

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

April 24, 2014 Meeting Minutes

A. OPENING

Chairman Philip Barkley called to order the April 24, 2014 meeting of the Nebraska Real Property Appraiser Board at 9:02 a.m., in conference room "A" 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 April 22, 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, Chris Langemeier, and Larry Saxton were present. Also present were Director, Tyler Kohtz, Compliance and Education Specialist, Joya Weir, and Business and Licensing Specialist, Natasha Olsen. Board Member Marc Woodle was absent and excused.

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, Kubert, Langemeier 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 9:04 a.m. Board Member Langemeier seconded the motion. The motion carried with Langemeier, Kubert, Saxton and Barkley voting aye.

Break from 10:15 a.m. to 10:29 a.m.

Break from 11:42 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, Langemeier, Kubert and Barkley voting aye.

LYNNE HEIDEN APPEARANCE – 12:00 PM

Lynne Heiden appeared before the Board to discuss the Board's requirement that all core curriculum qualifying education be AQB approved. Ms. Heiden began by providing some history regarding qualifying education approval. She indicated that all qualifying education used to be approved by the Board, and in 2009, the Board changed its policy to require AQB approval for qualifying education courses. Ms. Heiden brought attention to another provider currently offering AQB approved qualifying education, and indicated that this organization will not be renewing its AQB approval for qualifying education because of the lack of market demand. Ms. Heiden continued by saying that the Board's requirement will reduce the number of qualifying education opportunities within the State of Nebraska for individuals wishing to become credentialed, which is a problem considering the current trends in the profession. She stated that she could, and would be willing to, develop qualifying education courses that are equivalent, if not more informative, than those that currently have AQB approval. Ms. Heiden asked that the Board consider removing the requirement to allow her to fill the gap that will be left when the above mentioned provider's courses are no longer AQB approved. She went on to say that AQB approval is expensive, around \$3500.00 per course, and it is not cost effective for her to develop courses and submit them for AQB approval.

Chairman Barkley asked if it is correct that the above mentioned provider sees a lack of market to offer AQB approved qualifying education. Ms. Heiden responded that there is a market, but it is different for each provider. The Chairman indicated that the Board relies on the AQB approval because it does not have the resources or expertise to effectively evaluate a qualifying education course. Chairman Barkley then asked Ms. Heiden, as a former board member, how would you recommend that the Board evaluate these courses. Ms. Heiden responded that the current Board does have the expertise to evaluate qualifying education courses, and the AQB provides the tools to help with evaluation. She finished by stating that she could develop better materials; many of the AQB courses do not adequately teach appraisers. Board Member Kubert asked if providers develop their own exams. Ms. Heiden responded, yes, course providers develop their own exams, and those exams should reflect the course material.

Ms. Heiden closed by suggesting that one option for the Board may be a contractor to review qualifying education courses. The contractor could review the course and make a recommendation to the Board. Board Member Kubert asked Ms. Heiden if she knew what a contractor would cost. Ms. Heiden responded, no, but she anticipates that the costs would be passed on to the provider. Chairman Barkley asked how long a review takes, and Ms. Heiden indicated around two months for a new qualifying education course, and half that time for a renewal. Chairman Barkley then asked what insurance a contractor would provide. Ms. Heiden indicated that she did not know.

Ms. Heiden thanked the Board for the opportunity to appear, and informed the Board that she would be willing to return to discuss this matter in more detail if the Board would like. Chairman Barkley thanked Ms. Heiden for the information, and indicated that the Board will have to discuss this information.

Break from 12:49 p.m. to 1:00 p.m.

JEFF WICKHAM, JEREMY MCCARTY, SERGIO PILLADO, TODD STEVENS, AND WILLIAM BLAKE APPEARANCE – 1:00 PM

Bill Blake, Special Assistant Attorney General for the Board, and the Board discussed guidelines for the phone appearance by Jeff Wickham, Jeremy McCarty, Sergio Pillado and Todd Stevens. Mr. Blake recommended that the Board listen to the presentation and ask questions, but refrain from offering any opinions until it has the opportunity to discuss the matter. Chairman Barkley asked Mr. Blake to lead the conference, and Board Member Saxton asked Mr. Blake to make it clear that the Board does not intend to answer any questions.

