

NEBRASKA REAL ESTATE COMMISSION

February 29, 2024

Telegraph Lofts East Center

4th Floor Conference Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on February 29, 2024, in the 4th Floor Conference Room of the Telegraph Lofts East Center, located at 200 South 21st St in Lincoln, Nebraska. All of the members of the Real Estate Commission were present. Also present were Director Greg Lemon, Deputy Director for Education Melissa Belcastro, 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 agenda item 11c 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 Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Minutes of January 18, 2024

The minutes of the Commission meeting held on January 18, 2024, were considered. (Note: It was discovered prior to the meeting that the Exhibit for this Agenda Items was incorrect. The name of Complaint 2022-032 referenced "Homeworkers", when, in fact, the name should have been "Homeowners". The Exhibit was corrected for attachment to these minutes.)

After review, a motion was made by Gehrki and seconded by Burleigh to approve the minutes as amended. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, and Evnen voting aye, and with Ritter not voting having not been in attendance at the January Meeting.

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.

Director Lemon introduced Melissa Belcastro, the new Deputy Director for Education; and Julaina Riege, the new Compliance Auditor at the Commission office. The Commissioners welcomed the new Commission staff.

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, 2024, was \$1,864,707.21, which compared to a cash fund balance of \$1,821,125.78 on January 31, 2023.

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

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 Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

License Statistic Report for January

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

No action was necessary on this report.

Examination Report - January

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

There was discussion regarding the content of the examination as provided in the candidate handbook from Pearson VUE.

After review, a motion was made by Ritter and seconded by Burleigh to ratify the January Examination Report for the purpose of issuing licenses. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

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.

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.

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 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.

After review, a motion was made by Gehrki and seconded by Peter to ratify the four reports. Motion carried with Burleigh, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, and with Dohse abstained.

Continuing Education Renewal Report

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

Director Lemon explained the contents in the report.

After review, a motion was made by Peter and seconded by Ritter to remove the providers from approved status who had failed to provide a Renewal Report for 2023 activities and who were reported on the Continuing Education Report exhibit. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Commission-Approved Training Renewal Report

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

Director Lemon explained the contents in the report and the new process which began in 2023 for those offering Commission-Approved Training.

After review, a motion was made by Gehrki and seconded by Ritter to remove the providers from approved status who had failed to provide a Renewal Report for 2023 activities and who were reported on the Commission-Approving Training Renewal Report exhibit. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Continuing Education Activity Significant Change

Director Lemon presented for ratification the Continuing Education 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 Ritter to ratify the report. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Update on Pearson Vue Examination Services

Director Lemon discussed the examination, the content outline as provided in the candidate handbook which has been changed from the prior examination company. He explained that the state portion of the examination was based on a pool of questions that were developed and evaluated by group of subject matter experts. The examination company keeps metrics and is reviewing the performance of the questions and is in the process of revising the pool that the examination is comprised. He noted that effective today, February 29, 2024, the examination has been revised based on performance rather than the evaluation of difficulty provided by the subject matter experts. He felt that the March report will reflect those changes.

There was also discussion regarding the performance of the national portion of the examination and that there should be a review of the feedback in the evaluations provided by those who took the examination.

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 A 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 Gehrki and seconded by Dohse to file a complaint and set the matter for hearing on the violations alleged. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Item B Complaint 2021-011

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 to file an amended complaint in order to ensure that the facts and issues involved as identified in the investigation are adequately set forth and set the matter for hearing. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Item C Complaint 2023-035

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 Burleigh to file an amended complaint in order to ensure that the facts and issues involved as identified in the investigation are adequately set forth and set the matter for hearing. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Item D 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 Gehrki and seconded by Peter to file a complaint and set the matter for hearing on the violations alleged. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Item E Complaint 2023-037

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 Gehrki that to file an amended complaint in order to ensure that the facts and issues involved as identified in the investigation are adequately set forth and set the matter for hearing. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Item F 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 Gehrki to file complaint and set the matter for hearing. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Presentation of Stipulation and Consent Orders

Complaint 2023-045, Commission vs. John Michael Ruzicka

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2023-045, Commission vs. John Michael Ruzicka. A copy of said Order is attached to and made a part of these minutes. (Note: It was discovered at the meeting that the Exhibit for this Agenda Item was incorrect. The listing price on item number eight was set forth as "\$4,2050,000" when, in fact, the amount should have been "\$4,250,000". The Exhibit was corrected for attachment to these minutes.)

Complaint 2023-045, Commission vs. Alexander Perez

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2023-045, Commission vs. Alexander Perez. A copy of said Order is attached to and made a part of these minutes. (Note: It was discovered at the meeting that the Exhibit for this Agenda Item was incorrect. The listing price on item number eight was set forth as "\$4,2050,000" when, in fact, the amount should have been "\$4,250,000". The Exhibit was corrected for attachment to these minutes.)

