

Enforcement Actions

December 22, 2010

According to Neb. Rev. Stat. §§ 76-2239 and 76-2240, the Nebraska Real Property Appraiser Board may revoke or suspend the credential or otherwise discipline a credential holder or deny any application for any of the acts or omissions set forth in section 76-2238. Upon receipt of information indicating that a credential holder may have violated any provision of the act, the Board shall make an investigation of the facts to determine whether or not there is evidence of a violation. If a formal complaint is filed, the matter may proceed to formal hearing, determination and order by the Board. The Board may enter into a consent agreement instead of a proceeding to a formal determination of violation. A formal complaint for which a consent agreement or formal determination of violation is entered is reported to the Appraisal Subcommittee of the Federal Financial Institutions Examining Council, and is reported here in a format as adopted by the Board. Violation of the act or the rules and regulations during a period of probation shall cause immediate execution of a suspension penalty.

The Nebraska Real Property Appraiser Board adopted a motion for format for publishing of enforcements. The following motion was adopted February 21, 2007. The motion reads as follows: "All disciplinary actions will be published . . . using the agreed upon format of case number, name, items of agreement or order and include any fees paid by the respondent with the effective date of the disciplinary action as of January 1, 2006.

All enforcement actions listed have been reported to the Appraisal Subcommittee as required.

The following actions have been taken:

02-28 Michael Raasch (CG920269), by Agreed Settlement dated November 16, 2006.

The appraiser agreed to be placed on probation for a period of one year based on the following terms and conditions: return his original credential and be issued a pocket card marked probationary; notify the Board in writing once per quarter of all work covered by his credential and performed by him during the prior quarter; the Board may select up to ten reports for external review and the appraiser shall pay for each appraisal reviewed; no supervision or training of any appraiser; and pay attorney fees and expenses incurred by the Board in the amount of \$2,500.

Mr. Raasch has notified the Real Property Appraiser Board that he is retired from appraising real property as of March 15, 2008. He submitted his current pocket card.

03-18 Betty Holliday (CR980116), by Agreed Settlement dated May 24, 2006.

The appraiser agreed to no longer perform mass appraisals governed by Standard 6 of the Uniform Standards of Professional Appraisal Practice and shall restrict appraisal practice to those appraisals governed by Standard 1 through Standard 5; and to not accept any assignments for any mass appraisal in any county in the state. No legal fees were assessed.

05-05 Donald F. Lloyd (L920240), by Agreed Settlement dated April 21, 2006.

Agreed Settlement to surrender credential to the Board and never reapply for a credential in the State of Nebraska signed April 21, 2006. Case closed 5.24.2006.

05-14 Timothy Rounds (CR940262), by Agreed Settlement dated June 21, 2006.

Agreed Settlement not perform commercial appraisals; to be placed on probation for a period of four months; at his own expense, successfully complete a two-day tested National Uniform Standards of Professional Appraisal Practice Course, a Sales Comparison Approach class (15- hours), an Income Approach class (15-hours); and pay

attorney's fees and expenses incurred by the Board in the amount of \$899.00. Case closed 4.19.2007.

05-15 Jeanne McDonald (CR940255), by Board Order, dated August 30, 2006.

Case 05-15 proceeded to formal hearing. The Nebraska Real Property Appraiser Board ordered: suspension of appraiser's credential for a period of sixty (60) days; upon completion of the suspension period, complete a probationary period of six (6) months consisting of notification of the Board in writing at least once each month of all work performed by her or under her supervision during the prior calendar month; submit, at the Board's request up to 12 reports for external review with review fees to be paid by the Appraiser; at her expense, successfully complete a minimum two-day National Uniform Standards of Professional Appraisal Practice class; a Sales Comparison Approach class (15-hours); and pay attorney's fees and expenses and hearing officer fees incurred in the amount of \$3,470.69. Case closed 1.25.2007.

05-25 Patrick Morrissey (CG920553), by Agreed Settlement, dated November 16, 2006.

The appraiser signed agreed to successfully complete the National Uniform Standards of Professional Appraisal Practice Course (two-day) and a Narrative Report Writing Class (in excess of twenty (20) hours) within six months of the settlement; and to pay attorney's fees and expenses incurred in the amount of \$1,108.00. Case closed 3.23.2007.

