

**NEBRASKA REAL PROPERTY APPRAISER BOARD
NRPAB OFFICE MEETING ROOM, FIRST FLOOR
NEBRASKA STATE OFFICE BUILDING
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

July 15, 2021 Meeting Minutes

A. OPENING

Chairperson Christopher Mustoe called to order the July 15, 2021 meeting of the Nebraska Real Property Appraiser Board at 9:00 a.m., in the Nebraska Real Property Appraiser Board meeting room located on the first floor of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

B. NOTICE OF MEETING

Chairperson Mustoe 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 email. Publication of official notice of the meeting appeared on the State of Nebraska Public Calendar found at www.nebraska.gov on July 9, 2021. The agenda was kept current in the Nebraska Real Property Appraiser Board office and on the Board's website. In accordance with the Open Meetings Act, at least one copy of all reproducible written material for this meeting, either in paper or electronic form, was available for examination and copying by members of the public. The material in paper form was available on the table in a public folder, and the material in electronic form was available on the Board's website in Public Meeting Material (https://appraiser.ne.gov/board_meetings/). A copy of the Open Meetings Act was available for the duration of the meeting. For the record, Board Members Christopher Mustoe of Omaha, Nebraska, Wade Walkenhorst of Lincoln, Nebraska, Bonnie Downing of Dunning, Nebraska, and Cody Gerdes of Lincoln, Nebraska were present. Also present were Director Tyler Kohtz, Business and Licensing Program Manager Allison Nespor, and Administrative Specialist Katja Duerig, who are all headquartered in Lincoln, Nebraska. Board Member Thomas Luhrs of Imperial, Nebraska, was absent and excused.

ADOPTION OF THE AGENDA

Chairperson Mustoe 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 Downing moved to adopt the agenda as printed. Board Member Walkenhorst seconded the motion. With no further discussion, the motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

Board Member Walkenhorst moved that the Board go into executive session for the purpose of reviewing applicants for credentialing; applicants for appraisal management company registration; investigations; pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation; and employee performance evaluation. A closed session is clearly necessary to prevent needless injury to the reputation of those involved. Board Member Downing seconded the motion. The time on the meeting clock was 9:03 a.m. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

Board Member Downing moved to come out of executive session at 9:47 a.m. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

G. WELCOME AND CHAIR'S REMARKS

Chairperson Mustoe welcomed all and expressed surprise for the quick turnaround between the June and July meetings. The Chairperson then expressed regret for Board Member Luhrs' absence, and wished him well with wheat harvest. He extended well wishes to everyone and said he hopes everyone is enjoying their summers. With no further comments, Chairperson Mustoe moved on to Board Meeting Minutes. There were no members of the public present.

H. BOARD MEETING MINUTES

1. APPROVAL OF JUNE 16, 2021 STRATEGIC PLANNING MEETING MINUTES

Chairperson Mustoe asked for any additions or corrections to the June 16, 2021 strategic planning meeting minutes. With no discussion, Chairperson Mustoe called for a motion. Board Member Walkenhorst moved to adopt the June 16, 2021 strategic planning meeting minutes as presented. Board Member Downing seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

2. APPROVAL OF JUNE 17, 2021 MEETING MINUTES

Chairperson Mustoe asked for any additions or corrections to the June 17, 2021 meeting minutes. With no discussion, Chairperson Mustoe called for a motion. Board Member Downing moved to adopt the June 17, 2021 meeting minutes as presented. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

I. DIRECTOR'S REPORT

1. APPRAISER AND AMC REPORTS

a. Appraiser Count Report

Director Kohtz presented seven charts outlining the number of appraisers as of July 15, 2021. The Director reported that he had no specific comments and asked for questions or comments. There was no discussion.

b. Temporary Credential Report

Director Kohtz presented three charts outlining the number of temporary credentials issued as of June 30, 2021. The Director asked for any questions or comments. There was no further discussion.

c. Supervisory Appraiser Count Report

Director Kohtz presented two charts outlining the number of supervisory appraisers as of July 15, 2021. The Director reported that he had no comments, and asked for any questions or comments. There was no discussion.

d. AMC Count Report

Director Kohtz presented two charts outlining the number of AMCs as of July 15, 2021. The Director noted a surprising jump in the number of AMC registrations this month, then asked for any questions or comments. There was no discussion.

