

NEBRASKA REAL ESTATE COMMISSION

May 17, 2012

Staybridge Suites

Staybridge Room

Lincoln, NE

Opening

Chairperson Gale convened a meeting of the Nebraska Real Estate Commission at 9:04 a.m. on May 17, 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 Commissioners Ptak and Stange, 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. Chairperson Gale 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.

Chairperson Gale 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. Chairperson Gale asked that guests sign the guest list.

Director Lemon noted that no agenda items had been added since the tentative agenda was mailed to the Commissioners.

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

Minutes of April 19, 2012

The minutes of the Commission meeting held on April 19, 2012, were considered.

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

Public Comment

Chairperson Gale 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 April

Director Lemon presented the Receipts and Expenditures Report for April. 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 April 30, 2012, was \$983,026.61, which compared to a cash fund balance of \$574,757.36 on April 30, 2011.

After discussion, a motion was made by Leisey and seconded by Dover to file the April Receipts and Expenditures Report for audit. Motion carried with Avery, Dover, Leisey, Rouch and Gale voting aye, with Ptak and Stange 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.

After discussion, it was the consensus of the Commission to have Staff research and prepare a demographical report on the licensees currently licensed.

No action was necessary on this report.

Specialized Registrations

Time-Share Registration - Amendment for Marriott Vacation Club Destinations

Director Lemon presented a specialized registrations report which included the registration of amendment to the time-share registration for Marriott Vacation Club Destinations. A copy of said report is attached to and made a part of these minutes.

Campground Registration – Hidden Hollow Campgrounds, LLC

Director Lemon presented a specialized registrations report which included the campground registration for Hidden Hollow Campgrounds, LLC. A copy of said report is attached to and made a part of these minutes.

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

Examination Report - April

Deputy Director Hoffman presented for ratification the April Examination Report, a copy of which is attached to and made a part of these minutes.

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

Real Estate Education Matters

Continuing Education Activity Approval

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

Continuing Education Instructor Approval

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

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.

After review, a motion was made by Avery and seconded by Leisey to ratify the three reports. Motion carried with Avery, Dover, Leisey, Rouch and Gale voting aye, with Ptak and Stange 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 informed the Commission that a Show-Cause Hearing held for Carl Wuestehube required that a fine be paid in the amount of five-thousand dollars. Since Mr. Wuestehube had not paid the required fine, the Commission has filed a case against him in Lancaster County District Court to enforce the Commission's ruling. A hearing on the motion for Default Judgment and Injunction against him will be held on May 23.

Deputy Director Mayrose updated the Commission on the pending Gary Thomas Thompson Appeal in which the Commission had made filed a Motion to Dismiss with the court since Mr. Thompson had not paid the appropriate fees.

No action was necessary on this report.

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

Item A Complaint 2011-038 – Lori Reed vs. Deborah Lynn Danielson

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 Leisey 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, Dover, Leisey, Rouch and Gale voting aye, and with Ptak and Stange not participating or voting, being absent and excused,

Item B Complaint 2011-040 – Cory & Shanna Pierce vs. Linda Claire McGuire

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 Leisey that the complaint be dismissed without prejudice and a letter of admonishment be send to the Seller's Agent and the Buyer's Agent as well as their employing brokers. Motion carried with Avery, Leisey, Rouch and Gale voting aye, with Dover voting nay, and with Ptak and Stange not participating or voting, being absent and excused.

Item C Complaint 2012-004

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 Leisey and seconded by Avery that the complaint be dismissed without prejudice against the Buyer's Agent and that the complaint be set for Hearing against the Seller's Agent on Neb. Rev. Stat. § 81-885.24 (29). Motion carried with Avery, Leisey, Rouch and Gale voting aye, with Dover voting nay, and with Ptak and Stange not participating or voting, being absent and excused.

Item D Complaint 2012-006

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 Leisey and seconded by Dover that the complaint be set for Hearing. Motion carried with Avery, Dover, Leisey, Rouch and Gale voting aye, and with Ptak and Stange not participating or voting, being absent and excused.

