

NEBRASKA REAL ESTATE COMMISSION

April 24, 2025

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 April 24, 2025, 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, with the exception of Commissioner Geiser, who was absent and excused. Also present were Director Joseph D. Gehrki, Deputy Director Monica Rut, Deputy Director for Education Melissa Belcastro, and Deputy Director for Enforcement William Boucher. Stephen Mossman Special Assistant Attorney General and Counsel to the Commission, was present for the Dismissal Order.

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 11b 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 Ritter to adopt the final agenda as presented. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

Minutes of March 20, 2025

The minutes of the Commission meeting held on March 20, 2025, 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, Muraskin, Peter, Ritter, and Evnen voting aye, with Geiser not participating or voting, being absent and excused.

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.

Receipts and Expenditures Report for March

Director Gehrki presented the Receipts and Expenditures Report for March. A copy of said report is attached to and made a part of these minutes. Director Gehrki noted that an explanation page was included on the report.

The cash fund balance as of March 31, 2025, was \$1,424,912.13 which compared to a cash fund balance of \$1,762,836.85 on March 31, 2024.

After discussion, a motion was made by Peter and seconded by Burleigh to file the March Receipts and Expenditures Report for audit. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Specialized Registrations

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

Director Gehrki presented a specialized registrations report which included the amendment 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 Burleigh and seconded by Ritter to approve the amendments to the three registrations as presented. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

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, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

License Statistic Report for March

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

No action was necessary on this report.

Examination Report - March

Deputy Director Belcastro presented for ratification the March Examination 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 the March Examination Report for the purpose of issuing licenses. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Examination Passing Roster

Deputy Director Belcastro 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.

Pearson VUE First Quarter School Reports

Deputy Director Belcastro presented the Pearson VUE Review of Examination Performance Summary by School Reports for comparison for the period of January 1, 2025 through March 31, 2025, copies of which are attached to and made a part of these minutes.

Deputy Director Belcastro explained each of the reports relating to 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.

Commission-Approved Training Provider/Instructor Recognition

Deputy Director Belcastro presented a Commission-Approved Training Provider/Instructor Recognition 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 Ritter to ratify the three reports. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Pending Sworn Complaints and Investigative Matters

Deputy Director Boucher 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 2023-031 – Joanne Garnett v. Douglas Larkins

Deputy Director Boucher 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, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Item B Complaint 2023-032 – Charlene and Garland Scales v. Jason Birnstihl and Kim Jatczak

Deputy Director Boucher 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 Peter that the complaint be dismissed without prejudice and a letter of admonishment be sent to the Buyer's Agent. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Item C Complaint 2023-033 – Brian Ward v. Kimberly Fendrick

Deputy Director Boucher 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 Muraskin that the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Item D Complaint 2024-020 – John L. Veach v. Kreig Lacey

Deputy Director Boucher 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 the complaint be dismissed without prejudice. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Presentation of Stipulation and Consent Orders

Complaint 2024-046, Commission v. Daniel Ayal Beider

Director Gehrki presented a Stipulation and Consent Order in the matter of Complaint 2024-046, Commission v. Daniel Ayal Beider. 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 Peter to enter into the Order as presented. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Complaint 2024-056, Jennifer Waxberg vs. Brian Douglas Schamp

Director Gehrki presented a Stipulation and Consent Order in the matter of Complaint 2024-056, Jennifer Waxberg vs. Brian Douglas Schamp. 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, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Disciplinary Hearings

Complaint 2021-011 James D. Hertel v. Larry Dean Flamme & James Marlin Brabec

The hearing regarding Complaint 2021-011, James D. Hertel v. Larry Dean Flamme & James Marlin Brabec was continued.

Review and Approve Dismissal Order-Complaint 2023-035 – Jennifer Bstandig vs. Amanda Kathleen Pacheco

Director Gehrki presented an Order for Dismissal for Complaint 2023-035 – Jennifer Bstandig vs. Amanda Kathleen Pacheco. A copy of said Order is attached to and made a part of these minutes.

Steven Mossman, Special Assistant Attorney General and Counsel to the Commission, was present for discussion and review.

At 10:22 a.m., a motion was made by Dohse and seconded by Ritter to go into closed session to discuss pending litigation and to protect the reputation of the Respondent. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

At 10:36 a.m., a motion was made by Dohse and seconded by Burleigh to reconvene in open session. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

A motion was made by Peter and seconded by Dohse to grant the dismissal of Complaint 2023-035 as presented. Motion carried with Burleigh, Dohse, Geiser, Muraskin, Peter, Ritter, and Evnen voting aye.

Informal Special Appearances

Givawn G. Vasser, Salesperson Applicant - Reappearance

Director Gehrki presented exhibits which included: correspondence regarding Mr. Vasser's special appearance; a letter of explanation from Mr. Vasser; character reference letters for Mr. Vasser; Mr. Vasser's salesperson application form; trial court cases from the State of Nebraska on Mr. Vasser's cases; and Mr. Vasser's criminal history report and information regarding Mr. Vasser's previous special appearance in November 2023. A copy of said exhibit is attached to and made a part of these minutes. Mr. Vasser was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Vasser explained the situations regarding his criminal history.

