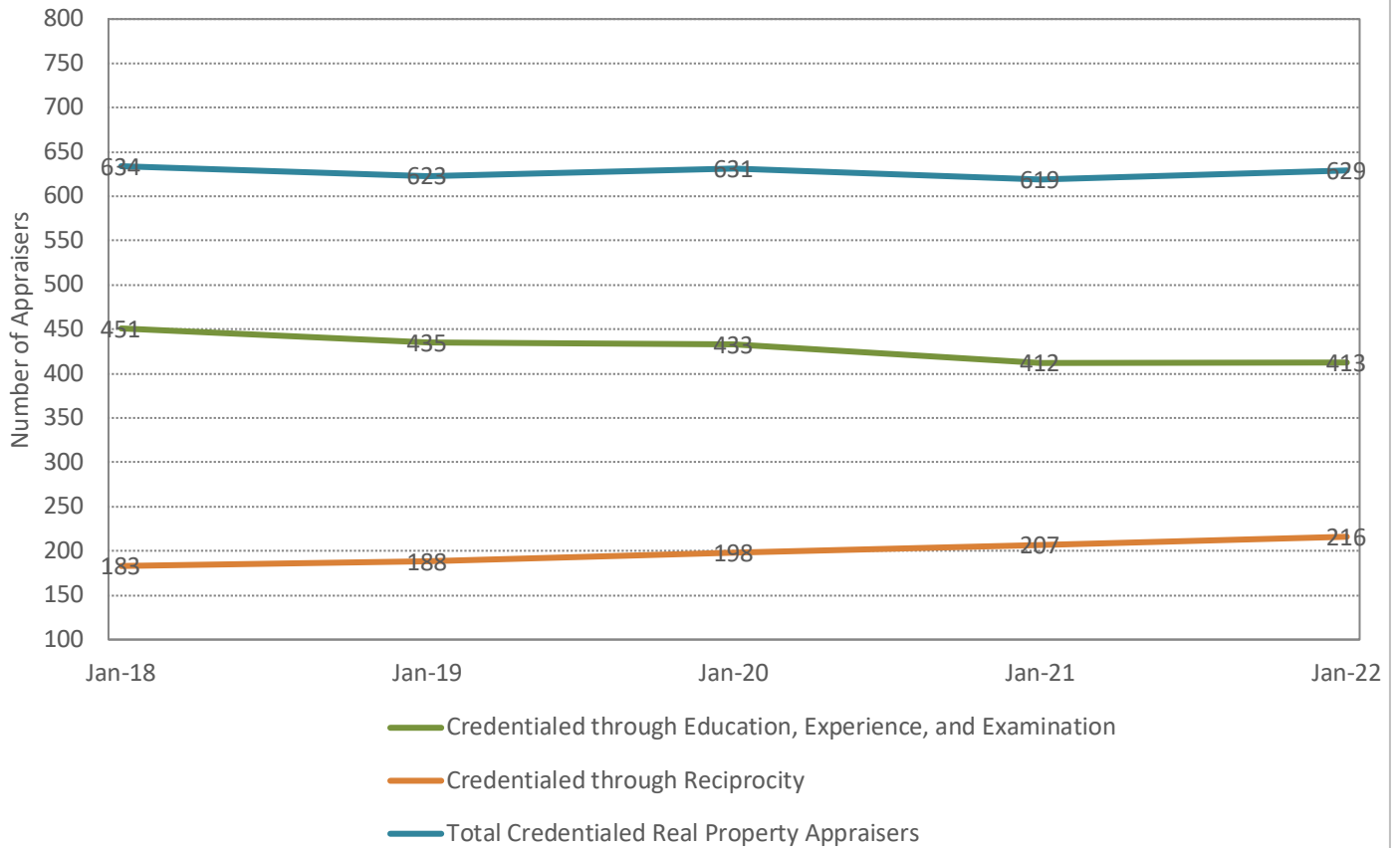


Total Real Property Appraisers - Five Year Trend

