

NEBRASKA REAL ESTATE COMMISSION

April 19, 2012

Staybridge Suites

Staybridge Room

Lincoln, NE

Opening

Acting Chairperson Leisey convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on April 19, 2012, in the Staybridge Room of the Staybridge Suites, located at 2701 Fletcher Avenue in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Chairperson Gale and Commissioner Dover, who were absent and excused. Also present were Director Greg Lemon, Deputy Director for Education and Licensing Teresa Hoffman, Deputy Director for Enforcement Terry Mayrose, and Administrative Assistant Monica Rut.

Notice of Meeting (Adopt Agenda)

Director Lemon presented a public notice and proofs of publication thereof relating to this meeting, all of which are attached to and made a part of these minutes. Acting Chairperson Leisey reported that all Commissioners had been notified of the meeting simultaneously, by mail and e-mail, and that a proposed tentative agenda accompanied the notification.

Acting Chairperson Leisey pointed out to those in attendance that a public copy of the materials being used during the meeting were available to the public on the counsel table in the meeting room; that a copy of the Open Meetings Act was posted on the easel located in the northwest corner of the meeting room by the west entrance; and that the procedures followed were in accordance with the Open Meetings Act. Acting Chairperson Leisey asked that guests sign the guest list.

Director Lemon noted that agenda item 10a had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Ptak and seconded by Rouch to adopt the final agenda as presented. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, with Dover and Gale not participating or voting, being absent and excused.

Minutes of March 15, 2012

The minutes of the Commission meeting held on March 15, 2012, were considered. (Note: It was discovered at the meeting that the Exhibit for this Agenda Item was incorrect. On page 5, Item 10b, Commissioner Avery's name appeared twice in the vote and Commissioner Dover's name had been inadvertently omitted. The Exhibit was corrected for attachment to these minutes.)

After review, a motion was made by Avery and seconded by Stange to approve the minutes as amended. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, with Dover and Gale not participating or voting, being absent and excused.

Public Comment

Acting Chairperson Leisey asked the members of the audience if anyone wished to come forward to provide public comment on Commission related business. No audience member indicated a desire to come forward.

Receipts and Expenditures Report for March

Director Lemon presented the Receipts and Expenditures Report for March. A copy of said report is attached to and made a part of these minutes. Director Lemon noted that an explanation page was included on the report.

The cash fund balance as of March 31, 2012, was \$1,021,114.40, which compared to a cash fund balance of \$630,306.95 on March 31, 2011.

After discussion, a motion was made by Ptak and seconded by Rouch to file the March Receipts and Expenditures Report for audit. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, with Dover and Gale not participating or voting, being absent and excused.

Renewal Report

Director Lemon presented the Renewal Report. A copy of said report is attached to and made a part of these minutes.

No action was necessary on this report.

Specialized Registrations

Time-Share Registrations - Amendment for ClubWyndham Access Vacation Ownership Plan (Non-Specific Site)

Director Lemon presented a specialized registrations report which included the registration of amendment to time-share registration for ClubWyndham Access Vacation Ownership Plan Non-Specific Site. A copy of said report is attached to and made a part of these minutes.

A motion was made by Stange and seconded by Ptak to approve the amendment to the registration as presented. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, with Dover and Gale not participating or voting, being absent and excused.

Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report

Deputy Director Hoffman presented for ratification the Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Avery and seconded by Rouch to ratify issuance of the licenses as set forth in the report. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, with Dover and Gale not participating or voting, being absent and excused.

Examination Report - March

Deputy Director Hoffman presented for ratification the March Examination Report, a copy of which is attached to and made a part of these minutes. (Note: It was discovered at the meeting that the Exhibit for this Agenda Item was incorrect. Under the Individual Stats for the Salesperson Statistics Section the total number passed indicated 25 and 42.37% and total number failed as 27 and 45.76%, when, in fact, the total number passed should have been 32 and 54.24% and the total number failed should have been 27 and 45.76%. The Exhibit was corrected for attachment to these minutes.)

