

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

October 26, 2011

OPENING

Chairman Brad Moore called to order the October 26, 2011 meeting of the Nebraska Real Property Appraiser Board at 9:07 a.m., in the Administrative Services 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 October 21, 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, Gregg Mitchell and David Hartman were present. Also present were Interim Director, Joe Wilson and Staff Assistant, Kirsten Casburn.

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

PUBLIC HEARING – CHANGES TO TITLE 297 NAC & TITLE 298 NAC

Vice Chairman Barkley moved to adopt the Notice of Public Rule-Making Hearing on Title 297 NAC (**Chapter 1**) and Title 298 NAC (**Chapters 1, 2, 5, 6, 7, 8, 9, 10, and 11**). Second by Kubert. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

Chairman Moore opened the floor for discussion on both Title 297 & Title 298. There being no discussion, Vice Chairman Barkley moved for approval of Title 297 – NAC. Second by Kubert. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

Vice Chairman Barkley then moved for approval of Title 298 – NAC. Second by Hartman. The motion carried with Barkley, Mitchell, 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 September 15, 2011

Chairman Moore asked for any additions or corrections to the September 15, 2011 minutes. There were two corrections made in the enforcement section. Case #11-04 was asked to use the Board approved log form for the remaining term of the consent agreement. The completion date for Case #11-03 has been extended to 08/01/2012. With no further discussion Board Member Hartman moved

to adopt the minutes as amended. Board Member Kubert seconded the motion. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

CHAIRMAN'S REPORT

Chairman Moore said his comments would be covered in the Unfinished Business and New Business sections of the agenda.

DIRECTOR'S REPORT

Interim Director Wilson reported the number of appraisers for October 2011 stands as follows: 95 Registered/Conversion; 89 Licensed Residential; 214 Certified Residential; and 377 Certified General for a total of 775 appraisers. The accounting includes the totals for October 2010 reporting 824 appraisers and the report for October 2009 reporting 849 appraisers. The office issued a Licensed Residential reciprocal credential in October. The Board asked that the Trainee numbers be added to this report.

RECEIPTS AND EXPENDITURES REPORT – SEPTEMBER 2011

The receipts and expenditures for September were reviewed by the Director by line item with the Board. A total of \$41,339.63 in expenditures and \$13,202.33 in receivables is reported. Considerations were made for expenditures for monthly obligations. No considerations were made for expenditures other than monthly obligations. A copy of the Budget Status Report and Receipt Journal for September are attached and considered part of these minutes.

Board Member Mitchell moved to accept and file the September 2011 Budget Status report for receipts and expenditures for audit. Board Member Barkley seconded the motion. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

UNFINISHED BUSINESS

A decision on a New State Credential was tabled until November. Board Members Gregg Mitchell & Tom Kubert agreed to meet and discuss the new state credential.

NEW BUSINESS

ON LINE RENEWALS – Interim Director Wilson met with Nebraska.gov and discussed details of moving to an on-line based renewal process. Both credit card and checking accounts could be utilized by appraisers to renew on-line. Costs are \$1.75 per renewal plus 3% if renewed by credit card. Motion by Member Mitchell & Second by Barkley to proceed with the on-line renewal process with Nebraska.gov. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

EDUCATION IN-LIEU OF DEGREE ERRORS – See below ASC Preliminary Compliance Letter.

DAN STOEBER, INVESTIGATOR II TRAINING – Dan thanked the board and discussed the value of the training as a reviewer and/or investigator. Dan indicated that some jurisdictions have the authority to ignore the findings of an administrative law judge. Also that background checks are becoming more prevalent for appraiser applications and some jurisdictions are utilizing investigators to do informal hearings. Mr. Stoeber has offered to make some updates to the current Standard 3 Review Form for the Board. Board Member Mitchell motioned the approval of such changes. Kubert seconded the motion. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

BLAST EMAIL POLICY - Interim Director Wilson asked the Board to consider a “blast e-mail” policy to be utilized with people/institutions who want to email the appraisers of Nebraska. The Board office occasionally gets request from other governmental entities and from ‘for profit’ entities wishing to contact the appraisers. The Board directed the Interim Director to bring a proposed policy to the next meeting.

ASC PRELIMINARY COMPLIANCE LETTER- The Chairman and the Interim Director received the preliminary compliance letter from the ASC. The letter outlined the issues discussed last month, the major issue being the errors made in calculating the in-lieu of education for four credential holders in Nebraska. The Board has 60 days to reply to the letter and indicate what steps are being taken to rectify the problems.

