

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

<b>VIOLATION</b>	<b>COMPLAINT</b>	<b>DATE OF ORDER</b>	<b>PENALTY</b>
Section 81-885.24(29) by demonstrating unworthiness to act as a Broker by pleading no contest to a charge of three counts of theft by unlawful taking.	89-060 - P.J. Morgan Co. and Daniel Vescio vs. Hoard James Rudloff	February 28, 1990	Salesperson's license revoked.
Section 81-885.24(29) by taking listings on property without listing specifying an expiration date.	90-008 - Commission vs. Barbara E. Dawson	April 11, 1990	Stipulation and Consent Order. Broker's license suspended for 15 days.
Section 81-885.24(29) by refusal to give principal information about prospects in connection with a listing.	90-007 - Commission vs. Dee Hansen	May 10, 1990	Stipulation and Consent Order. License censured.
Section 81-885.24(22) by making a substantial misrepresentation; Title 299, Ch. 5-003.17 failure to disclose to a buyer, a material fact regarding condition of parcel of real estate of which he has knowledge; Title 299, Ch. 5-003.19 failure to supervise associate Brokers or Salespersons; and 81-885.24(29) by demonstrating negligence and unworthiness to act as a Broker.	89-067, 89-069, 90-020, 90-026 - Schaeffer Petersen, Bastemeyer, Hathaway & Ammerman vs. Ralph Heavrin and Gerald Fischer	September 24, 1990	<u>Heavrin</u> : Suspend 6 months. <u>Fischer</u> : Suspend 3 months.
Section 81-885.24(29) by failing to disclose lawsuit against him on renewal application.	90-024 - Commission vs. Arlan D. Bartlin	September 24, 1990	Stipulation and Consent Order. Salesperson's license suspended for 60 days.
Section 81-885.24(29) and 81-885.21 by demonstrating negligence and incompetency to act as a Broker and in failing to maintain a proper Trust Account.	90-025 - Commission vs. W. Jim Ortmeier	November 28, 1990	Suspend 30 days, stayed and served on probation.
<u>Brake</u> : Section 81-885.24(29) by demonstrating negligence. <u>Francis</u> : Section 81-885.24(7) by representing a Broker, other than employer, without knowledge and consent of employer; 81-885.24(29) by demonstrating unworthiness to act as a Salesperson; 81-885.24(14) by negotiating a listing directly with an owner if he knows owner has written outstanding listing contract granting exclusive agency with another Broker.	90-021, 90-022 - Sharon Wright vs. Timothy Francis and Eugene Brake	December 28, 1990	<u>Brake</u> : License censured. <u>Francis</u> : Stipulation & Consent Order. License suspended for 90 days.
Section 81-885.24(29) by failing to deposit earnest money in Trust Account in time allowed, thus demonstrating incompetence, negligence and unworthiness to act as a Broker.	90-018 - Commission vs. Wayne Kiltz	February 6, 1991	Order of Censure.
Section 81-885.24(29) by demonstrating unworthiness to act as an associate Broker by withdrawing trust funds without consent of Broker.	90-054 - Shirley Harrel vs. Clyde W. Miller	February 21, 1991	Stipulation and Consent Order. Broker's license suspended for 1 year with last 180 days stayed and served on probation.
Section 81-885.24(9)(23)(24)(29). Dual capacity of buyer and licensee without disclosing same and not delivering	90-032, 90-033 -Decker, Brodd and Roth vs. Doug Washburn	March 21, 1991	Broker's license suspended 90 days with last 30 days stayed and served on

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funds to broker.	90-032, 90-033 -Decker, Brodd and Roth vs. Doug Washburn (continued)		probation.
Section 81-885.24(3) and (24) by failing to account for and remit money coming into his possession and by failing, as an associate Broker, to place, as soon after receipt as practical, in the custody of his employing Broker, and deposit money entrusted to him and by demonstrating negligence to act as an associate Broker in violation of 81-885.24(29).	91-009 - Commission vs. Charles D. DeVetter, Jr.	May 22, 1991	Stipulation and Consent Order. License suspended for 30 days, set aside and on probation.
<u>Richter</u> : Section 81-885.24(22) (29). Richter misrepresented buyer could assume loan when knew could not qualify. <u>Kean</u> : Section 81-885.24(29). Kean should have known buyer could not qualify.	90-038 - Randy & Stephanie Bruning vs. Edna Richter & Tom Kean	June 3, 1991	<u>Kean</u> : Suspended 15 days. <u>Richter</u> : Suspended 60 days.
Section 81-885.24(29) by demonstrating unworthiness by advertising 2 open houses to be held simultaneously and leaving an unlicensed person to distribute information at one address while he attended at another address.	91-010 - Commission vs. Carl L. Bartlett	August 7, 1991	Stipulation & Consent Order. License suspended for 1 year with last 11 months stayed and served on probation, followed by 1 year additional probation.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker and Ch. 5-003.01 by handling a real estate transaction when licensee has not been involved in the sale.	91-018 - Commission vs. John C. Thor	August 21, 1991	Stipulation and Consent Order. License suspended for 4 months with no renewal of license.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker by entering into contracts to purchase real estate without earnest deposits being made within 48 hours of receipt and deposit not forwarded to listing Broker in a timely manner.	91-013 - Commission vs. Thomas Patrick McNally	August 26, 1991	Stipulation and Consent Order. License suspended for 6 months followed by 18 months probation.
Section 81-885.24(24) and (29) and Title 299, Ch. 5-003.10 by accepting other than cash or an immediately cashable check as earnest deposit, by failing as a Salesperson to place, as soon as possible after receipt, in the custody of employing Broker, any deposit money and by demonstrating negligence and incompetency to act as a Salesperson.	91-031 - Commission vs. George E. Murray	August 28, 1991	Stipulation and Consent Order. License suspended for 60 days.
Section 81-885.24(18) by paying commission or compensation to unlicensed person and 81-885.24(29) by demonstrating negligence and Ch. 5-003.11 and 003.19 by failing to deposit earnest money in a timely manner.	91-032 - Commission vs. Ronald F. Finkel	October 1, 1991	Stipulation and Consent Order. License suspended for 45 days followed by 10 1/2 months of probation.
Ch. 3-002 by having deficient Trust Account records; 81-885.24(29) by demonstrating negligence.	91-041 - Commission vs. William F. Charbonneau	October 23, 1991	Stipulation and Consent Order. License censured.

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Section 81-885.24(14) by negotiating a listing agreement directly with the owners of a parcel of property when Respondent knew or should have known that such property was exclusively listed with another Broker; and 81-885.24(29) by demonstrating negligence.	92-042 - Commission vs. Raymond William Dibelka	October 30, 1991	Stipulation and Consent Order. License censured.
Section 81-885.24(20) by failing to advise buyers of an amendment to a Purchase Agreement; 81-885.24(21) by failing to deliver to buyer in a timely manner a complete and detailed closing statement; and 81-885.24(29) by demonstrating unworthiness to act as a real estate Broker.	91-024 - Commission vs. Allan D. Woodward	November 26, 1991	Stipulation and Consent Order. License suspended for 6 months, then on probation 1 year & 6 months.
Chapter 5-003.19 by failing to supervise a Salesperson in his employ; and 81-885.24(29) by failing to have the sellers of the property initial a change in the Purchase Agreement.	91-051 - Commission vs. Marvin B. Bowhay	February 21, 1992	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by failing to have the sellers of the property initial a change in the Purchase Agreement.	91-052 - Commission vs. Matha C. Hollinrake	February 21, 1992	Stipulation and Consent Order. License censured.
Section 81-885.24(22) and (29) by making substantial misrepresentations and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson by failing to properly exercise her duties as a notary public.	91-063 - Commission vs. Sally A. Vinson	February 25, 1992	Stipulation and Consent Order. License suspended for 12 months with last 6 months stayed and served on probation; 12 hours additional education; and voluntarily relinquish notary public commission.
Section 81-885.24(22) and (29) by making substantial misrepresentations and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson by failing to properly exercise her duties as a notary public.	91-064 - Commission vs. Terry A. Dunford	February 25, 1992	Stipulation and Consent Order. License suspended for 12 months with last 6 months stayed and served on probation; 12 hours additional education; and voluntarily relinquish notary public commission.
Section 81-885.19 by failing to display the license of all associate Brokers and Salespersons in her employ, and 81-885.24(29) by demonstrating negligence to act as a Broker.	92-003 - Commission vs. Janice Speck-Van Newkirk	April 27, 1992	Stipulation and Consent Order. License censured.
Section 81-885.21 by failing to maintain a separate account in his name or name under which he does business as a Trust Account for down-payments, earnest money deposits or other trust funds received until transactions closed, and 81-885.24(29) by demonstrating negligence to act as a Broker.	92-004 - Commission vs. John Merlin Van Newkirk	April 27, 1992	Stipulation and Consent Order. License censured.
Section 81-885.24(26) and 299 NAC 5-003.07 by failing to obtain a written acknowledgment disclosing the licensees involved in the transaction were agents of and representing the seller; and 81-885.24(29) by demonstrating negligence	92-031 - Commission vs. Delbert E. Peterson	September 1, 1992	License revoked.

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by failing to assist the seller in the establishment of the escrow account or in the closing of the sale of the real estate.	92-031 - Commission vs. Delbert E. Peterson (continued)		
Section 81-885.21(1) and (6) by failing to deposit monies or hold monies in a Trust Account until the transaction was consummated; 81-885.24(26) and NAC 5-003.07 and 5-003.19 by failing to obtain a written acknowledgment disclosing the licensees involved in the transaction were agents of and representing the seller and by failing to supervise a Salesperson in her employ; and 81-885.24(29) by demonstrating negligence to act as a Broker.	92-032 - Commission vs. Joanne E. Peterson	September 1, 1992	Revoked.
Section 81-885.24(29) by demonstrating negligence to act as a Broker.	92-024 - Commission vs. Samuel Murante	September 15, 1992	Stipulation and Consent Order. License suspended for 30 days.
Section 81-885.24(7) by representing himself as an independent Broker, other than his employer, without knowledge or consent of his employer; 299 NAC 3-002 and 3-003 by failing to maintain an accurate bookkeeping system and failing to deposit rents and security deposits in an insured non-interest bearing checking account in the name under which he does business; 81-885.24(4) by commingling monies of his principals with that of his own; and 81-885.24(29) by demonstrating unworthiness to act as a real estate Broker.	92-050 - Commission vs. Charles Lloyd Elson	October 28, 1992	Stipulation and Consent Order. License censured.
Section 81-885.21(1), 81-885.24(5) and Ch. 3-007 by failing to maintain and deposit in a separate non-interest-bearing checking account all money received by a Broker acting in such capacity or as escrow agent or the temporary custodian of the funds of others in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing and by demonstrating incompetency and unworthiness to act as a real estate Broker in violation of 81-885.24(29) by failing to disclose to the purchaser that all licensees involved in the transactions are agents of and representing the seller.	92-048 - Commission vs. Patrick George Payne	November 12, 1992	Stipulation and Consent Order. 6 months probation; plus 9 hours additional continuing education.
Section 81-885.24(24) and Ch. 5-003.11 by failing to place as soon after receipt as practical in the custody of his or her employing Broker any deposit money or other money or funds entrusted to her by any person dealing with her as a representative of her licensed Broker, and by failing to disclose to the purchaser that all licensees involved in the	92-049 - Commission vs. Janice R. Boan	November 12, 1992	Stipulation and Consent Order. 6 months probation plus 9 hours additional continuing education.