After review, a motion was made by Avery and seconded by Stange to ratify the March Examination Report for the purpose of issuing licenses as amended. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, with Dover and Gale not participating or voting, being absent and excused.

Real Estate Education Matters

Pre-License Education Instructor Approval

Deputy Director Hoffman presented for ratification the Pre-License Education Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Stange and seconded by Rouch to ratify the report. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, with Dover and Gale not participating or voting, being absent and excused.

Broker-Approved Training Recognition

Deputy Director Hoffman presented a Broker-Approved Training Recognition Report, a copy of which is attached to and made a part of these minutes.

Prior to discussion of this matter, Acting Chairperson Leisey recused himself, thereby nullifying any potential conflict of interest.

After review, a motion was made by Stange and seconded by Avery to ratify the report. Motion carried with Avery, Ptak, Rouch, and Stange voting aye, with Leisey not participating or voting, having recused himself, thereby nullifying any potential conflict of interest, and with Dover and Gale not participating or voting, being absent and excused.

Pending Sworn Complaints and Investigative Matters

Deputy Director Mayrose presented a summary report of the pending complaints, which included a list of licensees presently under disciplinary action or on appeal. A copy of said report is attached to and made a part of these minutes.

Deputy Director Mayrose also discussed the appeal made by Gary Thomas Thompson and indicated that the license revocation is still in effect, while it is being reviewed by the District Court.

No action was necessary on this report.

Leslie Rae Young v. Heineman et al., Report on Ruling and Possible Settlement

Director Lemon presented a Memorandum and Order from the United States District Court for the District of Nebraska regarding the Leslie Rae Young case. A copy of said report is attached to and made a part of these minutes.

Director Lemon explained the situation and events leading up to the ruling. He also explained that the case had not yet gone to trial and while the District Court's determination was not final, the case may proceed but most likely Young would not prevail. The most likely outcome is a settlement proposal, that would be reviewed for approval by the Commission, or the case being dismissed if Young chooses not to go forward to trial.

No action was necessary on this report.

The following sworn complaints and investigative matters were presented to the Commission:

Item A Complaint 2011-022

Prior to discussion of this matter, Acting Chairperson Leisey recused himself, thereby nullifying any potential conflict of interest.

Deputy Director Mayrose presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Stange and seconded by Ptak that the complaint be set for hearing on all alleged violations. Motion carried with Avery, Ptak, Rouch, and Stange voting aye, with Leisey not participating or voting, having recused himself, thereby nullifying any potential conflict of interest, and with Dover and Gale not participating or voting, being absent and excused.

After discussion, a motion was made by Stange and seconded by Avery that a new complaint be filed against the Respondent for violating Neb. Rev. Stat. §76-2421 and §81-885.24(29). Motion failed with Avery, Rouch, and Stange voting aye, with Ptak voting nay, with Leisey not participating or voting, having recused himself, thereby nullifying any potential conflict of interest, and with Dover and Gale not participating or voting, being absent and excused.

Item B Complaint 2011-026

Deputy Director Mayrose presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Avery and seconded by Rouch that this complaint be held in abeyance and a new complaint be filed against the Respondent per the Staff recommendation. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

It was the consensus of the Commission that a letter of admonishment be sent to the second licensee pending further investigation.

Item C Complaint 2011-027 – Keith and Sharon Rohde vs. Audrey Della Williams

Deputy Director Mayrose presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Avery and seconded by Stange that the complaint be dismissed without prejudice. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

Item D Complaint 2011-029 – James C. Pennington vs. Mary Katherine Rensch

Deputy Director Mayrose presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Avery and seconded by Rouch that the complaint be dismissed without prejudice. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

Item E Complaint 2011-031 – Hugh C. Mason vs. Leo "Rusty" Hike, Jr.

Deputy Director Mayrose presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Rouch and seconded by Ptak that the complaint be dismissed without prejudice. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

Item F Complaint 2011-034 - William E. Loomis vs. Leo "Rusty" W. Hike Jr.

