

**NEBRASKA REAL ESTATE COMMISSION**

**August 18, 2022**

**Country Inn & Suites**

**Omaha Room**

**Lincoln, NE**

---

**Opening**

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:03 a.m. on August 18, 2022, in the Omaha Room of the Country Inn & Suites, located at 5353 N 27<sup>th</sup> Street in Lincoln, Nebraska. All of the members of the Real Estate Commission were present. Also present were Director Greg Lemon, 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 south 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 Dohse 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 June 16, 2022**

The minutes of the Commission meeting held on June 16, 2022, were considered.

After review, a motion was made by Gehrki and seconded by Ritter 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.

## **Financial Matters**

### **Receipts and Expenditures Report for June and July**

Director Lemon presented the Receipts and Expenditures Reports for June and July. Copies of said reports are attached to and made a part of these minutes. Director Lemon noted that an explanation page was included in each report.

The cash fund balance as of June 30, 2022, was \$1,591,886.82, which compared to a cash fund balance of \$1,309,005.24 on June 30, 2021.

The cash fund balance as of July 31, 2022, was \$1,533,407.71, which compared to a cash fund balance of \$1,309,005.24 on July 31, 2021.

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

### **Final Renewal Report**

Director Lemon presented the Final Renewal Report. A copy of said report is attached to and made a part of these minutes.

No action was necessary on this report.

### **Consider 2023 License Fees**

Director Lemon presented an exhibit in which the Budget and Finance Subcommittee recommended a reduction in broker and salesperson renewal fees and original license fees for 2023. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon noted that the Budget and Finance Subcommittee recommended no change in the license fees for 2023. Director Lemon reviewed the documentation as set out in the exhibit noting the revenue projections and the lowest anticipated level the fund balance may reach as shown on the exhibit.

After discussion, the motion by recommendation of the Budget and Finance Subcommittee, is to maintain the license fees at the current rate for 2023. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

### **Proposed Biennium Budget Request for 2023-2025**

Director Lemon presented the Fiscal Year 2023-2025 Biennium Budget Request Proposal. A copy of said proposal is attached to and made a part of these minutes.

Director Lemon noted that the budget request, is the base appropriation for the current fiscal year 2021-2023. The budget request could be considered a continuation request with only a few issues identified and recommended in the budget instructions. A few enterprise issues such as salary increases and health insurance increases which are expenses which is not something the agency can control. There is one discretionary agency issue to add the PSL and expenditures related to an additional trust account examiner. Director Lemon pointed out

that this was a draft of the budget submitted for the Commission's approval. The Commission could either approve the draft as presented or suggest changes to the proposal, but the Commission has an obligation to submit a final budget request on or before the September 15 deadline for submission.

A motion was made by Gehrki and seconded by Bourne to approve for submittal the proposed Biennium Budget as presented with the issues as outlined in the exhibit. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

## **Specialized Registrations**

### **Time-Share Registrations - Amendments for Marriott Vacation Club Destinations and CLUBWYNDHAM Access Vacation Ownership Plan**

Director Lemon presented a specialized registrations report which included the registration of amendments to time-share registrations for Marriott Vacation Club Destinations 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 Dohse and seconded by Starman to approve the amendments to the two 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 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.

### **License Statistic Report for June and July**

Deputy Director Rut presented the License Statistic Report for the months of June and July, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

### **Examination Report – June and July**

Deputy Director Rut presented for ratification the June and July Examination Reports, copies of which are attached to and made a part of these minutes.

After review, a motion was made by Dohse and seconded by Starman to ratify the June and July Examination Reports for the purpose of issuing licenses. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

## **Examination Passing Roster**

Deputy Director Rut presented the Examination Passing Rosters for June and July, copies of which are attached to and made a part of these minutes.

No action was necessary on this report.

## **PSI Second Quarter School Reports**

Deputy Director Rut presented the PSI Review of Examination Performance Reports for comparison for the period of April 1, 2022 through June 30, 2022, copies of which are attached to and made a part of these minutes.

Deputy Director Rut explained each of the reports relating to the national tests and the school reports.

No action was necessary on this report.

