

NEBRASKA REAL ESTATE COMMISSION

August 20, 2020

Staybridge Suites

Staybridge Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on August 20, 2020, 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. Also present were Director Greg Lemon, Deputy Director for Education Alane Roubal, Deputy Director for Enforcement Antwan Montague, Lead Trust Account Examiner John Clark, and Deputy Director for Licensing Monica Rut. Adam Prochaska, Special Assistant Attorney General and Counsel to the Commission, was present for the Taylor and Hines Hearings.

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 northwest corner of the meeting room by the west 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 9i, 11d, 11e and 19c 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 Titus to adopt the final agenda as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Minutes of June 25, 2020

The minutes of the Commission meeting held on June 25, 2020, were considered.

After review, a motion was made by Titus and seconded by Gehrki 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.

Director Lemon introduced Antwan Montague, the new Deputy Director for Enforcement at the Commission office. The Commissioners welcomed Mr. Montague to the Commission staff.

Financial Matters

Receipts and Expenditures Reports for June and July

Director Lemon presented the Receipts and Expenditures Reports for June and July. 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 June 30, 2020, was \$1,669,095.67, which compared to a cash fund balance of \$1,537,357.35 on June 30, 2019.

The cash fund balance as of July 31, 2020, was \$1,610,002.81, which compared to a cash fund balance of \$1,482,893.65 on July 31, 2019.

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

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.

Fiscal Year 20-21 Monthly Budget Allocations

Director Lemon presented the monthly budget allocations for Fiscal Year 2020-2021. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary on this report.

Consider 2021 License Fees

Director Lemon presented an exhibit in which the Budget and Finance Subcommittee recommended no increase in fees for 2021. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon reviewed the documentation as set out in the exhibit noting the projections were based upon conservative revenue projections and the lowest anticipated level the fund balance may reach as shown on the exhibit.

After discussion, the motion by recommendation of the Finance Subcommittee, is to maintain the license fees at the current rate for 2021. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Proposed Biennium Budget Request for 2021-2023

Director Lemon presented the Fiscal Year 2021-2023 Biennium Budget Request Proposal. A copy of said proposal is attached to and made a part of these minutes.

Director Lemon noted that the budget request, as presented, is the base appropriation as provided for fiscal year 2019-2021. The budget request could be considered a continuation request with only a few issues identified and recommended in the budget instructions. A few enterprise issues such as salary increases and health insurance increases which are expenses which is not something the agency can control. Director Lemon pointed out that this was a draft of the budget as it would be submitted unless there were changes to be made.

A motion was made by Bourne and seconded by Gehrki to approve for submittal the proposed Biennium Budget as presented with the issues as outlined in the exhibit. 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 Gehrki and seconded by Dover 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 – June and July

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

After review, a motion was made by Starman and seconded by Bourne to ratify the June and July Examination Reports 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 June and July, 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 marked as exhibit 8, when in fact it should have been marked exhibit 8a. The Exhibit number has been corrected for attachment to these minutes.)

No action was necessary on this report.

PSI Second Quarter School Reports

Deputy Director Roubal presented the PSI Second Quarter School Reports for the period of April 1, 2020 through June 30, 2020, copies of which are attached to and made a part of these minutes.

Deputy Director Roubal explained each of 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 Course Approval

Deputy Director Roubal presented for ratification the Pre-License Education 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.

Post-License Education Course Approval

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

Post-License Education Instructor Approval

Deputy Director Roubal presented for ratification the Post-License Education Instructor 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 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 Ritter to ratify the eight reports. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Poll Worker Continuing Education Credit

Director Lemon presented a memorandum of explanation regarding the criteria for continuing education and commission approved training and how credit may be applied to those who are poll workers, a copy of which is attached to and made a part of these minutes.

Director Lemon explained the qualifications and standards for continuing education and commission approved training. In summary, he explained, it is not within the strict scope of allowable continuing education and training activities to extend education credit for poll workers and felt the best approach would be to change the statutes and regulations to allow this in the future if the Commission were to decide to pursue it.