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transactions are agents of and representing the seller, and by demonstrating negligence, incompetency and unworthiness to act as an associate Broker in violation of 81-885.24(29).	92-049 - Commission vs. Janice R. Boan (continued)		
Section 81-885.24(29) by demonstrating incompetency to act as a Broker	91-006 - Commission vs. John Wayne Klein	December 17, 1992	Suspend 2 years with last 18 months stayed and served on probation.
Section 81-885.24(29) by demonstrating negligence to act as a Broker by obtaining and employing an incorrect and incomplete legal description of property.	92-023 - Commission vs. Jeanine Kenworthy	January 14, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(22) by substantial misrepresentation to the buyers that the Respondent had authority to sell the real estate to them; 81-885.24(22) by making a substantial misrepresentation to the buyers in failing to notify the buyers that the property was no longer insured against fire; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a real estate Broker.	92-052 - Commission vs. James D. Sanders	January 14, 1993	Stipulation and Consent Order. License suspended for 1 year with last 6 months stayed and served on probation.
Section 81-885.24(29) and Title 299, Ch. 5-003.17 by failing to disclose to a buyer a material fact regarding the condition of a parcel of real estate of which the Salesperson had knowledge.	92-070 - Commission vs. Daniel Alan Spence	February 18, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(20) and (29) by demonstrating negligence, incompetency or unworthiness to act as a Broker by failing to deliver to the buyers within a reasonable time a completed copy of an addendum to a Purchase Agreement, and a Purchase Agreement.	92-042 - Commission vs. Charles DeVetter, Jr.	February 25, 1993	Suspend 60 days with last 30 days stayed and served on probation.
Ch. 5-003.07 and 81-885.24(29) by failing to disclose to the buyers and sellers that all licensees involved in the transactions were agents of and representing the seller, and by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-007 - Commission vs. Dave Davidson	March 24, 1993	Stipulation and Consent Order. Probation of 120 days, with additional 6 hours continuing education.
Section 81-885.24(11)(12)(14)(29) by placing a sign on property offering it for sale or rent without the written consent of the owner or his or her authorized agent; offering real estate for sale or lease on terms other than those authorized by the owner or his or her authorized agent; negotiating a lease of real estate directly with the owner or lessor, fully knowing that said owner and lessor had a written outstanding listing contract granting an exclusive agency to another Broker to sell or lease said property; and by said acts, demonstrating negligence, incompetency or	91-055 - IOC Realty Specialist, Inc. vs. Lucille Anne Champion	April 8, 1993	Revoked.

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unworthiness to act as a Broker.	91-055 - IOC Realty Specialist, Inc. vs. Lucille Anne Champion (continued)		
Ch. 5-003.17 by failing to disclose to a buyer a material fact regarding the condition of a parcel of real estate of which she had knowledge; and by said act, violated 81-885.24(29) by demonstrating incompetency.	92-061 - Tina Kilpatrick vs. Kae L. Myers	April 13, 1993	Suspend 90 days with said suspension stayed and served on probation.
Section 81-885.24(29) by demonstrating negligence to act as a Broker.	92-071 - Commission vs. David Joseph Egan	April 27, 1993	Order of Censure.
Section 81-885.21(2)(4) by depositing funds of property owners into an account not registered with the Commission; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-011 - Commission vs. Richard Lee Svoboda	May 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.21(1) by disbursing part of an earnest deposit to a seller while contract was still pending without written authorization; Title 299, Ch. 3-002 by failing to keep Trust Account records in a form so it could be examined by Commission staff; Ch. 3-006 by failing to deposit an earnest deposit in a timely manner; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker; and 81-885.24(19) by failing to include a fixed date of expiration on a listing agreement.	92-078 - Commission vs. Bennie C. Taylor	June 8, 1993	Suspend 24 months with last 18 months stayed and served on probation, provided 12 additional hours of continuing education are completed during said 6 months of active suspension.
Section 81-885.24(22) by knowingly participating with others to circumvent prohibitions in the submission of bids on HUD properties, thereby making substantial misrepresentations; and 81-885.24(29) as such conduct demonstrates negligence, incompetency or unworthiness to act as a Broker.	92-074 - Commission vs. George Ronald Geringer	September 21, 1993	Revoked.
Section 81-885.24(29) by demonstrating negligence, incompetency and unworthiness to act as a Broker by allowing a transaction to close without making provisions for payment of outstanding bills.	93-003 - Douglas Deterding vs. Timothy C. Plate	October 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by demonstrating negligence to act as a Salesperson; and Title 299, Ch. 5-003.08 by failing to inform seller in writing at the time the offer was presented and accepted as to who was expected to pay certain closing costs and loan closing and financing costs related to the construction loan financing and contract.	93-022 - Commission vs. John Howard Larson	October 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by demonstrating negligence, incompetency and unworthiness to act as a Broker by	93-030 - Commission vs. Rudolf F. Plate	October 26, 1993	Stipulation and Consent Order. License censured.

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allowing a transaction to close without making provisions for payment of outstanding bills.	93-030 - Commission vs. Rudolf F. Plate (continued)		
Section 81-885.24(29) by demonstrating negligence, incompetency and unworthiness to act as a Broker, associate Broker, or Salesperson in obtaining the TRW credit file of the Complainant.	93-031 - Dean D. Hughson vs. John D. Waldbaum	October 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(11) by placing a for sale sign on the property without written authorization from the owners; Title 299, Ch. 5-003.16 and 5-003.08 by failing to submit a written offer to the owners and failing, without just cause, to surrender unto the rightful owner, upon demand, a copy of the title insurance policy purchased in connection with said property; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-053 - Commission vs. Donald R. Washburn	October 26, 1993	Stipulation and Consent Order. License suspended for 45 days.
Section 81-885.24(28)(29) by pleading guilty to a Class III Felony for Theft in excess of \$1,500.00.	93-054 - Commission vs. Kurt Alan Hohenstein	October 26, 1993	Stipulation and Consent Order. License revoked.
Section 81-885.24(14)(29) by negotiating a co-listing agreement with the owner of property when he knew that such owner had a written outstanding listing contract in connection with such property with another Broker and by demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-038 - Norm Green Realty & Auction vs. Ken Kunze	December 9, 1993	Suspend 6 months with first 2 weeks served on suspension and remainder of 6 months stayed and served on probation.
Section 81-885.24(3)(6)(29) and Title 299 Ch. 3-002 by failure to maintain an adequate Trust Account.	93-029 - Commission vs. Arthur C. Antony	December 10, 1993	Suspend 2 years with said suspension stayed and served on probation.
Title 299, Ch. 3-002 by failing to maintain an accurate bookkeeping system; and 81-885.24(29) by said actions demonstrating negligence, incompetency or unworthiness to act as a Broker.	93-062 - Commission vs. Kenn A. Maples	February 24, 1994	Stipulation and Consent Order. License censured.
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 Act; Ch. 5-003.09 by failing to advise the owner that the earnest deposit would not be submitted at the time of the offer; 81-885.24(24) by failing to place in the custody of his employing Broker any deposit money entrusted to him by any person dealing with him as the representative of his licensed Broker; and 81-885.24(29) by said actions demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	94-005 - Commission vs. Jeriel Lee Weatherford	March 15, 1994	Stipulation and Consent Order. License suspended for 90 days with last 45 days stayed and served on probation, plus three hours additional continuing education.

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299 NAC 5-003.16 by failing to disclose material facts to purchasers of which he had knowledge; and 81-885.24(29) by committing acts demonstrating negligence.	93-040 - Michael Mattison and Julie C. Walstrom vs. Larry Geiger	March 30, 1994	License suspended 30 days, with suspension stayed and served on probation.
Section 81-885.24(29) by accepting an incomplete listing agreement.	93-035 - Commission vs. K. Carol Leisey	May 4, 1994	Censured.
Section 81-885.24(19) by failing to include a fixed date of expiration in any written listing agreement and failing to leave a completed copy of agreement with principal; and 81-885.24(4) by commingling property with his own property; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness.	93-036 - Commission vs. Charles DeVetter, Jr.	May 4, 1994	Suspended for 3 years with last 2 2 years stayed and served on probation, plus attend a business ethics course.
Section 81-885.21(1)(6) and 81-885.24(26)(29) and Title 299 NAC Ch. 3-006 and 5-003.13 Trust Account violations.	94-019 - Commission vs. Rudolf F. Plate	June 8, 1994	Stipulation and Consent Order. License suspended 1 year, with first 60 days served on suspension and the remainder stayed and served on probation, plus additional 6 hours of continuing education, 3 hours in Trust Accounts and 3 hours in license law.
Section 81-885.24(29) by demonstrating negligence.	93-001 - Mark and Caren Woodruff vs. Ken Jansen and Helga Withem	June 14, 1994	Order of Censure.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness.	94-010 - Keith K. Anderson vs. John M. Weddle	June 14, 1994	Order. License revoked.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	93-061 - Eugene Mohr & Jayne Mohr vs. Nathan Egger	June 22, 1994	Stipulation and Consent Order. License revoked.
Section 81-885.24(29) by demonstrating negligence to act as a Salesperson.	94-012 - Randall & Denise Ives vs. Katharine Lockett	June 22, 1994	Stipulation and Consent Order. License censured.
Section 81-885.24(7) by representing, or attempting to represent, a real estate Broker, other than her employing Broker, without the express knowledge and consent of the employer; and 81-885.24(29) by demonstrating negligence to act as a Salesperson.	94-028 - Kimball & Associates...,Bill Kimball vs. Diane L. Richters	September 28, 1994	Stipulation and Consent Order. License censured.
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 Act; Title 299, NAC 5-003.13 by failing to deposit funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted; Title 299, NAC 3-006 by failing to deposit an earnest money payment into his Trust Account within 48 hours or before the end of the next banking day after an	94-032 - Commission vs. Gary Thomas Thompson	September 28, 1994	Stipulation and Consent Order. License suspended for 60 days, with entire 60 days stayed and served on probation, plus additional 3 hours of Trust Account education.

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offer is accepted, and then forthwith transferring such earnest money deposit to the listing Broker; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as the Broker when he failed to maintain a proper accounting system as evidenced by his failure to balance the check register after each entry, to date all receipts and disbursements, to include check numbers on all disbursements, to have a written bank reconciliation each month showing all outstanding checks, to post checks daily, and to keep ledgers separate from the files.	94-032 - Commission vs. Gary Thomas Thompson (continued)		
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 Act by violating 299 NAC 5-003.13 by failing to deposit any funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker when he failed to make the deposits as required.	94-053 - Commission vs. Donald Louis Sempek	November 21, 1994	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Broker; and Title 299, Ch. 5-003.21, failure by a Broker to supervise her Salesperson.	94-057 - Commission vs. Carole F. Crabtree	January 25, 1995	Stipulation and Consent Order. License suspended for 45 days, followed by 115 days probation, plus 3 hours additional continuing education in real estate law.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	94-056 - Commission vs. Kimberly Ann Hoffmann	January 25, 1995	Stipulation and Consent Order. License suspended for 30 days, plus 3 hours additional continuing education in real estate law.
Section 81-885.24(26) by violating a rule or regulation of the Commission; NAC 299 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; 81-885.24(29) by demonstrating negligence to act as a Broker.	94-064 - Commission vs. Janice Eve Sauer	February 28, 1995	Stipulation and Consent Order. License censured.
Section 81-885.24(3) by failing to account for and remit any money; 81-885.24(20) by failing to deliver Purchase Agreement within a reasonable time; 81-885.24(24) by failing to place any deposit money in custody of his employing Broker as soon after receipt as possible; 81-885.24(29) by demonstrating negligence, incompetency, or	95-001 - Commission vs. John Chapman Bussey	May 9, 1995	Stipulation and Consent Order. 30 day suspension, with last 15 days stayed and served on probation.

