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DEPARTMENT OF BUSINESS AND INDUSTRY
REAL ESTATE DIVISION
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ADVISORY OPINION 16-02 **June 01, 2016**
Replaces: N/A

Appraisal Applicant Education and Experience Submission to Division

QUESTION:

Is an Appraisal applicant able to take a pre-licensing examination before submitting the education and experience required by NRS 645C.330?

SHORT ANSWER:

No.

ANALYSIS OF THE ISSUE:

Nevada Revised Statutes 645C.350 (2) specifies that an applicant may take the written examination before completing the requirements for experience:

NRS 645C.350 Frequency of examinations; taking examination before completion of experience; notification of applicant regarding satisfaction of requirements.

1. *The Division shall cause examinations to be conducted not less than once every 6 months.*
2. ***An applicant may take the written examination before completing the requirements for experience,*** *but a certificate or license must not be issued until all the requirements are met...*

This is in direct conflict with Nevada Administrative Code 645C.080, which states that an applicant must complete the education and experience required by NRS 645C.330 and the regulations adopted pursuant thereto **before** taking the examination:

NAC 645C.080 Examinations: Types; passing score; contents; required education and experience. (NRS 645C.210)

1. *Separate examinations will be given for licensure as a residential appraiser, certification as a residential appraiser and certification as a general appraiser.*
2. *A scale score of 75 must be achieved to pass either test.*

3. Each of the examinations will consist of questions covering the subjects listed in NAC 645C.235, 645C.237 and 645C.240.

4. An applicant must complete the education and experience required by NRS 645C.330 and the regulations adopted pursuant thereto before taking the examination.

The Real Property Appraiser Qualification Criteria established by the Appraiser Qualification Board (AQB) requires that **prior** to taking the examination an applicant must complete the required education and experience.

ADVISORY CONCLUSION:

The Division is enforcing regulation NAC 645C.080 as required by the AQB, requiring education and experience to be submitted to the Division before taking an examination. Should there be a statutory challenge of this practice, requiring the Division to issue a credential wherein the applicant did not complete the education and experience requirement prior to taking the examination, the Division would not collect the Registry fee and the Licensee would not be listed in active status on the National Registry. The Appraiser's certificate would be limited to only allowing the Appraiser to perform non-federally related transactions in Nevada. The Division would indicate on the credential "Not Eligible to Appraise Federally Related Transactions."

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