

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

October 17, 2024 Meeting Minutes

A. OPENING

Chairperson Downing called to order the October 17, 2024 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

Chairperson Downing 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 on October 11, 2024. The agenda was kept current in the Nebraska Real Property Appraiser Board office and on the Board's website. In accordance with the Open Meetings Act, at least one copy of all reproducible written material for this meeting, either in paper or electronic form, was available for examination and copying by members of the public. The material in paper form was available on the table in a public folder, and the material in electronic form was available on the Board's website in Public Meeting Material (https://appraiser.ne.gov/board_meetings/). A copy of the Open Meetings Act was available for the duration of the meeting. For the record Bonnie Downing of Dunning, Nebraska; Cody Gerdes of Lincoln, Nebraska; and Rodney Johnson of Norfolk, Nebraska were present. Derek Minshull of North Platte, Nebraska and Kevin Hermsen of Gretna, Nebraska were absent and excused. Also present were Director Tyler Kohtz, Licensing Programs Manager Karen Loll, and Education Program Manager Kashinda Sims, who are headquartered in Lincoln, Nebraska.

ADOPTION OF THE AGENDA

Chairperson Downing reminded those present for the meeting that the agenda cannot be altered twenty-four hours prior to the meeting except for emergency items according to the Open Meetings Act. Board Member Gerdes moved to adopt the agenda as printed. Board Member Johnson seconded the motion. With no further discussion, the motion carried with Gerdes, Johnson, and Downing voting aye.

Board Member Gerdes 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 Johnson seconded the motion. The time on the meeting clock was 9:03 a.m. The motion carried with Gerdes, Johnson, and Downing voting aye.

Board Member Johnson moved to come out of executive session at 10:48 a.m. Board Member Gerdes seconded the motion. The motion carried with Gerdes, Johnson, and Downing voting aye.

Break from 10:48 a.m. to 10:56 a.m.

G. WELCOME AND CHAIR'S REMARKS

Chairperson Downing welcomed all to the October 17, 2024 meeting of the Nebraska Real Property Appraiser Board and congratulated LPM Loll on her new Licensing Programs Manager position. The Chairperson then recognized Roger Morrissey as the only member of the public in attendance.

H. BOARD MEETING MINUTES

1. APPROVAL OF SEPTEMBER 19, 2024 MEETING MINUTES

Chairperson Downing asked for any additions or corrections to the September 19, 2024 regular meeting minutes. With no discussion, Board Member Downing called for a motion. Board Member Johnson moved to approve the September 19, 2024 meeting minutes as presented. Board Member Gerdes seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no discussion, Chairperson Downing called for a vote. The motion carried with Gerdes, Johnson, and Downing voting aye.

I. DIRECTOR'S REPORT

1. REAL PROPERTY APPRAISER AND AMC COUNTS AND TRENDS

a. Real Property Appraiser Report

Director Kohtz presented seven charts outlining the number of real property appraisers as of October 17, 2024 to the Board for review. The Director reported that trends are stable and indicated that he had no specific comments. Director Kohtz asked for any questions or comments. There was no further discussion.

b. Temporary Real Property Appraiser Report

Director Kohtz presented three charts outlining the number of temporary credentials issued as of September 30, 2024 to the Board for review. The Director reported that trends are stable and indicated that he had no specific comments. Director Kohtz asked for any questions or comments. There was no further discussion.

c. Supervisory Real Property Appraiser Report

Director Kohtz presented two charts outlining the number of supervisory real property appraisers as of October 17, 2024 to the Board for review. The Director reported that trends are stable and indicated that he had no specific comments. Director Kohtz asked for any questions or comments. Chairperson Downing commented on the consistency maintained in the numbers. There was no further discussion.

d. Appraisal Management Company Report

Director Kohtz presented two charts outlining the number of AMCs as of October 17, 2024 to the Board for review. The Director reported that trends have once again stabilized and commented that the Board has already exceeded the projected number of AMC registration applications for the fiscal year, which is a good sign. The Director asked for any questions or comments. There was no further discussion.

