

SECTION 81-885.24(16) - VIOLATING ANY PROVISION OF Section 73-2401 to 76-2430

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Section 81-885.24 (16) by violating any provision of sections 76-2401 through 76-2430, specifically, Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with the seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing.</p>	<p>2004-014- Donald Christopher Miller vs. Timothy Kuchta Jr.</p>	<p>October 13, 2005</p>	<p>Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of Agency, to be completed by December 12, 2005.</p>
<p>Section 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; 76-2422 (4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and</p>	<p>2006-025 - Gary and Patty Cranmer vs. Joan Elizabeth Kuehl</p>	<p>October 5, 2006</p>	<p>Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of license law and three (3) hours in the area of agency to be completed by January 3, 2007.</p>

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<p>responsibilities specified in section 76-2419. The requirements of this subsection are met as to with a seller or landlord if the written agreement entered into the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property; 81-885.24 (16) Violating any provision of sections 76-2401 to 76-2430; and 81-885.24 (29) Demonstrating negligence to act as a broker. Kuehl failed to complete a commission-approved Agency Acknowledgment of Disclosure with the seller and buyer and Kuehl failed to obtain the informed written consent of the seller and buyer authorizing her to serve as a dual agent in the transaction.</p>	<p>2006-025 - Gary and Patty Cranmer vs. Joan Elizabeth Kuehl (continued)</p>		
<p>Section 81-885.24 (18) Providing any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act unless such person is (a) a nonresident who is licensed in his or her resident regulatory jurisdiction or (b) a citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that</p>	<p>2007-064 Commission vs. John Steven Headlee</p>	<p>December 4, 2008</p>	<p>Stipulation and Consent Order. License suspended for a period of thirty (30) days immediately followed by eleven (11) months probation. Suspension period commenced on December 5, 2008, and continued through January 4, 2009. The probationary period commenced on January 5, 2009, and continues through November 5, 2009; plus an additional nine (9) hours of continuing education</p>

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<p>foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country; 81-885.24 (22) Making any substantial misrepresentations; 81-885.24 (16) Violating any provision of sections 76-2401 to 76-2430; 76-2418 (3) (a) A licensee acting as a buyer's or tenant's agent owes no duty or obligation to a seller, a landlord, or a prospective seller or landlord, except that the licensee shall disclose in writing to any seller, landlord, or prospective seller or landlord all adverse material facts actually known by the licensee. The adverse material facts may include, but are not limited to, adverse material facts concerning the client's financial ability to perform the terms of the transaction. (b) A buyer's or tenant's agent owes no duty to conduct an independent investigation of the client's financial condition for the benefit of the customer and owes no duty to independently verify the accuracy or completeness of statements made by the client or any independent inspector; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Headlee provided compensation for past and future referrals to a person who had not first secured his or her license under the Nebraska Real Estate License Act; Headlee made material misrepresentations to the buyer with respect to Headlee's knowledge about termites on the property; and, Headlee failed to disclose to the buyers, in writing, an adverse material facts regarding termites which fact was actually known by Headlee.</p>	<p>2007-064 Commission vs. John Steven Headlee (continued)</p>		<p>with three (3) hours in the area of disclosures, three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed by June 3, 2009.</p>
<p>Violated Neb. Rev. Stat. § 76-2417(1)(b) for failing to exercise reasonable skill and care for the Seller, and, (c) failing to promote the interest of the Seller; for failing to present the Seller's Counter-Offer to the Buyer in a timely manner; Neb. Rev. State § 76-2422 in that the Listing Agreement failed to include the duties and responsibilities of a limited Seller's Agent; Neb. Rev. Stat § 81-885.24(16) Unfair trade practice for violating any provision of sections</p>	<p>2009-055 Commission vs. Michelle Lynn Crowell</p>	<p>February 17, 2011</p>	<p>Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in "Agency Law" and "Contracts" to be completed by June 17, 2011; plus pay a civil fine in the amount of \$500.00 on or before March 18, 2011.</p>

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76-2401 to 76-2430; and 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson for violating Neb. Rev. Stat. §§ 76-2417 (1) (b) (c); 76-2422; and 81-885.24 (16).	2009-055 Commission vs. Michelle Lynn Crowell (continued)		
Violated Neb. Rev. Stat. § 76-2418(1)(b) and (c) licensee representing a buyer, as a buyer's agent, agent shall be a limited agent with the following duties and obligations, (b) to exercise reasonable skill and care for the client; (c) to promote the interests of the client with the utmost good faith, loyalty, and fidelity, including (ii) presenting all written offers to and from the client in a timely manner, in that she failed to exercise reasonable skill and care for the Warneke buyers with regard to the transaction in question and failed to promote the interests of the Warneke buyers, by failing to present the Warnkes' \$33,500.00 offer of December 10, 2008 to the Listing Agent for the Seller; 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a buyer, who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person shall (a) provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing, in that she offered brokerage services, as an affiliated licensee, to the Warneke buyers and failed, at the earliest practicable opportunity following the first substantial contact with the Warneke buyers, to provide them with a written copy of the current brokerage disclosure pamphlet approved by the Commission and failed to disclose in writing to the Warneke buyers the type of brokerage relationship Whalen was offering to the Warneke buyers; 81-885.24(16) Unfair trade	2009-056 Commission vs. Brenda L. Whalen	February 17, 2011	Stipulation and Consent Order. License suspended for one (1) year, with the first sixty (60) days served on suspension and the ten (10) month remainder stayed and served on probation; plus an additional nine (9) hours of continuing education in the areas of agency law, ethics and contracts to be completed by June 17, 2011. Whalen shall pay a civil fine in the amount of \$1,000.00 on or before March 18, 2011.

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<p>practice for real estate licensee to “violate any provision of sections 76-2401 to 76-2430”; 81-885.24(26) Unfair trade practice for a licensee to violate any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska’s Real Estate License Act; 81-885.24(29) Failure to reduce an offer to writing where a prospective purchaser requests such offer to be submitted when the licensee is the prospective purchaser’s limited buyer’s agent, in that she failed to reduce to writing the various offers, alleged more particularly above, to purchase the subject property, submitted to her by the Warnkes and by Glissman in November and December of 2008; 299 NAC 5.003.18 Actions demonstrating negligence, incompetency, or unworthiness.</p>	<p>2009-056 Commission vs. Brenda L. Whalen (continued)</p>		
<p>Violated Neb. Rev. Stat. § 76-2418(1) A licensee representing a buyer as a limited Buyer’s Agent shall have the following duties and obligations: (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity; for failing to postpone or delay closing on the property when it was discovered that the Warranty Company would not cover the furnace, air-conditioner, and humidifier, and for omitting page three of the furnace company’s inspection report to the Warranty Company; Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a buyer, who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person shall (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that</p>	<p>2011-008 – Commission vs. Eric Scott Lundstrom</p>	<p>March 17, 2011</p>	<p>Stipulation and Consent Order. License suspended for one (1) year, with the first thirty (30) days served on suspension and the eleven (11) month remainder stayed and served on probation; plus an additional nine (9) hours of continuing education in the area of “Agency”, “Disclosures” and “Ethics” to be completed by July 15, 2011.</p>

