

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

March 20, 2014 Meeting Minutes

A. OPENING

Chairman Philip Barkley called to order the March 20, 2014 meeting of the Nebraska Real Property Appraiser Board at 9:07 a.m., in conference room “F” located on the lower level of the Nebraska State Office Building, 301 Centennial Mall South, Lincoln, Nebraska.

B. NOTICE OF MEETING

Chairman Barkley announced the notice of the meeting was duly given, posted, published and tendered in compliance with the Open Meetings Act, and all board members received notice simultaneously by email. Publication of official notice of the meeting appeared in the March 18, 2014 edition of the *Lincoln Journal Star*, a legal newspaper of general circulation in this state, as required by the Open Meetings Act. The agenda was kept current in the Nebraska Real Property Appraiser Board office and on the Board’s website. Materials generally used by the Board for this meeting were available in the public folder for inspection by the public, and in accordance with the Open Meetings Act. A copy of the Open Meetings Act was available for the duration of the meeting. For the record, Board Members Philip Barkley, Tom Kubert, Marc Woodle, Chris Langemeier, and Larry Saxton were present. Also present were Director, Tyler Kohtz, Compliance and Licensing Specialist, Joya Weir, and Business and Education Specialist, Natasha Olsen.

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 Woodle seconded the motion. With no further discussion, the motion carried with Saxton, Langemeier, Kubert, Woodle 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 9:10 a.m. Board Member Langemeier seconded the motion. The motion carried with Woodle, Langemeier, Saxton, Kubert and Barkley voting aye.

Break from 10:09 a.m. to 10:20 a.m.

Break from 11:48 a.m. to 12:00 p.m.

Board Member Kubert moved to come out of executive session at 12:02 p.m. Board Member Langemeier seconded the motion. The motion carried with Saxton, Woodle, Kubert, Langemeier and Barkley voting aye.

G. WELCOME AND CHAIR'S REMARKS

Chairman Barkley welcomed guest to the meeting. The Chairman then recognized staff for its hard work, and specifically noted the efforts of Business and Education Specialist Olsen learning her job responsibilities. Chairman Barkley finished by acknowledging the improved organization in the office; Compliance and Licensing Specialist Weir and Business and Education Specialist Olsen spent a Saturday going through files and organizing. Diane Moore and Sara Huckfeldt were the only public members in attendance.

H. BOARD MEETING MINUTES

1. APPROVAL OF FEBRUARY 20, 2014 MEETING MINUTES

Chairman Barkley asked for any additions or corrections to the February 20, 2014 minutes. Board Member Kubert brought attention to a course number error on Page 3. The course number for the Dynasty Institute, Inc. course titled "Foreclosure Basics for Appraisers" should be C21404-I, not C21304-I. Board Member Kubert also indicated that the action for the Appraisal Institute courses "Review Theory – General," "Review Theory – Residential," and "Advanced Market Analysis and Highest and Best Use" on Page 4 should include "or required" after "test not included." Finally, Board Member Kubert indicated that inquiries I14-9 and I14-10 were omitted from minutes. Both inquiries should be added to Page 13 under "Vice Chair Kubert moved to take the following actions for other executive session items," with the action "Closed; send cease and desist letter." Director Kohtz informed the Board that the minutes will be corrected. With no further discussion Board Member Kubert moved to adopt the minutes as amended. Board Member Woodle seconded the motion. The motion carried with Kubert, Woodle, Saxton, Langemeier and Barkley voting aye.

I. DIRECTOR'S REPORT

Director Kohtz presented twelve charts outlining the number of appraisers and AMCs as of March 20, 2014. The Director summarized each chart and reported the number of appraisers as follows: 74 total Licensed, 70 resident and 4 reciprocal; 213 total Certified Residential, 175 resident and 38 reciprocal; 380 total Certified General, 253 resident and 127 reciprocal; and 5 Registered for a total of 672 appraisers. The total number of appraisers is up 12 from February, and up 10 from March 2013. The Director also informed the Board that there are 44 Trainees, which is up 6 from February, and up 36 from March 2013.