2. DIRECTOR APPROVAL OF APPLICANTS

a. Real Property Appraiser Report

Director Kohtz presented the Real Property Appraiser Report to the Board for review showing real property appraiser applicants approved for credentialing by the Director, and the real property appraiser applicants approved to sit for exam by the Director, for the period between September 11, 2024 and October 8, 2024. The Director brought attention to the low number of approvals for the period and indicated that there was less approval activity than what was expected. The Director asked for any questions or comments. There was no further discussion.

b. Education Activity and Instructors Report

Director Kohtz presented the Education Activities and Instructors Report to the Board for review showing education activities and instructors approved by the Director for the period between September 11, 2024 and October 8, 2024. The Director once again remarked on the low number of approvals for the period. The Director asked for any questions or comments. There was no further discussion.

3. 2024-25 NRPAB GOALS AND OBJECTIVES + SWOT ANALYSIS

Director Kohtz presented the 2024-25 NRPAB Goals and Objectives and SWOT Analysis to the Board for review and provided a status update. The Director brought attention to the goal to work with the Banking, Commerce, and Insurance Legislative Committee's Legal Counsel to draft a bill for introduction to add language to the Real Property Appraiser Act and the Appraisal Management Company Registration Act allowing the use of a conditional dismissal in lieu of disciplinary action under the Laws, Rules, and Guidance Documents section and reported that requisition drafts REQ00112 and REQ00113 were provided to the Board on October 8, 2024 and are on the meeting agenda for review. Director Kohtz informed the Board that he had no other comments. Chairperson Downing thanked the Director for his report.

J. FINANCIAL REPORT AND CONSIDERATIONS

1. APPROVAL OF SEPTEMBER RECEIPTS AND EXPENDITURES

The receipts and expenditures for September were presented to the Board for review in the agency Budget Status Report. Director Kohtz brought attention to the Data Processing Expense of \$3,921.76 and informed the Board that \$2,344.50 was billed by CIO Development Support for database and website bug fixes. The Director explained that at the beginning of every real property appraiser renewal season, the quirks need to be worked out of the system. Next, Director Kohtz moved to the Conference Registration expense of \$650.00 and noted that this expenditure is for his AARO conference registration.

(Continued on page 4)

(Continued from page 3)

The Director then turned the Board's attention to the Rep & Maint-Office Equip expenditure of \$136.00 and informed the Board that this expense is the DAS Buildings Division billing for the conference room table electrical outlet install. Director Kohtz then reported that the overall expenditures for the month of September totaled \$37,578.60, and the year-to-date expenditures for the fiscal year are \$101,974.84, which amounts to 19.74 percent of the budgeted expenditures for the fiscal year; 25.21 percent of the fiscal year has passed. The Director moved to revenues and stated that revenues are right on pace with projected revenues for the fiscal year. Director Kohtz reported that the overall revenues for the month of September were \$17,340.42, and that the year-to-date revenues for the fiscal year are \$64,672.84, which amounts to 17.20 percent of the projected revenues for the fiscal year. The Director reiterated that 25.21 percent of the fiscal year has passed.

Director Kohtz then brought attention to the Budget Status Report for the Appraiser Fund and the AMC Fund. The Director reported that the Real Property Appraiser Fund expenditures for the month of September totaled \$25,858.78, and the year-to-date expenditures for the fiscal year are \$67,998.46, which amounts to 19.41 percent of the budgeted expenditures for the fiscal year. The Real Property Appraiser Fund revenues were \$13,222.14 for September, and the year-to-date revenues for the fiscal year are \$45,713.41, which amounts to 17.46 percent of projected revenues for the fiscal year. Director Kohtz then reported the AMC Fund expenditures for the month of September were \$11,719.82, and the year-to-date expenditures for the fiscal year are \$33,976.38, which amounts to 20.43 percent of budgeted expenditures for the fiscal year. The AMC Fund revenues were \$4,118.28 for September, and the year-to-date revenues for the fiscal year are \$18,959.43, which amounts to 16.61 percent of the projected revenues for the fiscal year.

