

NEBRASKA REAL ESTATE COMMISSION

August 15-16, 2024

Telegraph Lofts East Center

4th Floor Conference Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 8:30 a.m. on August 15, 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. J.L. Spray, Special Assistant Attorney General and Counsel to the Commission, was present for the Hart Hearing and Steven Mossman, Special Assistant Attorney General and Counsel to the Commission was present for the Ybarra 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 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 Gehrki and seconded by Dohse to adopt the final agenda as presented. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Minutes of June 20, 2024

The minutes of the Commission meeting held on June 20, 2024, were considered.

After review, a motion was made by Dohse and seconded by peter to approve the minutes as presented. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, 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

Director Lemon presented the Receipts and Expenditures Report for June. 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 June 30, 2024, was \$1,533,265.48, which compared to a cash fund balance of \$1,594,345.80 on June 30, 2023.

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

Receipts and Expenditures Report for July

Director Lemon presented the Receipts and Expenditures Report for July. 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 July 31, 2024, was \$1,458,151.17, which compared to a cash fund balance of \$1,533,521.72 on July 31, 2023.

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

Final Renewal Report

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

No action was necessary on this report.

2025 License Fee Recommendation

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 2025. 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 2025. 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 2025. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Proposed Biennium Budget Request for 2025-2027

Director Lemon presented the Fiscal Year 2025-2027 Biennium Budget Request Proposal Memo. 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 2024-2025. 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 investigator. The Commission could either approve 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 Ritter and seconded by Gehrki to approve the Directors request for additional Personal Services Limitation in the amount determined appropriate, the new investigator position, and the submittal of the proposed Biennium Budget as discussed with the issues as outlined in the exhibit. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Specialized Registrations

Time-Share Registration - Amendment for Disney's Polynesian Villas & Bungalows

Director Lemon presented a specialized registrations report which included the registration of amendments to the time-share registration for Disney's Polynesian Villas & Bungalows. A copy of said report is attached to and made a part of these minutes.

Time-Share Registration – Amendment for Marriott Vacation Club Destinations

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

Time-Share Registration – Amendment for Orange Lake Land Trust Plan

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

A motion was made by Ritter and seconded by Gehrki to approve the amendments to the three registrations as presented. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, 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 Dohse 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 June

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

No action was necessary on this report.

License Statistic Report for July

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

No action was necessary on this report.

Examination Reports – June and July

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

There was discussion that when laws are changed resulting in the test questions changing there should be better communication between the testing company, the Commission, and the education instructors and providers.

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

Examination Passing Rosters – June and July

Deputy Director Belcastro 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.

Pearson VUE Second Quarter School Reports

Deputy Director Belcastro presented the Pearson VUE Review of Examination Performance Reports for comparison for the period of April 1, 2024, through June 30, 2024, copies of which are attached to and made a part of these minutes.

No action was necessary on this report.

Real Estate Education Matters

Pre-License Distance Education Course Approval

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

Continuing Education Provider/Activity Approval

Deputy Director Belcastro presented for ratification the Continuing Education Provider/Activity Approval Report, a copy of which is attached to and made a part of these minutes.

Continuing Education Instructor Approval

Deputy Director Belcastro 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

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

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

Review of Meeting Minutes from Quarterly Education Advisory Group Meeting held July 16, 2024

Deputy Director Belcastro presented the Minutes from the Quarterly Education Advisory Group Meeting held July 16, 2024, a copy of which is attached to and made a part of these minutes.

Deputy Director Belcastro provided an overview of the discussions held at the meeting.

No action was necessary on this report.

Report on Instructor Development Workshop held July 16, 2024

Deputy Director Belcastro reported that the Instructor Development Workshop was very successful. She indicated that she was happy to meet the attendees and enjoyed the great conversations. She was pleased with the turnout and received positive feedback. She also heard that most attendees learned at least two to four new ideas that could be implemented in teaching their courses.

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 Complaint 2023-044 – Sarah Manetti vs. Monica P. Albers

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 the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Item B Complaint 2023-027 – Joe Beck vs. Andrew Marvin Stech

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 the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, 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 Gehrki 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 Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Item D Investigative Report - Sam Mandolfo Matter

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 Ritter that the matter be dismissed without prejudice. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

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

Presentation of Stipulation and Consent Orders

Complaint 2024-005, Commission vs. Eric Cano

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2024-005, Commission vs. Eric Cano. A copy of said Order is attached to and made a part of these minutes.

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

Complaint 2024-001, Commission vs. Kristin Karla Pavelka

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2024-001, Commission vs. Kristin Karla Pavelka. 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 Dohse to enter into the Order as presented. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Disciplinary Hearings

Complaint 2022-040 – Dolores A. & Matthew Focken vs. Mauricio Martinez Eusse

The Hearing regarding Complaint 2022-040, Dolores A. & Matthew Focken vs. Mauricio Martinez Eusse was continued at the request of the Respondent.