In addition, the Director addressed the number of temporary permits issued. There were 9 permits issued in February compared to 4 permits issued in January. As of February 28, 2014, 13 temporary permits have been issued for the calendar year. Director Kohtz indicated that the number of temporary permits issued continues to be inconsistent from month to month. Finally, Director Kohtz reported 105 AMCs registered, and 1 new AMC application has been submitted since the last meeting.

Director Kohtz ended the Director's Report by acknowledging Business and Education Specialist Olsen's hard work. Director Kohtz brought attention to progress made on the financial functions, building the Facebook page, and organizing the office. The Director also indicated that Ms. Olsen has begun work on the education course number restructuring.

J. FINANCIAL REPORT – MARCH 2014

The receipts and expenditures for February were reviewed by the Director by line item with the Board. Director Kohtz provided details related to some specific February expenses. For the Real Property Appraiser Program, which includes both the appraiser fund and the AMC fund, a total of \$26,414.94 in expenditures and \$35,317.62 in revenues were reported. As of the end of February, expenses amount to 56.22 percent of the budgeted expenditures for the fiscal year; 66.58 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 February 2014 budget reports for audit. Board Member Saxton seconded the motion. The motion carried with Langemeier, Woodle, Kubert, Saxton and Barkley voting aye.

K. GENERAL PUBLIC COMMENTS

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

L. EDUCATION

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

1. New Continuing Education Requests

A. The Moore Group, Inc.

1. Defensible Appraisal Practices (C21404) - 7 hours

B. McKissock, L.P.

1. UAD – Up Close and Personal – Live Webinar (C21406-I) - 3 hours
2. Analyze This! Applications of Appraisal Analysis – Live Webinar (C21407-I) - 4 hours

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

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

2. Continuing Education Renewal Requests

A. Commercial Real Estate Summit

1. Commercial Real Estate Summit (CRE SUMMIT) (C21120) - 6 hours

B. Appraisal Institute

1. General Appraiser Income Approach, Part 1: (C2778) - 27 hours; test not included or required.
2. General Appraiser Income Approach, Part 2: (C2779) - 27 hours; test not included or required.

C. Nebraska REALTORS Association

1. GRI 105: Real Estate Investment and Management: (C6205) - 15 hours; test not included or required.

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

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

A. The Moore Group, Inc.

- 1. Bradford Moore**
 - a. Defensible Appraisal Practices (C21404)
- 2. Diane Moore**
 - a. Defensible Appraisal Practices (C21404)

B. McKissock, L.P.

- 1. Tracy Martin (Karen T. Martin)**
 - a. UAD – Up Close and Personal – Live Webinar (C21406-I)
 - b. Analyze This! Applications of Appraisal Analysis – Live Webinar (C21407-I)
- 2. Dan Bradley**
 - a. UAD – Up Close and Personal – Live Webinar (C21406-I)
 - b. Analyze This! Applications of Appraisal Analysis – Live Webinar (C21407-I)

C. Nebraska REALTORS Association

- 1. Tom Lundstredt**
 - a. GRI 105: Real Estate Investment and Management (C2605)

D. Appraisal Institute

- 1. Joseph Magdziarz**
 - a. General Appraiser Income Approach, Part 1: (C2778)
 - b. General Appraiser Income Approach, Part 2: (C2779)

F. American Society of Farm Managers and Rural Appraisers

- 1. Justin P. Bierschwale**
 - a. Sales Comparison Approach for General Appraisers (CG006)
- 2. Paul Bierschwale**
 - a. Sales Comparison Approach for General Appraisers (CG006)

