

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

**February 15, 2024 Meeting Minutes**

**Swearing in of new Board Member Derek Minshull took place on February 13, 2024.**

**A. OPENING**

Chairperson Downing called to order the February 15, 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 Downing 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 February 7, 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 Bonnie Downing of Dunning, Nebraska, Cody Gerdes of Lincoln, Nebraska, Kevin Hermesen of Gretna, Nebraska, Rodney Johnson of Norfolk, Nebraska, and Derek Minshull of North Platte, 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 Downing 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 Johnson moved to adopt the agenda as printed. Board Member Hermesen seconded the motion. With no further discussion, the motion carried with Gerdes, Hermesen, Johnson, Minshull and Downing voting aye.

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 Hermesen seconded the motion. The time on the meeting clock was 9:04 a.m. The motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

Due to a conflict of interest, Board Member Downing recused herself from discussion for Agenda Item E.1.c and exited the meeting at 9:51 a.m.

Board Member Downing returned to the meeting at 10:03 a.m.

Board Member Gerdes moved to come out of executive session at 11:02 a.m. Board Member Hermesen seconded the motion. The motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

Break from 11:02 a.m. to 11:15 a.m.

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

Chairperson Downing welcomed all to the February 15, 2024 meeting of the Nebraska Real Property Appraiser Board and welcomed Board Member Minshull to the Board. The Chairperson then noted that there were no members of the public in attendance.

#### **H. BOARD MEETING MINUTES**

##### **1. APPROVAL OF JANUARY 18, 2024 MEETING MINUTES**

Chairperson Downing asked for any additions or corrections to the January 18, 2024 meeting minutes. With no discussion, Board Member Downing called for a motion. Board Member Gerdes moved to approve the January 18, 2024 meeting minutes as presented. Board Member Johnson 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, and Downing voting aye. Minshull abstained.

##### **2. APPROVAL OF JANUARY 22, 2024 MEETING MINUTES**

Chairperson Downing asked for any additions or corrections to the January 22, 2024 meeting minutes. With no discussion, Board Member Downing called for a motion. Board Member Gerdes moved to approve the January 22, 2024 meeting minutes as presented. Board Member Hermesen 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, and Downing voting aye. Minshull abstained.

## **I. DIRECTOR'S REPORT**

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

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

Director Kohtz presented seven charts outlining the number of real property appraisers as of February 15, 2024 to the Board for review. The Director indicated that he had no specific comments on this report and asked for any questions or comments. 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 January 31, 2024 to the Board for review. The Director indicated that he had no specific comments on this report and 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 February 15, 2024, to the Board for review. The Director indicated that he had no specific comments on this report and asked for any questions or comments. There was no further discussion.

#### **d. Appraisal Management Company Report**

Director Kohtz presented two charts outlining the number of AMCs as of February 15, 2024 to the Board for review. The Director indicated that he had no specific comments on this report and 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 January 10, 2024 and February 6, 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 January 10, 2024 and February 6, 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 advanced from General File to Enrollment and Review.

Director Kohtz welcomed Board Member Minshull and informed the Board that Minshull took the oath and attended new board member orientation on February 13, 2024. The Director opined that Board Member Minshull is picking things up quickly and that he should fit right in with the Board. Director Kohtz informed Board Member Minshull that he looks forward to serving him.

## **J. FINANCIAL REPORT AND CONSIDERATIONS**

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

The receipts and expenditures for January were presented to the Board for review in the Budget Status Report. The Director brought attention to the Awards Expense in the amount of \$28.00 and reported that this expenditure was for the plaque recognizing former Board Member Walkenhorst's excellence in service. The Director then moved on to the Dues & Subscription Expense of \$600.00 and reported that this expenditure is payment of the Board's AARO membership for 2024. Director Kohtz then guided the Board to SOS Temp Serv-Personnel and informed the Board that the \$1,246.62 expenditure is the final payment for Karen Loll's SOS employment. The Director finished his review of the expenditures by bringing attention to the \$120.00 expenditure for Other Operating Expense. Director Kohtz commented that this expenditure pertains to payments made to the State Treasurer's Office for six ACH returns for insufficient funds; each charge is \$20.00. Board Member Minshull asked if the insufficient funds would be recovered. Director Kohtz explained that once the Board is notified of the insufficient funds, a letter is sent to the individual or organization informing them of the issue and requesting payment of the insufficient amount and to recoup the \$20.00 fee charged by the State Treasurer's Office. If the payment is not made in a timely manner, this would become a disciplinary matter. Board Member Minshull thanked the Director for the explanation. Director Kohtz then indicated that the expenditures for the month of January totaled \$29,716.07, and the year-to-date expenditures for the fiscal year are \$213,482.82, which amounts to 49.25 percent of the budgeted expenditures for the fiscal year; 58.90 percent of the fiscal year has passed. The Director asked for any questions or comments. There was no further discussion.

