

**REAL PROPERTY APPRAISER BOARD
Conference Room "F", Lower Level
NEBRASKA STATE OFFICE BUILDING
301 CENTENNIAL MALL SOUTH, LINCOLN, NE**

March 15, 2012

OPENING

Chairman Brad Moore called to order the March 15, 2012 meeting of the Nebraska Real Property Appraiser Board at 9:01 a.m., in conference room F located on the lower level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

NOTICE OF MEETING

Chairman Moore announced the notice of the meeting was duly given, posted, published and tendered in compliance with the Open Meetings Act, and all Board Members received notice simultaneously by email. Publication of official notice of the meeting appeared in the March 12, 2012 edition of the *Lincoln Journal Star*, a legal newspaper of general circulation in this State, as required by the public meeting law. The agenda was kept current in the Nebraska Real Property Appraiser Board Office and on the Board's website. Materials generally used by the Board for this meeting were available in the public folder for inspection by the public and in accordance with the Open Meetings Act. A copy of the Open Meetings Act was available for the duration of the meeting. For the record, Board Members Bradford Moore, Tom Kubert, Philip Barkley, and David Hartman were present. Also present were Director, Tyler Kohtz, and Staff Assistant, Kirsten Casburn. Board Member Marc Woodle was absent and excused.

ADOPTION OF THE AGENDA

Chairman Moore reminded those present for the meeting that the Agenda cannot be altered 24 hours prior to the meeting except for emergency items according to the Open Meetings Act. Board Member Barkley moved to adopt the Agenda as printed. Board Member Kubert seconded the motion. With no further discussion, the motion carried with Barkley, Kubert, Hartman and Moore voting aye.

WELCOME GUESTS

Chairman Moore welcomed the guests to the meeting and asked that they please sign the guest log. Members of the public in attendance were Diane Moore and Cay Lacey.

APPROVAL OF THE MINUTES FROM FEBRUARY 16, 2012

Chairman Moore asked for any additions or corrections to the February 16, 2012 minutes. There were corrections made the following enforcement actions: 11-05, changed from Hold to Extend Consent Agreement deadline to March 15, 2012; 11-22, changed from Hold to Offer informal hearing; 12-04, changed to reflect requirement in Consent Agreement offered to Respondent. The 7-hour USPAP exam shall be taken online. The spelling of Board Member Kubert's name was corrected in the motion to allow counsel to pursue Settlement Agreement in 09-25. With no further discussion Board Member Kubert moved to adopt the minutes as amended. Board Member Barkley seconded the motion. The motion carried with Kubert, Hartman, Barkley and Moore voting aye.

CHAIRMAN'S REPORT

Chairman Moore reported on the Board's entrance conference with the Nebraska State Auditor of Public Accounts. The scope and timeframe of examination, the Board's response to any findings, the exit conference, and reporting were all discussed.

DIRECTOR'S REPORT

Director Kohtz reported the number of appraisers for March 2012 stands as follows: 16 Registered/Conversion; 86 Licensed Residential; 204 Certified Residential; and 362 Certified General for a total of 668 appraisers. Total number of appraisers is up 4 from February, but significantly down from March 2010 and March 2011. Nebraska had 750 appraisers in March 2011 and 795 appraisers in March 2010. Director Kohtz also reported that 11 new AMC applications were submitted since the last meeting.

RECEIPTS AND EXPENDITURES REPORT – FEBRUARY 2012

The receipts and expenditures for February were reviewed by the Director by line item with the Board. For the appraiser fund, #25310, a total of \$7,065.92 in expenditures and \$3,650.00 in receivables were reported. Considerations were made for expenditures for monthly obligations. No considerations were made for expenditures other than monthly obligations. As of the end of February, expenses amount to 65 percent of the budgeted expenditures for the fiscal year. A copy of the Budget Status Report and Receipt Journal for February is attached and considered part of these minutes.

Board Member Kubert moved to accept and file the February 2012 Budget Status reports for receipts and expenditures for audit. Board Member Hartman seconded the motion. The motion carried with Hartman, Barkley, Kubert and Moore voting aye.

UNFINISHED BUSINESS

LB714 – 2012 APPRAISER ACT: LB714 was signed by the Governor on March 7, 2012. Director Kohtz will follow up with Governor's office to find out what the next step is.

NEW CREDENTIAL: Board Member Kubert is working with Douglas and Lancaster Counties in developing an organizational chart for a possible new State credential. Both Douglas and Lancaster counties appear open to an associate designation. Discussion will continue at the April meeting.

NEW BUSINESS

AARO CONFERENCE: Director Kohtz's attendance at the spring conference was discussed. Director Kohtz will begin attending the AARO Conference in the fall of 2012.

APPRAISER RESPONSIBILITY CONCERNING AMC REGISTRATION: Board Members Moore and Barkley will draft an advisory letter to appraisers for review at the April meeting. Appraisers will not be prosecuted for AMC non-compliance, but must be aware of an AMC's status for their own protection.

BLAST EMAIL POLICY REVIEW: Board Member Kubert provided a draft blast email policy for review. Discussion took place concerning the Director's authority to authorize a blast email, and the Board's approval prior to a blast email being sent to appraisers. Director Kohtz will update the draft policy for review prior to the April meeting. If acceptable, the Board will approve the policy at the April meeting.