05-29 Thomas Slack (CG250270R), by Agreed Settlement, dated December 19, 2006.

The reciprocal appraiser from Kansas agreed to surrender his credential and never reapply for a credential in the State of Nebraska and pay a portion of the attorney's fees and expenses in the amount of \$3,000. Case closed 4.19.2007.

06-16 Kenneth Tranel (L260149R), by Agreed Settlement, dated December 20, 2007.

The reciprocal appraiser from Colorado agreed to surrender his credential not conduct any appraisal practice relating to Nebraska real estate for a period of at least one year and pay attorney fees in the amount of \$3,000. This agreed settlement has not been met to date. The credential has been surrendered but the attorney fees have not been paid as agreed. Settlement further states conditions to reinstate Mr. Tranel's request for a credential in Nebraska. Case closed 1.17.2008 as the Board was informed that Mr. Tranel was deceased. Information proved to be false. The agreed conditions of the case remain in effect.

06-18 June Wingate (L240017), by Consent Agreement, dated August 23, 2007.

The appraiser agreed to successfully complete a 15-hour Sales Comparison and a 15-hour National Appraisal Foundation USPAP course by December 31, 2007. Terms of Consent Agreement have been met and case closed 1.17.2008.

06-22 Terence Kempf, Jr. (CG920134) (CR280109), by failure to meet signed Consent Agreement, dated March 31, 2008.

The appraiser agreed to successfully complete a 15-hour National USPAP and 30-hour General Appraiser Market Analysis & Highest & Best Use. The appraiser agreed CG920134 will be downgraded to a certified residential credential, CR280109 until the terms of the consent agreement have been met. Prior to release, respondent was required to submit a non-residential appraisal report and a review fee of \$300.00. The education must be completed by 11/30/2009 and the report must be completed by 12/31/2009. Mr. Kempf failed to meet the terms of the signed Consent Agreement. Board voted on

12.17.2009 to proceed to formal hearing. Formal proceedings ceased as Mr. Kempf did not renew his credential for 2010. July 1, 2010 Mr. Kempf relinquished right to renew credential. Terms of Consent Agreement not met. Cannot be credentialed without beginning credentialing process over to include examination and complete terms of signed Consent Agreement. Board voted to cease action on account 7.15.2010.

06-24 Stan Wolkins (CG240104R), by Consent Agreement, dated January 25, 2007.

The reciprocal appraiser from Iowa agreed not to make, publish, or distribute materials or otherwise make representations substantially similar to materials which represent that a property owner or any other person or entity for which the appraiser conducts an appraisal will be paid or otherwise compensated for the appraisal. Terms of Agreement have been met. Case closed 6.21.2007.

06-26 Scott Hansen (CR230034R), by Consent Agreement, dated May 22, 2007.

The reciprocal appraiser from Iowa agreed to successfully complete a 15-hour Residential Report Writing course and an AQB 15-hour Appraisal Foundation's USPAP course by August 31, 2007. Terms of consent agreement have been met. Case closed 10.18.2007.

07-01 Keith Bull (CG940193), by Consent Agreement, dated May 22, 2007.

The appraiser agreed to complete a 15-hour narrative report writing course and an AQB 15-hour Appraisal Foundation's USPAP course by August 31, 2007. Terms of consent agreement have been met. Case closed 8.23.2007

07-05 & 07-17 Thomas Millie (L240089), by Consent Agreement, dated February 21, 2008

The appraiser agreed to successfully complete a 15-hour Residential Report Writing and Case Studies course and a 15-hour AQB Approved National USPAP course by July 1, 2008. Terms of consent agreement have been met. Case closed 11.20.2008.

07-09 Liga Coons (L220096), by Negotiated Settlement, dated March 21, 2008

The appraiser agreed to successfully complete a 15-hour AQB approved National USPAP, a 15-hour Residential Report Writing & Case Studies, and a 15-hour Market Analysis and Highest and Best Use course. Submit log and Board selected residential report. Submit \$150.00 review fee. Release from settlement by completing terms by August 31, 2008. Terms of settlement have been met. Case closed 10.22.2008.