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

M. UNFINISHED BUSINESS

- 1. CONSOLIDATION OF LEGAL FEES BY INVESTIGATION:** At the February 20, 2014 meeting, Director Kohtz informed the Board that he will research the ability to track investigative costs, and also discuss the billing of legal fees with Mr. Blake. The Director informed the Board that Mr. Blake will log time spent on each investigation, and have the current hours available at the time a consent agreement is drafted. If the Board chooses to recoup Mr. Blake's legal fees in a motion to offer a consent agreement, it can give Director Kohtz the authority to negotiate the amount based on Mr. Blake's hours at the time the consent agreement is drafted. Compliance and Licensing Specialist Weir could also track time spent on each investigation, and report the number of hours logged at the time the Board considers offering a consent agreement. Ms. Weir is currently logging hours for an investigation recently started as a test case to determine if logging time is efficient and effective. The Board indicated that it would like to use logged hours to determine costs of investigations in the future.

2. **COUNTY APPRAISER CONTRACTS UPDATE:** Board Member Kubert indicated that there is no update regarding the county appraiser contracts and made a motion to remove this item from the agenda. The motion was seconded by Woodle, and carried with Woodle, Saxton, Langemeier, Kubert and Barkley voting aye.
3. **ELECTRONIC USPAP FOR CREDENTIALLED APPRAISERS:** At the February 20, 2014 meeting, the Board requested that Director Kohtz inquire about the ability to post the PDF version of USPAP on its website. Director Kohtz sent an email to Mavis with The Appraisal Foundation, but received no response. The Director also informed the Board of the notice found inside the cover, which says “No parts of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, photocopy, recording or otherwise, without the prior written consent of the publisher.” Director Kohtz went on to say that he was unsure if the Appraisal Foundation gave written consent to post the PDF version of USPAP on an official state website. Chairman Barkley asked that Director Kohtz provide an update if a response is received from Mavis with The Appraisal Foundation. The Director indicated that he will do this.
4. **NEW CREDENTIAL UPDATE:** Board Member Kubert indicated that he sees no need to discuss this item in the near future, and informed the Board that he intended to remove this item from the agenda, not “County Appraiser Contracts Update.” Board Member Kubert made a motion to amend the previous motion to remove “New Credential Update,” and not “County Appraiser Contracts Update.” The amended motion was seconded by Woodle, and carried with Woodle, Saxton, Langemeier, Kubert and Barkley voting aye.
5. **NRPAB STANDARD 3 REVIEWER PROGRAM:** Compliance and Licensing Specialist Weir updated the Board on the progress of the Standard 3 Reviewer Program, and provided the Board with a draft of the current criteria for Standard 3 Reviewer selection, and a draft of future criteria for Standard 3 Reviewer selection. Board Member Kubert asked that items 13-16 found on the draft of future criteria be added to the draft of current criteria. Board Member Barkley also asked that an additional item is added to the draft of current criteria that says “Reviewer shall meet any additional criteria as determined by the Board.” A discussion also took place regarding the draft of future criteria. The Board agreed that the future standards should be revisited at strategic planning. Board Member Kubert made a motion to approve the current Standard 3 reviewer qualifications as amended, and move the Standard 3 Reviewer Program to strategic planning for discussion. The motion was seconded by Langemeier, and carried with Saxton, Kubert, Woodle, Langemeier and Barkley.