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<p>person which party the licensee is representing; for failing to provide an agency disclosure to the buyers at the earliest practicable opportunity during or following the first substantial contact; Neb. Rev. Stat. § 81-885.24(16) Unfair trade practice for a real estate licensee to “violate any provision of sections 76-2401 to 76-2430; specifically violating Neb. Rev. Stat. § 76-2418(1)(b)(c) and 76-2421(1)(a)(b); Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; by omitting page three of the furnace company’s inspection report to the Warranty Company; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as broker, associate broker, or salesperson; for violating Neb. Rev. Stat. §§ 76-2418(1)(b)(c); 76-2421(1)(a)(b); 81-885.24(16); and 81-885.24(22).</p>	<p>2011-008 – Commission vs. Eric Scott Lundstrom</p>		
<p><u>Bollwitt</u>: Violated Neb. Rev. Stat. § 76-2418(1) A licensee representing a buyer or tenant as a buyer’s or tenant’s agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the buyer/client; Bollwitt failed to check all necessary boxes on the buyer’s Offer to Purchase; Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; Bollwitt failed at the earliest practicable opportunity during or following first substantial contact with the Buyers, to complete an Agency Disclosure</p>	<p>2009-028 – Beth and John Wiersma vs. Betty Jane Warren and Jamie Paul Bollwitt</p>	<p>August 19, 2011</p>	<p><u>Warren</u>: Dismissed due to the Commission entering a Stipulation and Consent Order on Case No. 2010-021. <u>Bollwitt</u> : Stipulation and Consent Order. License censured; plus complete an additional nine (9) hours of continuing education by September 23, 2011, with three (3) hours each in the area of Agency, Contracts and License Law and submit documentary proof to the Commission that said courses have been satisfactorily completed; plus pay a civil fine of \$1,500.00 by September 23, 2011.</p>

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<p>which disclosed, in writing, to the Buyers that Bollwitt was acting as a limited Buyer's Agent; and by failing at the earliest practicable opportunity during or following first substantial contact with the Sellers, to complete and Agency Disclosure which disclosed in writing to the Sellers that he was acting as a limited Buyer's Agent; Bollwitt violated Neb. Rev. Stat. § 81-885.24(16) by violating Neb. Rev. Stat. § 76-2418(1) and Neb. Rev. Stat. § 76-2421(1) of the agency statutes; Bollwitt violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; by violating Neb. Rev. Stat. §§ 76-2418(1), 76-2421(1), and 81-885.24.</p>	<p>2009-028 – Beth and John Wiersma vs. Betty Jane Warren and Jamie Paul Bollwitt (continued)</p>		
<p>Violated 299 NAC 5-003.22, for failing to supervise Bollwitt with respect to the subject real estate transaction; Warren violated Neb. Rev. Stat. § 76-2417(1) A licensee representing a seller...as a seller's agent...shall be a limited agent with the following duties and obligations: (a) To perform the terms of the written agreement made with the client; (b) To exercise reasonable skill and care for the client; Warren improperly marked boxes on the initial Offer to Purchase without the consent of the sellers/clients, thereby changing the terms and conditions of the Offer; and, by allowing the Buyer's Agent to present the buyers' counteroffer to the sellers thereby leaving the sellers unrepresented. Warren violated Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage</p>	<p>2010-021 – Commission vs. Betty Jane Warren</p>	<p>August 19, 2011</p>	<p>Stipulation and Consent Order. License suspended for a period of one (1) year with the entire period stayed and served on probation, commencing on August 24, 2011, and continuing through August 23, 2012; plus pay a civil fine of \$2,000.00 by September 23, 2011; plus complete an additional nine (9) hours of continuing education with three (3) hours each in the area of Agency, Contracts, and License Law to be completed by December 22, 2011, and submit documentary proof to the Commission that said courses have been satisfactorily completed.</p>

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relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; Warren offered brokerage services to the sellers and failed, at the earliest practicable opportunity during or following first substantial contact, to complete an Agency Disclosure with the sellers; Warren violated Neb. Rev. Stat. § 81-885.24(16) by violating Neb. Rev. Stat. § 76-2417(1)(b) and 76-2421(1)(a)(b) of the agency statutes; Warren violated Neb. Rev. Stat. § 81-885.24(26) violating any rule or regulation adopted and promulgated by the commission; by violating 299 NAC 5-003.22; and, Warren violated Neb. Rev. Stat. § 81-885.24(29) demonstrating negligence, incompetency, or unworthiness to act as a broker, by violating 299 NAC 5-003.22; Neb. Rev. Stat. § 76-2417(1)(b), 76-2421(1)(a)(b), and 81-885.24(26).	2010-021 – Commission vs. Betty Jane Warren (continued)		
Violated Neb. Rev. Stat. § 76-2417(1) A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (a) To perform the terms of the written agreement made with the client; (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity by providing the sellers with two false closing dates, and failing to advise the sellers that by signing the Addendum to the Purchase Agreement, it would reduce their net proceeds by \$500.00; Redwine violated Neb. Rev. Stat. § 81-885.24(16) by failing to obtain the informed written consent of both the Sellers and the Buyer permitting her to act as a dual agent for the proposed sale/purchase of the Property; Redwine violated Neb. Rev. Stat. § 81-885.24(19) in that she failed to include a fixed date of expiration in her Listing Agreement with the Sellers of the Property; Redwine violated Neb. Rev. Stat. § 81-885.24(22) in that she misrepresented in the Purchase Agreement that she was acting as a dual agent, at a time when she had	2011-023 – Commission vs. Beverly Arlene Redwine	August 19, 2011	Stipulation and Consent Order. License is suspended for a period of ninety (90) days with the first fifteen (15) days served on suspension and the remainder stayed and served on probation. The suspension period commenced on August 25, 2011, and continued through September 8, 2011. The probation period commenced on September 9, 2011, and continues through November 23, 2011.; plus complete an additional nine (9) hours of continuing education to include three (3) hours in Agency, three (3) hours in Contracts and three (3) hours in License Law to be completed by December 22, 2011.

