

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

August 21, 2014 Meeting Minutes

A. OPENING

Chairman Philip Barkley called to order the August 21, 2014 meeting of the Nebraska Real Property Appraiser Board at 9:00 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 August 19, 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, Larry Saxton, Marc Woodle, and Chris Langemeier were present. Also present were Director, Tyler Kohtz, Compliance and Education Specialist, Anthony Dreesen, and Business and Licensing 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 Langemeier moved to adopt the agenda as printed. Board Member Kubert seconded the motion. With no further discussion, the motion carried with Woodle, Saxton, Langemeier, Kubert 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 9:02 a.m. Board Member Saxton seconded the motion. The motion carried with Langemeier, Saxton, Kubert, Woodle and Barkley voting aye.

Break from 10:15 a.m. to 10:30 a.m.

Break from 11:20 a.m. to 11:31 a.m.

William G. Blake appeared before the Board

Nicholas Dizona appeared before the Board

Board Member Kubert moved to come out of executive session at 12:15 p.m. Board Member Saxton seconded the motion. The motion carried with Woodle, Langemeier, Saxton, Kubert and Barkley voting aye.

Break from 12:15 p.m. to 12:22 p.m.

G. WELCOME AND CHAIR'S REMARKS

Chairman Barkley welcomed the general public, board members and staff.

H. BOARD MEETING MINUTES

1. APPROVAL OF JULY 17, 2014 MEETING MINUTES

Chairman Barkley asked for any additions or corrections to the July 17, 2014 minutes. Member Kubert brought attention to the action for credentialing applicant CG14001 under Section C on Page 7, and indicated that "report" should be shown between "appraisal" and "completed." Member Kubert also stated that "appraisal" should be shown in the action between "property" and "report" for applicant CR14006. Finally, Member Kubert brought attention to the action for applicant CG14011 under Section C on Page 8, and indicated that "report" should be shown in the action between "appraisal" and "completed." Director Kohtz indicated that these corrections will be made. Board Member Kubert moved to adopt the July 17, 2014 meeting minutes as amended. Board Member Woodle seconded the motion. The motion carried with Saxton, Langemeier, Woodle, Kubert and Barkley voting aye.

I. DIRECTOR'S REPORT

Director Kohtz presented twelve charts outlining the number of appraisers and AMCs as of August 21, 2014. The Director summarized each chart and reported the number of appraisers as follows: 75 total Licensed, 71 resident and 4 reciprocal; 223 total Certified Residential, 179 resident and 44 reciprocal; 395 total Certified General, 254 resident and 141 reciprocal; and 5 Registered for a total of 698 appraisers. The total number of appraisers is the same as July 2014, and up 9 from August 2013. The Director also informed the Board that there are 53 Trainees, which is up 4 from July, and up 43 from August 2013.

In addition, the Director addressed the number of temporary permits issued. There were 18 permits issued in July compared to 4 permits issued in June. As of July 31, 2014, 62 temporary permits have been issued for the calendar year. Although July was an extremely active month, the number of permits issued is at the lowest level since 2010. Finally, Director Kohtz reported 109 AMCs registered, and one new AMC applications has been submitted since the last meeting.

J. FINANCIAL REPORT – AUGUST 2014

The receipts and expenditures for July were reviewed by the Director by line item with the Board. Director Kohtz provided details related to some specific July expenses. For the Real Property Appraiser Program, which includes both the appraiser fund and the AMC fund, a total of \$30,598.11 in expenditures and \$12,266.37 in revenues were reported. As of the end of July, expenses amount to 7.96 percent of the budgeted expenditures for the fiscal year; 8.49 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 July 2014 budget reports for audit. Board Member Woodle seconded the motion. The motion carried with Langemeier, Kubert, Woodle, Saxton and Barkley voting aye.

