

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

**December 16, 2021 Meeting Minutes**

**A. OPENING**

Chairperson Christopher Mustoe called to order the December 16, 2021 meeting of the Nebraska Real Property Appraiser Board at 9:00 a.m., by virtual conferencing 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](http://www.nebraska.gov) on December 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/](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 Business and Education Program Manager 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 Walkenhorst moved to adopt the agenda as printed. Board Member Gerdes 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 Gerdes seconded the motion. The time on the meeting clock was 9:04 a.m. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

Due to a conflict of interest, Board Member Downing recused herself from discussion, and left the meeting at 9:17 a.m.

Board Member Downing returned to discussion and to the meeting virtually at 9:30 a.m.

Due to a conflict of interest, Board Member Downing recused herself from discussion, and left the meeting at 9:40 a.m.

Board Member Downing returned to discussion and to the meeting virtually at 10:00 a.m.

Board Member Walkenhorst moved to come out of executive session at 10:29 a.m. Board Member Gerdes seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

#### **G. WELCOME AND CHAIR'S REMARKS**

Chairperson Mustoe said, "This has already been a busy morning. It started with a fire alarm, which wasn't a real emergency. Now we have the 'eye in the sky' over us for our virtual conferencing meeting." The Chairperson welcomed the public and wished everyone a good holiday season. Public members Roger Morrissey and Sam Malson were in attendance.

#### **H. NRPAB EMPLOYEE RECOGNITION AWARD**

Director Kohtz brought attention to the completion of Chairperson Mustoe's term as a board member. The Director reported that at this time Chairperson Mustoe would traditionally be presented a plaque in recognition of his service to the Board; however, the plaque has not yet been received from the manufacturer. The Director requested that this item be kept on the agenda for the January meeting, and indicated that hopefully the plaque will be received by then. Chairperson Mustoe said, "For the plaque, I'll come back in January." Director Kohtz thanked Chairperson Mustoe, and asked for any questions or comments. There was no further discussion.

#### **I. BOARD MEETING MINUTES**

##### **1. APPROVAL OF NOVEMBER 18, 2021 MEETING MINUTES**

Chairperson Mustoe asked for any additions or corrections to the November 18, 2021 meeting minutes. With no discussion, Chairperson Mustoe called for a motion. Board Member Walkenhorst moved to adopt the November 18, 2021 meeting minutes as presented. Board Member Gerdes seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

#### **J. DIRECTOR'S REPORT**

##### **1. REAL PROPERTY APPRAISER AND AMC COUNTS AND TRENDS**

###### **a. Real Property Appraiser Report**

Director Kohtz presented eleven charts outlining the number of real property appraisers as of December 16, 2021 to the Board for review. The Director brought attention to the 2022-23 Appraiser Count Renewal Progress Report and indicated that trends are typical for this time of year. Director Kohtz asked for any questions or comments. There was no discussion.

###### **b. Temporary Real Property Appraiser Report**

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

**c. Supervisory Real Property Appraiser Report**

Director Kohtz presented two charts outlining the number of supervisory real property appraisers as of December 16, 2021 to the Board for review. The Director reported that he had no comments and asked for any questions or comments. There was no discussion.

**d. AMC Report**

Director Kohtz presented two charts outlining the number of AMCs as of December 16, 2021 to the Board for review. The Director reported that he had no comments and asked for any questions or comments. There was no discussion.

**2. DIRECTOR APPROVAL OF APPLICANTS**

**a. Real Property Appraiser Report**

Director Kohtz presented the Real Property Appraiser Report to the Board for review showing real property appraiser applicants approved for credentialing by the Director, and the real property appraiser applicants approved to sit for exam by the Director, for the period between November 9, 2021 and December 6, 2021. The Director asked for any questions or comments. There was no further discussion.

**b. Education Activity and Instructors Report**

Director Kohtz presented the Education Activities and Instructors Report to the Board for review showing education activities and instructors approved by the Director for the period between November 9, 2021 and December 6, 2021. 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 and provided a status update. The Director guided the Board to goals related to Administration. The Director reported that the Meeting Owl Pro device had been installed on December 9. The Director moved on to an estimate for work to upgrade the AMC Interface in the NRPAB Database and build an online AMC renewal application. Director Kohtz announced that an estimate had been received for this project, and it will be discussed later in the meeting. The Director asked for any questions or comments. With no further discussion, Chairperson Mustoe invited the Director to proceed to Financial Report and Considerations.