Director Kohtz then guided the Board to the MTD General Ledger Detail report for the month of September and brought the Board's attention to Batch #7582186 and Batch #7609081 with the Payee/Explanations, "SECRETARY OF STATE" found on page J.13 and informed the Board that the two \$19.31 entries were for July and August records management expenses with the Secretary of State. The Director asked for any questions or comments. There was no further discussion.

Director Kohtz finished by presenting four graphs showing expenses, revenues, and cash balances. The Director noted expenditures of \$37,578.60 and revenues of \$17,340.42 for the month of September for the Real Property Appraiser program, which includes both the Appraiser Fund and the AMC Fund. The Director once again reported that the Real Property Appraiser Fund expenditures totaled \$25,858.78, the Real Property Appraiser Fund revenues totaled \$13,222.14, the AMC Fund expenditures totaled \$11,719.82, and the AMC Fund revenues totaled \$4,118.28. Director Kohtz remarked that the cash balance for the AMC Fund is \$305,911.20, the Appraiser Fund is \$369,896.46, and the overall cash balance for both funds is \$675,807.66. The Director asked for any questions or comments. There was no further discussion.

Board Member Gerdes moved to accept and file the September financial reports for audit. Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no discussion, Chairperson Downing called for a vote. The motion carried with Gerdes, Johnson, and Downing voting aye.

2. ASC GRANT REPORT

Director Kohtz reported that there is no ASC Grant update. The official release date for the award was on Tuesday, October 15, 2024; however, no information has been received from the ASC. There was no further discussion.

3. 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.

K. GENERAL PUBLIC COMMENTS

Chairperson Downing asked for any public comments. With no public comments, Chairperson Downing moved on to Education.

L. EDUCATION

Director Kohtz brought attention to a comment made during discussion under Agenda Item F, Other Executive Session Items. Director Kohtz asked the Board if it would like to add acceptance of AQB approved continuing education, not approved by the Board, to the strategic planning meeting agenda for discussion. Chairperson Downing and Board Member Gerdes both agreed that a discussion would be good. Director Kohtz informed the Board that he will add the subject to the 2025 strategic planning meeting agenda. There was no further discussion.

M. UNFINISHED BUSINESS

1. BOARD MEMBER COMMUTING/TRAVEL STATUS

Director Kohtz reported that there was no update for this agenda item.

2. CONSIDERATION OF SECOND SPECIAL ASSISTANT ATTORNEY GENERAL

Director Kohtz reported that the deadline for responding to the Request for Proposal for Appointment as Special Assistant Attorney General is November 1, 2024 and that the submissions received will be presented to the Board at its November 21, 2024 regular meeting. There was no further discussion.

3. OPEN 3RD CONGRESSIONAL DISTRICT CERTIFIED REAL PROPERTY APPRAISER REPRESENTATIVE

Director Kohtz brought attention to the Board's 3rd Congressional District Certified Real Property Appraiser Representative opening and asked the Board if it had any comments or feedback to pass along to the Governor's office regarding any of the known applicants. There were no comments. Director Kohtz reminded board members to let him know at any time if there were any comments or feedback to provide to the Governor's office concerning this appointment. There was no further discussion.

N. NEW BUSINESS

1. BUSINESS PROGRAMS MANAGER POSITION

Director Kohtz brought attention to the Business Programs Manager position opening and informed the Board that, to date, a low number of applicants are active for the position. State Personnel is refreshing the job posting every seven days to build an applicant pool. The Director indicated that he would like to reach at least ten applicants to begin the review process. Director Kohtz then informed the Board that Rachel Espinosa has been hired through the SOS Temporary Program as a part-time Appraiser Credential Renewal Assistant and will be with the Board for as long as she is needed. The plan is to keep Espinosa on staff after the hiring of the new Business Programs Manager to allow LPM Loll time to focus on acclimating the new Business Programs Manager to the accounting and budgeting duties. Chairperson Downing thanked the Director for the update and wished the Director luck with the hiring process. There was no further discussion.

