

NEBRASKA REAL ESTATE COMMISSION

February 24, 2022

Country Inn and Suites

Omaha Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on February 24, 2022, 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, and Deputy Director for Enforcement Samantha Lowery.

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 east 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 no agenda items 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 Starman to adopt the final agenda as presented. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Minutes of January 20, 2022

The minutes of the Commission meeting held on January 20, 2022, were considered.

After review, a motion was made by Dohse and seconded by Gehrki to approve the minutes as presented. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman 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 explanation page was included on the report.

The cash fund balance as of January 31, 2022, was \$1,735,719.51, which compared to a cash fund balance of \$1,527,025.32 on January 31, 2021.

After discussion, a motion was made by Bourne and seconded by Ritter to file the January Receipts and Expenditures Report for audit. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman 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

Director Lemon 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 Ritter and seconded by Gehrki to ratify issuance of the licenses as set forth in the report. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Examination Report - January

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

After review, a motion was made by Starman and seconded by Dohse to ratify the January Examination Report for the purpose of issuing licenses. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman 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.

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.

Commission-Approved Training Activity Significant Change

Deputy Director Roubal presented for ratification the Commission Approved Training Activity Significant Change 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 Starman to ratify the five reports. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Minutes from Education Advisory Group Meeting – February 2022

Deputy Director Roubal presented the Minutes from the Education Advisory Group-Additional Third Quarter, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal explained the Group discussed several administrative and procedural changes relating to reporting requirements, and that Commission staff is reviewing the feasibility of the requested changes, particularly as they relate to any changes needed to the database.

Director Lemon said staff would investigate possible changes and report findings to the Group.

No action was necessary on this report.

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 on July 14, 2022. Distinguished Real Estate Instructor, Cheryl Knowlton will be training instructors to utilize a webinar platform.

Deputy Director Roubal indicated that a mailing would be sent to all pre-license instructors and continuing education providers and potential instructors would be welcome as well.

A motion was made by Bourne 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, Post, Ritter, Starman and Evnen voting aye.

Pending Sworn Complaints and Investigative Matters

Director Lemon introduced Samantha Lowery, the new Deputy Director for Enforcement. The Commissioners welcomed Ms. Lowery to the Commission staff.

Deputy Director Lowery 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 2021-010 – Brian Ried vs. Brayden Tsilas Snell

Deputy Director Lowery presented the alleged violations and investigative matter 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 Post that the complaint be dismissed without prejudice. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Item B Complaint 2020-038 – Marcus Earle McCaskill vs Amy Elizabeth Hoshaw

Deputy Director Lowery presented the alleged violations and investigative matter 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 Evnen and seconded by Starman that the complaint be dismissed without prejudice. Motion carried with Bourne, Gehrki, Post, Starman, and Evnen voting aye, and with Dohse and Ritter voting nay.

Item C Investigative Matter A

Deputy Director Lowery 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 Dohse that the Commission file a complaint and set it for hearing. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman 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

Michael J. Davis, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Davis explained the situations regarding his criminal history.

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

Fabiola Menendez, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Menendez explained the situations regarding her criminal history.

A motion was made by Ritter and seconded by Starman that Ms. Menendez not be allowed to sit for the salesperson examination at this time. Motion carried with Bourne, Dohse, Gehrki, Post Ritter, Starman and Evnen voting aye.

Esmerlada Ornelas, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Director Lemon distributed the Justice System Search Summary. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13c1.

Ms. Ornelas explained the situations regarding her criminal history.

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

Nichole Marie Tucker, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Director Lemon distributed the Justice System Search Summary. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13d1.

Ms. Tucker explained the situations regarding her criminal history.

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

Consider Alternate Approval Process for Mandatory Continuing Legal Education Offerings

Director Lemon presented a letter of explanation regarding mandatory continuing legal education offerings. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained the expedited process and the proposed changes for the Commissions review. Director Lemon indicated he would proceed with the suggested changes and come back required regulatory changes at a future meeting.

No action was necessary on this report.

Legislative Matters

LB 112 - No new information presented.

LB 196 - No new information presented.

LB 263 – No new information presented.

LB 709 – Director Lemon reported that the hearing was held on February 3, 2022. This is a priority bill and would continue to be monitored.

LB 811 – Director Lemon reported that the bill was placed on General File.

LB 892 – Director Lemon reported that the bill was placed on Final Reading

LB 975 – Director Lemon reported that the hearing was held on January 26, 2022. This bill would continue to be monitored.

Director Lemon explained to the Commission that he had testified in opposition to LB 709 and LB 975.

No action was necessary with regard to these matters.

Information Matters

Regulation Review

No action was necessary on this report.

Trust Account Examination Evaluation Report - 2021

Director Lemon presented the Trust Account Examination Evaluation Report - 2021. A copy of said report is attached to and made a part of these minutes.

Director Lemon reviewed some of the comments received.

No action was necessary on this report.

ARELLO Mid-Year Meeting – April 6-8, 2022 - Savannah, Georgia

Director Lemon explained that the registration for this event is open and asked which Commissioners were planning on attending the conference. He also noted that the hotel room cutoff date is Tuesday, March 1, 2022.

No action was necessary on this report.

Future Meeting Dates

March 17-18, 2022 - Country Inn and Suites, Lincoln

April 21, 2022 - Country Inn and Suites, Lincoln

May 19-20, 2022 - Country Inn and Suites, Lincoln

June 16-17, 2022 - Country Inn and Suites, Lincoln

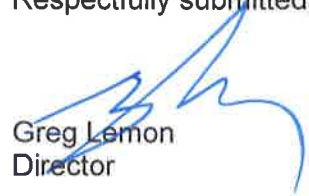
Recesses and Adjournment

At 10:34 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:43 a.m.

At 11:01 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 February 24, 2022, meeting of the Nebraska Real Estate Commission were available for inspection on March 11, 2022, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Ryan B. Swinney, Nebraska REALTORS Association, Lincoln
Adam Schwend, Nebraska REALTORS Association, Lincoln
Michael Davis, Omaha
Tyler Bebos, Lincoln
Toni Mullen, Lincoln