

**NEBRASKA REAL PROPERTY APPRAISER BOARD  
NRPAB OFFICE MEETING ROOM, FIRST FLOOR  
NEBRASKA STATE OFFICE BUILDING  
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

**December 19, 2019 Meeting Minutes**

**A. OPENING**

Board Member Mustoe called to order the December 19, 2019 meeting of the Nebraska Real Property Appraiser Board at 9:00 a.m., in the Nebraska Real Property Appraiser Board meeting room located on the first floor of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

**B. NOTICE OF MEETING**

Board Member Mustoe 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 on the State of Nebraska Public Calendar found at [www.nebraska.gov](http://www.nebraska.gov) on December 10, 2019. 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, 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, Thomas Luhrs of Imperial, Nebraska, Christopher Mustoe of Omaha, Nebraska, Gary McCormick of North Platte, Nebraska, and Wade Walkenhorst of Lincoln, Nebraska were present. Also present were Director Tyler Kohtz, Business and Licensing Specialist Allison Nespor, and Administrative Specialist Katja Duerig, who are all headquartered in Lincoln, Nebraska. Board Member Benjamin Hynek was absent and excused.

**ADOPTION OF THE AGENDA**

Board Member Mustoe 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 Luhrs moved to adopt the agenda as printed. Board Member McCormick seconded the motion. With no further discussion, the motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

Board Member McCormick moved that the Board go into executive session for the purpose of reviewing applicants for credentialing; applicants for appraisal management company registration; investigations; pending litigation, or litigation which is imminent as evidenced by communication of a claim or threat of litigation; and employee performance evaluation. A closed session is clearly necessary to prevent needless injury to the reputation of those involved. Board Member Luhrs seconded the motion. The time on the meeting clock was 9:03 a.m. The motion carried with McCormick, Luhrs, Walkenhorst and Mustoe voting aye.

Board Member Luhrs moved to come out of executive session at 9:31 a.m. Board Member Walkenhorst seconded the motion. The motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

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

Board Member Mustoe greeted the public, wished everyone happy holidays, and expressed his hope for all present to have a good finish to the year and start of a new year. Diane Moore and Roger Morrissey were the only members of the public present.

## **H. RECOGNITION OF OUTGOING BOARD MEMBER**

The Board recognized outgoing board member Gary McCormick and thanked him for his service. Board Member Mustoe also thanked Board Member McCormick for the knowledge he provided to the Board during his term. Board Member Mustoe then presented Board Member McCormick with a plaque and the past board member pin. Board Member McCormick remarked that he had enjoyed his time serving on the Board, and that he has had good experiences working with the professional, dedicated Board and full-time staff. Director Kohtz thanked Board Member McCormick for the recognition, and indicated that he and the staff have enjoyed serving him as well.

## **I. BOARD MEETING MINUTES**

### **1. APPROVAL OF NOVEMBER 21, 2019 MEETING MINUTES**

Board Member Mustoe asked for any additions or corrections to the November 21, 2019 meeting minutes. With no further discussion, Board Member Mustoe called for a vote. Board Member Luhrs moved to adopt the November 21, 2019 meeting minutes as presented. Board Member Walkenhorst seconded the motion. The motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

## **J. DIRECTOR'S REPORT**

### **1. APPRAISER COUNT REPORT**

Director Kohtz presented seven charts outlining the number of appraisers as of December 19, 2019. The Director indicated that a more detailed report will be provided at the January meeting, and asked for any questions or comments. There was no further discussion.

### **2. TEMPORARY CREDENTIAL REPORT**

Director Kohtz presented three charts outlining the number of temporary permits issued as of November 30, 2019. The Director indicated that a more detailed report will be provided at the January meeting, and asked for any questions or comments. There was no further discussion.

### **3. SUPERVISORY APPRAISER COUNT REPORT**

Director Kohtz presented two charts outlining the number of supervisory appraisers as of December 19, 2019. The Director informed the Board that trends were stable, and then asked for any questions or comments. There was no further discussion.

### **4. AMC COUNT REPORT**

Director Kohtz presented two charts outlining the number of AMCs as of December 19, 2019. The Director informed the Board that trends were maintaining, and then asked for any questions or comments. There was no further discussion.