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<p>never met the Buyer; Redwine violated Neb. Rev. Stat. § 81-885.24(26) violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act, and, Title 299 Chapter 5-003.10, in that she failed to have the sellers sign and date the Sellers' "Estimated" Closing Cost Statement; Redwine violated Neb. Rev. Stat. § 81-885.24(29) demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by violating Neb. Rev. Stat. § 76-2422 (4), 81-885.24 (16), (19), (22) and 299 NAC 5-003.10, and by failing to identify in the Offer to Purchase how the buyer intended to pay the remainder balance of \$239,000.00.</p>	<p>2011-023 – Commission vs. Beverly Arlene Redwine (continued)</p>		
<p>Violated Neb. Rev. Stat. § 81-885.24(3) Failing to account for and remit any money coming into his possession belonging to others; Crawford withheld rent proceeds from the Sellers and threatened to withhold the security deposit unless Sellers released Crawford from the Management Agreement. Crawford violated Neb. Rev. Stat. § 76-2417 (1)A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (a) To perform the terms of the written agreement made with the client; Crawford failed to perform the terms of the Management Agreement he had with the Sellers which required that he disburse the security deposit and other deposits, and it provided that either party may terminate the Agreement by providing thirty (30) days written notice. Crawford withheld rent proceeds and threatened to withhold the proceeds of the security deposit, unless Sellers released Crawford from the Management Agreement; (b) To exercise reasonable skill and care for the client. Crawford failed to timely forward funds owed to Sellers, failed to ascertain whether Sellers, Sellers' bank, or both owned the Property, and/or was engaging Crawford's services and failing to communicate Buyers' offer to Sellers; (c) To promote the interests of the client with the utmost</p>	<p>2011-004 – Commission vs. Michael Rae Crawford</p>	<p>September 15, 2011</p>	<p>Hearing held September 15, 2011. License is suspended for a period of two (2) years with the entire two (2) year period stayed and served on probation. The suspension period commenced on October 28, 2011, and continues through October 28, 2013; plus complete an additional fifteen (15) hours of continuing education with three (3) hours in Agency, three (3) hours in Contracts, three (3) hours in License Law, three (3) hours in Landlord-Tenant Act, and three (3) hours in Short Sales, all to be completed by April 25, 2012; plus pay a civil fine of \$1,500.00, court reporter fees and witness fees totaling \$973.81, on or before October 28, 2011.</p>

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<p>good faith, loyalty, and fidelity, including: (ii) Presenting all written offers to and from the client in a timely manner regardless of whether the property is subject to a contract for sale or lease or a letter of intent to lease; Crawford failed to communicate Buyers' Offer to Sellers. (d) To account in a timely manner for all money and property received; Crawford failed to account in a timely manner for all money received, in that he withheld rent proceeds and threatened to withhold the proceeds of the security deposit unless Sellers released Crawford from the Management Agreement; Crawford violated Neb. Rev. Stat. § 76-2422(2) by failing to enter into a written agency agreement with the Bank; Crawford violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetence, or unworthiness to act as a broker; by violating numerous unfair trade practices as previously identified; Crawford violated Neb. Rev. Stat. § 81-885.24(16); Violating any provision of sections 76-2401 to 76-2430.</p>	<p>2011-004 – Commission vs. Michael Rae Crawford (continued)</p>		
<p>Violated Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing. McCully offered brokerage services to the Seller and failed at the earliest practicable opportunity following the first substantial contact with the Seller to provide the Seller with a written copy of the current brokerage disclosure pamphlet approved by the</p>	<p>2009-057 – Commission vs. Kevin Dean McCully</p>	<p>September 16, 2011</p>	<p>Hearing held September 16, 2011. License censured; plus an additional three (3) hours of continuing education in "Agency" to be completed by December 27, 2011. McCully must pay a Civil Fine of \$500.00 by October 28, 2011; and McCully must pay court reporter fees of \$160.00, and witness fees of \$365.79, totaling \$525.79, by October 28, 2011.</p>

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<p>Commission, and McCully failed to disclose in writing to the Seller the type of brokerage relationship he was offering to the Seller; Violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of 76-2401 through 76-2430; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, by violating Neb. Rev. Stat. § 76-2421(1) and 81-885.24(16).</p>	<p>2009-057 – Commission vs. Kevin Dean McCully (continued)</p>		
<p>Violated Neb. Rev. Stat. § 81-885.21 (1) in that trust funds deposited into his real estate trust accounts were removed from the trust accounts prior to the time the related transactions were closed or otherwise terminated despite the absence of written agreements by the parties having an interest in the funds; Violated Neb. Rev. Stat. § 81-885.24 (3) Garrison failed to account for and remit money coming into his possession belonging to others with respect to his real estate trust accounts when he allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, and he failed to maintain sufficient funds in the trust accounts and was unable to make the trust accounts whole; Violated Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the Commission. Specifically, 299 NAC 3-002 By failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the law relating to the maintaining of trust accounts when he allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, such that his trust account appeared to be balanced at a time when it was not; Violated 299 NAC 5.003.19 Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities. Specifically, Garrison failed to supervise and stop a licensed employee from engaging in real estate brokerage activities while such employee's real estate broker's license was on suspension, and by failing to stop his other unlicensed employees from engaging in real estate brokerage activities; Violating Neb. Rev. Stat § 81-885.24</p>	<p>2011-012 / 2011-020 – Commission vs. Michael Douglas Garrison</p>	<p>October 27, 2011</p>	<p>Stipulation and Consent Order. License is suspended for a period of five (5) years commencing on October 27, 2011, and continuing through October 27, 2016, and, Garrison must pay a civil fine of \$2,500.00 by December 26, 2011.</p>

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<p>(16) Violating any provision of sections 76-2401 to 76-2430. Specifically, Neb. Rev. Stat. § 76-2422 (6) Garrison failed to comply with the terms of the Realty Linc. Management Agreement with a specific property owner and the terms of the Lease Agreement with a tenant, by failing to collect the security deposit of \$850.00 in its entirety at the time the Lease Agreement was signed by the tenant; Violated Neb. Rev. Stat. § 81-885.24 (29) unfair trade practice for a licensee to demonstrate negligence, incompetency or unworthiness to act as a broker, and 299 NAC 5-003.14 for failing to deposit any funds received as an earnest money deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided for in the purchase agreement. In the event an offer is not accepted, the earnest money deposit shall be returned forthwith: (a) Garrison failed to deposit funds received as an earnest money deposit within 72 hours or before the end of the next banking day; (b) Garrison failed to notify the Commission of the July 2010 levies against Realty Linc.'s trust accounts; (c) Garrison allowed the real estate trust account to become short approximately \$37,559.83, from about July 14, 2010, through October 21, 2010; (d) Garrison allowed Realty Linc., Inc.'s bookkeeping system to be manipulated, such that the real estate trust account appeared to be balanced at a time when it was not; (e) Garrison allowed trust funds to be improperly removed from the trust accounts; (f) Garrison allowed the real estate trust account to be short \$8,082.62, on January 12, 2011, and g) Garrison violated Neb. Rev. Stat § 76-2422 (6), 81-885.24 (16) and (26) and 299 NAC 5-003.19.</p>	<p>2011-012 / 2011-020 – Commission vs. Michael Douglas Garrison (continued)</p>		
<p>Violated Neb. Rev. Stat. § 81-885.24 (16) for violating an agency statute, specifically, 76-2418 (1), 76-2421 (1), 76-2422 (4), and 76-2425; Violated Neb. Rev. Stat. § 81-885.24 (26) for violating a rule or regulation of the Commission, specifically, Title 299 Chapter 5 Section 003.25; Violated Neb. Rev. Stat. § 76-2425 for violating any</p>	<p>2012-002 - Commission vs. Robert L. Hupp</p>	<p>March 15, 2012</p>	<p>Stipulation and Consent Order. License suspended for six (6) months with the first thirty (30) days served on suspension and the remainder five (5) months stayed and served on probation. The suspension period commenced on March 19, 2012,</p>

