

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

**January 18, 2024 Meeting Minutes**

**Swearing in of new Board Member Rodney Johnson took place prior to the start of the meeting.**

**A. OPENING**

Chairperson Walkenhorst called to order the January 18, 2024 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 Walkenhorst 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 January 12, 2024. 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 Wade Walkenhorst of Lincoln, Nebraska, Bonnie Downing of Dunning, Nebraska, Cody Gerdes of Lincoln, Nebraska, Kevin Hermsen of Gretna, Nebraska, and Rodney Johnson of Norfolk, Nebraska were present. Also present were Director Tyler Kohtz, Business Programs Manager Karen Loll, Licensing Programs Manager Allison Nespor, and Education Program Manager Kashinda Sims, who are headquartered in Lincoln, Nebraska.

**ADOPTION OF THE AGENDA**

Chairperson Walkenhorst reminded those present for the meeting that the agenda cannot be altered twenty-four 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 Johnson seconded the motion. With no further discussion, the motion carried with Downing, Gerdes, Hermsen, Johnson, and Walkenhorst voting aye.

### **C. ELECTION OF OFFICERS**

Chairperson Walkenhorst called for nominations for Chairperson of the Board in 2024. Board Member Gerdes nominated Bonnie Downing as Chairperson of the Board for 2024. Board Member Hermesen seconded the nomination. Chairperson Walkenhorst recognized the nomination and asked for any additional nominations or discussion. With no additional nominations or discussion, Chairperson Walkenhorst called for a vote. Downing was elected with Gerdes, Hermesen, Johnson, and Walkenhorst voting aye. Downing abstained.

Chairperson Downing called for nominations for Vice Chairperson of the Board in 2024. Board Member Hermesen nominated Cody Gerdes as Vice Chairperson of the Board for 2024. Board Member Walkenhorst seconded the nomination. Chairperson Downing recognized the nomination and asked for any additional nominations or discussion. With no additional nominations or discussion, Chairperson Downing called for a vote. Gerdes was elected with Hermesen, Johnson, Walkenhorst, and Downing voting aye. Gerdes abstained.

Board Member Gerdes 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 Walkenhorst seconded the motion. The time on the meeting clock was 9:05 a.m. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye.

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

Break from 9:47 a.m. to 9:55 a.m.

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

Chairperson Downing welcomed all to the January 18, 2024 meeting of the Nebraska Real Property Appraiser Board. The Chairperson then welcomed Board Member Johnson to the Board and indicated that she is looking forward to working with him. The Chairperson then recognized Board Member Walkenhorst for his service as chairperson over the past year and congratulated Board Member Gerdes on his election to Vice-Chairperson. The Chairperson finished her remarks by thanking her fellow board members and staff for their hard work during the past year. There were no members of the public present.

### **I. NRPAB EMPLOYEE RECOGNITION AWARD**

Director Kohtz brought attention to the completion of Board Member Walkenhorst's term. Chairperson Downing presented Board Member Walkenhorst with a plaque in recognition of his service to the Board, and once again, thanked him for his service and leadership. The other Board members agreed. Board Member Walkenhorst expressed gratitude to the board members he served with and to staff for making his work easy.

## **J. BOARD MEETING MINUTES**

### **1. APPROVAL OF DECEMBER 21, 2023 MEETING MINUTES**

Chairperson Downing asked for any additions or corrections to the December 21, 2023 meeting minutes. With no discussion, Chairperson Downing called for a motion. Board Member Gerdes moved to approve the December 21, 2023 meeting minutes as presented. Board Member Walkenhorst seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no discussion, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermsen, Johnson, Walkenhorst and Downing voting aye.

## **K. DIRECTOR'S REPORT**

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

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

Director Kohtz presented nine charts outlining the number of real property appraisers as of January 18, 2024 to the Board for review and informed the Board that this report provides insight into the real property appraiser renewals vs. non-renewals for the fiscal year. The Director began with the "Real Property Appraisers Credentialed through Education, Experience, and Examination – Five Year Trend" report and indicated that the certified general classification experienced a slight decline between 2023 and 2024, but was for the most part stable; the certified residential classification showed a slight increase between 2023 and 2024, and this classification has trended upwards during the last four years of the five-year period; the licensed residential classification had stabilized over the past year, after four years of decline.