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unworthiness to act as a Broker.	95-001 - Commission vs. John Chapman Bussey (continued)		
Section 81-885.24(29) by demonstrating negligence in applying a seal to plans without the engineer's knowledge.	95-002 - Commission vs. Lynne Scott Prout	May 30, 1995	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by failing to transmit Complainant's offer in a timely manner and by failing to return earnest deposit in a timely manner, thereby demonstrating negligence in acting as a Salesperson.	93-057 - Arthur and Berdene Wagner vs. Terry Geistlinger	April 5, 1994 August 2, 1995	License suspended 30 days. Appeal dismissed.
Section 81-885.24(29) by demonstrating negligence to act as a Broker; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public consistent with the Nebraska Real Estate License Act; and Title 299 NAC Ch. 5-003.22 by failing to supervise his Salesperson.	95-019 - Commission vs. Richard Lee Svoboda	October 24, 1995	Stipulation and Consent Order. Two years probation during which time he may not manage real estate owned exclusively by others; plus an additional 12 hours continuing education completed within 9 months; and Trust Account records shall be kept current and accurate and will be subject to examination by the Commission at any time.
Title 299 NAC 5-003.18 by refusing to reduce an offer to writing because the verbal offer had been previously rejected.	95-026 - Robert R. Kennedy and Mary A. Kennedy vs. Arthur Hysell	October 24, 1995	Stipulation and Consent Order. License censured.
Section 81-885.24(29) by demonstrating negligence by receiving a listing from someone other than sellers; placing a for sale sign without written authorization from the sellers; failing to pre-qualify the purchasers; and failing to obtain the \$1,000.00 earnest money.	95-035 - Irwin L. Nelson & Jeanette M. Nelson vs. Swanson Real Estate, Kaylene Swanson	December 11, 1995	Stipulation and Consent Order of Censure - 90 day suspension, with the entire 90 days stayed and served on probation; plus an additional 6 hours continuing education completed within 9 months.
Section 81-885.24(22) by making substantial misrepresentation to the buyers; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	94-068 - Lowell D. & Deborah S. Nelson vs. Daniel Spence	January 31, 1996	License suspended 90 days, with last 60 days stayed and served on probation; plus additional 12 hours of continuing education, to include at least one Ethics course.
Section 81-885.24(19) by failing to leave a copy of the addendum to the listing agreement; 81-885.24(12) by offering real estate for sale on terms other than authorized by the owner or authorized agent; and 81-885.24(25)(29) by filing a document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the Title to real estate when no valid claim exists and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	95-043 - Commission vs. Robert W. Tallichet	March 1, 1996	License suspended for three (3) months, with the suspension being served from March 1 through March 15, 1996 and the remainder served on probation; plus additional 12 hours of continuing education.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

<b>VIOLATION</b>	<b>COMPLAINT</b>	<b>DATE OF ORDER</b>	<b>PENALTY</b>
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness by encouraging buyers to void an offer to purchase.	96-018 - Commission vs. Rex Nelson Blakely	April 29, 1996	Stipulation and Consent Order. License censured.
Chap. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser, or to the agent of the purchaser; Ch.5-003.11 and 5-003.10 by failing to provide the purchaser a written estimate of the costs the purchaser will be expected to pay at closing when the necessary cost information was reasonably available, by failing to obtain a buyer or seller signature, and further, by failing to maintain evidence of such records in her transaction file in accordance with NAC 3-001; 81-885.24(29) by demonstrating negligence to act as a Broker.	95-048 - Patrick and Rebecca Burns vs. Alvina Becker, 96-005 - Commission vs. Alvina Marie Becker	April 30, 1996	Stipulation and Consent Order. License suspended for two-years, with said suspension being served on probation from April 30, 1996 through April 29, 1998; plus two additional sets of 12 hours of continuing education to be completed by October 30, 1996 and April 29, 1998.
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a real estate Salesperson.	95-016 - Cheryl Peterson vs. Wink Mundorf	May 13, 1996	Order of Censure, with 6 hours of continuing education in the area of contract law to be completed within 12 months.
Section 81-885.24(22) by substantial misrepresentation; 81-885.24(26) by failing to produce a document in the Respondent's possession or under his control concerning a real estate transaction under investigation by the Commission; Ch. 5-003.17 by violating rules or regulations adopted and promulgated by the Commission; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness.	95-054 - Commission vs. Scott W. Bloemer	July 1, 1996	License revoked. Motion for New Hearing and Stay of Execution denied - July 22, 1996.
Section 81-885.24(22) by advising buyer that offer was accepted but that sellers needed a little time to find a house; 81-885.24(20) by failing to deliver within a reasonable time, a completed and dated copy of the Purchase Agreement; and 81-885.24(29) by demonstrating negligence to act as a Salesperson.	96-021 - Brian Schaecher vs. Teri Ann Medelman	June 28, 1996	Stipulation and Consent Order. License suspended 30 days with an additional 6 hours of continuing education in license and contract law to be completed within 6 months.
Section 81-885.24(3) in failing to account for and remit funds in Respondent's possession and belonging to Nevander; 81-885.24(26) and specifically Ch. 3-003 in failing to properly identify funds received from Nevander for payment of expenses; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness.	96-032 - Nevander Asset Management Inc., Dennis Watts vs. Robert L. Pelshaw	January 22, 1997	Stipulation and Consent Order. License suspended 2 years.
Section 81-885.24(22) by making substantial misrepresentation and Section 81-885.24(29) by	96-044 - Don & Beverly Hamill vs. Larry Geiger, broker.	March 20, 1997	License revoked.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
demonstrating negligence, incompetency or unworthiness to act as a broker.) Appealed to Lancaster County District Court. Commission decision affirmed.	96-044 - Don & Beverly Hamill vs. Larry Geiger, broker. (continued)		
Section 81-885.24(22) by making a substantial misrepresentation; 81-885.24(26) by violating a rule or regulation adopted by the Commission, to wit: Ch. 5-003.13 by accepting other than cash or cashable check as earnest money; Ch. 5-003.10 by failing to give Sellers closing costs & failing to prepare an estimate or have one signed; Ch. 5-003.11 by failing to give purchaser closing costs & failing to prepare an estimate or have one signed; Ch. 5-003.14 by failing to deposit earnest money in 48 hours; Ch. 3-006 by failing to deposit earnest money in her trust account in 48 hours & failing to transfer it to the listing broker; Ch. 5-003.24 by failing to give a copy of disclosure statement to the purchaser or get it signed; Ch. 5-003.23 by failing give disclosure statement to the purchaser or their agent; 81-885.24(5) by failing to maintain and deposit all money received by a broker; and 81-885.24(29) by demonstrating unworthiness to act as a Broker.	96-046, 97-010 - Commission vs. Jillian Ann Currie	March 20, 1997	Stipulation and Consent Order. License suspended 45 days, plus 6 hours additional continuing education, 3 hours in trust accounts and 3 hours in written disclosures.
Section 81-885.24(26) by violating a rule or regulation, to wit: Ch. 5-003.14 by failing to deposit earnest money in 48 hours, Ch. 3-006 by failing to transfer money to listing broker, Ch. 5-003.04 by failing to give seller an estimate of closing costs or have it signed, Ch. 5-003.10 by failing to give seller an estimate of closing costs or have it signed, Ch. 5-003.11 by failing to give buyer an estimate of closing costs or have it signed, Ch. 5-003.07 by failing to comply with 76-2401 through 76-2430 in the following: 76-2420 by failing to adopt a written agency policy; 76-2421 by failing to properly complete or retain an agency pamphlet, Ch. 5-003.23 or Ch. 5-003.24 by failing to deliver a copy of the disclosure statement to the purchaser & get a signed receipt, Ch. 3-002 by failing to maintain a bookkeeping system; 81-885.21 by failure to notify Commission of a trust account; 81-885.24(3) by failing to account for other's money; 81-885.24(5) by failing to deposit all money; 81-885.24(22) by making substantial misrepresentation; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.	97-003 - Commission vs. Cameron Houston Thomas	April 1, 1997	Stipulation and Consent Order. License suspended one year; plus an additional 9 hours continuing education, 3 hours in trust accounts, 3 hours in disclosures, and 3 hours in license law.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(5) by failing to maintain & deposit in a separate account all money received in a real estate transaction; 81-885.24(26) by violating a rule or regulation adopted by the Commission, to wit: Ch. 3-002 by failing to maintain an accurate bookkeeping system; Ch. 3-004 by paying monies out of the trust account prior to the time they are due; Ch. 5-003.07 and 5-003.08 by failing to comply with 76-2401 through 76-2430 in the following: 76-2422(24) by acting as a dual agent without obtaining the written agreement of the seller & the buyer; Ch. 5-003.10 by failing give sellers those categories of cost they will be expected to pay at closing & to prepare an estimate; Ch. 5-003.11 by failing to give prospective purchaser those categories of cost the purchaser will be expected to pay at closing & by failing to prepare an estimate; Ch. 5-003.14 by failing to deposit earnest money in 48 hours; Ch. 5-003.12 by failing to supervise his salesperson; and 81-885.24(29) by demonstrating negligence or unworthiness to act as a Broker.	97-005, 97-006 - Commission vs. Harold S. Kaufman	April 17, 1997	Stipulation and Consent Order. License suspended two years, with entire period served on probation, plus 12 hours additional continuing education, 3 hours in license law, 6 hours in bookkeeping, and 3 hours in disclosures.
Section 81-885.24(2) by intentionally using advertising which misrepresents the services of the business conducted; 81-885.24(22) by making substantial misrepresentation to the owners regarding the advertising; and 81-885.24(29) by demonstrating negligence.	96-040 - Marylou Mele vs. Linda Miller, 96-045 - Commission vs. Linda Eileen Miller & Loretta M. Eppley	April 17, 1997	Stipulation and Consent Order. Licenses suspended twelve months, with entire period served on probation.
Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interests of the public and consistent with the Nebraska Real Estate License Act to include: Ch. 5-003.01 by preparing a land contract without having it approved by an attorney; and Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2418(c)(iv) by failing to advise the buyers to obtain expert advice regarding drafting of a land contract and closings, the expertise which is beyond the expertise of the Respondent; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Salesperson.	97-007 - Commission vs. Russell Dean Lefever	June 18, 1997	License Revoked.
Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public inconsistent with the Nebraska Real Estate License Act, to wit: Title 299, NAC, Ch. 3-002 by failing to	97-002 - Commission vs. Janice Eve Sauer	June 18, 1997	Stipulation and Consent Order. License suspended 18 month, to be served on probation. As a condition of probation, Respondent must not violate the License

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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 in writing to the seller, at the time the offer is presented and accepted, those closing costs the seller will be expected to pay at closing, and by failing to obtain seller's signature; Ch. 5-003.11 by failing to identify in writing at the time an offer is written or a counter-offer accepted, those closing costs the buyer will be expected to pay at closing, and by failing to obtain the buyer's signature; Ch. 5-003.24 by failing to obtain the signed receipt of the buyer on the Seller Property Condition Disclosure Statement prior to the buyer entering into a Purchase Agreement; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.	97-002 - Commission vs. Janice Eve Sauer (continued)		Act or laws governing agency, and the Respondent must, complete 6 hours of continuing education within 6 months, 3 hours in disclosures and 3 hours in trust accounts.
Section 81-885.12 by having made a false statement of material fact on his Application for License as a Real Estate Salesperson and his Application for Annual Renewal of Real Estate License; 81-885.24(22) by making substantial misrepresentation on his Application for License as a Real Estate Salesperson and his Application for Annual Renewal of Real Estate License; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a real estate Salesperson.	97-022 - Commission vs. Paul E. Busch	August 20, 1997	License Revoked.
Section 81-885.24(19) by violating a rule or regulation adopted by the Commission; Ch. 3-002 by failing to maintain an accurate bookkeeping system, Ch. 5-003.07 by failure to comply with 76-2410 through 76-2430, to wit: 76-2421 by failing to properly complete and retain an agency pamphlet, 76-2420 by failing to adopt a written agency policy, Ch. 5-003.08 by failing to write a disclosure on dual agency in accordance with 76-2422(4) by not having a written agreement of the seller & buyer or landlord & tenant permitting the designated broker to serve as a dual agent, Ch. 5-003.10 by failing to give seller closing costs & failing to prepare a written estimate or have one signed, Ch. 5-003.11 by failing to give purchaser closing costs & failing to prepare a written estimate or have one signed, Ch. 5-003.14 by failing to deposit earnest money in 48 hours, Ch. 5-003.22 by failing to supervise, Ch. 5-003.23 by failing to	97-036 - Commission vs. Glenda Harders	August 19, 1997	Stipulation and Consent Order. License suspended two years, plus 6 hours continuing education, 3 hours in agency law and 3 hours in trust accounts.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
give a copy 81-885.24(29) by demonstrating negligence, incompetency, of the disclosure statement to the purchaser or their agent, Ch. 5-003.24 by failing to give a copy of the disclosure statement to the purchaser or get signed receipt, or unworthiness to act as a Broker.	97-036 - Commission vs. Glenda Harders (continued)		
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as an associate Broker.	97-025 - Lincolnland Realty Co. vs. Rosemary Horner	October 30, 1997	License Censured.
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a real estate Broker.	97-033 - Darron S. & Kelley M. Boltin vs. Sue Parascand	December 10, 1997	License Censured.
Section 81-855.24(22) by making a misrepresentation and 81-855.24(29) by demonstrating negligence to act as a real estate salesperson.	97-045 - Catherine L. Cherino vs. Nikki Sheppard	January 21, 1998	Stipulation and Consent Order. License suspended for 90 days, with last 60 days on probation, with an additional 6 hours of continuing education to include 3 hours in ethics and 3 hours in disclosures to be completed by April 21, 1998.
Section 76-2422(6) by failing to perform the terms of the Management Agreements by not sending excess rents to the banker, authorizing payment of invoices without first obtaining permission, and disclosing confidential financial information when the Respondent was not required by statute, rule or regulation to do so and 81-855.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.	98-008 - Commission vs. Thomas D. Eacker	May 19, 1998	Stipulation and Consent Order. License suspended for 30 days, followed by 90 days on probation, from May 19, 1998 through September 19, 1998, with an additional 6 hours of continuing education to include three hours in law and 3 hours in property management to be completed by November 14, 1998.
Section 81-855.24(24) and 81-855.24(29) by negligently failing as an associate broker, to place as soon after receipt as practicable in the custody of his employing broker any deposit money entrusted to him by any person dealing with him as the representative of his licensed broker.	98-011 - Commission vs. Robert Joseph Patenaude	May 19, 1998	Stipulation and Consent Order. License censured.
Section 81-855.24(19) by failing to include a fixed date of expiration in any written listing agreement; 81-855.24(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 Act, 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 maintaining 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,	98-012 - Commission vs. Mark F. Abboud	May 29, 1998	Stipulation and Consent Order. License suspended for 2 years, with said suspension stayed and served on probation from May 29, 1998 through May 29, 2000, with an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours on agency, 3 hours in license law, and 3 hours in disclosures to be completed by March 1, 1999.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>those categories of costs the seller will be expected to pay at closing, failing to prepare a written estimate of the costs the seller will be expected to pay at closing, and failing to obtain the signature of the seller on said written document; Ch. 5-003.11 by failing to identify to the prospective purchaser, in writing, at the time the offer is written by the purchaser or a counteroffer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing, and by failing to obtain the signature of the purchaser on said document; Ch. 5-003.14 by failing to deposit any funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer was accepted; Ch. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement was delivered to the purchaser or to the agent of the purchaser, on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property; Ch. 5-003.24 by failing, as the agent of the purchaser, to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property and to obtain the signed receipt of the purchaser; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430, particularly 76-2417 by acting as an agent for the seller without benefit of a written contract, 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, 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, and 76-2422(04) by acting as a dual agent without obtaining the written agreement of the seller and the buyer; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to deposit earnest</p>	<p>98-012 - Commission vs. Mark F. Abboud (continued)</p>		

