

04/04/2024

Nebraska Real Estate Commission
P.O. Box 94667
Lincoln, Nebraska 68509-4667
(402) 471-2004
Scheduled Settlement Hearings
From 01/01/2024 Through 06/30/2024

HEARINGS:April 25, 2024

2023-015 Dr. Shirley J. McKeller and Belinda A Morrow v. Aaron Scott Krier

10:30 am Douglas Ruge
Aaron Scott Krier
Telegraph Lofts East Center 4th Floor Conference Room
200 South 21st St.
Lincoln, NE 68510

2022-026 Nebraska Real Estate Commission v. Jason Allan Young

10:30 am Zachery Lutz-Priefert
Jason Allan Young
Telegraph Lofts East Center 4th Floor Conference Room
200 South 21st St.
Lincoln, NE 68510

2023-004 Mark Garth and Paula Garth v. Tom Simmons and Matthew Ryan Carper

10:30 am Mark LaPuzza
Tom Simmons
Matthew Ryan Carper
Telegraph Lofts East Center 4th Floor Conference Room
200 South 21st St.
Lincoln, NE 68510

May 16, 2023

2022-040 Delores A. & Matthew Focken vs. Mauricio Martinez Eusse, Lyudmila Anatolivna Gorbun, & Larry M. Holmes

10:30 am Mauricio Martinez Eusse
Commission moved dismiss on other two
Telegraph Lofts East Center 4th Floor Conference Room
200 South 21st St.
Lincoln, NE 68510

2022-036 Commission v. Mark Douglas Hart

Mark Douglas Hart
Osborne Room of the Graduate
141 N. 9th St.
Lincoln, NE 68508
(402) 475-4011

June 20, 2024

2022-031 Jean McBride vs. Benjamin Edward Muraskin & Jacob Cole Muraskin

10:30 am Rubina Khaleel
Benjamin Edward Muraskin
Jacob Cole Muraskin
Telegraph Lofts East Center 4th Floor Conference Room
200 South 21st St.
Lincoln, NE 68510

P2024-001 Yolmiler Diaz Guillen v. Nebraska Real Estate Commission

10:30 am Rubina Khaleel
Yolmiler Diaz Guillen
Telegraph Lofts East Center 4th Floor Conference Room
200 South 21st St.
Lincoln, NE 68510

**BEFORE THE NEBRASKA REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex rel.*,)
NEBRASKA REAL ESTATE)
COMMISSION,)
Complainant,)
)
vs.)
)
JASON YOUNG)
Respondent.)

Case No. 2022-026

NOTICE OF HEARING

TO: Jason Young, Respondent.


You are hereby notified that a hearing will be held in the above-captioned matter on the 18th day of May, 2023, at 10:30 a.m., in the Lighthouse Room of Country Inn & Suites, located at 5353 N 27th St. in Lincoln, Nebraska, to inquire into the charges included in the above-referenced Complaint, which was previously served upon you by Certified United States Mail. You have the right, at your own expense, to be represented at this hearing by legal counsel of your own choosing. The Real Estate Commission urges you to be represented by counsel and encourages you to contact legal counsel as soon as possible so this matter can be held as scheduled. You are further notified that if you fail to appear, the matter will be heard and such Order will be entered as is just and proper.

Any party may request that a Prehearing Conference be held in accordance with the procedures specified in NAC Title 305, Chapter 4, Section 6. The request shall be in the form of a pleading and shall be filed and served in accordance with NAC Title 305, Chapter 4, Section 4. Any such request shall be served within ten (10) business days after a party or the party's representative receives this Notice of Hearing. The request shall specify why that party believes a Prehearing Conference would be beneficial to the parties or to the Commission. Reasons for

requesting a Prehearing Conference may include, but are not limited to, the number of witnesses likely to be called; the number of exhibits likely to be offered; and the complexity of the issues.

A party who opposes the request may file an opposition to the request within five business (5) days after the service of the Request for Prehearing Conference. The opposition shall also be filed and served as a pleading. A Request for a Prehearing Conference will be ruled on by the Chairperson of the Commission. The Chairperson may order a Prehearing Conference even if such a conference is not requested by any of the parties.

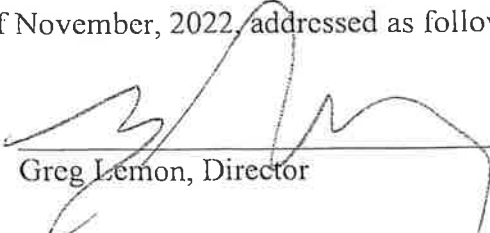
Dated this 28th day of November, 2022.