There was discussion regarding the relevancy to real estate. It was the consensus of the Commission to take no action on this item at this time.

Pending Sworn Complaints and Investigative Matters

Director Lemon 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 Investigative Matter

Trust Account Examiner John Clark presented an investigative report to the Commission.

After being advised of the results of the investigation and discussion, a motion was made by Titus and seconded by Starman the Commission file a complaint on its own motion and set it for hearing on the violations alleged in the report. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item B Complaint 2018-023 – Andrew C. Thorn vs. Ronald Lee Doty

Deputy Director Montague Lemon indicated that the Respondent in this matter had not renewed their license for 2020. Therefore, the Commission no longer had jurisdiction over this matter.

A motion was made by Titus and seconded by Dover that Complaint 2018-023 be dismissed without prejudice. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item C Complaint 2018-034 – Doug Badders vs. Michael Joseph Conley

Deputy Director Montague requested Complaint 2018-034 be dismissed. Deputy Director Montague explained that Complaint 2018-034 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 2018-034 in abeyance until the new complaint had been adjudicated. Complaint 2019-039 was the new complaint.

A motion was made by Gehrki and seconded by Ritter to dismiss Complaint 2018-034, since the Commission accepted a Stipulation and Consent Order for Complaint 2019-039 at the June meeting. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item D Complaint 2018-027 – Kyle Schwalbach vs. Rachel Helen Tiller

Deputy Director Montague requested Complaint 2018-027 be dismissed. Deputy Director Montague explained that Complaint 2018-027 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 2018-027 in abeyance until the new complaint had been adjudicated. Complaint 2019-038 was the new complaint.

A motion was made by Gehrki and seconded by Starman to dismiss Complaint 2018-027, since the Commission accepted a Stipulation and Consent Order for Complaint 2019-038 at this meeting. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item E Complaint 2019-030 – Carolyn Findlay & Robin Savage vs. Jason Thomas Slama

Deputy Director Montague requested Complaint 2019-030 be dismissed. Deputy Director Montague explained that Complaint 2019-030 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 2019-030 in abeyance until the new complaint had been adjudicated. Complaint 2020-011 was the new complaint.

A motion was made by Gehrki and seconded by Bourne to dismiss Complaint 2019-030, since the Commission accepted a Stipulation and Consent Order for Complaint 2020-011 at this meeting. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item F Complaint 2019-003 – Brandon & Bethany Meier vs. Steven Lee Taylor

Deputy Director Montague requested Complaint 2019-003 be dismissed. Deputy Director Montague explained that Complaint 2019-003 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 2019-003 in abeyance until the new complaint had been adjudicated. Complaint 2019-036 was the new complaint.

A motion was made by Titus and seconded by Gehrki to dismiss Complaint 2019-003, since the Commission held the Hearing for Complaint 2019-036 at this meeting. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Item G Complaint 2018-038 – Commission vs. Ryan Patrick Hines

Deputy Director Montague requested Complaint 2018-038 be dismissed. Deputy Director Montague explained that Complaint 2018-038 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 2018-038 in abeyance until the new complaint had been adjudicated. Complaint 2019-013 was the new complaint.

A motion was made by Gehrki and seconded by Starman to dismiss Complaint 2018-038, since the Commission held the Hearing for Complaint 2019-036 at this meeting. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Presentation of Stipulation and Consent Orders

**Complaint 2018-033,
Michael J. Fix vs. Brian Eric Kays**

Deputy Director Montague or Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2018-033, Michael J. Fix vs. Brian Eric Kays. 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 Ritter to enter into the Order as presented. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

**Complaint 2020-001,
Commission vs. Cassandra Lynn-Frances Kellar**

Deputy Director Montague or Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2020-001, Commission vs. Cassandra Lynn-Frances Kellar. 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 Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

**Complaint 2020-021,
Commission vs. Theodore Sean Bernard**

Deputy Director Montague or Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2020-021, Commission vs. Theodore Sean Bernard. 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 2019-038,
Commission vs. Rachel Helen Tiller**

Deputy Director Montague or Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2019-038, Commission vs. Rachel Helen Tiller. 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 Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

**Complaint 2020-011,
Commission vs. Jason Thomas Slama**

Deputy Director Montague or Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2020-011, Commission vs. Jason Thomas Slama. A copy of said Order is attached to and made a part of these minutes.

