

**NEBRASKA REAL ESTATE COMMISSION**

**January 16, 2025**

**Telegraph Lofts East Center**

**4<sup>th</sup> Floor Conference Room**

**Lincoln, NE**

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**Opening**

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on January 16, 2025, in the 4<sup>th</sup> Floor Conference Room of the Telegraph Lofts East Center, located at 200 South 21<sup>st</sup> St in Lincoln, Nebraska. All of the members of the Real Estate Commission were present. Also present were Director Joseph D. Gehrki, Deputy Director Monica Rut, Deputy Director for Education Melissa Belcastro, Lead Compliance Auditor John Clark and Consultant Greg Lemon. J.L. Spray, Special Assistant Attorney General and Counsel to the Commission, was present for the Wolkins Hearing.

**Notice of Meeting (Adopt Agenda)**

Director Gehrki 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 Gehrki noted that agenda items 11a, 17a, 17b, 17c, 17d, and 17e had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Ritter and seconded by Dohse to adopt the final agenda as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

**Minutes of November 21-22, 2024**

The minutes of the Commission meeting held on November 21-22, 2024, were considered.

(Note: It was discovered after the meeting adjourned that the Exhibit for this Agenda Item was incorrect. There were no Commissioners absent and excused from the meeting which is located under the opening on page 1, and under Real Estate Education Matters, the name of the report Commission-Approved Training Provider/Activity Recognition was not listed. The Exhibit was corrected for attachment to these minutes.)

After review, a motion was made by Dohse and seconded by Bureigh to approve the minutes as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, 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.

Xu Li addressed the Commission regarding Commissioner appointments, and complaint procedure questions and concerns. He expressed his concern about the Commission dismissing a complaint that was filed. He also suggested that files allow for searching abilities when formatted in as a PDF. Chairperson Evnen explained the process by which Commissioners are appointed to the Commission, the complaint process and indicated that the files relating to Rules and Regulations are being updated in the near future to allow for searchability. It was also noted that the complaints are presented to the Commission for anonymous review. Chairperson Evnen also suggested that Xu Li discuss the specific complaint issues and any future complaint proceedings with the Director.

## **Financial Matters**

### **Receipts and Expenditures Reports for November and December**

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

The cash fund balance as of November 30, 2024, was \$1,390,633.71, which compared to a cash fund balance of \$1,711,965.54 on November 20, 2023.

The cash fund balance as of December 31, 2024, was \$1,555,320.79, which compared to a cash fund balance of \$1,869,757.21 on December 31, 2023.

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

### **Renewal Report**

Director Gehrki 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.

## **Specialized Registrations**

### **Time-Share Registrations - Amendment for Marriott Vacation Club Destinations and Orange Lake Land Trust Plan**

Director Gehrki presented a specialized registrations report which included the registration of amendments to time-share registrations for Marriott Vacation Club Destinations and 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 Burleigh and seconded by Ritter to approve the amendments to the two registrations as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, 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 Dohse and seconded by Ritter to ratify issuance of the licenses as set forth in the report. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

### **License Statistic Reports for November and December**

Deputy Director Rut presented the License Statistic Report for the months of November and December, copies of which are attached to and made a part of these minutes.

No action was necessary on this report.

### **Examination Reports – November and December**

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

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

### **Examination Passing Rosters for November and December**

Deputy Director Belcastro presented the Examination Passing Rosters for November and December copies of which are attached to and made a part of these minutes.

No action was necessary on this report.

### **Pearson VUE Fourth Quarter School Reports**

Deputy Director Belcastro presented the Pearson VUE Review of Examination Performance Reports for comparison for the period of October 1, 2024 through December 31, 2024, copies of which are attached to and made a part of these minutes.

Deputy Director Belcastro 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**

### **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 Activity Approval**

Deputy Director Belcastro 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**

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.

### **Commission-Approved Training Instructor Recognition**

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

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

### **Continuing Education Activity Rejection**

Deputy Director Belcastro presented a Continuing Education Activity Rejection Report, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

### **Minutes from Education Advisory Group – January 7, 2025**

Deputy Director Belcastro presented the Minutes from the Education Advisory Group January 7, 2025, a copy of which is attached to and made a part of these minutes.

Deputy Director Belcastro explained some of the topics discussed as shown in the exhibit.

No action was necessary on this report.