N. NEW BUSINESS

- 1. CREDENTIAL RENEWAL PROCESS:** Board Members Barkley and Kubert met with Compliance and Licensing Specialist Weir and Director Kohtz to discuss credential renewal process. Director Kohtz summarized the meeting for the Board, and informed the Board that the intent was to discuss ways to increase the efficiency of the renewal process. Board Members Barkley and Kubert, Compliance and Licensing Specialist Weir, and Director Kohtz went through each step in the process and noted areas of potential improvement. During review, it was discussed that the biggest obstacle to efficiency is the inability of appraisers to turn a fully completed renewal application in by the November 30th deadline. Getting incorrect items corrected causes a lot of additional work for staff during the renewal period. Board Members Barkley and Kubert, Compliance and Licensing Specialist Weir, and Director Kohtz developed some potential changes to improve this problem. The recommendations include: all applications not fully completed and received at the Board's office by the November 30th deadline will go to the Board for review, a checklist will be added to the application for additional verification that all requirements have been met, and all required continuing education will be submitted along with the application. These recommendations will be incorporated into the 2015-16 renewal application for the Board to review. No action taken.
- 2. CUSTOMARY AND REASONABLE FEES:** Director Kohtz presented a request for clarification of the Board's position on customary and reasonable fees from a Nebraska credential appraiser. The Board discussed this request, and determined that it is the Board's position that the Appraisal Management Company Registration Act only requires that an appraisal management company certify that it has a system in place to meet the customary and reasonable fee requirements specified under Section 129E of the federal Truth and Lending Act. It is the Board's opinion that this matter is under the jurisdiction of the Federal Reserve System. Director Kohtz indicated that he will notify the appraiser of the Board's position by letter. Board Member Kubert also asked that the letter include information on the appropriate use of Extraordinary Assumption.
- 3. FINANCIAL LITERACY COURSE REVIEW REQUEST:** Director Kohtz presented a request for Board review of a Metropolitan Community College Financial Literacy course to be used to meet the "Finance" course requirement for "in-lieu of" education for the certified residential real property appraiser credential. After the Board's review of the course information, Board Member Kubert made a motion stating that the course appears to meet the minimum requirement for the "in-lieu of" education. The motion was seconded by Langemeier, and carried with Kubert, Woodle, Langemeier and Barkley voting aye. Saxton voted nay. Director Kohtz requested that the Board amend the motion to authorize Director Kohtz to send a letter notifying the requestor of the Board's opinion, not a motion on the course. Board Member Kubert made a motion to amend the motion to send a letter to the requestor indicating that it is the Board's opinion that the course appears to meet the minimum requirement for the "in-lieu of" education. The amended motion was seconded by Langemeier, and carried with Saxton, Woodle, Kubert, Langemeier and Barkley voting aye.
- 4. NRPAB OFFICE RELOCATION UPDATE:** Director Kohtz updated the Board on its office relocation efforts. The Director informed the Board that he had many conversations with Administrative Services Building Division lately to get a feel for the situation. Director Kohtz went on to say that his latest conversation with Paula Sedlacek was the most informative. AS Buildings has not established a location at this time because it intends to pair the Board with the Real Estate Commission, and the Real Estate Commission is refusing to relocate to a state building from their current off campus location. Director Kohtz finished by saying that he expects to receive an update from Ms. Sedlacek on March 28, 2014.

5. **AQB APPROVAL FOR UNO REAL ESTATE DEGREE PROGRAM:** Director Kohtz met with Nate Bjorklund, the Real Estate Program Director at the University of Nebraska at Omaha, to discuss the possibility of its Real Estate program being approved by The Appraisal Foundation's Appraiser Qualifications Board for appraiser education. The Director went on to say that the meeting went very well, and the university is going to pursue approval. Mr. Bjorklund informed Director Kohtz that the school wants to provide more opportunities for others to get into the appraiser profession. Director Kohtz indicated that there is potential for a strong relationship between UNO and the Board, and that he offered Mr. Bjorklund whatever assistance the Board could provide. The school would like the Board to have some classroom time to speak about the appraiser profession in the future. Director Kohtz also noted that John Bredemeyer and Roger Morrissey act as appraiser advisors to the program.
6. **LETTER SENT TO NON-RENEWED CREDENTIAL HOLDERS:** Compliance and Licensing Specialist Weir presented a letter sent to all credential holders that have not renewed their credential as of March 14, 2014 to the Board for review. The Board acknowledged the letter.
7. **NRPAB FACEBOOK PAGE:** Business and Education Specialist Olsen presented a handout to the Board that showed the latest updates to the Board's Facebook page. Director Kohtz indicated that he anticipates that the Facebook page will be available for Board review and approval at the April meeting.

