

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

18 August 2011

OPENING

Chairman Brad Moore called to order the August 18, 2011 meeting of the Nebraska Real Property Appraiser Board at 9:19 a.m., in Room "F" located on the Lower Level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

NOTICE OF MEETING

Chairman Moore 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. Publication of official notice of the meeting appeared in the August 15, 2011 edition of the *Lincoln Journal Star*, a legal newspaper of general circulation in this State, as required by the public meeting law. 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, Tom Kubert, Philip Barkley, and David Hartman were present. Board Member Gregg Mitchell was absent and excused. Director Kitty Policky was also present.

ADOPTION OF THE AGENDA

Chairman Moore reminded those present for the meeting that the Agenda cannot be altered 24 hours prior to the meeting except for emergency items according to the Open Meetings Act. Board Member Barkley moved to adopt the Agenda as printed. Board Member Kubert seconded the motion. With no further discussion, the motion carried with Barkley, Kubert, Hartman, and Moore voting aye.

WELCOME GUESTS

Chairman Moore welcomed the guests to the meeting and asked that they please sign the guest log.

APPROVAL OF THE MINUTES FROM JULY 21, 2011

Chairman Moore asked for any additions or corrections to the July 21, 2011 minutes. With no further discussion Board Member Kubert moved to adopt the minutes as amended. Board Member Hartman seconded the motion. The motion carried with Kubert, Hartman, Barkley, and Moore voting aye.

CHAIRMAN'S REPORT

Chairman Moore had no comments at this time but did state there were several items on the agenda that the Board would need to discuss during the meeting.

DIRECTOR'S REPORT

Director Policky reported the number of appraisers for August 2011 stands as follows: 94 Registered/Conversion; 89 Licensed Residential; 213 Certified Residential; and 373 Certified General for a total of 769 appraisers. The accounting includes the totals for August 2010 reporting 820 appraisers and the report for August 2009 reporting 848 appraisers. The office issued one new Certified Residential credential and two Certified General credentials in August.

Director Policky received a bulletin from the Appraiser Subcommittee (10-11.1) regarding the new 2010-2011 USPAP changes. This bulletin also addressed a change in USPAP beginning July 1, 2013. It read; "In order for a Licensed appraiser to be eligible to perform an appraisal for Federally Regulated transactions the individual must satisfy the requirements in a State whose criteria meets or exceeds the AQB criteria." Nebraska Licensed Residential appraisers already meet these requirements.

One final note sent from the ASC reminded the agency of the audit that will take place in September. This audit is done every other year in Nebraska. Results of the audit will be published in the minutes after completion of the audit and the Board's review.

Director Policky closed the report by thanking the Board for their service and assistance.

RECEIPTS AND EXPENDITURES REPORT – JULY 2011

The receipts and expenditures for July were reviewed by the Director by line item with the Board. A total of \$13,398.62 in expenditures and \$4,038.21 in receivables is reported. Considerations were made for expenditures for monthly obligations. No considerations were made for expenditures other than monthly obligations. The new budget began July 1, 2011 and will end June 30, 2012. A copy of the Budget Status Report, the General Ledger Detail Report and Receipt Journal for July are attached and considered part of these minutes.

Board Member Kubert moved to accept and file the July 2011 Budget Status report for receipts and expenditures for audit. Board Member Barkley seconded the motion. With no further discussion the motion carried with Hartman, Barkley, Kubert, and Moore voting aye.

UNFINISHED BUSINESS

AMC Legislation/ LB410/Proposed Rules and Regulations

The Rules and Regulations with the addition of LB410 have been amended from the July 21, 2011 meeting. Most of the edits were simply semantics. The word "complaint" will be changed to read "grievance" to protect the appraiser and their E&O Insurance policies. Board Member Barkley motioned to adopt the Rules and Regulations as amended and begin the formal "Rules Making" process. Board Member Hartman seconded the motion. With no further discussion the motion carried with Barkley, Kubert, Hartman, and Moore voting aye.

Board took a break at 10:30 a.m.

Board meeting reconvened at 10:37 a.m.

Proposed New Credential

The Nebraska Real Property Appraiser Act, 76-2229.01 (5) . . . an applicant shall receive no more than three successive annual renewals for credentialing as a Registered Real Property Appraiser . . . No Registered credentials will be issued after December 31, 2011. Those individuals obtaining a Registered credential in 2011 will have three renewal periods. As of January 1, 2015, there will no longer be a Registered credential. Discussion continued as to introducing a credential that would replace the Registered and give agencies a measure of accountability and render a beginning for those interested in the profession of appraisal. A discussion to consider the advantages and disadvantages of creating a credential much like the one that is about to retire led members of the Board to request more time before making a final decision. A final decision will be made at the October 20, 2011 Board Meeting.

Title 297

Title 297 is currently in the formal “Rules Making” process. A hearing is scheduled for September 5, 2011 in the Real Property Appraiser Board office to amend Chapters 1, 2, and 3. Immediately following the hearing the minutes will be written. The documents have been sent to the Secretary of State’s Office, Clerk of the Legislature and the Governor’s Policy Research.