Director Kohtz then moved to the "Real Property Appraisers by Classification Credentialed through Reciprocity – Five Year Trend" report and brought attention to the sharp increase in the certified general classification between January 2023 and January 2024. The Director informed the Board that the number of certified general real property appraisers credentialed through reciprocity has trended upwards during the entire five-year period, which has more than offset the decrease in real property appraisers credentialed through education, experience, and examination. The number of certified residential real property appraisers has increased, which is a reverse from last year. The licensed residential classification trend remains stable over the five-year period.

The Director then guided the Board to the "Total Real Property Appraisers – Five Year Trend" report and informed the Board that there was a significant increase in the number of credentialed real property appraisers between 2023 and 2024, and that 633 is the high for the five-year period. Director Kohtz reported that the certified general classification is at a five-year high; the certified residential classification is stable; licensed residential classification has experienced a downward trend during the five-year period, but stabilized between 2023 and 2024; and the trainee classification is mostly stable, but did experience a decline between 2023 and 2024.

Director Kohtz brought attention to the “Total Real Property Appraisers by Classification – Five Year Trend” report and informed the Board that the total number of real property appraisers, including all classifications, are mostly stable during the five-year period, but noted that 2024 is a five-year high.

Director Kohtz then reported on each classification in the “Real Property Appraisers by Classification – Thirteen Month Trend” report. The Director informed the Board that the certified general classification will start the year with twenty-three more credential holders compared to a year ago. In addition, the number of non-renewals was much lower than anticipated. Director Kohtz then moved to the certified residential classification, and indicated that this classification will start the year with six more credential holders compared to a year ago; there were only six credentials not renewed. The Director informed the Board that the licensed residential classification only had two non-renewed credentials for 2024, which is a positive. According to Director Kohtz, the trainee classification experienced the most dramatic change. Although a large decline is common due to the number of non-renewed trainee real property appraiser credentials, sixteen non-renewed credentials was more than typical. The Director added that he doesn’t expect this to be a regular occurrence.

Next, Director Kohtz guided the Board to the “Total Real Property Appraisers – Thirteen Month Trend and informed the Board that the number of active credential holders is higher than this time last year, so there is a good foundation from which to increase the numbers. The Director added that the decline in the total number of real property appraisers between December 2023 and January 2024 was mostly due to the certified general and trainee classification non-renewals. As mentioned previously, the certified general classification is at a five-year high, so the decline in this report is not concerning at all.

Finally, Director Kohtz presented the “2024-25 Appraiser Count Renewal Progress Report” as of 9:00 a.m. on January 18, 2024, to the Board for review, which showed that 443 of 492 real property appraiser renewal applications have been received and approved. The Director also reported that of the real property appraisers that were to renew their credential for 2024, 90 percent have been completed; 89 percent was the projected renewal rate. Director Kohtz finished by informing the Board that this was a good year for real property appraiser renewals and the year has started off with a strong foundation from which to build. The Director asked for any questions or comments. Chairperson Downing thanked Director Kohtz for the report. There was no further discussion.

**b. Temporary Real Property Appraiser Report**

Director Kohtz presented three charts outlining the number of temporary credentials issued as of December 31, 2023 to the Board for review. The Director reported that the Board finished the 2023 calendar year with 161 temporary credentials issued, which is quite a bit below the previous four years. Director Kohtz indicated that he has no rationale as to why this year was different. LPM Nespor suggested that the decline could be due to the increase in real property appraiser applications through reciprocity. Board Member Johnson asked if a temporary credential is issued per assignment. The Director responded that the answer is yes, but added that if there are multiple properties on one engagement letter, then only one temporary permit is needed. Board Member Johnson reported that neighboring states charge \$200.00 for a temporary credential and asked the Director what the fee is in Nebraska. Director Kohtz reported that the total fee for temporary credential is \$150.00 in Nebraska and acknowledged that Nebraska is low compared to its peer states. 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 January 18, 2024, to the Board for review. The Director reported a significant decline in the number of supervisory real property appraisers between December 2023 and January 2024. Director Kohtz indicated that the decline is due to trainee real property appraisers or supervisory real property appraisers not renewing their credentials for 2024. The Director expressed surprise that the decline was so dramatic, but also indicated that it is not concerning at the present time. Director Kohtz asked for any questions or comments. Board Member Johnson inquired if there is a sufficient number of supervisory real property appraisers in Nebraska. The Director responded that Nebraska is in a great position. The appraiser community takes this responsibility seriously and, in his opinion, takes pride in assisting with the growth of the profession. Compared to other states, Nebraska has a very high number of active supervisory real property appraisers. Director Kohtz added that, although he is not aware of the current numbers, he saw a comparison a few years ago, and Nebraska had almost as many supervisory real property appraisers as Texas. There was no further discussion.