### **Pending Sworn Complaints and Investigative Matters**

Consultant Greg Lemon 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 2024-047

Consultant Greg Lemon 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 Dohse that to file an amended complaint in order to ensure 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, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

**Item B** Complaint 2024-053 – Jill Austin vs. Sean P Lee

Consultant, Greg Lemon 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 Dohse that the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

**Item C** Complaint 2024-044

Consultant, Greg Lemon 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 Peter that the complaint be dismissed against Respondent #1 without prejudice and to file an amended complaint in order to ensure the facts and issues involved as identified in the investigation are adequately set forth and set the matter for hearing against Respondent #2.

After discussion, an amendment was offered that the complaint be dismissed without prejudice against Respondent #2 and a letter of admonishment be sent. The amendment was accepted by the second.

After further discussion, the Commission Geiser offered an amendment to discuss repairs prior to closing with the designated broker, Commissioner Ritter seconded the motion. After discussion, Ritter withdrew her motion. The amendment died for a lack of a second.

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

**Item D Complaint 2024-042**

Contractor, Greg Lemon 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 to file an amended complaint in order to ensure the facts and issues involved as identified in the investigation are adequately set forth and set the matter for hearing.

After discussion, a motion was made by Muraskin and seconded by Burleigh to table this discussion for further investigation. Motion failed with Burleigh, Geiser, and Muraskin voting aye and with Dohse, Peter, Ritter, and Evnen voting nay.

Motion failed with Dohse, and Ritter voting aye and with Burleigh, Geiser, Muraskin, Peter, and Evnen voting nay.

After further discussion, a motion was made by Ritter and seconded by Muraskin that the complaint be dismissed without prejudice and a letter of admonishment be sent to the Respondent.

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

**Presentation of Stipulation and Consent Orders**

**Complaint 2024-003,  
Commission v. Amy Jo Schinco**

Consultant Greg Lemon presented a Stipulation and Consent Order in the matter of Complaint 2024-003, Commission v. Amy Jo Schinco. 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 Ritter to enter into the Order as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

**Disciplinary Hearings**

**Complaint 2023-011 – Commission vs. Stanley Douglas Wolkins**

A Hearing was held on January 16, 2025, at 10:31 a.m., in the matter of Complaint 2023-011, Commission vs. Stanly Douglas Wolkins. J.L. Spray, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Stanley Douglas Wolkins was unrepresented and not present.

After opening statements, Counsel Spray offered 9 Exhibits, all of which were received by Chairperson Evnen.

Counsel Spray called Samantha Lowery as a witness.

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 10:50 a.m., a motion was made by Burleigh and seconded by Ritter to go into closed session to deliberate matters and to protect the reputation of Mr. Wolkins. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

At 11:02 a.m., a motion was made by Burleigh and seconded by Dohse to reconvene in open session. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

A motion was made by Peter and seconded by Dohse in Complaint 2023-011 that Stanley Douglas Wolkins violated Neb. Rev. Stat. §§81-885.24(29). Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Chairperson Evnen opened the past disciplinary action envelope. It showed no prior disciplinary action against either Respondent

The Commissioners then discussed the penalty to be assessed.

A motion was made by Peter and seconded by Dohse in Complaint 2023-011, that Stanley Douglas Wolkins real estate license be revoked, allowing thirty days to remove reference to his name on real estate postings and advertisements in Nebraska, and pay a civil fine of \$2,500.00. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

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

Chairperson Evnen indicated 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 11:07 p.m.

### **Informal Special Appearances**

#### **Tracy Lynn Lutt, Salesperson Applicant**

Director Gehrki presented exhibits which included: correspondence regarding Ms. Lutt's special appearance; a letter of explanation from Ms. Lutt; character reference letters for Ms. Lutt; Ms. Lutt's salesperson application form; trial court cases from the State of Nebraska on Ms. Lutt's cases; and Ms. Lutt's criminal history report. A copy of said exhibit is attached to

and made a part of these minutes. Ms. Lauth was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Lauth explained the situations regarding her criminal history.

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

### **Stephanie Lyn Vance, Salesperson Applicant**

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Vance explained the situations regarding her criminal history.

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

### **Rocco Saldivar Jimenez, Salesperson Applicant**

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

Director Gehrki distributed an additional letter of reference. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13c1.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Jimenez explained the situations regarding his criminal history.

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

### **Blake Christian Brummer, Salesperson Applicant**

Director Gehrki presented exhibits which included: correspondence regarding Mr. Brummer's special appearance; a letter of explanation from Mr. Brummer; character reference letters for



Mr. Brummer; Mr. Brummer's salesperson application form; trial court cases from the State of Nebraska on Mr. Brummer's cases; and Mr. Brummer's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Brummer was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Brummer explained the situations regarding his criminal history.