2. EXECUTIVE AUTHORITY APPROVAL REPORT

Director Kohtz presented two Executive Authority Approval Reports for the real property appraisers and applicants, and appraisal management companies, that have been approved under the executive authority granted to waive rules pertaining to examinations and applications as a result of Governor Ricketts's 2020 State of Emergency Proclamation made on March 13, 2020, for the period between June 9, 2021 and June 30, 2021. The Director asked whether the Board Members would like to continue seeing these documents as the Board moves from executive approvals granted as a result of the state of emergency declaration to executive approvals granted through new agency procedures. All board members agreed that they would like to keep seeing the executive approval reports monthly. The Director asked for any questions or comments. There was no further discussion.

3. 2021-22 NRPAB GOALS AND OBJECTIVES + SWOT ANALYSIS

Director Kohtz presented the 2021-22 NRPAB Goals and Objectives and SWOT Analysis to the Board for review. The Director expressed his intent to keep this as a regular agenda item to show progress on the Board's goals and objectives throughout the year. According to the Director, work has already begun on a number of the 2021-22 goals. Director Kohtz then summarized the short-term and long-term goals and objectives as established by the Board at its June 16, 2021 strategic planning meeting, and reported that the hearing for changes to Title 298 is scheduled for August 19, 2021; an estimate has been obtained for a list of eligible supervisory real property appraisers derived from a question on the Application for Renewal of Nebraska Real Property Appraiser Credential from OCIO; contact was made with two additional testing services, but only one testing service is eligible to proctor the National Uniform Licensing and Certification Examinations; the change to limit the disciplinary action reporting period has been made to most credentialing applications in accordance with the Board's criteria, with the rest of the applications on the agenda today; preliminary research has begun for establishing equipment and software needed to hold meetings by virtual conferencing; a second request has been made to OCIO for an estimate to build the translator system between the NRPAB Database and the ASC Federal Registry Extranet; and a second request has been made to OCIO for an estimate to build the online AMC renewal application and upgrade the NRPAB database AMC Interface. The Director asked the Board if the short-term and long-term goals and objectives are reported accurately as expressed by the Board during the strategic planning meeting. The board members agreed with the short-term and long-term goals as reported. Director Kohtz then requested a motion to approve the 2021-22 NRPAB Goals and Objectives + SWOT Analysis. Board Member Downing moved to approve the 2021-22 NRPAB Goals and Objectives + SWOT Analysis as presented. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

J. FINANCIAL REPORT AND CONSIDERATIONS – JULY 2021

1. APPROVAL OF JUNE RECEIPTS AND EXPENDITURES

Director Kohtz summarized the expenditures and revenues for the 2020-2021 fiscal year, which ended with \$306,089.99 in expenditures and \$425,698.78 in receipts. As of the end of June, expenses amount to 71.30 percent of the budgeted expenditures. Director Kohtz also noted that revenues finished at 111.78 percent of the projected revenues for the fiscal year. The Director then broke down expenditures by operations and one-time funded projects to give the Board a sense of its expenditures for the fiscal year. Specifically, Director Kohtz commented on the Data Processing Expense, and informed the Board that it finished with \$25,235.56 in expenditures, which is 71.45% of the budgeted amount. Director Kohtz also indicated that the Board included \$10,000.00 for the LB17 AMC Interface database update project, but no work was completed by OCIO. For general expenditures, 100% of the Data Processing Expense budget was utilized. Director Kohtz moved on to the Office Supplies Expense, and informed the Board that \$475.71 in expenditures were recorded. The Director indicated that the pandemic had a significant impact on the need and purchase of office supplies. Director Kohtz then guided the Board to the Legal Services Expense, which finished at .57% of budgeted expenditures, and the Legal Related Expense, which finished at .21% of budgeted expenditures. The Director informed the Board that the lack of expenditures in these categories were due to the low number of grievances that moved to the investigation phase during this fiscal year. Director Kohtz indicated that this is not the norm. Next, the Director moved to Educational Services, and informed the Board that only 1.27% of budgeted expenditures were utilized. This expenditure was also very low due to the Covid-19 pandemic as there were not many available opportunities for education. Finally, Director Kohtz informed the Board that Other Contractual Services expenditures finished at \$15,134.20, or 32.46% of budgeted. Director Kohtz indicated that the low number of investigations, and lower number of real property appraiser applicants due to the Covid-19 pandemic, resulted in lower than expected expenditures.