Director Kohtz presented the FY 2014-15 budget to the board for review. The Director outlined the changes made since the Board first saw the proposed budget in June. Specifically, funds were reallocated to account for the finalized PSL for the fiscal year, and to complete the database projects as originally planned. Board Member Kubert made a motion to approve the FY 2014-15 budget as presented. The motion was seconded by Board Member Saxton, and carried with Woodle, Langemeier, Saxton, Kubert and Barkley voting aye.

Director Kohtz presented the 2015-2017 Biennial Budget Request to the Board for review. The Director outlined the Agency Narrative for the Board, then went through each issue addressed in the request. The 2015-2017 Biennial Budget Request includes funding to build awareness of the appraiser profession through attendance at career fairs and printed materials, accounts for changes to the Administrative Services assessments, increases funding to the level of current expenditures for Contractual Services Expenses and Legal Services Expenses, adds funding for the distribution of USPAP manuals, adds funding for health insurance changes during FY 2016-17, adds funding for temporary staffing during renewal season, and adds funding to address future unemployment insurance claims. Director Kohtz then outlined the base budget, and made note of any changes resulting from the discussed issues. The Director ended the presentation by summarizing the funds analysis for the Appraiser Fund and AMC Fund. Director Kohtz informed the Board that the intent is to finish each fiscal year with expenditures within 10% of the budgeted amounts; the specific target is 5%. With the projections shown in the budget request, the Appraiser Fund and AMC Fund balances will end the 2015-2017 Biennial Budget at the approximate levels where they began. Board Member Kubert made a motion to approve the 2015-2017 Biennial Budget Request as presented. The motion was seconded by Saxton, and carried with Woodle, Langemeier, Kubert, Saxton and Barkley voting aye.

Director Kohtz presented a cost estimate and plan to map the OBIEE software to the NRPAB Database. OBIEE is an intelligence software that can be used to extract information out of a database and develop reports related to the extracted information. Currently, the Board does not have capabilities to perform these tasks. Any report the Board would request CIO to write would cost \$6000.00 per report. The estimate to map the OBIEE software to the database is \$12,800.00, which includes all the work to map the OBIEE software to the database and training to use the OBIEE software. Once OBIEE is mapped to the database, the Board will have the capabilities to extract any information found in the database and develop any report needed. Chairman Barkley asked if funding is allocated for this project. Director Kohtz responded that this project is included in the \$45,000.00 for data processing expenses. Board Member Kubert moved to approve \$12,800.00 for the mapping and use of the OBIEE software. The motion was seconded by Board Member Saxton, and carried with Langemeier, Saxton, Woodle, Kubert and Barkley voting aye.

K. GENERAL PUBLIC COMMENTS

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

L. EDUCATION

Board Member Kubert moved to approve the following education and instructor requests as listed:

New Continuing Education Requests

1. McKissock, LP
 - a. Appraisal of Fast Food Facilities (C21433-I) /7 Hours
 1. Tracy Martin

2. Alltera Group LLC
 - a. A Practical Guide to Appraisal Review (C21434-I)/5 Hours
 1. Greg Stephens
3. International Right of Way Association
 - a. Valuation of Environmentally Contaminated Real Estate (C21435)/15 Hours
 1. Richard Dickson
4. Appraisal Institute – North Star Chapter
 - a. 2014 IRS – Valuation of Donated Real Estate, Including Conservation Easements (C21436)/8 Hours
 1. Anita Gill
 2. Karin Gross
 3. Stephen Whiteaker
 4. Louis Garone
 5. Frank Molinari
5. Appraisal Institute – NE
 - a. The Discounted Cash Flow Model: Concepts, Issues & Applications (C21437)/7 Hours
 1. Larry Thomas Wright

Continuing Education Renewal Requests

1. Morrissey & Associates
 - a. National USPAP Update (C21401)/7 Hours
 1. Roger Morrissey
 - b. Report Writing Update (C2902)/7 Hours
 1. Roger Morrissey