**d. Appraisal Management Company Report**

Director Kohtz presented two charts outlining the number of AMCs as of January 18, 2024 to the Board for review and reported the trend has once again stabilized. The Director asked for any questions or comments. There was no further 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 December 13, 2023 and January 9, 2024. 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 December 13, 2023 and January 9, 2024. The Director asked for any questions or comments. There was no further discussion.

**3. 2023-24 NRPAB GOALS AND OBJECTIVES + SWOT ANALYSIS**

Director Kohtz presented the 2023-2024 NRPAB Goals and Objectives and SWOT Analysis to the Board for review and provided a status update. The Director brought attention to the Laws, Rules, and Guidance Documents goals and objectives and reported that, concerning the goals to work with the Banking, Commerce, and Insurance Legislative Committee's Legal Counsel to draft bills for introduction addressing the changes needed in the Real Property Appraiser Act and Appraisal Management Company Registration Act, LB992 and LB989 were introduced by Senator Dungan on January 5, 2024, and the hearing for each bill will be January 23, 2024. The Director informed the Board that he will testify on behalf of the Board. Chairperson Downing thanked the Director for testifying at these hearings on behalf of the agency.

Director Kohtz welcomed Board Member Johnson and informed the Board that Board Member Johnson went through orientation on January 16, 2024 and appeared to pick things up quickly. Director Kohtz expressed confidence that Board Member Johnson will be a great addition to the Board. Director Kohtz informed Board Member Johnson that he looks forward to serving him. The Director finished his report by thanking Board Member Walkenhorst for his service to the Board during the past five years and for his leadership during the past year as the chairperson. The Director informed Board Member Walkenhorst that it has been a pleasure working with him. Board Member Walkenhorst thanked the Director for the recognition.

**L. FINANCIAL REPORT AND CONSIDERATIONS**

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

The receipts and expenditures for December were presented to the Board for review in the Budget Status Report. The Director brought the Data Processing Expense in the amount of \$3,211.31 to the attention of the Board and reported that this increased expenditure was due in part to correcting a code issue concerning the timing of when disciplinary actions are automatically removed from the website. Some of the conditions were not properly updated by CIO and some credentialing card statuses were not tested. The Director next pointed out the Non-Capitalized Equipment Purchase expenditure in the amount of \$653.70 and informed the Board that this amount is the cost of the parts for the Education Program Manager workstation upgrade. Director Kohtz then brought attention to the Voice Equipment expense of \$31.34 and indicated that this expense was for the Business Programs Manager headset hook switch adapter approved by the Board at the November meeting. Director Kohtz then indicated that the expenditures for the month of December totaled \$29,730.69, and the year-to-date expenditures for the fiscal year are \$183,766.75, which amounts to 42.40 percent of the budgeted expenditures for the fiscal year; 50.41 percent of the fiscal year has passed. The Director asked for any questions or comments. There was no further discussion.

Director Kohtz then brought the Board's attention to revenues and reported that revenues are once again driven by AMC and real property appraiser renewals; both the AMC and real property appraiser revenues are on pace with projections. The Director reported the total revenues were \$61,119.93 for the month of December, and the year-to-date total revenues for the fiscal year are \$256,576.33, which amounts to 70.18 percent of the projected revenues for the fiscal year. The Director reiterated that 50.41 percent of the fiscal year has passed and asked for any questions or comments. There was no further discussion.

Director Kohtz then guided the Board to the MTD General Ledger Detail report for the month of December and brought attention to Batch #7330594 with the Payee/Explanation, "NRPAB NPI WORKSTATION" found on page L.9. The Director reported that this \$653.70 entry is for the workstation upgrade mentioned during review of the Budget Status Report. The Director asked for any questions or comments. There was no further discussion.