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
money payment in the Respondent's real estate trust account within 48 hours or before the end of the next banking day after an offer is accepted, in writing, and then forthwith transferring such earnest money deposit to the listing broker; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as the broker.	98-012 - Commission vs. Mark F. Abboud (continued)		
Section 81-855.24(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 Act, specifically Title 299, N.A.C., Ch. 3-002 by failing to maintain a bookkeeping system which will accurately and clearly disclose full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser or the agent of the purchaser, on or before the effective date of any contract which binds the purchaser to purchase the residential real property; Ch. 5-003.24 by failing to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property and to obtain the signed receipt of the purchaser; Ch. 5-003.13 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 and to prepare a written estimate of the costs the seller will be expected to pay at closing; Ch. 5-003.11 by failing to identify to the prospective purchaser, in writing, at the time an offer is prepared by the purchaser or a counteroffer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing and a written estimate of the costs the purchaser will be expected to pay at closing; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430, in particular, 76-2417 by representing a seller without a written listing agreement, 76-2421 by failing to provide, at the earliest practicable opportunity during or following the first substantial contact with the seller, landlord, buyer, or tenant who has not	98-015 - Commission vs. Fred L. Swett	May 19, 1998	Stipulation and Consent Order. License suspended for 2 years, with said suspension stayed and served on probation from May 19, 1998 to May 19, 2000, with an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours in disclosures, 3 hours in agency, and 3 hours in rules and regulations.

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entered into a written agreement for brokerage services with a designated broker, a written disclosure regarding agency, 76-2422 by failing to authorize affiliated licensees, in writing, what agreements may be entered into on behalf of the Respondent; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a broker.	98-015 - Commission vs. Fred L. Swett (continued)		
Section 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; 76-2417, powers and duties of a limited seller's agent.	98-010 - Richard R. Bahensky vs. Michael (Mick) J. McDowell.	August 18, 1998	Stipulation & Consent Order. License censured.
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 Act, specifically, Title 299, NAC, Ch. 3-002 by failing to maintain a bookkeeping system which will accurately and clearly disclose full compliance with the laws relating the maintaining of trust accounts; and 81-885.24(29) by demonstrating negligence to act as a broker.	98-014 - Commission vs. Melissa L. Jarecke	September 9, 1998	License suspended for six (6) months with said suspension stayed and served on probation from September 9, 1998 through March 8, 1999, with an additional three (3) hours of continuing education in trust accounts to be completed by March 8, 1999.
<u>Roger Rader</u> : 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. 5-003.22 by failing to supervise his salesperson; 81-885.24(3) by failing to account for monies coming into his possession belonging to others; and 81-885.24(29) by demonstrating negligence to act as the broker. <u>LaDonna Rader</u> : Section 81-885.24(3) by failing to account for monies coming into her possession belonging to others; and 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.	98-036 - Commission vs. Roger Eugene Rader & LaDonna Jean Rader	November 30, 1998	<u>Roger Rader</u> : Stipulation and Consent Order. License suspended two years from January 1, 1999, through December 31, 2000*, with the last 23 months served on probation; plus 12 additional hours of continuing education to include 3 hours in trust accounts, 3 hours in agency, 3 hours in license law, and 3 hours in disclosures to be completed by August 31, 1999. *Per Show Cause Hearing on January 31, 2000, probation extended through December 31, 2001. <u>LaDonna Rader</u> : Stipulation and Consent Order. License revoked.
Section 81-885.24(29) by demonstrating negligence to act as an associate broker in that she imbibed in alcohol, had poor communication with the sellers and demonstrated unprofessional behavior.	98-032 - Brian & Tracy Zych vs. Debbie L. Lasher	January 13, 1999	License censured.
Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest	98-026 - Commission vs. Buree Stovall	February 24, 1999	Stipulation and Consent Order. License suspended for two years, with first 90

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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 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.	98-026 - Commission vs. Buree Stovall (continued)		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.
Section 81-885.24(29) demonstrating negligence in acting as a salesperson by failing to have the Complainants initial the documents on which the dates were changed or to notify them he was changing the dates before doing so.	98-027 - John & Betty Hoschar vs. Vincent Muniz, Sr.	March 18, 1999	Stipulation and Consent Order. License censured.
Section 81-885.24(26) by violating a rule or regulation adopt- ed and promulgated by the Commission in the interest of the public inconsistent with the Nebraska Real Estate License Act, in each of the following particulars, Title 299, N.A.C. Ch. 5-003.07 in each of the following	98-013, 98-022, 98-024 - Commission vs. Kenneth John Jansen	March 23, 1999	Stipulation and Consent Order. License suspended from May 1, 1999 through December 31, 2000, with the first 45 days of said suspension served and the remaining time stayed and served on

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particulars, by failing to comply with the following: 76-2419(2) and 76-2418(c)(iii) by failing to disclose in writing to the client adverse material facts; 76-2419(2) by failing to disclose to the buyer information relevant to the transaction or client; Ch. 5-003.04 by failing to make known, in writing, to any purchaser, prior to the buyer becoming obligated to purchase the property, his interest in the property for sale; 81-885.24(29) by demonstrating negligence to act as a broker.	98-013, 98-022, 98-024 - Commission vs. Kenneth John Jansen (continued)		probation; plus twelve (12) hours of continuing education to include three (3) hours in agency, three (3) hours in disclosures, three (3) hours in license law, and three (3) hours to be determined by Director.
Section 81-885.24(29) for negligently failing to identify, on the purchase agreement, the personal property to be retained by the sellers of the real estate.	1999-006 - David & Juanita Benson vs. Paul L. Gondringer	June 29, 1999	Stipulation and Consent Order. License censured.
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 Act, to wit: Title 299, N.A.C. Ch. 5-003.25 by failing to disclose an omission on the Seller Property Condition Disclosure Statement, in writing to a potential purchaser and the seller; 81-885.24(29) by demonstrating negligence to act as a broker.	1999-015 - Teresa D. Reed vs. Marlene Ann Whitaker & D. Doreen Gulizia	August 13, 1999	<u>Gulizia</u> : Dismissed. <u>Whitaker</u> : Stipulation and Consent Order. License censured; plus three (3) hours of continuing education in the area of disclosure.
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 Act, to wit: Title 299, Ch. 5-003.25 by failing to disclose an omission on the Seller Property Condition Disclosure Statement, in writing, to a potential purchaser and the seller; 81-885.24(29) by demonstrating negligence to act as a salesperson.	1999-022 - Commission vs. Robert Dean Rowan	September 20, 1999	Stipulation and Consent Order. License censured; plus three (3) hours of continuing education in the area of disclosure.
Section 81-885.24(19) by failing to include a fixed date of expiration in a Listing Agreement; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.	1999-038 - Commission vs. Charles Eugene Grimes	December 7, 1999	Stipulation and Consent Order. License censured; plus three (3) hours of additional continuing education in the area of contracts.
Section 81-885.24(19) by failing to include a date of expiration on the listing contract; 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 Act, 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 maintaining of trust	1999-035 - Commission vs. Charles E. Degaillez	December 14, 1999	Stipulation and Consent Order. License suspended for two years, with said suspension stayed and served on probation, from December 14, 1999 through December 13, 2001; plus twelve (12) hours of additional continuing education to include three (3) hours in trust accounts, three (3) hours agency,

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and failing to obtain the signature of the seller on said document; Ch. 5-003.11 failing to identify to the purchaser, in writing, at the time an offer was written by the purchaser or a counter-offer was accepted by the purchaser, those categories of costs the purchaser would be expected to pay at closing, failing to prepare a written estimate of the costs the purchaser would be expected to pay at closing and failing to obtain a signature of the purchaser on said written document; Ch. 5-003.14 by failing earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Ch. 5-003.24 and 71-2120 by, when acting as an agent of the purchaser, the Respondent failed to obtain the signed receipt of the purchaser on the Seller Property Condition Disclosure Statement; Ch. 5-003.07 and Ch. 5-003308 by failing to comply with 76-2401 through 76-2430 in the following particulars: 76-2421 by failing to provide a written copy of , or properly complete, the current brokerage disclosure pamphlet to a seller or buyer who is 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, 76-2419 by failing to obtain the written consent of the buyer and seller to act as a dual agent, 76-2422 and 76-2417 by acting as a limited agent for the seller without entering into a written agency agreement; 81-8853.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.	1999-035 - Commission vs. Charles E. Degaillez (continued)		three (3) hours in license law, and three (3) hours in disclosures.
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 Act, 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 maintaining of trust accounts; Ch. 5-003.10 by failing	1999-036 - Commission vs. Michele Williams	December 14, 1999	Stipulation and Consent Order. License suspended for two years, with said suspension stayed and served on probation, from December 14, 1999 through December 13, 2001; plus twelve (12) hours of additional continuing education to include three (3) hours in

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and by failing to obtain the signature of the seller on said document; Ch. 5-003.14 by failing to deposit any funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Title 299, N.A.C. Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller or buyer who is not entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity substantial contact; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.	1999-036 - Commission vs. Michele Williams (continued)		trust accounts, three (3) hours in agency, three (3) hours in license law, and three (3) hours in disclosures.
Section 81-885.24(14) by negotiating directly with an owner to withdraw from or break a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; 81-885.24 (29) by demonstrating negligence to act as a salesperson in that she failed to determine the type of arrangement the sellers of the property had with WHY USA Independent Brokers although she had knowledge that some type of contract existed, and she caused information regarding her listing to be entered in the Multiple Listing Service prior to the date the listing commenced.	1999-021 - Commission vs. Susan R. Haggar	January 13, 2000	License censured.
Section 81-885.24(29) by demonstrating negligence in acting as a broker by failing to have Murphey and his wife initial the Listing for Lease Agreement on which the word Anew@ was stricken and the word Aleasing@ was added, or to provide Murphey a copy of the Listing for Lease Agreement with changes.	1999-027 - C. R. Murphey vs. Deloris Marie Weber and Roger Leroy Weber	March 21, 2000	<u>Roger Weber</u> : Dismissed. <u>Deloris Weber</u> : Stipulation and Consent Order. License censured plus an additional 3 hours of continuing education in the area of contracts to be completed by September 20, 2000.
Section 81-885.24(26) by violating a rule or regulation adopted an promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, to wit: Title 299, N.A.C., Ch. 5-003.20 by failing to disclose an adverse material fact, in writing, prior to the time the Buyers signed the Offer to Purchase; 81-885.24(29) by demonstrating negligence to act as a	1999-031 - Robert L. & Charlotte A. Hester vs. Betty Wilda Bates and Nancy Karel Hernandez	March 24, 2000	<u>Hernandes</u> : Dismissed. <u>Bates</u> : Stipulation and Consent Order. License suspended for 6 months from April 1, 2000 through September 30, 2000, with first 21 days of said suspension served and the remaining time stayed and served on probation; plus