Continuing Education Instructor Approval Requests

1. US Department of Housing and Urban Development
 - a. FHA Appraisal (C21057)
 1. Jack Ivan Luoma
 2. William Wayne Morris
 3. Terry Caine
 4. Doyle W. Clark
 5. Thomas Wilke
 6. Tulio Yepes
 7. James Dee Edgell
 8. Thomas Miles
 9. Simon L. Wills Jr.
 10. Frederick G. Schuler

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

M. UNFINISHED BUSINESS

1. **2015 ASC AUDIT SCHEDULE:** Director Kohtz informed the Board the Neal Fenochietti with the ASC has offered the first week in March as an option for the 2015 ASC compliance review. Each board member agreed that March would be better than July. Director Kohtz informed the Board that he will notify Mr. Fenochietti.

2. **COUNTY APPRAISER CONTRACTS UPDATE:** No update.

3. **OPEN 3RD CONGRESSIONAL DISTRICT CERTIFIED REAL PROPERTY APPRAISER REPRESENTATIVE POSITION:** No update.

N. **NEW BUSINESS** – None.

O. LEGISLATIVE REPORT AND BUSINESS

1. **LR499:** Director Kohtz informed the Board that he and Bill Marienau have reviewed the first draft of the follow up to LB685. There were some changes that needed to be made, so the draft was sent back to bill drafting. The Director anticipates having a draft ready for Board review in September.

2. **TITLE 298:** No update.

P. BOARD POLICIES AND PROCEDURES

1. **BOARD POLICIES**

a. **Current Board Policies:** No discussion.

2. **AMC FORMS AND PROCEDURES**

a. **Appraisal Management Company Registration Application:** Director Kohtz presented a draft of the updated Appraisal Management Company Registration Application to the Board for review. An error in number 5 on page 2 of the application was brought to attention. “If the” should be removed from the second sentence. Director Kohtz informed the Board that the change will be made. Chairman Barkley indicated that questions 8 and 9 on page 3 of the application are very similar, and asked if the two could be combined into one question. Director Kohtz responded that the two questions will be combined. Attention was also brought to F on page 5 of the application. The Board found the language to be confusing because the sentence is rather lengthy. Director Kohtz indicated that the language can be broken down into more than one sentence to simplify the language. Board Member Kubert made a motion to approve the updated Appraisal Management Company Registration Application as amended. The motion was seconded by Woodle, and carried with Saxton, Kubert, Langemeier, Woodle and Barkley voting aye.

3. **APPRAISER FORMS AND PROCEDURES**

a. **Procedure for 2015 Renewal:** Director Kohtz presented the Renewal Application Process to the Board for review. The Director proceeded to explain the process, and the changes put into place to address the issues from previous years. Board Member Kubert made a motion to approve the 2015 Renewal Application Process as presented. The motion was seconded by Woodle, and carried with Saxton, Langemeier, Kubert, Woodle and Barkley voting aye.

- b. 2015-16 Application for Renewal of Real Property Appraiser Credential:** Director Kohtz presented the 2015-16 Application for Renewal of Real Property Appraiser Credential to the Board for review. Attention was brought to number 2 on page 2 of the application. The question was asked, are the words “competent jurisdiction” needed between “court” and “have”? Director Kohtz indicated that it was carryover language from previous applications and it can be removed. Next, an error in number 4 was discussed. “Will be” shall be changed to “are” between “you” and “required” in the second sentence. On page 3, discussion took place regarding the first sentence next to the second check box under “I have included the following items within my application packet:” The Board agreed that the first sentence is not needed since the intent is explained in the remaining sentences in the paragraph. Finally, errors in the second group of checkboxes were discussed. “To be” shall be removed from between “renewal” and “Post-marked” in the first sentence next to the two checkboxes. “My” shall be changed to “the” between “that” and “processing” in the second sentence next to the second checkbox. Board Member Kubert made a motion to approve the 2015-16 Application for Renewal of Real Property Appraiser Credential as amended. The motion was seconded by Woodle, and carried with Langemeier, Kubert, Saxton, Woodle and Barkley voting aye.