Director Kohtz presented four graphs showing expenses, revenues, and cash balances. The Director again noted the expenditures and revenues for the month of December for the Real Property Appraiser program, which includes both the Appraiser Fund and the AMC Fund. The Director reported that the Real Property Appraiser Fund expenditures totaled \$18,312.63, the Real Property Appraiser Fund revenues totaled \$47,975.03, the AMC Fund expenses totaled \$11,418.06, and the AMC Fund revenues totaled \$13,144.90. Director Kohtz remarked that the cash balance for the AMC Fund is \$344,949.64, the Appraiser Fund is \$494,424.21, and the overall cash balance for both funds is \$839,373.85 as of the end of December. The Director asked for any questions or comments. There was no further discussion.

Board Member Walkenhorst moved to accept and file the December financial reports for audit. Board Member Gerdes seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no discussion, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye.

## **2. PER DIEMS**

Director Kohtz informed the Board that he had no per diem requests for this meeting and asked if any board members had a request for the Board to consider. There was no further discussion.

## **M. GENERAL PUBLIC COMMENTS**

Chairperson Downing asked for any public comments. With no comments, Chairperson Downing moved on to Consideration of Education/Instructor Requests.

**N. CONSIDERATION OF EDUCATION/INSTRUCTOR REQUESTS:**

**1. REQUESTS TO RESCIND CONTINUING EDUCATION ACTIVITY APPROVAL**

BEPM Sims presented a memo to the Board for review regarding a request from the Appraisal Institute to rescind approval of the continuing education activities titled, "Review Case Studies – General" (2141421.02), "Review Case Studies – Residential" (2161426.02), and "Review Case Studies – Residential – Synchronous" (2172441.02) and recommended that the Board rescind approval of each activity as requested. Board Member Johnson moved to rescind the approval for continuing education activities titled, "Review Case Studies – General" (2141421.02), "Review Case Studies – Residential" (2161426.02), and "Review Case Studies – Residential – Synchronous" (2172441.02). Board Member Gerdes seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With none, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst and Downing voting aye.

**O. UNFINISHED BUSINESS**

**1. OPEN AT-LARGE LICENSED REAL ESTATE BROKER POSITION**

Director Kohtz brought attention to the At-Large Licensed Real Estate Broker position and informed the Board that this item will be removed from the agenda as the Governor has made an appointment.

**2. OPEN AT-LARGE REPRESENTATIVE OF FINANCIAL INSTITUTIONS POSITION**

Director Kohtz informed the Board that he has no additional update regarding the open At-Large Representative of Financial Institutions position. There was no further discussion.

**P. NEW BUSINESS:** No discussion.

**Q. LEGISLATIVE REPORT AND BUSINESS**

**1. 108TH LEGISLATURE (2ND REGULAR SESSION) BILLS OF NRPAB INTEREST**

Director Kohtz presented the first legislative report of the current session to the Board for review. The Director informed the Board that he will provide a summary of carryover bills from the previous session as necessary and will provide a brief summary for all bills introduced through January 11, 2024. Director Kohtz reminded the Board to let him know if any discussion is needed on any of the bills. The following bills were discussed:

**LB16** – Director Kohtz reminded the Board that LB16 requires occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction, make a determination regarding an applicant's criminal conviction, provides for jurisprudential examinations and appeals from denial of a license, and changes requirements for membership of the State Electrical Board. The Director informed the board that Amendment 748 to LB16 inserts "the Real Property Appraiser Board" after the second comma on page 8, line 1. This amendment exempts the Board from Subsections (8) and (9) of this bill and Neb. Rev. Stat. § 84-947 pertaining to preliminary background reviews for applicants of occupational licensing. There was no further discussion.