After discussion, a motion was made by Dohse and seconded by Gehrki to enter into the two Orders as amended. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Complaint SC2023-004, Commission vs. Drew Isaac

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint SC2023-004, Commission vs. Drew Isaac. A copy of said Order is attached to and made a part of these minutes.

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

Disciplinary Hearings

Show-Cause Hearing on SC2023-004 – Drew Isaac

The Hearing regarding Complaint SC2023-004, Commission vs. Drew Isaac was continued.

Complaint 2023-011 - Commission vs. Stanley Douglas Wolkins

The Hearing regarding Complaint 2023-011, Commission vs. Stanley Douglas Wolkins was continued.

Informal Special Appearances

William John Clark, Salesperson Applicant - Reappearance

Director Lemon presented exhibits which included: correspondence regarding Mr. Clark's special appearance; a letter of explanation from Mr. Clark; character reference letters for Mr. Clark; Mr. Clark's salesperson application form; trial court cases from the State of Nebraska on Mr. Clark's cases; Mr. Clark's criminal history report, and information regarding Mr. Clark's previous special appearance in April 2022. A copy of said exhibit is attached to and made a part of these minutes. Mr. Clark was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Clark explained the situations regarding his criminal history.

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

Courtney Higgins Galloway, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Galloway explained the situations regarding her criminal history.

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

Review Education Requirements in Other States

Director Lemon presented an exhibit of the comparison of education requirements in surrounding states. A copy of said exhibit is attached to and made a part of these Minutes.

Director Lemon reviewed the exhibit and noted that the Nebraska education requirements appeared to be adequate compared to the prelicense and continuing education courses in surrounding states. He explained that should changes occur, it may require legislation, and

rule and regulation changes. He indicated that when the Commission has pursued changes to education requirements in the past, they have sought input from the Nebraska REALTORS® Association and the education advisory group prior to implementing any changes.

Chairperson Evnen indicated that he would be appointing an ad hoc subcommittee to review the Commission's education requirements and come make recommendations for changes to requirements if they determine such requirements would be beneficial to licensees and the public. He has asked that Commissioner Ritter chair the subcommittee and Commissioners Dohse and Peter also serve as part of the subcommittee. Chairperson Evnen also asked the Director or designee to serve on the subcommittee as well. He noted that he would like the subcommittee to provide updates at each of the Commission Meetings and should any legislation changes be necessary, the subcommittee have the changes finalized no later than the October meeting. Chairperson Evnen asked that the plan on how to examine and consider the changes be provided in a general outline at the next Commission meeting.

No action was necessary with regard to this matter.

Legislative Matters

LB 151- Director Lemon indicated that this bill would change the congressional districts for appointment of the Commissioners and expands allowable methods of service of process to make it easier to serve complaints and notices. He noted that should this bill pass, there would be rules and regulation changes to follow.

LB 152- Director Lemon indicated that this bill, which is on final reading, would eliminate the membership campground registration requirements.

LB 873 – No new information presented.

LB 1135 – Director Lemon reported that this bill will be combined with LB 1073.

LB 1136 – Director Lemon reported that this bill will be combined with LB 1073.

No action was necessary with regard to these matters.

Information Matters

ARELLO Mid-Year Conference – April 16-18, 2024 – New Orleans LA

Director Lemon explained that the deadline for registration is March 6, 2024, and asked which Commissioners were planning on attending the conference. He also noted that the rooms are selling out so Commissioners interested in attending should reserve a room as soon as possible.

No action was necessary on this report.

Compliance Audit Examination Evaluation Report - 2023

Director Lemon presented the Compliance Audit Examination Evaluation Report - 2023. A copy of said report is attached to and made a part of these minutes.

Director Lemon reviewed the report and noted that he was proud of the performance of the compliance auditors.

There was discussion regarding the notices provided to the brokers prior to the compliance audit being inconsistent. Director Lemon indicated that he would discuss this with the auditors for future audits.

No action was necessary on this report.

Future Meeting Dates

March 21-22, 2024, Telegraph Lofts East Center, Lincoln

April 25-26, 2024, Telegraph Lofts East Center, Lincoln

May 16-17, 2024, Telegraph Lofts East Center, Lincoln

June 20-21, 2024, Telegraph Lofts East Center, Lincoln

Recesses and Adjournment

At 10:00 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:08 a.m.

At 10:49 a.m., there being no further business to come before the Commission, a motion was made by Gehrki and seconded by Ritter that the meeting adjourn. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the February 29, 2024, meeting of the Nebraska Real Estate Commission were available for inspection on March 4, 2024, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,


Greg Lemon
Director

Guests Signing the Guest List

John Clark, Nebraska Real Estate Commission, Lincoln

Julaina Riege, Nebraska Real Estate Commission, Lincoln

Ashlee Hendrickson, Nebraska REALTORS® Association, Lincoln

Kim Zwiener, Lincoln