ONLINE RENEWALS: Director Kohtz will meet with Nebraska.gov to gather additional information regarding services and costs associated with implementing online renewals.

RULES AND REGULATIONS UPDATE – TITLE 297 AND TITLE 298: The proposed Rules and Regulations were received at the Governor's Policy Research Office on January 27, 2012. Director Kohtz will follow up with Governor's Office to inquire about the status of Title 297 and Title 298.

GENERAL PUBLIC COMMENTS

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

EDUCATION

Board Member Barkley moved to approve the following course and instructors as listed. Second by Hartman:

Continuing Education Requests:

A. CREW Midwest, dba Slusky Real Estate Group, Omaha, NE:

1. "2012 Commercial Real Estate Workshop" / 8 hours / C21220
Instructor: Multiple

Chairman Moore called for the vote. The motion carried with Hartman, Barkley and Moore voting aye. Kubert abstained.

Board Member Barkley moved to approve the following courses and instructors as listed. Second by Kubert:

Continuing Education Requests:

B. Department of Revenue, Lincoln, NE:

1. "IAAO Workshop 162, Marshall & Swift Cost Approach"
15 hours / C21212
Instructor: Barry D. Couch, Omaha, NE
2. IAAO Workshop 932, "Restructuring Income/Expense Statements"
7 hours / C21213
Instructor: Marion R. Johnson, Eudora, KS
3. "Evaluating Commercial Construction" / 15 hours / C21214
Instructor: James Canestaro, Knoxville, TN
4. "Evaluating Residential Construction" / 7 hours / C21215
Instructor: James Canestaro, Knoxville, TN
5. Workshop 158, "Highest and Best Use" / 15 hours / C21216
Instructor: Scott G. Winter, Milwaukee, WI
6. IAAO 101, "Fundamentals of Real Property Appraisal"
30 hours / C21217
Instructor: Garth E. Thimgan, La Junta, CA

C. McKissock, Warren, PA:

1. "Appraisal Applications of Regression Analysis"
7 hours On-line / C21208-I
Instructor: Daniel Bradley

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

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

APPLICANTS & ENFORCEMENT

Board Member Barkley moved that the Board go into executive session for the purpose of reviewing applicants for credentialing and consideration of written complaints and disciplinary action. A closed session is clearly necessary to prevent needless injury to the reputation of the individual or individuals relating to the issues of qualifying applicants and relating to the alleged violations of performance in real property appraisal practice. The time on the meeting clock was 11:26 a.m. Board Member Kubert seconded the motion. The motion carried with Hartman, Barkley, Kubert and Moore voting aye.

Board Member Barkley moved to come out of executive session and recess at 1:50 p.m. Board Member Hartman seconded the motion. The motion carried with Barkley, Moore, Kubert and Hartman voting aye.

Board Member Barkley moved to reconvene and re-enter executive session at 2:11 p.m. Board Member Kubert seconded the motion. The motion carried with Barkley, Moore, Kubert and Hartman voting aye.

Board Member Barkley moved to come out of executive session at 3:03 p.m. Board Member Kubert seconded the motion. The motion carried with Barkley, Moore, Kubert and Hartman voting aye.

Board Member Barkley moved to take the following action for the Licensed Residential applicant:

L603 / Approved To Sit For Exam & Select Reports for Review

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

Vice Chair Barkley moved to take the following enforcement actions:

- 09-25 Dismiss with prejudice
- 11-03 Hold; send letter of non-compliance
- 11-04 Hold
- 11-05 Return license and extend Consent Agreement deadline to April 19, 2012
- 11-12 Hold
- 11-13 Hold; Director to follow up with Mr. Blake to see if Respondent provided written response
- 11-20 Dismiss without prejudice
- 11-21 Offer informal hearing
- 11-22 Hold
- 11-26 Hold
- 11-27 Hold
- 12-03 Hold
- 12-04 Hold

12-05 Hold
12-06 Hold
12-07 Hold
12-08 Dismiss without prejudice
12-09 Hold

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

The Board met with AAG Natalee Hart during executive session regarding the settlement authority granted on February 16, 2012. A settlement was reached on 09-07 and 09-09 on March 15, 2012. Motion made by Board Member Barkley to resolve and close the matter pertaining to attorney's fees related to Investigations 09-07 and 09-09. Board Member Hartman seconded the motion. Motion carried with Barkley, Kubert, Hartman and Moore voting aye.

The Board discussed Interim Director Wilson's last day of employment in executive session. Board Member Kubert moved to recognize March 2, 2012 as Mr. Wilson's employment end date. Board Member Barkley seconded the motion. Motion carried with Barkley, Kubert, Hartman and Moore voting aye.

The Board agreed to compensate former Interim Director Wilson through March 15, 2012. The compensation amount was not available at the meeting for the Board to review in executive session. A motion was made by Board Member Kubert to hold any further discussion pertaining to former Interim Director Wilson's compensation until the April meeting. Board Member Hartman seconded the motion. Motion carried with Barkley, Kubert, Hartman and Moore.

ADJOURNMENT

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

At 3:16 p.m. Chairman Moore adjourned the March 15, 2012 meeting of the Real Property Appraiser Board. The next meeting is scheduled for April 19, 2012 in Conference Room F located on the Lower level of the NSOB.

Respectfully submitted,

Tyler N. Kohtz
Director

These minutes were available for public inspection on March 19, 2012, in compliance with Nebraska Statute §84-1413(5).