

NEBRASKA REAL ESTATE COMMISSION

June 17, 2021

Country Inn and Suites

Omaha Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:24 a.m. on June 17, 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, with the exception of Bourne, Dohse and Ritter, who were absent and excused. 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.

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 6a, 6b and 11a 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 Gehrki to adopt the final agenda as presented. Motion carried with Bourne, Gehrki, Starman, Titus and Evnen voting aye, with Dohse and Ritter not participating or voting, being absent and excused.

Minutes of May 20, 2021

The minutes of the Commission meeting held on May 20, 2021, were considered.

After review, a motion was made by Bourne and seconded by Titus to approve the minutes as presented. Motion carried with Bourne, Gehrki, Starman, Titus and Evnen voting aye, with Dohse and Ritter not participating or voting, being absent and excused.

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 May

Director Lemon presented the Receipts and Expenditures Report for May. 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 May 31, 2021, was \$1,386,998.94, which compared to a cash fund balance of \$1,686,135.28 on May 31, 2020.

After discussion, a motion was made by Starman and seconded by Gehrki to file the May Receipts and Expenditures Report for audit. Motion carried with Bourne, Gehrki, Starman, Titus and Evnen voting aye, with Dohse and Ritter not participating or voting, being absent and excused.

Specialized Registrations

Time-Share Registrations - Amendment for Orange Lake Land Trust Plan and ClubWyndham Access Vacation Ownership Plan

Director Lemon presented a specialized registrations report which included the registration of amendments to time-share registrations for Orange Lake Land Trust Plan and ClubWyndham Access Vacation Ownership Plan. A copy of said report is attached to and made a part of these minutes.

A motion was made by Titus and seconded by Starman to approve the amendments to the two registrations as presented. Motion carried with Bourne, Gehrki, Starman, Titus and Evnen voting aye, with Dohse and Ritter not participating or voting, being absent and excused.

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 Titus to ratify issuance of the licenses as set forth in the report. Motion carried with Bourne, Gehrki, Starman, Titus and Evnen voting aye, with Dohse and Ritter not participating or voting, being absent and excused.

Examination Report - May

Deputy Director Roubal presented for ratification the May Examination 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 Starman to ratify the May Examination Report for the purpose of issuing licenses. 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.

First Quarter PSI School Reports

Deputy Director Roubal presented the PSI Review of Examination Performance Reports for comparison for the period of January 1, 2021 through March 31, 2021, 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

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 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 three reports. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

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 2020-019 – Heather Pohl vs. Sandra Jean McPadden

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

Item B Complaint 2020-026 – Heather Schultz vs. Carlene Rae Whitehead

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

Presentation of Stipulation and Consent Orders

**Complaint 2021-003
Commission vs. Terrance Bryan Hoffman**

Deputy Director Montague presented a Stipulation and Consent Order in the matter of Complaint 2021-003 - Commission vs. Terrance Bryan Hoffman. A copy of said Order is attached to and made a part of these minutes.

There was discussion that the nick name used by Mr. Hoffman does not appear to be registered with the Commission office. It was suggested that Director Lemon ask Mr. Hoffman to either register the name or to cease the use of the nick name.

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

Disciplinary Hearings

Complaint 2021-003 - Commission vs. Terrance Bryan Hoffman

A Hearing was held on June 17, at 10:30 a.m., in the matter of Complaint 2021-003, Commission vs. Terrance Bryan Hoffman. This Hearing was continued.

Informal Special Appearances

Kindra Marie Fenceroy, Salesperson Applicant

The informal special appears for Ms. Fenceroy was postponed to a future meeting at the request of the applicant.

Shelly Kay Glissman, Salesperson Applicant Reappearance

Director Lemon presented an exhibit which included: correspondence regarding this special appearance; a letter of explanation from Ms. Glissman; a letter of explanation from Ms. Glissman; Ms. Glissman's salesperson application form; trial court cases from the State of Nebraska on Ms. Glissman; Ms. Glissman's criminal history report; information regarding Ms. Glissman's previous special appearance in May 2019. A copy of said exhibit is attached to and made a part of these minutes. Ms. Glissman was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Glissman explained the situations regarding her criminal history.

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

Carrie Aylene Jackson, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Jackson explained the situations regarding her criminal history.

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

Broker Qualification Review

9:10 a.m. – Christopher Michael Maher

Director Lemon presented exhibits which included: correspondence regarding Mr. Maher's Broker Qualification Hearing; a letter of explanation from Mr. Maher, character reference letters for Mr. Maher, Mr. Maher's Broker Applicant application form, Mr. Maher's education transcript and Mr. Maher's broker application form; Mr. Maher's photograph; Mr. Maher's letter requesting the hearing; Mr. Maher's work experience; and Mr. Maher's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Maher was present.

Chairperson Evnen reviewed the procedure for Broker Qualification Hearings.