Director Kohtz then moved on to revenues for the 2020-21 fiscal year, and informed the Board that the revenues far exceeded projections. The Director indicated that the Board had one of its best revenue years in a long time, and those revenues were primarily driven by higher than expected real property appraiser credential renewal revenues and AMC registration renewal revenues. Director Kohtz then pointed to Licensed New Fees, and informed the Board that no fees were collected for new licensed residential real property appraisers. The Director expressed surprise by this as it was expected that the criteria change that created the licensed residential to certified residential simplified track would be an incentive to enter to profession at the licensed residential classification. So far, this has not proven to be the case. Director Kohtz indicated that revenue projections for Licensed New Fees have been revised down for the new fiscal year. The Director once again mentioned real property appraiser renewal fee revenues, and informed the Board that Certified General Renewal finished approximately \$13,000.00 above projected, or at 111.06% of projected revenues. Director Kohtz indicated that Certified Residential New also performed better than expected and finished at \$2,100.00 in revenues, or 140% of projected revenues.

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The Director moved to Temporary Certified General, and informed the Board that \$9,500.00 in revenues were collected, which is 211.11% of projected revenues. Director Kohtz reminded the Board that the projected revenues for Temporary Certified General were lower than usual because it was expected that the Covid-19 pandemic would have a significant impact on real property appraiser travel across state lines. Director Kohtz then guided the Board to Application Fees and indicated that these fees exceeded projections by 169.78% as this category ebbs and flows with the Temporary Certified General category. The Director finished by indicating that all AMC revenue categories performed well, and that AMC Registered New Fees finished at \$18,000.00, or 150% of projected revenues; AMC Applications Fees finished at \$3,500.00, or 166.67% of projected revenues; and AMC Registered Renewal finished at \$127,500.00, or 198.97% of projected revenues.

Director Kohtz then turned attention to the receipts and expenditures in the Budget Status Report for June. The Director reported that there was an extra pay period in June, so all Personal Services expenses were higher than usual. Director Kohtz noted that expenditures for the month of June totaled \$29,446.58, which amounts to 71.30 percent of the budgeted expenditures for the fiscal year; 100.00 percent of the fiscal year has passed. Revenues reported for June were \$25,272.98. The Director noted that revenues for real property appraiser renewals were received through the end of the month.

The Director asked for any questions or comments concerning the expenditures or revenues for the 2020-21 fiscal year, or for the month of June. There was no further discussion.

Director Kohtz then directed attention to the General Ledger for June. The Director reported that he had no specific comments, and asked for any questions or comments. There was no further discussion.

Director Kohtz presented three graphs showing expenses, revenues, and cash balance. The Director once again announced the expenditures and revenues for the month of June for the Real Property Appraiser Program, which includes both the Appraiser Fund and the AMC Fund. The Director then remarked that the cash balance for the AMC Fund is \$311,573.94, the Appraiser Fund is \$381,085.46, and the overall cash balance for both funds is \$692,659.40. Director Kohtz commented on the current cash balance for the Appraiser Fund, the AMC Fund, and overall. The Director informed the Board that the overall cash balance and Appraiser Fund cash balance are higher than they have been during the previous five-year period. The same is almost true for the AMC Fund, except for FY17. The Director asked for any questions related to the graphs. There was no further discussion.

Board Member Walkenhorst moved to accept and file the June 2021 financial reports for audit. Board Member Downing seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

2. FY 2021-2022 BUDGET

Director Kohtz presented the proposed budget and projected revenues for FY 2021-22 to the Board for consideration. The Director informed the Board that nothing has changed in the proposed budget since it was presented at the strategic planning meeting, but the proposed changes to Internal Procedural Document 201709 were incorporated into the figures for the \$40,000.00 budgeted under Other Contractual Services. Director Kohtz then provided a brief summary regarding the application of budgeted expenditures to the Appraiser Fund and the AMC Fund, and informed the Board that the general expenses will be split 65% to the Appraiser Fund and 35% to the AMC Fund as discussed at the strategic planning meeting. Director Kohtz asked for any questions or comments related to the FY 2021-2022 Budget. Board Member Walkenhorst thanked the Director for his work on the budget. Board Member Downing moved to approve the FY 2021-22 Budget as presented. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

3. PER DIEMS: No discussion.

K. GENERAL PUBLIC COMMENTS

Chairperson Mustoe asked for any public comments. With no comments, Chairperson Mustoe proceeded to Consideration of Education/Instructor Requests.

