

**REAL PROPERTY APPRAISER BOARD  
LOWER LEVEL, ROOM "B"  
NEBRASKA STATE OFFICE BUILDING  
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

**19 November 2009**

**OPENING**

Chairman Gregg Mitchell called to order the November 19, 2009, meeting of the Nebraska Real Property Appraiser Board at 9:00 a.m., in Lower Level, Room "B" of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

**NOTICE OF MEETING**

Chairman Mitchell 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, Matthew 'Joe' Wilson, and James Bain, David Hartman, and R. Gregg Mitchell were present. Director Kitty Policky was also present.

**ADOPTION OF THE AGENDA**

Chairman Mitchell 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 Moore moved to adopt the Agenda as printed. Board Member Bain seconded the motion. With no further discussion, the motion carried with Moore, Wilson, Bain, Hartman, and Mitchell voting aye.

**WELCOME GUESTS**

Chair Mitchell welcomed the guests to the meeting and asked that they please sign the guest log and announced the closed session of the meeting would follow.

**OPEN SESSION /APPROVAL OF THE MINUTES FROM OCTOBER 15, 2009**

Chair Mitchell asked for any additions or corrections to the October 15, 2009 minutes. Vice Chair Moore expressed his opposition to the assignment of enforcement case number to a cease and desist in open session. Director Policky simply explained that the numbers are assigned for tracking and maintains the actions before the Board assuring the rights of due process. The assignment of an enforcement number is irrelevant. Vice Chair Moore continued to express his objection to attributing a number to the actions of open session. With no further discussion Board Member Bain moved to adopt the minutes as presented. Board Member Hartman seconded the motion. The motion carried with Wilson, Bain, Hartman, and Mitchell voting aye. Vice Chairman Moore voted no citing his disapproval of the attribution of an enforcement tracking number to a cease and desist action approved in open session.

**CHAIRMAN'S REPORT**

Chairman Mitchell asked Vice Chairman Moore to report on the Appraiser Regulatory Agency Investigator Training as sponsored by the Appraisal Foundation and the Association of Appraiser Regulatory Officials (AARO). Three invitations were extended to Nebraska for the Investigator Training at the expense of the sponsoring agencies in Chicago on November 12<sup>th</sup> through the 14<sup>th</sup>.

Vice Chairman Moore, Board Member Joe Wilson and Director Policky attended the training course at the selection of the Board. The report in regards to the Investigator Training appears on the agenda so further discussion will be held until the appropriate time.

Chairman Mitchell thanked those who attended and looked forward to a more extensive explanation of the contents of the training.

### **DIRECTOR'S REPORT**

The number of appraisers for November stands as follows: 132 Registered/Conversion; 124 Licensed; 205 Certified Residential; and 390 Certified General for a total of 851 appraisers. The accounting includes the totals for November of 2008 with a total of 907 appraisers. A significant number of appraisers have achieved an upgraded credential with regard to the FHA requirement that only certified credentials can perform FHA appraisals.

Director Policky closed the report by thanking the Board for their efforts and concerns.

### **RECEIPTS AND EXPENDITURES REPORT – OCTOBER 2009**

The receipts and expenditures for October were reviewed by the Director by line item with the Board. A total of \$17,456.14 in expenditures and \$27,479.07 in receivables is reported. No considerations were made for expenditures other than monthly obligations but receivables are significant as we are in the process of renewals for 2010. A copy of the Budget Status Report, the General Ledger Report and Receipt Journal for October is attached and considered part of these minutes.

Vice Chairman Moore moved to accept and file the October 2009 Receipts and Expenditures report for audit. Board Member Wilson seconded the motion. With no further discussion the motion carried with Bain, Moore, Wilson, Hartman, and Mitchell voting aye.

### **Unfinished Business**

#### **1. Nebraska Farm Service Agency / Richard Barta & Steen Stone**

Mr. Barta addressed the Board with the assistance of Certified General appraiser Steen Stone to find a compromise for the FSA requirement of the \$1.00 value attribution to mineral rights. If minerals are evident, such as oil, the appraisal will include the minerals but the attribution of the \$1.00 value as a subsequent action by a law requiring language in the appraisal which assigns dollar value to mineral rights to be placed in appraisals where there will be no supporting research or support. FSA must abide by the requirement. Performing approximately 300 contracted appraisals per year and noting the Advisory Letter adopted by Board advising appraisers of Nebraska not to engage in appraisals where a dollar value on minerals is required has virtually shut their program down. At this point, FSA is unable to perform business. Farm Service Agency assists individuals in beginning farming operations, a younger generation with high risk investments. FSA needs the appraisals to justify the value of property to proceed with business. An administrative decision by Mr. Barta to continue to contract appraisals and take the risk this language will not be included at this time and virtually authorizing a violation of FSA statutes in order to proceed with business. This is basically the current position of FSA. As an FSA employee, Mr. Barta expressed the fact that he is required to administer the programs and the statute requires such language concerning the \$1.00 value for mineral rights is included in every appraisal, but Mr. Barta explained he cannot shut down FSA operations.

