

**NEBRASKA REAL ESTATE COMMISSION**

January 22, 2020

Country Inn & Suites

Lighthouse Room

Lincoln, NE

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**Opening**

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on January 22, 2020, in the Lighthouse Room of the Country Inn & Suites, located at 5353 N 27<sup>th</sup> Street in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Commissioner Dover, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Education Alane Roubal, Deputy Director for Enforcement Ken Dahlke, and Deputy Director for Licensing Monica Rut.

**Notice of Meeting (Adopt Agenda)**

Director Lemon presented a public notice thereof relating to this meeting, which is attached to and made a part of these minutes. Chairperson Evnen 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 Evnen pointed out to those in attendance that a public copy of the materials being used during the meeting were available on the counsel table in the meeting room; that a copy of the Open Meetings Act was posted on the easel located in the northeast corner of the meeting room by the east entrance; and that the procedures followed were in accordance with the Open Meetings Act. Chairperson Evnen asked that guests sign the guest list.

Director Lemon noted that agenda items 11c, 11d, and 18b had been added since the tentative agenda was mailed to the Commissioners.

Commissioner Bourne suggested adding a new agenda item for discussion purposes only. After further discussion, it was determined that 9K Discussion of Bilingual Educators would be added to the agenda.

After review of the final agenda, a motion was made by Titus and seconded by Starman to adopt the final agenda as presented. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Minutes of November 21, 2019**

The minutes of the Commission meeting held on November 21, 2019, were considered.

After review, a motion was made by Starman and seconded by Gehrki to approve the minutes as presented. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

## **Public Comment**

Chairperson Evnen 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 Reports for November and December**

Director Lemon presented the Receipts and Expenditures Reports for November and December. Copies of said reports are attached to and made a part of these minutes. Director Lemon noted that an explanation page was included in each report.

The cash fund balance as of November 30, 2019, was \$1,657,767.22, which compared to a cash fund balance of \$1,630,625.50 on November 30, 2018.

The cash fund balance as of December 31, 2019, was \$1,842,562.94, which compared to a cash fund balance of \$1,712,673.81 on December 31, 2018.

After discussion, a motion was made by Starman and seconded by Bourne to file the November and December Receipts and Expenditures Reports for audit. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover 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**

### **Subdivided Land Registration - Amendment for Reynolds Lake Oconee**

Director Lemon presented a specialized registrations report which included the registration of amendment to the subdivided land registration for Reynolds Lake Oconee. A copy of said report is attached to and made a part of these minutes.

### **Time-Share Registration - Amendment for ClubWyndham Access Vacation Ownership Plan**

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

### **Campground Registration – Amendment for Thousand Trails**

Director Lemon presented a specialized registrations report which included the registration of amendment to campground registration for Thousand Trails. A copy of said report is attached to and made a part of these minutes.

A motion was made by Titus and seconded by Gehrki to approve the amendments to the three registrations as presented Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

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

Deputy Director Rut 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 Ritter and seconded by Titus to ratify issuance of the licenses as set forth in the report. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

### **Examination Reports – November and December**

Deputy Director Roubal presented for ratification the November and December Examination Reports, copies of which are attached to and made a part of these minutes.

After review, a motion was made by Bourne and seconded by Starman to ratify the November and December Examination Reports for the purpose of issuing licenses. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

### **Examination Passing Rosters**

Deputy Director Roubal presented the Examination Passing Rosters for November and December, copies of which are attached to and made a part of these minutes.

No action was necessary on this report.

### **Fourth Quarter PSI School Reports**

Deputy Director Roubal presented the PSI Review of Examination Performance Reports for comparison for the period of October 1, 2019 through December 31, 2019, copies of which are attached to and made a part of these minutes.

Deputy Director Roubal explained the school reports.

No action was necessary on this report.

### **Real Estate Education Matters**

#### **Pre-License Education Provider/Course Approval**

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

### **Pre-License Education Instructor Approval**

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

### **Continuing Education Provider/Activity Approval**

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

### **Continuing Education Activity Approval**

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

### **Continuing Education Activity Significant Change**

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

### **Commission-Approved Training Provider/ Activity Recognition**

Deputy Director Roubal presented a Commission-Approved Training Provider/Activity Recognition Report, a copy of which is attached to and made a part of these minutes.