07-14 David Holland (CG930144), by Consent Agreement, dated June 16, 2008.

The appraiser agreed to successfully complete a 15-hour AQB Approved National USPAP course; 30-hour General Market Analysis & Highest & Best use; and 30-hour General Appraiser Report Writing course by December 31, 2008. In addition, submitted report for review with review fee of \$300.00. Terms of consent agreement have been met. Case closed 11.20.2008.

07-16 Dex Peterson (CG920234), by Consent Agreement, dated February 21, 2008.

The appraiser agreed to successfully complete a 30-hour Residential Sales Comparison & Income Approach course and an AQB approved 15-hour National USPAP course to be completed by July 1, 2008. Terms of consent agreement have been met. Case closed 4.17.2008.

07-18 Lynn Swanson (L920287), by consent agreement, dated February 13, 2008.

The appraiser agreed to complete an AQB approved National USPAP course; a 15-hour Residential Market Analysis and Highest and Best Use course; and a 30-hour Residential Sales Comparison and Income Approaches courses by September 1, 2008. Terms of consent agreement have been met. Case closed 7.17/2008.

07-20 Stanley Wolkins (CG240104R), by request of the Appraiser Board.

The appraiser agreed to return to the license credential that he has earned in Nebraska upon returning as a resident of Nebraska. Did not apply in Nebraska as a certified general but returned with a reciprocal credential as a resident. Board requested certified credential be surrendered and a license credential issued. November 15, 2007, pocket card and wall document were returned and appropriate credential issued. Case closed 11.15.2007.

07-22 Eldon F. Kohl (R950166), by failure to meet Consent Agreement 1/17/2008.

The appraiser agreed to successfully complete a 15-hour AQB Approved National USPAP course; 30-hour Residential Sales Comparison & Income Approaches course; and 15-hour Residential Report Writing & Case Studies. Credential suspended until complete education. In addition, appraiser must submit demonstration residential report and \$250.00 review fee. Board granted extension consent agreement until 3/10/2008. Notice to proceed to formal hearing by failure to meet consent agreement. 5/28/2008, legal counsel notified Board of decision by appraiser to surrender credential. 6/19/2008, received pocket card. The decision to surrender the credential was accepted by majority vote of Appraiser Board. 6/19/2008 office proceeded to inactivate credential R950166. Case closed 6.19.2008.

07-24 Doug Skarin (CR250301R), by Order of Surrender.

Following formal hearing and recommended order on 5/16/2008, the Board ordered surrender of credential and payment of fees in the amount of \$5,200.80. Forwarded to Attorney General's office for failure to comply on 7/17/2008. Credential inactivated by Board. Public notice from Attorney General's office indicating Mr. Skarin filed Chapter 7, Bankruptcy Iowa. Case closed 8.31.2009.

07-25 Michael Raasch CG920269 combined:

Mr. Raasch has notified the Real Property Appraiser Board that he is retired from appraising real property as of March 15, 2008. He submitted his current pocket card.

07-26 Kenneth Tranel (L260149R), failure to meet Settled Agreement dated Dec. 20, 2007.

The reciprocal appraiser from Colorado agreed to surrender his credential and agreed to not conduct any appraisal practice relating to Nebraska real estate for a period of at least one year and pay attorney fees in the amount of \$3,000. This agreed settlement has not been met to date. The credential has been surrendered but the attorney fees have not been paid as agreed. Case #07-26 was combined with 06-16 and is considered closed.

08-01 Michael Raasch CG920269 combined:

Mr. Raasch has notified the Real Property Appraiser Board that he is retired from appraising real property as of March 15, 2008. He submitted his current pocket card.

08-04 John Guinan (L250073), by Consent Agreement dated 6/19/2008.

