

**REAL PROPERTY APPRAISER BOARD  
NEBRASKA REAL PROPERTY APPRAISER BOARD OFFICE, LOWER LEVEL  
NEBRASKA STATE OFFICE BUILDING  
301 CENTENNIAL MALL SOUTH, LINCOLN, NE  
Wednesday, September 17, 2008**

**OPENING**

Chairman Joe Wilson called to order the September 17, 2008, meeting of the Nebraska Real Property Appraiser Board at 9:33 a.m., in the Nebraska Real Property Appraiser Board Office, Lower Level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

**NOTICE OF MEETING**

Chairman Wilson announced the notice of the meeting was duly given, posted, published and tendered in compliance with the Open Meetings Act, and all Board members received notice simultaneously by e-mail. The agenda was kept current in the Nebraska Real Property Appraiser Board Office and on the Board's website. Materials generally used by the Board for this meeting were available in the public folder for inspection by the public and in accordance with the Open Meetings Act. A copy of the Open Meetings Act was available for the duration of the meeting. For the record, Board Members Bradford Moore, Timothy Kalkowski, Gregg Mitchell, James Bain, and Mathew 'Joe' Wilson, were present. Director Kitty Policky was also present.

**ADOPTION OF THE AGENDA**

Chairman Wilson 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. Vice Chair Mitchell moved to adopt the Agenda as printed. Board Member Moore seconded. The motion carried with Moore, Kalkowski, Mitchell, Bain, and Wilson voting aye.

**WELCOME GUESTS**

Chair Wilson welcomed the guests to the meeting and asked that they please sign the guest log.

**APPROVAL OF THE MINUTES FROM AUGUST 21, 2008**

Chair Wilson asked for any additions or corrections to the August 21, 2008 minutes. With no corrections or additions, Chair Wilson called for a motion to approve the minutes. Board Member Bain moved to adopt the minutes as presented and Board Member Moore seconded the motion. The motion carried with Mitchell, Bain, Moore, Kalkowski, and Wilson voting aye.

**CHAIR REPORT**

Chairman Wilson had no items other than adding Lynne Heiden to the Agenda for the October meeting for the Board and requested proceeding to Director's Report.

**DIRECTOR'S REPORT**

**1. ASC: Revisions to Policy Statement 10G: Validation of Experience Documentation**

Discussion for review of experience, selection of reports from log, and review of selected reports to meet the criteria of 10G and the submission of demonstration reports. Demonstration reports will be selected by the Board from the log submission for applicants as is required by the Rules and Regulations that became effective on September 1, 2008. Board Member Moore's concern

was for documentation of verification report. Effective 10/1/2008, in compliance with Appraisal Subcommittee, any work received after that date will come under the new policy statement and the Board will make the selections. Prior reports to October 1, selection of reports consistent methodology, didn't change procedures. Work received after October 1 will be made by the Board. The Board will be selecting demonstration reports. It was noted by the Board that the policy adopted by the Board required that the sequential applicant complete the demonstration reports by August 2008 and the log must be submitted by October 2008. Individuals processed after October 1, 2008 must come under the new requirements. Prior applicants were treated as sequential applicants as recommended after last audit. The concern of the Board was if the current procedures remain appropriate for the sequential applicants until the end of the sequential application process? The changes to 10G appear to apply to sequential applicants still completing the application process as well as applicants coming under the 2008 criteria. The implementation of the Rules and Regulations, effective September 1<sup>st</sup>, meet the new criteria and are effective.

Board took a break at 10:15 a.m.

Board meeting reconvened at 10:22 a.m.

With no further discussion, Chairman Wilson returned to the Director's report.

Last item, Director Policky explained to Board members the discontent of appraisers who attended the ASFMRA seminar on July 14-16 in Omaha entitled "Land Investment Analysis." The Appraiser Board office called all the Nebraska appraisers who attended the seminar listed on the roster to inform them that the seminar was not approved for continuing education credit in Nebraska. Director Policky explained to the Board that this was renewal time and wanted to make sure that the appraisers participating would have sufficient education by the November 30<sup>th</sup> deadline. Board denial of retroactive credit was also discussed under the guidelines in the rules and regulations. Retroactive credit cannot be granted under any circumstances.

Vice Chairman Mitchell asked to return to Policy Statement 10G and referred to the application process in NAC Title 298, Rules and Regulations. With no new applicants under the 2008 criteria and considering the rules and regulations went into effect on September 1, 2008 and would be applicable prior to the October 1, 2008 deadline as set by Policy 10G. By simply implementing policy already adopted, the Nebraska procedures should meet the criteria of 10G. A copy of the Appraisal Subcommittee Policy 10G is attached and considered part of these minutes.

## **RECEIPTS AND EXPENDITURES REPORT – AUGUST 2008**

The receipts and expenditures for August were reviewed by the Director by line item with the Board. A copy of the Budget Status Report is attached and considered part of these minutes.

