

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

**February 20, 2014 Meeting Minutes**

**A. OPENING**

Chairman Philip Barkley called to order the February 20, 2014 meeting of the Nebraska Real Property Appraiser Board at 9:03 a.m., in conference room “F” located on the lower level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

**B. NOTICE OF MEETING**

Chairman Barkley 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 email. Publication of official notice of the meeting appeared in the February 18, 2014 edition of the *Lincoln Journal Star*, a legal newspaper of general circulation in this state, as required by the Open Meetings Act. 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 Philip Barkley, Tom Kubert, Marc Woodle, Chris Langemeier, and Larry Saxton were present. Also present were Director, Tyler Kohtz, Compliance and Licensing Specialist, Joya Weir, Business and Education Specialist, Natasha Olsen, and Staff Assistant, Gail Parris.

**ADOPTION OF THE AGENDA**

Chairman Barkley 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 Langemeier seconded the motion. With no further discussion, the motion carried with Saxton, Langemeier, Woodle, Kubert and Barkley voting aye.

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

Board Member Kubert moved that the Board go into executive session for the purpose of reviewing applicants for credentialing, applicants for appraisal management company registration, investigations, and other sensitive matters. A closed session is clearly necessary to prevent needless injury to the reputation of those involved. The time on the meeting clock was 9:05 a.m. Board Member Woodle seconded the motion. The motion carried with Langemeier, Saxton, Kubert, Woodle and Barkley voting aye.

Break from 10:26 a.m. to 10:42 a.m.

Break from 11:45 a.m. to 12:00 p.m.

Board Member Kubert moved to come out of executive session at 12:00 p.m. Board Member Langemeier seconded the motion. The motion carried with Saxton, Woodle, Langemeier, Kubert and Barkley voting aye.

## **G. WELCOME AND CHAIR'S REMARKS**

Chairman Barkley welcomed guest and brought attention to the fact that this is the last board meeting for Staff Assistant Parris. The Chairman informed the Board that before Ms. Parris started, he didn't know if he would have reservations when he arrived at the hotel the night before a meeting, but Ms. Parris was always one step ahead. Chairman Barkley recognized Ms. Parris for her work done over the past year, and presented to her a clock showing the Board's appreciation for her service. Diane Moore was the only public member in attendance.

## **H. BOARD MEETING MINUTES**

### **1. APPROVAL OF JANUARY 16, 2014 MEETING MINUTES**

Chairman Barkley asked for any additions or corrections to the January 16, 2014 minutes. Board Member Kubert indicated that many of the section letters do not match the agenda. "Welcome and Chair's Remarks" should be "Section G," "Board Meeting Minutes" should be "Section H," "Director's Report" should be "Section I," "Financial Report" should be "Section J," "General Public Comments" should be "Section K," "Education" should be "Section L," "Unfinished Business" should be "Section M," "New Business" should be "Section N," "Legislative Report and Business" should be "Section O," "Board Policies and Procedures" should be "Section P," "Other Business" should be "Section Q," "Consideration of Applicants" should be "Section D," "Consideration of Disciplinary Actions/Enforcement Matters" should be "Section E," "Consideration of Other Executive Session Items" should be "Section F," "Next Meeting Date" should be "Section R," and "Adjournment" should be "Section S." Board Member Kubert also indicated that the action for Michael Orman under revised Section L on Page 4 should state "Approved with Advisory Letter." Director Kohtz informed the Board that these actions will be corrected. With no further discussion Board Member Kubert moved to adopt the minutes as amended. Board Member Saxton seconded the motion. The motion carried with Saxton, Langemeier, Woodle, Kubert and Barkley voting aye.

## **I. DIRECTOR'S REPORT**

Director Kohtz presented twelve charts outlining the number of appraisers and AMCs as of February 20, 2014. The Director summarized each chart and reported the number of appraisers as follows: 72 total Licensed, 68 resident and 4 reciprocal; 211 total Certified Residential, 174 resident and 37 reciprocal; 371 total Certified General, 250 resident and 121 reciprocal; and 6 Registered for a total of 660 appraisers. The total number of appraisers is up 15 from January, and up 13 from February 2013. Director Kohtz indicated that the number of appraisers is right on with projections for this time of year. The Director also informed the Board that there are 38 Trainees, which is up 13 from January, and up 31 from February 2013.