Greg Lemon, Director

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **Notice of Hearing** was served upon the parties or their attorneys of record by mailing the same by United States mail, postage prepaid, this 8 day of November, 2022, addressed as follows:



Greg Lemon, Director

Jason Young
15126 Taylor St.
Omaha, NE 68116
CERTIFIED MAIL # 7021 2720 0001 5322 9832
RETURN RECEIPT REQUESTED

cc: Jim Weis, Commission's attorney
Zachary W. Lutz-Priefert, Respondent's attorney



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**BEFORE THE NEBRASKA REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex rel.*,)
NEBRASKA REAL ESTATE)
COMMISSION,)
 Complainant,)
)
vs.)
)
JASON YOUNG)
 Respondent,)

Case No. 2022-026

NOTICE OF HEARING

TO: Jason Young, Respondent.

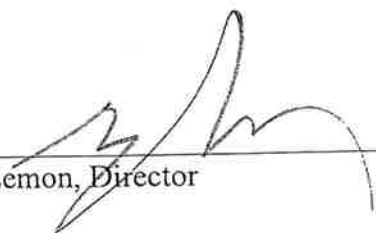
You are hereby notified that a hearing will be held in the above-captioned matter on the 16th day of February, 2023, at 10:30 a.m., in the Omaha Room of Country Inn & Suites, located at 5353 N 27th St. in Lincoln, Nebraska, to inquire into the charges included in the above-referenced Complaint, which was previously served upon you by Certified United States Mail. You have the right, at your own expense, to be represented at this hearing by legal counsel of your own choosing. The Real Estate Commission urges you to be represented by counsel and encourages you to contact legal counsel as soon as possible so this matter can be held as scheduled. You are further notified that if you fail to appear, the matter will be heard and such Order will be entered as is just and proper.

Any party may request that a Prehearing Conference be held in accordance with the procedures specified in NAC Title 305, Chapter 4, Section 6. The request shall be in the form of a pleading and shall be filed and served in accordance with NAC Title 305, Chapter 4, Section 4. Any such request shall be served within ten (10) business days after a party or the party's representative receives this Notice of Hearing. The request shall specify why that party believes a Prehearing Conference would be beneficial to the parties or to the Commission. Reasons for

requesting a Prehearing Conference may include, but are not limited to, the number of witnesses likely to be called; the number of exhibits likely to be offered; and the complexity of the issues.

A party who opposes the request may file an opposition to the request within five business (5) days after the service of the Request for Prehearing Conference. The opposition shall also be filed and served as a pleading. A Request for a Prehearing Conference will be ruled on by the Chairperson of the Commission. The Chairperson may order a Prehearing Conference even if such a conference is not requested by any of the parties.

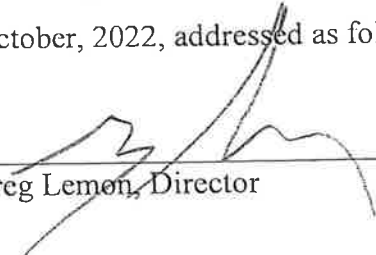
Dated this 28th day of October, 2022.



Greg Lemon, Director

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **Notice of Hearing** was served upon the parties or their attorneys of record by mailing the same by United States mail, postage prepaid, this 28th day of October, 2022, addressed as follows:



Greg Lemon, Director

Jason Young
15126 Taylor St.
Omaha, NE 68116
CERTIFIED MAIL # 7021 2720 0001 5322 9825
RETURN RECEIPT REQUESTED

cc: Jim Weis, Commission's attorney
Zachary W. Lutz-Priefert, Respondent's attorney



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**BEFORE THE NEBRASKA REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex rel.*,
STATE REAL ESTATE COMMISSION

Case No. 2022-026

vs.

Jason Allan Young

**DIRECTOR'S ORDER
FOR THE CONDUCT
OF THE HEARING**

THIS ORDER is issued by the Director pursuant to the authority granted by Title 305 NAC 4-006.01A.

1. No Prehearing Officer has been designated in this matter pursuant to Title 305 NAC 4-006.01.
2. Each party and/or its respective counsel of record must exchange with each other:
 - A. A copy of each exhibit which the party may introduce into evidence at the hearing of this matter.
 - B. A list containing the name, address and telephone number of each witness whom the party may call to testify. It shall not be necessary to disclose a witness or exhibit to be used solely for the purpose of impeachment.
 - C. The parties must exchange exhibits, exhibit lists and witness lists at least ten (10) days before the date set for hearing. A copy of each witness list and exhibit list shall be filed with the Commission at least **ten (10) days** before the date set for the hearing.
 - D. The parties are requested to file copies of all exhibits with the Commission at the time the exhibits are provided to the opposing party.
 - E. Additional witnesses may be called or exhibits introduced only at the discretion of the Commission Chairperson for good cause shown.
 - F. A party who wishes to submit a brief should provide the brief to the Commission's Director, Greg Lemon, Nebraska Real Estate Commission, P.O. Box 94667, Lincoln, NE 68509, so that the brief is received by the Director at least ten (10) days before the date on which the hearing is scheduled to commence, in order to allow the Director to distribute copies of the brief to the Chairperson and all Commission members at least five (5) days before the date on which the hearing is scheduled to commence. A copy of the brief shall also be served on opposing parties or their counsel at the time of submission to the Commission.