Deputy Director Mayrose presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Ptak and seconded by Rouch that the complaint be dismissed without prejudice and a letter of admonishment be sent to the Respondent. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

Item G Complaint 2011-033 – Virginia Snowball vs. Bruce Daniel Abraham

Deputy Director Mayrose presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Rouch and seconded by Avery that the complaint be dismissed without prejudice. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

Item H Complaint 2011-005 – Donald C. & Bonnie R. Wright vs. Lydia Beth Moyer

Deputy Director Mayrose requested Complaint 2011-005 be dismissed. Deputy Director Mayrose explained that Complaint 2011-005 was presented to the Commission as an investigative matter. The Commission had voted to file a new complaint on its own motion and to hold Complaint 2011-005 in abeyance until the new complaint had been adjudicated. Complaint 2012-012 was the new complaint.

Item I Complaint 2011-014 – Kimberly Ann Bell vs. Keith Eugene Morris

Deputy Director Mayrose requested Complaint 2011-014 be dismissed. Deputy Director Mayrose explained that Complaint 2011-014 was presented to the Commission as an investigative matter. The Commission had voted to file a new complaint on its own motion and to hold Complaint 2011-014 in abeyance until the new complaint had been adjudicated. Complaint 2012-007 was the new complaint.

Item J Complaint 2011-025 – Rick Desterhouse vs. Linda Lee Fuller

Deputy Director Mayrose requested Complaint 2011-025 be dismissed. Deputy Director Mayrose explained that Complaint 2011-025 was presented to the Commission as an investigative matter. The Commission had voted to file a new complaint on its own motion and to hold Complaint 2011-025 in abeyance until the new complaint had been adjudicated. Complaint 2012-008 was the new complaint.

A motion was made by Ptak and seconded by Rouch to dismiss Complaints 2011-005, 2011-014 and 2011-025 since the Commission accepted Stipulation and Consent Orders for the new Complaints numbered 2012-012, 2012-007 and 2012-008 at this meeting. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

Presentation of Stipulation and Consent Orders

**Complaint 2012-012,
Commission vs. Lydia Beth Moyer**

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2012-012, Commission vs. Lydia Beth Moyer. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ptak and seconded by Rouch to enter into the Order as presented. Motion carried with Avery; Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

**Complaint 2011-015,
Patricia Sindelar vs. Terry Lee Forman**

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2011-015, Patricia Sindelar vs. Terry Lee Forman. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ptak and seconded by Rouch to enter into the Order as presented. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover

and Gale not participating or voting, being absent and excused.

**Complaint 2011-036,
Ruth Richter vs. Craig William Horobik**

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2011-036, Ruth Richter vs. Craig William Horobik. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Avery and seconded by Ptak to enter into the Order as presented. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

**April 19 – 10:30 a.m. - Complaint 2012-003,
Commission vs. Leslie Sue Petersen**

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2012-003, Commission vs. Leslie Sue Petersen. A copy of said Order is attached to and made a part of these minutes. Attorney Doug Ruge, of Omaha representing Ms. Petersen was present for the discussion regarding the Order.

Counsel Ruge explained the circumstances of Leslie Sue Peterson's criminal history.

After discussion, a motion was made by Stange and seconded by Ptak to decline the proposed Stipulation and Consent Order and propose that the Order be amended to include a four year suspension, with the first sixty-days served on suspension and the remainder stayed and served on probation, plus six hours of additional continuing education in the areas of disclosures and ethics to be completed within 120 days of the date of the Order. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

**Complaint 2012-007,
Commission vs. Keith Eugene Morris**

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2012-007, Commission vs. Keith Eugene Morris. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ptak and seconded by Stange to enter into the Order as presented. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

**Complaint 2012-008,
Commission vs. Linda Lee Fuller**

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2012-008, Commission vs. Linda Lee Fuller. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Stange and seconded by Ptak to enter into the Order as presented. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

Hearings

There were no hearings scheduled to be held at the meeting.