NEW BUSINESS

1. State Investigator Training

The Board received notice that two scholarships were made available for each of two State Investigator Training sessions. Board Members Philip Barkley and David Hartman will attend the State Investigator Training Level I session in Chicago, Illinois. Danny Stoeber will attend State Investigator Training Level II in Scottsdale, Arizona. No formal vote was taken as the funds are not State funds.

2. AARO Meeting

The 2011 Association of Appraiser Regulatory Officials meeting will be held in Washington, D.C. October 15-18. A decision as to attending the meeting will be made at the September meeting.

GENERAL PUBLIC COMMENTS

Chair Moore asked for any public comments.

With no comments, the Chair proceeded to the education.

EDUCATION

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

Continuing Education New:

AQB/CAP Core Curriculum Requests New:

1. Appraisal Institute, Chicago, IL:

A. “Basic Appraisal Principles” / 30 hours / Q001

Instructors: Mark Freitag
Kenneth Alford

B. “Basic Appraisal Procedures” / 30 hours / Q002

Instructor: Mark Freitag
Kenneth Alford

Continuing Education New:

1. Appraisal University, Portsmouth, NH:

A. “Site Analysis & Valuation” / Online / 7 hours / C2953-I

Instructor: Steven Spangle

2. International Right of Way/NE Dept. of Roads, Gardena, CA:

A. “Environmental Awareness / Course 600” / 8 hours / C21126

Instructor: Jeffery N. Reece

B. “Environmental Due Diligence & Liability / Course 604” / 8 hours / C21127

Instructor: Jeffery N. Reece

Board Member Kubert seconded the motion. With no further discussion, Chairman Moore called for the vote. The motion carried with Barkley, Hartman, Kubert, and Moore voting aye.

The Nebraska Real Property Appraiser Board will meet in executive session for approval of applicants and enforcement matters.

APPLICANTS & ENFORCEMENT

Board Member Barkley 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 11:39 a.m. Board Member Kubert seconded the motion. The motion carried with Barkley, Kubert, Hartman, and Moore voting aye.

Vice Chair Barkley moved to take the following action for the Registered applicant:

- R884 / Meets statutory obligations. Approve. Submit for examination.
- R885 / Meets statutory obligations. Approve. Submit for examination.
- R886 / Meets statutory obligations. Approve. Submit for examination.
- R887 / Meets statutory obligations. Approve. Submit for examination.

Vice Chair Barkley moved to take the following action for Certified General by reciprocity applicants:

- CG622 / Candidate meets all statutory obligations of §76-2232. Approve for credentialing.

Board Member Kubert seconded the motion. Motion carried with Barkley, Kubert, Hartman, and Moore voting aye.

Board Member Barkley moved to take the following enforcement actions:

- 09-07 Hold.
- 09-09 Hold.
- 09-25 Hold until Cases #09-07 & #09-09 are complete.

Board Member Kubert seconded the motion. Motion carried with Hartman, Barkley, and Moore voting aye. Board Member Kubert abstained.

Board Member Barkley moved to take the following enforcement actions:

- 11-04 Hold. Partial Education due 01/01/2012
- 11-12 Hold until Compliance Report is complete.

Board Member Hartman seconded the Motion. With no further discussion the motion carried with Kubert, Hartman, Barkley, and Moore voting aye.

Board Member Barkley moved to take the following enforcement actions:

- 11-02 Standard 3 Compliance Report complete. Report does not meet minimum standards. Related to #11-05. Credential holder did not renew. Related to 11-03 Supervisor.
- 11-03 Consent Agreement to successfully complete a 30-hour General Report Writing & Case Studies; 30-hour Advanced Market Analysis & Highest and Best Use; and 15-

- hour National USPAP; and submit log of appraisals completed quarterly beginning 09/01/2011. Appraiser may not supervise until conditions are met. Related to #11-05.
- 11-05 Standard 3 Compliance Report complete. Report does not meet minimum standards. Invite informal September 14, 2011; 3:00 p.m.
 - 11-13 Cease action letter sent to appraiser and copy sent to Lancaster County Attorney.
 - 11-14 Request true copy of report and workfile. Contract for Standard 3 Compliance Review Report.
 - 11-15 Request true copy of report and workfile. Contract for Standard 3 Compliance Review Report.
 - 11-16 Request true copy of report and workfile. Contract for Standard 3 Compliance Review Report.
 - 11-17 Request true copy of report and workfile. Contract for Standard 3 Compliance Review Report.
 - 11-18 Request true copy of report for Board Review.
 - 11-19 Request true copy of report and workfile. Contract for Standard 3 Compliance Review Report.

Board Member Kubert seconded the motion. Motion carried with Barkley, Kubert, Hartman, and Moore voting aye.

Board Member Barkley moved to come out of executive session at 1:14 p.m. Board Member Kubert seconded the motion. The motion carried with Barkley, Hartman, Kubert, and Moore voting aye.

ADJOURNMENT

Board Member Barkley moved to adjourn the meeting. Board Member Kubert seconded the motion. Motion carried unanimously.

At 1:16 p.m. Chairman Moore adjourned the August 18, 2011 meeting of the Real Property Appraiser Board. The next meeting is scheduled for September 15, 2011 in conference room "1Y" located on the Main Floor of the NSOB.

Respectfully submitted,

Kirsten Casburn
Staff Assistant

These minutes were available for public inspection on August 25, 2011, in compliance with Nebraska Statute §84-1413(5).