In addition, the Director addressed the number of temporary permits issued. There were 4 permits issued in January compared to 17 permits issued in December 2013. Finally, Director Kohtz reported 103 AMCs registered, and 2 new AMC applications have been submitted since the last meeting.

Director Kohtz ended the Director's Report by thanking Staff Assistant Parris for her service. Director Kohtz went on to say that Ms. Parris did not enter into an easy situation, but performed her work diligently and with high standards; she will be missed. Finally, the Director welcomed the new Business and Education Specialist, Natasha Olsen.

## **J. FINANCIAL REPORT – FEBRUARY 2014**

The receipts and expenditures for January were reviewed by the Director by line item with the Board. Director Kohtz provided details related to some specific January expenses. For the Real Property Appraiser Program, which includes both the appraiser fund and the AMC fund, a total of \$49,480.69 in expenditures and \$76,017.81 in revenues were reported. As of the end of January, expenses amount to 49.75 percent of the budgeted expenditures for the fiscal year; 58.9 percent of the fiscal year has passed. Finally, Director Kohtz presented three charts outlining the Agency twelve month expenses and revenues, historic cash balance, and twelve month cash balance.

Board Member Kubert moved to accept and file the January 2014 budget reports for audit. Board Member Langemeier seconded the motion. The motion carried with Langemeier, Saxton, Kubert, Woodle and Barkley voting aye.

## **K. GENERAL PUBLIC COMMENTS**

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

## **L. EDUCATION**

Board Member Kubert moved to approve the following qualifying education requests as listed:

### **1. New Qualifying Education Requests**

#### **A. The Moore Group, Inc.:**

1. Statistics, Modeling and Finance / 15 hours / (QE21405-CR/CG009)
2. Residential Sales Comparison & Income Approaches / 30 hours / (QE21406-L/CR006)

Seconded by Langemeier. Chairman Barkley called for the vote. The motion carried with Woodle, Langemeier, Saxton, Kubert and Barkley voting aye.

Board Member Kubert moved to approve the following new continuing education requests as listed:

### **2. New Continuing Education Requests**

#### **A. Dynasty Institute, Inc. / Dynasty School:**

1. Appraisal Review of Residential Properties /7 hours / (C21403-I)
2. Foreclosure Basics for Appraisers /6 hours/ (C21404-I)

#### **B. The Moore Group, Inc.**

1. Residential Report Writing and Case Studies /7 hours / (C21402)

#### **C. McKissock, L.P.:**

1. National USPAP Update 2014-2015 /7 hours / (C21401)
2. National USPAP Update 2014-2015 - Equivalent /7 hours / (C21401-A)
3. The Thermal Shell /3 hours / (C21414-I)
4. Heating, Ventilation, and Air Conditioning Systems in Green Building /4 hours/ (C21415-I)
5. Appraisal of Self-Storage Facilities / 7 / (C21416-I)

#### **D. Dwellworks, LLC:**

1. Fundamentals of Relocation Appraising /8 hours / (C21408-I)

**E. Appraisal Institute:**

1. Review Theory – General /30 hours – test not included or required / (C21409)
2. Litigation Assignments for Residential Appraisers /4 hours / (C21410)
3. Review Theory – Residential /15 hours – test not included or required / (C21411)
4. International Valuation Standards Overview /7 hours / (C21412)
5. Advanced Market Analysis and Highest & Best Use /  
32 hours – test not included or required / (C21413-I)

Seconded by Woodle. Chairman Barkley called for the vote. The motion carried with Woodle, Langemeier, Saxton, Kubert and Barkley voting aye.