L. CONSIDERATION OF EDUCATION/INSTRUCTOR REQUESTS: No discussion.

M. UNFINISHED BUSINESS: No discussion.

N. NEW BUSINESS

1. REAL PROPERTY APPRAISER CREDENTIALING CARD LANGUAGE UPDATE

Director Kohtz presented the revised credentialing card format with language updates as discussed at the June 16, 2021 strategic planning meeting. Chairperson Mustoe declared that the changes are just what he envisioned. There was no further discussion.

2. REAL PROPERTY APPRAISER NATIONAL UNIFORM LICENSING AND CERTIFICATION EXAM TESTING SERVICE INQUIRY

Director Kohtz reported that he has reached out to two testing services, Pearson Vue and Prometric. The Director indicated that Prometric is not approved by the Appraiser Qualifications Board of The Appraisal Foundation as a testing service provider, so the Board's only options are PSI and Pearson Vue. The Director noted that he has not heard back from Pearson Vue but he will keep the Board updated. Chairperson Mustoe inquired whether the agency pays the testing service to provide testing accommodations to applicants. Director Kohtz responded that it does not, the Board only has a contractual agreement with the testing service provider for that provider to administer the national exam to those approved to sit for the exam by the Board. The testing service provider establishes and collects fees from the exam takers. Board Member Walkenhorst asked if there is a state/region representative or some other contact for Pearson Vue. The Director reported that he used a generic form on the Pearson Vue website to reach out, and could not find any other means to make contact for the purpose of inquiring about new service. The Director asked for any more questions or comments. There was no further discussion.

3. VOLUNTARY SUPERVISORY REAL PROPERTY APPRAISER ELIGIBILITY LIST ON NRPAB WEBSITE

Director Kohtz presented the cost estimate provided by OCIO for the development and implementation of a voluntary supervisory real property appraiser eligibility list on the NRPAB website. The Director walked the Board through the initial concept for how the Voluntary Supervisory Real Property Appraiser Eligibility List on NRPAB Website will look and how it will be maintained. Director Kohtz explained by answering "yes" to all three questions on the Application for Renewal of Nebraska Real Property Appraiser Credential, a certified real property appraiser agrees to be included on a list of potential supervisory real property appraisers located on the Real Property Appraiser Board's website that includes name and primary contact information. Any one "no" answer will not put them on the list. The contact information would reflect the primary contact information found in the database for each potential supervisory real property appraiser; similar to or the same as the Appraiser Listing found on the website. Director Kohtz made it very clear that the real property appraiser must acknowledge that this list is not an endorsement by the Board, nor is it an approval to engage in real property appraisal practice as a supervisory real property appraiser. This process would be automated and there would be no staff review; however, staff would have an option to remove the individual by request or by Board or Director direction through a function added in the NRPAB Database under "Appraiser" or "Credentials." Chairperson Mustoe indicated that this is a worthwhile project, and the Board has much more money than this in database projects already. The Chairperson remarked that it is important to aid prospective real property appraisers; this was a good idea that was brought to the Board by a member of the public. Board Member Walkenhorst agreed. Director Kohtz asked for any questions or comments. BLPM Nespor noted that the first two points in the concept are statements not questions, so they should be followed by a period rather than a question mark. Then, BLPM Nespor asked if a real property appraiser would be taken off the list if their credential is inactivated. The Director responded affirmatively; only real property appraisers with an active status can appear on the list according to the concept. The Director asked for any additional questions or comments. With no further discussion, Chairperson Mustoe called for a motion. Board Member Walkenhorst moved to approve \$8,400.00 in expenditures for the development and implementation of the Voluntary Supervisory Real Property Appraiser Eligibility List on NRPAB Website. Board Member Downing seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye. Director Kohtz informed the Board that the next time this item will likely appear on the agenda is after the initial testing is completed before the work is moved to production.