There must be a resolution as to how to come to an agreement. Mr. Barta indicated all FSA appraisals must comply with this language across all states. Board Member Wilson requested

information as to how other states were approaching the language of the law and Mr. Barta indicated there were no problems reported from other states. He understands the issues in violating your basic core values by randomly putting a dollar value on something without assessing it and can understand how the impasse has been created. But, from the perspective of FSA, they're trying to administer a program.

Vice Chair Moore clarified the move by Mr. Barta to modify the engagement letter taking the language out and violating the FSB statute by continuing to do business. This move is simply a temporary period to buy time since the law can't be changed. Valuing mineral rights requires a different skill set that most appraisers do not have. Because FSA is in the high risk of business by loaning 100% to beginning farmers, to minimize the loss to the government, FSA tries to tie up any and all assets of the borrower. The mineral rights are considered to be a potential asset.

Board Member Bain pointed out that the responsibility has been shifted by the government from the institution making the loan to the appraiser. Wouldn't it make sense that if the minerals were valued extremely high and the appraiser would put the value at only \$1.00, wouldn't the appraiser be liable for developing a deceptive report? Mr. Barta agreed but had no solution to the problem and cited these situations as one of the reasons for appearing before the Board today.

Chairman Mitchell pointed out that just because an arbitrary numbers is mandated for the mineral rights and ownership that asking the appraiser to attribute an arbitrary number puts the appraiser in violation of USPAP because there's no development, no support or analysis to support the conclusion. And should there be mineral rights, the appraiser misrepresented the property and is subject to disciplinary action by this Board and probably subject to civil damages. What you're asking the appraiser to do is unethical and because you don't want to pay for the service renders a poor excuse for asking the appraiser to put an arbitrary number on the value and to violate USPAP. Value has to be developed and supported.

A level of credibility must exist. The issue is not the dollar amount but the arbitrary means by which that amount is attributed. It is not appropriate to ask an appraiser to put an arbitrary amount on the minerals and violate USPAP and the laws of Nebraska. The appraiser must be competent in the valuation and if they have no skills at appraising mineral rights, they have again violated USPAP and the laws of Nebraska. Putting an arbitrary dollar amount that is not representative of the market would in effect make the appraisal misleading.

Mr. Barta did understand the requirements of USPAP in competency but did comment that there were not enough appraisers available to perform such appraisals even if FSA would attempt to comply with USPAP and the law. The only way to solve this problem is for Congress to go back and change the law and the chance of that happening is slim.

A response to Sam Snyder, Chief Appraiser, USDA FSA, from John Brennan of the Appraisal Foundation could not justify the arbitrary allocation of \$1.00 for mineral rights by means of using USPAP by use of the hypothetical condition. With the use of the hypothetical condition, the appraiser must determine whether or not the \$1.00 attribution is satisfying the USPAP requirements of assessing the value of the rights. And the use of the jurisdictional exception can only be used when a law or regulation prohibits an appraiser from complying with a portion of USPAP. The FSA requirement did not appear to prohibit an appraiser from complying with USPAP and therefore, it would not be a jurisdictional exception. The last point by Mr. Brennan addressed employing the extraordinary assumption or hypothetical condition if they did not meet the USPAP requirements for doing so yet, FSA specifically required it to be done, and then a Jurisdictional Exception might exist. "However, FSA assignment conditions cannot result in the appraiser not producing credible assignment results. Therefore, if FSA policy required use of an extraordinary assumption or hypothetical condition and the appraiser could not produce credible assignment results, USPAP would require the appraiser to decline or withdraw from the assignment." The most significant factor is the requirement to meet USPAP guidelines. The allocation of the \$1.00 without

supporting documentation does not lead to credible report development and is a violation of USPAP.