## **5. CREDENTIAL RENEWAL REPORT**

Director Kohtz presented two charts outlining the credential renewals progress through December 19, 2019. Director Kohtz reported that there are 488 applications due this year; of them, 380 have been processed, and 32 are pending for Board approval. The Director commented that 94% of credential holders are projected to renew this year, and 85% had already been processed or received. The Director indicated that the number of approved applications by percentage is a little behind last year, but in line with two years ago. Director Kohtz then informed the Board that one last push of credential renewal applications will occur before January 1st. There was no further discussion.

## **K. FINANCIAL REPORT AND CONSIDERATIONS – DECEMBER 2019**

### **1. APPROVAL OF NOVEMBER RECEIPTS AND EXPENDITURES**

The receipts and expenditures for November were reviewed by the Director by line item with the Board in the Budget Status Report. Director Kohtz brought attention to the \$9,297.38 Data Processing Expense. The Director reported that this expenditure, while still high, is lower than in recent months. Director Kohtz added that this expenditure is primarily attributed to work on the online renewal application and EFT payment function. The Director then moved on to the \$66.70 Freight expense and \$787.50 Office Supplies expense. The Director reported that these expenditures pertain to the order of, and shipment of, the Board's USPAP books. Next, the Director guided the Board to the Publication & Print expense of \$648.07, and reported that the quarterly copier services for July through September are included in this amount. Finally, Director Kohtz noted a \$1,065.92 SOS Temp Serv-Personnel expense, and explained that this expenditure represents the interns' salaries. Director Kohtz remarked that expenses amount to 37.43 percent of the budgeted expenditures for the fiscal year; 41.92 percent of the fiscal year has passed. Revenues are currently at 52.15 percent of the projected revenues for the fiscal year. According to the Director, the revenues are largely made up of AMC and Appraiser renewal application fees. Director Kohtz asked for any questions or comments. There was no further discussion.

Director Kohtz then brought attention to the General Ledger for November. The Director stated that he had no comments, and asked for any questions or comments. There was no further discussion.

Director Kohtz presented three graphs showing expenses, revenues, and cash balance. For the Real Property Appraiser Program, which includes both the appraiser fund and the AMC fund, a total of \$31,793.24 in expenditures and \$98,802.54 in revenues were reported. The Director then remarked that the cash balance for the AMC fund is \$266,466.34, the Appraiser Fund is \$325,709.70, and the overall cash balance for both funds is \$592,176.04. Director Kohtz asked for any questions related to the graphs. There was no further discussion.

Board Member Luhrs moved to accept and file the November 2019 financial reports for audit. Board Member McCormick seconded the motion. The motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

### **2. PER DIEMS**

Director Kohtz informed the Board that he had no per diem requests for this meeting, and asked if any board members had a request for the Board to consider. There was no further discussion.

**L. GENERAL PUBLIC COMMENTS**

Board Member Mustoe asked for any public comments. With no comments, Board Member Mustoe proceeded to Education.

**M. CONSIDERATION OF EDUCATION-INSTRUCTOR REQUESTS**

Board Member Luhrs moved to approve the following education activity and instructors as listed:

**NEW CONTINUING EDUCATION ACTIVITIES AND INSTRUCTORS**

**The Moore Group**

Nebraska Supervisor/Trainee Appraiser Course (3191399.04) / 7 Hours –  
Bradford Moore, Diane Moore

Seconded by Board Member McCormick. Board Member Mustoe called for the vote. The motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

**N. UNFINISHED BUSINESS**

**1. ONLINE APPRAISER RENEWAL APPLICATION SUBMISSION PORTAL WITH ELECTRONIC PAYMENT**

Director Kohtz reported that he had no update on the Online Appraiser Renewal Application Submission Portal with Electronic Payment. According to the Director, there has been some testing in the last month, but staff is focused on renewal application processing. The Director announced that testing would pick back up in January. Director Kohtz asked for any questions or comments. There was no further discussion.

**2. OPEN 3RD CONGRESSIONAL DISTRICT CERTIFIED REAL PROPERTY APPRAISER REPRESENTATIVE POSITION**

Director Kohtz reported that he expects that an appointment will be made by the Governor shortly after the first of the year. The primary obstacle is getting the required paperwork completed for an appointment to be finalized. Due to the uncertainty of availability around the holidays, the Director said he was unsure whether the swearing in would take place at the January meeting or the February meeting. There was no further discussion.