Director Kohtz presented the January revenues to the Board and specifically brought attention to the real property appraiser renewal revenues. The year-to-date total revenue for certified general classification is \$96,800.00, which is 102.3 percent of the projected amount; the total year-to-date revenue for the licensed classification is \$9,900.00, which is 97.30 percent of the projected amount; and the revenue for the certified residential renewals is \$54,175.00, which is 96.57 percent of the projected amount. The Director informed the Board that, except for the trainee classification, the renewal projections have been met for all other classifications, so the revenues coming in below projections for the licensed and certified residential classifications are likely due to a slight difference in the number of one- or two-year renewals compared to the projected numbers. Director Kohtz indicated that total revenues for January were \$31,700.09, and that the year-to-date revenues for the fiscal year are \$288,276.42, which amounts to 78.50 percent of the projected revenues for the fiscal year. Director Kohtz 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 January and brought attention to Batch #7365393 with the Payee/Explanation, "Correctional Services, Departm" found on page J.8. The Director reported that this entry is for the Walkenhorst plaque for his excellence in service.

Director Kohtz presented four graphs showing expenses, revenues, and cash balances. The Director again noted the expenditures and revenues for the month of January 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 \$20,432.91, the Real Property Appraiser Fund revenues totaled \$15,486.73, the AMC Fund expenses totaled \$9,283.16, and the AMC Fund revenues totaled \$16,213.39. Director Kohtz remarked that the cash balance for the AMC Fund is \$356,811.34, the Appraiser Fund is \$493,236.53, and the overall cash balance for both funds is \$850,047.87, which is a five-year high, as of the end of January. The Director asked for any questions or comments. There was no further discussion.

Board Member Johnson moved to accept and file the January 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, Minshull, 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.

## **K. GENERAL PUBLIC COMMENTS**

Chairperson Downing acknowledged that no members of the public are in attendance. With no comments, Chairperson Downing moved on to Consideration of Education/Instructor Requests.

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

**1. Appraisal Institute “Case Studies in Appraising Green Residential Buildings” (223240P.02)**

EPM Sims presented a memo to the Board regarding an Application for Approval as a Continuing Education Activity in Nebraska received from Appraisal Institute on September 5, 2023 for the activity titled, “Case Studies in Appraising Green Residential Buildings.” During review of the application, it was discovered that the student and instructor materials for this activity contain references to materials and sources that date between 2007 and 2010. In accordance with 298 NAC Chapter 6, § 003.02A.2e(3), for an activity not approved by the Appraiser Qualifications Board of The Appraisal Foundation through its Course Approval Program for continuing education, student and instructor materials submitted must reflect current theory, methods, and techniques. After discussion, the Board agreed that the materials must be updated as there have been advancements made in green building during the past fifteen years. Board Member Gerdes moved to authorize the Director to approve the Application for Approval as a Continuing Education Activity in Nebraska for the education activity upon the receipt of updated student and instructor materials that contain current materials, theory, and methodology. Board Member Minshull seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no further discussion, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

**M. UNFINISHED BUSINESS**

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

Director Kohtz once again welcomed Board Member Minshull and informed the Board that the open At-Large Representative of Financial Institutions position is now filled and all outstanding appointments have been made.

**N. NEW BUSINESS:** No discussion.

**O. LEGISLATIVE REPORT AND BUSINESS**

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

Director Kohtz presented the second legislative report for the current session to the Board for review. The Director informed the Board that he will only provide a summary on those bills that have notable changes and reminded the Board to let him know if any discussion is needed on any of the bills not summarized. The following bills were discussed:

**LB279** – The Director reported that LB279 was passed on Final Reading. Director Kohtz requested permission to remove all bills that have passed final reading from the legislative report. The Board agreed that all bills discussed that have passed final reading may be removed.

**LB461** – The Director reported that LB461 was passed on Final Reading.

**LB628** – The Director reported that LB628 was passed on Final Reading.

**LB989** – The Director reported that LB989 passed General File and has advanced to Enrollment and Review for Select File.