In closing, the Board reiterated the fact that they certainly understand the problem but do not have a viable solution for FSA. The bottom line in Nebraska is credible assignment results. Board Chairman Mitchell did ask Mr. Barta if a response in written form to FSA as to the position of the Board and in clarifying John Brenan's interpretation would aid FSA in understanding the dilemma as set forth.

Board Member Wilson offered a motion for the Board to develop written correspondence of John Brenan's response to FSA and to inquire as to how other states are handling the FSA requirement. Board Member Bain second the motion. With no further discussion, Chairman Mitchell called for the vote. The motion carried with Moore, Wilson, Bain, Hartman, and Mitchell voting aye.

Board took a break at 10:00 a.m.

Board meeting reconvened at 10:15 a.m.

## **2. Real Property Appraiser Act**

Director Policky informed the Board members that the final adopted draft of the act had been delivered to Senator Langemeier's office. No further information is available at this time. The changes will be forward to the bill writer's office to prepare a draft for the upcoming Legislative session.

## **3. New Board Members / 15-hour National USPAP**

The Board stressed the significance of preparing a new member for the Appraiser Board and requested the current USPAP be added to the "Handbook" for new members. The handbook will assist in preparing new members to understand the history of the actions of the Board as well as current issues.

## **H. NEW BUSINESS**

### **1. Marilyn Hladky / Seward County Assessor**

Marilyn Hladky introduced herself with a brief background of her position. Hladky has served as the Seward County Assessor since 1995 and has been with the office since 1979. In September the Property Tax Division notified the assessors that they were going to change analysis on ag land and reporting to TERC (Tax Equalization Review Commission). Assessors are required to meet 69-75% of market. Previous analyzing was based on pure vacant land. Last year's valuations were done using the pure vacant land but a second analysis was done using what is referred to as high percent minimally improved. The analysis involved taking the sale price of property and calculating for 5% minimally improved. If the improvements were under the 5% dollar amount, they threw it into a second analysis. This year they are only going to use the analysis where they throw in that 5%. With such procedures, Hladky asked how that would calculate in adjusting from both sides of the spectrum, the sale price side and the valuation side. The response to her question was no, they would take only the value of the site, subtract from the assessed valuation side and divide that by the total sale price. Property tax analysis decided that the sales in the three year study period used to set values indicated buyers weren't paying any more for land with improvements on them. But when you consider ag sales in Seward County, a recent sales at over \$6,600 per acre, that 5% is over is over \$52,000. She feels property tax is trying to assume what the buyer's intentions are. If they want to use the 5% minimally improved, that's fine, but feels the proper way to analyze is to subtract from both sides of the spectrum. After discussing the process with appraisers, they too feel

that you needed to adjust from both sides. It was necessary to adjust both the valuation and sales side.

Board Member Moore discussed the process with a million dollar quarter section with a \$50,000 house on it. The process would analyze the value of unimproved land and take a million and divide that by 160 acres on the assessment side. They would subtract the house from the valuation side but not the sales price side to come up with a dollar per acre that would include the value of the house. Assessment would be set at \$62.50 per acre. Assessment would calculate the land @ \$62.50 per acre and add the \$50,000 for the house taking the assessment to 1.5 million.

Hladky surmised as an assessor, ag land is valued by soils and use classifications. The process she uses maintains a spreadsheet of sales, use classifications, soils, how much per acre, and information to enable the assessor to calculate the median. Median is the important factor. Between 08-09 and beginning 2010, Hladky reported she was at 71% of market of the properties that sold. When you drop off the old year sales as a three year history is maintained, the ratio dropped to 58% using what they are selling for. In the past they used only vacant ag land sales. The process for calculation is really distorting. Using the calculations made with the 5% made about a 1.4% difference in that median. In today's economy, 1.4% may not sound like a lot but it may be the difference for an assessor having to adjust ag land valuations or not adjusting ag land valuations.

Hladky expressed her concern in that if they are going to do the adjustment, they need to make the adjustments to both sides. This is the reason for appearing before the Board today to ask if this is a common appraisal practice. The Board is not versed in mass appraisal but as Chairman Mitchell pointed out, appropriate methodology to buying land is to extract the improvements from the comparables as well as the subject so you're comparing apples to apples.

Property Assessment & Taxation made the change as the analyst felt the buyer was not paying anymore for the improvements than if they didn't exist. If the improvements have no value, why are they attributing value to deduct from the valuation side?