4. EDUCATION FORMS AND PROCEDURES

- a. Supervisory Appraiser and Trainee Education Provider Feedback:** Director Kohtz presented the feedback received from education providers concerning the 7-Hour Supervisory Appraiser and Trainee Course Guidelines. The Board’s discussion focused on the potential exam and the instructor qualifications.
- b. 7-Hour Supervisory Appraiser and Trainee Course:** A draft of the Guidelines for the 7-Hour Supervisory Appraiser and Trainee Course was presented to the Board for review at its July meeting. After a brief discussion during that meeting, the Board asked Director Kohtz to forward the guidelines to Nebraska education providers for comment prior to the Board taking any action on the guidelines. After discussing the feedback received from education providers, the Board agreed that the course should include an exam, and because the course covers USPAP, the instructor should be an AQB Certified Instructor. Board Member Kubert made a motion to approve the 7-Hour Supervisory Appraiser and Trainee Course Guidelines as amended. The motion was seconded by Langemeier, and carried with Woodle, Saxton, Langemeier, Kubert and Barkley voting aye.

Q. OTHER BUSINESS

1. BOARD MEETINGS

- a. October Meeting – October 15, 2014:** Due to the amount of travel during October, Director Kohtz requested that the October meeting be moved from October 16, 2014 to October 15, 2014. Board Member Kubert made a motion to move the October meeting to October 15, 2014. The motion was seconded by Saxton, and carried with Woodle, Kubert, Langemeier, Saxton and Barkley voting aye.

2. CONFERENCES/EDUCATION

- a. 2014 Fall AARO Conference:** Director Kohtz asked for interest in attending the Fall AARO Conference. Board Member Kubert indicated that he will attend. Board Member Woodle stated that he likely will, but needs to check his calendar first. Director Kohtz indicated that he will be attending October 17-18. Board Member Saxton made a motion to approve Board Members Kubert and Woodle, along with Director Kohtz, for attendance at the Fall AARO Conference. Seconded by Langemeier, and carried with Kubert, Woodle, Langemeier, Saxton and Barkley.

3. MEMOS FROM THE BOARD

- a. 2015 Credential Renewal Process:** Director Kohtz presented a Memo From the Board concerning the January 1, 2015 renewals. The Director proceeded to summarize changes previously requested by Chairman Barkley. The Chairman asked that the size be reduced to two pages, and the information regarding fingerprints be delayed and sent out in a separate memo. A discussion took place regarding the memo, and the Board agreed with Chairman Barkley's recommendations. In addition, the Board requested that a screenshot of the Appraiser Login button be included, and that the text indicating that continuing education certificates must be submitted with the renewal application be emphasized. Board Member Kubert made a motion to approve the 2015 Credential Renewal Process Memo From the Board as amended. The motion was seconded by Saxton, and carried with Woodle, Langemeier, Kubert, Saxton and Barkley voting aye.

- b. Disclosure of Personal Interest with Respect to Parties Involved:** A discussion took place regarding a Memo From the Board concerning the USPAP requirement for an appraiser to disclose a relationship when offering appraisal services. Chairman Barkley asked that "loan origination of" be removed in the first paragraph. Board Member Kubert asked that the word "Lines" be added before the line numbers in the USPAP citations. Director Kohtz indicated that these changes will be made. There was no further discussion. Board Member Kubert made a motion to approve the Disclosure of Personal Interest with Respect to Parties Involved Memo From the Board as amended. The motion was seconded by Woodle, and carried with Langemeier, Saxton, Kubert, Woodle 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 1:49 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 2:15 p.m. Board Member Woodle seconded the motion. The motion carried with Saxton, Kubert, Woodle, Langemeier and Barkley voting aye.