O. LEGISLATIVE REPORT AND BUSINESS

1. NEBRASKA REAL PROPERTY APPRAISER ACT UPDATE

Director Kohtz presented the 2025 Update to Nebraska Real Property Appraiser Act Summary and REQ00112 the Board for consideration. The Director remarked that this is the Board's Real Property Appraiser Act Update draft in a bill draft format, which implements the use of a contingent dismissal in lieu of disciplinary action. Director Kohtz asked for any questions or comments. With none, Board Member Johnson moved to approve REQ00112 for public comment as presented. Board Member Gerdes seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no discussion, Chairperson Downing asked for a vote. The motion carried with Gerdes, Johnson, and Downing voting aye.

2. NEBRASKA APPRAISAL MANAGEMENT COMPANY REGISTRATION ACT UPDATE

Director Kohtz presented the 2025 Update to Nebraska AMC Registration Act Summary and REQ00113 the Board for consideration. The Director remarked that this is the Board's AMC Registration Act Update draft in a bill draft format. The bill draft implements the use of a contingent dismissal in lieu of disciplinary action and replaces, "a person applying for issuance of a registration or renewal of a registration" with "An appraisal management company" in Neb. Rev. Stat. § 76-3207(1) to clarify that the language applies to AMCs and not only to applicants for initial, or for renewal of, registration. Director Kohtz asked for any questions or comments. With none, Board Member Gerdes moved to approve REQ00113 for public comment as presented. Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and asked for any discussion. With no discussion, Chairperson Downing asked for a vote. The motion carried with Gerdes, Johnson, and Downing voting aye.

3. TITLE 298 UPDATE: No discussion.

4. OTHER LEGISLATIVE MATTERS: No discussion.

P. ADMINISTRATIVE BUSINESS: No discussion.

Q. OTHER BUSINESS

1. BOARD MEETINGS: No discussion.

2. **CONFERENCES/EDUCATION:** No discussion.
3. **MEMOS FROM THE BOARD:** No discussion.
4. **QUARTERLY NEWSLETTER:** No discussion.
5. **APPRAISAL SUBCOMMITTEE**
 - a. **ASC Quarterly Meeting: November 20, 2024 (Online)**

Director Kohtz announced that the next ASC Quarterly Meeting will be held online on November 20, 2024 and asked for any questions or comments. There was no further discussion.
 - b. **ASC June 12, 2024 Meeting Minutes**

Director Kohtz presented the ASC June 12, 2024 meeting minutes to the Board for review and informed the Board that he had no specific comments. The Director asked for any questions or comments. There was no further discussion.
6. **THE APPRAISAL FOUNDATION**
 - a. **TAF Press Release – The Appraisal Foundation Blazes Train for Next Generation of Appraisers, Funds Pathways to Success Scholarship for Appraiser Diversity Initiative**

Director Kohtz presented The Appraisal Foundation press release titled, “The Appraisal Foundation Blazes Train for Next Generation of Appraisers, Funds Pathways to Success Scholarship for Appraiser Diversity Initiative” to the Board for review and reported that he had no specific comments. The Director asked for any questions or comments. There was no discussion.
 - b. **TAF October Newsletter**

Director Kohtz presented The Appraisal Foundation’s October Newsletter to the Board for review and reported that he had no specific comments. The Director asked for any questions or comments. There was no discussion.
7. **ASSOCIATION OF APPRAISER REGULATORY OFFICIALS:** No discussion.
8. **IN THE NEWS:** No discussion.

Public Member Roger Morrissey requested permission to address the Board. Chairperson Downing granted permission to Morrissey to speak. Morrissey inquired if any board members attend the AARO Conference. Director Kohtz responded and informed Morrissey that he believes that no board member has attended the AARO Conference since 2013. The Director added that board members are always given the option to attend. A comment was made regarding the thoroughness of the Director’s AARO Conference attendance report. Morrissey indicated that someone in his office asked about it, but he did not know the answer. Morrissey thanked the Board and the Director.

C. CREDENTIALING AS A NEBRASKA REAL PROPERTY APPRAISER

The Board reviewed applicants CG24014, CR23013, and CR950126. Chairperson Downing asked for a motion on CG24014, CR23013, and CR950126.

