

**REAL PROPERTY APPRAISER BOARD  
Conference Room "F", Lower Level  
NEBRASKA STATE OFFICE BUILDING  
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

**February 16, 2012**

**OPENING**

Chairman Brad Moore called to order the February 16, 2012 meeting of the Nebraska Real Property Appraiser Board at 8:00 a.m., in conference room F located on the lower 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 February 14, 2012 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, Tom Kubert, Philip Barkley, David Hartman and Marc Woodle were present. Also present were Interim Director, Joe Wilson and Staff Assistant, Kirsten Casburn.

**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 Barkley moved to adopt the Agenda as printed. Board Member Hartman seconded the motion. With no further discussion, the motion carried with Kubert, Barkley, Woodle, Hartman and Moore voting aye.

**WELCOME GUESTS**

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

**APPROVAL OF THE MINUTES FROM January 19, 2012**

Chairman Moore asked for any additions or corrections to the January 19, 2012 minutes. There were corrections made in the number of appraisers in the Director's report from 739 appraisers in January, 2010 to 787. There was also a correction in applicant direction for CG631. With no further discussion Board Member Kubert moved to adopt the minutes as amended. Board Member Barkley seconded the motion. The motion carried with Barkley, Woodle, Hartman, Kubert and Moore voting aye.

**CHAIRMAN'S REPORT**

Chairman Moore indicated that his report would be the discussion with the Attorney General later in the morning.

**DIRECTOR'S REPORT**

Interim Director Wilson reported the number of appraisers for February 2012 stands as follows: 16 Registered/Conversion; 86 Licensed Residential; 204 Certified Residential; and 358 Certified General for a total of 664 appraisers. The accounting includes the totals for February 2011 reporting 727 appraisers and the report for February 2010 reporting 764 appraisers.

## **RECEIPTS AND EXPENDITURES REPORT – JANUARY 2012**

The receipts and expenditures for January were reviewed by the Director by line item with the Board. For the appraiser fund, #25310, a total of \$19,816.01 in expenditures and \$9,107.86 in receivables is reported. Considerations were made for expenditures for monthly obligations. No considerations were made for expenditures other than monthly obligations. A copy of the Budget Status Report and Receipt Journal for January is attached and considered part of these minutes.

Additionally, the new AMC fund, #25320, had a total receipt of \$79,200.00 with no expenses. A budget has not been developed for this account as of yet. Interim Director and staff will begin working on the budget along with the budget analyst.

Board Member Barkley moved to accept and file the January 2012 Budget Status reports for receipts and expenditures for audit. Board Member Kubert seconded the motion. The motion carried with Woodle, Hartman, Kubert, Barkley and Moore voting aye.

## **UNFINISHED BUSINESS**

**LB714 – 2012 APPRAISER ACT-** Senator Langemeier reported to Chairman Moore that the 2012 Appraiser Act was preceding through the approval process without issues. Also noted was the replacement of Senator Langemeier by Senator McCoy as representation of the Board when Mr. Langemeier's term is up.

**AMC UPDATE:** Staff Assistant Kirsten Casburn presented the list of an additional 15 AMCs that have registered with the Real Property Appraiser Board since the January meeting bringing the total to 61. The AMCs not waiting on background checks and have paid all fees have been issued a letter of approval and a certificate of registration. The AMC approved listing will be changed to an alphabetical listing on the website to make it easier to find each company. Each month the Board will receive a list of new the AMC applicants. Barkley moved to approve the additional 15 applicants. Board Member Woodle seconded the motion. The motion carried with Hartman, Kubert, Barkley, Woodle and Moore voting aye.

**NEW CREDENTIAL-** Board Member Kubert is working with Douglas and Lancaster Counties in developing an organizational chart for a possible new State credential. Discussion will continue at the March meeting.

## **NEW BUSINESS**

**AARO 2012 ANNUAL MEMBERSHIP DUES:** The annual membership fee to AARO of \$350.00 was presented to the Board for approval for payment. Vice Chair Barkley moved to remit payment in the amount of \$350.00 and Board Member Kubert seconded the motion. With no further discussion the motion was carried with Hartman, Barkley, Kubert, Woodle and Moore voting aye.

**AMC ADMINISTRATION FEES:** An administration fee of \$25.00 was presented to the Board to cover the processing and postage costs of the "proof of Licensure" documents requested by AMC's for the State of Montana. Vice Chair Barkley moved to allow collection of administration fees in the amount of \$25.00 per letter. Board Member Hartman seconded the motion. With no further discussion the motion was carried with Barkley, Woodle, Hartman, Kubert and Moore voting aye.