Board Member Kubert moved to approve the following actions on instructor requests as listed:

**A. Dynasty Institute, Inc./Dynasty School**

1. Robert Abelson
  - a. Appraisal Review of Residential Properties (C21403-I) - *Approved*
  - b. Foreclosure Basics for Appraisers (C21404-I) - *Approved*

**B. The Moore Group, Inc.**

1. Bradford Moore
  - a. Statistics, Modeling and Finance (QE21405-CR/CG009) - *Approved*
  - b. Residential Sales Comparison & Income Approaches (QE21406-L/CR006) - *Approved*
  - c. Residential Report Writing and Case Studies (C21402) - *Approved*
2. Diane Moore
  - a. Statistics, Modeling and Finance (QE21405-CR/CG009) - *Approved*
  - b. Residential Sales Comparison & Income Approaches (QE21406-L/CR006) - *Approved*
  - c. Residential Report Writing and Case Studies (C21402) - *Approved*

**C. McKissock, L.P.**

1. Robert McClelland
  - a. National USPAP Update 2014-2015 (C21401) - *Approved*
  - b. National USPAP Update Equivalent 2014-2015 (C21401-A) - *Approved*
2. Tracy Martin (Karen T. Martin)
  - a. National USPAP Update 2014-2015 (C21401) - *Approved*
  - b. National USPAP Update Equivalent 2014-2015 (C21401-A) - *Approved*
  - c. The Thermal Shell (C21414-I) - *Approved*
  - d. Heating, Ventilation, and Air Conditioning Systems  
in Green Building (C21415-I) - *Approved*
  - e. Appraisal of Self-Storage Facilities (C21416-I) - *Approved*
3. Dan Bradley
  - a. National USPAP Update 2014-2015 (C21401) – *Approved*
  - b. National USPAP Update Equivalent 2014-2015 (C21401-A) - *Approved*

**D. International Right of Way Association**

1. Tamara Benson
  - a. Principles of Land Acquisition (C21218) - *Approved*

**E. National Association of Independent Fee Appraisers, Inc.**

1. Michael Orman – *No Action*

**F. Dwellworks, LLC.**

1. Jody Scannell
  - a. Fundamentals of Relocation Appraising (C21408-I) - *Approved*
  
2. Alvin “Chip” Wagner III
  - a. Fundamentals of Relocation Appraising (C21408-I) - *Approved*

**G. Appraisal Institute**

1. Cay Lacey
  - a. National USPAP Update 2014-2015 (C21401) - *Approved*
  
2. Sandra Adomatis
  - a. Litigation Assignments for Residential Appraisers (C21410) - *Approved*
  - b. Review Theory – Residential (C21411) - *Approved*
  
3. Ken Lusht
  - a. Review Theory – General (C21409) - *Approved*
  
4. Stephen Roach
  - a. International Valuation Standards Overview (C21412) - *Approved*
  
5. Larry Wright
  - a. Advanced Market Analysis and Highest & Best Use (C21413-I) - *Approved*

Seconded by Saxton. With no further discussion, Chairman Barkley called for the vote. The motion carried with Kubert, Woodle, Langemeier, Saxton and Barkley voting aye.

Break from 12:57 p.m. to 1:06 p.m.

**M. UNFINISHED BUSINESS**

1. **COUNTY APPRAISER CONTRACTS UPDATE:** No update.
  
2. **NEW CREDENTIAL UPDATE:** No update.
  
3. **NRPAB STANDARD 3 REVIEWER PROGRAM:** Compliance and Licensing Specialist Weir updated the Board on the progress of the Standard 3 Reviewer Program. Board Members Barkley and Kubert met with Compliance and Licensing Specialist Weir and Director Kohtz to discuss the direction of the program. During the meeting, the basic concepts of the program were developed. Discussions included the development of qualifications, education components, and a designation for any appraiser that completes the requirements. Finally, the maintenance of the designation was discussed. Ms. Weir will prepare two sets of standards before next meeting. The first set of standards will outline the current criteria for selection of a standard 3 reviewer, and the second set of standards will outline the future criteria once the program is established. Compliance and Licensing Specialist Weir will also develop a confidentiality agreement to be sent to the review appraiser with the engagement letter.

**N. NEW BUSINESS**

1. **BUSINESS AND EDUCATION SPECIALIST POSITION:** Director Kohtz once again welcomed new Business and Education Specialist, Natasha Olsen. The Director informed the Board that the hiring process is complete, and the training process has already begun.