**O. NEW BUSINESS:** No discussion.

**P. LEGISLATIVE REPORT AND BUSINESS**

**1. REAL PROPERTY APPRAISER ACT UPDATE (REQ04001)**

Director Kohtz reported that Senator Williams had agreed to sponsor REQ04001 as a legislative bill. According to the Director, all preparation for introduction is completed. There was no further discussion.

## **2. TITLE 298 UPDATE**

Director Kohtz informed the Board that he once again contacted the Governor's Policy and Research Office multiple times to inquire about the status of the GPRO's review of the Title 289 draft. The Director indicated that the GPRO did not return any of his phone messages or emails. Director Kohtz then declared that once the legislative session starts, the Title 298 draft enters that area where it might be best to hold it until the Board's legislative bill reaches a resolution. The Director offered two options to the Board for consideration, and asked for direction regarding how to proceed. According to the Director, the first option would be to hold the current draft until after the Real Property Appraiser Act update is passed by the legislature in April, and begin work on a new Title 298 draft that includes the current draft. Director Kohtz stated that the second option would be to move forward with the current draft, which would mean beginning the formal process without recommendations from the GRPO. Board Member Mustoe asked what would happen if the Board moved forward without the GPRO comments. Director Kohtz replied that there would be no impact unless the GPRO took issue with any of the proposed changes in the draft during the formal process. The Director indicated that he does not foresee that the GPRO would have concerns with any of the proposed language; however, from the Board's past experiences, it is difficult to tell. The Director continued to say that the Nebraska Administrative Procedure Act would require that the process start all over if the GPRO would reject any proposed language. Director Kohtz indicated that this is the risk of moving forward with the draft now, adding that the Board has already been waiting for a response since July. Board Member Mustoe acknowledged that it is possible the Board would have to start over if it decided to stay the course, but also pondered whether it would make a difference to get the draft to the GPRO earlier in the year. Director Kohtz responded that he didn't think that it would make any difference if the draft was provided to the GPRO any earlier. Board Member Mustoe expressed support for proceeding to the formal process with the current draft; the Board agreed with Board Member Mustoe. Director Kohtz reported that he would prepare a final draft of the Title 298 updates for Board review at the January or February meeting. There was no further discussion.

## **3. OTHER LEGISLATIVE MATTERS:** No discussion.

## **Q. ADMINISTRATIVE BUSINESS:** No discussion.

## **R. OTHER BUSINESS**

### **1. BOARD MEETINGS**

#### **a. 2020 NRPAB Calendar**

Director Kohtz presented the 2020 NRPAB Calendar to the Board for consideration, and asked for any questions or comments. Public Member Roger Morrissey requested permission to speak, and was granted permission by Board Member Mustoe. Mr. Morrissey commented that the April board meeting is on the fourth Thursday of the month, rather than the third Thursday. Director Kohtz replied that this is correct as the Board voted to set the April meeting for April 23, 2020 due to the Director's travel to and from the AARO Conference in San Antonio, Texas. Mr. Morrissey thanked the Director for the information. Board Member Luhrs moved to adopt the 2020 NRPAB Calendar as presented. Board Member Walkenhorst seconded the motion. The motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

## **2. CONFERENCES/EDUCATION**

### **a. Spring AARO Conference; April 3-5, 2020 – San Antonio, TX**

Director Kohtz indicated that he planned to attend the Spring 2020 AARO Conference, and asked if any board members had interest in attending. No interest was expressed by the members. Director Kohtz asked for approval to attend the conference. Board Member Mustoe remarked that he always finds it is worthwhile to have Director Kohtz attend AARO Conferences and return with reports for the Board. Board Member Luhrs moved to approve Director Kohtz for attendance at the Spring AARO Conference on April 3-5, 2020, in San Antonio, Texas. Board Member McCormick seconded the motion. The motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

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

### **4. QUARTERLY NEWSLETTER: No discussion.**

## **5. APPRAISAL SUBCOMMITTEE**

### **a. ASC Meeting; February 12, 2020 – Washington, D.C.**

Director Kohtz informed the Board that the next ASC meeting is scheduled for 10:00 a.m. on February 12, 2020 in Washington, D.C.