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Todd Stevens thanked the Board for the opportunity to appear. Mr. Blake then explained the procedures to Mr. Stevens, and added that the Board does not approve forms. Sergio Pillado began by explaining the appraisal process used by Valligent, and how the form fits into the process. Mr. Pillado stated that the appraisal property is inspected and the information is provided to the appraiser, who has the tools available to do the analysis. The report has an AVM section, and that data may or may not be reasonable depending on the market. Ultimately, the appraiser takes ownership of the conclusion.

Jeff Wickham offered that Valligent wants to be compliant with Nebraska law, and stated that the organization was started as an AMC, but has expanded services. Valligent worked with an AQB certified instructor while developing the form. Mr. Blake asked if more explanation can be provided regarding the process. Mr. Stevens responded that the form is used in all but three to four states. Mr. Blake followed by asking Mr. Stevens to explain the comparison technique used. Mr. Stevens indicated that all necessary adjustments are made and included in the workfile. Mr. Stevens continued by saying that the form the Board is looking at is the True-Risk Form that uses public information; AVM information is utilized by the appraiser as a reference, and to provide a standard to the lender for comparison when they run an AVM. Mr. Pillado added that it is the appraiser's responsibility to provide the most affordable conclusion. Mr. Stevens thanked the Board for the opportunity, and Mr. Wickham also thanked the Board, and indicated that it shows that the Board is willing to work with them.

Board Member Kubert made a motion to amend the agenda to consider Agenda Item N, number 7, Valligent eVOLV Appraisal Form, prior to Agenda Item G, Welcome and Chair's Remarks. Board Member Langemeier seconded the motion. The motion carried with Saxton, Langemeier, Kubert and Barkley voting aye.

N. NEW BUSINESS

7. VALLIGENT eVOLV APPRAISAL FORM: A discussion took place regarding the Valligent eVolv Appraisal Form. Board Member Saxton stated that the form is very difficult to understand, and is not sure how an appraisal report can be USPAP compliant on this form. Chairman Barkley mentioned that the Board does not evaluate forms. If a grievance is filed concerning an appraisal report, the format used for the report is immaterial; all appraisal reports must be USPAP compliant. The Board agreed that it has no opinion on the eVolv Appraisal Form.

Break from 2:00 p.m. to 2:07 p.m.

G. WELCOME AND CHAIR'S REMARKS

Chairman Barkley welcomed guest to the meeting. The Chairman then brought attention to Diane Moore's hand injury, and wished her a speedy recovery. Diane Moore and Lynne Heiden were the only public members in attendance.

H. BOARD MEETING MINUTES

1. APPROVAL OF MARCH 20, 2014 MEETING MINUTES

Chairman Barkley asked for any additions or corrections to the March 20, 2014 minutes. Board Member Kubert brought attention to item "E" on under Section L on Page 4, and indicated that this course instructor was not included in the motion for instructor approval. Director Kohtz verified this instructor status, and responded that item "E" will be removed from the motion in the minutes. Board Member Kubert also stated that the action for 14-22 through 14-25 under Section E on Page 11 should include "Board Member Kubert appointed as the Investigating Board Member." 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 Langemeier seconded the motion. The motion carried with Saxton, Langemeier, Kubert and Barkley voting aye.

I. DIRECTOR'S REPORT

Director Kohtz presented twelve charts outlining the number of appraisers and AMCs as of April 24, 2014. The Director summarized each chart and reported the number of appraisers as follows: 74 total Licensed, 70 resident and 4 reciprocal; 215 total Certified Residential, 176 resident and 39 reciprocal; 385 total Certified General, 254 resident and 131 reciprocal; and 5 Registered for a total of 679 appraisers. The total number of appraisers is up 4 from March, and up 3 from April 2013. The Director also informed the Board that there are 44 Trainees, which is equal to March, and up 36 from April 2013. Director Kohtz noted the decline in the number of Licensed appraisers during the past year, while also noting that the Certified Residential and Certified General appraiser counts continue to improve from month to month.