2. **CERTIFICATE OF GOOD STANDING REPORT:** Compliance and Licensing Specialist Weir presented the Certificate of Good Standing Report to the Board for review. Ms. Weir provided a brief explanation of the report. Director Kohtz reminded the Board that it asked staff to track the processing of certificate of good standing requests through the end of the year to determine if the volume processed warranted charging an administrative fee. The Board has the authority to collect a fee up to \$10.00 for processing a certificate of good standing request. The Board did not feel that the volume of certificates processed warranted charging an administrative fee. No action taken.
3. **CREDENTIALLED APPRAISER APPOINTMENT ON COUNTY BOARD OF APPRAISERS:** Board Member Kubert brought attention to Neb. Rev. Stat. §76-706, which outlines the requirements for selection to a county board of appraisers for the purpose of appraising real property sought to be condemned. Board Member Kubert informed the Board that one appraiser appointed by a county judge shall be a credentialed real property appraiser, unless the county judge finds that no credentialed real property appraiser is a disinterested freeholder in the county. Board Member Kubert went on to say that there have been reports that certified residential or licensed residential appraisers may be serving on the county board of appraisers, and violating the Real Property Appraiser Act by appraising commercial property. If a person is acting in the capacity of a credentialed real property appraiser, that person must adhere to the scope of work requirements in the Act. The Board agreed with Board Member Kubert's assessment, and agreed that this situation needs to be monitored. No action taken.
4. **CONSOLIDATION OF LEGAL FEES BY INVESTIGATION:** Board Member Kubert asked Director Kohtz if there is a way to track the actual costs associated with investigations. The Board typically recoups costs associated with Standard 3 reviews, but does not recoup other investigative costs. The Director responded that keeping track of personnel time related to investigations would be the easiest portion to track. Keeping track of specific resources and legal fees would be more difficult. The Board typically does not receive a bill from Special Assistant Attorney General Blake until after the consent agreement is executed. Director Kohtz indicated that he will check into this question, and also discuss billing with Mr. Blake and report back at the March meeting.
5. **ELECTRONIC USPAP FOR CREDENTIALLED APPRAISERS:** A discussion took place regarding the Board's owned PDF version of USPAP, and the possibility of placing it on the website for public use. Understanding that an individual may be able to download or save the PDF version, the Board asked Director Kohtz if The Appraisal Foundation would have any issues with placing the PDF version on the website. Director Kohtz responded that he didn't have to sign anything or agree to not distribute the PDF version when he purchased the Board's copy, but also admitted that he has not looked into this at all. The Board asked Director Kohtz to look into this and provide a report at the March meeting.
6. **MID-YEAR STRATEGIC GOALS AND OBJECTIVES REPORT:** Director Kohtz presented the goals and objectives set at the Board's June 12, 2013 meeting to the Board for review, and briefly summarized the status of each short term goal or objective. The majority of the short term goals have been met or are in progress. The Director indicated that he anticipates that work will start on the education focused goals once Business and Education Specialist Olsen gets settled.
7. **JANUARY 1, 2015 AQB REAL PROPERTY APPRAISER QUALIFICATIONS CHANGES:** No discussion.

8. **WEBSITE UPDATE:** Board Member Saxton brought attention to the wealth of information found in the Illinois Department of Financial and Professional Regulation's newsletter. Director Kohtz was asked if a link to news from other states could be included on the Board's website. Director Kohtz indicated that a link will be added to include news from other state appraiser regulatory agencies.

## **O. LEGISLATIVE REPORT AND BUSINESS**

1. **LEGISLATIVE BILL UPDATE:** Director Kohtz provided an update to the Board regarding legislation introduced during the current session, and carried over from the previous session, that the Board may have interest in. The Director addressed the following bills specifically:

**LB48** – This bill was placed on General File with an amendment on February 7, 2014.

**LB145** – This bill was named a priority bill by Senator Brasch on February 13, 2014.

**LB371** – An amendment was added to this bill to specify that the requirements outlined in the bill apply to administrative services only. There is no need for the Board to track this bill any further.