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:

LB348 – An amendment was added to this bill to create “The Rent-Restricted Housing Projects Valuation Committee.” One of the committee’s duties is to review information on the sale of any rent-restricted housing projects, and calculate a market-derived capitalization rate on an annual basis as provided in the bill. The amendment also charges the committee to determine the acceptable valuation methods, and establishes appeal procedures for a county assessor that does not agree with determined valuation when the income-approach calculation is utilized.

LB717 – LB717 received speaker priority on February 21, 2014, and AM2135 was filed on March 10, 2014 by Senator Gloor. AM2135 added an emergency clause to make the bill effective shortly after the Governor signs the bill, and adds an operative date of January 1, 2015 for the appraiser qualifications criteria to take effect. So far LB717 is moving smoothly.

LB719 – LB719 received speaker priority on February 21, 2014, and an amendment was added to this bill to clean up the language on February 25, 2014.

LB720 – An amendment was added to this bill by the Executive Committee to clean up the language on February 20, 2014.

LB723 – This bill was placed on General File with amendment AM2270 on March 7, 2014. The amendment provides an out for those ag or horticultural lands that do not meet the descriptions outlined in this bill for these provisions to apply related to wells.

LB763 – This bill was indefinitely postponed on March 5, 2014.

LB885 – This bill was placed on General File with amendment AM2207 on March 7, 2014. The amendment added to this bill to creates “The Rent-Restricted Housing Projects Valuation Committee.” One of the committee’s duties is to review information on the sale of any rent-restricted housing projects, and calculate a market-derived capitalization rate on an annual basis as provided in the bill. The amendment also charges the committee to determine the acceptable valuation methods, and establishes appeal procedures for a county assessor that does not agree with determined valuation when the income-approach calculation is utilized.

LB909 – This bill was indefinitely postponed on March 5, 2014.

LB932 – This bill was placed on General File on February 21, 2014.

LB996 – This bill was placed on General File with amendment AM1881 on February 20, 2014. The amendment added to this bill allows a state agency to withhold confidential information under appropriate state law.

2. **AM2135 – AMENDMENTS TO LB717:** Director Kohtz presented AM2135 to the Board for review. After discussion, Board Member Kubert made a motion to support AM2135 as presented. Langemeier seconded the motion, and the motion carried with Saxton, Kubert, Woodle, Langemeier and Barkley voting aye.

P. BOARD POLICIES AND PROCEDURES

1. BOARD POLICIES

- a. **CURRENT BOARD POLICIES:** Director Kohtz was asked to reverse the order of the policies to start with the most recent on the first page. Director Kohtz indicated that the order of policies will be reversed.

Break from 1:42 p.m. to 1:56 p.m.

Q. OTHER BUSINESS

1. BOARD MEETINGS

- a. **April Board Meeting Date:** Due to travel related to the Spring AARO conference, Director Kohtz proposed that the April meeting be moved from April 17, 2014 to April 24, 2014. Board Member Woodle indicated that we will not be available on April 24, 2014. No other board member had objection to the revised meeting date. Board Member Kubert made a motion to move the April meeting to April 24, 2014 at 9:00 a.m. The motion was seconded by Woodle, and carried with Langemeier, Saxton, Kubert, Woodle and Barkley.

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

3. MEMOS FROM THE BOARD

- a. **Letter Sent to California Appraisers May Be Fraudulent:** Director Kohtz presented a drafted Memo From the Board to the Board for review concerning a letter sent to California appraisers alleging damages related to residential appraisals completed before 2007. Director Kohtz indicated that the letter was reviewed by Assistant Attorney General Hart for liability purposes. AAG Hart indicated that the letter was appropriately drafted, and the Board should keep record of reported instances if any are reported, and report them as a group to the agency’s Consumer Protection Division to show a pattern. Board Member Kubert moved to approve the Memo From the Board as presented. The motion was seconded by Saxton, and carried with Woodle, Langemeier, Kubert, Saxton and Barkley voting aye.

