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Guidance Letter 13-001

Date: September 11, 2013

To: County Assessors

From: Terry E. Rubald, Deputy Executive Director

CC: Chris Nielsen, Executive Director, Department of Taxation
Bruce Bartolowits, Supervisor, Locally Assessed Properties

Subject: **Requirements for Continuing Education**

SUMMARY: This letter is intended to clarify continuing education requirements of NRS 361.223, as amended by SB 215(2013). First, new employees hired in the first half of a fiscal year will have until the end of the same fiscal year to obtain 36 hours of continuing education. New employees hired in the second half of a fiscal year will have until the end of the next fiscal year to obtain 36 hours of continuing education.

Second, continuing education hours must be taken annually even if 180 hours are met, unless the required amount of ethics training has also been taken. Third, once the 180 hours are met and the ethics training is taken, 36 hours of continuing education must be completed every three years. This guidance letter sets out the timetable for conversion from the five-year cycle to a three-year cycle.

AUTHORITY:

NRS 361.223(1): Every person who holds an appraiser's certificate shall complete in each fiscal year at least 36 contact hours of appropriate training conducted or approved by the Department. College or university courses may be substituted upon approval by the Appraiser Certification Board of an application submitted to the Department for such substitution.

NRS 361.223(2): Any approved hours of training accumulated in any 1 fiscal year in excess of the 36 contact hour minimum must be carried forward and applied against the training requirements for the following 3 years.

NRS 361.223(3): The annual training requirement must be waived for any person:

- (a) Attaining a professional designation or certification by the Appraiser Certification Board; or
- (b) Accumulating 180 contact hours of accepted training.

→ Such persons must complete 36 contact hours during **every 3-year period** thereafter. (formerly 5 years)

NAC 361.539: "Appraiser's Certificate" means a certificate issued by the Department that authorizes a person to perform the duties of an appraiser.

NAC 361.547: “Contact hour” means 1 hour of credit toward continuing education requirements awarded by the Department for attendance at or instruction of an approved education course.

NAC 361.555(4): The Department will issue a temporary appraiser’s certificate to a qualified applicant within 30 days after receiving the application.

NAC 361.567(4): To qualify for a waiver of the annual training requirement pursuant to paragraph (b) of subsection 2 of NRS 361.223, a person who holds an appraiser’s certificate must complete as part of the 180 contact hours of accepted training required by that paragraph at least 4 hours of training in ethical and professional standards.

NAC 361.567(5): If a person for whom the annual training requirement has been waived pursuant to NRS 361.223 accumulates more than 36 contact hours during any 5-year period thereafter, the excess contact hours will not be carried forward.

APPLICATION:

(1) Fiscal Year Requirement

Continuing education is required of persons who hold an appraiser’s certificate, including both temporary and permanent certificates. Newly hired appraiser employees should fill out an Application for Temporary Appraiser Certification as soon as possible after being hired. The application form may be obtained from the Department’s website at http://tax.state.nv.us/DOAS_FORMS/ACB%20TempCertApp053107.pdf.

Persons who have been issued Temporary Certification by the Department should begin to fulfill continuing education requirements as soon as possible. NRS 361.223(1) requires completion of 36 contact hours each fiscal year until 180 hours are earned. Although there is currently no regulation on this subject, the Department interprets this to mean that persons granted Temporary Certification during the first six months of the first fiscal year would have to obtain 36 contact hours by the end of that fiscal year. Persons granted Temporary Certification during the last six months of the fiscal year would have to obtain 36 contact hours by the end of the next fiscal year.

Example. Jane was hired by the Sagebrush County Assessor on September 14, 2012 to work as an appraiser. She applied for temporary certification on her first day, and the Department processed the request within 30 days, or about October 12, 2012. Since more than half of the fiscal year remains, there should be sufficient time to take some on-line beginning courses, as well as classes sponsored by the Department or Assessor’s Association. Jane should expect to complete 36 hours by June 30, 2013.