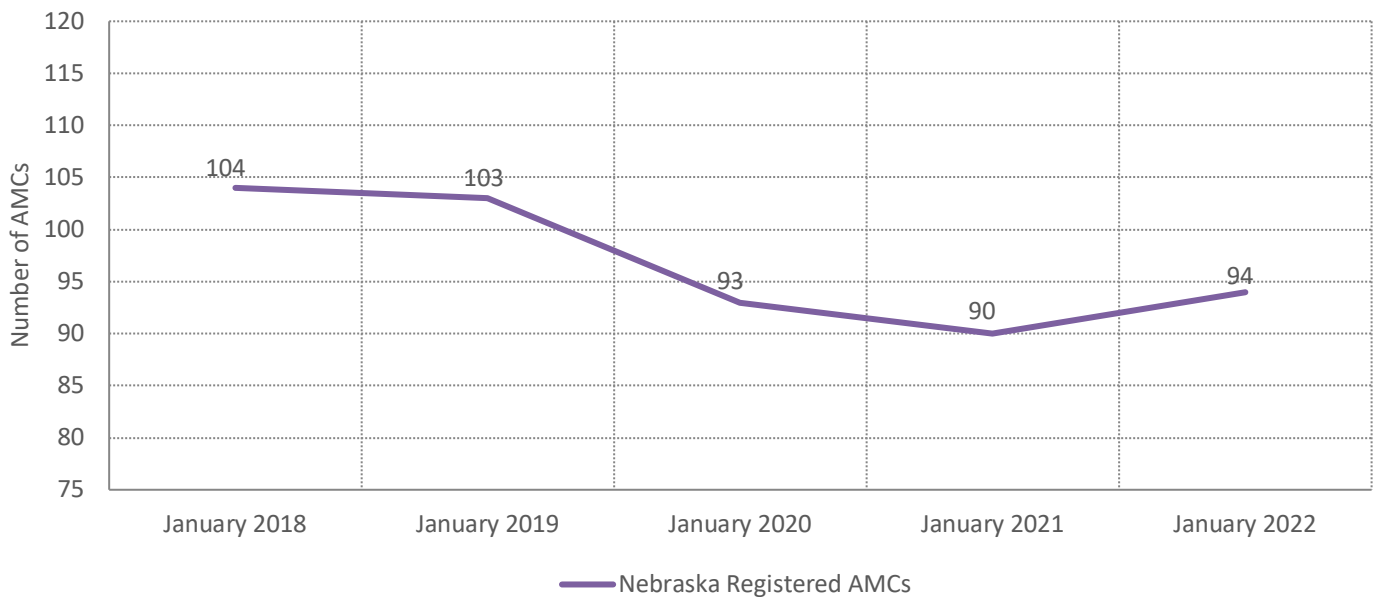


Real Property Appraiser and AMC Numbers and Trends as of January 1, 2022 (Continued)