Board Member Kubert moved that the Board go back into executive session for the purpose of reviewing applicants for credentialing, applicants for appraisal management company registration, investigations, and other sensitive matters. The time on the meeting clock was 2:12 p.m. Board Member Woodle seconded the motion. The motion carried with Langemeier, Saxton, Kubert, Woodle and Barkley voting aye.

Board Member Kubert moved to come out of executive session at 4:14 p.m. Board Member Saxton seconded the motion. The motion carried with Woodle, Langemeier, Saxton, 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:

T2013012 / Approve Additional supervisory appraiser.

T14007 / Deny

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

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

L14001 / Approve to sit for exam and select three reports for Standard 3 review; authorize staff to request copies of reports from client.

CR14006 / Approve to sit for exam and select three reports for Standard 3 review.

CR14004R / Approve

CR14005R / Approve

CG14008 / Approve to sit for exam and select three reports for Standard 3 review.

CG14010 / Approve to sit for exam and select three reports for Standard 3 review.

CG14011 / Approve to sit for exam and select three reports for Standard 3 review.

CG14012R / Approve

CG14013R / Approve

CR13017 / Approve

CR13015 / Request new 2-4 unit residential property report completed after March 19, 2014.

L13002 / Hold

CR13006 / Approve

CR13014 / Hold

CR13009 / Request project timeline and evidence of support by April 1, 2014.

CG13019 / Deny

CG14001 / Hold

CG14003R / Hold

CG14006R / Hold

Item 1 / Approve

Board Member Langemeier seconded the motion. Motion carried with Saxton, Kubert, Woodle, Langemeier 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:

NE2014001 / Approve
NE2012002 / Approve

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

E. CONSIDERATION OF DISCIPLINARY ACTIONS/ ENFORCEMENT MATTERS:

Vice Chair Kubert moved to take the following enforcement actions:

12-11 / Set deadline to receive signed consent agreement at 5:00 p.m. on April 3, 2014, and authorize Special Assistant Attorney General Blake to file formal charges for violation of Neb. Rev. Stat. § 76-2237 and N.R.S. § 76-2238 (13), (16) after April 3, 2014.

12-20 / Close

12-27 / Dismiss without prejudice.

13-06 / Hold

13-09 / Hold

13-14 / Hold

13-15 / Hold

14-11 / Hold; Board Member Langemeier appointed as Investigating Board Member.

14-12 / Hold; Board Member Saxton appointed as Investigating Board Member.

14-13 / Hold; Board Member Saxton appointed as Investigating Board Member.

14-14 / Hold; Board Member Saxton appointed as Investigating Board Member.

14-15 / Hold; Board Member Barkley appointed as Investigating Board Member.

14-16 / Hold; Board Member Barkley appointed as Investigating Board Member.

14-17 / Hold; Board Member Barkley appointed as Investigating Board Member.

14-18 / Hold; Board Member Barkley appointed as Investigating Board Member.

14-19 / Hold; Board Member Barkley appointed as Investigating Board Member.

14-20 / Hold; Board Member Barkley appointed as Investigating Board Member.

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

Board Member Woodle moved to take the following enforcement actions:

12-21 / Send advisory letter.

12-24 / Hold

12-29 / Hold

13-18 / Set deadline to receive signed consent agreement at 5:00 p.m. on April 3, 2014, and authorize Special Assistant Attorney General Blake to file formal charges for violation of Neb. Rev. Stat. § 76-2237 and N.R.S. § 76-2238 (13), (14) after April 3, 2014.

13-19 / Set deadline to receive signed consent agreement at 5:00 p.m. on April 3, 2014, and authorize Special Assistant Attorney General Blake to file formal charges for violation of Neb. Rev. Stat. § 76-2237 and N.R.S. § 76-2238 (13), (14) after April 3, 2014.