The issue is consistency between improvements and land values. Improvements are all accounted for if they amount to 5% of the sale price by simply taking the sale price by 5% and 5% is going to be different for each property because the sale price is different. If the improvements are less than 5% of the sale price, those improvement are going to be included in the analysis and subtracted out of the assessed valuation side and divide by the total sale price.

The question is if this is a reasonable methodology under Standard 6 of USPAP for an appraiser to be utilizing. The question here today is what is the proper adjustment for these kinds of properties that sell that have improvements on them?

Vice Chair Moore reminded Ms. Hladky that the Board's regulatory areas are for credentialed appraisers and although mass appraisers are exempt many mass appraisers hold appraiser credentials. When a mass appraiser uses their credential, they now must comply with the minimum requirements of USPAP. In essence, your question is if the methodology acceptable under Standard 6.

Further discussion indicated the question of methodology had been submitted to IAAO (International Association Assessing Officers) Technical Section to be considered at the November 5, 6, & 7<sup>th</sup> meeting. It was Hladky understanding that verbage to address this issue would be available on IAAO's website @ IAAO.org for comment the first week of December. Vice Chairman Moore suggested the Board wait until IAAO has issued an opinion as they certainly are the experts on mass appraisal. Chair Mitchell reassured Hladky that the Board would monitor the situation and wait for the opinion of the experts before considering any action.

### **3. Appraisal Foundation / Investigator Training**

Vice Chairman Moore gave a briefing of the topics and issues related to the investigatory process to include Title XI, ASC Policy Statements, USPAP knowledge and application as well as the

application of USPAP for regulators in applying Standard 1 & 2. The course was designed to increase the participant's appraiser regulator knowledge for effective investigations as well as the attempt of the oversight programs to develop consistency within the enforcement and investigatory processes. The training was taught by Dennis Badger, Chief Investigator of the Kentucky Real Estate Appraiser Board and a certified general appraiser and Tom Lewis, Chief Investigator of the North Carolina Appraisal Board and a certified general appraiser.

The participants ranged from regulators such as board members and directors to a large number of attorneys and representatives from legal offices such as the state Attorney General's office.

Although each state operates under respective rules and regulations and statutes, the training focused on the requirements placed on regulatory agencies for proper enforcement, requirements, guidelines, and other factors impacting the appraiser as well as the practical principles of investigation development and communication. One important aspect of the investigatory process was the method applied for review of appraisal reports. Nebraska uses the USPAP Standard 3 Review form. Mr. Badger suggested a USPAP compliance report format to replace the review reference to deter challenging a review appraiser. The report format would deter the opinion process in the hearing process.

Nebraska has adopted a matrix for the enforcement process and it has been very successful in establishing consistency in the process and assuring due process.

The consensus of the training by all participants was the value of the material and wealth of information to assist in regulatory guidelines and future development for consistency and understanding.

In concluding the discussion of the investigator training, Chairman Mitchell asked members if consideration should be given to make the appropriate reference to the appraisal review mechanism by referring to the Standard 3 Review report or reference to a USPAP Compliance report. Further discussion led the Board to determine that a reference to a USPAP Compliance report would be the appropriate measure but suggested that the input from Danny Stoeber would make rendering a decision more effective. Chairman Mitchell asked that we return the subject to the December agenda and invite Mr. Stoeber to make suggestions and assist in developing a modified process for the review of investigative materials.

Board Member Wilson brought up a few last issues at the investigation training to include some states give jurisdictional exception to the Board and reviewers; some states have made the requirements for the license credential the same as the requirements for the certified residential credential; the acceptance of the anonymous complaint; and draft appraisal.

The draft appraisal that is signed is becoming an issue. What is a draft report and what is not a draft report. The subject was discussed at the AARO meeting in October in Washington, DC, with the understanding that the Appraiser Standards Board was going to address the subject of the draft appraisal because USPAP fails to define "draft."

In conclusion, the Investigator Training was a valuable learning tool. Each state handles the discipline and investigatory process differently. The insight into state regulatory procedures as well as authority by each regulatory agency certainly gave participant an appreciation of trying to establish common guidelines and procedures for the enforcement process.

Board took a break at 11:28 a.m.

Board meeting reconvened at 11:43 a.m.