Chairman Wilson called for a motion to approve receipts and expenditures. Vice Chair Mitchell moved to accept and file the August 2008 Receipts and Expenditures report for audit. Board Member Bain seconded the motion. The motion carried with Mitchell, Bain, Brad, Kalkowski, and Wilson voting aye.

## **UNFINISHED BUSINESS**

### **1. Danny Stoeber / Standard 3 Form.**

Past Board Member Danny Stoeber was asked at the August meeting of the Board to present a more explanatory version of the Standard 3 Review form to assist reviewers in making decisions concerning demonstration reports. The request is simply a convenience lending the reviewer the pertinent information and giving insight into what they should be looking for in a report to meet the minimum USPAP requirements. Although reviewers are trained at a session each year sponsored by the Board and are required to complete the USPAP Update course and have years of experience, the Standard 3 Review form with the additional information would simply lend accessibility and streamline the process of reviewing.

The Board requested at the August meeting that Stoeber present a summary of charges for services for consideration and complemented Mr. Stoeber on the thorough presentation of the review forms. Stoeber presented an outline for a half day review session to be held in Lincoln and services to develop the Standard 3 review forms. Board approved the proposed session for reviewers and the cost of \$1500.00 as presented by Mr. Stoeber.

### **2. Initial credentialing fees.**

Director Policky brought to the Board's attention the motion to approve the renewal rates for 2009 set at \$200.00 for each credential with the \$25.00 fee to the Federal Subcommittee for the federally-recognized credentials of License, Certified Residential and Certified General at the July 17<sup>th</sup> meeting. The initial fee to become credentialed as a new appraiser was set at \$200 for each credential with the \$25.00 fee to be paid to the Federal Subcommittee for all federally recognized credentials. Director Policky requested that the Board reconsider the initial credentialing fee and raise the initial fee to off set the loss of credentials and to prepare for an even greater loss of appraiser credentials by the year 2012. Vice Chair Mitchell proposed raising the initial credentialing fee for 2009 to \$300.00 to include the \$25.00 fee to be paid to the Federal Subcommittee. Board Member Moore seconded the motion. The motion carried with Bain, Moore, Kalkowski, Mitchell, and Wilson voting aye.

### **3. 09-10 & 10-11 Biennium Budget Request.**

Director Policy presented to the Board the final changes to the 09-10 and 10-11 Biennium Budgets. All changes have been previously voted to accept. The information is simply an update and no new changes have been made to either budget.

### **4. AARO Conference – October 4-7, 2008 – Washington, D.C.**

Director Policky reminded Board members of the upcoming AARO meeting and noted that Board Member Moore would be attending.

### **5. USPAP Q&A Distribution.**

The current issue of the USPAP Q&A is distributed each month to members of the Board. The Q & A is a wealth of knowledge in regard to the application of USPAP and Board members expressed the need to distribute the Q&A to appraisers as they become available. Vice Chairman Mitchell proposed a motion that the USPAP Q&A be made available this month and distributed as an email communication and be posted monthly on the website for the appraiser community. Board Member Bain seconded the motion. The motion carried with Moore, Kalkowski, Mitchell, Bain, and Wilson voting aye.

## **NEW BUSINESS**

### **1. New FHA guidelines.**

Director Policky informed Board members of an electronic notification from FHA and FHA's intent to issue a policy letter that addresses H.R. 3221, signed July 31, which requires all appraisers of Federal assets to be certified and not licensed. Additional information can be located on the FHA website @ [www.hud.gov](http://www.hud.gov).

## **GENERAL PUBLIC COMMENTS**

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

## **EDUCATION**

Vice Chair Mitchell moved to approve the following continuing education seminars and respective instructors as listed:

### *Continuing Education:*

Allterra Group, LLC, Hamilton, Ohio:

- A. "2008 Legislative Regulatory Updates/Chief Appraiser" – 7 hours – C2844

Instructors: John Brenan; Rick Langdon; Brad Davis; Richard Davis; Larry Disney; William Garber, Jr. and George Vann

- B. "2008 Keynote/Valuation Visionaries" – 7 hours – C2845

Instructors: Leland Trice; James Kirchmeyer; Ralph Sells; Darius Bozorgi; Donna Tonposki; Gerald Kifer; Robert Murphy

Board Member Bain seconded the motion. Motion carried with Kalkowski, Mitchell, Bain, Moore, and Wilson voting aye.

Vice Chair Mitchell moved to approve the following continuing education seminar and respective instructors:

The Moore Group:

- A. "National USPAP Update" – 7 hours – C2801

Instructors: Bradford Moore & Diane Moore

Board Member Bain seconded the motion. Motion carried with Mitchell, Bain, Kalkowski, and Wilson voting aye. Board Member Moore abstained.

Board took a break at 11:40 a.m.

Board meeting reconvened at 12:15 p.m.