Presentation of Stipulation and Consent Orders

Complaint 2012-010, Commission vs. Curtis John Hart & Mark Douglas Hart

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2012-010, Commission vs. Curtis John Hart & Mark Douglas Hart. A copy of said Order is attached to and made a part of these minutes.

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

Complaint 2011-022, Steve and Cathy Sickler vs. Joan Elizabeth Fink-Arney

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2011-022, Steve and Cathy Sickler vs. Joan Elizabeth Fink-Arney. A copy of said Order is attached to and made a part of these minutes.

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

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

Hearings

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

Informal Special Appearances

Kai S. Uno, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. Uno's special appearance; Mr. Uno's criminal history report; and his salesperson application form. A copy of said exhibit is attached to and made a part of these minutes. Mr. Uno was present.

Chairperson Gale reviewed the procedure for informal special appearances.

Prior to the meeting, Mr. Uno had requested the distribution of letters of reference. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13b1.

Mr. Uno explained the situations regarding his past criminal history.

After discussion, a motion was made by Dover and seconded by Leisey to allow Mr. Uno to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Uno 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. Mr. Uno 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 three years. Motion carried with Avery, Dover, Leisey and Rouch voting aye, with Gale voting nay, with Ptak and Stange not participating or voting, being absent and excused.

Personnel Matter – Closed Session

At 11:08 a.m., a motion was made by Dover and seconded by Rouch to go into closed session for discussion of personnel matters. Motion carried with Avery, Dover, Leisey, Rouch and Gale voting aye, with Ptak and Stange not participating or voting, being absent and excused.

Chairperson Gale indicated, prior to the closed session beginning, that the reason for the closed session was to discuss personnel matters.

At 12:15 p.m., a motion was made by Dover and seconded by Rouch to reconvene in open session. Motion carried with Avery, Dover, Rouch and Gale voting aye, with Leisey, Ptak and Stange not participating or voting, being absent and excused.

After reconvening in open, public session, a motion was made by Dover and seconded by Rouch to increase Director Lemon's and Deputy Director Hoffman's salary by three percent beginning July 1, 2012. Motion carried with Avery, Dover, Rouch and Gale voting aye, with Leisey, Ptak and Stange not participating or voting, being absent and excused.

Information Matters

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

Director Lemon noted that Commissioner Rouch and Deputy Director Hoffman and he plan on attending the ARELLO District Meeting.

No action was necessary on this report.

Commission Objectives

Director Lemon explained that the final objectives for 2011-2013 would be presented at the next meeting and the proposed 2012-2013 objectives would be discussed.

Chairperson Gale indicated that he would like discuss proposed legislation for home inspectors. Commissioner Dover indicated that he would be interested in reviewing term limits for Commissioners in other states and perhaps changing the terms from six to four years.

No action was necessary with regard to this matter.

Future Meeting Dates

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

Recesses and Adjournment

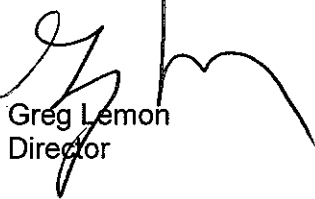
At 10:26 a.m., Chairperson Gale declared a brief recess, and reconvened the meeting at 10:39 a.m.

Commissioner Leisey was excused from the meeting at 10:56 a.m.

At 12:16 p.m., there being no further business to come before the Commission, a motion was made by Dover and seconded by Avery that the meeting adjourn. Motion carried with Avery, Dover, Rouch and Gale voting aye, with Leisey, Ptak and Stange 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 May 17, 2012, meeting of the Nebraska Real Estate Commission were available for inspection on May 21, 2012, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Bryan Fraser, CBSHOME Real Estate, Omaha

Susan Geschwender, Randall School of Real Estate, Omaha

Rick Boucher, Boucher Law Firm of Beatrice, Crete and Lincoln

Herb Freeman, NP Dodge Co, Omaha

