

**REAL PROPERTY APPRAISER BOARD  
MAIN LEVEL, ROOM “Y”  
NEBRASKA STATE OFFICE BUILDING  
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

**16 June 2011**

**OPENING**

Chairman Brad Moore called to order the June 16, 2011 meeting of the Nebraska Real Property Appraiser Board at 9:00 a.m., in Room “Y” located on the Main Level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

**NOTICE OF MEETING**

Chairman Moore announced the notice of the meeting was duly given, posted, published and tendered in compliance with the Open Meetings Act, and all Board members received notice simultaneously by e-mail. Publication of official notice of the meeting appeared in the June 13, 2011 edition of the *Lincoln Journal Star*, a legal newspaper of general circulation in this State, as required by the public meeting law. The agenda was kept current in the Nebraska Real Property Appraiser Board Office and on the Board’s website. Materials generally used by the Board for this meeting were available in the public folder for inspection by the public and in accordance with the Open Meetings Act. A copy of the Open Meetings Act was available for the duration of the meeting. For the record, Board Members, Bradford Moore, Gregg Mitchell, Tom Kubert, and David Hartman were present. Board Member Philip Barkley was absent and excused. Director Kitty Policky was also present.

**ADOPTION OF THE AGENDA**

Chairman Moore reminded those present for the meeting that the Agenda cannot be altered 24 hours prior to the meeting except for emergency items according to the Open Meetings Act. Board Member Mitchell moved to adopt the Agenda as printed. Board Member Kubert seconded the motion. With no further discussion, the motion carried with Mitchell, Kubert, Hartman, and Moore voting aye.

*The Nebraska Real Property Appraiser Board will meet in executive session for approval of applicants and enforcement matters. The change to the Agenda was advertised prior to the meeting under the requirements of the Open Meetings Act...*

**APPLICANTS & ENFORCEMENT**

Board Member Mitchell moved that the Board go into executive session for the purpose of reviewing applicants for credentialing and consideration of written complaints and disciplinary action. A closed session is clearly necessary to prevent needless injury to the reputation of the individual or individuals relating to the issues of qualifying applicants and relating to the alleged violations of performance in real property appraisal practice. The time on the meeting clock was 9:04 a.m. Board Member Kubert seconded the motion. The motion carried with Kubert, Hartman, Mitchell, and Moore voting aye.

Board Member Mitchell moved to come out of executive session at 10:28 a.m. Board Member Kubert seconded the motion. The motion carried with Hartman, Mitchell, Kubert, and Moore voting aye.

Board Member Mitchell moved to take the following action for the Registered applicant:  
R883 / Meets statutory obligations. Approve. Submit for examination.

Board Member Mitchell moved to take the following action for the Licensed Residential Upgrade:

L593 / Applicant meets statutory obligations of §76-2230. Approve to credential upon submission of original document indicating successful completion of examination to the Appraiser Board office.

Board Member Kubert seconded the motion. Motion carried with Mitchell, Kubert, Hartman, and Moore voting aye.

Board Member Mitchell moved to take the following enforcement actions:

- 09-07 Hold. Notice of Hearing.
- 09-09 Hold. Notice of Hearing.
- 09-25 Hold until Cases #09-07 & #09-09 are completed.
- 09-26 Terms of Consent Agreement have been met. Close.

Board Member Hartman seconded the motion. Motion carried with Hartman, Mitchell, and Moore voting aye. Board Member Kubert abstained.

Board Member Mitchell moved to take the following enforcement actions:

- 10-19 Hold / Respondent has not submitted fee for State Treasurer costs for processing check for insufficient funds. Violation of §76-2238(21).
- 11-04 Consent Agreement to successfully complete a 30-hour General Report Writing & Case Studies; 30-hour Income Approach Part 1; and 15-hour National USPAP. Education due nine months from meeting date of June 16; and submit log of appraisals completed 5/1/2011 to 9/1/2011 by 9/12/2011. Respondent requested extension for completion of education because of health considerations to 12/31/2012. Board agreed to an extension in completing two of the three courses by January 1, 2012 and the remaining course to be completed by July 1, 2012. Only change approved to the Consent Agreement. Issue new document for signature.
- 11-06 Respondent submitted evidence as requested by Board. Standard 3 Compliance Review indicates report meets the minimum Uniform Standards. Close. Chairman sign Order of Dismissal.
- 11-07 Respondent submitted evidence as requested by Board. Standard 3 Compliance Review indicates report meets the minimum Uniform Standards. Close. Chairman sign Order of Dismissal.
- 11-08 Respondent submitted evidence as requested by Board. Standard 3 Compliance Review indicates report meets the minimum Uniform Standards. Close. Chairman sign Order of Dismissal.
- 11-09 Respondent submitted evidence as requested by Board. Standard 3 Compliance Review indicates report meets the minimum Uniform Standards. Close. Chairman sign Order of Dismissal.
- 11-11 Request true copy of report and workfile. Contract for Standard 3 Compliance Review Report.

Board Member Hartman seconded the Motion. With no further discussion the motion carried with Kubert, Hartman, Mitchell, and Moore voting aye.

Board Member Mitchell moved to take the following enforcement actions:

- 11-02 Hold Standard 3 Compliance Report not complete. Related to #11-05.
- 11-03 Hold Standard 3 Compliance Report not complete. Related to #11-05.
- 11-05 Hold Standard 3 Compliance Report not complete.
- 11-10 Hold Standard 3 Compliance Report not complete.

Board Member Kubert seconded the motion. Motion carried with Mitchell, Kubert, and Moore voting aye. Board Member Hartman abstained.

Board took a break at 10:40 a.m.

Board meeting reconvened at 10:45 a.m.

## **WELCOME GUESTS**

Chairman Moore welcomed the guests to the meeting and asked that they please sign the guest log.

## **APPROVAL OF THE MINUTES FROM MAY 19, 2011**

Chairman Moore asked for any additions or corrections to the May 19, 2011 minutes. With no further discussion Board Member Mitchell moved to adopt the minutes as amended. Board Member Hartman seconded the motion. The motion carried with Kubert, Hartman, Mitchell, and Moore voting aye.

## **EDUCATION**

Board Member Mitchell moved to approve the following continuing education seminars and respective instructors as listed:

### *Continuing Education New:*

#### **1. McKissock, LP, Warren, PA:**

- A. "Mold, Pollution and the Appraiser"/2 hours / C21117-I  
Instructor: Daniel Bradley

#### **2. Appraisal Institute, Chicago, IL:**

- A. "Valuation in Challenging Markets" / 30 hours / C21118  
Instructor: Stephen D. Roach  
Paul Thomas
- B. "ONLINE General Appraiser Report Writing & Case Studies" / 28 hrs. / C2888-I  
Instructor: Richard Dubay

### *Instructor Request Only:*

#### **1. Dept. of Revenue / Property Assessment Division, Lincoln, NE:**

- A. "IAAO Course 102 Income Approach" / 30 hrs. / C2776  
Instructor: Larry Ellis

Board Member Kubert seconded the motion. With no further discussion, Chairman Moore called for the vote. The motion carried with Hartman, Mitchell, Kubert, and Moore voting aye.

## **CHAIRMAN'S REPORT**

Chairman Moore had no comments but did state he had some updates he would make during the unfinished business portion of the meeting.

## **DIRECTOR'S REPORT**

Director Policky reported the number of appraisers for June 2011 stands as follows: 93 Registered/Conversion; 91 Licensed Residential; 212 Certified Residential; and 371 Certified General for a total of 767 appraisers. The accounting includes the totals for June 2010 reporting 811 appraisers and the report for June 2009 reporting 841 appraisers. The ability to renewal will end June 30, 2011.

Board Member Mitchell added that appraiser totals are declining at a rate of 5.4% so far this year and while disturbing, this seems to be the situation for most states and not just for Nebraska.

Director Policky received an update from the Appraisal Institute regarding the approved continuing education hours for the course "Business Practice and Ethics." It had previously been approved for five hours but a review by an AQB submission showed the pertinent information to appraisers was actually only four hours. Therefore effective June 27, 2011 appraisers taking course #C2306 will be credited for four hours. Those who have taken the course prior to the June 27<sup>th</sup>, 2011 date will receive the five hours as approved. Board Member Kubert so moved. Board Member Mitchell seconded the motion. With no further discussion the motion carried with Mitchell, Kubert, Hartman, and Moore voting aye.

