

NEBRASKA REAL ESTATE COMMISSION

May 18, 2023

Country Inn & Suites

Lighthouse Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on May 18, 2023, 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, with the exception of Commission Peter, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Enforcement Samantha Lowery, and Deputy Director for Licensing Monica Rut. John Weis, Special Assistant Attorney General and Counsel to the Commission, was present for the Shanahan 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 on the west wall of the meeting room by the north 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 15 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 Gehrki to adopt the final agenda as presented. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman and Evnen voting aye, and with Peter not participating or voting, being absent and excused.

Minutes of April 20, 2023

The minutes of the Commission meeting held on April 20, 2023, were considered. (NOTE: It was discovered prior to the meeting that the minutes had a misspelling of a word on page one of the minutes. It was also discovered that Commissioner Bourne should have been replaced with Commissioner Geiser. The Exhibit was corrected for attachment to these minutes.)

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

Examination Passing Roster

Deputy Director Rut 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 Rut presented the PSI Review of Examination Performance Reports for comparison for the period of January 1, 2023 through April 30, 2023, copies of which are attached to and made a part of these minutes.

Deputy Director Rut explained that there was an issue with the report presented at the prior meeting, therefore PSI was able to prepare the report for the Commissions review.

No action was necessary on this report.

Real Estate Education Matters

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.

Commission-Approved Training Activity Recognition

Director Lemon presented a Commission-Approved Training Recognition 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 Provider/Training Recognition Report, a copy of which is attached to and made a part of these minutes.

There was discussion regarding the Commission to allow licensees to receive three hours of continuing education for attending commission meetings.

After review, a motion was made by Starman and seconded by Dohse to ratify the three reports. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman and Evnen voting aye, and with Peter not participating or voting, being absent and excused.

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:

Disciplinary Hearings

Complaint 2022-026 Commission v. Jason Allan Young

The Hearing scheduled for May 18 at 10:30 a.m., in the matter of 2022-026 Commission v. Jason Allan Young was Continued.

Complaint 2022-043 Commission vs. Justin Lewis Shanahan

The Hearing scheduled for May 18, 2023 at 1:28 p.m., in the matter of 2022-043 Commission vs. Justin Lewis Shanahan was Continued.

Informal Special Appearances

Spencer Ryne Fahey, License Recognition Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Fahey explained the situations regarding his criminal history.

A motion was made by Dohse and seconded by Gehrki that Mr. Fahey not be allowed to receive a Nebraska Salesperson License at this time. Motion carried with Dohse, Gehrki, Geiser, Ritter, and Evnen voting aye, with Starman voting nay, and with Peter not participating or voting, being absent and excused.

Approval of Reappointment of Pre-Hearing Officers

Director Lemon presented a list of the current pre-hearing officers an explanation of the current budget and agreement. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon noted that the current contract with the pre-hearing officers expire on June 30 of this year. He spoke with the pre-hearing officers and they indicated that were interested in continuing their contract but some discussed that the rates had not increased in some time. Director Lemon reviewed the rates and noted that they had not increased since 2012 and would recommend renewal with an increase to \$195 per hour rather than \$175 per hour.

Chairperson Evnen indicated that regular rates are sometimes between \$250 or \$300 and felt that \$200 was an appropriate rate for this important service.

A motion was made by Dohse and seconded by Gehrki to reappoint the current pre-hearing officers at a rate of \$200 per hour and to give Director Lemon the authority to extend their agreements until June 30, 2025. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman and Evnen voting aye, and with Peter not participating or voting, being absent and excused.

Each of the Attendees discussed their experiences at the ARELLO Meeting.

No action was necessary on this report.

Staffing Update

Director Lemon indicated that the Commission is currently down to one staff vacancy and would be working toward filling the position soon.

No action was necessary on this report.

Examination Contract Update

Director Lemon indicated that the new contract is not signed yet but hoped it would be soon. He noted that the staff and Pearson Vue is moving forward and anticipate a go live date of September 1, 2024. He also indicated that the Education Advisory Committee would be meeting soon to discuss various testing options and changes.

Director Lemon also noted that currently the plan is to keep the same exam outline so that students can study for the old test and the new test. While that may change in the future, it will stay the same for now. He indicated that a group of subject matter experts will be recruited to meet in June to assist in writing the State questions for the salesperson and broker examination.

Commission Dohse asked when the instructors will see the changes on what to teach. Director Lemon indicated that the training would remain the same. He noted that the candidate handbook would be available ahead of time and will plan on communicating with the instructors as soon as that is available.

No action was necessary with regard to this matter.

Special Assistant Attorney General Update

Director Lemon indicated that five letters were sent to firms requesting a proposal for attorney, resume, rates, etc. He reported that to date we have received one response. The deadline for submissions is the end May. The Finance subcommittee will review all submissions and provide a recommendation to the Commission. If a new contract was granted, the start date would be after July 1, 2023.

No action was necessary at this time.

Future Meeting Dates

June 15-16, 2023 - Country Inn and Suites, Lincoln
August 17-18, 2023 – Graduate Lincoln, Lincoln
September 14-15, 2023 - Country Inn and Suites, Lincoln
October 19-20, 2023 - Country Inn and Suites, Lincoln
November 9, 2023 – Graduate Lincoln, Lincoln