Dated this 15 day of March 2024.



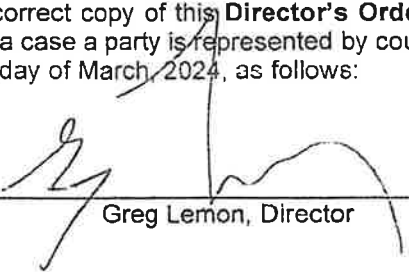


Greg Lemon, Director

CERTIFIED MAIL # 9589 0710 5270 1320 2953 19
RETURN RECEIPT REQUESTED

PROOF OF SERVICE

The undersigned hereby certifies that a true and correct copy of this **Director's Order For The Conduct Of The Hearing** was served upon all parties or in a case a party is represented by counsel, upon the party's counsel, by certified United States mail, this 15 day of March, 2024, as follows:



Greg Lemon, Director

Mailed to: J.L. Spray, Commission's Attorney
Zachary Lutz-Priefert, Respondent's Attorney

MWJ

SENDER: COMPLETE THIS SECTION

- Complete Items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Zachary Lutz-Priefert
 2120 S. 72nd Street, Ste 1500
 Omaha, NE 68124



9590 9402 8379 3156 1395 71

2. Article Number (Transfer from service label)

9589 0710 5270 1320 2953 19

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A. Signature

X *Nash Wilson*

- Agent
- Addressee

B. Received by (Printed Name)

C. Date of Delivery

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- Yes
- No

Service Type

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- Adult Signature Restricted Delivery
- Certified Mail®
- Certified Mail Restricted Delivery
- Collect on Delivery
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- Mail Restricted Delivery

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- Registered Mail™
- Registered Mail Restricted Delivery
- Signature Confirmation™
- Signature Confirmation Restricted Delivery

**BEFORE THE NEBRASKA REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, ex rel.,)
STATE REAL ESTATE COMMISSION,)
)
Complainant,)
)
vs.)
)
Jason Allan Young,)
)
)
Respondent.)

Case No. 2022-026

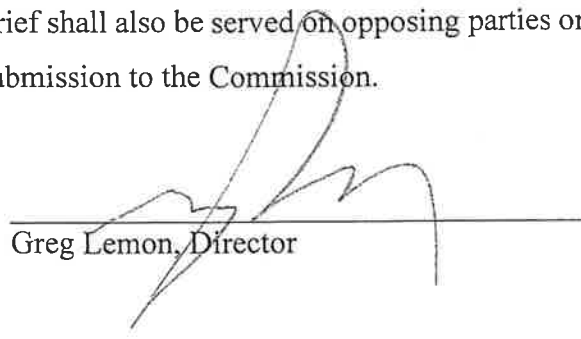
**DIRECTOR'S ORDER FOR THE
CONDUCT OF THE HEARING**

THIS ORDER is issued by the Director pursuant to the authority granted by Title 305 NAC 4-006.01A.

1. No Prehearing Officer has been designated in this matter pursuant to Title 305 NAC 4-006.01.
2. Each party and/or its respective counsel of record must exchange with each other:
 - A. A copy of each exhibit which the party may introduce into evidence at the hearing of this matter.
 - B. A list containing the name, address and telephone number of each witness whom the party may call to testify. It shall not be necessary to disclose a witness or exhibit to be used solely for the purpose of impeachment.
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 - F. A party who wishes to submit a brief should provide the brief to the Commission's Director, Greg Lemon, Nebraska Real Estate Commission, P.O. Box 94667, Lincoln, NE 68501, so that the brief is received by the

Director at least ten (10) business days before the date on which the hearing is scheduled to commence, in order to allow the Director to distribute copies of the brief to the Chairperson and all Commission members at least five (5) business days before the date on which the hearing is scheduled to commence. A copy of the brief shall also be served on opposing parties or their counsel at the time of submission to the Commission.

Dated this 21st day of April, 2023.

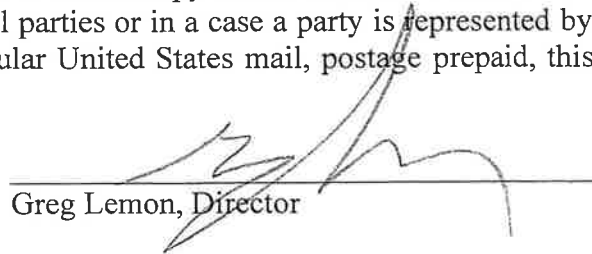


Greg Lemon, Director

CERTIFIED MAIL # 7022 2410 0000 7195 8284
RETURN RECEIPT REQUESTED

PROOF OF SERVICE

The undersigned hereby certifies that a true and correct copy of this **Director's Order For The Conduct Of The Hearing** was served upon all parties or in a case a party is represented by counsel, upon the party's counsel, through the regular United States mail, postage prepaid, this 21st day of April, 2023 as follows:



Greg Lemon, Director

Mailed to: John Weis, Commission's Attorney
Zachary Lutz-Priefert, Respondent's Attorney



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**BEFORE THE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex. rel.*,)
THE STATE REAL ESTATE)
COMMISSION OF THE STATE OF)
NEBRASKA,)
Complainant,)
v.)
JASON YOUNG,)
Respondent.)