Director Lemon explained that an amendment needed to be made to the Complaint prior to accepting the proposed stipulation and consent order.

After discussion, a motion was made by Starman and seconded by Ritter to amend the complaint to include violations of Neb. Rev. Stat. 81-885.24(16); 76-2421(1) and 81-885.24(29). Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

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

Disciplinary Hearings

August 20, 10:30 a.m. - Complaint 2019-036 Commission vs. Steven Lee Taylor

A Hearing was held on August 20, at 10:30 a.m., in the matter of Complaint 2019-036, Commission vs. Steven Lee Taylor. Adam Prochaska, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Steven Lee Taylor was present without Counsel.

After Opening Statements, Counsel Prochaska offered twenty-seven Exhibits.

Counsel Prochaska called Greg Lemon and Steven Lee Taylor as witnesses.

At 12:01 p.m., Chairperson Evnen declared a brief recess, and reconvened the Hearing at 12:08 p.m.

Respondent Taylor called Patrick Elgert as a witness.

After closing arguments had been presented, Chairperson Evnen declared the Hearing concluded and gathered the original exhibits.

The Commission deliberated on the matters adduced at hearing.

At 1: 16 p.m., a motion was made by Ritter and seconded by Gehrki to go into closed session to deliberate matters and to protect the reputation of Mr. Taylor. A motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Evnen voting aye and with Titus voting nay.

At 2:13 p.m., a motion was made by Gehrki and seconded by Ritter to reconvene in open session. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

A motion was made by Titus and seconded by Gehrki that Complaint 2019-036 be dismissed without prejudice. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

With the consent of the Respondent, Chairperson Evnen directed Counsel Prochaska to prepare the Order.

Chairperson Evnen announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 2:15 p.m.

August 20, 2:00 p.m. - Complaint 2019-013 - Commission vs. Ryan Patrick Hines

A Hearing was held on August 20, at 2:00 p.m., in the matter of Complaint 2019-013, Commission vs. Ryan Patrick Hines. Adam Prochaska, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Ryan Patrick Hines was present and represented by Counsel Douglas Ruge of Omaha.

After Opening Statements, Counsel Prochaska offered fifteen exhibits, which were received by Chairperson Evnen. Counsel Prochaska called Greg Lemon and Ryan Patrick Hines as witnesses.

Counsel Ruge offered two Exhibits, which were received by Chairperson Evnen. Counsel Ruge called Ryan Patrick Hines as a witness.

After closing arguments had been presented, Chairperson Evnen declared the Hearing concluded and gathered the original exhibits.

The Commission deliberated on the matters adduced at hearing.

At 3:17 p.m., a motion was made by Ritter and seconded by Starman to go into closed session to deliberate matters and to protect the reputation of Mr. Hines. A motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

At 3:36 p.m., a motion was made by Ritter and seconded by Gehrki to reconvene in open session. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

A motion was made by Titus and seconded by Dover in Complaint 2019-013, that Ryan Patrick Hines violated Neb. Rev. Stat. §§81-885.24(29). Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

Chairperson Evnen opened the past disciplinary action envelope. It showed no prior disciplinary action against either Respondent.

The Commissioners then discussed the penalty to be assessed.