In addition, the Director addressed the number of temporary permits issued. There were 11 permits issued in March compared to 9 permits issued in February. As of March 31, 2014, 24 temporary permits have been issued for the calendar year. Director Kohtz indicated that the number of temporary permits issued appears to have regained some consistency; this will continue to be monitored from month to month. Finally, Director Kohtz reported 107 AMCs registered, and no new AMC applications have been submitted since the last meeting.

J. FINANCIAL REPORT – APRIL 2014

The receipts and expenditures for March were reviewed by the Director by line item with the Board. Director Kohtz provided details related to some specific March expenses. Chairman Barkley asked what the "Publication and Print Expenses" on page J.6 were for. Director Kohtz indicated that he believed the expenses were for the copier contract paid on a quarterly basis, but he wanted to check before committing to that. Director Kohtz followed by stating that he will report back on this expense. For the Real Property Appraiser Program, which includes both the appraiser fund and the AMC fund, a total of \$22,808.67 in expenditures and \$31,855.56 in revenues were reported. As of the end of March, expenses amount to 61.82 percent of the budgeted expenditures for the fiscal year; 75.07 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 March 2014 budget reports for audit. Board Member Langemeier seconded the motion. The motion carried with Kubert, Langemeier, Saxton and Barkley voting aye.

K. GENERAL PUBLIC COMMENTS

Chairman Barkley asked for any public comments. Diane Moore informed the Board that Board Member Woodle was the first person through the door for the 7-Hour USPAP Update Course. With no further comments, the Chair proceeded to education.

L. EDUCATION

Board Member Kubert moved to approve the following instructor request as listed:

A. Department of Urban Development (HUD)

1. Gregory Schroeder

a. The FHA Appraisal (C21057)

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

M. UNFINISHED BUSINESS

- 1. COUNTY APPRAISER CONTRACTS UPDATE:** Compliance and Education Specialist Weir presented a report regarding county contracts for appraisal services as reported on the 2014 TERC documents. Although the list is much smaller than the original report in 2012, it appears that a few counties still hold contracts with non-credentialed individuals for appraisal services. The Board agreed that discussion pertaining to the specified contractors should continue during the discussion of specific open Board Inquiries. Board Member Kubert asked Compliance and Education Specialist Weir to follow up with the specified counties to inquire about the contracted appraisal services.
- 2. NRPAB FACEBOOK PAGE:** Director Kohtz and Business and Licensing Specialist Olsen presented the NRPAB Facebook page to the Board for review. A discussion took place regarding the use and control of the page. Director Kohtz informed the Board that the Facebook page would be a medium to get information to the appraiser community quickly. The Facebook page may reference information on the Board's website, or in a Memo From the Board, but it will not be detailed information. The Director showed the Board some examples of what might be found on the Facebook page, and provided reasoning as to why. Chairman Barkley asked how the posts and comments will be monitored. Director Kohtz responded that he is responsible for staff posts. The staff has discussed expectations for content on the Facebook page and appears to understand what is and is not appropriate. Director Kohtz will monitor the posts. Business and Licensing Specialist Olsen indicated that all comments will be submitted to her for approval before showing up on the Facebook page. Any comment that does not meet the requirements specified in the disclaimer and instructions will not be posted. Director Kohtz was asked how the appraiser community will be notified about the Facebook page. The Director responded that the Facebook hyperlink icon will be placed on the website, email signatures, and other correspondence. In addition, with Board approval, a Memo From the Board will be sent to the appraiser community. Board Member Kubert made a motion to make the NRPAB Facebook page publicly available and send a Memo From the Board informing the appraiser community of the NRPAB Facebook page. Seconded by Langemeier. The motion carried with Kubert, Langemeier, Saxton and Barkley voting aye.