Complaint 2022-036 – Commission vs. Mark Hart & Bridget Olsen

A Hearing was held on August 15 at 10:30 a.m., in the matter of Complaint 2022-036-Commission vs. Mark Hart & Bridget Olsen. J.L. Spray, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondents Mark Hart was present and represented by Counsel Michael Polk of Omaha.

Counsels Spray and Polk jointly offered 24 Exhibits, all of which were received by Chairperson Evnen.

After Opening Statements, Counsel Spray offered one Exhibit which was received by Chairperson Evnen. Counsel Spray called Vicki K. Mendolia, Michael Hansen and Mark Douglas Hart as witnesses.

At 11:54 a.m., Chairperson Evnen declared a break for lunch, and reconvened the Hearing at 12:46 p.m.

After closing arguments had been presented, Chairperson Evnen declared the Hearing concluded and gathered the original exhibits.

The Commission deliberated on the matters adduced at hearing.

At 1:33 p.m., a motion was made by Gehrki and seconded by Ritter to go into closed session to deliberate matters and to protect the reputation of Mr. Hart. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

At 2:11 p.m., a motion was made by Gehrki and seconded by Ritter to reconvene in open session. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

A motion was made by Peter and seconded by Burleigh in Complaint 2022-036, that the Commission accept the facts provided as evidence in the prehearing order, and that Mr. Hart showed gross negligence which violated the statutes and rules and regulations as set forth in the complaint which met the burden of proof. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Chairperson Evnen opened the past disciplinary action envelope. It showed the Commission accepted a Stipulation and Consent Order relating to Complaint #2012-010, dated May 25, 2012, suspending his license for a period of six (6) months with the entire six (6) month period stayed and served on probation, plus a civil fine of \$1,250.00.

The Commissioners then discussed the penalty to be assessed.

A motion was made by Peter and seconded by Burleigh in Complaint 2022-036, that Mark Hart should receive a two-year suspension, with the first 90 days served, and the remainder stayed and served on probation, with nine hours of additional continuing education in the areas of license law, ethics, and contract law, and a fine of \$2,500.00. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

With the consent of the Respondents, Chairperson Evnen directed Counsel Prochaska to prepare the Order.

Chairperson Evnen notified the Respondent that as a part of the Order in this matter, the Respondent is required, under Nebraska Revised Statutes Section 84-914(1) and Title 305 Nebraska Administrative Code, Chapter 4-007.05, to pay the costs of the appearance fee by the court reporter, and any and all witness fees, including mileage and the cost of serving any witness. The Respondent will be billed by the Commission Office, or the amount may be specified in the Order, and will have thirty days from receipt of the costs to totally reimburse the Commission.

Chairperson Evnen announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 2:16 p.m.

Complaint 2024-015 – Commission vs. Anthony A. Ybarra

A Hearing was held on August 16 at 9:15 a.m., in the matter of Complaint 2024-015 – Commission vs. Anthony A. Ybarra. Stephen Mossman, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Anthony A. Ybarra was present and not represented by Counsel.

Mr. Ybarra requested a continuance of the Hearing due to the lack of resources necessary to gather information in order to represent himself properly in this Hearing or obtain counsel. He indicated that he was sentenced on June 24, 2024 and should be released on December 17, 2024.

Acting Chairperson Peter indicated that an amended answer had been received regarding this complaint and asked the Respondent if additional information had been received since that time and additional time to prepare for this hearing was impaired due to his incarceration. Mr. Ybarra agreed with the statement made by Acting Chairperson Peter.

Counsel Mossman objected to the continuance due to the fact that Mr. Ybarra was present at the meeting, was provided all of the notices in a timely manner, and is being given an opportunity to be heard. He also explained that the Commission has an obligation to protect the public and since he may or may not get released from incarceration prior to December 17, 2024, he could potentially be conducting real estate activities upon release unless an action is taken at this Hearing.

At 9:22 a.m., a motion was made by Gehrki and seconded by Ritter to go into closed session to deliberate matters and to protect the interest of the parties. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter and Ritter voting aye and with Evnen not participating or voting, being absent and excused.

At 9:32 a.m., a motion was made by Gehrki and seconded by Ritter to reconvene in open session. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter and Ritter voting aye and with Evnen not participating or voting, being absent and excused.

Acting Chairperson Peter explained that the request to continue the hearing was evaluated and the Commission members determined that they had provided Mr. Ybarra reasonable opportunities to prepare for this hearing by receiving all notices and exhibits, therefore the request for continuance was overruled.

After Opening Statements, Counsel Mossman offered 19 Exhibits all which were received by Acting Chairperson Peter. Counsel Mossman called Samantha Lowery and Anthony A. Ybarra as witnesses.

