

NEBRASKA REAL ESTATE COMMISSION

March 18, 2022

Country Inn & Suites

Omaha Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on March 18, 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, Deputy Director for Enforcement Samantha Lowery, 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 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 items 6a, 6b and 6c 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 Ritter to adopt the final agenda as presented. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Minutes of February 24, 2022

The minutes of the Commission meeting held on **February 24, 2022**, were considered.

After review, a motion was made by Bourne 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 February

Director Lemon presented the Receipts and Expenditures Report for February. 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 February 28, 2022, was \$1,722,460.14, which compared to a cash fund balance of \$1,527,025.32 on February 28, 2021.

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

Specialized Registrations

Time-Share Registrations - Amendment for Orange Lake Land Trust Fund, Orange Lake Land Trust Fund and Marriott Vacation Club Destinations

Director Lemon presented a specialized registrations report which included the registration of amendments to time-share registrations for Orange Lake Land Trust Fund, Orange Lake Land Trust Fund and Marriott Vacation Club Destinations. A copy of said report is attached to and made a part of these minutes.

A motion was made by Starman and seconded by Ritter to approve the amendments to the three registrations as presented. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

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 Bourne 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 - February

Deputy Director Roubal presented for ratification the February Examination 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 February 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.

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

Biannual Continuing Education Provider and/or Course Expirations- No Response to Renewal

Deputy Director Roubal presented the Biannual Continuing Education Provider and/or Course Expirations- No Response to Renewal, a copy of which is attached to and made a part of these minutes.

Biannual Continuing Education Requested Expirations - Providers and/or Courses

Deputy Director Roubal presented the Biannual Continuing Education Requested Expirations - Providers and/or Courses, a copy of which is attached to and made a part of these minutes.

Biannual Commission-Approved Training Provider and Course Expirations – No Response to Renewal

Deputy Director Roubal presented the Biannual Commission-Approved Training Provider and Course Expirations – No Response to Renewal, a copy of which is attached to and made a part of these minutes.

Biannual Commission-Approved Training Requested Expirations - Provider and/or Course

Deputy Director Roubal presented the Biannual Commission-Approved Training Requested Expirations - Provider and/or Course, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal explained the contents in the biannual reports and the process followed to obtain the biannual report.

After review, a motion was made by Gehrki and seconded by Dohse to approve the Biannual reports as presented and remove the providers and courses from approved status as provided within this exhibit. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Pending Sworn Complaints and Investigative Matters

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 2019-031 – Cathy & Edward Buonaiuto, Richard McDougall & Zach Suddarth vs. Deroy Roscoe Harshman

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

Item B Complaint 2021-013 - Jane Morris vs. Keith Nelson White
Complaint 2021-014 - Jane Morris vs. Julie Ann Harrison

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 Dohse and seconded by Ritter that Complaints 2021-013 and 2021-014 be dismissed without prejudice. Motion carried with Dohse, Gehrki, Ritter, Starman, and Evnen voting aye and with Bourne voting nay.

Item C Complaint 2021-020

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 Starman and seconded by Dohse this complaint be held in abeyance and a new complaint be filed against the Respondent per the Staff recommendation. Motion carried with Bell, Bourne, Dohse, Gehrki, 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

Jeff Herdzina, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Herdzina explained the situations regarding his criminal history.

After discussion, a motion was made by Ritter and seconded by Gehrki to allow Mr. Herdzina 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.

Approve of the Release of the Request for Proposal for the Errors & Omissions Insurance Plan

Director Lemon presented an exhibit of the proposed Request for Proposal (RFP) for the Errors & Omissions Insurance Plan. A copy of said exhibit is attached to and made a part of these Minutes. (Note: it was discovered prior to the meeting that the schedule needed to be updated due to a conflict with a state holiday. The schedule was updated and attached to these minutes.)

Director Lemon explained the purpose of and requirements regarding the Request for Proposal. He indicated that the contract would allow for the initial contract year with five annual renewal options. He noted the terms of the contract mirrored the prior contract with an optional two-year policy provision added. The two-year policy would align with the renewal and continuing education cycles. Further discussions would be required should the Commission choose to change to a two-year policy. Director Lemon also explained that while the Commission is going through the RFP process, Commissioners and staff must refrain from discussing the RFP with potential bidders.

After discussion, a motion was made by Dohse and seconded by Gehrki to approve the release of the Request for Proposal, as amended, and to authorize Director Lemon oversee the process. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

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 this bill was placed on General File as a priority bill. There was discussion regarding the Director coordinating with the Nebraska Realtor's

Association on opposition to this bill. There was also discussion that the Director advise all Commissioners when this bill will be further discussed in the legislature.

LB 811 - No new information presented.

LB 892 - Director Lemon reported that this bill was approved by the Governor on March 3, 2022.

LB 975 - No new information presented.

No action was necessary with regard to these matters.

Information Matters

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

Director Lemon indicated that Commissioner Starman, Deputy Director Rut and he were registered for the conference.

No action was necessary on this report.

Future Meeting Dates

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 10:04 a.m., there being no further business to come before the Commission, a motion was made by Gehrki and seconded by Dohse that the meeting adjourn. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Bell and Evnen voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the March 18, 2022, meeting of the Nebraska Real Estate Commission were available for inspection on March 23, 2022, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,


Greg Lemon
Director

Guests Signing the Guest List

Adam Schwend, Nebraska REALTORS® Association, Lincoln
Leighun Brabec, Larabee School, Lincoln
Christie Bevington, Nebraska REALTORS® Association, Lincoln
Arla Meyer, Nebraska REALTORS® Association, Lincoln
Ryan Swinney, Nebraska REALTORS® Association, Lincoln