C. CONSIDERATION OF APPLICANTS AS NEBRASKA REAL PROPERTY APPRAISER:

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

- T14023 / Approve as Trainee Real Property Appraiser.**
- CR14012R / Approve as Certified Residential Real Property Appraiser.**
- CR14013 / Approve to sit for exam; select and send three reports for review.**
- CR14014R / Approve as Certified Residential Real Property Appraiser.**
- CR14015R / Hold**
- CG14030R / Approve as Certified General Real Property Appraiser.**
- L13002 / Approve as Licensed Residential Real Property Appraiser; send advisory letter.**
- CR13014 / Hold**
- CG14001 / Hold**
- CG14006R / Accept withdrawal.**
- CR14006 / Request applicant to submit a new 2-4 unit residential property report completed within 60 days of this date, and pay \$550.00 for cost of review. Existing course requirement is waived.**

CG14011 / Hold
CG14021 / Hold
CG14010 / Hold
CG14014 / Approved as Certified General Real Property Appraiser
CR14010 / Hold
CG14015 / Hold
CR14011 / Hold
L14003 / Select 1 additional report for review.

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

D. REGISTRATION AS APPRAISAL MANAGEMENT COMPANY:

Board Member Kubert moved to take the following action for the AMC applicant as listed:

NE2014005 / Approve

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

E. CONSIDERATION OF DISCIPLINARY ACTIONS/ ENFORCEMENT MATTERS:

Vice Chair Kubert moved to take the following enforcement actions:

12-11 / Close
13-14 / Hold
13-15 / Hold
14-30 / Dismiss without prejudice.

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

Vice Chair Kubert moved to take the following enforcement actions:

13-13 / Hold
13-23 / Select appraisal report and workfile for review.
13-24 / Hold
13-25 / Hold
13-26 / Request for general extension denied.
14-15 / Consent Agreement signed by Board Chair.
14-16 / Hold
14-17 / Hold
14-18 / Hold
14-19 / Hold
14-20 / Hold
14-29 / Hold

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

Board Member Woodle moved to take the following enforcement actions:

12-24 / Send letter informing Respondent of Consent Agreement terms default.

12-29 / Send letter informing Respondent of Consent Agreement terms default.

13-18 / Hold

13-19 / Hold

14-22 / Offer Respondent the opportunity to surrender credential, or offer Consent Agreement suspending Respondent's credential for 45 days or until the Nebraska comprehensive certified general appraiser exam, as administered by Applied Measurement Professionals, Inc., is successfully completed in no more than three attempts, whichever is longer. Respondent shall provide a log of all real property appraisal activity during the suspension period. Respondent shall complete and successfully pass examination for a 15-Hour USPAP course and a 30-Hour General Report Writing course. Respondent shall not co-sign any appraisal reports completed during the Consent Agreement period, and shall, upon the successful completion of the suspension, submit a log of completed appraisal reports for eight subsequent quarters to the Board for review. The Board may select up to eight appraisal reports from the eight submitted logs to have sent for Standard 3 review; the Respondent is responsible for costs up to \$875.00 for each report sent for Standard 3 review. Respondent shall not act in a supervisory capacity for two years from the date of execution of the Consent Agreement, and shall pay \$3000.00 plus the Board's attorney fees for costs associated with the investigations within 120 days of execution of the Consent Agreement.

14-23 / Offer Respondent the opportunity to surrender credential, or offer Consent Agreement suspending Respondent's credential for 45 days or until the Nebraska comprehensive certified general appraiser exam, as administered by Applied Measurement Professionals, Inc., is successfully completed in no more than three attempts, whichever is longer. Respondent shall provide a log of all real property appraisal activity during the suspension period. Respondent shall complete and successfully pass examination for a 15-Hour USPAP course and a 30-Hour General Report Writing course. Respondent shall not co-sign any appraisal reports completed during the Consent Agreement period, and shall, upon the successful completion of the suspension, submit a log of completed appraisal reports for eight subsequent quarters to the Board for review. The Board may select up to eight appraisal reports from the eight submitted logs to have sent for Standard 3 review; the Respondent is responsible for costs up to \$875.00 for each report sent for Standard 3 review. Respondent shall not act in a supervisory capacity for two years from the date of execution of the Consent Agreement, and shall pay \$3000.00 plus the Board's attorney fees for costs associated with the investigations within 120 days of execution of the Consent Agreement.