4. SUPERVISORY REAL PROPERTY APPRAISER AND TRAINEE COURSE

Director Kohtz brought attention to a developing issue concerning the availability of the Supervisory Real Property Appraiser and Trainee Course in Nebraska. The Director reported that an education provider has cut back on their offerings, and as a result, there are no Board-approved online Supervisory Real Property Appraiser and Trainee Courses available in the state. The Director described two possible solutions to this issue: either an education provider sends an application for an online Supervisory Real Property Appraiser and Trainee Course very soon, or the Board must consider issuing a guidance document to temporarily suspend rules related to the Board's acceptance of non-approved Supervisory Real Property Appraiser and Trainee Courses. The Director reported that staff has had conversations with providers and expects to see an application soon, but can't be certain whether or when this will happen. Board Member Gerdes asked how soon the Board could have the course approved after receiving an application. Director Kohtz responded that it would not take long; the review procedures in place allow for a quick turnaround time as long as there are no extenuating circumstances requiring the Board's review. The Director informed the Board that he will plan to prepare a guidance document for the August regular meeting if an application is not received before then. According to the Director, a guidance document must be reviewed as part of a public agenda, and there was not enough time to draft one before this meeting. Director Kohtz suggested that AS Duerig could reach out to education providers again to encourage them to submit applications for the Supervisory Real Property Appraiser and Trainee Course. Chairperson Mustoe acknowledged that receiving an application would be the easiest route, but also expressed support for temporarily suspending the rules if needed. Board Member Gerdes asked if it would be possible for Nebraska to approve a national Supervisory Real Property Appraiser and Trainee Course, or a course with information specific to a different state. AS Duerig remarked that NAC Title 298 no longer requires Nebraska-specific information in Supervisory Real Property Appraiser and Trainee Course; that content is only "strongly encouraged." Director Kohtz indicated that the Board could approve a national Supervisory Real Property Appraiser and Trainee Course, or a course with information specific to a different state; however, a provider still needs to send an application for review. The Director reiterated that staff's strategy would be to encourage providers to submit applications and draft a guidance document for review at the August meeting as a backup plan. Board Member Gerdes thanked the Director. There was no further discussion.

Break from 10:37 a.m. to 10:43 a.m.

O. LEGISLATIVE REPORT AND BUSINESS

1. TITLE 298 UPDATE

Director Kohtz asked for any questions or comments related to the Title 298 update. Chairperson Mustoe asked if the provisions of guidance documents end up being incorporated into the rules, or if they exist outside of the rules. Director Kohtz replied that guidance documents exist outside of the rules and are meant to express the Board's interpretation or application of rules and/or statutes, but the intent of the guidance documents are typically incorporated into the rules at a future date for better clarity. For example, the proposed guidance document pertaining to real property appraiser, education activity, and AMC application approval will act as a stop-gap between the now and the date the Title 298 changes are adopted, because the procedural language found in the guidance document is already in the Title 298 hearing draft. Once the Title 298 changes are adopted, the guidance document can be retired as it is no longer needed for clarification of the applicable rules. Chairperson Mustoe thanked Director Kohtz for the explanation. There was no further discussion.

2. OTHER LEGISLATIVE MATTERS: No discussion.

P. ADMINISTRATIVE BUSINESS

1. RESCISSION OF COVID-19 STATE OF EMERGENCY DECLARATION BY GOVERNOR RICKETTS

Director Kohtz presented Executive Order No. 21-09 to the Board for review, and reported that this executive order provides for the rescission of the state of emergency declaration in Nebraska related to the Covid-19 pandemic. The state of emergency declaration expired on June 30, 2021 at 11:59 p.m. The Director asked for any questions or comments. There was no further discussion.

2. GUIDANCE DOCUMENTS

Director Kohtz presented Guidance Document 18-02 titled, "Equivalency to Bachelor's Degree or Higher in Real Estate for Program Approved by the Appraiser Qualifications Board as Required Core Curriculum"; Guidance Document 18-03 titled, "Supervisory Appraiser and Trainee Course Instructor Completion"; Guidance Document 19-01 titled, "Supervisory Appraiser Application Approval"; Guidance Document 19-02 titled, "Clarification of Supervisory Appraiser-Trainee Course Requirement for Supervisory Appraiser Applicants"; Guidance Document 19-03 titled, "Acceptance of Supervisory Appraiser/Trainee Course or Continuing Education Activity Completed in Another Jurisdiction Online or by Correspondence"; proposed Guidance Document 21-01 titled, "Real Property Appraiser, Education Activity, and Appraisal Management Company Application Approval"; proposed Guidance Document 21-02 titled, "Real Property Appraisal Practice Experience Review and Approval for Real Property Appraiser Applicant to Sit for Exam"; and proposed Guidance Document 21-03 titled, "Real Property Appraiser and AMC Applicant CHRC Carried Out by the Board" to the Board for consideration. The Director stated that Guidance Documents 18-02, 18-03, 19-01, 19-02, and 19-03 may be retired as the content is already addressed in the statutes or rules. The Director asked for any questions or comments on that group of guidance documents; there were none.