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<p>provision of sections 76-2401 to 76-2430; Violated Neb. Rev. Stat. § 76-2418 (1) (b) (c) (e) A licensee representing a buyer as a buyer's agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, and (e) To comply with all requirements of sections 76-2401 to 76-2430; Hupp failed to get a pre-occupancy agreement in place during the time period when buyer occupied the property prior to closing from August 2009, to October 9, 2009; Violated Neb. Rev. Stat. § 76-2421 (1) for failing to provide an Agency Disclosure to buyer at the earliest practicable opportunity during or following the first substantial contact with buyer; Violated Neb. Rev. Stat. § 76-2422 (4) for failing to obtain written confirmation of his "dual agency status" from the Seller or POAs prior to or at the time a contract to purchase the property was entered into on August 6, 2009; Violated Title 299 Chapter 5-003.25 for providing buyer with a Seller Property Condition Disclosure Statement which contained omissions in which seller's POAs failed to provide a response. Hupp was aware of these omissions and failed to attach a written disclosure of the omissions to the Seller Property Condition Disclosure Statement disclosing the omissions to the potential buyer and the seller; Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for violating Neb. Rev. Stat. §§ 76-2418 (1) (b) (c) and (e); 76-2421 (1) (a) and (b); 76-2422 (4); 76-2425; 81-885.24 (16) and (26); and Title 299 Chapter 5 Section 003.25.</p>	<p>2012-002 - Commission vs. Robert L. Hupp (continued)</p>		<p>and continued through April 18, 2012. The probation period will commence on April 19, 2012 and will continue through September 19, 2012; Plus complete nine (9) hours of additional continuing education with three (3) hours each in the areas of "Agency", "Contracts" and "Disclosures", to be completed by July 13, 2012.</p>
<p>Violated Neb. Rev. Stat. § 76-2417(1)(a)-(c) Licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations; (a) to perform the terms of the written agreement made with the client (b) to exercise</p>	<p>2011-026 – John V. and Jamie D. Eberly vs. Timothy Charles Plate</p>	<p>September 27, 2012</p>	<p>Hearing held September 27, 2012. License censured; plus complete six (6) hours of additional continuing education, three (3) hours each in the areas of "Agency" and "Contracts" by February 6,</p>

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<p>reasonable skill and care for the client; and (c) to promote the interest of the client with the utmost good faith, loyalty, and fidelity; Neb. Rev. Stat. § 81-885.24(16) Unfair trade practice for violating any provisions of sections 76-2401 to 76-2430: for failing to have the Eberlys' initial one of the boxes in the Listing Agreement and allowing a Buyer's Agent to conduct an open house at Eberlys' property without obtaining prior written consent from the Eberlys.</p>	<p>2011-026 – John V. and Jamie D. Eberly vs. Timothy Charles Plate (continued)</p>		<p>2013; Plus court reporter fees of \$220.00 due on or before November 7, 2012.</p>
<p>Violated Neb. Rev. Stat. § 76-2422(4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. Stat. § 81-885.01(2) Broker means any person who, for any form of compensation or</p>	<p>2014-013 – Commission vs. Jane Hartman Heimboach</p>	<p>June 25, 2014</p>	<p>Stipulation and Consent Order entered June 25, 2014. License revoked.</p>

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<p>consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker also includes any person: (a) Employed, by or on behalf of the owner or owners of lots or other parcels of real estate, for any form of compensation or consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who auctions, offers, attempts, or agrees to auction real estate; or (c) who buys or offers to buy or sell or otherwise deals in options to buy real estate, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. State § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch (continued)</p>		

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>are offering to that person or disclose in writing to that person which party the licensee is representing, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note that an individual refused to sign an Agency Disclosure; Neb. Rev. State § 81-885.24(3) Failing to account for and remit any money coming into his or her possession belonging to others by failing to timely deposit or remit earnest monies, failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(4) Commingling the money or other property of his or her principals with his or her own, by failing to timely deposit or remit earnest monies, also failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act; by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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, by failing to</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch (continued)</p>		

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<p>timely deposit or remit earnest monies, to keep separate earnest money from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and to protect interests of her clients. Heimboch also failed to truthfully and timely inform her clients of the status of transactions concerning their properties and to competently complete paperwork; 299 NAC 3-005 Earnest money deposits and other deposits relating to the sale of real estate shall be kept in a separately identified trust account and all other trust funds may be deposited in another separately identified trust account, by failing to timely deposit or remit earnest monies, to keep separate and/or commingling earnest money received from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and failed to protect the interests of her clients; 299 NAC 5-003.14 Failure to deposit any funds received as an earnest money deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided in the purchase agreement. In the event an offer is not accepted, said earnest money deposit shall be returned forthwith, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; 299 NAC 5-003.15 Withholding earnest money when the purchaser or seller is rightfully entitled to the money; provided, a broker may retain funds to cover expenses he or she has prepaid for a purchaser or seller from the broker's funds, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(20) Failing to deliver within a reasonable time a completed and</p>	<p>2014-013 – Commission vs. Jane Hartman Heimboch (contined)</p>		

SECTION 81-885.24(16) - VIOLATING ANY PROVISION OF Section 73-2401 to 76-2430

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller, by failing to deliver a written copy of the offer and/ or purchase agreements; 299 NAC 5-003.18 Failure to reduce an offer to writing where a prospective purchaser requests such offer be submitted when the licensee is: the limited seller's agent for the property; the prospective purchaser's limited buyer's agent; or the dual agent of the seller and the prospective purchaser, by failing to deliver a written copy of offers and/or purchase agreements; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, by advising clients of offers without the necessary documents and also disclosing personal information about possible clients.	2014-013 – Commission vs. Jane Hartman Heimboch (contined)		
Violated Neb. Rev. Stat. § 76-2421(3) Licensee offering brokerage services; (3) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a licensee working as an agent or subagent of the seller or landlord with a buyer or tenant who is not represented by a licensee shall provide a written disclosure to the customer which contains the following: (a) A statement that the licensee is an agent for the seller or landlord and is not an agent for the customer; and (b) A list of the tasks that the agent acting as a seller's or landlord's agent or subagent may perform with the customer; by not obtaining a signed Agency Disclosure "following the first substantial contact with" nine of the twelve owners of seller's farmland July 30, 2013; violated Neb. Rev. Stat. § 76-2422 Written agreements for brokerage services; when required (1) All written agreements for brokerage services on behalf of a seller, landlord, buyer, or tenant shall be entered into by the designated broker on behalf of that broker and affiliated licensees, except that the designated broker may authorize affiliated licensees in writing to enter into the written agreements on behalf of the designated broker. A copy of a written agreement for brokerage	2014-015 – Commission vs. Thomas Eugene Sunderman	August 21, 2014	Stipulation and Consent Order entered August 21, 2014. License suspended for two (2) years all stayed and served on probation; plus pay a civil fine of \$1,500.00 by September 20, 2014; plus complete six (6) hours of additional continuing education, three (3) hours each in the areas of agency and contracts by February 17, 2015.