After closing arguments had been presented, Acting Chairperson Peter declared the Hearing concluded and gathered the original exhibits.

The Commission deliberated on the matters adduced at hearing.

At 10:58 a.m., a motion was made by Gehrki and seconded by Ritter to go into closed session to deliberate matters and to protect the interest of all parties. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter and Ritter voting aye and with Evnen not participating or voting, being absent and excused.

At 11:11 a.m., a motion was made by Burleigh and seconded by Dohse to reconvene in open session. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter and Ritter voting aye and with Evnen not participating or voting, being absent and excused.

A motion was made by Gehrki and seconded by Dohse in Complaint 2024-015, Anthony A. Ybarra that the Commission has met the burden of proof and that Mr. Ybarra violated Neb. Rev. Stat. §81-885.12(1); 81-885.12(4); 81-885.24; and 81-885.24(29) as alleged in the complaint. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter and Ritter voting aye and with Evnen not participating or voting, being absent and excused.

Acting Chairperson Peter opened the past disciplinary action envelope. It showed no prior disciplinary action against the Respondent.

The Commissioners then discussed the penalty to be assessed.

A motion was made by Gehrki and seconded by Dohse in Complaint 2024-015, that Anthony A. Ybarra's license be revoked. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter and Ritter voting aye and with Evnen not participating or voting, being absent and excused.

With the consent of the Respondents, Acting Chairperson Peter directed Counsel Mossman to prepare the Order.

Acting Chairperson Peter notified the Respondent that as a part of the Order in this matter, the Respondent is required, under Nebraska Revised Statutes Section 84-914(1) and Title 305 Nebraska Administrative Code, Chapter 4-007.05, to pay the costs of the appearance fee by the court reporter, and any and all witness fees, including mileage and the cost of serving any witness. The Respondent will be billed by the Commission Office, or the amount may be specified in the Order, and will have thirty days from receipt of the costs to totally reimburse the Commission.

Acting Chairperson Peter announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 11:16 a.m.

Informal Special Appearances

Aaron Hensley, Salesperson Applicant - Reappearance

Director Lemon presented exhibits which included: correspondence regarding Mr. Hensley's special appearance; a letter of explanation from Mr. Hensley; character reference letters for Mr. Hensley; Mr. Hensley's salesperson application form; trial court cases from the State of Nebraska on Mr. Hensley's cases; Mr. Hensley's criminal history report; and information regarding Mr. Hensley's previous special appearances in June 2020. A copy of said exhibit is attached to and made a part of these minutes. Mr. Hensley was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Hensley explained the situations regarding his criminal history.

A motion was made by Gehrki and seconded by Peter that Mr. Hensley not be allowed to sit for the salesperson examination at this time. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Galen Morrison, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Morrison explained the situations regarding his criminal history.

A motion was made by Gehrki and seconded by Peter that Mr. Morrison not be allowed to sit for the salesperson examination at this time. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Special Assistant Attorneys General Appointment

J.L. Spray

Director Lemon presented an appointment letter for Special Assistant Attorney General, J.L. Spray. A copy of said exhibit is attached to and made a part of these minutes.

Stephen Mossman

Director Lemon presented an appointment letter for Special Assistant Attorney General, Stephen Mossman. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon requested authority to enter into memorandums of understanding with the appointed Special Assistant Attorneys General, J.L. Spray and Stephen Mossman of Mattson Ricketts Law Firm.

Director Lemon indicated the appointment as Special Assistant Attorneys General was for general Commission administrative matters and for District Court case No CI 24-1962. He needed the authority to enter into a Memorandum of Understanding with each appointee. Chairperson Evnen asked if the same fee schedule would apply. Director Lemon indicated that the fee schedule previously approved for 2025 would apply.

A motion was made by Peter and seconded by Burleigh to ratify the appointment of the appointed Special Assistant Attorneys General. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Amendment to Commission Policy and Interpretation on Wholesaling

Director Lemon presented an exhibit regarding the amendment to the Commissions Policy and Interpretation on Wholesaling. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained that the additional policy and interpretation is regarding the standard practice for builders which were not intended to be included in the wholesaling. Furthermore,

draft legislation will be introduced to clarify this exemption.

A motion was made by Ritter and seconded by Dohse to adopt the Commission Objectives as presented. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Commission Draft Legislation

Education and License Requirements

Director Lemon presented an exhibit of the proposed legislation relating to prelicense education requirements and exempt developers from providing market options to builders when developing residential subdivisions and clarifying paying brokerage fees to out of state licensees. A copy of said exhibit is attached to and made a part of these Minutes.

Director Lemon explained the proposed changes to the education and license requirements. He also indicated that currently a broker must take the post license education course twice, once after becoming a salesperson and again after becoming a broker. There was discussion regarding the time period acceptable to retake the post license education course. It was agreed upon that two education cycles would be sufficient time between course completion.