**K. FINANCIAL REPORT AND CONSIDERATIONS – DECEMBER 2021**

**1. APPROVAL OF NOVEMBER RECEIPTS AND EXPENDITURES**

The receipts and expenditures for November were presented to the Board for review in the Budget Status Report. Director Kohtz brought attention to an OFFICE SUPPLIES EXPENSE of \$1,351.94 and reported that the majority of this expense was for the Meeting Owl Pro, which was ordered through Office Depot. Since this was considered to be an office supply purchase, the funding for the Meeting Owl Pro was also transferred from VIDEO EQIP to OFFICE SUPPLIES EXPENSE. The Director then brought attention to travel expenses in the amount of \$2,223.44 and noted that the expenditures for November include the Fall AARO Conference travel costs for him.

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Director Kohtz indicated that expenditures for the month of November totaled \$30,717.54, which amounts to 32.62 percent of the budgeted expenditures for the fiscal year; 41.92 percent of the fiscal year has passed. The year-to-date expenditures for the fiscal year are \$132,281.65. The Director then turned the Board's attention to revenues and reported that revenues for November were \$85,612.01. The year-to-date revenues for the fiscal year are \$182,948.62, and total revenues amount to 51.79 percent of the projected revenues for the fiscal year. Director Kohtz attributed the high revenues for the month of November to appraiser and AMC renewals. The Director asked for any questions or comments. There was no further discussion.

Director Kohtz then brought attention to the MTD General Ledger for November. The Director informed the Board that two entries marked NRPAB UNCL PROP TO MISC ADJ show a credit applied to the revenue account REIMB NON-GOVT SOURCES and a debit applied to the revenue account MISCELLANEOUS ADJUSTMENT. This move was made so that the unclaimed property debit does not affect the Board's recording of its actual revenues that are applied to REIMB NON-GOVT SOURCES, which was showing as a negative revenue. Director Kohtz moved on to entries for B & H PHOTO & VIDEO and NRPAB B&H CABLE KRCPAUAMUF50, and reported that these entries are for the mount and cable for the Owl Meeting Pro. Finally, the Director guided the Board to page K.10, where there was an entry to himself for reimbursement for travel costs for attendance at the Fall AARO Conference. The Director 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 pointed out the expenditures and revenues for the month of November 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 \$343,714.57, the Appraiser Fund is \$423,394.30, and the overall cash balance for both funds is \$767,108.87. The Director asked for any questions or comments. There was no further discussion.

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

## **2. PER DIEMS**

### **a. Gerdes – December 6, 2021 Applicant Informal Conference**

Director Kohtz requested a per diem payment in the amount of \$100.00 on behalf of Board Member Gerdes for representing the Board during an applicant informal conference on December 6, 2021. Board Member Walkenhorst moved to approve the per diem request for Board Member Gerdes. Board Member Downing seconded the motion. The motion carried with Walkenhorst, Downing, and Mustoe voting aye. Gerdes voted nay.

### **3. AMC RENEWAL ONLINE APPLICATION SUBMISSION PORTAL AND AMC INTERFACE UPDATE ESTIMATE**

Director Kohtz presented an estimate from OCIO for an online AMC registration renewal application submission portal, and an update to the AMC Interface in the NRPAB Database, to the Board for consideration. The Director guided the Board to pages K.18 and K.19 in the meeting materials, which describe the changes to be made to the NRPAB Database related to the Appraisal Management Company Registration Act update that implemented the AMC Final Rule. Director Kohtz declared that the \$59,000.00 estimate combines old requests to update the database and the new AMC online renewal application. The Director noted that this application will utilize the same EFW payment mechanism as the real property appraiser renewal application, which was built to be able to plug the payment feature into any online application. Director Kohtz reported that, if the estimate is approved, he would push for work to begin in the fourth quarter of this fiscal year. Board Member Gerdes moved to approve the amount of \$59,000.00 for the development and implementation of the AMC registration renewal application submission portal and update to the AMC Interface in the NRPAB Database. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

### **L. GENERAL PUBLIC COMMENTS**

Chairperson Mustoe asked for any public comments. Director Kohtz introduced Sam Malson to the Board. The Director informed the Board that Mr. Malson is the agency's legislative fiscal analyst. Director Kohtz also noted that there were no public member participants by virtual conferencing. With no further comments, Chairperson Mustoe moved on to Consideration of Education/Instructor requests.

### **M. CONSIDERATION OF EDUCATION/INSTRUCTOR REQUESTS: No discussion.**

### **N. UNFINISHED BUSINESS**

#### **1. OPEN 2ND CONGRESSIONAL DISTRICT CERTIFIED REAL PROPERTY APPRAISER REPRESENTATIVE POSITION**

Director Kohtz brought attention to the open 2nd Congressional District Certified Real Property Appraiser Representative position and asked the Board if it had any comments or feedback to pass along to the Governor's office regarding any of the applicants. There were no comments during the meeting. Director Kohtz reminded board members to let him know at any time if there were any comments or feedback to provide to the Governor's office concerning this appointment. There was no further discussion.