**LB670** – This bill reduces agricultural land valuations from 75% to 65% for taxation purposes. Senator McCoy named this a priority bill on February 13, 2014.

**LB684** – The hearing before the Banking, Commerce and Insurance Committee was held on January 27, 2014. Board Member Kubert and Director Kohtz testified in support of the bill, and Bob Hollstrom with the Nebraska Bankers Association testified neutral. The Nebraska Bankers Association requested an amendment to address concerns the organization had. The language expanding authority to collect administrative fees was stricken, the language regarding appraiser indemnification was changed to not include services provided by the appraiser such as the development and reporting of an appraisal or appraisal review, and finally, the language "including dismissal with settlement" was removed from the language concerning disciplinary actions. Director Kohtz informed the Board that he worked diligently to move the bill, but has been unsuccessful. The Director spoke with Bill Marienau to get a feel for the Committee's thoughts, and Mr. Marienau indicated that the bill likely contains too much information to cover in a small amount of time for the Senators to feel safe. Chances of this bill moving out of committee are slim.

**LB685** – The hearing before the Banking, Commerce and Insurance Committee was held on January 27, 2014. Board Member Kubert and Director Kohtz testified in support of the bill, and Corby Gilbertson, lobbyist for the Nebraska Realtor's Association, and Steven Shultz testified in opposition. The Nebraska Realtor's Association felt that the appraiser independence clause is unnecessary and covered by existing laws. Attempts have been made by Board Member Kubert, Director Kohtz, and Senator Christensen's office to contact various representatives for the Nebraska Realtor's Association to discuss a resolution to the organization's opposition, but the attempts have been unsuccessful. The Director spoke with Bill Marienau to get a feel for the Committee's thoughts, and Mr. Marienau indicated that without resolution there is little interest to move the bill.

**LB717** – The hearing before the Banking, Commerce and Insurance Committee was held on January 27, 2014. Board Member Kubert, Director Kohtz, and Bob Hollstrom with the Nebraska Bankers Association testified in support of the bill. The bill was placed on General File on January 30, 2014, and it should be known by tomorrow if the bill gets speaker priority. So far LB717 is moving smoothly.

**LB718** - This bill requires that agencies prepare and publish a semiannual agenda for rules and regulations under development or review or planned development or review. The agenda shall be published within 30 days following the end of each regular legislative session and by October 15. An agency may not adopt, amend, or repeal a rule or regulation not included on the semiannual agenda except for specified circumstances. Director Kohtz indicated that there are no concerns with this bill, which promotes government transparency. Director Kohtz informed the Board that there were a few bills introduced addressing rules and regulations. The Director went on to say that he is unsure of the reason, but it appears to be targeted at specific agencies. Board Member Langemeier responded that the Legislature has had trouble getting HHS to put rules into place for legislation passed that affects the agency. It is likely that these bills are to address the Legislature's concern with this situation.

**LB719** – This bill adds a public comment summary as part of the information an agency prepares before submission to the Secretary State, Attorney General and Governor. The report will also contain written responses from the agency to the issues or questions raised in the hearing process. Director Kohtz indicated that there are no concerns with this bill, which promotes government transparency. The bill was placed on General File with an amendment on February 4, 2014.

**LB720** – This bill provides a process for senators to file a complaint regarding proposed regulations on the basis that the proposed rule is in excess of statutory authority, is unconstitutional or is inconsistent with the legislative intent of the authorizing statute. This bill also adds additional criteria under which a complaint may be filed. Director Kohtz indicated that there are no concerns with this bill, but also wonders about the intent because the Attorney General's Office reviews all proposed rules to determine if the rule is within statutory authority. The hearing before the Executive Board took place on February 6, 2014.

**LB723** – This bill creates a sub-class of irrigated cropland when using the sales comparison approach of land valuation for agricultural or horticultural lands. The hearing before the Revenue Committee took place on February 19, 2014.

**LB733** – The hearing for this bill before the Revenue Committee took place on January 23, 2014. Board Member Kubert and Director Kohtz testified in opposition. There has been no action on the bill since the hearing. Director Kohtz informed the Board that he does not anticipate that the bill will move out of Committee.