### **Commission-Approved Training Activity Recognition**

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

After review, a motion was made by Gehrki and seconded by Ritter to ratify the seven reports. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

### **Continuing Education Provider Rejection**

Deputy Director Roubal presented a Continuing Education Provider Rejection, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal indicated that there had been many discussions with this provider over a two year period regarding their requirements and while it is unfortunate to lose a national provider, the inaccuracies and reporting issues were significant and unacceptable.

After review, a motion was made by Ritter and seconded by Starman to ratifying the action to remove the provider from approved status. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

## **Minutes from Education Advisory Group – Fourth Quarter**

Deputy Director Roubal presented the Minutes from the Education Advisory Group-Fourth Quarter, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal explained got a lot accomplished, reviewed pre/post courses; very productive,

No action was necessary on this report.

### **Instructor Development Workshop**

Deputy Director Roubal presented an exhibit regarding the proposed Instructor Development Workshop, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal noted that this Workshop would be one day long. Distinguished Real Estate Instructor, Karel Murray would be training the trainers on the pre- and post-licensing courses for salespersons and brokers which will begin on July 1, 2020.

A motion was made by Titus and seconded by Gehrki to approve the expenditures for the Instructor Development Workshop and to provide the Workshop free of charge and continuing education credit of three hours for completion of each of the two sessions for the attendees. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

### **Discussion of Bilingual Educators**

Commissioner Bourne indicated that she was informed that in surrounding states, applicants are taking courses bilingually. She felt it would be beneficial and would like the Commission to consider having courses offered bilingually in Nebraska due to the heavy Hispanic workforce.

There was discussion regarding the demand for the courses and what the incentive is for providers to create bilingual courses. There was also discussion regarding certification of bilingual courses. Deputy Director Roubal indicated that there are a wide range of languages being spoken at the schools to be considered not just Spanish speaking students.

There was also discussion that the examination is only offered in English.

Director Lemon explained that they would consult with the advisory group and education providers, and report findings to the Commission at a future meeting.

No action was necessary on this report.

### **Pending Sworn Complaints and Investigative Matters**

Deputy Director Dahlke 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.

No action was necessary on this report.

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

**Item A** Complaint 2019-006 – Mary Alice Johnson vs. Brenda Kay Hamre

Deputy Director Dahlke 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 Ritter and seconded by Starman that the complaint be dismissed without prejudice. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting.

**Item B** Complaint 2019-012

Deputy Director Dahlke presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter. Deputy Director Dahlke noted verbally the addition of a violation of Nebraska Administrative Code Title 299, Ch. 5, Sec. 003.20 to the recommendations included in the report.

After being advised of the results of the investigation and discussion, a motion was made by Ritter and seconded by Gehrki that the Complaint be set for hearing against the Respondent per the Staff recommendation.

After further discussion, an amendment was offered by Commissioner Titus to add the allegation of fact for failure to return earnest deposit to the buyer. The amendment was accepted by the mover and the second.

Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Item C** Complaint 2019-019

Deputy Director Dahlke 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 Gehrki and seconded by Titus that the complaint be dismissed without prejudice.

After further discussion, a motion was made by Bourne and seconded by Evnen to table the pending motion and further review and report to the Commission the laws relating to filing a lien against a property by a licensee.

Motion carried with Bourne, Gehrki, Ritter, Starman, and Evnen voting aye, with Titus voting nay, and with Dover not participating or voting, being absent and excused.

