

NEBRASKA REAL ESTATE COMMISSION

February 18, 2021

Country Inn & Suites

Omaha Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:04 a.m. on February 18, 2021, in the Omaha Room of the Country Inn & Suites, located at 5353 N 27th Street 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, and Deputy Director for Licensing Monica Rut. Adam Prochaska, Special Assistant Attorney General and Counsel to the Commission, were present for the Avery Hearing.

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 item 11a had been added since the tentative agenda was mailed to the Commissioners.

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

Minutes of January 21, 2021

The minutes of the Commission meeting held on January 21, 2021, were considered.

After review, a motion was made by Starman and seconded by Gehrki to approve the minutes as presented. Motion carried with Bourne, Dohse, 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 Report for January

Director Lemon presented the Receipts and Expenditures Report for January. A copy of said report is attached to and made a part of these minutes. Director Lemon noted that an

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 Dohse and seconded by Titus to ratify the four reports. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Consider Methods of Allowing Safety Courses for Continuing Education Credit

Director Lemon presented the current Commission policy to approve continuing education courses focused on safety, and a list of options to consider for future approvals. A copy of which is attached to and made a part of these minutes.

Director Lemon explained the exhibit which was a continuation of the discussion from last month's meeting regarding licensee safety education. He went through the four options that could be utilized to approve the safety courses using different approval criteria.

The hierarchy of the education courses was discussed and while importance should not be placed on the different education types, it was determined that the industry views the course significance differently. There was also discussion with regard to the different course types and allowed repetition.

It was the consensus of the Commission that Director Lemon and Deputy Director Roubal develop a proposal of criteria and a procedure for safety being offered as an R course. Director Lemon indicated that the course criteria would be presented to the Advisory Group for their input.

Pending Sworn Complaints and Investigative Matters

Deputy Director Montague 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 2020-023

Deputy Director Montague 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 Titus that this complaint be held in abeyance pending resolution of civil case against the respondent per the Staff recommendation.

After Opening Statements, Counsel Prochaska offered twenty-one Exhibits which were received by Chairperson Evnen. Counsel Prochaska called Michael Meents and Alvin Avery as witnesses.

Counsel Hoppe called Michael Meents.

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 1:00 p.m., a motion was made by Bourne and seconded by Gehrki to go into closed session to deliberate matters and to protect the reputation of Mr. Avery. A motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye and Titus voting nay.

At 1:22 p.m., a motion was made by Gehrki and seconded by Starman to reconvene in open session. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

A motion was made by Gehrki and seconded by Titus that Complaint 2020-010 be dismissed. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

It was the consensus of the Commission to dismiss the motion for the summary of disposition.

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

The Hearing was adjourned at 1:24 p.m.

Informal Special Appearances

Stacey Renee Heather, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Heather distributed additional character reference letters. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13a1. Ms. Heather explained the situations regarding her criminal history.

After discussion, a motion was made by Gehrki and seconded by Starman to allow Ms. Heather to sit for the salesperson examination after making proper application and to have a license issued upon passing. Ms. Heather 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, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

LB 112 - Director Lemon reported that a hearing was held on January 27, 2021.

LB 196 – Director Lemon reported that a hearing was held on February 4, 2021

LB 263 – Director Lemon reported that a hearing was held on February 3, 2021 in which he was present to testify against this bill.

LB 423 – Director Lemon reported that the hearing would be held on March 2, 2021 for this home inspector bill.

No action was necessary with regard to these matters.

Information Matters

Trust Account Examination Evaluation Report - 2020

Director Lemon presented the Trust Account Examination Evaluation Report - 2020. A copy of said report is attached to and made a part of these minutes.

Director Lemon reviewed some of the comments received and how the situations were handled.

No action was necessary on this report.

Future Meeting Dates

March 18-19 2021 - Country Inn and Suites, Lincoln

April 22-23, 2021 - Country Inn and Suites, Lincoln

May 20-21, 2021 - Country Inn and Suites, Lincoln

June 17-18, 2021 - Country Inn and Suites, Lincoln

Recesses and Adjournment

At 10:31 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:45 a.m.

At 1:32 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 February 18, 2021, meeting of the Nebraska Real Estate Commission were available for inspection on February 18, 2021, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,

Greg Lemon
Director