### **b. ASC August 28, 2019 Meeting Minutes**

Director Kohtz presented the ASC August 28, 2019 Meeting Minutes to the Board for review. The Director informed the Board that he had no specific comments. There was no further discussion.

### **c. Notice of Termination of Residential Temporary Waiver Relief**

Director Kohtz presented an entry in Volume 84, No. 231 of the Federal Register titled, "Appraisal Subcommittee; Notice of Termination of Residential Temporary Waiver Relief" to the Board for review. The Director reported that because federally regulated 1-to-4 family residential transactions under \$500,000.00 are now exempt from federal appraisal requirements, the North Dakota Order of Residential Temporary Waiver Relief will terminate on December 8, 2019. Director Kohtz asked for any questions or comments. There was no further discussion.

### **d. Frequently Asked Questions regarding Temporary Waiver Authority**

Director Kohtz presented a document produced by the Appraisal Subcommittee titled, "Frequently Asked Questions regarding Temporary Waiver Authority" to the Board for review. Director Kohtz informed the Board that he had no specific comments. There was no future discussion.

## **6. THE APPRAISAL FOUNDATION**

### **a. The Foundation Announces 2020 Officers and Members of the Board of Trustees**

Director Kohtz presented a press release from The Appraisal Foundation concerning the announcement of the 2020 officers and members of the Board of Trustees to the Board for review. There was no further discussion.

## **7. ASSOCIATION OF APPRAISER REGULATORY OFFICIALS: No discussion.**

8. **IN THE NEWS:** No discussion.

**C. CONSIDERATION OF APPLICANTS FOR CREDENTIAL AS NEBRASKA REAL PROPERTY APPRAISER**

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

- T19017 / Approve as Trainee Real Property Appraiser. Send advisory letter.**
- CR19014R / Approve as Certified Residential Real Property Appraiser.**
- CR19015R / Approve as Certified Residential Real Property Appraiser.**
- CG19022R / Approve as Certified General Real Property Appraiser.**
- CG19023R / Approve as Certified General Real Property Appraiser.**
- CG19024R / Approve as Certified General Real Property Appraiser.**
- 1569 / Approve for temporary Certified General Real Property Appraiser credential.**

Board Member Luhrs seconded the motion. Motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

Board Member McCormick moved to take the following action for the renewal applicant as listed:

- CG2015024R / Approve for renewal of Certified General Real Property Appraiser credential. Send advisory letter.**

Board Member Luhrs seconded the motion. Motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

Board Member McCormick moved to authorize agency to approve all renewal applications as listed received at the Board's office postmarked after November 30, 2019 and received by December 17, 2019 with advisory letter, pending the results of the background check if applicable. Board Member Luhrs seconded the motion. Motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

Board Member McCormick moved to authorize agency to approve all renewal applications received at the Board's office on or after December 18, 2019 and postmarked December 1, 2019 through December 31, 2019 with advisory letter, pending the results of the background check if applicable, if all requirements for renewal are met by the applicant. Board Member Luhrs seconded the motion. Motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

**D. REGISTRATION AS APPRAISAL MANAGEMENT COMPANY**

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

- NE2019005 / Approve for registration as an Appraisal Management Company.**
- NE2012035 / Approve for renewal of Appraisal Management Company registration. Send advisory letter.**

Board Member Luhrs seconded the motion. Motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

**E. CONSIDERATION OF COMPLIANCE MATTERS**

Board Member McCormick moved to take the following compliance action as listed:

- 19-18 / Dismiss with prejudice.**

Board Member Luhrs seconded the motion. Motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye.

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

- 1. PERSONNEL MATTERS:** No discussion.

**S. ADJOURNMENT**

Board Member Luhrs moved to adjourn the meeting. Board Member Walkenhorst seconded the motion. Motion carried with McCormick, Luhrs, Walkenhorst, and Mustoe voting aye. At 10:04 a.m., Board Member Mustoe adjourned the December 19, 2019 meeting of the Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz  
Director

These minutes were available for public inspection on December 23, 2020, in compliance with Nebraska Revised Statute § 84-1413 (5).