

**REAL PROPERTY APPRAISER BOARD
Administrative Services Conference Room
NEBRASKA STATE OFFICE BUILDING
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

15 September 2011

OPENING

Chairman Brad Moore called to order the September 15, 2011 meeting of the Nebraska Real Property Appraiser Board at 9:07 a.m., in the A.S Conference Room located on the Main 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 September 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. Interim Director Joe Wilson 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 AUGUST 18, 2011

Chairman Moore asked for any additions or corrections to the August 18, 2011 minutes. An applicant for the Certified General credential was inadvertently left off the minutes. The applicant number is CG623. With no further discussion Board Member Barkley moved to adopt the minutes as amended. Board Member Kubert seconded the motion. The motion carried with Barkley, Kubert, Hartman, and Moore voting aye.

APPROVAL OF THE MINUTES FROM AUGUST 31, 2011

Chairman Moore asked for any additions or corrections to the August 31, 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 Hartman, Barkley, Kubert, and Moore voting aye.

CHAIRMAN'S REPORT

Chairman Moore welcomed Kristi Klamet and Neal Fenochietti from the Appraisal Subcommittee to the Board Meeting. He stated he would discuss later in the meeting the earlier discussion with the auditors.

DIRECTOR'S REPORT

Interim Director Wilson reported the number of appraisers for September 2011 stands as follows: 94 Registered/Conversion; 89 Licensed Residential; 213 Certified Residential; and 375 Certified General for a total of 771 appraisers. The accounting includes the totals for September 2010 reporting 849 appraisers and the report for September 2009 reporting 822 appraisers. The office issued two Certified General credentials in September.

RECEIPTS AND EXPENDITURES REPORT – AUGUST 2011

The receipts and expenditures for August were reviewed by the Director by line item with the Board. A total of \$18,465.34 in expenditures and \$3086.67 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 August 2011 Budget Status report for receipts and expenditures for audit. Board Member Barkley seconded the motion. With no further discussion the motion carried with Barkley, Kubert, Hartman, and Moore voting aye.

UNFINISHED BUSINESS

AMC Legislation/ LB410/Proposed Rules and Regulations

A hearing is scheduled for the adoption of Title 298 and Title 297 on October 26, 2011 during the monthly Board meeting.

AARO Meeting

The 2011 Association of Appraiser Regulatory Officials meeting will be held in Washington, D.C. October 15-18. The Board has agreed to allocate the funds to send three representatives from Nebraska to the conference. Board Member Barkley moved to approve the travel expenses for the conference. The motion was seconded by Hartman. The motion carried with Barkley, Kubert, Hartman, and Moore voting aye.

NEW BUSINESS

AMC Application

Mr. Wilson has begun gathering examples of the bonding papers and applications from other states on their process for the AMC's. The Board and staff will continue to research the "AMC Registration Application" process to ensure the transition is a smooth one, and one that is in compliance with all Rules and Regulations.

Appraisal Subcommittee Audit

Chairman Moore, Board Members Kubert and Barkley, and Interim Director Wilson met with Kristi Klamet and Neal Fenochietti from the Appraisal Subcommittee on the findings of the audit. Chair Moore stated the recommendations and advice from the auditors was well received. They shared with the Board Members several data sources which would be useful for all to access such as the ASC website and the AARO website.

2012 Renewals

Interim Director Wilson reported that the 2012-2013 renewals had been sent out to all appraisers.

Board took a break at 10:08 a.m.

Board meeting reconvened at 10:24 a.m.

GENERAL PUBLIC COMMENTS

Chair Moore asked for any public comments.

With no comments, the Chair proceeded to the education.

EDUCATION

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

AQB/CAP Core Curriculum Requests New:

1. Appraisal Institute, Chicago, IL:

- A. "Real Estate Finance Statistics & Valuation Modeling" / 15 hours CR/CG009
/ 14 hours/C2884

Instructor: Ken Lusht

Continuing Education New:

1. Career WebSchool dba Cengage Learning, Atlanta, GA :

- A. "Appraisal Math & Statistics" / Online / 7 hours / C21152-I

Instructor: Dr. A.M. Black

2. Midwest Appraisers Association, Kearney, NE:

- A. "Enhancing Appraisal Practice" / 3 hours / C21155

Instructor: Dale Morrison/Lynne Heiden/Ann Susko

- B. "URAR – Revisited" / 7 hours / C21156

Instructor: Dale Morrison/Lynne Heiden/Ann Susko

- D. "Sales Comparison Methodology" / 3 hours / C21158

Instructor: Dale Morrison/Lynne Heiden/Ann Susko

Board Member Barkley moved to deny the following continuing education seminars and respective instructors as listed:

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

- A. "Residential Relocation Assistance" / Course 501 / 14 hours / C21153

Instructor: Tamara Gayle Benson

- B. "Business Relocation" / Course 502 / 14 hours / C21154

Instructor: Tamara Gayle Benson

2. Midwest Appraisers Association, Kearney, NE:

- C. "MWAA Instructor Course" / 3 hours / C21157

Instructor: Dale Morrison/Lynne Heiden/Ann Susko

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 Licensed applicant:

L594 / Approved

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

CG624 / Approved- Applicant has chosen to wait for credentialing until 2012

CG625 / Approved

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. Resubmit log on Board approved form for selection.

11-12 Invite for informal October 4, 2011 at 3:00 p.m.

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. Consent agreement not signed by appraiser. Resend by certified mail. Met with Board 09/15/2011. Conditions extended to 08/01/2012.
- 11-05 Standard 3 Compliance Report complete. Report does not meet minimum standard. Consent agreement to include 15- hour National USPAP and 30 hour Highest and Best Use, focusing on agriculture. No supervisory or reviewing of appraisers until conditions are met.
- 11-13 Send cease action letter to appraiser and copy to Lancaster County Attorney.
- 11-14 Hold
- 11-15 Hold
- 11-16 Hold
- 11-17 Hold
- 11-18 Send 2nd Request for true copy of report and workfile for Board Review.
- 11-19 Dismiss- Valuation Dispute

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 September 15, 2011 meeting of the Real Property Appraiser Board. The next meeting is scheduled for October 26, 2011 in conference room “F” located on the lower level of the NSOB.

Respectfully submitted,

Kirsten Casburn
Staff Assistant