Director Kohtz moved on to proposed Guidance Document 21-01, and indicated that the intent of this guidance document is to express the Board's interpretation or application of rules related to real property appraiser, education activity, and AMC registration application approval. This guidance document will act as a stop-gap between now and the date the Title 298 changes are adopted, because the procedural language found in the guidance document is already in the Title 298 hearing draft. Once the Title 298 changes are adopted, the guidance document can be retired as it would no longer be needed for clarification of the applicable rules. The Director noted that the procedure will remain the same for real property appraiser, education activity, and AMC registration application approvals as what was in place under the Governor's state of emergency declaration.

The Director then brought attention to proposed Guidance Document 21-02. This guidance document is similar to 21-01, but applies to real property appraisal practice experience review and approval for real property appraiser applicant to sit for exam. Once again, the procedure will remain the same for real property appraisal practice experience review and approval for real property appraiser applicant to sit for exam as what was in place under the Governor's state of emergency declaration. Director Kohtz noted that the procedural language found in this guidance document is not included in the Title 298 hearing draft, which is a good thing because it gives the Board the opportunity to work out any changes that it may want to see while drafting the next round of Title 298 changes.

Last, the Director discussed proposed Guidance Document 21-03, which pertains to real property appraiser and AMC registration applicant CHRCs carried out by the Board. Director Kohtz reported that during development of Guidance Documents 21-01 and 21-02, he had a conversation with AAG Nigro regarding the unlawful delegation of authority. Specifically, Director Kohtz expressed his concern that the statutes pertaining to CHRCs say that the CHRCs must be carried out by the Board. The Director informed the Board that this is the only place in statute that specifically calls on the Board to carry out a function of applicant review. Director Kohtz indicated that he described the process that has always been in place for CHRC reviews to AAG Nigro, and asked if the current procedure is acceptable under the language in the Real Property Appraiser Act. AAG Nigro indicated that the Board has the necessary authority to delegate its administrative responsibilities to staff through Neb. Rev. Stat. §§ 76-2223(1)(n) and 76-2224. AAG Nigro recommended that the Board issue a guidance document describing the procedures for CHRC review for the purpose of public transparency. Director Kohtz asked for any questions regarding proposed Guidance Documents 21-01, 21-02, and 21-03.

With no further discussion, Board Member Downing moved to retire Guidance Documents 18-02, 18-03, 19-01, 19-02, and 19-03, and adopt Guidance Documents 21-01, 21-02, and 21-03. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

3. INTERNAL PROCEDURAL DOCUMENTS

a. 201709: Appraisal Review Services Contractor Fees

Director Kohtz presented amended Internal Procedure Document 201709 titled, “Appraisal Review Services Contactor Fees” to the Board for consideration. The Director reported that the procedure is amended to update the standard fees for USPAP compliance reviews as established during the Board’s strategic planning meeting, and to also modernize the language to better harmonize with language used in the Board’s USPAP Compliance Review Contractor Program. Chairperson Mustoe inquired whether contractors could still request additional funding if needed. Director Kohtz confirmed this, adding that any such request must be approved by the Board since it is outside of the Board-approved fees. The Director asked for any questions or comments. With no further discussion, Board Member Walkenhorst moved to approve Internal Procedure 201709 as presented. Board Member Downing seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

4. FORMS, APPLICATIONS, AND PROCEDURES

Director Kohtz presented the revised Application for Nebraska Trainee Real Property Appraiser Credential and Application for Registration as Nebraska Supervisory Real Property Appraiser to the Board for consideration. BLPM Nespor summarized the changes to the documents, including adding “Nebraska” in the title, and changing the disciplinary action reporting period requirements as requested by the Board at its strategic planning meeting. Board Member Downing moved to approve the Application for Nebraska Trainee Real Property Appraiser Credential and the Application for Registration as Nebraska Supervisory Real Property Appraiser as presented. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