**LB43** – Director Kohtz reminded the Board that LB43 requires hearing officers and judges to interpret statutes and regulations to limit agency power and maximize individual liberty. The Director informed the Board that this bill has had a lot of activity already. The Director reported that Amendment 2076 to LB43 strikes all original sections and creates the First Freedom Act prohibiting the substantial burden of a person's right to the exercise of religion unless it is demonstrated that applying the burden to that person's exercise of religion in this particular instance is essential to further a compelling governmental interest and is the least restrictive means of furthering that compelling governmental interest. AM2076 also amends the Nebraska Public Records Act to include in the actual added cost used as the basis for the calculation of a fee for records a charge for the proportion of the existing salary or pay obligation to the public officers or employees, including a proportional charge for the services of an attorney to review the requested public records, for the time spent searching, identifying, physically redacting, copying, or reviewing such records, when request is made by a non-resident of Nebraska. AM2076 adds records relating to the nature, location, or function of cybersecurity by the State of Nebraska or any of its political subdivisions. AM2076 requires that a hearing officer or judge hearing a contested case under the Administrative Procedure Act, interpreting a state statute or agency regulation, shall not defer to the state agency's interpretation of such statute or regulation and shall interpret the statute or regulation de novo on the record. AM2076 introduces the Personal Protection Privacy Act, which notwithstanding any provision of law to the contrary, and except as otherwise provided in this section, each public agency is prohibited from: (a) Requiring any individual to provide personal information or otherwise compelling the release of personal information; (b) Requiring any nonprofit organization to provide such public agency with personal information or otherwise compelling the release of personal information; (c) Publicizing or otherwise publicly disclosing personal information in the possession of such public agency without the express permission of every individual who is identifiable from the potential release of such personal information, including individuals identifiable as members, supporters, or volunteers of, or donors to, a nonprofit organization. Director Kohtz then informed the board that Amendment 2081 amends AM2076 to amend the First Freedom Act so that it shall not apply to any provision of law or the implementation of a law that provides for, or requires, any protection against discrimination or the promotion of equal opportunity, including the Age Discrimination in Employment Act, the Nebraska Fair Employment Practice Act, the Nebraska Fair Housing Act, and the federal Americans with Disabilities Act of 1990. There was no further discussion.

**LB164** – Director Kohtz reminded the Board that LB164 adopts updates to building and energy codes. The Director reported that Amendment 2075 to LB164 amends the Municipal Inland Port Authority Act to restrict an inland port authority to one per city of the metropolitan class and defines the structure and funding for such inland port authority. Director Kohtz added that a hearing is set for January 16, 2024 before the Urban Affairs Committee for AM2075. There was no further discussion.

**LB214** – The Director reminded the Board that LB214 adopts changes to federal law regarding banking and finance and changes provisions relating to digital asset depositories, loan brokers, mortgage loan originators, and installment loans. Provisions of LB214 were amended into LB92 by AM1364 and approved by the Governor on June 6, 2023. This bill was indefinitely postponed on June 1, 2023. The Director requested that LB214 be removed from the legislative report. The Board agreed to remove this bill from the legislative report.

**LB820** – Director Kohtz reminded the Board that LB820 enacts the Agricultural Valuation Fairness Act to provide for uniform assessment of agricultural and horticultural land in Nebraska. It declares that sales of agricultural and horticultural land are influenced by uses other than agricultural or horticultural purposes and cause the price paid for agricultural land and horticultural land to exceed the value such land has for agricultural or horticultural purposes. To achieve fairness, all agricultural and horticultural land will be assessed based on its capacity to produce income, called agricultural use value. Procedurally, LB820 establishes an Agricultural Land Valuation Committee to establish agricultural land values by Land Capability Groups for agricultural land throughout the state. Land values are established utilizing a production approach to value. Gross income will be computed using eight-year average yield data, with the highest and lowest values removed. Gross income is reduced to net income by utilizing expense ratios. The net income is then capitalized to determine assessed value. The capitalization rate is also determined by the committee and is calculated to arrive at valuations within 69-75% of market value ensuring assessed values are uniformly and proportionately assessed within the class of Agricultural Land. The Director reminded the Board that this bill as drafted required that the real property appraiser member on the ALVC hold a credential issued by the Board or an MAI designation.

Director Kohtz also reminded the Board that during the last session, he worked with Board Members Downing and Luhrs to address issues in this bill, specifically as it relates to the real property appraiser member on the Agricultural Land Valuation Committee. It was recommended that he request that consideration be given for the American Society of Farm Managers and Rural Appraisers ARA designation for the appraiser member on the Agricultural Land Valuation Committee as this designation would be more relevant. Prior to contacting Senator Albrecht's office, Director Kohtz established that the committee members would not be exempt from the Real Property Appraiser Act. The Agricultural Land Valuation Committee members are not state employees, nor are they contractors to or employees of counties. When this was reported back to Board Member Downing, she agreed that this must be brought to Senator Albrecht's attention. This matter was discussed with Senator Albrecht's office, who requested that proposed language be drafted for a potential amendment to LB820 that exempts the individuals serving on the Agricultural Land Valuation Committee from the Real Property Appraiser Act. The professional designation matter was also discussed, and it was recommended that the professional designation be struck from (1)(c). The amendment has been drafted; however, this bill appears to have stalled so there has been no action since February of 2023. The Board thanked the Director for the update. There was no further discussion.