SECTION 81-885.24(16) - VIOLATING ANY PROVISION OF Section 73-2401 to 76-2430

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>services shall be left with the client or clients. (2) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to establish a single agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee's duties and responsibilities specified in section 76-2417, the terms of compensation, a fixed date of expiration of the agreement, and whether an offer of subagency may be made to any other designated broker, except that if a licensee is a limited seller's agent for a builder, the terms of compensation may be established for a specific new construction property on or before the builder's acceptance of a contract to sell; violated Neb. Rev. Stat. § 81-885.24(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent; by marketing real property for sale between March 20, 2013 and July 30, 2013, and writing Buyer's Offer to Purchase property on July 30, 2013, without having a signed Listing Agreement with all owners of the property; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson by violating Neb. Rev. Stat. § 76-2121(3), 76-2422, 81-885.24(12) and 81-885.24(16).</p>	<p>2014-015 – Commission vs. Thomas Eugene Sunderman (continued)</p>		
<p>Violated Neb. Rev. Stat. § 76-2422(6) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker who intends to establish an agency relationship with any party or parties to a transaction in which the designated broker's duties and responsibilities exceed those contained in sections 76-2417 and 76-2418 shall enter into a written agency agreement with a party or parties to the transaction to perform services on their behalf.</p>	<p>2014-006 – Louis E. Halperin vs. Kathryn Pocras</p>	<p>January 28, 2015</p>	<p>Stipulation and Consent Order entered January 28, 2015. License suspended for six (6) months all stayed and served on probation; plus pay a civil fine of \$1,250.00 by February 27, 2015.</p>

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<p>The agreement shall specify the agent's duties and responsibilities, including any duty of confidentiality, and the terms of compensation. Any agreement under this subsection shall be subject to the common-law requirements of agency applicable to real estate licensees Pocras's monthly management fee was changed in about October of 2012, without having a written agreement for this change in compensation; violating Neb. Rev. Stat. § 81-885.24(16) which provides that it is an unfair trade practice to violate any provisions of the agency statutes 76-2401 to 76-2430.</p>	<p>2014-006 – Louis E. Halperin vs. Kathryn Pocras (continued)</p>		
<p>Violated Neb. Rev. Stat. § 81-885.24(2) Intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted when Rothlisberger posted a blind online advertisement for a property when he did not have a listing agreement with the owner of the property; violated Neb. Rev. Stat. § 81-885.24(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent, by posting an online advertisement for a property he did not have a listing agreement for; violated Neb. Rev. Stat. § 76-2422(2) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to establish a single agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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, by his actions detailed above.</p>	<p>2015-004 – Jeri Schlickbernd vs. Jeff Rothlisberger</p>	<p>January 21, 2016</p>	<p>Hearing held January 21, 2016. License suspended for twenty four (24) months with the entire period stayed and served on probation. Probation commenced on March 2, 2016 and continues through March 2, 2018; plus pay a civil fine of \$1,500.00 due March 2, 2016, plus pay hearing cost in the amount of \$160.00 by March 2, 2016; plus complete an additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and License Law by July 1, 2016.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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; for using profane language directed at Seller, and for losing custody of the key to the Sellers property requiring Sellers to have the property rekeyed; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; violated Neb. Rev. Stat. § 76-2417(1) A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (a) To perform the terms of the written agreement made with the client; (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, by losing custody of the key to the property causing Sellers to have to rekey the property.</p>	<p>2015-015 – Joan Phillips vs. Dennis James McGuire</p>	<p>August 18, 2016</p>	<p>Stipulation and Consent Order. License suspended for one (1) year with the first thirty (30) days served on suspension and the remainder of the period stayed and served on probation. Suspension commenced August 23, 2016, and continues through September 22, 2016; Probation commences on September 23, 2016 and continues through August 23, 2017; plus pay a civil fine of \$500.00 due September 17, 2016; plus complete an additional three (3) hours of continuing education in either 0748R Professionalism Required: High Standards of Professional Conduct, or 0349R Risk Management for Real Estate Professionals, or 0497R Ethics & Professional Practice by February 17, 2017.</p>
<p>Violated Neb. Rev. Stat. § 76-2422(4) a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419, by failing to include his duties and responsibilities, to both the seller and buyer; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430 when he failed to include his duties and responsibilities to both buyer and seller; violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations when he represented to the Parties he was a dual agent, and when he represented his duties and responsibilities to the Parties; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different</p>	<p>2017-024 - Commission vs. Ryan Basye</p>	<p>April 19, 2018</p>	<p>Stipulation and Consent Order entered April 19, 2018. License suspended for a period of one (1) year with the entirety stayed and served on probation. Probation commences on May 19, 2018 and continues through May 19, 2019; plus pay a civil fine of \$1,500.00 due May 19, 2018; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and License Law by October 19, 2018.</p>

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<p>character as otherwise specified in this section when (a) Mr. Basye failed to enter into and/or obtain written consent permitting him to serve as a dual agent as described by Neb. Rev. Stat. § 76-2422(4) and 76-2419; (b) Mr. Basye did not list the licensee's duties and responsibilities as required; (c) Mr. Basye did not confirm in writing the party or parties responsible for paying any compensation prior to or at the time a contract to purchase the Property was entered; and (d) Mr. Basye made substantial misrepresentations about his role in the transaction.</p>	<p>2017-024 - Commission vs. Ryan Basye (continued)</p>		
<p>Violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; when Mr. Beers failed to provide the buyers an "Agency Disclosure Information for Buyers, and Sellers" identifying himself as a limited dual agent, and when he failed to execute a "Consent to Dual Agency Agreement" with the sellers and the buyers that included his duties and responsibilities to both buyer and seller; violated Neb. Rev. Stat. § 76-2422(4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with</p>	<p>2017-017 - Commission vs. Matthew John Beers</p>	<p>August 16, 2018</p>	<p>Stipulation and Consent Order entered August 16, 2018. License suspended for a period of fifteen (15) months with the entire period to be stayed and served on probation. Probation commences on September 15, 2018 and continues through December 15, 2019; plus pay a civil fine of \$2,500.00 due September 15, 2018; and complete twelve (12) hours of additional continuing education with three (3) hours each in the areas of Agency, Contracts, Ethics and License law on or before February 16, 2019.</p>