**LB992** – The Director reported that LB992 passed General File and has advanced to Enrollment and Review for Select File.

**LB1417** – Director Kohtz provided an update to the Board since it last met on January 22, 2024. The Board had a brief discussion regarding feedback that has been received from the appraiser community and the current state of LB1417. The Board agreed that Director Kohtz should continue to gather information and should notify the appraisal business community and the public when the Government, Military and Veterans Affairs Committee opens up LB1417 for online testimony. The Board also agreed that its position will remain neutral at this time, but that it will continue to bring attention to the purpose of the Board and its accomplishments. Board Member Hermesen inquired if any other states had a combined board of appraisers and abstracters. Director Kohtz responded that he is not aware of any other state with such a configuration.

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

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

**P. ADMINISTRATIVE BUSINESS**

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

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

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

**Q. OTHER BUSINESS**

**1. BOARD MEETINGS:**

**a. 2024 Strategic Planning Meeting**

Director Kohtz informed the Board that Chairperson Downing requested discussion on the 2024 strategic planning meeting date. The Director indicated that the Board's office is closed on June 19, 2024, so that date would not be an option. Chairperson Downing asked Director Kohtz what dates would work for staff. Director Kohtz responded that any other time during that week of the regular meeting or the week before would work best. The Director also offered the option to hold the meeting by virtual conferencing. The Board agreed that holding the strategic planning meeting by virtual conferencing would be the best option. The Board and Director Kohtz agreed that June 13, 2024 would be a good date to hold the strategic planning meeting. Board Member Gerdes moved to hold the 2024 strategic planning meeting by virtual conferencing on June 13, 2024, beginning at 9:00 a.m. Board Member Hermesen seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no further discussion, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

**2. CONFERENCES/ EDUCATION:**

**a. Spring AARO Conference; May 3-5, 2024 – Nashville, TN**

Director Kohtz reported that the Spring 2024 AARO Conference would take place on May 3-5 in Nashville, Tennessee. The Director informed the Board that he plans to attend and asked for permission to attend the conference on behalf of the Board. No board members expressed interest in attending. Board Member Gerdes moved to approve the Director's attendance at the Spring 2024 AARO Conference on May 3-5, 2024. Board Member Hermesen seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no further discussion, Chairperson Downing called for a vote. The motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

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

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

**5. APPRAISAL SUBCOMMITTEE:**

**a. ASC September 13, 2023 Meeting Minutes**

Director Kohtz presented the September 13, 2023 ASC Meeting Minutes to the Board for review and noted the ASC's recognition of the Board's AMC Program. On page Q.2, the minutes state, "One State, Nebraska, had a finding of Excellent." The Director congratulated the Board. Chairperson Downing thanked the staff for its hard work. The Director asked for any questions or comments. There was no further discussion.

**b. ASC Notice of Funding Availability (NOFA) - Fiscal Year 2024**

Director Kohtz presented the ASC notice of grant funding availability for fiscal year 2024 to the Board for review and informed the Board that ASC is now accepting applications for grants in 2024. The Director asked for any questions or comments. There was no further discussion.

**c. ASC Grants Handbook Ver 2 – Effective 1/17/2024**

Director Kohtz presented the ASC Grants Handbook, Version 2, effective January 17, 2024, 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.

**d. ASC 5 Year Strategic Plan – FY2024-2028**

Director Kohtz presented the ASC 5-Year strategic plan, FY2024-2028, 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.

**6. THE APPRAISAL FOUNDATION**

**a. TAF February Newsletter**

Director Kohtz presented The Appraisal Foundation's February 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 Opens Call for Board of Trustees Members**

Director Kohtz presented The Appraisal Foundation's press release titled, "The Appraisal Foundation Opens Call for Board of Trustees Members" 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. TAF Board of Trustees Votes to Approve 12 Partners:**

Director Kohtz presented The Appraisal Foundation's document titled, "Board of Trustees Votes to Approve 12 Partners" 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.