N. NEW BUSINESS

- 1. AARO CONFERENCE REPORT:** Director Kohtz provided a summary of the 2014 Spring AARO Conference held in San Francisco, CA. The Director indicated that day one included updates from the Appraisal Subcommittee, Appraisal Foundation, and from various AF boards. The Director made note of a few points from day one; specifically, the complaint hotline has had a minimal impact on state regulatory agencies operations, the national decline in appraiser credentials appears to be leveling off, states will have three years to implement the AMC Federal Registry, which becomes effective on February 9, 2015, a new session has been added to investigator training, which covers report writing and administrative functions, and the effective date for the background check requirement has been pushed back to 2017.

Director Kohtz indicated that day two was much more entertaining. There was some good information provided on background checks. The Director mentioned that it is recommended that both misdemeanors and felonies are considered, and that time elapsed since infraction, all court ordered sanctions, type of offence, mitigating or aggravating circumstances, character witnesses, attitude and cooperation, and what happens during and after the infraction and court proceedings are taken into consideration as well. Director Kohtz indicated that the Board is currently applying the majority of these recommendations while evaluating backgrounds. The most important factor is that the evaluation standards are applied consistently.

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The Director considered Rachel Dollar's presentation very entertaining, and made note of a statement made regarding AMC assignment requests. Ms. Dollar mentioned that AMC assignment requests should contain enough information for an appraiser to determine competency. The Director stated that he has seen many AMC assignment requests that contain very little information. Director Kohtz asked Chairman Barkley if he has had any issues with this. Chairman Barkley responded that many AMC assignment requests contain little information, but that may also be the result of the AMC knowing very little about the assignment. Chairman Barkley continued by saying that tools are available for an appraiser to find the information needed to determine if he or she is competent to perform the work.

Director Kohtz asked Chairman Barkley and Board Member Kubert to provide an update on day three. Board Member Kubert offered an interesting fact learned during day three. Not long ago 80% of residential appraisal work was through AMCs, and that number is now down to 60%. Board Member Kubert also brought attention to an interesting conversation regarding AMCs now attempting to gain places on state boards, or at least establish committees to have a greater influence on policy making. Chairman Barkley added that it is recommended that supervisory appraiser/trainee courses have two parts, the first half should cover federal requirements and the second half should cover state specific requirements. In addition, courses should be tested and cover education, log requirements, record keeping, and laws.

2. **AQB APPROVAL REQUIREMENT FOR BOARD APPROVED QUALIFYING EDUCATION:** No discussion. The Board asked that this item be placed on the May agenda for discussion.
3. **BAD REVIEWS ARTICLE:** Board Member Saxton presented an article titled "Bad Reviews" to the Board for review. Board Member Saxton reiterated the importance of appraisers understanding the liability associated with the work. The other board members agreed with Board Member Saxton's assessment.
4. **COMPLIANCE AND EDUCATION SPECIALIST POSITION:** Director Kohtz updated the Board on the hiring process for the Compliance and Education Specialist position. The Director indicated that the job posting has been extended another week because of the small candidate pool. To date, four applicants have been offered the second round assessment, and an interview has been extended to one applicant. Director Kohtz stated that he hopes to have the hiring process complete before the next board meeting.
5. **NRPAB WEBSITE UPDATE:** Director Kohtz informed the Board that staff has been hard at work updating the website. Finding information is now more structured, the text and hyperlinks are now uniform, and the website has a cleaner appearance. Director Kohtz asked if the Board had any questions. Chairman Barkley asked if the "Appraiser Listing" can be moved back to the main page, and asked if a button at the top of the page could be created. Director Kohtz indicated that the "Appraiser Listing" will be moved to the main page, and as long as the costs are reasonable, a button will be added to the top of the page for "Appraiser Listing." There were no further comments or inquiries.