**LB763** – This bill would require state agencies to file a report identifying low-utilization, low-priority, and inefficient programs. The report would include recommendations for improvement or elimination of such programs. Director Kohtz indicated that there are no concerns with this bill, but once again wonders about the intent. The same analysis is completed during the budget request process. The hearing before the Executive Board took place on January 30, 2014.

**LB813** - This bill reduces agricultural land valuations from 75% to 65% for taxation purposes. The hearing before the Revenue Committee took place on February 7, 2014.

**LB837** – This bill would prohibit the Department of Administrative Services from authorizing agencies with seven or fewer full time employees from conducting their own expenditure preaudits. Director Kohtz informed the Board that this bill would have no impact on the agency's operations. The agency already has all preaudits performed by AS Central Finance. The Director also stated that there are no plans to have preaudits performed within the agency.



**LB885** – This bill allows for an owner of two or more vacant unimproved lots in the same tax district to choose to have the parcels treated as one parcel if for sale or resale. If this choice is made by the owner, the county assessor shall utilize the income approach, including use of a discount cash flow analysis. Board Member Kubert indicated that he is watching this bill for non-Board related purposes because of how the bill would affect valuations.

**LB909** – This bill would amend the Administrative Procedures Act to require state agencies that promulgate rules and regulations to submit a list of all the agency's regulations that are in effect and that have been in effect for more than five years. Director Kohtz indicated that there are no concerns with this bill. The hearing before the Executive Board took place on February 6, 2014.

**LB932** – This bill requires that an applicant for employment must meet the minimum standards for the position before a background check can be conducted by a public entity. Director Kohtz indicated that there are no concerns with this bill, and that the agency does not do any background research on an applicant for employment until it intends to offer the position to the applicant. The hearing before the Business and Labor Committee took place on January 27, 2014.

**LB996** – This bill requires state agencies to respond to written requests for information from a member of the Legislature, employee of the Legislature, Legislative Fiscal Office, or the office of Legislative Research within four business days. Director Kohtz indicated that there are no concerns with this bill, and it is the agency's priority to respond to requests by the above mentioned in a timely manner. The hearing before the Executive Board took place on February 6, 2014.

## **P. BOARD POLICIES AND PROCEDURES**

### **1. BOARD POLICIES**

- a. **NEW BOARD POLICIES:** The Board reviewed new Board Policy 14-01 concerning the acceptability of nontraditional experience. Chairman Barkley asked for any changes. With no further discussion, Board Member Saxton made a motion to approve Board Policy 14-01 as drafted. The motion was seconded by Langemeier, and carried with Saxton, Langemeier, Kubert, Woodle and Barkley voting aye.
- b. **CURRENT BOARD POLICIES:** No discussion.

## **Q. OTHER BUSINESS**

### **1. CONFERENCES/EDUCATION**

- a. **2014 SPRING AARO CONFERENCE:** Director Kohtz asked for interest in attending the Spring AARO Conference in San Francisco, April 11-13. Board Members Barkley and Kubert indicated that they would like to attend the Spring conference. Director Kohtz indicated that he will also be attending. Board Member Woodle made a motion to approve Board Members Barkley and Kubert, along with Director Kohtz, for attendance at the Spring AARO Conference. Seconded by Saxton, and carried with Woodle, Langemeier, Saxton, Kubert and Barkley.

### **2. APPRAISAL FOUNDATION**

- a. **PROPOSED CHANGES TO 2016-17 EDITION OF USPAP – FIRST EXPOSURE DRAFT:** Director Kohtz asked for any comments to the first exposure draft. There were no comments. Board Member Saxton asked if the Board ever submits comments to The Appraisal Foundation. Board Member Barkley indicated that the Board has in the past when it has a strong position, but it is not a common occurrence. Director Kohtz indicated that he would be willing to submit any comments to The Appraisal Foundation if the Board takes a position on any proposed language.

**3. MEMOS FROM THE BOARD:** No discussion.

Board Member Kubert moved that the Board go back into executive session for the purpose of reviewing applicants for credentialing, applicants for appraisal management company registration, investigations, and other sensitive matters. The time on the meeting clock was 2:32 p.m. Board Member Saxton seconded the motion. The motion carried with Kubert, Woodle, Langemeier, Saxton and Barkley voting aye.