Q. OTHER BUSINESS

1. BOARD MEETINGS: No discussion.

2. CONFERENCES/EDUCATION

a. Fall AARO Conference; October 15-18, 2021

Director Kohtz reported that the Fall AARO Conference would take place in-person in Washington, D.C., on October 15-18, 2021. The Director informed the Board that he plans to attend, and asked for approval for attendance. No board members expressed interest in attending. Board Member Downing moved to approve Director Kohtz for attendance at the Fall 2021 AARO Conference on October 15-18, 2021. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

3. MEMOS FROM THE BOARD: No discussion.

4. QUARTERLY NEWSLETTER: No discussion.

5. APPRAISAL SUBCOMMITTEE: No discussion.

6. THE APPRAISAL FOUNDATION

a. TAF July Newsletter

Director Kohtz presented The Appraisal Foundation's July newsletter to the Board for review. The Director asked for any questions or comments. There was no discussion.

b. The Appraisal Foundation Seeks Candidates for the Appraiser Qualifications Board and the Appraisal Standards Board

Director Kohtz announced that The Appraisal Foundation is seeking candidates for the Appraiser Qualifications Board and the Appraisal Standards Board. The Director asked for any questions or comments. There was no discussion.

c. Appraiser Qualifications Board

i. AQB Public Meeting: August 24, 2021 – Virtual

Director Kohtz reported that the AQB will hold a virtual public meeting on August 24, 2021. The Director asked for any questions or comments. There was no further discussion.

d. Appraiser Standards Board

i. ASB Public Meeting: October 28, 2021 – Virtual

Director Kohtz reported that the ASB will hold a virtual public meeting on October 28, 2021. The Director asked for any questions or comments. There was no further discussion.

7. ASSOCIATION OF APPRAISER REGULATORY OFFICIALS: No discussion.

8. IN THE NEWS: No discussion.

Board Member Walkenhorst moved that the Board go into executive session for the purpose of reviewing applicants for credentialing; applicants for appraisal management company registration; investigations; pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation; and employee performance evaluation. A closed session is clearly necessary to prevent needless injury to the reputation of those involved. Board Member Downing seconded the motion. The time on the meeting clock was 10:59 a.m. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

Board Member Downing moved to come out of executive session at 11:27 a.m. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

C. CREDENTIALING AS A NEBRASKA REAL PROPERTY APPRAISER

The Board reviewed four applicants for credentialing as a Nebraska Real Property Appraiser, and two applicants for renewal of a Nebraska Real Property Appraiser credential. Board Member Walkenhorst moved to take the following actions for the applicants as listed:

- CR21004 / Approve to sit for exam. Send notice of unsatisfactory performance to Applicant Appraisal Review Services Contactor.**
- CG21010 / Request real property appraisal practice experience log with 70 additional hours before October 8, 2021. Select reports and send for USPAP compliance review according to standard review policy. Authorize Director to approve to sit for exam in accordance with the procedures in Guidance Document 21-02.**
- L20003 / Approve to sit for exam. Send advisory letter and provide a redacted copy of USPAP Compliance Review Report.**
- CR21001 / Approve to sit for exam. Send advisory letter and provide redacted copy of USPAP Compliance Review Report.**
- CG2017030R / Approve renewal of Certified General credential.**
- CG290036 / Approve renewal of Certified General credential. Send advisory letter.**

Board Member Gerdes seconded the motion. Motion carried with Walkenhorst, Gerdes, and Mustoe voting aye. Downing abstained.

D. REGISTRATION AS APPRAISAL MANAGEMENT COMPANY: No discussion.

E. CONSIDERATION OF COMPLIANCE MATTERS

Board Member Walkenhorst moved to take the following actions for compliance matters:

- 21-03 / Dismiss without prejudice.**
- 20-11 / Ongoing.**
- 20-01 / Close.**

Board Member Downing seconded the motion. Motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

F. CONSIDERATION OF OTHER EXECUTIVE SESSION ITEMS

1. 2021.05

The Board reviewed documentation sent by an education provider showing compliance with NAC Title 298, Chapter 6, § 001.04. Board Member Walkenhorst moved to close this matter. Board Member Downing seconded the motion. Motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

2. PERSONNEL MATTERS: No discussion.

R. ADJOURNMENT

Board Member Downing moved to adjourn the meeting. Board Member Walkenhorst seconded the motion. Motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye. At 11:33 a.m., Chairperson Mustoe adjourned the July 15, 2021 meeting of the Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz
Director

These minutes were available for public inspection on July 28, 2021, in compliance with Nebraska Revised Statute § 84-1413 (5).