6. **PROPOSED RULES CONCERNING THE MINIMUM REQUIREMENTS FOR AMCS:** Director Kohtz presented the proposed rules that would implement minimum requirements for AMCs issued by six federal agencies to the Board for review. Director Kohtz indicated that he has reviewed the rules, and found only one discrepancy in the AMC Registration Act. The AMC Registration Act does not address the AMC Federal Registry. Director Kohtz indicated that he will review the rules in greater detail once they are finalized. Chairman Barkley stated that he also reviewed the proposed rules and agrees with Director Kohtz's assessment.

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:

LB717 – LB717 was signed by the Governor on April 9, 2014.

LB719 – LB719 was signed by the Governor on April 15, 2014.

2. **LR499:** Director Kohtz presented LR499 to the Board for review. LR499 proposes a study of the Nebraska Real Property Appraiser Act to determine if an update should be made. Director Kohtz informed the Board that he and the Banking, Commerce, and Insurance Committee's legal counsel, Bill Marienau, have discussed the possibility, but nothing more. The Director continued by saying he was surprised when he found out that LR499 was introduced. Chairman Barkley asked what this study would entail. Director Kohtz indicated that it would be a way to bring all parties together to reach a resolution to some of the issues found in LB685. The study would also involve the Banking, Commerce, and Insurance Committee, which helps the Senators develop an understanding for what the Board would like to accomplish with legislation, and increase the likelihood of a bill moving out of committee and developing support. Director Kohtz asked Board Member Langemeier what the pros and cons would be for involvement with this study. Board Member Langemeier indicated that the pros are that Senators would be more comfortable with the legislation that results from the study, and there aren't really any cons; you might not get the exact legislation that you were aiming for because other parties will have influence. The biggest concern would be the study may not take place at all. These things are introduced all the time and nothing ever becomes of them. Director Kohtz asked for a recommendation for how to proceed. Board Member Langemeier requested that Director Kohtz contact Mr. Marienau and ask what the chances are that this study takes place. Director Kohtz indicated that he will contact Mr. Marienau and provide an update at the May meeting.
3. **TITLE 298:** Director Kohtz informed the Board that he will begin updating Title 298 during the next couple months. The update will reflect the changes found in LB717, clean up the language, and address some administrative issues faced by the Board. Director Kohtz indicated that he will make drafts available as they become ready. Chairman Barkley asked what the process will be. Director Kohtz responded that the changes will be drafted and reviewed by the Board, after the Board approves the changes they will be sent to the Attorney General's office for review, any required changes will be made and the draft rules will be presented to the Board for another review, after Board approval, the hearing will be held.

P. BOARD POLICIES AND PROCEDURES

1. **BOARD POLICIES**
 - a. **Current Board Policies:** No discussion.

2. **NRPAB STANDARD 3 REVIEWER PROGRAM**

- a. **Standard 3 Reviewer Current Qualifications:** Director Kohtz presented the Standard 3 Reviewer Current Qualifications to the Board for review. The Director informed the Board that no action is required, but he wanted the Board to see the final version approved at the March meeting. The Board was content with the qualifications as approved in March and no further discussion took place.
- b. **Standard 3 Reviewer Affidavit:** Director Kohtz presented the Standard 3 Reviewer Affidavit to the Board for review. The Director indicated that this affidavit will be sent with all future Standard 3 reviewer contracts to help the reviewer understand the responsibilities and expectations associated with accepting the review assignment. With no further discussion, Board Member Kubert made a motion to approve the Standard 3 Reviewer Affidavit as presented. The motion was seconded by Langemeier, and carried with Saxton, Kubert, Langemeier and Barkley voting aye.