Board Member Kubert moved to come out of executive session at 3:40 p.m. Board Member Woodle seconded the motion. The motion carried with Kubert, Langemeier, Saxton, Woodle and Barkley voting aye.

**C. CONSIDERATION OF APPLICANTS**

**1. CREDENTIALING AS NEBRASKA REAL PROPERTY APPRAISER:**

Board Member Kubert moved to take the following actions for the applicants as listed:

- T14001 / Approved as trainee real property appraiser.**
- T14002 / Approved as trainee real property appraiser.**
- T14003 / Approved as trainee real property appraiser.**
- T14004 / Approved as trainee real property appraiser.**
- T14005 / Approved as trainee real property appraiser.**
- T14006 / Approved as trainee real property appraiser.**

Board Member Woodle seconded the motion. Motion carried with Kubert, Woodle, Saxton, Langemeier and Barkley voting aye.

Board Member Kubert moved to take the following actions for credentialing applicants as listed:

- CR14001 / Denied**
- CG14002R / Approved**
- CG14003R / Hold**
- CG14001 / Approved to sit for exam and select three reports for Standard 3 review.**
- CG14002R / Approved**
- CG14003R / Approved**
- CG14004R / Approved**
- CG14005R / Approved**
- CG14006R / Hold**
- CG14007R / Approved**
- CG13016 / Denied**
- CR13017 / Hold**
- CG13022 / Approved**
- CR13015 / Invite to advisory meeting. Board Member Barkley assigned.**
- L13002 / Invite to advisory meeting. Board Member Barkley assigned.**
- CR13006 / Hold**
- CR13014 / Hold**
- CG13009 / Request true copy of workfile and invite to advisory meeting. Board Member Barkley assigned.**

Board Member Woodle seconded the motion. Motion carried with Saxton, Langemeier, Woodle, Kubert and Barkley voting aye.

Board Member Woodle moved to take the following action for the credentialing applicant as listed:

**CG13019 / Hold; open Inquiry I14-6. Board Member Kubert appointed as Investigating Board Member.**

Board Member Saxton seconded the motion. Motion carried with Woodle, Langemeier, Saxton and Barkley voting aye. Kubert abstained.

**D. REGISTRATION AS APPRAISAL MANAGEMENT COMPANY:**

Board Member Kubert moved to take the following actions for the AMC applicants as listed:

**NE2013021 / Approved; send advisory letter.**

**NE2012022 / Approved**

Board Member Langemeier seconded the motion. Motion carried with Kubert, Saxton, Langemeier, Woodle and Barkley voting aye.

**E. CONSIDERATION OF DISCIPLINARY ACTIONS/ ENFORCEMENT MATTERS:**

Vice Chair Kubert moved to take the following enforcement actions:

**11-12 / Dismissed without prejudice.**

**12-11 / Hold**

**12-20 / Hold**

**12-27 / Dismissed without prejudice.**

**13-06 / Hold**

**13-09 / Hold**

**13-14 / Hold; send reports for Standard 3 review once received.**

**13-15 / Hold; send reports for Standard 3 review once received.**

**14-01 / Closed; Inquiry I14-7 opened.**

**14-02 / Closed; Inquiry I14-8 opened.**

**14-03 / Closed; include with Inquiry I14-8.**

**14-04 / Closed; include with Inquiry I14-8.**

**14-05 / Closed; Inquiry I14-9 opened.**

**14-06 / Closed; Inquiry I14-10 opened.**

**14-10 / Dismissed without prejudice.**

Board Member Woodle seconded the motion. Motion carried with Saxton, Langemeier, Woodle, Kubert and Barkley voting aye.

Board Member Woodle moved to take the following enforcement actions:

**12-24 / Hold**

**12-29 / Hold**

**12-31 / Dismissed without prejudice; send advisory letter.**

**13-18 / Hold**

**13-19 / Hold**

**13-27 / Invite to informal meeting.**

Board Member Saxton seconded the motion. Motion carried with Woodle, Langemeier, Saxton and Barkley voting aye. Kubert abstained.