The appraiser agreed to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing & Case Studies by December 31, 2008. The appraiser will have a board-approved mentor for the length of one year who will report to the Appraiser Board in six month intervals. The mentor will maintain a log of assignments indicating the appraisals have been reviewed by the mentor. The effective date of the signed consent agreement or 6/19/2008 indicates the date the consent agreement became effective and ends one year from that date for the approved mentor. 11/20/2008 Appraiser Board voted to grant a 90-day extension for the education requirement making the due date March 16, 2009. 4.16.2009 Board voted to proceed to formal but did not request hearing date as a consequence of notice of a medical condition from Mr. Guinan. July 1, 2010 Mr. Guinan relinquished right to renew credential. Terms of Consent Agreement are not met. Cannot be credentialed without beginning credentialing process over to include examination and complete terms of signed Consent Agreement. Board voted to cease action on account 7.15.2010.

08-06 Hope Shotbolt (R260203), by failure to meet consent agreement dated 5/1/2008.

The appraiser agreed to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing & Case Studies due by August 31, 2008. Appraiser failed to meet the due date without requesting an extension of time to complete the consent agreement. Board voted to proceed to formal hearing. Forwarding notice to proceed to formal hearing prompted a call from appraiser describing her inability to meet the requirements at this time. 11/20/2008 Board voted to inactivate credential until consent agreement is met. July 1, 2009 Ms. Shotbolt relinquished right to renew credential. Cease action on case 7.16.2009.

08-08 Daniel L. Wilder (CR940263), by Consent Agreement dated 7/30/2008.

The appraiser agreed to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing & Case Studies course in addition to a 30-day suspension of his credential. Consent agreement to suspension became effective 8/5/2008 and was completed by 9/5/2008. 9/11/2008 received completion documents for the required education. 9/17/2008 Board accepted terms and closed case.

08-10 Eldon Kohl (R950166), failure to meet Consent Agreement.

Combined with Case #07-22. Please refer to Case #07-22 for disposition. June 19, 2008 Board voted to accept surrender of credential.

08-11 James Shively (L250014), by Consent Agreement dated 12/19/2008.

The appraiser agreed to successfully complete a 15-hour AQB approved National USPAP course and a 30-hour Sales Comparison & Income Approaches course by 6/30/2009. In addition the appraiser is required to surrender his credential for a 60-day period effective 1/15/2009 and ending 3/15/2009. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity during suspension. Extensions granted for completion of education. July 1, 2010 Mr. Shively relinquished right to renew credential. Terms of Consent Agreement not met. Cannot be credentialed without beginning credentialing process over to include examination and complete terms of signed Consent Agreement. Board voted to cease action on account 7.15.2010.

08-13 Donald Reed (CR210002R), by Consent Agreement dated 1/15/2009.

The reciprocal appraiser agreed to successfully complete a 15-hour AQB approved National USPAP course; a 15-hour Residential Report Writing & Case Studies course;

and 15-hour Residential Market Analysis & Highest & Best Use course by 7/31/2009. In addition, the appraiser will surrender his Nebraska credential for sixty days effective 1/15/2009 and ending 3/15/2009. Terms of Consent Agreement were met. Case closed 6.28.2009.

08-15 Michael S. Powers (CR260210), by Consent Agreement dated 12/17/2008.

The appraiser agreed to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing & Case Studies course. In addition, the appraiser will submit a quarterly log w/\$150 fee for residential review. The consent agreement is in effect for one year from the date the agreement is signed. The education must be completed by 6/30/2009. The appraiser cannot perform duties or practice in a supervisory or advisory capacity until the terms of the consent agreement are closed. Requirements of Agreement met. Case closed 10.15.2009.

08-18 Carol Weilege CR230085R, by notice of ASC, 8/13/2008

Notice ASC Registry that credential issued in resident state of Iowa has been voluntarily surrendered. Contacted Iowa. Sent copy of Order to Nebraska. By statute, appraiser must hold a credential in good standing to be credentialed by reciprocity. As a consequence, Nebraska is obligated to terminate the reciprocity credential by statute and rule. Notice to Appraisal Subcommittee of actions affecting reciprocal credential.

08-19 Frank Ferraro, Jr. (L220028), by Consent Agreement dated 12/14/2008.

The appraiser agreed to successfully complete a 15-hour AQB approved National USPAP course and a 30-hour Sales Comparison & Income Approaches course. The education must be completed by 6/30/2009. Terms of consent agreement have been met. Case closed 5.21.2009.

08-23 William Fischer (CG910169), by Consent Agreement dated 5/5/2009.