**LB909** – Director Kohtz reported that this bill amends the Occupational Board Reform Act to require that each agency notify the Executive Board of the Legislative Council of the status of any rule or regulation pending before the agency that constitutes an occupational regulation as defined in section 84-940 and that has not been adopted and promulgated. The Director expressed support for this change as all proposed and existing rules or regulations must be reported now. There was no further discussion.

**LB914** – Director Kohtz reported that this bill enacts the Uniform Unlawful Restrictions in Land Records Act to provide for an owner of real property subject to an unlawful restriction the ability to submit to the recorder for recordation in the land records an amendment to remove the unlawful restriction, but only as to the owner's property. There was no further discussion.

**LB947** – Director Kohtz reported that this bill provides for any state agency, county, city, or village that requires an inspection as part of a building permit to allow for virtual inspection by an authorized inspector if the following conditions are met: (i) The inspection is of an area of a building that is less than three stories in height and under ten thousand square feet; (ii) The individual requesting or holding the building permit has provided a list of personnel who are completing the work onsite; and (iii) with certain exceptions, the virtual inspection is conducted live with both the individual requesting or holding the building permit and the authorized inspector. There was no further discussion.

**LB989** – Director Kohtz reported that LB989 is the bill introduced at the request of the Board to update the Nebraska Appraisal Management Company Registration Act. The hearing for LB989 is scheduled for January 23, 2024 before the Banking, Commerce, and Insurance Committee. Director Kohtz reminded the Board that he will be testifying on behalf of the Board. There was no further discussion.

**LB992** – Director Kohtz reported that LB992 is the bill introduced at the request of the Board to update the Nebraska Real Property Appraiser Act. The hearing for LB992 is scheduled for January 23, 2024 before the Banking, Commerce, and Insurance Committee. Director Kohtz reminded the Board that he will be testifying on behalf of the Board. There was no further discussion.

**LB1075** – Director Kohtz reported that this bill provides for background checks of certain applicants and licensees under the Delayed Deposit Services Licensing Act. LB1075 also requires that a licensee notify the director in writing or through the Nationwide Mortgage Licensing System and Registry within three business days from the time that the licensee becomes aware of any breach of security of the system of computerized data owned or licensed by the licensee, which contains personal information about a Nebraska resident, or the unauthorized access to or use of such information about a Nebraska resident as a result of the breach. There was no further discussion.

**LB1136** – Director Kohtz reported that this bill updates the civil penalty for a finding of guilt in a complaint and updates the requirements and terms and conditions for errors and omissions insurance in the Real Estate Licensing Act. There was no further discussion.

Director Kohtz asked for any additional questions or comments concerning the legislative report. The Director requested that, if there is a bill that is not included in the report that may be of importance to the Board, he be contacted to have it added to the list. There was no further discussion.

**2. OTHER LEGISLATIVE MATTERS:** No discussion.

**R. ADMINISTRATIVE BUSINESS**

**1. GUIDANCE DOCUMENTS:** No discussion.

**2. INTERNAL PROCEDURAL DOCUMENTS:** No discussion.

**3. FORMS, APPLICATIONS, AND PROCEDURES:** No discussion.

**4. REAL PROPERTY APPRAISER APPLICANT EXPERIENCE REVIEW SUBCOMMITTEE ASSIGNMENTS**

Director Kohtz informed the Board that, with a new board member, it must establish new Real Property Appraiser Applicant Experience Review Subcommittee Assignments in accordance with Internal Procedure 202301. Director Kohtz indicated that he has made recommendations for each subcommittee; however, the Board is free to establish the makeup of the subcommittees however it sees fit.

Board member Walkenhorst moved to rename existing Real Property Appraiser Applicant Experience Review Subcommittee 2023A, Downing and Gerdes, to 2024A; 2023B, Downing and Hermsen, to 2024B; 2023C, Downing, to 2024C; 2023D, Hermsen and Gerdes, to 2024D; 2023E, Hermsen, to 2024E; and 2023F, Gerdes, to 2024F. Board Member Gerdes seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With none, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermsen, Johnson, Walkenhorst, and Downing voting aye.

Board Member Gerdes moved to nominate Board Member Johnson for Real Property Appraiser Applicant Experience Review Subcommittees 2024C, 2024E, and 2024F. Board Member Walkenhorst seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With none, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermsen, Walkenhorst, and Downing voting aye. Johnson abstained.

