

NEBRASKA REAL ESTATE COMMISSION

April 16, 2020

Video Conference

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:02 a.m. on April 16, 2020, via video conference. All of the members of the Real Estate Commission were present. 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 explained that this meeting is being held in accordance with Executive Order No. 20-03, which allows all governing bodies to meet by videoconference so long as there is made available at such meeting access to members of the public and to members of the media.

Chairperson Evnen indicated to those in attendance that a public copy of the materials being used during the meeting were available on the Commissions website; that a copy of the Open Meetings Act was posted on the Commissions website; and that the procedures followed were in accordance with the Open Meetings Act. Chairperson Evnen asked that guests type in their first and last name when entering the meeting for the guest list.

Director Lemon noted that agenda items 11i had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Gehrki and seconded by Starman to adopt the final agenda as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Minutes of February 27, 2020

The minutes of the Commission meeting held on February 27, 2020, were considered.

After review, a motion was made by Gehrki and seconded by Starman to approve the minutes as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

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 February and March

Director Lemon presented the Receipts and Expenditures Reports for February and March. 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 February 29, 2020, was \$1,808,762.21, which compared to a cash fund balance of \$1,667,178.73 on February 28, 2019.

The cash fund balance as of March 31, 2020, was \$1,776,426.93, which compared to a cash fund balance of \$1,649,775.09 on March 31, 2019.

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

Specialized Registrations

There were no specialized registrations to be presented at the meeting.

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, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Examination Reports – February and March

Deputy Director Roubal presented for ratification the February and March Examination Reports, copies of which are 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. The dates listed in the first time Salesperson Stats sections of the monthly reports only showed through December 2019 when, in fact, the date should have been through March 2020. The Exhibits were corrected for attachment to these minutes.)

After review, a motion was made by Gehrki and seconded by Starman to ratify the February and March Examination Report for the purpose of issuing licenses. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Examination Passing Rosters

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

No action was necessary on this report.

First Quarter PSI School Reports

Deputy Director Roubal presented the PSI Review of Examination Performance Reports for comparison for the period of January 1, 2020 through March 31, 2020, copies of which are attached to and made a part of these minutes.

Deputy Director Roubal explained the reports relating to the national tests and 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.

Temporary Pre-License Education Instructor Approval

Deputy Director Roubal presented for ratification the Temporary 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.

Continuing Education Renewal Report

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

Deputy Director Roubal explained the contents in this report and the course renewal process providers have to engage in every three years to renew courses or let them expire.

Commission-Approved Training Expirations

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

After review, a motion was made by Titus and seconded by Gehrki to ratify the ten reports as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Minutes from Education Advisory Group Meeting – 3/10/20

Deputy Director Roubal presented the Minutes from the Education Advisory Group- Meeting from 3/10/20, a copy of which is attached to and made a part of these minutes.

Minutes from Education Advisory Group Meeting – 4/7/20

Deputy Director Roubal presented the Minutes from the Education Advisory Group- Meeting from 4/7/20, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal explained each of the meetings and the progress made for the education changes that will become effective July 1, 2020.

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 2019-032

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 Gehrki to defer action on this issue pending further investigation on the buyer. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item B Complaint 2019-041

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 Sheri Bourne that this complaint be held in abeyance and a new complaint be filed against the respondent per the Staff recommendation. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item C Complaint 2020-002

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 the complaint be set for hearing. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye

Item D Complaint 2020-004 - Cheryl Ann Johnson vs. Derek Joel Kats & Joseph Thomas Courtney

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 Starman and seconded by Gehrki that the complaint be dismissed without prejudice. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item E Complaint 2020-003

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 the complaint be set for hearing.

After discussion an amendment was offered by Chairperson Evnen to dismiss the complaint against the seller's agent, and that the complaint to be set for hearing against

the buyer's agent. The amendment was accepted by the mover and the second.

Motion carried with Ritter, Bourne, Dover, Titus and Evnen voting aye, and with Gehrki and Starman voting nay.

Item F Complaint 2020-013

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 set for hearing.

Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item G Complaint 2017-004 – John M. Feddin vs. Brian Tyler Littler

Deputy Director Dahlke requested Complaint 2017-004 be dismissed. Deputy Director Dahlke explained that Complaint 2017-004 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 2017-004 in abeyance until the new complaint had been adjudicated. Complaint 2018-022 was the new complaint.

A motion was made by Titus and seconded by Bourne to dismiss Complaint 2017-004, since the Commission accepted a Stipulation and Consent Order for Complaint 2018-022 at this meeting. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item H Complaint 2019-024 – Richard Cameron vs. John Eric Bock

Deputy Director Dahlke requested Complaint 2019-024 be dismissed. Deputy Director Dahlke explained that Complaint 2019-024 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 2019-024 in abeyance until the new complaint had been adjudicated. Complaint 2020-009 was the new complaint.

A motion was made by Gehrki and seconded by Starman to dismiss Complaint 2019-024, since the Commission accepted a Stipulation and Consent Order for Complaint 2020-009 at this meeting. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Presentation of Stipulation and Consent Orders

**Complaint 2018-039,
Commission v. Jodie LaNae Weaver**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2018-039, Commission v. Jodie LaNae Weaver. 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 Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

**Complaint 2018-022,
Commission vs. Brian Tyler Littler**

Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2018-022, Commission vs. Brian Tyler Littler. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Titus and seconded by Starman to enter into the Order as presented. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

**Complaint 2020-012,
Commission vs. Farrell F. Ross**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2020-012, Commission vs. Farrell F. Ross. 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, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

**Complaint SC2019-003,
Commission vs. Bill Bellomy**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint SC2019-003 Commission vs. Bill Bellomy. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Bourne and seconded by Titus to enter into the Order as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

**Complaint 2018-026,
Lanny Billings & Kathy Belik v. Sonya Kaye Paxton**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2018-026, Lanny Billings & Kathy Belik v. Sonya Kaye Paxton. 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, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

**Complaint 2018-026,
Lanny Billings & Kathy Belik v. Bruce Delmar Connell**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2018-026, Lanny Billings & Kathy Belik v. Bruce Delmar Connell. 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, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

**Complaint 2019-025,
Commission vs. Cory C Cutchall**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2019-025, Commission vs Cory C. Cutchall. 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 Dover, Gehrki, Ritter, Starman, and Evnen voting aye and with Bourne and Titus voting nay.

**Complaint 2017-022,
Robert & Julia Diaco vs. Robert Hoback**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2017-022, Robert & Julia Diaco vs. Robert Hoback. 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 Ritter to enter into the Order as presented. Motion carried with Dover, Gehrki, Ritter, Starman, and Evnen voting aye and with Bourne and Titus voting nay.

**Complaint 2020-009,
Commission vs. John Eric Bock**

Deputy Director Dahlke presented a Stipulation and Consent Order in the matter of Complaint 2020-009, Commission vs. John Eric Bock. 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 Bourne to enter into the Order as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Disciplinary Hearings

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

Informal Special Appearances

Amanda Taylor Speth, Preliminary Informal Special Appearance

Director Lemon presented exhibits which included: correspondence regarding Ms. Speth's preliminary informal special appearance; a letter of explanation from Ms. Speth; character reference letters for Ms. Speth; Ms. Speth's preliminary application for individuals with criminal convictions form; and trial court cases from the State of Nebraska on Ms. Speth's cases. A copy of said exhibit is attached to and made a part of these minutes. Ms. Speth was present on video conference.

Chairperson Evnen reviewed the procedure for preliminary informal special appearances.

Ms. Speth explained the situations regarding her criminal history.

A motion was made by Bourne and seconded by Gehrki that the Director prepare an order and submit it to Chairperson Evnen for review and signature outlining findings of fact and conclusions of law that the preliminary applicant is not qualified to be approved for licensure under the Nebraska Real Estate License Act based upon the criminal history and information provided at the preliminary special appearance. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

April Jade Buffum, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Buffum explained the situations regarding her criminal history.

