

NEBRASKA REAL ESTATE COMMISSION

May 21, 2020

Video Conference

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on May 21, 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 Commission's website; that a copy of the Open Meetings Act was posted on the Commission's 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 item 15 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 Ritter to adopt the final agenda as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Minutes of April 16, 2020

The minutes of the Commission meeting held on April 16, 2020, were considered.

After review, a motion was made by Gehrki and seconded by Ritter to approve the minutes as presented. Motion carried with Ritter, Bourne, Dover, Gehrki, 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 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, 2020, was \$1,739,366.44, which compared to a cash fund balance of \$1,567,844.62 on April 30, 2019.

After discussion, a motion was made by Starman and seconded by Gehrki to file the April Receipts and Expenditures Report 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 Titus and seconded by Gehrki 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 Report - April

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

There was discussion regarding the contracted real estate examination provider. The Commission wanted Director Lemon to express to their great displeasure with their services.

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

Examination Passing Roster

Deputy Director Roubal presented the Examination Passing Roster, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

Real Estate Education Matters

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.

Commission-Approved Training Activity Recognition

Deputy Director Roubal presented a Commission-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 Gehrki and seconded by Dover to ratify the three reports. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

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 2019-033

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 Titus that the complaint be set for hearing.

There was discussion regarding a special trust account audit to reconcile the account.

An amendment was made by the mover to hold the Complaint in abeyance pending a special trust account audit to look for similar problems and a letter of admonishment be sent to the broker encouraging the funds be returned. The amendment was approved by the second.

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

Presentation of Stipulation and Consent Orders

There were no Stipulation and Consent Orders to be presented at this meeting.

Disciplinary Hearings

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

Informal Special Appearances

Shauna Lee Hovey, Non-Resident Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Hovey explained the situations regarding her criminal history.

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

There was discussion that since Ms. Hovey was a Non-Resident Salesperson applicant, no test would be required.

An amendment was offered by the mover to allow Ms. Hovey to have a license issued after making proper application. The amendment was accepted by the second.

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

Consider Extension Date for July 1, 2020, Real Estate License Education Requirements

Director Lemon presented a memorandum of explanation regarding the changes as required in LB384 to become effective July 1, 2020. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained the changes as detailed in the exhibit pursuant to LB384, which are substantive requirements specifically placed in statute by recently enacted law. Director Lemon answered questions when necessary.

While an Executive Order from the Governor would be required, it is unknown if such order would be granted. There was discussion regarding the requirements to change or set new guidelines for LB384 and the possibility of legal and practical problems that could occur. There was also discussion regarding those who may be impacted and how they would be impacted if no extension was granted. Director Lemon indicated that those impacted would be broker

applicants qualifying by education rather than having prior salesperson experience.

A motion was made by Gehrki and seconded by Ritter to have the Chair and Director explore options to extend the effective date of LB384 in a legal and practical way as deemed reasonable and prudent.

Commissioner Starman offered an amendment to extend the effective date for 60 days. The amendment was approved by the mover and the second.

An amendment was offered by the second to allow the extension to be granted only to those who applied prior to the beginning of the Covid pandemic. The amendment was accepted by the mover.

There was further discussion regarding the examination provider, PSI, and if the vendor is able to meet the testing requirements should the extension be granted.

An amendment was offered by Bourne and seconded by Ritter to change the focus to the examination company and removing the language in the motion referencing an extension. Motion carried with Bourne, Dover, Ritter, Starman, and Evnen voting aye, and with Gehrki and Titus voting nay.

After discussion, a motion was made by Bourne and seconded by Ritter that Chairperson Evnen and Director Lemon review and improve the examination vendor services being provided. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Review Draft of Consumer Guide to Buying or Selling a Home

Director Lemon presented a memorandum of explanation regarding the changes to the Consumer Guide to Buying or Selling a Home. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained the changes as detailed in the exhibit. Director Lemon answered questions when necessary.

Suggested changes and positive feedback was provided by Commissioners. Public awareness and marketing of this document, once completed, was discussed. There was discussion that a taskforce be created with the Nebraska REALTORS® Association to provide another perspective. It was suggested that an instructor be contacted to participate in the taskforce who teaches a class based on the information provided within this guide.

It was the consensus of the Commission that proposed changes to the draft be provided to all Commissioners and Director Lemon via email. Director Lemon will revise the draft and provide an update at a future meeting.

Legislative Matters

Director Lemon reported that the Legislative session has been suspended due to the pandemic, however, they have recently announced that they will reconvene in July.

No action was necessary with regard to these matters.

Information Matters

There were no information matters to be presented at the meeting.

Future Meeting Dates

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 10:51 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:57 a.m.

At 11:18 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 May 21, 2020 Real Estate Commission were available for inspection on **June 5, 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
Tammy Brookhouser, Nebraska REALTORS® Association, Lincoln
Leighun Brabec, Larabee School of Real Estate, Lincoln
Christie Bevington, Nebraska REALTORS® Association, Lincoln
Charles Chadwick, CNC Realty, Omaha
CJ Hilty, VanEd Real Estate School, Boulder, Colorado