**S. OTHER BUSINESS**

**1. BOARD MEETINGS:** No discussion.

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

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

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

**5. APPRAISAL SUBCOMMITTEE:** No discussion.

**6. THE APPRAISAL FOUNDATION**

**a. TAF January Newsletter**

Director Kohtz presented The Appraisal Foundation's January Newsletter to the Board for review and reported that he had no specific comments. The Director asked for any questions or comments. There was no further discussion.

**b. The Appraisal Foundation Board of Trustees Overhauls Governance Structure, Ending Direct Appointments by Outside Organizations**

Director Kohtz presented The Appraisal Foundation's press release titled, "The Appraisal Foundation Board of Trustees Overhauls Governance Structure, Ending Direct Appointments by Outside Organizations" to the Board for review. The Director informed the Board that he had no specific comments and asked for any questions or comments. There was no further discussion.

**c. BOT Public Meeting: October 24-26, 2024 – Denver, CO**

Director Kohtz reported that The Appraisal Foundation's Board of Trustees next public meeting is scheduled for October 24-26, 2024 in Denver, Colorado. The Director informed the Board that he had no specific comments and asked for any questions or comments. There was no further discussion.

**7. ASSOCIATION OF APPRAISER REGULATORY OFFICIALS**

**a. AARO Quarterly Newsletter – December 2023**

Director Kohtz presented the AARO Quarterly Newsletter to the Board for review and reported that he had no specific comments. The Director asked for any questions or comments. There was no further discussion.

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

Board Member Gerdes moved that the Board go into executive session for the purpose of investigations. A closed session is clearly necessary to prevent needless injury to the reputation of those involved. Board Member Walkenhorst seconded the motion. The time on the meeting clock was 10:47 a.m. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye.

Board Member Johnson moved to come out of executive session at 11:30 a.m. Board Member Walkenhorst seconded the motion. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye.

**D. Credentialing as a Nebraska Real Property Appraiser**

The Board reviewed applicant T23001. Chairperson Downing asked for a motion on T23001.

Board Member Gerdes moved to take the following action:

**T23001 / Deny application for failure to possess a background required under Neb. Rev. Stat. 76-2227(4)(d)(i).**

Board member Hermesen seconded the motion. Chairperson Downing recognized the motion and called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye.

**E. Registration as an Appraisal Management Company: No discussion.**

**F. Consideration of Compliance Matters**

The Board reviewed Grievances 23-01 and 23-07. Chairperson Downing asked for a motion on Grievance 23-01.

Board Member Gerdes moved to take the following action:

**23-01 / Authorize Special Assistant Attorney General Blake to file formal charges for violation of Neb. Rev. Stat. §§ 76-2237 and 76-2238 (12) and (14).**

Board Member Walkenhorst seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With none, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye.

**G. Consideration of Other Executive Session Items**

**1. 2023.10**

The Board reviewed 2023.10. Board Member Gerdes moved to close the matter. Board Member Walkenhorst seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With none, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye.

**2. 2023.23**

The Board reviewed an appraisal report received from the Fannie Mae Loan Quality Center. The Board took no action and will continue discussion at the February 15, 2024 regular meeting.

### **3. 2024.01**

The Board reviewed a matter in which a Nebraska real property appraiser submitted a document certifying completion for a qualifying education activity that is not approved for synchronous delivery in Nebraska. Although the Board acknowledged that this activity is not approved for synchronous delivery, it is approved for classroom and asynchronous delivery. As such, the Board accepted this qualifying education activity as approved for the real property appraiser. Board Member Gerdes moved to approve the certificate of completion for this activity for the real property appraiser as submitted. Board Member Walkenhorst seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no discussion, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye. The Board requested that the education provider be notified of this matter and discussion will continue at its regular meeting on February 15, 2024.

### **4. Personnel Matters**

Personnel Matters were discussed.

### **T. ADJOURNMENT**

Board Member Walkenhorst moved to adjourn the meeting. Board Member Gerdes seconded the motion. The motion carried with Gerdes, Hermesen, Johnson, Walkenhorst, and Downing voting aye. At 11:34 a.m., Chairperson Downing adjourned the January 18, 2024 meeting of the Nebraska Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz  
Director

These minutes were available for public inspection on January 26, 2024, in compliance with Nebraska Revised Statute § 84-1413 (5).