The appraiser agreed to successfully complete a 15-hour AQB approved National USPAP course and a 30-hour AQB/CAP approved General Appraiser Sales Comparison Approach course. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity until terms of agreement have been met. The education must be completed by October 31, 2009. Mr. Fischer retired effective October 31, 2009.

09-02 Track Hock (CR260366), by consent agreement dated 5/28/2009

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour AQB/CAP approved Residential Report Writing & Case Studies course. In addition, the appraiser will submit a quarterly log w/\$150 fee for a residential review. The consent agreement for quarterly submissions is in effect for one year from the date the consent agreement is signed. The education must be completed by October 31, 2009. Appraiser cannot perform duties or practice in a supervisory or advisory capacity until the terms of the consent agreement are closed. All requirements of Agreement have been met. Case closed 6.17.2010.

09-13 Russell L. Nelsen (CG920276), by Consent Agreement dated 9/11/2009

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 30-hour AQB/CAP approved General Appraiser Report Writing & Case Studies. Credential will be downgraded to a certified residential until terms of the consent agreement have been met and no less than two months. The education must be completed by March 17, 2010. Appraiser cannot perform duties or practice in a supervisory or

advisory capacity until the terms of the consent agreement are met. At such time, the certified general credential and pocket card will be reissued. Certified General credential restored on 10.15.2009 by completing terms of Agreement. Case closed 10.15.2009.

09-21 David H. Kerbs (CG260165R), by Consent Agreement dated 5/20/2010

The reciprocal appraiser signed Agreement in regard to conditions which existed for two different circumstances: The appraiser filed inaccurate and incorrect answers on the original application form to Nebraska as well as subsequent renewal applications and report development that did not meet the minimum standards. The Consent Agreement denies Mr. Kerbs the opportunity to renew for 2010. The findings of fact further states that the failure by Mr. Kerbs to disclose correct answers on the initial application as well as renewal forms in regard to appraiser's status concerning disciplinary actions in the resident state is a violation of Neb. Rev. Stat. §76-2238 (2), (13), (14), and (16). Violations of NAC Title 298 Chapter 2 Section 1 when developing a report were also cited. Mr. Kerbs will be required to complete the application process to apply for a future credential. Case closed 5.20.2010.

09-26 Robert Herink CG920587 (CR2K0108) by Consent Agreement dated 8/19/2010

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing and Case Studies course by January 31, 2011. Respondent's credential will permanently be downgraded from a Certified General to a Certified Residential credential, CR2K0108. Appraiser cannot perform duties or practice in a supervisory or advisory capacity until terms of the Agreement are met.

10-05B Drue Bamesberger L990044 by Consent Agreement signed 6/8/2010

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing and Case Studies course by November 30, 2010. Board granted extension of due date to January 31, 2011. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity until terms of the Agreement are met.

10-07A Richard Ahmann CR280186 by Consent Agreement dated 7/7/2010

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing and Case Studies course by December 31, 2010. Board granted extension to January 31, 2011. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity until terms of the Agreement are met.

10-07B Thomas Sternberg L240042 by Consent Agreement dated 7/7/2010

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing and Case Studies course by December 31, 2010. Board granted extension of due date to January 31, 2011. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity until terms of the Agreement are met.

10-08 Tim Smulling CG920641 Consent Agreement signed 8.19.2010

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 30-hour General Report Writing and Case Studies course by December 31, 2010. Appraiser cannot accept assignments or perform duties or practice in a supervisory

or advisory capacity until terms of the Agreement are met. Completed terms of Consent Agreement. Board voted at December 16, 2010 meeting to close.

10-15 Nan Mull CG930173 Consent Agreement signed 11.11.2010

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing and Case Studies course by April 30, 2011. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity until terms of the Agreement are met.

10-21 Camile Takuski CR200040 Consent Agreement signed 11.9.2010

Consent Agreement to successfully complete a 15-hour AQB approved National USPAP course and a 15-hour Residential Report Writing and Case Studies course by April 30, 2011. Appraiser cannot accept assignments or perform duties or practice in a supervisory or advisory capacity until terms of the Agreement are met.