## **GENERAL PUBLIC COMMENTS**

Chair Moore asked for any public comments. With no comments, the Chair proceeded to the education.

## **EDUCATION**

### **Continuing Education Requests:**

1. Appraisal Institute, Chicago, IL:
  - A. “Thinking Outside the Form” / 7 hours/ C21036 (Instructor approval only)  
Instructor: Mark R. Freitag
2. The Moore Group:
  - A. “AMC Regulations and the Nebraska Appraiser” / 3 hrs / C21209  
Instructors: Bradford K. Moore, Diane Moore
  - B. “Challenging Assignments for Residential Appraisers”/ 7 hours online  
C21210-I  
Instructor: Bradford K. Moore
3. IAAO, Kansas City MO.
  - A. “Fundamentals of Mass Appraisal” / 30 hrs/ C9367  
Instructor: Barry D. Couch
4. Nebraska Department of Revenue
  - A. “How to Critique An Appraisal” / 7 hrs / C21211  
Instructor: Garth Thimgan

Board Member Barkley moved to approve the above courses and instructors as listed. Second by Kubert:

With no further discussion, Chairman Moore called for the vote. The motion carried with Woodle, Kubert, Hartman and Barkley voting aye. Moore abstained.

*The Nebraska Real Property Appraiser Board will meet in executive session for approval of applicants and enforcement matters.*

## **APPLICANTS & ENFORCEMENT**

Board Member Barkley 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 12:38 p.m. Board Member Woodle seconded the motion. The motion carried with Barkley, Woodle, Kubert, Hartman and Moore voting aye.

Board Member Barkley moved to come out of executive session at 3:13 p.m. Board Member Kubert seconded the motion. The motion carried with Barkley, Kubert, Woodle, Hartman and Moore voting aye.

Vice Chair Barkley moved to take the following action for the Certified Residential applicants:

**CR391 / Approved To Sit For Exam & Select Reports for Review**

**CR392 / Approved To Sit For Exam & Select Reports for Review**

Vice Chair Barkley moved to take the following action for the Certified General applicant:

**CG633 / Approved Reciprocal Credential**

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

Vice Chair Barkley moved to take the following enforcement actions:

- 09-25 Hold
- 11-03 Hold
- 11-04 Hold. All education due July 1, 2012
- 11-05 Hold. Extend Consent Agreement deadline to March 15, 2012
- 11-12 Hold
- 11-13 Hold
- 11-21 Offer Consent Agreement requiring Respondent to successfully complete the 15-hour USPAP course, and 15-hour Residential Report Writing and Case Studies course. Exams must be completed by September 1, 2012
- 11-22 Offer informal hearing
- 11-26 Hold
- 11-27 Hold
- 12-01 Dismiss without prejudice
- 12-02 Dismiss without prejudice
- 12-03 Hold
- 12-04 Offer Consent Agreement requiring Respondent to take 7-hour USPAP exam on-line within 60 days. No continuing education credit will be given for completion of the exam
- 12-05 Request report and complete work file
- 12-06 Request report and complete work file
- 12-07 Request report and complete work file
- 12-08 Issue Cease and Desist Order
- 12-09 Request report and complete work file

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

Board Member Barkley moved to allow counsel to pursue Settlement Agreement in 09-25. Board Member Kubert seconded the motion. Motion carried with Kubert, Barkely, Woodle, Hartman and Moore voting aye.

Board Member Barkley moved to hire Tyler Kohtz as the Director for the Nebraska Real Property Appraiser Board with a starting salary of \$60,000 and benefits. Board Member Woodle seconded the motion. Motion carried with Kubert, Barkely, Woodle, Hartman and Moore voting aye.

#### **ADJOURNMENT**

Board Member Kubert moved to adjourn the meeting. Board Member Barkley seconded the motion. Motion carried with Kubert, Barkely, Woodle, Hartman and More voting aye.

At 3:24 p.m. Chairman Moore adjourned the February 16, 2012 meeting of the Real Property Appraiser Board. The next meeting is scheduled for March 15, 2012 in Conference Room F located on the Lower level of the NSOB.

Respectfully submitted,

Tyler N. Kohtz  
Director

These minutes were available for public inspection on March 9, 2012, in compliance with Nebraska Statute §84-1413(5).