Case No. 2022-026

COMPLAINT

The State of Nebraska, by and through the State Real Estate Commission of the State of Nebraska, for its Complaint against the Respondent, Jason Young, (hereinafter “Mr. Young”), states and alleges as follows:

Background Facts

1. Mr. Young was, at all times material, the holder of a real estate broker’s license issued by the State Real Estate Commission of the State of Nebraska on February 7, 2020.
2. Mr. Young is a designated broker and Owner of O Town Holdings, located at 15126 Taylor St., Omaha, Nebraska 68116.
3. On or about July 25, 2022, Ms. JoDell Hajek, Trust Account Examiner, (hereinafter “Ms. Hajek”), scheduled an appointment to conduct an audit and Mr. Young failed to be at his home office. Ms. Hajek left messages and attempted to call several times unsuccessfully.
4. On or about August 3, 2022, Ms. Hajek attempted by phone to contact Mr. Young and was again unsuccessful. Ms. Hajek left a message that this matter would be turned over the Deputy Director for Enforcement, Samantha Lowery (hereinafter “Ms. Lowery”).
5. On or about August 5, 2022, Ms. Lowery attempted to contact Mr. Young by phone and left a message. Mr. Young has failed to return phone calls and emails regarding this matter.

COUNT I
VIOLATION OF TITLE 299 CHAPTER 3-002

6. The commission re-alleges and incorporates herein by reference each and every allegation set forth above in paragraph 1-5 inclusive of this Complaint.

7. Under Title 299 Chapter 3.002 "A broker trust account will accurately and clearly disclose full compliance with the law relating to the maintaining of such accounts including but not limited to, the Nebraska Real Estate License Act and the Nebraska Real Estate Commission Trust Account Manual, which is incorporated by reference into these regulations."

8. Mr. Young's failure to submit to an audit is a violation of Title 299 Chapter 3.002

COUNT II
VIOLATION OF TITLE 299 CHAPTER 5-003.17 AND 81-884.24(29)

9. The commission re-alleges and incorporates herein by reference each and every allegation set forth above in paragraph 1-8 inclusive of this Complaint.

10. Under TITLE 299 CHAPTER 5-003.17 Actions demonstrating negligence shall include "failure to produce any document, book, or record in the licensee's possession, or under his or her control, concerning any real estate transaction under investigation by the commission."

11. Under NEB. REV. STAT. § 81-885.24(29), it is an unfair trade practice for a licensee to "[d]emonstrat[e] negligence, incompetency, or unworthiness to act as a broker..., whether of the same or of a different character as otherwise specified in this section."


15. Mr. Young's failure to submit to a trust account examination on several different occasions constitutes "negligence, incompetency, or unworthiness to act as a broker" under NEB. REV. STAT. § 81-885.24(29).

16. Mr. Youngs committed unfair trade practices by violating NEB. REV. STAT. § 81-


885.24(29), by engaging in the conduct described in this Complaint.

Dated: August 26, 2022.

By


Greg Lemon, Director,
Nebraska Real Estate Commission

Attest:


Samantha Lowery, Deputy Director For Enforcement
Nebraska Real Estate Commission



however, failed to do so. I was at my office on July 25, 2022. I did not hear any knocks at my door, rings of a doorbell, or calls. Additionally, I have reviewed my call log and have seen no calls from that time period.

- d. I have no such messages from Ms. Hajek.
 - e. I acknowledge that I have failed to return calls from Ms. Lowery.
 - f. I admit that I am required to fully comply with Nebraska law. I also acknowledge that I am required to disclose full compliance with any accounts under my direction. I do not believe I have failed to do so.
 - g. I am in the process of having an independent audit conducted. I have no concern with submitting that audit to the Nebraska Real Estate Commission.
 - h. I have not failed to document any book or record in my possession. Likewise I have not failed to produce any such records.
 - i. The failure to comply with the July, 2022 meeting has as much to do with the fact that no formal meeting was scheduled as anything else.
 - j. I deny that my actions constitute negligence, incompetency, or unworthiness to act as a broker.
 - k. I further deny that my actions are an unfair trade practice.
3. I intend to rely upon the following defenses:
- i. That my actions were not willful or negligent.
 - ii. That the scheduling issues are not solely in my control and that I had previous scheduling difficulties with Ms. Hajek.

- iii. That at all relevant times my papers and documentation were sufficient and meet the standards required by Nebraska law.

Dated: _____, 2022.

