

NEBRASKA REAL ESTATE COMMISSION

May 20, 2021

Country Inn and Suites

Omaha Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:01 a.m. on May 20, 2021, in the Lighthouse 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 Berthold 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 southeast 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 5a had been added since the tentative agenda was mailed to the Commissioners.

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

Minutes of April 22, 2021

The minutes of the Commission meeting held on April 22, 2021, were considered.

After review, a motion was made by Starman and seconded by Bourne 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.

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 ongoing reporting concerns which skew the percentages and examinations being taken.

After review, a motion was made by Gehrki and seconded by Starman to ratify the April Examination Report for the purpose of issuing licenses.

An amendment was offered by Commissioner Bourne to amend the motion to approve the report with concerns noted. The amendment was accepted by the mover and the second.

Motion carried with Bourne, Dohse, 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.

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

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 held virtually on July 15, 2021 and would be offered to all pre-license instructors and continuing education instructors.

Jeremias Maneiro will be the presenter at the Workshop to discuss online learning.

A motion was made by Ritter and seconded by Dohse to approve the expenditures for the Instructor Development Workshop and to provide the Workshop free of charge. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

At 1:05 p.m., Chairperson Evnen declared a brief recess, and reconvened the Hearing at 1:11 p.m.

Counsel Hoppe called Heather Linden and Angela Berthold as witnesses.

At 2:12 p.m., Chairperson Evnen declared a recess of the Hearing to break for lunch. The Hearing reconvened at 3:10 p.m.

At 5:25 p.m., Chairperson Evnen declared a brief recess, and reconvened the Hearing at 5:32 p.m.

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 6:44 p.m., a motion was made by Gehrki and seconded by Bourne to go into closed session to deliberate matters and to protect the reputation of Ms. Berthold. A motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

At 7:28 p.m., a motion was made by Gehrki and seconded by Ritter to reconvene in open session. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

A motion was made by Titus and seconded by Starman in Complaint 2020-002, that Angela Joy Berthold violated Neb. Rev. Stat. § 81-885.24(29). Motion carried with Bourne, Dohse, Gehrki, Ritter, 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 Titus and seconded by Dohse in Complaint 2020-002, that Angela Joy Berthold should receive a one-year suspension, all stayed and served on probation and six hours of additional continuing education in the areas of ethics and license law. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

With the consent of the Respondents, 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.

No action necessary on this report.

Legislative Matters

No information was provided on this report.

Information Matters

ARELLO Mid-Year Meeting - San Antonio, TX - June 30-July 3, 2021

No information was provided on this report.

Future Meeting Dates

June 17-18, 2021 - Country Inn and Suites, Lincoln
August 19-20, 2021 - Country Inn and Suites, Lincoln
September 23-24, 2021 - Country Inn and Suites, Lincoln
October 21-22, 2021 - Country Inn and Suites, Lincoln
November 18-19, 2021 - Country Inn and Suites, Lincoln

Recesses and Adjournment

At 10:21 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:35 a.m.

At 11:38 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 11:45 a.m.

At 1:05 p.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 1:11 p.m.

At 2:12 p.m., Chairperson Evnen declared a recess for lunch, and reconvened the meeting at 3:10 p.m.

At 5:25 p.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 5:32 p.m.

At 7:33 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 May 20, 2021, meeting of the Nebraska Real Estate Commission were available for inspection on May 28, 2021, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,

Greg Lemon
Director