Board Member Gerdes moved to take the following action:

CG24014 / Provide redacted copy of USPAP Compliance Review Report to applicant, request a real property appraisal practice experience log that contains reports completed between August 1, 2024 and October 17, 2024 from applicant, and authorize staff to select two reports with workfiles for review from the real property appraisal practice experience log submitted by applicant.

Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

Board Member Gerdes moved to take the following action:

CR23013 / Send revised subject report for USPAP compliance review.

Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

Board Member Gerdes moved to take the following action:

CR950126 / Approve the Application for Renewal of Nebraska Real Property Appraiser Credential and issue a written advisory reminding applicant of the importance of answering questions truthfully on an application.

Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

D. REGISTRATION AS AN APPRAISAL MANAGEMENT COMPANY: No discussion.

E. COMPLIANCE

The Board reviewed compliance matters 23-08, 23-12, and 24-08. Chairperson Downing asked for a motion on 24-08, 23-08, and 23-12.

Board Member Gerdes moved to take the following action:

24-08 / Dismiss without prejudice.

Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

Board Member Gerdes moved to take the following action:

23-08 / Authorize Special Assistant Attorney General to file formal charges for violation of Neb. Rev. Stat. § 76-2237 and 76-2238(12) and (14).

Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

Board Member Gerdes moved to take the following action:

23-12 / Issue Order to Show Cause. Respondent is to show cause as to why the Board should not consider additional discipline including but not limited to immediate downgrade of Respondent's credential to appraiser real property in the State of Nebraska from the certified general classification to the certified residential classification; or order such other action as the Board determines to be appropriate and lawful, for the failure of the Respondent to complete the terms as stated in the Consent Agreement.

Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

Board Member Gerdes moved to take the following action:

23-12 / Rescind the suspension of Respondent's credential as a real property appraiser to allow Respondent to engage in real property appraisal practice for residential properties having no more than four units. Respondent is to submit a true and accurate copy of each report to the Board until November 20, 2024.

Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

F. OTHER EXECUTIVE SESSION ITEMS

1. 2024.16

The Board reviewed a matter in which a document, certifying completion for a continuing education activity not approved by the Board, was received from a Nebraska real property appraiser that indicates that the State of Nebraska accepts the continuing education activity based on AQB approval or approval in another state. The education provider also listed the continuing education activity on the organization's website as accepted by the Board through AQB-approval or based on reciprocity. Board Member Gerdes moved to issue written advisory informing provider that language included on the website and certificate pertaining to the acceptance of an education activity in Nebraska is misleading and request that provider remove the language. Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

2. 2024.17

The Board reviewed a request for an individualized program of continuing education that includes the Board's acceptance of a specific education activity offered by a specific education provider, not approved by the Board for continuing education at the time of completion. In accordance with Neb. Rev. Stat. § 76-2236(4), Board Member Gerdes moved to adopt an individualized program of continuing education for the 2024-2025 continuing education period for the requestor as follows:

- Up to seven Continuing Education hours of continuing education may be awarded for completion of a 7-Hour National USPAP Continuing Education Course not approved by the Board under 298 NAC Chapter 6 at the time the education activity was completed, if such education activity was advertised publicly by education provider as accepted by the Board in violation of Neb. Rev. Stat. § 76-2238(21), and the education activity was approved through the TAF Appraiser Qualifications Board's Course Approval Program at the time of completion, if evidence is provided that such education activity was satisfactorily completed during the first year of the two-year continuing education period.
- Except for the individualization of continuing education as stated, all provisions of Neb. Rev. Stat. § 76-2236 shall apply.

Board Member Johnson seconded the motion. Chairperson Downing recognized the motion and called for a vote. Motion carried with Gerdes, Johnson, and Downing voting aye.

R. ADJOURNMENT

Board Member Gerdes moved to adjourn the meeting. Board Member Johnson seconded the motion. The motion carried with Gerdes, Johnson, and Downing voting aye. At 11:27 a.m., Chairperson Downing adjourned the October 17, 2024 meeting of the Nebraska Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz
Director

These minutes were available for public inspection on October 23, 2024, in compliance with Nebraska Revised Statute § 84-1413 (5).