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
salesperson.	1999-031 - Robert L. & Charlotte A. Hester vs. Betty Wilda Bates and Nancy Karel Hernandes (continued)		an additional 6 hours of continuing education, including 3 hours in the area of agency and 3 hours in the area of disclosure to be completed by September 23, 2000.
Section 81-885.24(29) by demonstrating negligence, incompetence, and unworthiness to act as a broker by continuing to act as an active real estate broker with the necessary errors and omissions insurance when, in fact, Respondent had no errors and omissions insurance and his license had been placed on inactive status by the Commission.	2000-022 - Commission vs. William Joseph Clark	July 25, 2000	License censured.
Section 81-885.24(22) and (29) by providing substantial misrepresentations and demonstrating negligence, incompetence or unworthiness to act as a broker, associate broker, or salesperson.	1999-003 - Gareld Jules Jouvenat vs. William J. White	August 23, 2000	License suspended for five and one-half (5 1/2) years commencing on February 15, 2000, with the last two (2) years of said five and one-half year period to be stayed and served on probation.
Section 81-885.24(29) by demonstrating negligence in acting as a broker by failing to include the third-party administrator buy-out terms and the provision identifying various potential buyers in the Exclusive Listing Agreement which, in either instance, would have excluded a real estate commission to the Respondent.	2000-016 - Doug & Sharon Klug vs. Lyle Richard Todd	August 24, 2000	Stipulation and Consent Order. License censured.
Section 81-885.24(14) by negotiating a sales directly with an owner after knowing such owner has a written outstanding listing contract in connection with the property granting an exclusive agency or exclusive right to sell to another broker; 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 Act, specifically, the Respondent violated Title 299, N.A.C., Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, by failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and by failing to obtain the written signature of the seller and maintain a copy of the document in the transaction file; 81-885.24(29) by demonstrating negligence or incompetency to act as a broker for actions	2000-014 - Harold E. Nott & Adrian C. Lofgren vs. Kaylene B. Swanson	October 2, 2000	Stipulation and Consent Order. License suspended for 30 days from October 9, 2000 through November 7, 2000; plus an additional 6 hours of continuing education including 3 hours in the area of license laws and 3 hours in the area of agency to be completed by April 1, 2001.

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including incorrectly completing the Acknowledgment of Disclosure forms, not knowing when the listing expired, contacting the sellers when they had an exclusive listing with another agency rather than contacting the agency, and proceeding with closing without notifying the listing agent.	2000-014 - Harold E. Nott & Adrian C. Lofgren vs. Kaylene B. Swanson (continued)		
Section 76-2421 in that the Respondent failed, at the earliest practicable opportunity during or following the first substantial contact with the Buyers who had not entered into a written agreement for brokerage services with a designated broker, to provide the Buyers with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing the types of brokerage relationships the designated broker and Respondent are offering to the Buyers and by failing to disclose in writing to the Buyers who Respondent is representing; 81-885.24(29) by demonstrating negligence to act as a salesperson.	2000-023 - Commission vs. Steven W. Stueck	December 4, 2000	License suspended for thirty (30) days from December 4, 2000, through January 2, 2001, with entire period stayed and served on probation; plus an additional three (3) hours of continuing education in the area of agency to be completed by June 3, 2001.
Section 76-2421 by failing, at the earliest practicable opportunity during or following the first substantial contact with the Buyers who had not entered into a written agreement for brokerage services with a designated broker, to provide the Buyers with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing to the Buyers who Respondent is representing; 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 Act, specifically, Title 299, N.A.C. Ch. 5-003.24 by failing, as an agent of the Buyers, to assure that a copy of the Seller Property Condition Disclosure Statement was delivered to the Buyers on or before the effective date of any contract entered into which binds the Buyers to purchase residential real property and to obtain the signed receipt of the Buyers; 81-885.24(29) by demonstrating negligence to act as a salesperson.	2000-024 - Commission vs. Louis P. Beau	December 4, 2000	License suspended for thirty (30) days from December 4, 2000, through January 2, 2001, with entire period stayed and served on probation; plus an additional six (6) hours of continuing education, including three (3) hours in the area of agency and three (3) hours in the area of disclosure, to be completed by June 3, 2001.
Section 81-885.24(2) by intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents the property; and 81-885.24(29) by demonstrating negligence to act as a	2000-046 - Commission vs. Robert Quartoroli	January 23, 2001	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in the area of ethics and three

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
salesperson.	2000-046 - Commission vs. Robert Quartoroli (continued)		(3) hours in the area of disclosure to be completed by July 22, 2001.
Section 81-885.24(22) by making a material misrepresentation when delivering a Purchase Agreement indicating Respondent had received a \$1,000.00 earnest deposit from Buyer when in fact he had not; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness in failing to advise the Listing Agent at the time of delivery of the first Purchase Agreement and at the time of his later tele- phone conference advising the Listing Agent @we have a deal@ that he had not received the earnest deposit from his client.	2000-042 - Michael G. & Judith K. Metz vs. Earl Jeffrey Allen	March 27, 2001	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education including three (3) hours in the area of contracts and three (3) hours in the area of trust accounts to be completed by September 26, 2001.
Section 81-885.24(26) by violating Title 299, NAC, Ch. 3-002 of the Nebraska Real Estate Commission Rules & Regulations in that he failed to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintenance of trust accounts; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.	2001-017 - Commission vs. Lyle Richard Todd	April 26, 2001	Stipulation and Consent Order. License suspended for thirty (30) days with entire period stayed and served on probation from April 26, 2001, through May 25, 2001; plus an additional three (3) hours of continuing education in the area of trust accounts to be completed by July 25, 2001.
Section 76-2421 by failing, at the earliest practicable opportunity during or following the first substantial contact with the Buyers who had not entered into a written agreement for brokerage services with the designated broker, to provide the Buyers with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing the types of brokerage relationships the Respondent is offering to the Buyers and by failing to disclose in writing to the Buyers who Respondent is representing; 76-2422(4) by acting as a dual agent without obtaining the written agreement of the Buyer and Seller; 76-2419(1) by acting as a dual agent without the informed consent of all parties to the transaction; 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 Act; specifically, the stipulated facts demonstrate a violation of Title 299, NAC, Ch. 5-003.09 by acting for more than one party in a transaction without the informed written consent of all parties involved in the transaction; 81-884.24(29) by	2001-007 - Terry & Pamela Weldin vs. H. James Merrigan	May 22, 2001	Stipulation and Consent Order. License suspended for thirty (30) days, with entire period stayed and served on probation from May 22, 2001, through June 20, 2001; plus an additional six (6) hours of continuing education including three (3) hours in the area of agency and three (3) hours in the area of disclosures to be completed by November 21, 2001.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>demonstrating negligence.</p> <p>Section 81-885.24(26) by 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, specifically: Title 299, NAC, Ch. 3-002 by failing to maintain a bookkeeping system which clearly and accurately discloses full compliance with the laws relating to the maintaining of trust accounts; 81-885.24(29) by demonstrating negligence.</p>	<p>2001-014 - Commission vs. Sam C. Huston</p>	<p>May 22, 2001</p>	<p>Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of trust accounts to be completed by November 21, 2001.</p>
<p>Section 81-885.21(2) by failing to notify the Commission of the name of the bank in which a trust account is maintained and provide the name of the account on forms provided by the Commission; 81-885.24(26) by violating any rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with Nebraska Real Estate License Act, specifically: Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which clearly and accurately discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to forthwith transfer earnest money to the listing broker; Ch. 5-003.10 by failing to identify in writing to the seller at the time an offer is presented and accepted, those categories of cost the seller will be expected to pay at closing, as well as preparing a written estimate of the costs the seller will be expected to pay at closing; Ch. 5-003.11 by failing to identify in writing to a purchaser, at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing as well as preparing a written estimate of the costs the purchaser will be expected to pay at closing; Ch. 5-003.14 by failing to deposit any funds received as earnest money within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; 76-2421(1) by failing, 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 the designated broker, to disclose in writing to that person the</p>	<p>2001-015 - Commission vs. Elaine R. Richman</p>	<p>May 22, 2001</p>	<p>Stipulation and Consent Order. Broker's license surrendered on May 29, 2001, and Salesperson's license issued on suspension from May 29, 2001, through June 11, 2001; salesperson license can only be active under supervision of Bruce R. Richman; plus an additional six (6) hours of continuing education to include three (3) hours in the area of agency and three (3) hours in the area of disclosures to be completed by November 21, 2001.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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) by acting as a dual agent without first obtaining a written agreement of the seller and buyer or landlord or tenant permitting the designated broker to serve as a dual agent in the proposed transaction; 76-2422(2) by acting as a selling agent without entering into a written agency agreement with a seller in a transaction; 81-885.24(29) by demonstrating negligence.	2001-015 - Commission vs. Elaine R. Richman (continued)		
Section 81-885.24(26) by violating any rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Real Estate License Act, specifically: Title 299, NAC, Ch. 3-002 (as in effect on January 28, 1997) by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the law relating to the maintaining of trust accounts; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.	2001-018 - Commission vs. Gregory Dean Mehring	May 22, 2001	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of trust accounts to be completed by November 21, 2001.
Section 81-885.12 by making a false statement of a material fact on an application; 81-885.24(22) by making a substantial misrepresentation on an application made to the Commission; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson.	2001-013 - Commission vs. Dennis L. Kilmer	May 23, 2001	License revoked.
Section 81-885.24(18) by compensating an unlicensed person for performing the services requiring a real estate license and 81-885.24(29) by allowing an unlicensed individual to participate in real estate activities requiring a real estate license.	2001-023 - Pace Woods vs. Larry F. Zitek	August 20, 2001	License censured.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson for failing to deliver the offer timely; 76-2418(1)(b) and (c)(ii) by failing to exercise reasonable skill and care for the client and by failing to promote the interest of the client with the utmost good faith, loyalty and fidelity, including presenting all written offers from the client in a timely manner.	2001-025 - Jerry J. & Mark K. Owens vs. Dale Martin Engel	September 26, 2001	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of contracts to be completed by March 25, 2002.
Section 81-885.24(24) by failing as an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his employing broker, any deposit money or other money or funds entrusted to him by any person	2001-039 - Tracy A. Lee vs. John Robert Miller	January 24, 2002	Stipulation and Consent Order. License suspended for thirty (30) days from February 1, 2002, through March 2, 2002; plus an additional six (6) hours of