## **O. NEW BUSINESS**

### **1. NEBRASKA STATE PATROL RAPBACK REPORTS**

Director Kohtz invited BLPN Nespor to present the Nebraska State Patrol (NSP) Rapback Reports to the Board for review. BLPN Nespor guided the Board's attention to an email she received from the NSP describing an arrest. Sensitive information was redacted from the email for the Board's review. BLPN Nespor noted that the name was not familiar to her, so she inquired of the NSP the purpose of the email. According to BLPN Nespor, the email is called a "Rapback," and is sent to any agency for which the arrested person has ever submitted to a background check for. BLPN Nespor reported that NSP offered to stop sending these reports to the agency, and asked the Board for their input. Chairperson Mustoe asked if this report is based on fingerprints. Director Kohtz said "Yes." The Chairperson commented that fingerprints are required for applicants, but disclosure of arrests is not; this information does not matter. Director Kohtz noted that an arrest is not the same as a conviction. If a person is not guilty of a crime, there is no need to receive these Rapback Reports, the Director continued. Chairperson Mustoe agreed. Board Member Walkenhorst remarked that the receipt of these reports must be a rare occurrence and agreed that the Board doesn't need to keep track of arrests. Director Kohtz declared that BLPN Nespor will request that the NSP not send the agency any more Rapback Reports. There was no further discussion.

## **P. LEGISLATIVE REPORT AND BUSINESS**

### **1. NEBRASKA REAL PROPERTY APPRAISER ACT UPDATE**

#### **a. 2022 Update to Nebraska Real Property Appraiser Act Summary\_November 4, 2021**

Director Kohtz presented the document titled, "2022 Update to Nebraska Real Property Appraiser Act Summary\_November 4, 2021" to the Board and reminded it that this document was prepared for public review as a complement to REQ03236. The Director informed the Board that there were no changes made to this document since the November meeting. Director Kohtz asked for any questions or comments. There was no further discussion.

#### **b. Request for Comments and Responses for REQ03236**

Director Kohtz presented documents evidencing the Board's public request for comments and responses received for REQ03236. Director Kohtz reported that no controversial comments or comments in opposition were received. The Director added that Nebraska's ASC Policy Manager Jenny Tidwell made the only substantive comment, which was reviewed by the Board at the November meeting.

#### **c. REQ03236\_November 4, 2021**

Director Kohtz presented REQ03236\_November 4, 2021 to the Board for consideration and requested approval to obtain sponsorship for introduction as a legislative bill. The Director asked for any questions or comments related to the Nebraska Real Property Appraiser Act update. With no further discussion, Board Member Walkenhorst moved to approve REQ03236\_November 4, 2021 as presented for introduction as a legislative bill and authorize Director Kohtz to obtain sponsorship. Board Member Gerdes seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

**2. TITLE 298**

Director Kohtz reported no update from the Governor's Policy and Research Office regarding the changes to Title 298. The Director asked for any questions or comments. There was no further discussion.

**3. OTHER LEGISLATIVE MATTERS**

Director Kohtz asked the Board if it had any other legislative matters that it wished to discuss. There was no further discussion.

**Q. ADMINISTRATIVE BUSINESS:** No discussion.

**R. OTHER BUSINESS**

**1. BOARD MEETINGS**

**a. 2022 NRPAB Calendar**

Director Kohtz presented the 2022 NRPAB Calendar to the Board for consideration. The Director informed the Board that meeting dates, the AARO conference dates, beginning of the State's fiscal year, the beginning and ending date of the legislative session, and State holidays are all color coded. The Director reminded everyone that the meeting dates are tentative and may change. Chairperson Mustoe noted that it looked complete except for the strategic planning meeting. Director Kohtz replied that the strategic planning meeting is usually not scheduled until closer to the June meeting, which is why the asterisk appears next to the month of June. The Director asked for any questions or comments. With no further discussion, Chairperson Mustoe asked for a motion. Board Member Gerdes moved to approve the 2022 NRPAB Calendar. Board Member Walkenhorst seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

**2. CONFERENCES/EDUCATION:** No discussion.

**3. MEMOS FROM THE BOARD:** No discussion.

**4. QUARTERLY NEWSLETTER:** No discussion.

**5. APPRAISAL SUBCOMMITTEE**

Director Kohtz presented two letters from Denise Graves, Deputy Executive Director of the Appraisal Subcommittee, regarding the ASC's State Off-Site Assessments (SOA) of Nebraska's real estate appraiser regulatory program, and Nebraska's appraisal management company regulatory program, on February 14th through 17th, 2022. The Director explained that this will not be a full audit, and that the ASC will not issue a rating for either of the Board's programs. The SOA will consist of an introductory video conference, a review by two ASC policy managers, and the policy managers' attendance at the regular board meeting on February 17, 2022. Director Kohtz asked for any questions or comments. There was no further discussion.