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<p>regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property, Mr. Beers failed to have the Sellers and Buyers sign a "Consent to Dual Agency" and for failing to provide the buyers with an "Agency Disclosure Information for Buyers, and Sellers" identifying himself as a limited dual agent; violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; when Mr. Beers represented to the Buyers the earnest money would be returned to them; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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; when (a) Mr. Beers failed to enter into and/or obtain written consent permitting him to serve as a dual agent as described by Neb. Rev. Stat. §§ 76-2422(4) and 76-2419; and (b) represented to the buyers that the earnest money would be returned to them.</p>	<p>2017-017 - Commission vs. Matthew John Beers (continued)</p>		
<p>Kays violated Neb. Rev. Stat. §81-885.24(16) - Violating any provision of sections 76-2401 to 76-2430 when he failed to provide an agency disclosure form to seller; Kays violated Neb. Rev. Stat. §81-885.24(22) Making any substantial misrepresentations, when he made substantial misrepresentations regarding the Sellers Property Condition Disclosure Statement; Kays violated Neb. Rev. Stat. §§76-2421 (1) (a)(b) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been</p>	<p>2018-033 – Michael J. Fix vs. Brian Eric Kays</p>	<p>August 20, 2020</p>	<p>Stipulation and Consent Order entered August 20, 2020. License was suspended for a period of one (1) year with the entire period stayed and served on probation. Probation begins September 19, 2020 and continues thru September 19, 2021; Kays will need to take an additional three (3) hours of continuing education in the area of Disclosure due February 20, 2021; plus pay a civil fine of \$2,000.00, to be paid in installments of \$500.00 each due on September 19, 2020, October 19, 2020, November 18, 2020 & December 18, 2020.</p>

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<p>prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; Kays violated Neb. Rev. Stat. 76-2,120, specifically 76-2,120(2) Each seller of residential real property located in Nebraska shall provide the purchaser with a written disclosure statement of the real property's condition. The disclosure statement shall be executed by the seller, and Neb. Rev. Stat. 76-2,120(5) The disclosure statement shall be completed to the best of the seller's belief and knowledge as of the date the disclosure statement is completed and signed by the seller, when he made substantial misrepresentations regarding the Sellers Property Condition disclosure Statement; Kays violated Neb. Rev. Stat. §81-885.24(29) Demonstrating 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, when he made substantial misrepresentations regarding the Sellers Property Condition Disclosure Statement and failed to provide an agency disclosure form to the seller at the first practicable opportunity.</p>	<p>2018-033 – Michael J. Fix vs. Brian Eric Kays (continued)</p>		
<p>Slama violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430, when he failed to provide the current brokerage disclosure pamphlet to his client at the earliest practicable opportunity; Neb. Rev. Stat. § 76-2421 Licensee offering brokerage services; duties. (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of</p>	<p>2020-011 – Commission vs. Jason Thomas Slama</p>	<p>August 20, 2020</p>	<p>Stipulation and Consent Order entered August 20, 2020. License was placed on probation for a period of six (6) months. Probation begins September 19, 2020 and continues thru March 19, 2021; plus take an additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and License Law due February 20, 2021; plus pay a civil fine of \$1,000.00 by September 19, 2020.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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; when he failed to provide the current brokerage disclosure pamphlet to his client at the earliest practicable opportunity.</p>	<p>2020-011 – Commission vs. Jason Thomas Slama (continued)</p>		
<p>Buettner violated Neb. Rev. Stat. § 76-2418(1) A licensee representing a buyer or tenant as a buyer's or tenant's agent shall be a limited agent with the following duties and obligations: (a) To perform the terms of any written agreement made with the client; (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including: (i) Seeking a price and terms which are acceptable to the client, except that the licensee shall not be obligated to seek other properties while the client is a party to a contract to purchase property or to a lease or letter of intent to lease; (ii) Presenting all written offers to and from the client in a timely manner regardless of whether the client is already a party to a contract to purchase property or is already a party to a contract or a letter of intent to lease; (iii) Disclosing in writing to the client adverse material facts actually known by the licensee; and (iv) Advising the client to obtain expert advice as to material matters about which the licensee knows but the specifics of which are beyond the expertise of the licensee; (d) To account in a timely manner for all money and property received; (e) To comply with all requirements of sections 76-2401 to 76-2430, the Nebraska Real Estate License Act, and any rules and regulations promulgated pursuant to such sections or act;</p>	<p>2020-030 – Commission Vs. Susan Paulette Buettner</p>	<p>October 16, 2020</p>	<p>Stipulation and Consent Order entered October 16, 2020. License is placed on Probation for a period of six (6) months. Probation commences on November 15, 2020, and continues through May 15, 2021; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Contracts and License Law by January 14, 2021; plus pay a civil fine of \$750.00 due November 15, 2020.</p>

SECTION 81-885.24(16) - VIOLATING ANY PROVISION OF Section 73-2401 to 76-2430

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>and (f) To comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes or regulations, when she failed to provide Buyers' written offer to Seller in a timely manner; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430, when she failed to provide Buyers' written offer to Seller in a timely manner; violated Neb. Rev. Stat. § 81-885.24(20) Failing to deliver within a reasonable time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller, by not delivering the executed purchase agreement before it expired; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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, when she failed to provide Buyers' written offer to Seller in a timely manner.</p>	<p>2020-030 – Commission Vs. Susan Paulette Buettner (continued)</p>		
<p>Buettner violated Neb. Rev. Stat. § 76-2418(1) A licensee representing a buyer or tenant as a buyer's or tenant's agent shall be a limited agent with the following duties and obligations: (a) To perform the terms of any written agreement made with the client; (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including: (i) Seeking a price and terms which are acceptable to the client, except that the licensee shall not be obligated to seek other properties while the client is a party to a contract to purchase property or to a lease or letter of intent to lease; (ii) Presenting all written offers to and from the client in a timely manner regardless of whether the client is already a party to a contract to purchase property or is already a party to a contract or a letter of intent to lease; (iii) Disclosing in writing to the client adverse material facts actually known by the licensee; and (iv) Advising the client to obtain expert advice as to material matters about which</p>	<p>2020-030 – Commission vs. William Todd Buettner</p>	<p>October 16, 2020</p>	<p>Stipulation and Consent Order entered October 16, 2020. License is placed on Probation for a period of one (1) year. Probation commences on November 15, 2020, and continues through November 15, 2021; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Contracts and License Law by January 14, 2021; plus pay a civil fine of \$1,000.00 due November 15, 2020.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>the licensee knows but the specifics of which are beyond the expertise of the licensee; (d) To account in a timely manner for all money and property received; (e) To comply with all requirements of sections 76-2401 to 76-2430, the Nebraska Real Estate License Act, and any rules and regulations promulgated pursuant to such sections or act; and (f) To comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing and civil rights statutes or regulations, when he failed to present all written orders to and from the client in a timely manner; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430, by not presenting all written orders to and from the client in a timely manner; violated Neb. Rev. Stat. § 81-885.24(20) Failing to deliver within a reasonable time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller, by not delivering the executed purchase agreement before it expired to the Seller; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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, when he did not deliver the executed purchase agreement before it expired to the Seller.</p>	<p>2020-030 – Commission vs. William Todd Buettner (continued)</p>		
<p>Licensee's action of giving access to the buyers, prior to the closing of the property is a violation of Neb. Rev. Stat § 76-2418 (1). Where a licensee representing a buyer shall be a limited agent with the following duties and obligations: (a) to perform the terms of any written agreement made with the client; (b) to exercise reasonable skill and care for the client; (c) to promote the interest of the client with the utmost faith, loyalty, and fidelity, and Licensee violated Neb. Rev. Stat. § 81-885.24 (16) by violating sections 76-2401 to 76-2430 and Neb. Rev. Stat. § 81-885-24 (29) demonstrating negligence, incompetency, or unworthiness to act as a</p>	<p>2022-044 Kevin & Rebecca Pray vs. Anthony Nelson Terp and Kari Lynn Milford</p>	<p>November 9, 2023</p>	<p>License suspended for a period of one (1) year; with the first thirty (30) days to be served on suspension and the remainder served on Probation. Suspension to commence on December1, 2023 and continue through December 30, 2023.Probation to commence on December 31,2023, and continue through December 1, 2024; licensee ordered to pay a civil fine of \$2,000.00 due on February 7,2024; licensee ordered to</p>