### **3. Governor / Budget Reductions**

Director Policky presented to the Board the proposed Governor's Budget Recommendations and

testimony as presented to the Appropriations Committee on November 9<sup>th</sup>. In essence the following reductions were recommended for the Real Property Appraiser Board: 09-10 Budget Appropriation will be reduced by 2.5% or \$7,168.00; 10-11 Budget Appropriation will be reduced by 5% or \$14,559.00; the Reappropriation Reduction or the reduction from our carryover will be \$56,400.00; and the final reduction from cash funds, referenced as Specific Fund Transfer is \$28,273.00. Although there was little to be done to prevent taking funds from an agency that is not tax funded but funded strictly by appraiser fees, the battle was futile. Attention was then turned to making an adjustment to the allocation process. Director Policky's testimony before the Appropriations Committee was a request to reduce an earmark on our budget setting the legal fees at \$55,000.00. Director Policky presented to the Board copies of Amendments to LB1 reducing the appropriations and confiscating appraiser funds and Amendments to LB3 which gave the treasurer the right to transfer the funds to the General Fund at the direction of the Legislature.

The final taking of funds was as presented in LB1 which followed the Governor's Budget Recommendations by the One Hundred First Legislature, Special Session as presented on November 2, 2009. The Appropriations Committee did however, reduce the earmark on our budget and set the legal appropriation at \$25,000.00 as requested for 09-10 and the 10-11 budget appropriation. Copies of the reductions to our Budget appropriation for FY10 final and FY11 final were presented to the Board for approval.

A last requirement of LB1 asks each state agency to submit a report on or before January 15, 2010, to the Appropriations Committee of the Legislature detailing specific actions and plans to implement budget actions pursuant to the Legislative Bill 1, Legislative Bill 2, and Legislative Bill 3. The report should include for each fiscal year of the biennium and each budget program.

Board Member Hartman moved to approve changes to the 09-10 and 10-11 Budget as presented. Board Member Bain seconded the motion. With no further discussion, Chairman Mitchell called for the vote. The motion carried with Wilson, Bain, Hartman, Moore, and Mitchell voting aye.

#### **4. Additional change to proposed 2010 Statutes / Contractual Investigators**

At this time, Director Policky requested that language to protect the employees and contract employees be added to the statute. Although §76-2225 addresses the Board in relationship to civil and criminal immunity, the investigator training session in Chicago did bring to light the need to protect the individuals who participate in the investigative process. With that in mind, Director Policky requested §76-2225 be amended to add employees and contract employees.

Board Member Wilson proposed a motion to add the additional language to §76-2225. Vice Chair Moore seconded the motion. With no further discussion, Chairman Mitchell called for the vote. The motion carried with Bain, Hartman, Moore, Wilson, and Mitchell voting aye.

#### **GENERAL PUBLIC COMMENTS**

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

#### **EDUCATION**

Board Member Wilson moved to approve the following continuing education seminars and respective instructors as listed:

*Continuing Education New:*

##### **1. Appraisal Institute, Chicago, IL:**

A. "Business Practice & Ethics" – Online / 5-hrs. – C2306-I

- Instructor: J. Carl Schultz
- B. “Resi. Challenge: Declining Market & Sales Concessions” / 7-hours – C2910-I  
Instructors: Mark Rattermann
- C. “International Valuation Congress 2009 / Day 3” / 4 hours – C2961  
Instructors: Peggy Berg  
Julio E. Torres Coto Mazier

**2. American Society of Farm Managers. & Rural Appraisers, Denver, CO:**

- A. “Wind Power” / 8 hours – C2911  
Instructor: Terry A. Argotsinger

**2. Career WebSchool, dba Cengage Learning, Atlanta, GA:**

- A. “Appraisal Methods” – Online / 14 hours – C2956-I  
Instructor: Dr. A.M. Black
- B. “URAR Review Form” – Online / 7 hours / C2957-I  
Instructor: Dr. A.M. Black

Vice Chair Moore seconded the motion. With no further discussion, Chairman Mitchell called for the vote. The motion carried with Hartman, Moore, Wilson, Bain, and Mitchell voting aye.

Board Member Wilson moved to approve the following request for replacement of current textbooks with the Hondros textbook submissions by The Moore Group for the following AQB/CAP approved core curriculum courses as follows:

- A. “Statistics, Modeling, Finance” CR/CG009
- C. “Basic Appraisal Procedures” Q002
- D. “2010-2011 15-hour National USPAP Course / 15 hours / Q003
- E. “2010-2011 7-hour National USPAP Update / 7 hours / C21001 & 21101

Board Member Bain seconded the motion. With no further discussion, the motion carried with Wilson, Bain, Hartman, and Mitchell voting aye. Vice Chair Moore abstained.