**Item D** Complaint 2019-020 - Julie Lehman vs. Jean Marie Duffy and Complaint 2019-021 - Julie Lehman vs. Carmela Kramer Karni

Deputy Director Dahlke 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 Titus and seconded by Gehrki that the complaint be dismissed without prejudice. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Item E** Complaint 2019-022

Deputy Director Dahlke 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 Titus and seconded by Ritter that this complaint be held in abeyance and a new complaint be filed against the Respondent per the Staff recommendation. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Item F** Complaint 2019-024

Deputy Director Dahlke 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 Bourne and seconded by Ritter that the complaint be set for hearing on the alleged violations in the report and request the Director to have the respondent audited within 60 days. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Item G** Complaint 2019-027 - Kara Wooten vs. Kellie Arlene Abrams

Deputy Director Dahlke 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 Gehrki and seconded by Ritter that the complaint be dismissed without prejudice. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Item H** Complaint 2019-029

Deputy Director Dahlke 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 Bourne and seconded by Titus that this complaint be held in abeyance and a new complaint be filed against the Respondent per the Staff recommendation. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Item I** Complaint 2019-030

Deputy Director Dahlke 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 Ritter and seconded by Bourne that the complaint be set for hearing on 81-885.24(29). Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Item J** Complaint 2018-016 - Christina Marie Jacobson vs. Ryan Basye

Deputy Director Dahlke requested Complaint 2018-016 be dismissed. Deputy Director Dahlke explained that Complaint 2018-016 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 2018-016 in abeyance until the new complaint had been adjudicated. Complaint 2019-001 was the new complaint.

A motion was made by Bourne and seconded by Ritter to dismiss Complaint 2018-016, since the Commission accepted a Stipulation and Consent Order for Complaint 2019-001 at the last meeting. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Item K** Complaint 2017-021 - Nicholas M. McCright vs. Antonio O. Anzalone

Deputy Director Dahlke requested Complaint 2017-021 be dismissed. Deputy Director Dahlke explained that Complaint 2017-021 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 2017-021 in abeyance until the new complaint had been adjudicated. Complaint 2018-040 was the new complaint.

A motion was made by Starman and seconded by Gehrki to dismiss Complaint 2017-021, since the Commission accepted a Stipulation and Consent Order for Complaint 2018-040 at this meeting. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**Presentation of Stipulation and Consent Orders**

**Complaint 2018-040,  
Commission vs. Antonio O. Anzalone**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2018-040, Commission vs. Antonio O. Anzalone. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Titus to enter into the Order as presented. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Dover not participating or voting, being absent and excused.



**Complaint 2019-035,  
Commission vs. Renae Ann Lade**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2019-035, Commission vs. Renae Ann Lade. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Gehrki and seconded by Starman to enter into the Order as presented. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Dover not participating or voting, being absent and excused.

**Complaint SC2019-001,  
Commission vs. Christine Michelle Dozler**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint SC2019-001, Commission vs. Christine Michelle Dozler. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Starman and seconded by Gehrki to enter into the Order as presented. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Dover not participating or voting, being absent and excused.

**Complaint SC2019-002,  
Commission vs. Nicole Jean Shoecraft**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2019-002, Commission vs. Nicole Jean Shoecraft. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Gehrki and seconded by Ritter to enter into the Order as presented. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, and with Dover not participating or voting, being absent and excused.

**Disciplinary Hearings**

**January 23 – 10:30 a.m. 10:30 a.m. - Show-Cause Hearing on  
SC2019-002, Commission vs. Nicole Jean Shoecraft**

The Show-Cause Hearing regarding SC2019-002, Commission vs. Nicole Jean Shoecraft was continued pending review of a proposed stipulation and consent order, the order was approved by the Commission as provided in these minutes.

**January 23 – 2:00 p.m. - Show-Cause Hearing on  
SC2019-001, Commission vs. Christine Michelle Dozler**

The Show-Cause Hearing regarding SC2019-001, Commission vs. Christine Michelle Dozler was continued pending review of a proposed stipulation and consent order, the order was approved by the Commission as provided in these minutes. .

## **Informal Special Appearances**

### **Calvin Reece Fishburn, Salesperson Applicant**

Director Lemon presented exhibits which included: correspondence regarding Mr. Fishburn's special appearance; a letter of explanation from Mr. Fishburn; character reference letters for Mr. Fishburn; Mr. Fishburn's salesperson application form; trial court cases from the State of Nebraska on Mr. Fishburn's cases; and Mr. Fishburn's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Fishburn was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Fishburn distributed an additional letter of explanation, Department of Defense Policy Sections relating to charges being discussed, a copy of Mr. Fishburn's concealed handgun permit, and the Nebraska Sex Offender Registry search results for Mr. Fishburn. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13a1.