SECTION 81-885.24(16) - VIOLATING ANY PROVISION OF Section 73-2401 to 76-2430

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section.</p>	<p>2022-044 Kevin & Rebecca Pray vs. Anthony Nelson Terp and Kari Lynn Milford (continued)</p>		<p>complete an additional six (6) hours of continuing education with three (3) hours in the area of license law and three (3) hours in ethics to be completed by May 7, 2024.</p>
<p>Licensee acted as a limited buyer's agent in a real estate transaction. Licensee communicated that the property was not in a fifty-five plus (55+) community when in fact the property was located in a fifty-five plus (55+) community causing the younger home buyer to be ineligible under the covenants to reside in the home, violating Neb. Rev. Stat. § 76-2418 (1), a licensee representing a buyer as a buyer's agent shall be a limited agent with the following duties and obligations; (a) to perform the terms of any written agreement made with the client, (b) to exercise reasonable skill and care for the client and (c) to promote the interest of the client with the utmost good faith, loyalty, and fidelity. Licensee's substantial misrepresentations regarding the covenants violated Neb. Rev. Stat. § 81-885.24 (22), substantial misrepresentation and 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a salesperson.</p>	<p>2022-032 Elaine Parman-Eagle Hollow Homeowners Association vs. Brandon G. Roseberry & Karalyn Marie Hoefer</p>	<p>January 18, 2024</p>	<p>Stipulation and Consent entered January 18, 2024. License suspended for a period of two (2) years; with the first thirty (30) days to be served on suspension and the remainder served on Probation. Suspension to commence on February 17, 2024, and continue through March 18, 2024. Probation to commence on March 19, 2024, and continue through February 17, 2026; licensee ordered to pay a civil fine of \$1,500.00 due on April 17, 2024; licensee ordered to complete an additional six (6) hours of continuing education, with three (3) in the area of license law and three (3) in the area of disclosures to be completed by July 16, 2024.</p>
<p>Licensee's Associate Broker's license will be Suspended for a period of (2) years, with the first 30 days served on suspension, and the remainder stayed and served on Probation. Suspension will commence on October 15, 2023 & continue until November 15, 2023. Probation will commence on November 16, 2023 and continues through November 16, 2025; Plus pay a civil fine of one thousand dollars (\$1000.00) due by December 14, 2023; Plus take additional continuing education classes, three (3) hours in the area of License Law and three (3) hours in the area of Disclosures, due by March 13, 2024.</p>	<p>2020-023 Christopher & Kerry Bylund vs. John J. Hanson</p>	<p>September 14, 2023</p>	<p>Licensee's Associate Broker's license will be Suspended for a period of (2) years, with the first 30 days served on suspension, and the remainder stayed and served on Probation. Suspension will commence on October 15, 2023 & continue until November 15, 2023. Probation will commence on November 16, 2023 and continues through November 16, 2025; Plus pay a civil fine of one thousand dollars (\$1000.00) due by December 14, 2023; Plus take additional continuing education classes, three (3) hours in the area of License Law</p>