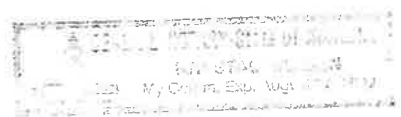
JASON YOUNG, Respondent

By: /s/Zachary S. Lutz-Priefert
Zachary W. Lutz-Priefert, #25902
Gross Welch Marks Clare PC LLO
2120 So. 72nd St., Ste. 1500
Omaha, NE 68124
Telephone: (402) 392-1500
Facsimile: (402) 392-8101
zlutzpriefert@grosswelch.com
Attorneys for Respondent

STATE OF NEBRASKA)
)
COUNTY OF Douglas) ss.

Jason Young, being first duly sworn, states that he is the Respondent in the above-described matter, that he has read this Answer, and that the facts alleged are true, as he verily believes.

Jason Young
Respondent
SUBSCRIBED AND SWORN to before me this 10th day of October,
2022.



Wuppal Horn
Notary Public

CERTIFICATE OF SERVICE

The undersigned herein certifies that he mailed a true and correct copy of the within and foregoing Amended Answer to the Complaint by First Class, US Mail, postage prepaid on this ___ day of March, 2022, as follows:

Samantha Lowery
Deputy Director for Enforcement
State of Nebraska
Nebraska Real Estate Commission
301 Centennial Mall South
P.O. Box 94667
Lincoln, NE 68509-4667

Ms. JoDell Hajek
Address: _____

/s/Zachary W. Lutz-Priefert
Zachary W. Lutz-Priefert

**BEFORE THE STATE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex rel.*,
THE STATE REAL ESTATE
COMMISSION OF THE STATE OF
NEBRASKA,

Complainant,

v.

JASON YOUNG,

Respondent.

Case No. 2022-026

**COMPLAINANT'S REVISED
HEARING BRIEF**

INTRODUCTION

This is a disciplinary proceeding brought by Complainant the State of Nebraska, *ex rel.* the State Real Estate Commission of the State of Nebraska (the "Commission") against Jason Young ("Respondent") involving his failure to timely submit to an audit performed by JoDell Hajek ("Ms. Hajek"), the Commission's Trust Account Examiner, in July 2022 and his repeated failures to respond to the Commission's staff and their requests to meet with him prior to the filing of the Complaint in this matter. Respondent submitted to the audit after the Commission filed the Complaint in this matter.

For clarity in both this Brief and the Exhibits submitted in this matter, the Commission has changed counsel since this matter was previously set for hearing. As such, the original Complainant's Brief and all exhibits which were previously served are included in the exhibits presented by the Commission in Exhibit 27. Although Exhibit 27 is largely duplicative, its contents have been served on the parties by the Commission's former counsel and are thus included in the current set of exhibits as part of the record.

FACTS

It is undisputed that Respondent is and has been at all times relevant, a licensee with a Nebraska real estate Broker's license issued by the Commission on or about February 7, 2020. *See* Ex. 1 at ¶ 1; Ex. 2 at ¶ 1. Respondent is the designated broker and Owner of O Town Holdings in Omaha. *See* Ex. 1 at ¶ 2; Ex. 2 at ¶ 2. Respondent disputes whether Ms. Hajek made an

appointment with him to go over his trust accounts on his Answer and states she was going to contact him with a time on July 25, 2022. *See* Ex. 1 at ¶ 3; Ex. 2 at ¶ 3. However, even if Respondent's contention is true, he acknowledged his failure to respond to The Commission's Deputy Director for Enforcement, Samantha Lowery ("Ms. Lowery"). *See* Ex. 2 at ¶ 2(e). Respondent also admits he is "required to disclose full compliance with any accounts under by direction." *See id.* at ¶ 2(f). Respondent further alleged that he was "in the process of having an independent audit conducted" and that he had "no concern with submitting that audit to the Nebraska Real Estate Commission. *Id.* at ¶ 2(g).

ISSUES

The issues here are straightforward. First is whether Respondent violated 299 NEB. ADMIN. CODE § 3-002 by failing to submit to an audit. Second, whether Respondent committed an unfair trade practice by demonstrating "negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson" under NEB. REV. STAT. § 81-885.24(29). The above facts and those to be presented through witness testimony at the Hearing will show that Respondent committed the violations alleged in the Complaint by failing to timely submit to a Commission audit until after the Complaint in this matter was filed. *See generally* Ex. 1.

ARGUMENT

The Commission has the "power to revoke or suspend any license if the licensee has been found guilty of any of numerous specified unfair trade practices, including the violation of any rule or regulation promulgated by the commission in the interest of the public, or actions demonstrating unworthiness or incompetency to act as a broker or salesman." *Haller v. State ex rel. State Real Est. Comm'n*, 198 Neb. 437, 440 (1977). For the reasons stated herein and pursuant to the evidence produced at or prior to the Hearing, the Commission should find Respondent committed the violations alleged in the Complaint and impose disciplinary measures as the Commission sees fit.