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dealing with him as the representative of his licensed broker; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson.	2001-039 - Tracy A. Lee vs. John Robert Miller (continued)		continuing education including three (3) hours in the area of contracts and three (3) hours in the area license law to be completed by July 31, 2002.
<p>G. Barnard: Section 76-2421 by failing, at the earliest practical opportunity during or following the first substantial contact with sellers who have not entered into a written agreement for brokerage services with the designated broker, to disclose in writing to those persons the types of brokerage relationships that the designated broker and affiliated licensees are offering to the persons or disclose in writing to the persons which party the licensee is representing; 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 Act, specifically, Title 299, NAC, Ch. 5-003.10 by failing to identify in writing at the time the offers were presented and accepted, those categories of cost the seller will be expected to pay at closing and by failing to prepare a written estimate of cost the seller will be expected to pay, to the extent the necessary cost information is reasonably available; Ch. 5-003.20 by failing to inform a buyer of zoning restrictions that might apply to certain real estate and could have an adverse impact upon Belding's intended use of the property; 81-885.24(29) by demonstrating incompetency to act as a broker by failing to exercise reasonable skill and care for his client Belding, failing to inform Belding of the zoning restrictions that might apply to property he purchased and which could have an adverse impact upon Belding's intended use of the property, and by failing to disclose a buyer knowledge of a lawsuit regarding the title to property owned by the Hasleys.</p> <p><u>Barnard Swoboda</u>: Section 81-885.24(22) when Respondent made the representation that she was a Limited Buyer's Agent rather than a Limited Seller's Agent; 81-885.24(26) by violating a rule or regulation promulgated by the Commission in the interest of the public, specifically, Title 299, NAC, Ch. 5-003.23, by failing as an agent of the seller to deliver a copy of the Seller Property Condition Disclosure Statement to the purchaser before the effective</p>	2001-001, 2001-002, 2001-029 - Ronald E. & Julie A. Belding vs. Gary A. Barnard; Ronald P. & Vicki A. Hasley vs. Gary A. Barnard & Kerri Ann Barnard; Kevin Patrick McNenny & Frances Morrissette McNenny vs. Gary A. Barnard	December 18, 2001	<p>G. Barnard: Stipulation and Consent Order. License suspended for one (1) year from December 19, 2001, through December 18, 2002, with the first thirty (30) days served and the remainder served on probation; plus an additional twelve (12) hours of continuing education including three (3) hours in the area of disclosure, six (6) hours in the area of agency, and three (3) hours in the area of property exchanges to be completed by June 17, 2002.</p> <p><u>Barnard Swoboda</u>: Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in the area of agency to be completed by June 17, 2002.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
date of any contract entered into which binds the purchaser to purchase the real estate; 81-885.24(29) by demonstrating negligence.	2001-001, 2001-002, 2001-029 - Ronald E. & Julie A. Belding vs. Gary A. Barnard; Ronald P. & Vicki A. Hasley vs. Gary A. Barnard & Kerri Ann Barnard; Kevin Patrick McNenny & Frances Morrisette McNenny vs. Gary A. Barnard		
Section 81-885.24(22) by making a substantial misrepresentation; 81-885.24(26) by 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, specifically, Title 299, N.A.C., Ch. 5-003.07 by failing to comply with the requirements set forth in 76-2401 through 76-2430, particularly, 76-2418(1)(b) by representing a buyer but failing to exercise reasonable skill and care for the client; 76-2419 by failing to perform the terms of the written agreement and exercise reasonable skill and care for the client and promote the interest of the client with the utmost good faith, loyalty and fidelity; 76-2421(1) by failing, at the earliest practicable opportunity during or following the first substantial contact with the seller or buyer who has not entered into a written agreement for brokerage services to provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission and disclose in writing which party the licensee is representing; 81-885.24(29) by demonstrating negligence to act as a salesperson.	2001-038 - William J. & Cindy C. Sarraillon vs. Vincent Muniz, Jr.	April 3, 2002	Stipulation & Consent Order. License suspended for thirty (30) days with entire period served on probation from April 3, 2002, through May 2, 2002; plus an additional six (6) hours of continuing education, including three (3) hours in the area of agency and three (3) hours in the area of license law to be completed by October 2, 2002.
Title 299, Ch. 5-003.13 by accepting other than cash or an immediately cashable check as earnest money unless such fact is communicated to the owner prior to his or her acceptance of the Offer to Purchase, and such fact is shown in the earnest money receipt; 76-2422(4) in that the Respondent failed before engaging in any of the activities enumerated in Subdivision 2 of 81-885.01 to obtain the written agreement of the seller and the buyer permitting the designated broker, to serve as a dual agent in the proposed transaction and failed to include a licensee's duties and responsibilities as specified in 76-2419; 81-885.24(29) by demonstrating negligence, to act as a broker, associate	2001-045 - Larry & Sondra Kotas vs. Leonard Ray Prall	August 21, 2002	Stipulation & Consent Order. License suspended for forty-five (45) days from September 15, 2002, through October 29, 2002; plus an additional six (6) hours of continuing education, including three (3) hours in the area of agency and three (3) hours in the area of license law to be completed by February 20, 2003.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
broker or salesperson.	2001-045 - Larry & Sondra Kotas vs. Leonard Ray Prall (continued)		
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson due to her actions of leaving inappropriate messages on the Buyer's answering machine.	2002-022 - Brett & Nancy Moore vs. Debra K. Carlson	December 11, 2002	Stipulation & Consent Order. License censured.
Section 81-885.24(2) by intentionally using advertising which is misleading and inaccurate in any material particular or in any way misrepresents any property, terms, values, policies or services of the business conducted, specifically, advertising a 4.91 acre parcel as 8 acres in the Omaha World Herald on June 4, 2000; 81-885.24(22) by making a misrepresentation, specifically, that the property was represented by Respondent to be approximately 8 acres when said property was 4.91 acres; 81-885.24(29) by demonstrating negligence to act as an Associate Broker; 76-2421(1) by failing 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, to provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing to that person the type of brokerage relationships a designated broker and affiliated licensees are offering to that person, and by failing to disclose in writing to that person which party the licensee is representing, specifically, failed to complete an Acknowledgment of Disclosure form with the Complainants on or before June 5, 2000.	2002-024 - Allan & Susan Arp vs. Richard Merle Wardell	December 11, 2002	Stipulation & Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in the area of agency and three (3) hours in the area of license law to be completed by February 10, 2003.
Title 299, Ch. 5-003.20, for failing 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 has knowledge; Ch. 5-003.25, for failure by a licensee, who knows of an error, inaccuracy or omission in a Seller Property Condition Disclosure Statement completed pursuant to 76-2, 120, to disclose the error, inaccuracy or omission, in writing, to a potential purchaser and the seller. Such disclosure shall be	2002-033 - Earl & LeeAnn Stueve vs. Carolyn Van Horne	January 29, 2003	Stipulation & Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of license law and 3 hours in the area of disclosure, to be completed by May 29, 2003.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
attached to the Seller Property Condition Disclosure Statement; 81-885.24(29) by demonstrating negligence to act as a broker.	2002-033 - Earl & LeeAnn Stueve vs. Carolyn Van Horne (continued)		
Section 81-885.24(14) when Respondent negotiated the sale of real estate directly with an owner when he knew that such owner had a written, outstanding listing contract in connection with such property granting an exclusive agency to another broker and 81-885.24(29) by demonstrating negligence to act as the broker as demonstrated by the violation of 81-885.24(14) and by failing to deliver documents to his employing broker.	2003-023 - Commission vs. Michael Dean Slatten	May 28, 2003	Stipulation & Consent Order. License suspended for 2 years from May 28, 2003, through May 27, 2005, with the entire period stayed and served on probation; plus an additional 12 hours of continuing education, including 3 hours in the area of agency, 3 hours in the area of license law, 3 hours in the area of trust contracts, and 3 hours in the area of trust accounts, to be completed by November 27, 2003.
Section 81-885.24(2) by 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 in that the information relayed to owners when they called in did not clearly set forth the services to be provided by Respondent; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker in that the time share owners who paid an up-front advertising and marketing fee were charged prior to Respondent obtaining a signed listing, and were not informed if they had already listed the property and were charged a second up-front advertising and marketing fee. The up-front advertising and marketing fees were placed into Respondent's operating account prior to obtaining written permission of a principal to place said funds in the operating account.	2002-047 - Nancy Jones, Heidi Todd & Angela Rogers vs. Linda Eileen Miller	July 16, 2003	Stipulation & Consent Order. License suspended for 2 years from July 16, 2003, through July 15, 2005, with the entire period stayed and served on probation; plus an additional 9 hours of continuing education, including 3 hours in the area of trust accounts, 3 hours in the area of agency, and 3 hours in the area of license law, to be completed by July 15, 2004.
Section 76-2418(1)(b) and (c) by failing to exercise reasonable skill and care for her client and by failing to promote the interests of the client with the utmost good faith, loyalty and fidelity, including: seeking a price in terms which are acceptable to the client and in that Respondent signed buyer's name to numerous documents relating to this transaction; 76-2421(1) in that Respondent failed at the earliest practicable opportunity during or following the first substantial contact with a buyer to provide that person with a written copy of the current brokerage disclosure pamphlet	2003-035 - Commission vs. Mary Catherine Larsen	July 16, 2003	Stipulation & Consent Order. License revoked.

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<p>which has been prepared and approved by the Commission and to disclose in writing to that person 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; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson in that she failed at the earliest practicable opportunity during or following the first substantial contact with the buyer to provide buyer with a written copy of the current brokerage disclosure pamphlet, to disclose in writing to buyer the types of brokerage relationships Respondent was offering to the buyer and to disclose in writing to the buyer which party Respondent was representing and by signing buyer's name to the transaction documents.</p>	<p>2003-035 - Commission vs. Mary Catherine Larsen (continued)</p>		
<p>Section 76-2418(1) by failing to exercise reasonable skill and care for the buyers and by failing to promote the interests of the client with the utmost good faith, loyalty and fidelity in that Respondent did not allow the buyers to have a furnace and air-conditioning inspection, selected the closing date for Respondent's convenience, failed to discuss home inspections and home warranty plans and failed to allow the buyers to have a final walk-through inspection; 76-2419(2) in that Respondent failed to exercise reasonable skill and care for the buyers and to promote the interests of the buyers with the utmost good faith, loyalty, and fidelity, as follows: Respondent discouraged the buyers from having a furnace and air-conditioning inspection rather than encourage same, Respondent selected the closing date for Respondent's convenience rather than the convenience of the buyers, Respondent failed to discuss and recommend to the buyers home inspections and home warranty plans, and Respondent failed to recommend the buyers have a final walk-through prior to closing; 76-2421(1) by failing at the earliest practical 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 to provide that person with a written copy of the current Brokerage Disclosure pamphlet, and by failing to disclose in writing to that person the types of brokerage</p>	<p>2003-021 - Commission vs. Gary William Smith</p>	<p>August 20, 2003</p>	<p>Stipulation &amp; Consent Order. License suspended for 6 months, from September 1, 2003, through February 29, 2004, with the first 15 days served on suspension and the remainder of the period stayed and served on probation; plus an additional 6 hours of continuing education, including 3 hours in the area of agency and 3 hours in the area of license law, to be completed by February 29, 2004.</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; 81-885.24(22) by making a substantial misrepresentation in that Respondent represented to the buyers the furnace and air-conditioning system worked fine and an inspection would be a waste of money; § 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson in that he failed at the earliest practicable opportunity during or following the first substantial contact with the buyers: to provide them with a written copy of the current Brokerage Disclosure Pamphlet, to disclose in writing to the buyers the types of brokerage relationships Respondent was offering to the buyers, and to disclose in writing to the buyers which party Respondent was representing and further, Respondent advised the buyers: the furnace and air-conditioning system worked fine and an inspection of same would be a waste of money.	2003-021 - Commission vs. Gary William Smith (continued)		
Section 81-885.24(5) when Respondent failed to deposit into a separate non-interest bearing checking account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing; 81-885.24(29) by demonstrating negligence to act as a broker.	2003-026 - Russell E. Kirkpatrick vs. Ronald J. Abboud	August 20, 2003	Stipulation & Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of trust accounts and 3 hours in the area of license law, to be completed by November 27, 2003.
Section 81-885.24(2) by intentionally using advertising which is misleading or inaccurate in any material particular when Respondent sends correspondence regarding a listing to a client or customer on his own company letterhead rather than on letterhead under the direct supervision of the broker and not in the name the broker is conducting business as recorded with the Commission; 81-885.24(3) by failing to account for and remit any money or funds coming into his or her possession belonging to others; 81-885.24(24) by failing to place as soon after receipt as practicable, in the custody of his broker, any funds entrusted to him by any person dealing with him as the representative of his licensed broker; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in		September 24, 2003	Stipulation & Consent Order. License suspended for 5 years, from October 1, 2003, through September 30, 2008.