SECTION 81-885.24(16) - VIOLATING ANY PROVISION OF Section 73-2401 to 76-2430

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Gatechenko violated Neb. Rev. Stat. § 76-2417(1)(a) a licensee representing a seller shall have the following duties and obligations to perform the terms of the written agreement made with the client, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 76-2417(1)(b) To perform the terms of the written agreement made with the client, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 76-2417 (1)(c) to comply with all requirements of section 76-2401 to 76-2430 of the Nebraska License Act, and any rules and regulations promulgated pursuant to such sections of the act, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 81-885.24 (16) commits unfair trade practices by "violating any provisions of 76-2401 to 76—2430 of the Nebraska License Act when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Title 299, Chapter 5-003.02 actions demonstrating negligence, incompetency, or unworthiness under section Neb. Rev. Stat. § 81-885.24 (29) conspiring with an applicant to represent to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparations of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon when he presented a fake offer to the Buyer's Agent; Title 299, Chapter 5-003.07 failure of a licensee to comply with the requirements set forth in Neb. Rev. Stat. Sections 76-2401 - 76-2430 when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the commission in the interest</p>	<p>2020-023 Christopher & Kerry Bylund vs. John J. Hanson (continued)</p>	<p>November 17, 2022</p>	<p>and three (3) hours in the area of Disclosures, due by March 13, 2024.</p>
<p>Gatechenko violated Neb. Rev. Stat. § 76-2417(1)(a) a licensee representing a seller shall have the following duties and obligations to perform the terms of the written agreement made with the client, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 76-2417(1)(b) To perform the terms of the written agreement made with the client, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 76-2417 (1)(c) to comply with all requirements of section 76-2401 to 76-2430 of the Nebraska License Act, and any rules and regulations promulgated pursuant to such sections of the act, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 81-885.24 (16) commits unfair trade practices by "violating any provisions of 76-2401 to 76—2430 of the Nebraska License Act when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Title 299, Chapter 5-003.02 actions demonstrating negligence, incompetency, or unworthiness under section Neb. Rev. Stat. § 81-885.24 (29) conspiring with an applicant to represent to any lender, guaranteeing agency, or any other interested party, either verbally or through the preparations of false documents, an amount in excess of the true and actual sale price of the real estate or terms differing from those actually agreed upon when he presented a fake offer to the Buyer's Agent; Title 299, Chapter 5-003.07 failure of a licensee to comply with the requirements set forth in Neb. Rev. Stat. Sections 76-2401 - 76-2430 when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the commission in the interest</p>	<p>2022-015 Kathryn Robin Allen vs. Joseph Vladimir Gatchenko</p>	<p>November 17, 2022</p>	<p>License to be suspended for a period of thirty-six (36) months, with the first one hundred and twenty (120) days served on suspension and the remaining suspension period stayed and served on probation. Suspension will commence on December 17, 2022 and continues through April 16, 2023. Probation shall commence on April 17, 2023 and continues through December 17, 2025; plus pay a civil fine of \$2000.00 due February 15, 2023; plus complete an additional six (6) hours of continuing education with three (3) hours in the area of ethics and three (3) hours in the area of contracts. These hours are due May 16, 2023; plus if Mr. Gatechenko violates any law administered by the Nebraska Real Estate Commission during the entirety of his suspension probationary period, it may result in a Show Cause proceeding being brought against him by the Commission, in which case, his Nebraska real estate salesperson's license may be suspended for the remainder of the probationary suspension period, and, in addition to or as an alternative to such suspension the Commission may, as a result of the findings of such hearing, impose any other sanctions as provided in the Nebraska Real Estate License Act;</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>of the public and consistent with the Nebraska Real Estate License Act when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 81-885.24 (20) failure to include a fixed date of expiration on a written listing agreement and failing to leave a copy of the agreement with the principal when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home that did not include an expiration date; Neb. Rev. Stat. § 81-885.24 (22) it is an unfair trade practice to make substantial misrepresentations when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home; Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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, when Mr. Gatchenko presented a fake offer to the Buyer's Agent to increase the sale price of the home</p>	<p>2022-015 Kathryn Robin Allen vs. Joseph Vladimir Gatchenko (continued)</p>		
<p>Stipulation and Consent Order entered on August 17, 2023. [Licensee's failure to collect and forward to the client the inspection report is a violation of Neb. Rev. Stat § 76-2418 (1) (b), Neb. Rev. Stat § 76-2418 (1) (c) (ii)," Neb. Rev. Stat. § 81-885.24 (16), Neb. Rev. Stat. § 76-2401 to 76-2430, Neb. Rev. Stat. § 81-885.24 (29).]</p>	<p>2021-021 Jason & Marketta Kemp vs. Keisha Chantel Davis</p>	<p>August 17, 2023</p>	<p>Licensee was placed on Probation for a period of one (1) year. Probation commenced on September 16, 2023, and continues through September 16, 2024; plus pay a civil fine of 2500.00 due by November 16, 2023; plus complete an additional three (3) continuing education hours in the area of license law which must be completed by February 15, 2024.</p>
<p>Stipulation and Consent Order entered August 20, 2020. Tiller violated Title 299 NAC 5-003.20 - Failure to disclose, in writing, to a buyer, at or prior to the time the buyer signs an Offer to Purchase, an adverse material fact regarding the condition of a parcel of real estate of which a broker or salesperson has knowledge. Said written disclosure shall be signed and dated by the buyer, and a copy of the signed and dated disclosure shall be maintained in the transaction file on that parcel of real estate in accordance with 299 NAC</p>	<p>2019-038 Commission vs. Rachel Hellen Tiller</p>	<p>August 20, 2020</p>	<p>License is suspended for a period of thirty (30) days which begins September 19, 2020, and continues thru October 19, 2020. Probation period of twenty-three (23) months begins October 20, 2020 and continues thru September 20, 2022; Tiller will need to take an additional six (6) hours of continuing education with three (3) hours each in the areas of Disclosure</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>3-001. An adverse material fact is one which significantly affects the desirability or value of the property, and which is not reasonably ascertainable or known to the buyer, when she failed to disclose to the buyer certain adverse material facts regarding the condition of the roof; Title 299 NAC 5-003.25 - Failure by a licensee who knows of an error, inaccuracy, or omission in a Seller Property Condition Disclosure Statement completed pursuant to Neb. Rev. Stat. Section 76-2,120 to disclose the error, inaccuracy, or omission, in writing, to a potential purchaser and the seller. Such disclosure shall be attached to the Seller Property Condition Disclosure Statement, when she knew of errors, inaccuracies, or omissions and did not disclose them in writing to the client; Neb. Rev. Stat. Section 76-2417(1)(b) A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the client, when she failed to disclose to the buyer certain adverse material facts regarding the condition of the roof; Neb. Rev. Stat. §81-885.24(16) - Violating any provision of sections 76-2401 to 76-2430, when she failed to disclose to the buyer certain adverse material facts; Neb. Rev. Stat. §81-885.24(26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act, when she failed to disclose to the buyer certain adverse material facts; Neb. Rev. Stat. §81-885.24(29) - Demonstrating 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; when she failed to disclose to the buyer certain adverse material facts regarding the condition of the roof.</p>	<p>2019-038 Commission vs. Rachel Hellen Tiller (continued)</p>		<p>and License Law due February 20, 2021; plus pay a civil fine of \$1,000.00 due on September 19, 2020</p>
<p>Licensee failed to exercise reasonable skill and care for his client, by his failure to present an offer and his refusal to communicate with his client, which is in violation of Neb.</p>	<p>2022-012 Mary Ahern vs. Robert Lawrence Cervený</p>	<p>November 9, 2023</p>	<p>Licensee placed on Probation for two (2) years. Probation will commence on December 9, 2023 and will continue</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Rev. Stat. § 76-2417 (1) (a), a licensee representing a seller as a seller's agent shall be a limited agent with the following duties and obligations, and perform the terms of the written agreement made with the client; Neb. Rev. Stat. § 76-2417 (1) (b), to exercise reasonable skill and care for the client; and Neb. Rev. Stat. § 76-2417 (1) (c) (ii), presenting all written offers to and from the client in a timely manner. Licensee violated Neb. Rev. Stat. § 81-885.24 (16), violating any provisions of sections 76-2401 to 76-2430; Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson</p>	<p>2022-012 Mary Ahern vs. Robert Lawrence Cerveny (continued)</p>		<p>through December 9, 2025; licensee ordered to pay a civil fine of \$2000.00 due on February 7, 2024; licensee ordered to complete an additional six (6) hours of continuing education, with three (3) hours in the area of license law and three (3) hours in the area of contracts to be completed by May 7, 2024</p>
<p>Stipulation and Consent Order entered into on October 12, 2023. [Licensee's failure to include the contract provision that the offer was subject to the buyer obtaining financing is a violated Neb. Rev. Stat. § 76-2418 (1)(a), § 76-2418 (1) (b), 762418 (1) (c) (i) and § 81-885.24 (16), Neb. Rev. Stat. § 81-885.24 (22) and § 81-885.24 (29).]</p>	<p>2022-024 Josh Heisinger vs. Ryan Patrick Hines</p>	<p>October 12, 2023</p>	<p>Licensee was Suspended for a period of (14) months, with the first 60 days served on Suspension, and the remainder stayed and served on Probation. Suspension will commence on November 12, 2023, and continue until January 11, 2024. Probation will commence on January 12, 2024, and continues through January 12, 2025, plus pay a civil fine of \$1,000.00 due by January 11, 2024; plus complete an additional three (3) hours of continuing education classes in the area of contracts which must be completed by April 10, 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</p>	<p>2023-002 Richard Erickson v. Tanya Ann Porter</p>	<p>August 17, 2023</p>	<p>License was revoked; plus pay a civil fine of \$2,500 due by November 16, 2023.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 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)		