I. Respondent violated 299 NEB. ADMIN. CODE § 3-002 by failing to submit to an audit.

A broker trust account will accurately and clearly disclose full compliance with the law relating to the maintaining of such accounts including but not limited to, the

Nebraska Real Estate License Act and the Nebraska Real Estate Commission Trust Account Manual, which is incorporated by reference into these regulations.

299 NEB. ADMIN. CODE § 3-002.

As the testimony to be presented at the Hearing will show, Respondent failed to timely respond to the Commission's repeated attempts to reach him and schedule an audit.

II. Respondent committed an unfair trade practice by demonstrating "negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson" under NEB. REV. STAT. § 81-885.24(29).

Under NEB. REV. STAT. § 81-885.24(29), it is an unfair trade practice for a licensee to demonstrate "negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a *different character as otherwise specified* in this section[.]" (emphasis added). For the reasons stated below, Respondent has demonstrated negligence, incompetency, or unworthiness to act as an associate broker in Nebraska.

Here, Respondent demonstrated incompetence under the statute by his failure to meet requirements for a minimal level of acceptable conduct. As used in § 81-885.24(29), "incompetence means failure to meet requirements for a minimal level of acceptable conduct." *Weiner v. State ex rel. State Real Est. Comm'n*, 217 Neb. 372, 372 (1984).

Section 81-885.24 supplies sufficient notice to all real estate brokers about certain, minimal requirements for continued enjoyment of a license, namely, compliance with the statutory prescriptions and proscriptions concerning conduct of real estate brokers. Implicitly contained in the minimal standard for a state licensee's acceptable conduct is obedience to state law governing a licensee's practices and activities. . . . [F]ailure to meet the requirements of § 81-885.24 is conduct falling below the statutory standards, and demonstrates incompetence on the part of [a licensee].

Id., at 377.

By his failures to disclose his trust accounts to Ms. Hajek as the Commission's Trust Account Examiner, and his failure to timely respond to the Commission's subsequent requests for an audit, Respondent demonstrated negligence, incompetency, or unworthiness in that he failed "to meet requirements for a minimal level of accepted conduct." *See Weiner*, at 376. Respondent's

negligence, incompetency, and unworthiness can be understood in connection with NEV. REV. STAT. § 81–885.12(1), which provides in pertinent part:

Licenses shall be granted only to persons who bear a *good reputation for honesty, trustworthiness, integrity, and competence* to transact the business of broker or salesperson in such manner *as to safeguard the interest of the public* and only after satisfactory proof of such qualifications has been presented to the commission.

See NEB. REV. STAT. § 81–885.12(1) (emphasis added). Therefore, the Commission should impose such disciplinary measures as it sees fit.

CONCLUSION

For the reasons stated above and to be shown through evidence at the forthcoming Hearing, the Commission should impose such sanctions on the Respondent as it sees fit.

DATED this 12th day of April 2024.

THE STATE REAL ESTATE
COMMISSION OF THE STATE OF
NEBRASKA, Complainant.

/s/ J.L. Spray

J.L. Spray, #18405
Mattson Ricketts Law Firm
Special Assistant Attorney General
134 S. 13th Street, Suite 1200
Lincoln, NE 68508
(402) 475-8433
jls@mattsonricketts.com

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2024, I served a true and correct copy of the foregoing document by email and/or by first-class United States mail, postage prepaid on the following parties:

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/s/ J.L. Spray

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**BEFORE THE NEBRASKA REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex rel.*,)
NEBRASKA REAL ESTATE)
COMMISSION,)
 Complainant,)
)
vs.)
)
JASON ALLAN YOUNG)
 Respondent.)

Case No. 2022-026

**NOTICE
OF HEARING**

TO: Jason Allan Young, Respondent.

You are hereby notified that a hearing will be held in the above-captioned matter on the 25th day of April, 2024, at 10:30 a.m. or after the conclusion of the hearing on complaint number 2023-015, also scheduled for 10:30 a.m., whichever is later, in the Telegraph Lofts East Center, 4th Floor Conference Room, located at 200 South 21st St., in Lincoln, Nebraska, to inquire into the charges include in the above-referenced Complaint, which was previously served upon you by Certified United States Mail. You have the right, at your own expense, to be represented at this hearing by legal counsel of your own choosing. The Real Estate Commission urges you to be represented by counsel and encourages you to contact legal counsel as soon as possible so this matter can be held as scheduled. You are further notified that if you fail to appear, the matter will be heard and such Order will be entered as is just and proper. **All motions for continuance must be submitted in writing to Chairperson Robert Evnen, State Capitol, 1445 K St., Suite 2300, Lincoln, NE 68509-4608. Continuances will not be granted except under extraordinary circumstances.**

Any party may request that a Prehearing Conference be held in accordance with the procedures specified in NAC Title 305, Chapter 4, Section 6. The request shall be in the form of a pleading and shall be filed and served in accordance with NAC Title 305, Chapter 4, Section 4.

