

**REAL PROPERTY APPRAISER BOARD  
LIQUOR CONTROL COMMISSION HEARING ROOM  
5<sup>TH</sup> FLOOR, NEBRASKA STATE OFFICE BUILDING  
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

**NOVEMBER 16, 2006**

**OPENING**

Chairman Kroeger called to order the November 16, 2006, meeting of the Nebraska Real Property Appraiser Board at 9:00 a.m., in the Liquor Control Commission Hearing Room, 5<sup>th</sup> Floor, Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska. Board Members Timothy Kalkowski, Joe Wilson, Jim Bain, Sheila Newell and Kevin Kroeger were present. Jill Ekstein, Director, was also present.

**NOTICE OF MEETING**

Chairman Kroeger announced notice of the meeting was duly given, posted, published and tendered in compliance with the Open Meetings Law, and all Board members received notice simultaneously by e-mail. The agenda was kept current on the website and in the office of the Nebraska Real Property Appraiser Board Office. Materials generally used by the Board for the meeting were available in the public folder for inspection. A copy of the Open Meetings Law was available for the duration of the meeting.

**ADOPTION OF THE AGENDA**

Board Member Bain moved to adopt the Agenda as printed. Board Member Wilson seconded. The motion carried with Kalkowski, Bain, Wilson, Newell and Kroeger voting aye.

**APPROVAL OF THE MINUTES FROM OCTOBER 24, 2006**

Chairman Kroeger asked for any additions or corrections to the minutes. Vice Chair Newell asked to have page 6, paragraph 3 show Jane Langan as Special Counsel for the Nebraska Real Property Appraiser Board. Vice Chair Newell moved to approve the minutes from the October 24, 2006, meeting as corrected. Board Member Bain seconded. The motion carried with Kalkowski, Wilson, Bain, Newell and Kroeger voting aye.

Following approval of the minutes Chairman Kroeger welcomed the guests to the meeting and asked for them to sign the guest log in order to ensure proper spelling of names in the minutes. Signing the guest log were Diane Moore, The Moore Group; Perre Neilan, Nebraska Realtors® Association; Jane Langan; Gary Bush, Budget Analyst, Jeanne McDonald; and Cay Lacey.

**DIRECTOR'S REPORT**

Director Ekstein reported the number of renewals received to date was 72 reciprocal credentials, 102 certified general, 52 certified residential, 66 license and 120 registered.

**CHAIRMAN'S REPORT**

Chairman Kroeger indicated the items he wanted to address appeared on the agenda, and he had nothing additional to report.

## **RECEIPTS AND EXPENDITURES REPORT – OCTOBER**

Director Ekstein explained the expenditures for the month of October. She clarified during the previous meeting she had been asked to research the items which the Board had already used all of the budgeted amounts. She stated the Accounting and Auditing expense was a one time annual payment and the Rent Expense was a quarterly transaction. Discussion ensued regarding the expense report.

Vice Chair Newell moved to file the October Receipts and Expenditures report for audit. Board Member Bain seconded. The motion carried with Kalkowski, Bain, Wilson, Newell and Kroeger voting aye.

## **UNFINISHED BUSINESS**

### **AARO & Fraud Symposium Report**

Chairman Kroeger asked Board Member Bain to report on the meetings he attended in Washington, D.C. Board Member Bain provided all members with a written summary of the events and meetings he attended. He indicated the Fraud Symposium would be sent on a CD to the Director. Board Member Bain stated the issue of fraud in the appraisal industry could cause the regulation of Title XI to be taken over by the Federal government. Discussion ensued regarding the issue of fraud.

Board Member Kalkowski suggested the Board consider a training session for the banking industry. Vice Chair Newell stated she had seen a presentation that was extremely informative that the Board may consider asking to use the presentation during a banker's training session. Chairman Kroeger asked if it would be beneficial to invite members of the Nebraska Banker's Association to the next meeting for discussion. Board Member Kalkowski suggested he would contact the representatives of the Banker's Association.

Board Member Bain continued his report with an overview of the State Regulatory Advisory Group and the AARO Conference. Board Member Bain stated he believed the membership to the AARO was beneficial.

### **Investigator Training**

Director Ekstein explained her communication with Dennis Badger, Kentucky Real Estate Appraiser Board Investigator, regarding the cost and background of the investigator training. She stated she had asked for contacts with the jurisdictions which had used the investigator training in order to get feedback on the content of the training. Director Ekstein indicated she had contacted the Investigator in Indiana who would provide some feedback for Nebraska. Chairman Kroeger asked the Director to obtain the course material from Kentucky as well as potential dates for the training session prior to the meeting in December.

The Board took a ten minute recess.

The Board reconvened at 10:14 a.m.

## **Rules and Regulations**

Chairman Kroeger stated during the last meeting Board Member Kalkowski asked for clarification as to what steps had been taken in the process of the Rules and Regulations. He read sections from the meeting minutes beginning in April 2006 to provide the timeline of work which had been completed.