After discussion, a motion was made by Peter and seconded by Burleigh to allow Mr. Vasser to sit for the salesperson examination after making proper application and to have a license issued upon passing. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Alisha Ann Lockard, Salesperson Applicant

Director Gehrki presented exhibits which included: correspondence regarding Ms. Lockard's special appearance; a letter of explanation from Ms. Lockard, an Order Approving Early Discharge from Probation from the Nebraska State Court of Lincoln County, Nebraska for Ms. Lockard; character reference letters for Ms. Lockard; Ms. Lockard's current salesperson application form; an Order on Agreed Settlement from DHHS Legal and Regulatory Services for Ms. Lockard; Ms. Lockard's 2022 salesperson application form; trial court cases from the State of Nebraska on Ms. Lockard's cases; and Ms. Lockard's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Ms. Lockard was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Lockard explained the situations regarding her criminal history.

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

Kimberly Mae Beinke, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Beinke explained the situations regarding her criminal history.

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

John Joseph Fabirkiewicz, Broker Applicant by License Recognition

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Fabirkiewicz explained the situations regarding his criminal history.

After discussion, a motion was made by Ritter and seconded by Muraskin to allow Mr. Fabirkiewicz to receive a real estate broker license after making proper application and to have a license issued upon passing. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Legislative Matters

LB 17 - No new information presented.

LB 29 - No new information presented.

LB 137 – No new information presented.

LB 185 – No new information presented.

LB 187 – Director Gehrki reported that the since this bill had been signed by the Governor, the Commission is compiling best practices and a sample written buyer representation form in conjunction with the Commissions attorney and input from the Nebraska REALTORS® Association. Once approved by the Commission, it will be provided to the licensees by June 1, 2025 and published in a future Commission Comment newsletter.

LB 299 – No new information presented.

LB 458 – No new information presented.

LB 469 – No new information presented.

LB 506 – No new information presented.

LB 565 – No new information presented.

LB 587 – No new information presented.

No action was necessary with regard to these matters.

Ratify and Approve the Special Assistant Attorney General Appointment

Director Gehrki presented a list of the newly appointed Special Assistant Attorney General. A copy of said exhibit is attached to and made a part of these minutes.

Director Gehrki indicated that due to unusual circumstances there was a need to have additional attorney appointed as Special Assistant Attorneys General. He needed the authority to enter into a Memorandum of Understanding with the new appointee.

He also noted that the fee schedule is in line with the current law firm used.

A motion was made by Dohse and seconded by Peter to authorize Director Gehrki to enter into memorandums of understanding with the newly appointed Special Assistant Attorney General. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Finance Subcommittee Appointment

Director Gehrki explained that a Finance Subcommittee appointment was necessary to assist in the determination of the fees which will be reviewed at the August meeting.

Chairperson Evnen indicated that Commissioner Ritter and himself were currently on the subcommittee and at the discretion of the Chairperson, he would appoint Commissioner Dohse as the third member.

A motion was made by Dohse and seconded by Ritter to appoint Commissioner Dohse as the third member of the Finance Subcommittee. Motion carried with Burleigh, Dohse, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

Information Matters

Errors and Omissions Loss Report – First Quarter 2025

Director Gehrki presented the Errors and Omissions Loss Report – First Quarter 2025. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary with regard to this matter.

2024-2025 Objectives – Quarterly Report

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

Director Gehrki explained each of the objectives and gave an update on each of the objectives.

No action was necessary with regard to this matter.

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

Director Gehrki noted that Commissioner Burleigh, Deputy Director Rut and he attended the ARELLO Mid-Year Conference.

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

No action was necessary on this report.

Future Meeting Dates

May 15-16, 2025, Telegraph Lofts East Center, Lincoln
June 26-27, 2025, Telegraph Lofts East Center, Lincoln
August 14-15, 2025, Telegraph Lofts East Center, Lincoln
September 18-19, 2025,
October 16-17, 2025,
November 20-21, 2025,

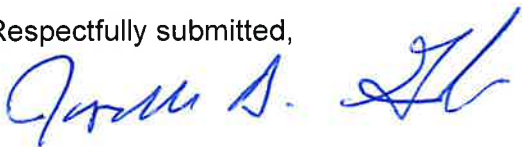
Recesses and Adjournment

At 10:12 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:36 a.m.

At 11:39 a.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, Muraskin, Peter, Ritter, and Evnen voting aye, and with Geiser not participating or voting, being absent and excused.

I, Joseph D. Gehrki, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the April 24, 2025, meeting of the Nebraska Real Estate Commission were available for inspection April 28, 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

Amanda Pacheco, Omaha
Leighun Brabec, HOME Real Estate, Lincoln
Eric Ebeler, NP Dodge, Lincoln