**d. AQB Q&As (all) – January 30, 2024**

Director Kohtz presented the TAF Appraiser Qualifications Board document titled, "Appraisal Qualifications Board Real Property Appraiser Qualifications Criteria Q&As" effective January 30, 2024 to the Board for review. Director Kohtz reported that this document is the AQB's Q&A compilation that includes all criteria Q&As through the version that becomes effective on January 1, 2026. The Director then guided the Board's attention to the question found on page Q.74, "My state has approved the 7-hour VB-FH course for both qualifying education (QE) and continuing education (CE) before the requirement to take the course goes into effect on January 1, 2026. If I take the course before that date, can that course count towards meeting that requirement when it becomes effective?" The Director reported that according to the AQB this is acceptable. Director Kohtz added that January 1, 2026 is a trigger date in LB992, so no courses completed before this date for real property appraiser renewals will be accepted. Director Kohtz then moved to the next question on this page, "Do I need to take an exam if I take the 7-hour version of the course for continuing education?" The AQB offers the response, "You only need to take the 1-hour exam if you are using the 7-hour course to meet your qualifying education requirements." The Director asked for any questions or comments. There was no further discussion.

**e. 2024 ASB USPAP Q&As – January 16, 2024**

Director Kohtz presented the TAF Appraisal Standards Board document titled, "USPAP Q&As" issued January 16, 2024 to the Board for review. Director Kohtz first brought attention to 2024-01 beginning on page Q.138. The first question, "Does demographic information relating to race (such as Census data) constitute 'information relating to' a protected characteristic?" The Director reported that the short answer to the question is, yes.

Director Kohtz then moved to the second question for 2024-01. The Director explained that this question, “What facts about this scenario indicate a possible violation of USPAP?” pertains to a situation when an appraisal report is completed on two contiguous census tracts and demographic information is collected and reported in each report, but only one appraisal mentions the crime rate. Director Kohtz reported that the ASB indicates that the inclusion of crime-related information in the appraisal report for the subject property in one tract, compared to the omission of such information from the appraisal report in a contiguous tract, suggests that the real property appraiser has used crime as a pretext for the consideration of race. Although crime rates are not a protected characteristic, it is a violation of USPAP to rely upon a nonprotected characteristic as a pretext for relying upon race. It is also a legal violation to base an opinion of value for a home in whole or in part on race.

Director Kohtz then guided the Board’s attention to 2024-02 on page Q.140. The question is, “What is an appraiser’s USPAP obligation when using artificial intelligence in an appraisal assignment?” The Director indicated that the ASB’s answer specifies that when using a computer assisted valuation tool, a real property appraiser must not simply rely on the output of technology without an understanding that the output is credible. A real property appraiser must also comply with USPAP when using artificial intelligence.

Finally, Q&A 2024-03 was covered by the Director. The question pertains to a situation where a real property appraiser completes a report for one lender, but the borrower engages a different lender. The lender engages the real property appraiser to perform the appraisal for the same property, but indicates that there is no need to re-inspect the home since the previous inspection was only a few days ago. The question is, “May I follow Lender B’s instructions and sign the certification indicating that I made a personal inspection of the subject property that is outside of the scope of work decision for the new assignment?” The ASB’s response is, no, USPAP defines personal inspection.

The Director asked for any questions or comments. There was no further discussion.

**f. ASB Public Meeting: September 26, 2024 – Virtual**

Director Kohtz reported that the TAF Appraisal Standards Board will hold its next public meeting virtually on September 26, 2024 and asked for any questions or comments. There was no further discussion.

**g. AQB Public Meeting: November 7, 2024 – Virtual**

Director Kohtz reported the TAF Appraiser Qualifications Board will hold its next public meeting virtually on November 7, 2024 and 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.**

Break from 12:25 p.m. to 12:31 p.m.

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 Hermesen seconded the motion. The time on the meeting clock was 12:32 p.m. The motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

Board Member Gerdes moved to come out of executive session at 1:03 p.m. Board Member Minshull seconded the motion. The motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

**C. Credentialing as a Nebraska Real Property Appraiser:** No discussion.

**D. Registration as an Appraisal Management Company**

The Board reviewed applicants NE2023004, NE2013022, and NE2012072. Chairperson Downing asked for motions on NE2023004, NE2013022, and NE2012072.

Board Member Gerdes moved to take the following action:

**NE2023004 / Approve Application for Nebraska Appraisal Management Company Registration and issue a written advisory reminding applicant of the importance of answering questions correctly on an application.**

Board Member Hermesen seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

Board Member Gerdes moved to take the following action:

**NE2013022 / Approve Application for Renewal of Nebraska Appraisal Management Company Registration and issue a written advisory reminding applicant of the importance of answering questions correctly on an application.**

Board Member Minshull seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

Board Member Gerdes moved to take the following action:

**NE2012072 / Approve Application for Renewal of Nebraska Appraisal Management Company Registration and issue a written advisory reminding applicant of the importance of answering questions correctly on an application.**

Board Member Hermesen seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Hermesen, Johnson, Minshull, and Downing voting aye.