Total Real Property Appraisers (not including Trainee) - Five Year Trend



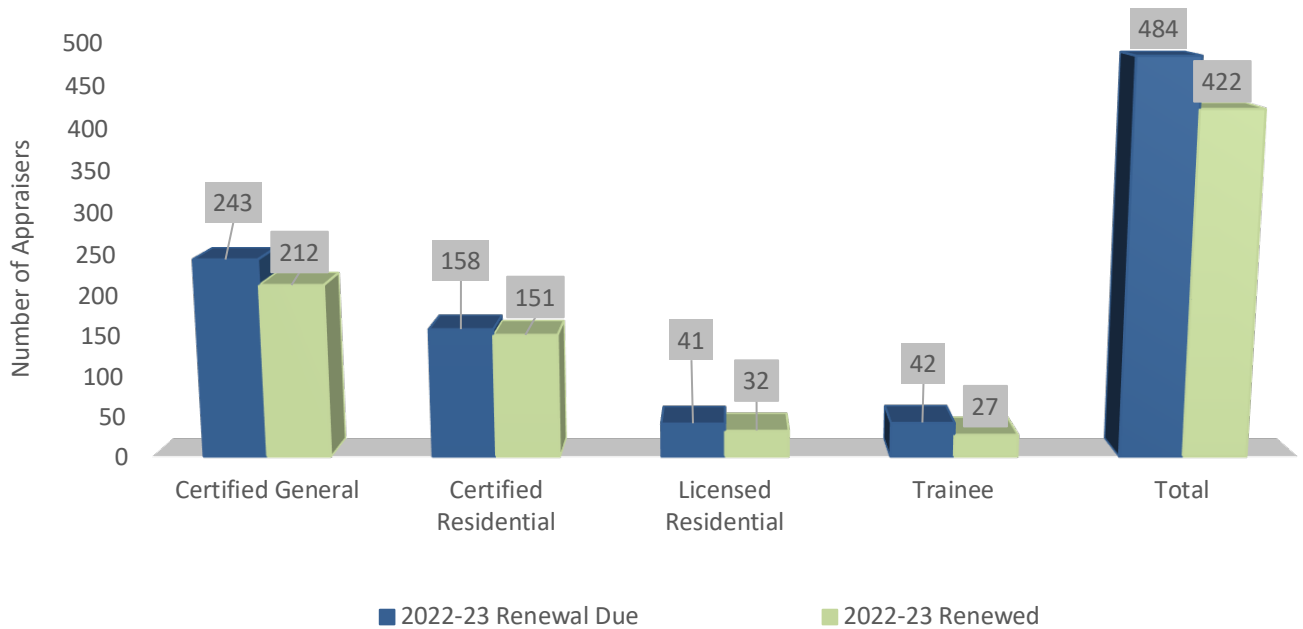
Appraisal Management Companies - Five Year Trend



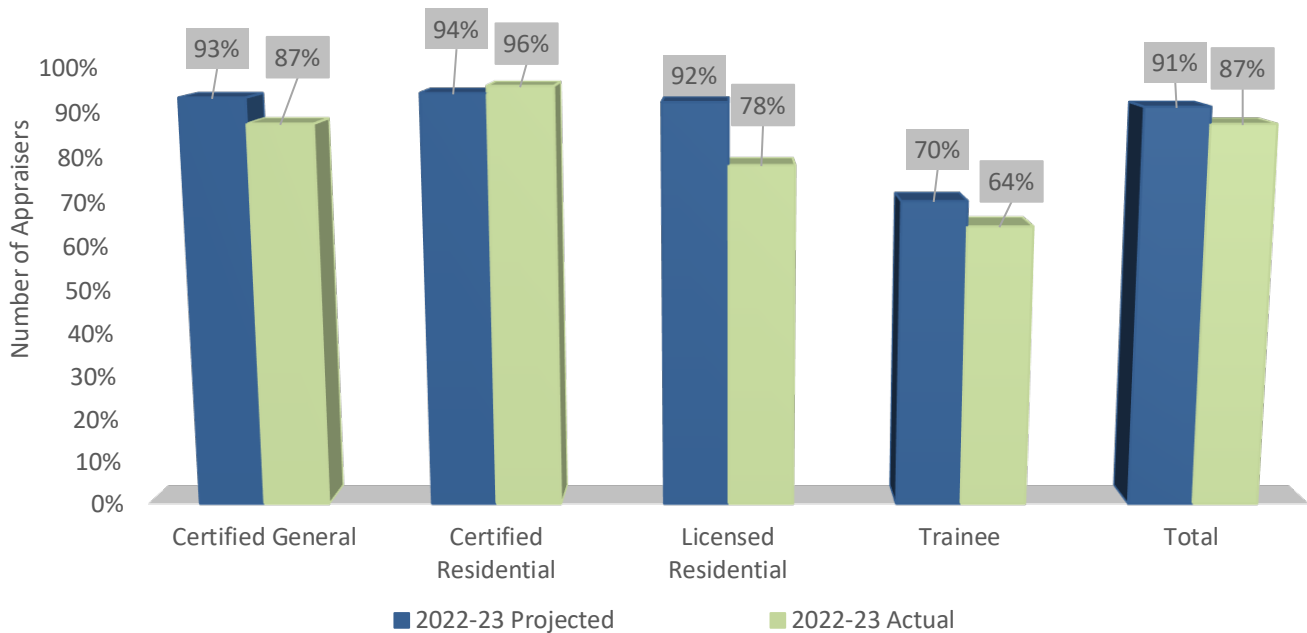
Real Property Appraiser Renewal Counts and Percentages as of January 2022