Joe, on the other hand, did not obtain his temporary certification until April 29, 2013. Since the end of the fiscal year is only two months away, there may not be enough time to fulfill the 36 hour requirement. In that case, Joe would have until June 30, 2014 to complete the 36 hours to remain in compliance with NRS 361.223.

Because the statute requires completion in a fiscal year, rather than completion counting from the date the temporary certification is issued, the use of a cut-off date is necessary. The Department selected the “half-year convention” as the cut-off date.

(2) Ethical and Professional Standards Training

The waiver from taking classes every fiscal year cannot be granted until at least four hours of ethical and professional standards training are taken. Typically, the ethics training occurs sometime during the first five years when a person is earning the first 180 hours.

Example. Jane has completed 180 contact hours of continuing education as of June 30, 2013. None of the continuing education includes ethics training. She is not planning on taking any classes in fiscal year 2014, but her supervisor informs her that she must continue to take 36 hours of continuing education in FY 2014 and each

fiscal year thereafter until the ethics training is completed. Upon completion of the ethics training, Jane would not have to complete 36 hours of continuing education for 3 years.

(3) Conversion to three-year period for completion of continuing education

SB 215(1) reduced the number of years during which 36 hours of continuing education must be taken, from five to three years. In order to complete the conversion, the Department will allow persons who are currently in a five-year period to complete taking the coursework during the original five-year period before requiring continuing education during a three-year period. This applies only to persons who have already completed 180 hours of continuing education, including ethics training, and who only need to meet continuing education requirements periodically rather than annually.

The schedule will be as follows:

Persons whose five-year period began July 1, 2008 must have completed 36 hours by June 30, 2013. These persons will have until June 30, 2016 to complete an additional 36 hours.

Persons whose five-year period began July 1, 2009 must complete 36 hours by June 30, 2014. Thereafter, 36 hours must be completed by June 30, 2017.

Persons whose five-year period began July 1, 2010 must complete 36 hours by June 30, 2015. Thereafter, 36 hours must be completed by June 30, 2018.

Persons whose five-year period began July 1, 2011 must complete 36 hours by June 30, 2016. Thereafter, 36 hours must be completed by June 30, 2019.

Persons whose five-year period began July 1, 2012 must complete 36 hours by June 30, 2017. Thereafter, 36 hours must be completed by June 30, 2020.

Example. Joe received his temporary certification on July 1, 1997. He had worked previously as a property tax appraiser in another state and was able to show completion of at least 180 hours of continuing education immediately upon hiring. His first five-year period therefore ran from July 1, 1997 to June 30, 2002; his second, from July 1, 2002 to June 30, 2007; and his third, from July 1, 2007 to June 30, 2012. Now Joe will have to earn 36 continuing education hours by June 30, 2017, and start the 3-year completion period thereafter.

Jane was hired about seven months after Joe. She started on February 15, 1998 and was granted temporary certification on March 15, 1998. She had no prior continuing education credits. Since she was granted temporary certification in the last half of the fiscal year, the Department applied the “half-year convention” and Jane was allowed to complete 36 hours of continuing education by June 30, 1999. She took 36 hours every year thereafter until she completed 180 hours, including ethics training, by June 30, 2003. She then earned an additional 36 hours by June 30, 2008, and another 36 hours by June 30, 2013. Jane’s three year completion period starts immediately and she will have until June 30, 2016 to complete 36 hours of continuing education.

The Department is currently auditing its records to ensure that the three-year starting period has been accurately calculated per the schedule above. As the audits are completed, the Department will notify each active appraiser of his or her status.

WEBSITE LOCATIONS:

Nevada Revised Statutes (NRS):

<http://www.leg.state.nv.us/NRS/>

Nevada Administrative Code:

<http://www.leg.state.nv.us/NAC/CHAPTERS.html>

Department of Taxation Guidance letters: <http://www.tax.state.nv.us>; then select “Publications;” then select Assessment Standards Publications and “Guidance letters.”