## **APPLICANTS & ENFORCEMENT**

Vice Chair Mitchell moved that the Board go into executive session for the purpose of reviewing applicants for credentialing and consideration of written complaints and disciplinary action. A closed session is clearly necessary to prevent needless injury to the reputation of the individual or individuals relating to the issues of qualifying applicants and relating to the alleged violations of performance in real property appraisal practice. The time on the meeting clock was 12:15.

Board Member Bain seconded the motion. The motion carried with Bain, Moore, Kalkowski, Moore, Mitchell, and Wilson voting aye.

Vice Chair Mitchell moved to come out of executive session at 3:36 p.m. Board Member Bain seconded the motion. The motion carried with Kalkowski, Moore, Mitchell, Bain, and Wilson voting aye.

Vice Chair Mitchell moved to take the following actions for the applicants for the license credential:

- L541 – Deny and request two new single family reports and \$150.00 fee.
- L543 – Approve and select verification report(s).
- L564 – Deny and request two new reports and \$150.00 review fee.
- L566 – Deny and request three new reports and \$150.00 review fee.
- L569 – Approve and select verification report(s).
- L575 – Deny and request three new reports and \$150.00 review fee.

Vice Chair Mitchell moved to take the following actions for the applicants for the certified residential credential:

- CR346 – Approve for credentialing.
- CR161 – Approve applicant and select verification report(s).
- CR179 – Approve applicant and select verification report(s).
- CR184 – Deny and request three new reports and \$250.00 review fee.
- CR203 – Approve applicant and select verification report(s).
- CR207 – Deny and request three new reports and \$250.00 review fee.
- CR211 – Approve applicant and select verification report(s) when log submitted.
- CR212 – Approve and select verification report(s).
- CR216 – Approve and select verification report(s) when log submitted.
- CR331 – Deny and request 2-4 family and residence > 20 years and \$250.00 review fee.
- CR343 – Approve applicant and select verification report(s).
- CR338 – Approve and select verification report(s).
- CR341 – Approve and select verification report(s)

Vice Chair Mitchell moved to take the following actions for the applicants for the certified general credential:

- CG444 – Deny and request three new reports and \$300.00 review fee.
- CG552 – Approve applicant and select verification report.
- CG556 – Approve applicant and select verification report(s).
- CG563 – Deny and request three new reports and \$300.00 review fee.
- CG557 – Deny and request three new reports and \$300.00 review fee.
- CG578 – Approve applicant and select verification report(s).
- CG574 – Approve applicant and select verification report(s).

Vice Chair Mitchell moved to take the following actions for the submission of verification reports:

- L530 – Accept report and approve for credential.
- L553 – Deny and request new verification report.
- L575 – Deny and request new verification report.
- CR174 – Approve for credentialing.

CR186 – Deny and request new verification report. Send for Standard 3 Review.  
CR198 – Approve for credentialing.  
CR220 – Approve for credentialing.  
CR222 – Approve for credentialing.  
CR227 – Approve for credentialing.  
CR229 – Approve for credentialing.  
CR334 – Approve for credentialing.  
CG438 – Approve for credentialing.  
CG555 – Approve for credentialing.  
CG559 – Deny and request new verification report.  
CG560 – Approve for credentialing.  
CR561 – Approve for credentialing.  
CR562 – Approve for credentialing.  
CG575 – Deny and request new verification report.

Board Member Bain seconded the motion. Motion carried with Moore, Kalkowski, Mitchell, Bain, and Wilson voting aye.

Vice Chair Mitchell moved to take the following enforcement actions:

07-09 – Completed education requirement of CA. Submitted log for period of enforcement. Selected report for review. Delivered appraisal and \$150.00 review fee. Forward for review  
08-11 – Hold.  
08-13 – Review not returned by meeting date. Hold as review not completed.  
08-15 – Send report and workfile for review. Hold as review not completed.  
08-16 – Hold.  
08-17 – Send report and workfile for review. Hold as review not completed.  
08-18 – Order to remove reciprocity credential in Nebraska and return wall document and pocket card. Have not received documents to date.  
08-19 – Request true copy of report and workfile.

Board Member Bain seconded the Motion. Motion carried with Kalkowski, Mitchell, Bain, Moore, and Wilson voting aye.

Board Member Bain moved to take the following enforcement action:

08-08 – Terms of Consent Agreement have been completed. Close.

Board Member Kalkowski seconded the Motion. Motion carried with Kalkowski, Bain, Moore, and Wilson voting aye. Vice Chair Mitchell was not present.

Tentative meeting dates were approved as follows:

October 16, 2008  
November 20, 2008  
December 18, 2008

## **ADJOURNMENT**

Vice Chair Mitchell moved to adjourn the September 17<sup>th</sup> meeting. Board Member Bain seconded the motion. Motion carried unanimously.

At 3:45 p.m. Chair Wilson adjourned the September 21, 2008, meeting of the Real Property Appraiser Board.

Respectfully submitted,

Kitty Policky, Director

These minutes were available for public inspection on October 1, 2008, in compliance with Nebraska Statute §84-1413(5).