Any such request shall be served within ten (10) business days after a party or the party's representative receives this Notice of Hearing. The request shall specify why that party believes a Prehearing Conference would be beneficial to the parties or to the Commission. Reasons for requesting a Prehearing Conference may include, but are not limited to, the number of witnesses likely to be called; the number of exhibits likely to be offered; and the complexity of the issues.

A party who opposes the request may file an opposition to the request within five business (5) days after the service of the Request for Prehearing Conference. The opposition shall also be filed and served as a pleading. A Request for a Prehearing Conference will be ruled on by the Chairperson of the Commission. The Chairperson may order a Prehearing Conference even if such a conference is not requested by any of the parties.

Dated this 25th day of November, 2023.



Greg Lemon, Director

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing **Notice of Hearing** was served upon the parties or their attorneys of record by mailing the same by United States mail, postage prepaid, this 25th day of November, 2023, addressed as follows:



Greg Lemon, Director

Jason Allan Young
15126 Taylor St.
Omaha, Nebraska 68116
CERTIFIED MAIL # 7021 2720 0000 7084 8451
RETURN RECEIPT REQUESTED
cc: J.L. Spray, Commission's attorney
Zachary Lutz-Priefert, Respondent's attorney



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Feedback

**BEFORE THE STATE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex rel.*,
THE STATE REAL ESTATE
COMMISSION OF THE STATE
OF NEBRASKA,

Complainant,

v.

JASON YOUNG,

Respondent.

Case No. 2022-026

AMENDED EXHIBIT LIST

Hearing Date: April 25, 2024, at 10:30 a.m. in the Telegraph Lofts East Center 4th Floor Conference Room located at 200 South 21st St. Lincoln, Nebraska.

EXHIBIT NO.		DESCRIPTION	OFF	OBJ	Suggested Ruling	RCVD	NOT RCVD
CMPL	RESP						
1.		2022.08.26 Complaint					
2.		2022.10.13 Answer					
3.		2022.11.22 Order Cancelling Hearing					
4.		2022.11.28 Notice of Hearing					
5.		2020.03.11 Handwritten Ledger					
6.		2023.01.23 Email Thread Re_ Exam_Audit Jan 23					
7.		2023.01.24 Email Thread Re_ Exam_Audit Feb 6 2023					
8.		2023.02.21 Email Thread Re Exam_Audit - Account Reconciliations					

EXHIBIT NO.							
CMPL	RESP	DESCRIPTION	OFF	OBJ	Suggested Ruling	RCVD	NOT RCVD
9.		2023.02.24 Email This isn't Finished.pdf					
10.		2023.03.28 Email Thread Re Exam					
11.		2023.03.28 Email Thread Re Exam 2					
12.		2023.03.29 Real Estate Examiner Timesheet 3-27-23 to 3-31-23					
13.		2023.03.31 Email - Almost					
14.		2023.04.03 Email Fwd_finished ledger					
15.		2023.04.04 Email Fwd Almost					
16.		2023.04.21 Email Re Name					
17.		2023.04.24 Email from S Lowery to Hajek Re Name					
18.		2023.04.24 Young Reply to Hajek Re_ Name complete					
19.		2023.04.24 Young reply to Hajek Re_ Name					
20.		2023.04.25 Email FW_Exam_Audit Lowery to Weis					
21.		2023.04.25 Email FW_Name Lowery to Weis					
22.		2023.04.25 Email FW_Young Exam _Audit Lowery to Weis					
23.		2023.06.22 Motion to Withdraw					

EXHIBIT NO.							
CMPL	RESP	DESCRIPTION	OFF	OBJ	Suggested Ruling	RCVD	NOT RCVD
24.		2023.06.22 Order to Withdraw					
25.		2022.07.25 Real Estate Examiner Timesheet 7-25-22 to 7-29-22					
26.		2023.11.28 Notice of Hearing					
27.		3023.05.09 Complainant's Hearing Binder by Former Counsel					
28.		2024.03.15 Director's Order 2022-026					
29.		Security Deposit Reconciliations Jan 2020 through Nov 2022					
30.		2023.02.06 Audit Report					
31.		2023.03.29 Audit Report					
32.		2023.09.28 Audit Report					
	33.	Email from Jason Young Dated 11/29/2023 to JoDell Hajek.					
	34.	Email from Jason Young dated 2/21/2024 to JoDell Hajek regarding meeting time.					
	35.	Email from JoDell Hajek to Jason Young dated 9/27/2023 regarding meeting time.					

***Admitted for the limited purpose of showing allegations made and the admissions of a party.**

R: Relevancy
H: Hearsay
A: Authenticity
F: Foundation
O: Other (specify)

DATED this 17th day of April 2024.