Vice Chair Kubert moved to take the following enforcement actions:

**12-06 / Hold**  
**13-10 / Consent Agreement signed by Board Chair.**  
**13-13 / Hold**  
**13-23 / Consent Agreement signed by Board Chair.**  
**13-24 / Hold**  
**13-25 / Hold**  
**13-26 / Hold**

Board Member Langemeier seconded the motion. Motion carried with Saxton, Langemeier, Woodle and Kubert voting aye. Barkley abstained.

Vice Chair Kubert moved to take the following enforcement actions:

**13-21 / Approved revised Consent Agreement with amendments.**

Board Member Saxton seconded the motion. Motion carried with Langemeier, Saxton, Kubert and Barkley voting aye. Woodle abstained.

Board Member Woodle moved to take the following enforcement actions:

**12-21 / Send advisory letter concerning workfile, inform Respondent of alleged violation of the Consent Agreement and ask for response, and invite to informal meeting. Board Member Kubert appointed as Investigating Board Member.**

Board Member Langemeier seconded the motion. Motion carried with Saxton, Langemeier, Woodle and Barkley voting aye. Kubert abstained.

Vice Chair Kubert moved to take the following enforcement actions:

**14-07 / Invite to informal meeting. Board Member Woodle appointed as Investigating Board Member.**  
**14-08 / Invite to informal meeting. Board Member Woodle appointed as Investigating Board Member.**  
**14-09 / Invite to informal meeting. Board Member Woodle appointed as Investigating Board Member.**

Board Member Langemeier seconded the motion. Motion carried with Kubert, Saxton, Langemeier and Barkley voting aye. Woodle abstained.

## **F. CONSIDERATION OF OTHER EXECUTIVE SESSION ITEMS**

The Board discussed the response received concerning inquiry I13-7.

The Board discussed the response received concerning inquiry I14-1.

The Board discussed the response received concerning inquiry I14-2.

The Board discussed the response received concerning inquiry I14-3.

The Board discussed the response received concerning inquiry I14-9.

The Board discussed the response received concerning inquiry I14-10.

The Board received information that a non-credentialed individual may be engaged in real property appraisal activity without first obtaining a credential issued by the Board. This individual may be in violation of Neb. Rev. Stat. §76-2220 and §76-2246.

The Board reviewed a written request on behalf of a potential applicant to use a log format not currently approved by the Board. The format would be utilized to report the potential applicant's mass appraisal experience.

Vice Chair Kubert moved to take the following actions for other executive session items:

**I13-4 / Hold**

**I13-6 / Hold**

**I13-7 / Closed; send advisory letter.**

**I14-1 / Closed; send cease and desist letter and carbon copy the Indiana Real Estate Appraiser Licensure and Certification Board. Send copy of appraisal report to the Indiana Real Estate Appraiser Licensure and Certification Board.**

**I14-2 / Closed; send cease and desist letter.**

**I14-3 / Closed; send cease and desist letter.**

**I14-9 / Closed; send cease and desist letter.**

**I14-10 / Closed; send cease and desist letter**

**Item 5 / Hold**

**Item 6 / Send letter informing requestor that the log format is approved for mass appraisal experience as requested with included notification as to what work is USPAP compliant or not. In addition, inform requestor of the experience requirements outlined in the Statutes, Rules, and Board Policies. Although the Board approved this format for mass appraisal, the Board's current log format must be utilized for all other appraisal experience.**

Board Member Saxton seconded the motion. Motion carried with Kubert, Langemeier, Woodle, Saxton and Barkley voting aye.

## **R. ADJOURNMENT**

Board Member Kubert moved to adjourn the meeting. Board Member Saxton seconded the motion. Motion carried with Kubert, Woodle, Langemeier, Saxton and Barkley voting aye.

At 4:00 p.m. Chairman Barkley adjourned the February 20, 2014 meeting of the Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz  
Director

These minutes were available for public inspection on March 6, 2014, in compliance with Nebraska Statute §84-1413 (5).