A motion was made by Starman and seconded by Gehrki in Complaint 2019-013, that Ryan Patrick Hines license be suspended for three years, with the first thirty days served on suspension and the remainder stayed and served on probation. For the period of three years, Mr. Hines will attend monthly counseling and provide proof of attendance to the Commission on a quarterly basis; criminal background reports provided to the Commission annually, and any new criminal charge or convictions, except those charges where there is no possible sentence of jail time, must be reported to the Commission within 5 days.

A motion was made by Bourne and seconded by Dover to amend the current motion to include that Mr. Hines must attend AA meetings monthly and report attendance to the Commission quarterly for two years. Motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

The amended motion carried with Ritter, Bourne, Dover, Gehrki, Starman, Titus and Evnen voting aye.

With the consent of the Respondent, Chairperson Evnen directed Counsel Prochaska to prepare the Order.

Chairperson Evnen notified the Respondent that as a part of the Order in this matter, the Respondent is required, under Nebraska Revised Statutes Section 84-914(1) and Title 305 Nebraska Administrative Code, Chapter 4-007.05, to pay the costs of the appearance fee by the court reporter, and any and all witness fees, including mileage and the cost of serving any witness. The Respondent will be billed by the Commission Office, or the amount may be specified in the Order, and will have thirty days from receipt of the costs to totally reimburse the Commission.

Chairperson Evnen announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 3:46 p.m.

August 21, 9:05 a.m. - Complaint 2019-038 - Commission vs. Rachel Helen Tiller

The Hearing regarding Complaint 2019-038, Commission vs. Rachel Helen Tiller was continued pending signing of the Order by Ms. Tiller.

August 21, 11:00 a.m. - Complaint 2020-011 Commission vs. Jason Thomas Slama

The Hearing regarding Complaint 2020-011, Commission vs. Jason Thomas Slama was continued pending signing of the Order by Mr. Slama.

Informal Special Appearances

Chad J. Scott, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Scott explained the situations regarding his criminal history.

After discussion, a motion was made by Titus and seconded by Gehrki to allow Mr. Scott 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.

Georgiy Mykhaylovych Ptashynskyy, Salesperson Applicant - Reappearance

Director Lemon presented an exhibit which included: correspondence regarding this special appearance; a letter of explanation from Mr. Ptashynskyy's; character reference letters for Mr. Ptashynskyy; trial court cases from the State of Nebraska on Mr. Ptashynskyy's cases and information regarding Mr. Ptashynskyy's previous special appearance in November 2019. A copy of said exhibit is attached to and made a part of these minutes. Mr. Ptashynskyy was not present.

A motion was made by Evnen and seconded by Titus to reschedule the reappearance for Mr. Ptashynskyy at another meeting. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Broker Qualification Review

August 20 – 9:30 a.m. – Ryan Christopher Simpson

Director Lemon presented exhibits which included: correspondence regarding Mr. Simpson's Broker Hardship Hearing; Mr. Simpson's Broker Applicant Hardship application form, character reference letters for Mr. Simpson; Mr. Simpson's broker application form and Mr. Simpson's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Simpson was present.

Chairperson Evnen reviewed the procedure for Broker Hardship Hearings.

Mr. Simpson explained the situation regarding the request for the hardship and his equivalent real estate experience.

A motion was made by Bourne and seconded by Titter that Mr. Simpson demonstrated sufficient relevant real estate experience to qualify under the Hardship provision. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Review and Approval 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 briefly explained that the draft presented was a compilation of input from Commissioners and the Nebraska REALTORS® Association.

After discussion, a motion was made by Starman and seconded by Bourne to approve the Consumer Guide to Buying or Selling a Home as presented allowing Director Lemon leeway to make formatting changes as deemed necessary. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Home Inspector Licensing Report

Director Lemon presented an exhibit of the Home Inspector licensing requirements and regulators in other states. A copy of said exhibit is attached to and made a part of these Minutes. Arla Meyer, Nebraska Realty, Lincoln, was present to discuss this agenda item.

Ms. Meyer distributed a report of State-by-State Home Inspector licensing requirements. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 16a.