**APPLICANTS & ENFORCEMENT / CLOSED SESSION**

Vice Chair Moore moved that the Board go into executive session for the purpose of reviewing applicants for credentialing and consideration of written complaints and disciplinary action for individuals who have not requested a public meeting. A closed session is clearly necessary to prevent needless injury to the reputation of the individual or individuals relating to the issues of credentials or qualified applicants and relating to the alleged violations of performance in real property appraisal practice. The time on the meeting clock was 12:08 p.m. Board Member Wilson seconded the motion. The motion carried with Bain, Hartman, Moore, Wilson, and Mitchell voting aye.

Vice Chair Moore moved to come out of executive session at 2:03 p.m. Board Member Wilson seconded the motion. The motion carried with Bain, Hartman, Moore, Wilson, and Mitchell voting aye.

Vice Chair Moore moved to take the following action for the License applicants:

- L586: Jera Michelle Banks / Withdrew application to Nebraska on 11/19/09. Return Application fee and application.

Vice Chair Moore moved to take the following action for the Certified Residential applicants:  
CR356 / Candidate meets all AQB upgrade requirements to qualify for CR credential.

Approve for credentialing.

CR357 / Deny. Resubmit selections applying correct methodology for depreciation.

CR365 / Candidate meets all AQB upgrade requirements to qualify for CR credential.

Approve for credentialing.

CR367 / Select three (3) appraisal reports for a residential <20 years; residential >20 years and a 2-4 family and approve for Standard 3 Review. Approve to submit for examination.

CR368 / Select three (3) appraisal reports for a residential <20 years; residential >20 years and a 2-4 family and approve for Standard 3 Review. Approve to submit for examination.

CR369 / Select three (3) appraisal reports for a residential <20 years; residential >20 years and a 2-4 family and approve for Standard 3 Review. Approve to submit for examination.

CR370 / Select three (3) appraisal reports for a residential <20 years; residential >20 years and a 2-4 family and approve for Standard 3 Review. Approve to submit for examination.

Vice Chair Moore moved to take the following action Certified General Reciprocity applicants:

CG595: Approved for credentialing. Applicant requested effective date of 1/1/2010.

CG596: Approved for credentialing. Applicant requested effective date of 1/1/2010.

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

Vice Chair Moore moved to take the following enforcement actions:

- 06-22 Hold. Education must be completed by Nov. 30<sup>th</sup> and report submission completed by Dec. 31<sup>st</sup>. Failure to meet deadlines / file Formal Complaint.
- 08-11 Hold / Board granted another extension for education until March 1, 2010. Stress to appraiser there will be no further extensions.
- 08-22 Hold. Litigation. Filing by Attorney General's office.
- 08-23 Received notice appraiser retiring effective 10/31/2009. Close case.
- 09-02 Deadline education extended Dec. 17. Notice for second log submission and fee. Notify appraiser there will be no further reminders to meet the conditions of the signed Consent Agreement.
- 09-15 Send Advisory Letter. Close.
- 09-19 Forward copy of cease and desist to Saunders County.
- 09-20 Hold. Review is not complete at this time.
- 09-21 Request true copy of report and workfile.
- 09-22 Request true copy of report and workfile.
- 09-23 Request true copy of report and workfile.

Board Member Wilson seconded the Motion. With no further discussion the motion carried with Moore, Wilson, Bain, Hartman, and Mitchell voting aye.

Vice Chair Moore moved to take the following enforcement action:

09-07 Formal / Motion to Continue from Respondent's counsel. Reschedule hearing.

09-09 Formal / Motion to Continue from Respondent's counsel. Reschedule hearing.

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

Vice Chair Moore moved to take the following enforcement action:

09-24 Request true copy of report and workfile.

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

Tentative meeting dates were approved as follows: January 21, 2010  
February 18, 2010  
March 18, 2010

### **ADJOURNMENT**

Vice Chair Moore moved to adjourn the November 19, 2009 meeting. Board Member Wilson seconded the motion. Motion carried unanimously.

At 2:00 p.m. Chair Mitchell adjourned the November 19, 2009 meeting of the Real Property Appraiser Board.

Respectfully submitted,

Kitty Policky, Director

These minutes were available for public inspection on November 27, 2009, in compliance with Nebraska Statute §84-1413(5).