Mr. Maher explained the situation regarding the request for the hardship.

After discussion, a motion was made by Starman and seconded by Gehrki that the Director prepare an order of the Commission that the applicant has supplied sufficient relevant experience to qualify under the Hardship provision. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

2020-2021 Objectives – Final Report

Director Lemon presented an exhibit regarding the 2020-2021 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained the accomplishments made on each of the objectives.

No action was necessary on this report.

Consider 2021-2022 Objectives

Director Lemon presented an exhibit regarding the proposed 2021-2022 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained each of the objectives. After discussion, there were a few suggested changes to the proposed objectives. Item number seven from the previous objectives should be added to the 2021-2022 objectives since it is an ongoing issue and has not yet been completed. It was also suggested that the in Objective number 5, the repeal or amendment of the waiver for brokers be added.

A motion was made by Dohse and seconded by Starman to adopt the Commission Objectives as amended. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Consider Approval of Special Assistant Attorney's General 2021-2023 Fee Schedule

Director Lemon presented an exhibit of the proposed hourly rate schedule for the special assistant attorneys general to become effective July 1, 2021. A copy of said exhibit is attached to and made a part of these Minutes.

The Finance Committee approved and submitted a proposal for the new fee schedule effective July 1, 2021 for the Commissions ratification.

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

Release of Applicant Information

Director Lemon presented an exhibit regarding online search functionality including the information currently released and information proposed to be released. A copy of said exhibit is attached to and made a part of these Minutes.

Director Lemon indicated that many requests have been received that the applicant information be released when they are qualified for the examination rather than when it has been passed. He noted that according to the Attorney General, the applicant information is not required to be disclosed as a public record until they pass the examination. They also indicated that the Commission may withhold the information until the applicant passed the test, but they may release it earlier if desired.

There was discussion to allow for the applicants to decide when they would like their information disseminated. There was also discussion regarding the recruitment aspect of releasing the names.

After discussion, a motion was made by Dohse and seconded by Titus make no changes to current Commission practice, and to provide public information for applicants when they have passed the examination. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Approval of Reappointment of Pre-Hearing Officers

Director Lemon presented a letter which included the current pre-hearing officers and rates. A copy of said exhibit is attached to and made a part of these minutes.

There was discussion regarding the hours they typically dedicate to a complaint and how they assist with the Complaint process. Chairperson Evnen explained that their duties were essential to facilitate the hearings. He felt that their work saves the Commission several hours and recommended reappointment.

A motion was made by Starman and seconded by Gehrki to reappoint the current pre-hearing officers and give Director Lemon the authority to extend their agreements until June 30, 2023. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Review and Approval of Procedures and Cycle for Trust Account Examinations

Director Lemon presented a reference copy of the Commission's Approved Procedures and Cycle for Trust Account Examinations. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon indicated that the proposed changes would extend the cycle from six to nine months for property management companies which manage 100 or more residential properties or who maintain 25 or more trust accounts. It would change the cycle for all other brokers from 11-13 months to 17-19 months. Director Lemon also noted that with this proposed change, Nebraska still would audit more frequently than other states.

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

Personnel Matter – Closed Session

At 11:31 a.m., a motion was made by Titus and seconded by Gehrki to go into closed session for discussion of personnel matters. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Chairperson Evnen indicated, prior to the closed session beginning, that the reason for the closed session was to discuss personnel matters.

At 12:04 p.m., a motion was made by Titus and seconded by Bourne to reconvene in open session. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

After reconvening in open, public session, a motion was made by Titus and seconded by Gehrki to increase Director Lemon's annual salary by two percent beginning July 1, 2021. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Titus and Evnen voting aye.

Legislative Matters – Final Report

LB 94 - No new information presented.

LB 112 - No new information presented.

LB 196 - No new information presented.

LB 263 – No new information presented.

LB 423 – No new information presented.

No action was necessary with regard to these matters.

Information Matters

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

Director Lemon noted that Commissioners Dohse, Ritter and Starman were registered and were planning on attending.

No action was necessary on this report.

Future Meeting Dates

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 9:26 a.m., Commissioner Bourne arrived for the meeting.

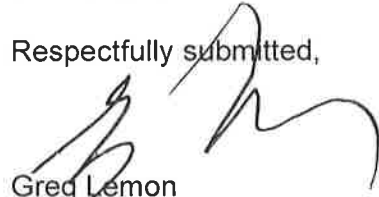
At 9:34 a.m., Commissioner Ritter arrived for the meeting.

At 9:49 a.m., Commissioner Dohse arrived for the meeting

At 12:06 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 June 17, 2021, meeting of the Nebraska Real Estate Commission were available for inspection on June 24, 2021, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Christie Bevington, Nebraska REALTORS® Association, Lincoln
Carrie Favinger, Nebraska REALTORS® Association, Lincoln