AARO REPORTS – Chairman Moore, Member Kubert and Administrative Assistant Casburn all gave a brief synopsis on the AARO meetings in Washington, DC. All agreed it was a profitable conference and thanked the Board for allowing them to attend.

AMC FORMS – The application and bond forms for the appraisal management companies were reviewed. There was some discussion and a few changes were made to the application form. Motion by Mitchell, second by Barkley, to adopt as amended. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

STATE ACCOUNTING – The accounting department wants clarification about compensation and benefits from the interim director and for the board chair to oversee and approve the hours of the interim director. The accounting department wants the board intentions put into the minutes. Motion by Mitchell, second by Barkley, to enable the chair to oversee and approve the hours submitted by the interim director. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

EXECUTIVE DIRECTOR POSITION – Vicki Logan of state personnel has been contacted to work with Member Mitchell to update the information about the position and to advertise for the position of Director.

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. Second by Barkley:

1. McKissock, LP, Warren, PA:

- A. “Introduction to Regression Analysis for Appraisers” / Online / 4 hrs / C21159-I
- B. “Appraising in a Post-HVCC World” / Online / 4 hrs / C21160-I
- C. “The Changing World of FHA Appraising” / Online/ 7 hrs / 21161-I

- D. “Intro to Residential Green Building for Appraisers” / Online / 4 hrs / C21162-I
- E. “REO and Short Sale Appraisal Guidelines” / Online / 4 hrs / C21163-I
Instructors: Daniel Bradley/ K. Tracy Martin

2. Appraisal Institute, Chicago, IL:

- A. “Fundamentals of Separating Real & Personal Property from Intangible Business Assets” / 15 hrs tested; 14 hrs no test / C21164
Instructor: James Vernor

3. Appraisal Institute, Nebraska Chapter:

- “Effective Appraisal Writing” / 7 hrs / C2851
AI is asking for this class to meet the Nebraska requirement for report writing.

4. IRWA:

- “Eminent Domain Law Basics” / 12 hrs / C21165
Instructor: William F. Rottschaefter, Jr.

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

Board Member Mitchell moved to hold the following continuing education seminars and respective instructors as listed. Second by Barkley:

1. Midwest Appraisers Association, Kearney, NE: - Request for Reconsideration

- “MWAA Instructor Course / 3 hours / C21157
Instructor: Dale Morrison/Lynne Heiden/Ann Susko

With no further discussion, Chairman Moore called for the vote. The motion carried with Barkley, Hartman, Mitchell, 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 3:27 p.m. Board Member Kubert seconded the motion. The motion carried with Barkley, Mitchell, Kubert, Hartman, and Moore voting aye.

Board Member Barkley moved to come out of executive session at 4:38 p.m. Board Member Kubert seconded the motion. The motion carried with Barkley, Hartman, Mitchell, Kubert, and Moore voting aye.

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

R888 / Approved to sit for exam

R890 / Approved to sit for exam

R891 / Approved to sit for exam

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

L595 / Approved to sit for exam, select 3 reports for review

L596 / Approved to sit for exam, select 3 reports for review

L597 / Approved to sit for exam, select 3 reports for review

L598 / Approved for License Credential

L599 / Approved to sit for exam, select 3 reports for review

Vice Chair Barkley moved to take the following action for Certified Residential applicants:

CR388 / Deny

CR389 / Approved to sit for exam, select 3 reports for review

CR390 / Approved to sit for exam, select 3 reports for review

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

Board Member Barkley moved to take the following enforcement actions:

09-07 Dismiss.

09-09 Dismiss.

09-25 Hold.

11-02 Hold.

11-03 Hold.

11-04 Hold. Partial Education due 01/01/2012

11-05 Hold.

11-12 Hold.

11-13 Send Cease & Desist Letter

11-14 Dismiss.

11-15 Dismiss.

11-16 Dismiss.

11-17 Dismiss.

11-18 Dismiss.

ADJOURNMENT

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

At 4:52 p.m. Chairman Moore adjourned the October 26, 2011 meeting of the Real Property Appraiser Board. The next meeting is scheduled for November 17, 2011 in conference room B located on the Lower level of the NSOB.

Respectfully submitted,

Joe Wilson
Interim Director

These minutes were available for public inspection on November 1, 2011, in compliance with Nebraska Statute §84-1413(5).