Director Lemon also explained that he would also like to clarify payments made to out of state licensees, especially regarding referral fees.

A motion was made by Burleigh and seconded by Dohse to authorize the Director to effectuate matters set forth in the exhibit as discussed. Motion carried with Burleigh, Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye.

Mandatory Buyer Agency Agreements

Director Lemon presented an exhibit of amendments to Neb. Rev. Stat. § 76-2422 Written agreements for brokerage services, when required. A copy of said exhibit is attached to and made a part of these Minutes. Ann Post, Ryan Swinney, and Arla Meyer with the Nebraska REALTORS® Association were in attendance to speak to this matter.

Director Lemon indicated that the change as proposed in the exhibit would make requirements consistent across the board in order to avoid confusion to the public and licensees. He explained that if the Commission chose to move forward with the proposed changes, he would need to submit the proposed changes to the bill drafters and would need authorization to introduce the bill.

Ms. Post provided a narrative of the actions which prompted the changes as set forth in the exhibit. Ms. Post indicated that the Nebraska REALTORS® Association supported this legislation and is satisfied with the changes as outlined in the exhibit.

There was discussion regarding those impacted by the NAR settlement, what other state associations were changing, and the steps to cause the least confusion in order to implement the changes. There was also discussion regarding when the licensees are required to provide the written agency agreement. After discussion, the commission agreed that the words "or while" should be omitted in Neb. Rev. Stat. §76-2422(3).

Director Lemon indicated that there would be training provided for this topic so the licensees can clearly relay to public.

Mr. Sweeney indicated that through speaking with some of the members of the Nebraska REALTORS® Association, they anticipate the fundamental change to be difficult to adapt to. He also indicated that we would encounter a new form of real estate in years to come but this will level the playing field which is good for the consumers.

Ms. Meyer indicated that she had been encouraging agents to start using the new form on July 1, 2024. She received very positive feedback from the licensees and felt it created transparency.

A motion was made by Gehrki and seconded by Peter to authorize the Director to prepare legislation in accordance with the exhibit 16b and introduce the bill during the next legislation.

An amended was offered by Chairperson Evnen that the final language by the bill drafters be presented prior to the beginning of the legislative session and to add an emergency clause to the bill. The amendment was accepted by the mover and the second.

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

Adopt Joe Gehrki Resolution

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

A motion was made by Evnen and seconded by Burleigh that the resolution for Joe Gehrki be adopted as presented. Motion carried with Burleigh, Dohse, Geiser, Peter, Ritter, and Evnen voting aye.

Information Matters

ARELLO 2024 Annual Conference – September 23-26, 2024 – Chicago, IL

Director Lemon explained that the deadline for the room rate is August 30, 2024.

No action was necessary on this report.

ARELLO Legal Exchange – August 6-7, 2024 – Carmel, IN – Report of Attendees

Director Lemon noted that Deputy Director Lowery and he attended the ARELLO Legal Exchange.

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

No action was necessary on this report.

Errors and Omissions Insurance Loss Report – Second Quarter 2024

Director Lemon presented the Errors and Omissions Insurance Loss Report – Second Quarter 2024. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary with regard to this matter.

Future Meeting Dates

September 19-20, 2024, Telegraph Lofts East Center, Lincoln

October 17-18, 2024, Telegraph Lofts East Center, Lincoln

November 21, 2024, Telegraph Lofts East Center, Lincoln

Recesses and Adjournment

At 10:19 a.m. on August 15, Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:31 a.m.

At 11:54 a.m. on August 15, Chairperson Evnen declared a recess for lunch, and reconvened the meeting at 12:46 p.m.

At 2:16 p.m. on August 15, Chairperson Evnen declared a brief recess, and reconvened the meeting at 2:24 p.m.

At 2:35 p.m. on August 15, Chairperson Evnen recessed the meeting.

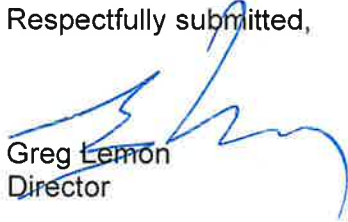
At 9:14 a.m. on August 16, Acting Chairperson Peter reconvened the meeting.

On August 16, Chairperson Evnen was excused from the meeting.

At 11:17 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 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 August 15-16, 2024, meeting of the Nebraska Real Estate Commission were available for inspection on August 22, 2024, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

James McCord, Nebraska REALTORS® Association, Lincoln

Ryan Swinney, Nebraska REALTORS® Association, Lincoln

Charles Chadwick, CNC Realty, Omaha

Leighun Brabec, Larabee School of Real Estate, Lincoln

Arla Meyer, Nebraska REALTORS® Association, Lincoln

Susan Clark, Nebraska REALTORS® Association, Lincoln

Troy Bird, Lincoln