STATE OF NEBRASKA, *ex rel.*, THE STATE
REAL ESTATE COMMISSION OF THE
STATE OF NEBRASKA, Complainant

By: /s/ J.L. Spray
J.L. Spray, #18405
Mattson Ricketts Law Firm
134 South 13th Street, Ste. 1200
Lincoln, NE 68508
Phone: 402-475-8433
Email: jls@mattsonricketts.com

DATED this 17th day of April 2024.

JASON YOUNG, Respondent

By: /s/Zachary W. Lutz-Priefert
Zachary W. Lutz-Priefert, # 25902
Gross Welch Marks Clare, PC LLO
2120 S 72nd St, Ste. 1500
Omaha, NE 68124
Phone: (402) 392-1500
Email: zlutzpriefert@gwmclaw.com

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2024, I served a true and correct copy of the foregoing document by email and/or by first-class United States mail, postage prepaid on the following parties:

Jason Young, via counsel
Zachary Lutz-Priefert, # 25902
Gross, Welch, Marks, Clare
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Greg Lemon
Nebraska Real Estate Commission
301 Centennial Mall South
P.O. Box 94667
Lincoln, NE 68509-4667
greg.lemon@nebraska.gov

/s/ J.L. Spray
J.L. Spray, #18405
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**BEFORE THE STATE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex rel.*,
THE STATE REAL ESTATE
COMMISSION OF THE STATE OF
NEBRASKA,

Complainant,

v.

JASON YOUNG,

Respondent.

Case No. 2022-026

JOINT STIPULATION

Complainant, the State of Nebraska, *ex rel.* the State Real Estate Commission of the State of Nebraska (the “Commission”) and Respondent Jason Young (“Respondent”) hereby stipulate to and request the amendment of the Exhibit List to include the following:

Exhibit 33 – Email from Jason Young Dated 11/29/2023 to JoDell Hajek.

Exhibit 34 – Email from Jason Young dated 2/21/2024 to JoDell Hajek regarding meeting time.

Exhibit 35 – Email from JoDell Hajek to Jason Young dated 9/27/2023 regarding meeting time.

Upon acceptance of this Joint Stipulation, the Exhibit List will be as found in the Amended Exhibit List which is attached hereto and incorporated herein by reference.

Dated: April 16, 2024.

THE STATE REAL ESTATE COMMISSION OF
THE STATE OF NEBRASKA, Complainant

By: /s/J.L. Spray
J.L. Spray, #18405
Mattson Ricketts Law Firm
134 South 13th Street, Ste. 1200
Lincoln, NE 68508
Phone: 402-475-8433
Fax: 402-625-0775
Email: jls@mattsonricketts.com

Dated: April 16, 2024.

JASON YOUNG, Respondent

By: /s/Zachary W. Lutz-Priefert

Zachary W. Lutz-Priefert, # 25902
Gross Welch Marks Clare, PC, LLO
2120 S 72nd St., Ste. 1500
Omaha, NE 68124
Phone: (402) 392-1500
Email: zlutzpriefert@gwmclaw.com

CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2024, I served a true and correct copy of the foregoing document by email and/or by first-class United States mail, postage prepaid on the following parties:

Jason Young, via counsel
Zachary Lutz-Priefert, # 25902
Gross, Welch, Marks, Clare
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Greg Lemon
Nebraska Real Estate Commission
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greg.lemon@nebraska.gov

/s/

J.L. Spray, #18405
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**BEFORE THE STATE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA**

STATE OF NEBRASKA, *ex rel.*,
THE STATE REAL ESTATE
COMMISSION OF THE STATE OF
NEBRASKA,

Complainant,

v.

JASON YOUNG,

Respondent.

Case No. 2022-026

ORDER ON JOINT STIPULATION

On this 16th Day of April 2024, Complainant, the State of Nebraska, *ex rel.* the State Real Estate Commission of the State of Nebraska (the “Commission”) and Respondent Jason Young (“Respondent”) brought before the Commission the Joint Stipulation to approve the amendment of the Exhibit List to include the following:

Exhibit 33 – Email from Jason Young Dated 11/29/2023 to JoDell Hajek.

Exhibit 34 – Email from Jason Young dated 2/21/2024 to JoDell Hajek regarding meeting time.

Exhibit 35 – Email from JoDell Hajek to Jason Young dated 9/27/2023 regarding meeting time.

The Parties further stipulated “Upon acceptance of this Joint Stipulation, the Exhibit List will be as found in the Amended Exhibit List which is attached hereto and incorporated herein by reference.”

IT IS ORDERED the Joint Stipulation is ACCEPTED.

Dated: April 17, 2024.

By: _____

Greg Lemon
Nebraska Real Estate Commission
301 Centennial Mall South
P.O. Box 94667
Lincoln, NE 68509-4667
greg.lemon@nebraska.gov

CERTIFICATE OF SERVICE

I hereby certify that on April 17, 2024, I served a true and correct copy of the foregoing document by email and/or by first-class United States mail, postage prepaid on the following parties:

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Email: zlutzpriefert@gwmclaw.com

The Nebraska Real Estate Commission, via counsel
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