Arla Meyer indicated that to begin the review, the registration or monitoring for home inspection has been the preferred method. She indicated that since there currently is no governing body to monitor such registration, but a registration fee could be used to generate funds to support such a program. She also indicated that a large percentage of REALTORS surveyed felt that a method of tracking home inspectors is desired and errors and omissions insurance at the very least.

There was discussion regarding other state agencies where there may be less alignment between licensees to register Home Inspectors. There was also discussion that a registration would not provide for complaints to be filed and therefore standards could not be enforced. The discussion was that through registration, the insurance requirement would be in place and a claim could be on file which would help protect the public.

No action was necessary on this report.

Legislative Matters

LB 808 - Director Lemon reported this bill included changes from LB929 and other provisions not relating to Nebraska Real Estate Commission Activities. The bill was approved by the Governor on August 15, 2020. He indicated that the provision relating to the real estate activities would go into effect this fall.

LB 929 - Director Lemon reported that this bill has been postponed indefinitely.

LB 1020 – Director Lemon reported that this bill has been postponed indefinitely

LB 1108 – Director Lemon reported that this bill has been postponed indefinitely

LB 1187 – Director Lemon reported that this bill has been postponed indefinitely

No action was necessary with regard to these matters.

Adopt Ann Dover's Resolution

Director Lemon presented a resolution commemorating service on the Commission by Ann Dover. A copy of said resolution is attached to and made a part of these Minutes.

A motion was made by Evnen and seconded by Titus that the resolution for Ann Dover be adopted as amended. Motion carried with Bourne, Gehrki, Ritter, Starman, Titus and Evnen voting aye, with Dover not participating or voting, having recused herself, thereby nullifying any potential conflict of interest.

Information Matters

Errors and Omissions Loss Report – Second Quarter 2020

Director Lemon presented the Errors and Omissions Loss Report – Second 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.

ARELLO Annual Conference - September 21-29, 2020 - Web Conference

Director Lemon explained that you may register for the conference at any time but there will be a mailing of material so registration is suggested prior to September 14, 2020. When registering, select "Invoice for my Regulatory Agency" for the method of payment.

No action was necessary on this report.

Trust Account Examination Procedures Update

Lead Trust Account Examiner John Clark was present to provide the Commission with an update on the trust account examination procedures due to Covid. He indicated that they anticipated doing trust accounts by mail, to western Nebraska in phases to help keep the examinations on schedule. He indicated that there had been a good response to those sent out in the Lincoln and Omaha areas and anticipated a good response from western Nebraska brokers as well.

Director Lemon indicated that a secure method for broker to send files to our office will be set up rather than sending regular email. He also indicated that since the procedure had changed, he wanted the Commissioner to be updated.

No action was necessary on this report.

Future Meeting Dates

September 17-18, 2020 - Staybridge Suites, Lincoln

October 14-15, 2020 - Staybridge Suites, Lincoln

November 19-20, 2020 - Staybridge Suites, Lincoln

Recesses and Adjournment

At 10:17 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:30 a.m.

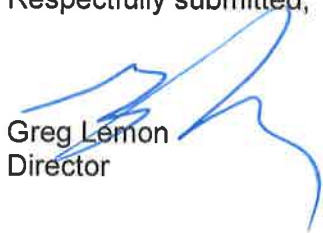
At 12:01 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 12:08 a.m.

At 4:50 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 August 20, 2020, meeting of the Nebraska Real Estate Commission were available for inspection on August 25, 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

Charles Chadwick, CNC Realty, Omaha

Arla Meyer, Nebraska Realty, Lincoln

Patrick Elgert, Lincoln First Realty, Lincoln

Brad Hulse, Lincoln First Realty, Lincoln

Stephanie Taylor, Lincoln First Realty, Lincoln

Troy Benes, Berkshire Hathaway Home Services Ambassador Real Estate, Omaha