**E. Consideration of Compliance Matters**

The Board reviewed compliance matters 23-01, 23-07, 23-08, 23-09, 23-10, and 23-12. Chairperson Downing asked for motions on 23-07, 23-10, and 23-12.

Board Member Gerdes moved to take the following action:

**23-10 / Dismiss without prejudice. Send written advisory to bring attention to the meaning of property rights, fee simple estate, and leased fee interest and to strongly advise that the Respondent take notice of the meaning of these terms when engaged in real property appraisal practice.**

Board Member Hermesen 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, and Minshull voting aye. Chairperson Downing recused herself.

Board Member Gerdes moved to take the following action:

**23-12 / Request that Respondent provide full master report for the subject property, along with all tract reports, as transmitted to the client. In addition, request that Respondent provide the complete workfile for the master report and the complete workfile for each tract report.**

Board Member Minshull 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, Minshull, and Downing voting aye.

Board Member Gerdes moved to take the following action:

**23-07 / Authorize Special Assistant Attorney General Blake to draft a cease and desist order for violation of Neb. Rev. Stat. § 76-2220(1), N.R.S. § 76-2236.01(1)(c), and N.R.S. § 76-2238 (12)(14); and impose sanctions authorized under N.R.S. § 76-2220(2) and N.R.S. § 76-2246. The appraisal report subject of the investigation shall be incorporated as Exhibit A. The cease and desist order shall make known to the Respondent that this order shall be made available to the Colorado Department of Regulatory Agencies - Real Estate Division and the Nebraska Real Estate Commission as the Board so directs.**

Board Member Hermesen 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, Minshull and Downing voting aye.

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

**1. 2023.23**

The Board reviewed 2023.23. The Board took no action and will continue discussion at the March 21, 2024 regular meeting.

**2. 2024.01**

The Board reviewed 2024.01. The Board took no action as the organization is engaged with the Board's staff to resolve this matter.

**3. 2024.02**

The Board reviewed an appraisal report provided by the Fannie Mae Loan Quality Center and concluded that there were no substantial errors or omissions which lead to non-credible assignment results or USPAP violations. No action was taken by the Board.

**4. 2024.03**

The Board reviewed the Administrative Complaint, along with the Final Order pertaining to the Florida Department of Business & Professional Regulation Division of Real Estate Case #2023-000881. During review of this matter, it was discovered that the Nebraska registered appraisal management company specified in the order answered “no” to question #3 pertaining to being currently under investigation by any regulatory agency in Nebraska or any other jurisdiction in the Application for Renewal of Appraisal Management Company Registration at the time it was under investigation. Board Member Gerdes moved to send written advisory to the organization, directing it to take notice of Neb. Rev. Stat. § 76-3216(4)(c) and to carefully read and truthfully answer all disciplinary questions on any future application to the Board. Board Member Hermesen 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, Minshull, and Downing voting aye.

**5. 2024.04**

The Board reviewed an appraisal report completed by a Nebraska real property appraiser for properties located in Omaha, Nebraska. The Board took no action and will continue discussion at the March 21, 2024 regular meeting.

**6. 2024.05**

The Board reviewed a matter in which a Nebraska real property appraiser failed to complete the 7-Hour USPAP Update Course at least once every two years as required by Neb. Rev. Stat. §76-2236(2). Board Member Gerdes moved to authorize the Director to approve the 2024-25 Application for Renewal of Nebraska Real Property Appraiser Credential upon the receipt of evidence of the successful completion of the 2024-25 seven-hour National Uniform Standards of Professional Appraisal Practice Update Course. Board Member Hermsen 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, Minshull, and Downing voting aye.

**7. Personnel Matters: No Discussion.**

**R. ADJOURNMENT**

Board Member Gerdes moved to adjourn the meeting. Board Member Hermsen seconded the motion. The motion carried with Gerdes, Hermsen, Johnson, Minshull, and Downing voting aye. At 1:12 p.m., Chairperson Downing adjourned the February 15, 2024 meeting of the Nebraska Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz  
Director

These minutes were available for public inspection on February 23, 2024, in compliance with Nebraska Revised Statute § 84-1413 (5).