3. **CONSENT AGREEMENT REFERENCE CHECKLIST:** Director Kohtz presented the Consent Agreement Reference Checklist to the Board for review. The checklist was created at the request of Board Member Kubert to assist with the consent agreement process. Director Kohtz indicated that the checklist was created to be used as an internal reference tool for the Compliance and Education Specialist, and a board member appointed as the Investigating Board Member for a Grievance; there are no intentions of this becoming an official document for the record. Board Member Langemeier indicated that it looks official, and asked how anybody would know it is not an official document. Board Member Langemeier followed by saying that the logo and address should be removed if the document is not intended to be an official document. Director Kohtz indicated that this could be done. Board Member Kubert asked why this document would not be part of the official record. Director Kohtz expressed concern with this document becoming a crutch for future boards. The document could easily be used as a form for disciplinary action, which negates the point of evaluating a Grievance and determining an appropriate action. Director Kohtz indicated that another concern is that if this form becomes a part of the file and is discoverable; it may be used in a hearing to prove that the disciplinary action was predetermined and not the result of careful consideration. Compliance and Education Specialist Weir added that research should be done, and the recommended disciplinary action should be presented to the Board for consideration by the Compliance and Education Specialist and the Investigating Board Member, if the Compliance and Education Specialist is doing the job correctly. Chairman Barkley asked if Bill Blake has given an opinion on the checklist. Director Kohtz responded that Mr. Blake has not reviewed it. Chairman Barkley asked that staff seek Mr. Blake's opinion and report back at the May meeting. No action taken.

Q. **OTHER BUSINESS**

1. **BOARD MEETINGS**

- a. **Strategic Planning Board Meeting Date:** Director Kohtz asked for date recommendations for the 2014 Strategic Planning Meeting. A discussion took place regarding potential June dates, but no consensus was reached. The Board agreed to revisit this item at the May meeting.

2. **CONFERENCES/EDUCATION:** No discussion.

3. **MEMOS FROM THE BOARD:** Director Kohtz received a phone call from Lincoln appraiser, Jeff Danek, requesting that the Board send an email to appraisers informing them that some students at UNL may be looking for a supervisor to enter into the appraiser profession. Mr. Danek indicated that he gives presentations to a certain professor's class occasionally, and was approached by students asking how to find a supervisor. Director Kohtz informed Mr. Danek that he will present his information to the Board for consideration that a Memo From the Board be drafted to provide the professor's contact information, and inform appraisers that this professor may have some students interested in becoming appraisers. Chairman Barkley indicated that the Board has protected itself from this process in the past. Board Member Kubert indicated that it may create an unfair advantage because the Board would be favoring one source over any other, which goes against the Board's ongoing position. Director Kohtz stated that he will inform Mr. Danek of the Board's views.

Break from 3:20 p.m. to 3:33 p.m.

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 3:33 p.m. Board Member Langemeier seconded the motion. The motion carried with Kubert, Langemeier, Saxton and Barkley voting aye.

Board Member Kubert moved to come out of executive session at 4:51 p.m. Board Member Langemeier seconded the motion. The motion carried with Saxton, Langemeier, Kubert 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:

T2014002 / Approve Additional supervisory appraiser.

T2014018 / Approve Additional supervisory appraiser.

T14008 / Approve as Trainee Real Property Appraiser.

T14009 / Approve as Trainee Real Property Appraiser.

T14010 / Approve as Trainee Real Property Appraiser.

T14011 / Approve as Trainee Real Property Appraiser; send advisory letter.

T14012 / Approve as Trainee Real Property Appraiser.

CR14007R / Approve as Certified Residential Real Property Appraiser.

CR14008R / Approve as Certified Residential Real Property Appraiser.

CR14009R / Approve as Certified Residential Real Property Appraiser.

CG14014 / Approve to sit for exam and select three reports for Standard 3 review.

CG14015 / Request applicant to verify experience.

CG14017R / Approve as Certified General Real Property Appraiser.

CG14018R / Approve as Certified General Real Property Appraiser.

CG14019R / Approve as Certified General Real Property Appraiser.

CG14016R / Approve as Certified General Real Property Appraiser.

CR13015 / Hold

L13002 / Request true copy of next two appraisal reports for traditional clients completed after April 24, 2014, and request workfiles for those appraisal reports.

CR13014 / Hold

CG14001 / Hold

CG14003R / Request documentation evidencing disciplinary action resolution.

CG14006R / Hold

L14001 / Offer applicant the opportunity to submit appraisal reports within 5 days or withdraw application.