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the interest of the public and consistent with the Nebraska Real Estate License Act, to wit: Title 299, Ch. 2-003 by failing to advertise in the name his designated broker is conducting business as recorded with the Commission; and Ch. 3-003 by failing to account for money advanced by a buyer or seller for the payment of expenses in connection with the closing of a real estate transaction and advancing money by his principal for expenditures on behalf of said principal; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson; and 76-2419(2) by failing to exercise reasonable skill and care on behalf of a client and to promote the interest of the client with the utmost good faith, loyalty and fidelity as identified in 76-2417 and 76-2418.	2003-017 - Commission vs. Vincent Muniz, Sr. (continued)		
Section 76-2422(4) by failing to obtain the written consent of the seller and buyer, permitting Respondent Earl, as the authorized affiliated licensee for his designated broker, to serve as a dual agent before engaging in any of the activities enumerated in Subdivision (2), 81-885.01, by failing to include a licensee's duties and responsibilities specified in 76-2419, and by failing to disclose the terms of compensation; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.	2003-008 - Steven Buchanan vs. Michael Patrick Earl & John Francis Lund, Jr.	November 12, 2003	<u>Lund</u> : Dismissed. <u>Earl</u> : Stipulation & Consent Order. License censured; plus an additional 3 hours of continuing education in the area of agency to be completed by January 12, 2004.
Respondent provided the sellers two false closing dates and did not advise the sellers that signing the Addendum to Purchase Agreement would reduce their net proceeds by \$500.00, thus violated 76-2417(1)(c) by failing to meet her duties and obligations as a limited Seller's Agent to promote the interests of the client with the utmost good faith, loyalty, and fidelity; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.	2003-025 - Robert & Jeanette Soto vs. Beverly Arlene Redwine	November 12, 2003	Stipulation & Consent Order. License suspended for 15 days, from November 21, 2003, through December 5, 2003; plus an additional 3 hours in the area of contracts to be completed by January 12, 2004.
Section 81-885.24(26) by 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, 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 maintaining of property management trust accounts in that monies were used from one owner to pay expenses for	2003-046 - Commission vs. Carolyn Lee Carnley	November 12, 2003	Stipulation & Consent Order. License suspended for 2 years, from November 12, 2003, through November 11, 2005, with the entire period stayed and served on probation; plus an additional 6 hours of continuing education, including 3 hours in the area of license law and 3 hours in the area of trust accounts, to be

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another owner, there were overages in the property management account and the records had not been timely reconciled; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as the broker; 76-2417(1) by failing to account in a timely manner for all money and property received on behalf of a client.	2003-046 - Commission vs. Carolyn Lee Carnley (continued)		completed by May 11, 2004.
<p><u>Haer</u>: Respondent Haer failed to timely complete an Acknowledgment of Disclosure statement with the buyers. Respondent Haer further agrees that he shall be considered a buyer's limited agent unless he obtains a written agency agreement from the seller, as specified in 76-2416(2). Respondent Haer agrees that he should have obtained, at the time of listing the property for sale, the written consent of the seller/builder and the buyers to serve as dual agent. There- fore, violated 76-2422(4); 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a sales- person; and 76-2421(1) by failing at the earliest practicable opportunity during or following the first substantial contact with a buyer to provide the buyers with a written copy of the current brokerage disclosure pamphlet which had been pre- pared and approved by the Commission, and failed to timely disclose in writing to the buyers the types of brokerage relationships the designated broker and affiliated licensees are offering to the buyers or to disclose in writing to the buyers which party the Respondents were representing. <u>Nieman</u>: Respondent Nieman did not complete an Acknowledgment of Disclosure statement with the buyers until June 19, 2002. Therefore, violated 76-2421(1) by failing at the earliest practicable opportunity during or following the first substantial contact with a buyer to provide the buyers with a written copy of the current brokerage disclosure pamphlet which had been prepared and approved by the Com- mission, and failed to timely disclose in writing to the buyers the types of brokerage relationships the designated broker and affiliated licensees are offering to the buyers or to disclose in writing to the buyers which party the Respondents were representing; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.</p>	2003-047 - Commission vs. Gregory G. Haer & Roger A. Nieman	November 12, 2003	<p><u>Haer</u>: Stipulation &amp; Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of agency and 3 hours in the area of contracts, to be completed by February 9, 2004.</p> <p><u>Nieman</u>: Stipulation &amp; Consent Order. License censured; plus an additional 3 hours of continuing education in the area of agency to be completed by February 9, 2004.</p>

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Section 76-2421(1) for failing at the earliest practicable opportunity during or following the first substantial contact with Buyer who had not entered into a written agreement for brokerage services with the designated broker, to provide Buyer with a written copy of the current brokerage disclosure pamphlet prepared and approved by the Commission, failed to disclose in writing to the Buyer the types of brokerage relationships Respondent was representing, specifically Respondent showed properties to Buyer as early as December, 2002, and failed to complete the Acknowledgment of Disclosure for Buyer until January 27, 2003; 81-885.24(22) by making a substantial misrepresentation, that being the ten feet of vacated alley at the rear of Buyer's property was included in the property offered for sale to Buyer when in fact it was not; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.	2003-058 - Commission vs. Suzanne Marie Morehead	December 10, 2003	Stipulation & Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of agency and 3 hours in the area of license law, to be completed by March 8, 2004.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson by failing to obtain the signature of the husband seller on the Warranty Deed and the Authorization to Receive Proceeds and Deliver Deed and by entering into the second and third listing agreements for property which was already listed without cancelling the first listing with the husband seller.	2003-043 - Commission vs. Matthew Alson Rasmussen	March 3, 2004	Stipulation & Consent Order. License suspended for two (2) years, with the first sixty (60) days served on suspension and the remainder of the period stayed and served on probation, from March 4, 2004, through March 3, 2006; plus an additional nine (9) hours of continuing education, including three (3) hours in the area of contracts, three (3) hours in the area of license law, and three (3) hour in the area of ethics, to be completed by September 3, 2004.
Section 76-2417(3)(a) by failing, as a seller's agent, to disclose in writing to the buyer all adverse material facts actually known by the licensee; Title 299, N.A.C., Ch. 5-003.20 by failing 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; Ch. 5-003.25, failure by a licensee who knows of an	2003-051 - Anthony W. & Barbara J. Bartram vs. Curtis Alan Spilker	March 3, 2004	Stipulation & Consent Order. License suspended for one hundred fifty (150) days, with the first sixty (60) days served on suspension and the remainder of the period stayed and served on probation, from March 5, 2004, through August 1, 2004; plus an additional nine (9) hours of continuing education, including three (3) hours in the area of disclosures, three (3) hours in the area of ethics, and three (3) hours in the area of license law, to be

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error, inaccuracy, or omission in a Seller Property Condition Disclosure Statement completed pursuant to 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; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a broker.	2003-051 - Anthony W. & Barbara J. Bartram vs. Curtis Alan Spilker (continued)		completed by August 1, 2004.
Section 81-885.24(11) by placing a sign on any property and offering it for sale without the written consent of the owner or his or her authorized agent when Respondent left the sign on the sellers' property after the expiration of the written listing agreement and 81-885.24(29) by demonstrating negligence to act as an associate broker by failing to remove the yard sign at the conclusion of the listing.	2004-001 - Andria & Leslie Davidson vs. David Scott Klein	April 1, 2004	Stipulation & Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed by September 30, 2004.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker by failing to exercise reasonable care to provide security for a client's property while said property was under his direct care and responsibility, acting in an unprofessional manner and failing to exercise good judgment by utilizing a private area of the client's property without permission or regard for the client, and action was taken against Respondent's real estate license by another licensing jurisdiction.	2004-029 - Commission vs. Gary W. Fenster	May 19, 2004	Stipulation & Consent Order. License censured; plus must complete a 12-hour pre-license education course offered in Iowa entitled "Developing Professionalism and Ethical Practices" by November 18, 2004.
Section 81-885.24(29) by identifying the Seller as a customer instead of a client in one of the Acknowledgment of Disclosures dated September 11, 2002, by failing to identify the duties and obligations of a Limited Seller's Agent in the November 26, 2002 Uniform Commercial Listing Contract for Sale, and by adding Buyer No. 2 and Buyer No. 3 to the initial Uniform Commercial Listing Contract for Sale on April 17, 2003, after the initial Uniform Commercial Listing Contract for Sale had expired on March 31, 2002.	2004-009 - Commission vs. Sharon J. Martin, Salesperson.	May 26, 2004	Hearing held May 19, 2004. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by November 25, 2004.
Section 81-885.24(29) by making a false statement of material fact on an application, specifically, not reporting Respondent's previous Nebraska license or the revocation of said license.	2004-025 - Commission vs. John Ritums	September 23, 2004	Hearing held September 15, 2004. License revoked.
Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness, specifically, that the Respondent's license had previously been suspended by	2004-028 - Commission vs. Lori Ann Reed	September 23, 2004	Hearing held September 16, 2004. License suspended for two (2) years, with the last year of said suspension stayed

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the State of Nebraska Department of Insurance and the violation involved money.	2004-028 - Commission vs. Lori Ann Reed (continued)		and served on probation, from September 23, 2004, through September 22, 2006; plus an additional six (6) hours of continuing education, including three (3) hours in the area of ethics and three (3) hours in the area of contracts, to be completed by September 22, 2005.
Section 81-885.24(25) by filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the titled real estate when no valid claim under the listing contract existed. Specifically, Respondent filed her Mechanic's Lien against one of the buyer's town homes in order to recover a commission; 81-885.24(29) by demonstrating negligence, incompetence, or unworthiness to act as a salesperson.	2004-032 - Jerome M. Meyer vs. Bonnie Lou Nemecek	October 18, 2004	Stipulation & Consent Order. License suspended for two (2) years from October 18, 2004, through October 17, 2006, with the entire period stayed and served on probation; plus an additional nine (9) hours of continuing education, including three (3) hours in the area of agency, three (3) hours in the area of contracts, and three (3) hours in the area of ethics, to be completed by February 14, 2005.
Section 81-885.21(2) by failing to notify the Commission of a trust account and provide the name of the account on forms provided by the Commission; 81-885.24(26) by 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, specifically: Title 299, Ch. 3-001 by failing to preserve for five years, following its consummation, records relating to any real estate transaction; Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts, this includes failing to maintain sufficient broker equity to write checks unrelated to a real estate transaction; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to forthwith transfer earnest money to the listing broker; Ch. 5-003-10 by failing to identify in writing to the seller at the time an offer is presented and accepted, those categories of costs the seller will be expected to pay at closing, as well as preparing a written estimate of the costs the seller will be expected to pay; Ch. 5-003.11 by failing to identify in writing to a purchaser, at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the	2004-005 - Commission vs. Buree Stoval	December 7, 2004	Hearing held November 18, 2004. License revoked.

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<p>purchaser will be expected to pay at closing and prepare a written estimate of the costs the purchaser will be expected to pay at closing; Ch. 5-003.14 which regulation became effective 9/3/2002 and was in effect through the remainder of the examination period, by failing to deposit any funds received as earnest money 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; Ch. 5-003.14, which regulation was in effect at all time relevant to this claim through 9/2/2002, by failing to deposit any funds received as earnest money with 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Ch. 5-003.24 by failing to assure a copy of the Seller Property Condition Disclosure Statement was delivered to the purchaser on or before the effective date of any contract which binds the purchaser to purchase the residential real estate, and to obtain the signed receipt of the purchaser; 76-2421(1) by failing, 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 the designated broker, to provide that person with a written copy of the current brokerage disclosure pamphlet prepared and approved by the Commission, and to disclose in writing to that person the types of brokerage relationships the designated broker is offering to the person or disclosing in writing to that person which party the licensee is representing; 76-2422(4) by acting as a dual agent without first obtaining the written agreement of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent in the proposed transaction; 76-2422(2) by acting as a selling agent without entering into a written agency agreement with a seller in a transaction and by failing to have a fixed date of expiration in a brokerage agreement; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.</p>	<p>2004-005 - Commission vs. Buree Stovall (continued)</p>		
<p>Section 81-885.24 (3) Failing to account for and remit any money coming into his possession belonging to others; Neb.</p>	<p>2003- 038 - Commission vs. Mark Lester Stecker</p>	<p>January 12, 2005</p>	<p>Stipulation &amp; Consent Order dated January 12, 2005. License suspended</p>

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<p>Rev. Stat. § 81-885.24 (4) Co-mingling client money or other property with his own; Neb. Rev. Stat. § 81-885.24 (5) Failing to maintain and deposit into a separate non-interest bearing checking account all money received by him unless all parties having an interest in the funds have agreed otherwise in writing; Neb. Rev. Stat. § 81-885.24 (22) Making a substantial misrepresentation; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; Neb. Rev. Stat. § 76-2421 (1) for failing, 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; and, Neb. Rev. Stat. 76-2422 (6) by failing, before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, 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, to enter into a written agency agreement with a party or parties to the transaction to perform services on their behalf. The agreement shall specify the agent's duties and responsibilities, including any duty of confidentiality, and the terms of compensation.</p>	<p>2003- 038 - Commission vs. Mark Lester Stecker (continued)</p>		<p>for two (2) years from date license of license renewal for 2005 plus an additional six (6) hours of continuing education, including three (3) in farm brokerage and three (3) in farm management to be completed within the two year suspension period. If not completed the suspension remains in effect until successful completion of the courses.</p>
<p>Section 81-885.24 (2) and 81-885.24 (29) by placing false and misleading advertising in the Multiple Listing Service and in the local newspaper regarding the amenities of the listed property, and relying solely on the records of the County Assessor for square footage. The actions constitute negligence, incompetence or unworthiness to act as a salesperson.</p>	<p>2004-045 - Elisabeth Jensen vs. Jane Hartman Heimbouch &amp; Linda J Dedic.</p>	<p>February 15, 2005</p>	<p>Linda J Dedic Dismissed and Jane Hartman Heimbouch License censured; plus an additional three (3) hours of continuing education in the area of License Law to be completed by May 28, 2005.</p>