Informal Special Appearances

Holly Michelle Parry, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Ms. Parry's special appearance; character reference letters for Ms. Parry; a summary of Ms. Parry's criminal history; Ms. Parry's criminal history report; and her salesperson application form. A copy of said exhibit is attached to and made a part of these minutes. Ms. Parry was present.

Acting Chairperson Leisey reviewed the procedure for informal special appearances.

Ms. Parry explained the situations regarding his past criminal history.

After discussion, a motion was made by Rouch and seconded by Avery to allow Ms. Parry to sit for the salesperson examination after making proper application and to have a license issued upon passing. Ms. Parry must notify any anticipated employing broker of the criminal convictions and the circumstances of the convictions and said broker shall confirm said notification in writing to the Commission prior to the license being placed with said broker. Ms. Parry must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time for a period of two years. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

2011-2012 Objectives – Quarterly Report

Director Lemon presented an exhibit regarding the 2011-2012 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon reviewed each of the current Commission Objectives and explained the progress made on each of them.

A motion was made by Leisey and seconded by Rouch to approve the Commission Objectives as presented. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

Legislative Matters

Director Lemon explained that this was final update for the 2012 Legislation session.

LB 818 - No new information presented.

LB 1013 - No new information presented.

No action was necessary with regard to these matters.

Information Matters

Trust Account Examination Evaluation Report - First Quarter 2012

Director Lemon presented the Trust Account Examination Evaluation Report - First Quarter 2012. A copy of said report is attached to and made a part of these minutes. An updated Report had been distributed at the meeting and is attached to and made a part of these minutes.

Director Lemon reviewed some of the comments received and how the situations were handled.

No action was necessary on this report.

Errors and Omissions Loss Report – First Quarter 2012

Director Lemon presented the Errors and Omissions Loss Report – First Quarter 2012. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary with regard to this matter.

ARELLO - District Meeting – Rapid City, South Dakota - June 5-7, 2012

Director Lemon asked if any Commissioners or Staff had planned on attending the ARELLO District Meeting in Rapid City, South Dakota on June 5 through 7, 2012. Commissioner Rouch and Deputy Director Hoffman plan on attending the ARELLO District Meeting and Commissioner Avery is considering attending the Meeting. Director Lemon noted that those planning to attend must register by May 18, 2012.

No action was necessary on this report.

ARELLO Mid-Year Meeting – April 11-14, 2012 – Austin, Texas – Report of Attendees

Director Lemon noted that Commissioners Stange and Rouch and Deputy Director Hoffman attended the ARELLO Mid-Year Meeting.

Each of the Attendees discussed their experiences at the ARELLO Meeting.

No action was necessary on this report.

Future Meeting Dates

May 17-18, 2012 - Staybridge Suites, Lincoln
June 28, 2012 - Staybridge Suites, Lincoln
August 23-24, 2012 – Staybridge Suites, Lincoln
September 27-28, 2012 - Staybridge Suites, Lincoln

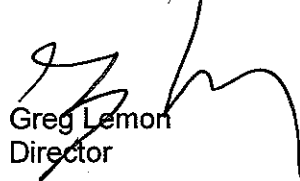
Recesses and Adjournment

At 9:55 a.m., Acting Chairperson Leisey declared a brief recess, and reconvened the meeting at 10:04 a.m.

At 11:15 a.m., there being no further business to come before the Commission, a motion was made by Avery and seconded by Rouch that the meeting adjourn. Motion carried with Avery, Ptak, Rouch, Stange and Leisey voting aye, and with Dover and Gale not participating or voting, being absent and excused.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the April 19, 2012, meeting of the Nebraska Real Estate Commission were available for inspection on April 26, 2012, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Tammy Brookhouser, Nebraska REALTORS® Association, Lincoln
Deda Myhre, CBSHOME Real Estate, Omaha
Holly Parry, Seward
Doug Ruge, Leslie Petersen, Omaha
Leslie Petersen, Omaha
Shawn McGuire, Celebrity Homes, Omaha