## **Real Estate Education Matters**

### **Pre-License Education Instructor Approval**

Director Lemon presented for ratification the Pre-License Education Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

### **Post-License Education Instructor Approval**

Director Lemon presented for ratification the Post-License Education Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

### **Continuing Education Activity Approval**

Director Lemon 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**

Director Lemon presented for ratification the Continuing Education Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

### **Commission-Approved Training Provider/Activity Recognition**

Director Lemon 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**

Director Lemon 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 Ritter and seconded by Starman to ratify the six reports. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

### **Report on Instructor Development Workshop held July 14, 2022**

Director Lemon reported that the Instructor Development Workshop was a one-day course. The presenter for the IDW was Cheryl Knowlton with Dynamite Productions, Inc. who focused on instruction techniques and synchronous education with real time interaction using video and audio for remote learners. There were approximately thirty-nine that attended the workshop and will receive continuing education credit and certification for prelicense education. Director Lemon also wanted to credit the prior Deputy Director for Education Alane Roubal, who selected and set up the IDW with Ms. Knowlton and made it a good learning experience.

No action was necessary on this report.

### **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 B Complaint 2021-007 - REVISITED**

Prior to discussion of this matter, Commissioner Post recused herself, thereby nullifying any potential conflict of interest.

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 Gehrki and seconded by Dohse this complaint be held in abeyance against the salesperson and designated broker and a new complaint be filed against the salesperson respondent per the Staff recommendation.

Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, and with Post not participating or voting, having recused herself, thereby nullifying any potential conflict of interest.

#### **Item A Complaint 2022-003**

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 Gehrki that this complaint be held in abeyance and a new complaint be filed against the respondent per the Staff recommendation. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

**Item B** Complaint 2022-002 - Barbara L Hof Gordon vs. Ageda Montes De Oca

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 Gehrki and seconded by Dohse that the complaint be dismissed without prejudice and a letter of admonishment be sent to the Respondent. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

**Item C** Investigative Report

Deputy Director Lowery presented an investigative report to the Commission.

After being advised of the results of the investigation and discussion, a motion was made by Ritter and seconded by Starman that the Commission file a complaint on its own motion and set it for hearing on the violations alleged in the report. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

**ITEM D** Investigative Report

Deputy Director Lowery explained that upon review there were numerous licensee who failed to obtain or provide the appropriate forms and disclosures for real estate transactions, and the issue appeared to be more of a brokerage wide issue than an issue involving specific individual agents. ..

After discussion, there were no further disciplinary actions requested.

No action was necessary on this report.

**ITEM E** Complaint 2021-006 – Commission vs. Thomas Dean Mitchell

Deputy Director Lowery indicated that the Respondent in this matter had not renewed their license for 2022. Therefore, the Commission no longer had jurisdiction over this matter.

A motion was made by Dohse and seconded by Post that Complaint 2021-006 be dismissed without prejudice. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

**Presentation of Stipulation and Consent Orders**

**Complaint 2022-004,  
Commission vs. Devon Thompson**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2022-004, Commission vs. Devon Thompson. A copy of said Order is attached to and made a part of these minutes.

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

### **Disciplinary Hearings**

There were no disciplinary hearings scheduled to be held at the meeting.

### **Informal Special Appearances**

#### **DeAnn Marie Vaughn, Salesperson Applicant**

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Vaughn explained the situations regarding her criminal history.

There was discussion relating to records that appeared on the Justice System Search Summary which were the same name but a different individual.

After discussion, a motion was made by Gehrki and seconded by Ritter to allow Ms. Vaughn 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.

#### **Sharon K. Jimenez, Non-Resident Salesperson Applicant - Reappearance**

Director Lemon presented exhibits which included: correspondence regarding Ms. Jimenez's special appearance; a Notice of Defendant issued by the Superior Court of the State of California for Ms. Jimenez, and a copy of Ms. Jimenez's previous special appearance on April 22, 2022. A copy of said exhibit is attached to and made a part of these minutes. Ms. Jimenez's was present via telephone conference

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Jimenez explained the situations regarding her criminal history.

After discussion, a motion was made by Post and seconded by Ritter to allow Ms. Jimenez to obtain a non-resident real estate salesperson license after making proper application and to have the license issued.

An amendment was offered by the second to require Ms. Jimenez to notify the Commission staff of any criminal charge for a period of two years. The amendment was accepted by the mover.

An amendment was offered by Commissioner Gehrki that Ms. Jimenez 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. The amendment was accepted by the mover and second.