14-24 / Offer Respondent the opportunity to surrender credential, or offer Consent Agreement suspending Respondent's credential for 45 days or until the Nebraska comprehensive certified general appraiser exam, as administered by Applied Measurement Professionals, Inc., is successfully completed in no more than three attempts, whichever is longer. Respondent shall provide a log of all real property appraisal activity during the suspension period. Respondent shall complete and successfully pass examination for a 15-Hour USPAP course and a 30-Hour General Report Writing course. Respondent shall not co-sign any appraisal reports completed during the Consent Agreement period, and shall, upon the successful completion of the suspension, submit a log of completed appraisal reports for eight subsequent quarters to the Board for review. The Board may select up to eight appraisal reports from the eight submitted logs to have sent for Standard 3 review; the Respondent is responsible for costs up to \$875.00 for each report sent for Standard 3 review. Respondent shall not act in a supervisory capacity for two years from the date of execution of the Consent Agreement, and shall pay \$3000.00 plus the Board's attorney fees for costs associated with the investigations within 120 days of execution of the Consent Agreement.

14-25 / Hold

14-26 / Offer Respondent the opportunity to surrender credential, or offer Consent Agreement suspending Respondent's credential for 45 days or until the Nebraska comprehensive certified general appraiser exam, as administered by Applied Measurement Professionals, Inc., is successfully completed in no more than three attempts, whichever is longer. Respondent shall provide a log of all real property appraisal activity during the suspension period. Respondent shall complete and successfully pass examination for a 15-Hour USPAP course and a 30-Hour General Report Writing course. Respondent shall not co-sign any appraisal reports completed during the Consent Agreement period, and shall, upon the successful completion of the suspension, submit a log of completed appraisal reports for eight subsequent quarters to the Board for review. The Board may select up to eight appraisal reports from the eight submitted logs to have sent for Standard 3 review; the Respondent is responsible for costs up to \$875.00 for each report sent for Standard 3 review. Respondent shall not act in a supervisory capacity for two years from the date of execution of the Consent Agreement, and shall pay \$3000.00 plus the Board's attorney fees for costs associated with the investigations within 120 days of execution of the Consent Agreement.

14-27 / Offer Respondent the opportunity to surrender credential, or offer Consent Agreement suspending Respondent's credential for 45 days or until the Nebraska comprehensive certified general appraiser exam, as administered by Applied Measurement Professionals, Inc., is successfully completed in no more than three attempts, whichever is longer. Respondent shall provide a log of all real property appraisal activity during the suspension period. Respondent shall complete and successfully pass examination for a 15-Hour USPAP course and a 30-Hour General Report Writing course. Respondent shall not co-sign any appraisal reports completed during the Consent Agreement period, and shall, upon the successful completion of the suspension, submit a log of completed appraisal reports for eight subsequent quarters to the Board for review. The Board may select up to eight appraisal reports from the eight submitted logs to have sent for Standard 3 review; the Respondent is responsible for costs up to \$875.00 for each report sent for Standard 3 review. Respondent shall not act in a supervisory capacity for two years from the date of execution of the Consent Agreement, and shall pay \$3000.00 plus the Board's attorney fees for costs associated with the investigations within 120 days of execution of the Consent Agreement.

Board Member Saxton 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:

13-21 / Hold

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

Vice Chair Kubert moved to take the following enforcement actions:

14-11 / Dismiss without prejudice; send advisory letter.

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

F. CONSIDERATION OF OTHER EXECUTIVE SESSION ITEMS:

Inquiries I14-14, I14-15, and I14-16 were discussed.