Mr. Fishburn explained the situations regarding his criminal history.

After discussion, a motion was made by Gehrki and seconded by Starman to allow Mr. Fishburn to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Fishburn 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. Fishburn must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within two weeks for a period of two years

Commissioner Starman offered an amendment to require Mr. Fishburn to notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within five days instead of two weeks. The amendment was accepted by the mover and the second.

Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

### **Aaron Mark Henderson, Salesperson Applicant**

Director Lemon presented exhibits which included: correspondence regarding Mr. Henderson's special appearance; a letter of explanation from Mr. Henderson; character reference letters for Mr. Henderson; Mr. Henderson's salesperson application form; trial court cases from the State of Nebraska on Mr. Henderson's cases; and Mr. Henderson's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Henderson was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Henderson explained the situations regarding his criminal history.

After discussion, a motion was made by Starman and seconded by Gehrki to allow Mr. Henderson to sit for the salesperson examination after making proper application and to have a

license issued upon passing. Mr. Henderson must continue to attend Alcoholics Anonymous classes, and 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. Henderson must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within five days for a period of two years. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

There was discussion regarding the attendance and reporting requirements of Alcoholics Anonymous course.

An amendment was made by the mover to require Mr. Henderson to attend Alcoholics Anonymous one time each week and his attendance must be reported to the Commission office quarterly for two years. The amendment was accepted by the second.

Motion carried with Gehrki, Ritter, Starman, and Evnen voting aye, with Titus voting nay, with Bourne abstaining, and with Dover not participating or voting, being absent and excused.

#### **Ashley Lynn Canas-Milner, Salesperson Applicant**

Director Lemon presented exhibits which included: correspondence regarding Ms. Canas-Milner's special appearance; a letter of explanation from Ms. Canas-Milner; character reference letters for Ms. Canas-Milner; Ms. Canas-Milner's salesperson application form; trial court cases from the State of Nebraska on Ms. Canas-Milner's cases; and Ms. Canas-Milner's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Ms. Canas-Milner was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Canas-Milner explained the situations regarding her criminal history.

After discussion, a motion was made by Titus and seconded by Ritter to allow Ms. Canas-Milner's to sit for the salesperson examination after making proper application and to have a license issued upon passing. Ms. Canas-Milner 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. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

#### **2019-2020 Objectives – Quarterly Report**

Director Lemon presented an exhibit regarding the proposed 2019-2020 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 objectives and their current status.

No action was necessary with regard to this matter.

## **Review and Approval of Travel to 2020 Regularly Attended Meetings**

Director Lemon presented an exhibit regarding the estimated costs of Commissioners and staff participating in regularly-attended meetings in 2020. A copy of said exhibit is attached to and made a part of these minutes.

After discussion, a motion was made by Gehrki and seconded by Ritter to approve the reimbursement of expenditures for Commissioners and staff who attend the meetings set forth in the exhibit. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

## **Annual Review and Approval of Procedures and Cycle for Trust Account Examinations**

Director Lemon presented a reference copy of the Commission's Approved Procedures and Cycle for Trust Account Examinations. A copy of said exhibit is attached to and made a part of these minutes. (Note: It was discovered after the meeting adjourned that the Exhibit for this Agenda Item was incorrect. One of the Amended dates listed at the bottom reflected the year as "003" when, in fact, the year should have been "2003". The Exhibit was corrected for attachment to these minutes.)

Director Lemon indicated that there were no recommended changes to the document.

After discussion, a motion was made by Bourne and seconded by Ritter to approve the exhibit as presented. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

## **Consider Approval of Special Assistant Attorneys General Appointment**

Director Lemon presented a letter from the Attorney General's Office appointing Adam Prochaska and Chris Heinrich as Special Assistant Attorneys General for the Nebraska Real Estate Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon noted that Mr. Heinrich's and Mr. Prochaska's appointments expired on December 31, 2020.