13-27 / Offer Consent Agreement requiring Respondent to complete and successfully pass examination for a 30-Hour General Appraiser Sales Comparison Approach course, 30-Hour General Appraiser Income Approach course, a course related to the appraisal of self-storage facilities of at least 7 hours, the certified general appraiser exam as administered by Applied Measurement Professionals, Inc. within 6 months of execution of agreement and in no more than 3 attempts; or, voluntarily downgrade to the certified residential real property appraiser credential.

14-21 / Hold; Board Member Kubert appointed as Investigating Board Member.

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

Vice Chair Kubert moved to take the following enforcement actions:

12-06 / Close

13-10 / Hold

13-13 / Hold

13-23 / Hold

13-24 / Consent Agreement signed by Board Chair.

13-25 / Consent Agreement signed by Board Chair.

13-26 / Amend Consent Agreement to limit the total number of appraisal reports to be reviewed by the Board at the cost of the Respondent to four.

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

Vice Chair Kubert moved to take the following enforcement actions:

13-21 / Consent Agreement signed by Board Chair.

14-07 / Dismiss without prejudice; send advisory letter.

14-08 / Dismiss without prejudice; send advisory letter.

14-09 / Dismiss without prejudice; send advisory letter.

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

Board Member Woodle moved to take the following enforcement actions:

14-22 / Send appraisal report and workfile for Standard 3 review, request written response to alleged violations, and offer informal meeting. Board Member Kubert appointed as Investigating Board Member.

14-23 / Send appraisal report and workfile for Standard 3 review, request written response to alleged violations, and offer informal meeting. Board Member Kubert appointed as Investigating Board Member.

14-24 / Send appraisal report and workfile for Standard 3 review, request written response to alleged violations, and offer informal meeting. Board Member Kubert appointed as Investigating Board Member.

14-25 / Send appraisal report and workfile for Standard 3 review, request written response to alleged violations, and offer informal meeting. Board Member Kubert appointed as Investigating Board Member.

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

F. CONSIDERATION OF OTHER EXECUTIVE SESSION ITEMS

The Board discussed Item 3 concerning a non-credentialed individual that may be engaged in real property appraisal activity without first obtaining a credential issued by the Board. This matter is assigned inquiry number I14-12.

The Board discussed inquiry I14-6 concerning appraisal reports submitted to the Board by an applicant as true copies that are different than the copies submitted to the clients.

The Board discussed the response received concerning inquiry I14-7.

The Board discussed the response received concerning inquiry I14-8.

The Board discussed inquiry I14-10.

The Board discussed inquiry I14-11 concerning an appraisal report received at the Board's office, in which the appraiser may have failed to exercise reasonable diligence in his 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 inquiry I14-4 pertaining to an organization that allegedly engaged in business as an AMC in Nebraska without first obtaining registration issued by the Board. The organization was reported by board staff based on an email chain obtained from a Nebraska credentialed appraiser.

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

- I13-4 / Hold**
- I13-6 / Hold**
- I14-4 / Close**
- I14-5 / Close**
- I14-6 / Close; open investigations 14-22, 14-23, 14-24, 14-25 for the alleged violation of Neb. Rev. Stat. § 76-2237 and N.R.S § 76-2238 (2), (4), (10), and (16), and 298 NAC Chapter 5, Section 001.01J.**
- I14-7 / Send cease and desist letter.**
- I14-8 / Send cease and desist letter.**
- I14-9 / Hold**
- I14-10 / Close**
- I14-11 / Send appraisal report and workfile for Standard 3 review.**
- Item 3 / Assign inquiry number I14-12; send letter of inquiry.**

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

R. ADJOURNMENT

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

At 4:31 p.m. Chairman Barkley adjourned the March 20, 2014 meeting of the Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz
Director

These minutes were available for public inspection on April 3, 2014, in compliance with Nebraska Statute §84-1413 (5).