The charts below outline the real property appraiser renewal counts and percentages as of January 2022. There were 484 trainee, licensed residential, certified residential, and certified general real property appraiser renewals due, and 422 credentials were renewed.

2022-23 REAL PROPERTY APPRAISER RENEWAL PROGRESS REPORT - JANUARY 2022

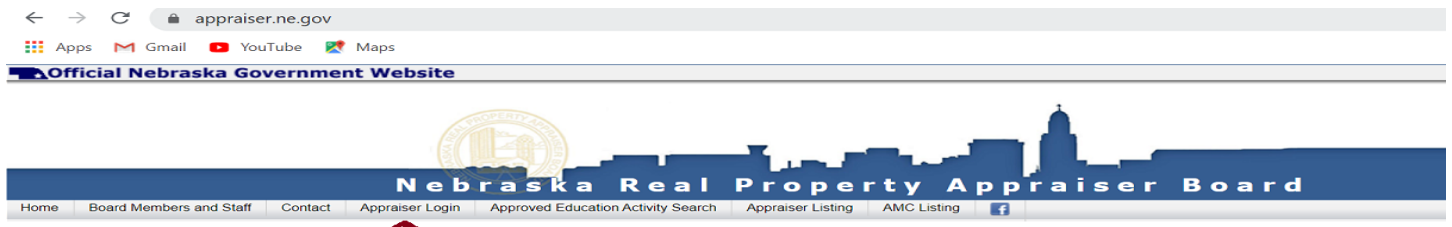
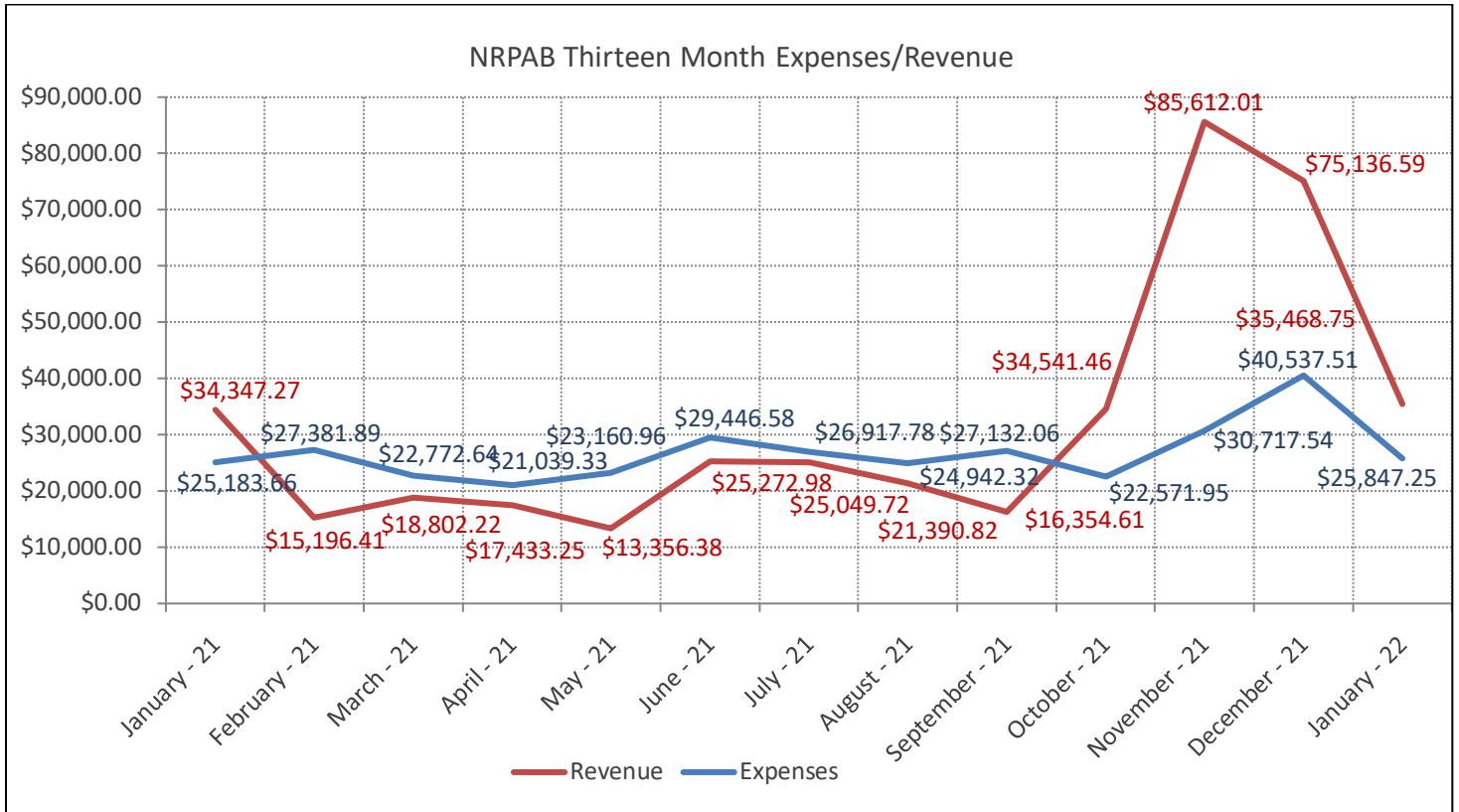