A motion was made by Ritter and seconded by Gehrki to authorize Director Lemon to ratify the appointment by the Attorney general and utilize the services of the Special Assistant Attorneys General pursuant to any existing or future memorandums of understanding effective for the time period of their appointment. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

## **Legislative Matters**

**LB 929** – Director Lemon presented Legislative Bill 929 as introduced to the Legislature. A copy of said exhibit is attached to and made a part of these minutes. Andy Alloway, with the Nebraska REALTORS® Association was present to discuss this matter.

Director Lemon reported that this bill was introduced by Senator Brett Lindstrom and would provide an exemption to the Nebraska Real Estate License Act for the use of an unlicensed person by a broker or salesperson. He explained that the Commission had been working on this issue with the Nebraska REALTORS® Association, and at the suggestion of the

Chairperson, he drafted and distributed a memorandum of explanation and a comparison of the provisions of the current law and the two bills. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 18a1.

Director Lemon reviewed and discussed the differences as shown on the comparison page of the exhibit. He also noted that one of the items listed should be amended to another section of the law rather than where it is currently located in the bill.

Andy Alloway, with the Nebraska REALTORS® Association, indicated that through discussions within the Association and the members, the bill reflected the way business is being conducted. He noted that the proposed drafts from the Task Force and the Commission were reviewed and modified which provided the scope of what was submitted. He was seeking the Commissions support of this bill since it had been introduced to the Legislature.

There was discussion regarding violations and enforcement of this bill should it pass.

Director Lemon explained that the primary purpose of the bill relates to the creating an exemption in the License Act for unlicensed assistants, however the last sentence of the new language in the bill related to activities required of licensees related to the exemption. He noted that some of the proposed language regulating licensees should be included in the unfair trade practices section of the License Act, rather than the exemption section.

A motion was made by Gehrki and seconded by Bourne that the Commission support this bill.

Chairperson Evnen offered an amendment to the motion that Director Lemon support the bill before the legislature but also propose the incorporation the amendment moving the regulatory language. The amendment was accepted by the mover and the second. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, being absent and excused.

**LB 1020** - Director Lemon presented Legislative Bill 1020 as introduced to the Legislature. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon reported that this bill was introduced by Senator Tony Vargas and would change provisions relating to the discrimination under the Nebraska Fair Housing Act. He indicated that the bill would prohibit discrimination because of lawful source of income. He noted that he would monitor this bill.

No action was necessary with regard to this matter.

### **Information Matters**

#### **Errors and Omissions Loss Report – Fourth Quarter 2019**

Director Lemon presented the Errors and Omissions Loss Report – Fourth Quarter 2019. 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 Mid-Year Meeting – Savannah, GA – April 29- May 2, 2020**

Director Lemon explained that the Savannah, GA meeting should be educational and informational and while the registration is not opened yet, he encouraged those who were interested to sign up once available.

No action was necessary on this report.

**ARELLO Leadership Symposium – Key West, Florida - January 14-16, 2020 – Report of Attendees**

Director Lemon noted that Deputy Director Rut and he attended the ARELLO Leadership Symposium.

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

No action was necessary on this report.

**Future Meeting Dates**

February 27-28, 2020 - Staybridge Suites, Lincoln  
March 19-20, 2020 - Staybridge Suites, Lincoln  
April 16-17, 2020 - Staybridge Suites, Lincoln  
May 21-22, 2020 - Staybridge Suites, Lincoln  
June 18-19, 2020 - Staybridge Suites, Lincoln

**Recesses and Adjournment**

At 10:32 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:45 a.m.

At 12:03 p.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 12:09 p.m.

At 12:44 a.m., there being no further business to come before the Commission, the Chairperson declared the meeting adjourned.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the January 23, 2020, meeting of the Nebraska Real Estate Commission were available for inspection on **February 6, 2020**, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,

  
Greg Lemon  
Director

**Guests Signing the Guest List**

James McCord, Nemaha Valley Board of REALTORS®, Nebraska City  
Leighun Brabec, Home Real Estate, Lincoln  
Christie Bevington, Nebraska REALTORS® Association, Lincoln  
Charles Chadwick, CNC Realty, Omaha  
Arla Meyer, Nebraska Realty, Lincoln  
Andy Alloway, Nebraska Realty, Omaha

