

## SECTION 81-885.02 - UNLICENSED ACTIVITY

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Law, specifically, Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintenance of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer is presented and accepted, those categories of costs the seller will be expected to pay at closing, failing to prepare a written estimate of the cost the seller will be expected to pay at closing, and failing to obtain the signature of the seller on said written document; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to deposit an earnest money payment in her real estate trust account within forty-eight hours or before the end of the next business day after an offer is accepted, in writing, and then forthwith transferring such earnest money deposit to the listing broker; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430 in the following particulars: 76-2420 by failing to adopt a written policy which identifies and describes the relationships in which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities; and 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity during or following the first substantial contact; 81-885.02 by conducting the business of a broker without an active real estate license; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as the broker.</p>	<p>98-026 - Commission vs. Buree Stovall</p>	<p>February 24, 1999</p>	<p>Stipulation and Consent Order. License suspended for two years, with first 90 days of said suspension served and the remaining suspension time stayed and served on probation; plus an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours in agency and six hours as determined and approved by the Director. *Per Show Cause Hearing on June 26, 2001, license censured.</p>
<p>Respondent advertised property management services without having a real estate salesperson's license issued by the State Real Estate Commission of the State of Nebraska</p>	<p>SC2023-002 Nebraska Real Estate Commission v. James Leroy Sinclair</p>	<p>October 20, 2023</p>	<p>Final Order entered on October 20,2023. Licensee shall pay a civil fine of \$6500.00plus \$226.38 for the appearance fee of the court reporter. Payment is due</p>

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	SC2023-002 Nebraska Real Estate Commission v. James Leroy Sinclair (continued)		by January 18, 2024.
<p>Licensee was intentionally using advertising which is misleading by offering and providing the serves of a real estate broker, while licensed as an associate broker. Licensee's advertising did not prominently feature the name under which her designated broker conducted business and by advertising and providing brokerage services through Aksarben Property Management; violating Neb. Rev. Stat. §81-885.02, it is unlawful for any person, directly or indirectly, to engage in or conduct, or to advertise or hold himself or herself out as engaging in or conducting business or acting in the capacity, of a real estate broker, associate broker, or real estate salesperson within this state without first obtaining a license as such broker, associate broker, or salesperson, as provided in the Nebraska Real Estate License Act</p>	2023-017 Nebraska Real Estate Commission v. Renee Michelle Mueller	February 26, 2024	<p>License suspended for a period of four (4) years; with the first ninety (90) days to be served on suspension and the remainder to be served on probation. Suspension to commence on March 27, 2024, and continue through May 26, 2024. Probation to commence on May 27, 2024, and continue through March 27, 2028; licensee ordered to pay a civil fine of \$3009.36 due May 26, 2024; licensee ordered to complete an additional fifteen (15) hours of continuing education with three (3) hours in the area of Ethics, three (3) hours in the area of Contracts, three (3) hours in the area of Trust Accounts, three (3) hours in the area of Property Management and three (3) hours in the area of License Law by August 24, 2024</p>
<p>Stipulation and Consent Order entered on August 17, 2023.[Ms. Porter's failure to deposit in a separate trust account all monies received, failure to provide accurate accounting, and failure to remit monies owed constitutes a violation of NEB. REV. STAT. § 76-2418 (1) (a-e), NEB. REV. STAT. § 81-885.24 (3), NEB. REV. STAT. § 81-885.24 (4), NEB. REV. STAT. § 81-885.24 (5), 299 NAC 5-003.07, and NEB. REV. STAT. § 81-885.24 (16). Ms. Porter's representations that she was licensed to conduct property management for Mr. Erickson, as well as other landlords, and her unwillingness to turn over any documentation to the Commission is a violation of NEB. REV. STAT. § 81-885.02, NEB. REV. STAT. § 81-885.03 (2), NEB. REV. STAT. § 81-885.24 (26), and 299 NAC 2-003.07(c). Ms. Porter's representations that she had the appropriate license to conduct property management for Mr. Erickson, as well as other landlords, and her unwillingness</p>	2023-002 Richard Erickson v. Tanya Ann Porter	August 17, 2023	License was revoked; plus pay a civil fine of \$2,500 due by November 16, 2023

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to turn over documentation to the Commission is a violation of NEB. REV. STAT. § 81-885.24 (22), 299 NAC 5-003.17, and NEB. REV. STAT. § 81-885.24 (29).]	2023-002 Richard Erickson v. Tanya Ann Porter (continued)		