Chairman Kroeger indicated there are two versions of the Rules and Regulations which are extremely different. One version had been open to informal public comment, approved by the Appraisal Subcommittee and the attorneys and the second version was the result of a meeting among Vice Chair Newell, Diane Moore and Cay Lacey with comments coming from other providers and appraisers. Chairman Kroeger stated the original purpose of the revisions to the Rules and Regulations was to bring the document into compliance with the Appraiser Act. He stated the document had a significant number of changes that needed to be made, but he believed the main focus should be the initial compliance rather than rewrite the document completely. Kroeger believed there needed to be one additional meeting with the Director, Chairman, Cay Lacey, Diane Moore, Lynne Heiden and any Board Member who wished to attend. He stated during the December meeting, the final document would be available for Board approval and submission to the Governor's Policy Research Office.

## **NEW BUSINESS**

There was no new business to address.

## **GENERAL PUBLIC COMMENTS**

There were no general public comments.

## **EDUCATION**

### **Course Approval**

Director Ekstein indicated the only education was the IAAO course held over from the October 24, 2006, meeting. The requested material had not yet been received, so the course would continue to be held over until December.

The Board took at ten minute recess.

The Board reconvened at 10:53 a.m.

Vice Chair Newell moved that the Board go into executive session for the purpose of considering written complaints. A closed session is clearly necessary to prevent needless injury to the reputation of the individual or individuals and to the alleged violation of real property appraisal practice. The time on the meeting room clock was 10:53 a.m. Board Member Wilson seconded. The motion carried with Kalkowski, Wilson, Newell and Kroeger voting aye.

Chairman Kroeger restated the sole purpose for the executive session was to consider written complaints. The time was 10:53 a.m. Present for the executive session were Board Members Kalkowski, Bain, Wilson, Newell and Kroeger. Director Ekstein, Jane Langan and Robert Nefsky, special counsel for the Nebraska Real Property Appraiser Board were also present.

## **ENFORCEMENT MATTERS**

Vice Chair Newell moved to come out of executive session at 12:29 p.m. Board Member Kalkowski seconded. The motion carried with Kalkowski, Bain, Wilson, Kroeger and Newell voting aye. Vice Chair Newell stated for the record Board Members Wilson and Kalkowski were absent between 11:52 a.m. and 12:07 p.m. during the discussion of case 02-28.

Vice Chair Newell moved to authorize Chairman Kroeger to sign the agreed settlement for case 02-28, Michael Raasch. Board Member Bain seconded. The motion carried with Bain, Newell and Kalkowski voting aye. Board Members Wilson and Kalkowski abstained.

Vice Chair Newell moved:

- 05-25 Patrick Morrissey; authorize Chairman to sign agreed settlement
- 06-25 Issue Cease and Desist letter and send to Attorney General
- 06-26 Request true copy of report and work file
- 06-27 Request true copy of report and work file
- 06-28 Issue Cease and Desist

Board Member Wilson seconded. The motion carried with Bain, Kalkowski, Wilson, Newell and Kroeger voting aye.

## **APPLICANTS**

Vice Chair Newell moved to go into executive session for the sole purpose of reviewing qualifications of applicants. A closed session is clearly necessary to prevent needless injury to the reputation of the individual or individuals relating to applications. The time on the meeting room clock was 12:32 p.m. Board Member Wilson seconded. The motion carried with Kalkowski, Bain, Wilson, Newell and Kroeger voting aye.

Chairman Kroeger restated the sole purpose for the executive session was for the Board to review the qualifications of applicants. The time was 12:32 p.m.

Vice Chair Newell moved to come out of executive session at 12:50 p.m. Board Member Wilson seconded. The motion carried with Kalkowski, Bain, Wilson, Newell and Kroeger voting aye.

Vice Chair moved to ratify the Director's approval for the registered exam for:

### **Registered**

Robert Wolff	R110601
Jonathan Moravec	R110602
Nicholas Briganti	R110604

Vice Chair Newell continued:

### **Licensed**

L110603	David Collins; approve for exam
L100606	Kimberly Bloch; approve for exam
L110501	Deny; have appraiser send new report and review fee
L080606	Deny; recommend additional education and USPAP update

**Certified Residential**

CR110605 Paula Gallagher; approve for exam

CR10601 Rachel Steinhausen; approve for exam

Board Member Wilson seconded. The motion carried with Kalkowski, Bain, Wilson, Newell and Kroeger voting aye.

Vice Chair Newell moved:

**Certified Residential**

CR110606 Douglas Wilkinson; approve for exam

Board Member Wilson seconded. The motion carried with Kalkowski, Wilson, Bain and Newell voting aye. Chairman Kroeger abstained.

**NEXT MEETING DATE**

Chairman Kroeger stated the next meeting of the Nebraska Real Property Appraiser Board will be Tuesday, December 19, 2006.

Board Member Wilson moved to adjourn the meeting. Vice Chair Newell seconded. The motion carried with Bain, Kalkowski, Wilson, Newell and Kroeger voting aye.

The meeting was adjourned at 12:55 p.m.

Respectfully submitted,

Jill Ekstein, Director

These minutes were available for public inspection on November 20, 2006, in compliance with Nebraska Statute §84-1413(5).