The Board reviewed each supervisory appraiser's response to the Board's inquiry related to I14-17, I14-18, I14-19, I14-20, and I14-21.

The Board reviewed Inquiry I14-22 concerning a non-credentialed individual that may have engaged in real property appraisal activity without first obtaining a credential issued by the Board related to valuation services provided for the purpose of a property valuation protest. This individual may be in violation of Neb. Rev. Stat. §76-2220 and §76-2246. In addition, "CPP Appraiser" is listed as the individual's title on the organization website at which this individual is employed. This may be a violation of N.R.S. § 76-2229.

The Board reviewed Inquiry I14-23 concerning a non-credentialed individual that may have engaged in real property appraisal activity without first obtaining a credential issued by the Board related to valuation services provided for the purpose of a property valuation protest. This individual may be in violation of Neb. Rev. Stat. §76-2220 and §76-2246.

The Board reviewed Inquiry I14-24 concerning a non-credentialed individual that may have engaged in real property appraisal activity without first obtaining a credential issued by the Board related to valuation services provided for the purpose of a property valuation protest. This individual may be in violation of Neb. Rev. Stat. §76-2220 and §76-2246.

The Board reviewed Inquiry I14-25 concerning a non-credentialed individual that may have engaged in real property appraisal activity without first obtaining a credential issued by the Board related to valuation services provided for the purpose of a property valuation protest. This individual may be in violation of Neb. Rev. Stat. §76-2220 and §76-2246.

The Board reviewed Inquiry I14-26 concerning a non-credentialed individual that may have engaged in real property appraisal activity without first obtaining a credential issued by the Board related to an appraisal report prepared for a credit union. This individual may be in violation of Neb. Rev. Stat. §76-2220 and §76-2246.

The Board reviewed Inquiries I14-27 and I14-28 concerning two non-credentialed individuals that may have engaged in real property appraisal activity without first obtaining credentials issued by the Board related to an appraisal report prepared for the purpose of a tax appeal for the subject property, which was signed by each individual. These individuals may be in violation of Neb. Rev. Stat. §76-2220 and §76-2246.

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

- I13-4 / Hold**
- I14-9 / Hold**
- I14-14 / Hold**
- I14-15 / Hold**
- I14-16 / Hold**
- I14-17 / Close; send advisory letter.**
- I14-18 / Close**
- I14-19 / Close; send advisory letter.**
- I14-20 / Close; send advisory letter.**
- I14-21 / Close; send advisory letter.**
- I13-22 / Send cease and desist letter, forward file to the Nebraska Real Estate Commission, and request clarification of “CPP Appraiser.”**
- I14-23 / Close; send cease and desist letter and forward file to the Nebraska Real Estate Commission.**
- I14-24 / Close; send cease and desist letter and forward file to the Nebraska Real Estate Commission.**
- I14-25 / Close; send cease and desist letter and forward file to the Nebraska Real Estate Commission.**
- I14-26 / Close; send cease and desist letter and carbon copy home state.**
- I14-27 / Close; send cease and desist letter, and carbon copy home state and Box Butte County Attorney.**
- I14-28 / Close; send cease and desist letter, and carbon copy home state and Box Butte County Attorney.**

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

The Board reviewed a complaint filed with the Texas Real Estate Commission against an organization that was forwarded to the Nebraska Real Property Appraiser Board for consideration of violations of the Nebraska Appraisal Management Company Registration Act. The Board agreed that it lacked jurisdiction as none of the supporting evidence referenced Nebraska property or a Nebraska credentialed appraiser. Board Member Kubert made a motion to close this matter. The motion was seconded by Langemeier, and 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 Saxton, Langemeier, Woodle, Kubert and Barkley voting aye.

At 2:30 p.m. Chairman Barkley adjourned the August 21, 2014 meeting of the Real Property Appraiser Board.

Respectfully submitted,

Tyler N. Kohtz
Director

These minutes were available for public inspection on July 28, 2014, in compliance with Nebraska Statute §84-1413 (5).