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

### **Michael Thomas Rensch, Preliminary Informal Special Appearance**

Director Lemon presented exhibits which included: correspondence regarding Mr. Rensch's preliminary informal special appearance; a letter of explanation from Mr. Rensch; a certificate of participation of an alcohol/drug/dui class completed August 9, 2022 by Mr. Rensch; character reference letters for Mr. Rensch; Mr. Rensch's preliminary application for individuals with criminal convictions form; and trial court cases from the State of Nebraska on Mr. Rensch's cases. A copy of said exhibit is attached to and made a part of these minutes. Mr. Rensch was present.

Chairperson Evnen reviewed the procedure for preliminary informal special appearances.

Deputy Director Lowery distributed an updated Justice System Search Summary for Mr. Rensch. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13c1.

Mr. Rensch explained the situations regarding his criminal history.

A motion was made by Bourne and seconded by Gehrki that Mr. Rensch not be allowed to sit for the salesperson examination until he has successfully completed probation.

An amendment was made by Commissioner Post that Mr. Rensch does not have to reappear before the Commission provided there are no other minor violations and if there are, he must notify the Commission immediately. The amendment was accepted by the mover and second.

After discussion, an amendment was made by the second that should he have any contact with law enforcement, Mr. Rensch is to notify the Commission office. The amendment was accepted by the mover.

There was discussion that Mr. Rensch must provide proof of successful completion of probation to the Commission and Staff to report if Mr. Rensch does not provide proof.

An amendment was made by Commission Post that Mr. Rensch not be allowed to sit for the salesperson examination until he provides proof of successfully completing probation at which time he may reappear before the Commission for review. The amendment was accepted by the mover and the second.

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



## **Adopt Sheri Bourne Resolution**

Director Lemon presented a resolution commemorating service on the Commission by Sheri Bourne. A copy of said resolution is attached to and made a part of these Minutes.

A motion was made by Dohse and seconded by Gehrki that the resolution for Sheri Bourne be adopted as presented. Motion carried with Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye, and with Bourne not participating or voting, having recused himself, thereby nullifying any potential conflict of interest.

## **Information Matters**

### **ARELLO Annual Conference – August 29-September 2, 2022, Nashville, TN**

Director Lemon asked which Commissioners were planning on attending the ARELLO Annual Conference. Commissioner Dohse and Director Lemon and Deputy Director Rut plan on attending the conference.

No action was necessary on this report.

### **Errors and Omissions Loss Report – Second Quarter 2022**

Director Lemon presented the Errors and Omissions Loss Report – Second Quarter 2022. A copy of said exhibit is attached to and made a part of these minutes.

Need to up the amounts of the minimum requirements before next contract.

No action was necessary with regard to this matter.

### **Special Assistant Attorney General Update**

Director Lemon explained that the Special Assistant Attorney General Adam Prochaska, who represented the Commission in disciplinary hearings, had moved to a different law firm which resulted in a conflict. Therefore, the Commission would be represented by previously appointed Special Assistant Attorney General Chris Heinrich until a replacement can be found.

No action was necessary at this time.

### **LB892 Implementation Subcommittee Report**

Director Lemon reported that the Subcommittee consisted of himself, along with Commissioners Dohse, Post and Ritter. He explained that the Subcommittee's recommendation essentially was that a "wholesaler" as defined by the bill, would have to have a real estate license and act as a seller's agent based on the new law and court cases they had reviewed.

Director Lemon further explained that they reviewed their proposal with the Nebraska REALTORS Association who brought up a few concerns, such as new construction, assigning roles. He indicated that the Nebraska REALTORS Association was looking at the disclosures, signatures. He explained that this is a complex issue and would continue to work together with the Nebraska REALTORS Association regarding this matter.

No action was necessary on this report.

### **Future Meeting Dates**

September 15-16, 2022 - Country Inn and Suites, Lincoln

October 20-21, 2022 - Country Inn and Suites, Lincoln

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

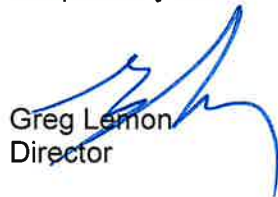
### **Recesses and Adjournment**

At 10:04 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:13 a.m.

At 11:36 a.m., there being no further business to come before the Commission, a motion was made by Ritter and seconded by Gehrki that the meeting adjourn. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the August 18, 2022, meeting of the Nebraska Real Estate Commission were available for inspection on August 24, 2022, 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

Charles Chadwick, CNC Realty, Omaha

Ryan Swinney, Nebraska REALTORS® Association, Lincoln

Mari Jo Mentzer, Iowa