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

### **Review and Approval of Travel to 2025 Regularly Attended Meetings**

Deputy Director Rut presented an exhibit regarding the estimated costs of Commissioners and staff participating in regularly attended meetings in 2025. A copy of said exhibit is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Peter to approve the reimbursement of expenditures for Commissioners and staff who attend the meetings set forth in the exhibit. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

### **Annual Review and Approval of Procedures and Cycle for Trust Account Examinations**

Compliance Auditor Clark presented a reference copy of the Commission's Approved Procedures and Cycle for Trust Account Examinations. A copy of said exhibit is attached to and made a part of these minutes.

Compliance Auditor Clark explained the changes as set forth in the exhibit.

After discussion, a motion was made by Dohse and seconded by Ritter to adopt the exhibit as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

### **Ratify Contract for New Director**

Chairperson Evnen explained that Commission Counsel drafted a contract with the new director, Joseph D. Gehrki. The contract was reviewed and signed by Director Gehrki. Chairperson Evnen indicated that he reviewed the contract and needed authorization to enter into the contract with Director Gehrki.

After discussion, a motion was made by Peter and seconded by Ritter to ratify the execution of the contract with the new director. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

### **Legislative Matters**

**LB17** - Director Gehrki reported this bill would prohibit certain fees by residential landlords and require notices and disclosures of consumer reports. He indicated that this bill would be monitored.

**LB29** - Director Gehrki reported that this bill would create a review process for agency rules and regulations. He indicated that this bill would be monitored.

**LB 137** –Director Gehrki reported that this bill would prohibit certain restrictions on solar energy devices and pollinator gardens and provide a cause of action. He indicated that this bill would be monitored.

**LB 185** –Director Gehrki reported that this bill would provide for electronic notices by landlords under the Uniform Residential Landlord and Tenant Act and the Mobile Home Landlord and Tenant Act. He indicated that this bill would be monitored.

**LB 187** – Director Gehrki reported that the hearing would change provisions of the Nebraska Real Estate License Act to require written buyer agency agreements for residential sales representation prior to providing that representation and to amend the license act relating to education and unlicensed practice. He indicated that this bill would be monitored.

Director Gehrki noted that were bills introduced after the final agenda was published which he will track and report on at the next meeting.

No action was necessary with regard to these matters.

### **Information Matters**

#### **2024-2025 Objectives – Second Quarter**

Director Gehrki presented an exhibit regarding the second quarter 2024-2025 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Gehrki explained the progress of each of the objectives.

No action was necessary with regard to this matter.

#### **Errors and Omissions Loss Report – Fourth Quarter 2024**

Director Gehrki presented the Errors and Omissions Loss Report – Fourth 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.

#### **ARELLO Leadership Conference – January 7-10, 2025 - Scottsdale, Arizona – Report of Attendee**

Director Gehrki noted that Deputy Director Rut attended the ARELLO Annual Meeting.

The Attendee discussed their experiences at the ARELLO Meeting.

No action was necessary on this report.

**ARELLO Mid-Year Conference – April 14-16, 2025  
San Diego, California**

Director Gehrki explained that the deadline for registration is March 19, 2025, and asked which Commissioners were planning on attending the conference.

No action was necessary on this report.

**Future Meeting Dates**

February 20-21, 2025, Telegraph Lofts East Center, Lincoln  
March 20-21, 2025, Telegraph Lofts East Center, Lincoln  
April 24-25, 2025, Telegraph Lofts East Center, Lincoln  
May 15-16, 2025, Telegraph Lofts East Center, Lincoln  
June 26-27, 2025, Telegraph Lofts East Center, Lincoln  
August 14-15, 2025, TBD

**Recesses and Adjournment**

At 10:17 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:31 a.m.

At 12:28 p.m., there being no further business to come before the Commission, a motion was made by Dohse and seconded by Ritter that the meeting adjourn. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

I, Joseph D. Gehrki, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the January 16, 2025, meeting of the Nebraska Real Estate Commission were available for inspection on January 31, 2025, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Joseph D. Gehrki  
Director

**Guests Signing the Guest List**

Julie Joeckel, Woods Bros/NRA, Lincoln  
Kim Zwiener, Lincoln  
Leighun Brabec, Home Real Estate, Lincoln  
Deb Airola, REA, Omaha  
Dan Mlnarik, Home Services of Nebraska, Lincoln  
Xu Li, Lincoln  
Ashley Hendrickson, Nebraska REALTORS® Association, Lincoln  
Camilla Knapp, Keller Williams Greater Omaha, Omaha