CR14006 / Hold

CG14011 / Hold

CG14008 / Deny

CG14010 / Hold

CR13009 / Send appraisal reports and workfiles for Standard 3 review.

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

D. REGISTRATION AS APPRAISAL MANAGEMENT COMPANY:

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

NE2014003 / Approve

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

E. CONSIDERATION OF DISCIPLINARY ACTIONS/ ENFORCEMENT MATTERS:

Vice Chair Kubert moved to take the following enforcement actions:

12-11 / Amend Consent Agreement to include requested course; all other terms stand.

13-06 / Hold

13-09 / Hold

13-14 / Hold

13-15 / Hold

13-10 / Hold

13-13 / Request true copy of appraisal report and workfile.

13-23 / Hold

13-24 / Hold

13-25 / Hold

13-26 / Consent Agreement signed by Board Chair.

14-15 / Send appraisal report and workfile for Standard 3 review.

14-16 / Hold

14-17 / Hold

14-18 / Hold

14-19 / Hold

14-20 / Hold

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

Board Member Langemeier moved to take the following enforcement actions:

12-21 / Close

12-24 / Hold

12-29 / Hold

13-18 / Hold

13-19 / Hold

13-27 / Consent Agreement signed by Board Chair.
14-21 / Invite to informal meeting.
14-22 / Send appraisal report and workfile for Standard 3 review.
14-23 / Send appraisal report and workfile for Standard 3 review.
14-24 / Send appraisal report and workfile for Standard 3 review.
14-25 / Send appraisal report and workfile for Standard 3 review.
14-26 / Open Investigation 14-26; send appraisal report and workfile for Standard 3 review. Board Member Kubert appointed as Investigating Board Member.

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

Vice Chair Kubert moved to take the following enforcement actions:

13-21 / Hold
14-12 / Dismiss without prejudice; send advisory letter.
14-13 / Dismiss without prejudice; send advisory letter.
14-14 / Dismiss without prejudice; send advisory letter.

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

Vice Chair Kubert moved to take the following enforcement actions:

14-11 / Send appraisal report and workfile for Standard 3 review.

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

F. CONSIDERATION OF OTHER EXECUTIVE SESSION ITEMS

The Board discussed new information concerning I13-4, which revealed new information concerning closed inquiry I13-7. Two individuals appear to be offering appraisal services to Nebraska counties without first obtaining proper credentialing by the Board.

The Board discussed inquiry I13-6. This matter appears to have been resolved.

The Board discussed the response received concerning inquiry I14-12.

The Board discussed a letter and supporting documentation received from a Respondent in a previous Board investigation. The Respondent alleged that the review completed on the subject appraisal report contained violations of USPAP, and was biased. The former Respondent asked that the Board open an investigation against the review appraiser.

The Board discussed inquiry I14-13 concerning an appraisal report received at the Board's office, in which the appraiser may have failed to exercise reasonable diligence in the preparation of the appraisal report. In addition, the appraiser may have been negligent in the communication of the appraisal report. This appraiser may be in violation of Neb. Rev. Stat. § 76-2237 and N.R.S. § 76-2238 (13), (14).

The Board discussed personnel matters.

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

- I13-4 / Send letter inquiring about appraisal services provided.**
- I13-6 / Close**
- I13-7 / Reopen inquiry and send letter inquiring about appraisal services provided.**
- I14-9 / Hold**
- I14-11 / Hold**
- I14-12 / Obtain copy of hearing transcript and send cease and desist letter.**
- I14-13 / Close; open investigation 14-27 for the alleged violation of Neb. Rev. Stat. § 76-2237 and N.R.S. § 76-2238 (13), (14), and request true copy of appraisal report and workfile and send for Standard 3 review. Board Member Kubert assigned as Investigating Board Member.**
- Item 6 / Hold**

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

R. ADJOURNMENT

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

At 4:57 p.m. Chairman Barkley adjourned the April 24, 2014 meeting of the Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz
Director

These minutes were available for public inspection on April 9, 2014, in compliance with Nebraska Statute §84-1413 (5).