2022-23 PERCENTAGE PROJECTIONS/ACTUALS RENEWAL PROGRESS REPORT - JANUARY 2022



NRPAB Financial Snapshot as of December 31, 2021

For the Real Property Appraiser Program, which includes both the appraiser fund and the AMC fund, a total of \$172,819.16 in expenditures and \$258,085.21 in revenues were recorded as of December 31, 2021. Actual expenses registered at 41.33 percent of the budgeted expenditures for the fiscal year; 50.41 percent of the fiscal year has passed.



Appraiser Login

Mission:

The Mission of the Nebraska Real Property Appraiser Board is to administer and enforce the Nebraska Real Property Appraiser Act and Nebraska Appraisal Management Company Registration Act with efficiency, equity, and integrity to ensure that the citizens of Nebraska are protected and served, and that the appraisal services community is highly qualified through education, experience, and examination.

Vision:

The Nebraska Real Property Appraiser Board's vision is to provide leadership for the appraisal industry in the State of Nebraska. The Board will generate interest by promoting the appraiser profession, building positive public awareness of the industry throughout the State, and identifying and resolving issues faced by the public and appraisal services community. The Nebraska Real Property Appraiser Board will also establish and maintain standards for appraisers and appraisal management companies that lays the foundation for a highly qualified, motivated, dependable, and ethical appraisal services community in Nebraska.

Information about the 2021-22 Renewal Period:

- [2021-22 Real Property Appraiser Continuing Education Requirements \(pdf\)](#)
- [2021-22 Renewal Questions & Answers \(pdf\)](#)

- AMC Registration
- Appraiser Credentialing
- Board Meetings
- Education
- Enforcement
- Laws, Regulations, and Guidance Documents
- Public Information
- Request Forms
- USPAP Review Report Forms
- 2021-22 Renewal Applications
- COVID-19 Information
- 2021 Legislation of NRPAB Interest

Your credentialing card, the Online Renewal Application with EFW Payment, the Education Submission Portal, continuing education requirements, education history, and USPAP download are all found in the Appraiser Login on the Board's website.