Director Policky closed the report by thanking the Board for their service and assistance.

## **RECEIPTS AND EXPENDITURES REPORT – MAY 2011**

The receipts and expenditures for May were reviewed by the Director by line item with the Board. A total of \$13,259.01 in expenditures and \$4,842.66 in receivables is reported. Considerations were made for expenditures for monthly obligations. The final payment to the Governor was made June 15, 2011 in the amount of \$7,279.50. A total of \$156,000.00 has been taken from the agency through LB1. A copy of the Budget Status Report, the General Ledger Detail Report and Receipt Journal for May are attached and considered part of these minutes.

Board Member Mitchell moved to accept and file the May 2011 Budget Status report for receipts and expenditures for audit. Board Member Kubert seconded the motion. With no further discussion the motion carried with Kubert, Hartman, Mitchell, and Moore voting aye.

## **UNFINISHED BUSINESS**

### **1. AMC Legislation, LB410 / Proposed Rules & Regulations**

The Rules and Regulations Committee met on June 13, 2011 at 10:00 a.m. The members in attendance were Director Policky, Cay Lacey, and Diane Moore. A proposed set of rules and regulations were prepared for review by the Board. Due to the time constraints of the June meeting, the proposed rules and regulations will be held for review until the July meeting.

## **NEW BUSINESS**

### **1. AQB Q&A**

The Appraiser Qualifications Board's "Questions and Answers" were distributed to each of the Board Members prior to the meeting. Electronic copies were sent to all appraisers having a current e-mail address on file.

### **2. Appraisal Foundation 2011 USPAP Q&A**

An electronic copy of the Appraisal Foundation's June 2011 USPAP Q&A was sent to all appraisers having a current e-mail address.

### **3. 2011-2013 Agency 53 Final Allotment**

Real Property Appraiser Board, received a notice from Gary Bush, Budget representative explaining the "final allotment" by the 2011 Legislature has been issued. On July 1, 2011, agencies will have the authority to increase the pay for management, temporary employees who did not receive a pay increase on July 1, 2010, and those employees not under the NAPE contract by 1.5%. Contract employees received an increase July 1, 2010 and will not receive another increase until July 1, 2012. The increase at that time will be 2.0% for NAPE employees. In addition to the allowable adjustment in salaries, the adoption of LB410 generates an approved salary for FY12 and FY13 in the amount of \$28,000 for

establishing and regulating the Nebraska Appraisal Management Company Registration Act. Director Policky asked for a motion to recognize the changes by the Legislature as the Board has already approved the FY12-13 fiscal budgets.

Board Member Mitchell moved to recognize the budget changes made to the fiscal allocations by the Legislature as equity salary adjustments and the allocation of PSL funds for the Nebraska Appraisal Management Company Registration Act. Board Member Hartman seconded the motion. With no other discussions the motion carried with Hartman, Mitchell, Kubert, and Moore voting aye.

#### **4. AMC Fee Schedule**

The fee schedule for the Appraiser Management Companies will be discussed in depth at the July 21 Board meeting.

#### **5. Proposed New Credential**

Discussion regarding the Proposed New credential will be added to the “Unfinished Business” and will be gone into greater detail at the July 21, 2011 Board Meeting.

#### **GENERAL PUBLIC COMMENTS**

Chair Moore asked for any public comments. With no additional comments, the Chairman proceeded to adjourn the meeting.

#### **ADJOURNMENT**

Board Member Mitchell moved to adjourn the meeting. Board Member Kubert seconded the motion. Motion carried unanimously.

At 11:38 a.m. Chairman Moore adjourned the June 16, 2011 meeting of the Real Property Appraiser Board. The next meeting is scheduled for July 21, 2011 in conference room “F” located on the Lower Level of the NSOB.

Respectfully submitted,

Kitty Policky, Director

These minutes were available for public inspection on June 27, 2011, in compliance with Nebraska Statute §84-1413(5).