## **6. THE APPRAISAL FOUNDATION**

### **a. TAF December Newsletter**

Director Kohtz presented The Appraisal Foundation's December newsletter to the Board for review and said he had no specific comments. The Director asked for any questions or comments. There was no discussion.

### **b. The Appraisal Foundation Awards Pathway to Success Grant to Appraisal Institute**

Director Kohtz presented a publication titled, "The Appraisal Foundation Awards Pathway to Success Grant to Appraisal Institute" to the Board for review. The Director noted that the purpose of this grant is to provide financial assistance for the Appraisal Institute's development of a PAREA program. Appraisal Institute will have to meet certain benchmarks to receive the full grant amount. The Director asked for any questions or comments. There was no further discussion.

### **c. Second Exposure Draft of proposed changes to the 2023 edition of USPAP**

Director Kohtz presented the Second Exposure Draft of proposed changes to the 2023 edition of USPAP to the Board for review. The Director reported that he had no specific comments, and asked for any questions or comments. Chairperson Mustoe asked if there would be a third draft. The Director replied affirmatively; there would be at least one more draft before TAF adopts the next USPAP. Director Kohtz asked for any other questions or comments. There was no further discussion.

## **7. ASSOCIATION OF APPRAISER REGULATORY OFFICIALS: No discussion.**

## **8. IN THE NEWS: No discussion.**

Break from 11:00 a.m. to 11:10 a.m.

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 Gerdes seconded the motion. The time on the meeting clock was 11:11 a.m. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

Due to a conflict of interest, Board Member Downing recused herself from discussion, and left the meeting at 11:19 a.m.

Board Member Downing returned to discussion and to the meeting virtually at 11:21 a.m.

Board Member Walkenhorst moved to come out of executive session at 11:22 a.m. Board Member Gerdes seconded the motion. The motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.



### **C. CREDENTIALING AS A NEBRASKA REAL PROPERTY APPRAISER**

Board Member Walkenhorst moved to take the following actions for the applicants as listed:

- T21028 / Approve as Trainee Real Property Appraiser. Send advisory letter.**
- L210038 / Approve real property appraisal practice experience hours and authorize staff to continue processing the application in accordance with the Guidance Document 21-02 procedures.**

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

Board Member Walkenhorst moved to take the following action for the applicant as listed:

- CR21007 / Approve to sit for exam.**

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

Board Member Walkenhorst moved to take the following actions for the applicants as listed:

- CG21019 / Approve to sit for exam.**
- CG21020 / Hold.**

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

Board Member Walkenhorst moved to take the following actions for real property appraiser renewal applicants as listed:

- CR2015014R / Approve Renewal as a Certified Residential Real Property Appraiser.**
- CR260197R / Approve Renewal as a Certified Residential Real Property Appraiser.**
- CG230137R Approve Renewal as a Certified General Real Property Appraiser.**

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

Board Member Walkenhorst moved to authorize agency to approve all renewal applications as listed received at the Board's office, postmarked or date-stamped, after November 30, 2021 and received by December 12, 2021, with advisory letter, pending the results of the background check if applicable, except for CG230137R and CR2015014R. Board Member Gerdes seconded the motion. Motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

Board Member Walkenhorst moved to authorize agency to approve all renewal applications received at the Board's office, postmarked or date-stamped, between December 13, 2021 and June 30, 2022 with advisory letter, pending the results of the background check if applicable. Board Member Downing seconded the motion. Motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

**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:

**21-09 / Dismiss without prejudice.**

**21-05 / Ongoing.**

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

**F. CONSIDERATION OF OTHER EXECUTIVE SESSION ITEMS**

**1. 2021.10**

The Board reviewed an Application for Preliminary Criminal History Review for a potential real property appraiser. Board Member Walkenhorst moved to authorize Special AAG Blake to draft finding of facts and conclusion of law for consideration at the January 20, 2022 board meeting. Board Member Gerdes seconded the motion. Motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye.

**2. 2021.11**

The Board reviewed the response from a supervisory real property appraiser for a USPAP Compliance Review Report developed to assist the Board with evaluation of a trainee real property appraiser's real property appraisal practice experience for credentialing. Board Member Walkenhorst moved to close this matter. Board Member Gerdes seconded the motion. Motion carried with Walkenhorst, Gerdes, and Mustoe voting aye. Board Member Downing recused herself.

**3. PERSONNEL MATTERS:** No discussion.

**S. ADJOURNMENT**

Board Member Walkenhorst moved to adjourn the meeting. Board Member Gerdes seconded the motion. Motion carried with Walkenhorst, Downing, Gerdes, and Mustoe voting aye. At 11:30 a.m., Chairperson Mustoe adjourned the December 16, 2021 meeting of the Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz  
Director

These minutes were available for public inspection on January 3, 2022, in compliance with Nebraska Revised Statute § 84-1413 (5).