A motion was made by Titus and seconded by Starman that Ms. Buffum not be allowed to sit for the salesperson examination at this time. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Zachary Lynn Roby, Salesperson Applicant - Reappearance

Director Lemon presented exhibits which included: correspondence regarding Mr. Roby's special appearance; a letter of explanation from Mr. Roby; character reference letters for Mr. Roby's; a Order of Dismissal for Mr. Roby; Mr. Roby's salesperson application form; trial court cases from the State of Nebraska on Mr. Roby's cases; Mr. Roby's criminal history report and information regarding Mr. Roby's previous informal special appearance on March 6, 2008. A copy of said exhibit is attached to and made a part of these minutes. Mr. Roby's was present on the video conference.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Roby explained the situations regarding his criminal history.

After discussion, a motion was made by Gehrki and seconded by Bourne to allow Mr. Roby to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Roby 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. Roby must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within seven days for a period of two years. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Mark Earl Torres, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Torres' explained the situations regarding his criminal history.

After discussion, a motion was made by Starman and seconded by Ritter to allow Mr. Torres to sit for the salesperson examination after making proper application and to have a license issued upon passing. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Christopher Bryan Butler, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Butler explained the situations regarding his criminal history.

After discussion, a motion was made by Ritter and seconded by Gehrki to allow Mr. Butler to sit for the salesperson examination after making proper application and to have a license issued upon passing.

Commissioner Starman offered an amendment that Mr. Butler 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. Butler must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within seven days for a period of two years. The amendment was accepted by the mover and the second.

Chairperson Evnen offered an amendment that Mr. Butler attend AA meetings twice a month and report the attendance on a quarterly basis to the Commission for two years. The amendment was accepted by the mover and the second.

Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye and with Evnen voting nay.

Real Estate Commission Director's Report – Covid-19 Response

Director Lemon presented a coronavirus update on steps taken by the Commission related to the current Coronavirus outbreak. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained the steps taken to ensure the safety of the staff while continuing to provide all services within our control, as well as provide guidance and information to the industry.

No action was necessary with regard to this matter.

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 explained the report and answered questions when necessary.

No action was necessary with regard to this matter.

Legislative Matters

Director Lemon reported that the Legislative session is currently suspended indefinitely.

No action was necessary with regard to these matters.

Information Matters

ARELLO Virtual Mid-Year Meeting – April 29-May 4, 2020

Director Lemon explained that ARELLO had decided to provide the Mid-year meeting virtually. Deputy Director Rut indicated that registration was not required but attendees would need to log onto the ARELLO's member's only section to be able to access the Zoom links.

No action was necessary on this report.

Errors and Omissions Loss Report – First Quarter 2020

Director Lemon presented the Errors and Omissions Loss Report – Fourth Quarter 2020. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary with regard to this matter.

Future Meeting Dates

May 21-22, 2020 - Staybridge Suites, Lincoln
June 25-26, 2020 – Country Inn & Suites, Lincoln
August 20-21, 2020 - Staybridge Suites, Lincoln
September 17-18, 2020 - Staybridge Suites, Lincoln
October 15, 2020 - Staybridge Suites, Lincoln
November 19-20, 2020 - Staybridge Suites, Lincoln

Recesses and Adjournment

At 9:57 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:04 a.m.

At 11:14 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 11:21 a.m.

At 1:04 p.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 April 16, 2020, meeting of the Nebraska Real Estate Commission were available for inspection on April 27, 2020, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Attending Video Conference

Mary Jo Mentzer, Gold Coast Real Estate, Inc, Omaha
Travis Svendgard, N P Dodge Real Estate Sales Inc, Omaha
Christie Bevington, Nebraska REALTORS® Association, Lincoln
Deb Mitchell, Nebraska Home Sales, LLC, Lincoln
Kim Zwiener, Sellstate Empire Realty, Lincoln
Leighun Brabec, Larabee School of Real Estate, Lincoln
Jodee Drake Shop
Brad Hulse, Lincoln First Realty, L.L.C., Lincoln
James McCord, Nemaha Valley Board of REALTORS®, Nebraska City
Gina Mancuso, Bellevue
Arla Meyer, Nebraska Realty, Lincoln
Tammy Brookhouser, Nebraska REALTORS® Association, Lincoln
Herb Freeman, N P Dodge Real Estate Sales Inc, Omaha
Matt Hardesty, HomeServices of Nebraska, Inc., Lincoln