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Section 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker by engaging in illegal conduct involving moral turpitude, engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, by failing to act competently, by knowingly using perjured testimony or false evidence, by knowingly making a false statement of law or fact and by violating Neb. Rev. Stat. § 76-218 (reissue 1996) by violating the duties of a notary.	2004-061 - Commission vs. Stuart B. Mills.	May 16, 2005	Hearing held May 16, 2005. License suspended for a period of twenty four (24) months commencing on July 1, 2005 with the last 23 month served on probation. The balance of said suspension served on probation commencing on August 1, 2005.
Section 76-2418(1) by failing under subparagraph (b) to exercise reasonable skill and care for clients and under subparagraph (c) to promote the interest of the clients with the upmost good faith, loyalty and fidelity and violated Neb. Rev. Stat. 81-885.24(29) by demonstrating negligence to act as a salesperson as Respondent failed to exercise appropriate care in disclosing the effect of the written contract.	2005-009 - Commission vs. Constance J. Nordhues	June 13, 2005	Stipulation & Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of Agency, to be completed by September 7, 2005.
Section 76-2417 (1) (b) by failing to exercise reasonable skill and care for the client, and (c) by failing to promote the interests of the client with the utmost good faith, loyalty, and fidelity, and, Neb. Rev. Stat. 81-885.24 (29) by demonstrating negligence to act as a salesperson for providing a key to the client's property to a potential buyer.	2005-008 - Jeffrey E. Williamson & Connie A. Williamson vs. Troy Lynn Musick	August 24, 2005	Stipulation & Consent Order. License censured; plus three hours of additional continuing education in the area of Agency, to be completed by November 22, 2005.
Section 81-885.24 (29) by demonstrating unworthiness to act as a broker by attempting to collect a commission from the clients prior to a proposed closing.	2005-015 - Carmon D Yusten vs. Charlotte Irene James	October 13, 2005	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in the area of license law and three (3) hours in the area of Ethics, to be completed by February 9, 2006.
Section 76-2417 (1) A licensee representing a seller or landlord as a seller's or 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, and (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity; 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	2005-022 - Kathi Ward vs. Bruce Daniel Abraham	November 16, 2005	Stipulation and Consent Order. License suspended for a period of twenty four (24) months commencing on November 16, 2005, through November 16, 2007, with the entire period served on probation; plus an additional nine (9) hours of additional continuing education with three (3) hours being in the area of agency, three (3) hours in the area of license law, and three (3) hours in the area of ethics,

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
services of the business conducted; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence and unworthiness to act as a broker.	2005-022 - Kathi Ward vs. Bruce Daniel Abraham (continued)		all to be completed by March 16, 2006.
Section 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. 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; and Neb. Rev. Stat. § 81-885.24 (29) by demonstrating negligence to act as a broker.	2005-047 - Commission vs. Nada Resnik-McNenny	November 16, 2005	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency, and three (3) hours in the area of license law to be completed by February 14, 2006.
Section 81-885.24 (26) by violation of a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically the stipulated facts demonstrate a violation of Title 299 Chapter 5-003.17, by failing to produce documents, books and records in the licensee's possession, or under her control, concerning any real estate transaction under investigation by the Commission as requested by the Commission on December 17, 2004; Neb. Rev. Stat. § 81-885.24 (29) by demonstrating negligence, incompetency or unworthiness to act as a broker, by utilizing, or allowing the utilization, of services of individuals without an active@ Nebraska real estate license for time-share sales in Nebraska on behalf of a Florida time-share development for which she was the designated broker; and by failing to provide transaction files when requested on December 17, 2004.	2005-017 - Commission vs. Roberta L. Springer	November 16, 2005	Stipulation and Consent Order. License revoked.
Section 76-2418 (1) 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, including; (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; and Neb.	2005-030 - Michael Inzauro vs. Russell Allen Craig	November 16, 2005	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 February 14, 2006.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Rev. Stat. § 81-885.24 (29) by demonstrating negligence to act as a salesperson.	2005-030 - Michael Inzauro vs. Russell Allen Craig (continued)		
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 which party the licensee is representing; and, Neb. Rev. Stat. § 81-885.24 (29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson by failing to complete the required Agency Acknowledgement of Disclosure.	2005-050 - Barry and Peggy Franzen vs. Debbie A. Runge-Jesch	February 23, 2006	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by April 17, 2006.
Section 81-885.24 (22) Making any substantial misrepresentations, for representing the size of a lot as 5 acres in size when the lot was only 3.5 acres in size; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence to act as an associate broker by representing the size of a lot as 5 acres in size when the lot was only 3.5 acres in size.	2005-045 - Glen and Peggy Evert vs. Jeannine Ruth Guthrie	March 23, 2006	License censured; plus an additional three (3) hours of continuing education in the area of disclosures to be completed by June 23, 2006.
Section 81-885.24 (21) Failing to notify the Commission of the name of the bank, savings bank, building and loan association, or savings and loan association in which a trust account is maintained and the name of the account on forms provided therefore; 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, specifically, Title 299 Chapter 3-002, which requires every broker to maintain a bookkeeping system which will clearly and accurately disclose full compliance with the law relating to the maintaining of trust accounts; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, by failing to notify the commission of the name of the bank, savings bank, building and loan association, or savings and loan association in	2006-014 - Commission vs. Taryn Jo Long	March 23, 2006	Stipulation and Consent Order. License suspended for a period of two (2) years commencing on March 23, 2006, through March 22, 2008, with the entire period served on probation; plus an additional six (6) hours of continuing education with three (3) hours being in the area of license law, and three (3) hours in the area of trust accounts, all to be completed by July 20, 2006.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
which the trust account is maintained and also the name of the account on forms provided therefore, and failing to maintain a bookkeeping system which will clearly and accurately disclose full compliance with the law relating to the maintaining of trust accounts.	2006-014 - Commission vs. Taryn Jo Long (continued)		
Section 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 failing to attend all showings of the property and by placing a lock box on the home when directed not to; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by failing to attend all showings of the property, by placing a lock box on the home when directed not to, and by attempting to collect compensation not authorized under the terms of the Listing Agreement.	2005-066 - Kathy Uhler and Terry Harimon vs. Daniel Frederick Dickinson	May 3, 2006	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of license law, all to be completed by August 1, 2006.
Section 81-885.24 (29) Demonstrating negligence to act as a salesperson by failing to responsibly ensure that all proper documentation relating to the transfer of her real estate license had been received by the Nebraska Real Estate Commission, and that her real estate salesperson's license had been properly transferred from "inactive" status to "active" status prior to participating in a licensed real estate activity.	2006-008 - Commission vs. Michelle Lynn Haywood	May 3, 2006	License censured; plus an additional six (6) hours of continuing education in the area of license law, all to be completed before transferring to Aactive@ status.
Section 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 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 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, by failing to present the Offer in Transaction #1 in a timely manner; Neb. Rev. Stat. §76-2422 (4) Before engaging in	2006-030 - Commission vs. Daniel Jay Dunne	June 14, 2006	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, all to be completed by September 12, 2006.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 have the seller sign the Consent To Dual Agency Agreement in Transaction #3 until February 3, 2006, which was the day following acceptance of the Offer by the seller; and Neb. Rev. Stat. §81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Dunne failed to present an Offer to the seller in a timely manner; Dunne inaccurately disclosed to a buyer that he was acting as a limited Buyer's Agent when he was actually acting as a limited Seller's Agent; and Dunne failed to have the seller sign the Consent To Dual Agency Agreement until February 3, 2006, which was the day following acceptance of the Offer.</p>	2006-030 - Commission vs. Daniel Jay Dunne (continued)		
Section 81-885.24 (22) Making any substantial misrepresentations, by incorrectly advertising the property as "nearly three acres" in size when the property was actually 1.3 acres in size, and by disseminating to the	2005-040 - Commission vs. Steven Lee Taylor	June 14, 2006	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of disclosures to be completed by June

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
public, a postcard bearing a picture of a home other than the home actually listing by Respondent; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence to act as a salesperson, by incorrectly advertising the property as “nearly three acres” in size when the property was actually 1.3 acres in size, and by disseminating to the public, a postcard bearing a picture of a home other than the home actually listed by the Respondent.	2005-040 - Commission vs. Steven Lee Taylor (continued)		23, 2006.
Section 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; Neb. Rev. Stat. § 81-885.24 (14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; 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; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson activity under a designated broker other than his employing broker and Title 299, Chapter 2-010 The consent required from the broker employing, i.e. employing broker, for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in Neb. Rev. Stat. 81-885.24(7) and (8), respectively, shall be given in writing by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. A copy of the consent shall be maintained by the employing broker for five years following the date of such consent.] Nichols conducted a licensed real estate activity for a broker other than his employing broker and conducted the activity	2005-061 - Charles W. Concannon vs. Mark A. Nichols	August 24, 2006	<u>Beverly Nichols</u> - Dismissed. <u>Mark Nichols</u> - Stipulation and Consent Order. License suspended for a period of ninety (90) days, commencing on August 29, 2006 and continuing through November 27, 2006; plus an additional twelve (12) hours of continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, three (3) hours in the area of disclosures, and three (3) hours in the area of ethics, to be completed by December 22, 2006.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
without his employing broker's written consent.	2005-061 - Charles W. Concannon vs. Mark A. Nichols (continued)		
Section 81-885.24 (29) Demonstrating negligence to act as a salesperson.] Jeffers conducted an activity regulated by another agency of state government without being properly licensed.	2006-005 - Commission vs. David Emerson Jeffers	August 24, 2006	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of ethics to be completed by November 22, 2006.
Section 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: (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including: (iii) Disclosing in writing to the client all 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; (2) A licensee acting as a seller's or landlord's agent shall not disclose any confidential information about the client unless disclosure is required by statute, rule, or regulation or failure to disclose the information would constitute fraudulent misrepresentation. No cause of action for any person shall arise against a licensee acting as a seller's or landlord's agent for making any required or permitted disclosure; 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; 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	2006-039 - Commission vs. Ronald A. Henn	August 24, 2006	Stipulation and Consent Order. License suspended for a period of one (1) year with the first four (4) months served on actual suspension and the remainder of the suspension stayed and served on probation. Suspension period to commence on September 1, 2006. Plus an additional twelve (12) hours of continuing education with (3) hours each being in the areas of agency, license law, disclosures, and ethics, all to be completed by January 31, 2007.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 and the terms of compensation and shall specify whether an offer of subagency may be made to any other designated broker; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; Neb. Rev. Stat. § 81-885.24 (23) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts; 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; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; Title 299 Chapter 3-007 In the event of a dispute over the return or forfeiture of any earnest deposit held by a broker, the broker shall continue to hold said deposit in his or her trust account until he or she has a written release from all parties consenting to its disposition or until a civil action is filed to determine its disposition at which time the broker may pay it into court; and, Title 299 Chapter 5 -003.09 Failure to obtain the informed written, signed, and dated consent of all parties involved in a transaction prior to a licensee acting for more than one party in the transaction. Informed written consent means that the licensee must obtain the written agreement of said parties, as well as the licensee's employing broker, prior to acting in such a manner. A copy of said informed written consent shall be signed, dated, and maintained in the transaction file in accordance with 299 NAC 3-001. If no transaction results then the informed written consent shall be maintained by the licensee's employing broker for five years after the date of the agreement.] Henn failed to disclose an adverse material fact to the sellers; failed to advise the sellers to seek legal advice regarding statements made by a buyer; failed to advise the sellers regarding the earnest money deposit received from the buyer; and failed to advise the sellers regarding the effect of the assignment of the sale</p>	<p>2006-039 - Commission vs. Ronald A. Henn (continued)</p>		

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>from one buyer to another buyer; Henn negotiated the assignment of the sale between sellers and buyer, to another buyer, without the consent of the sellers; Henn failed to advise a buyer to seek legal advice pertaining to a refund of the buyer's earnest money deposit; Henn disclosed confidential information to a buyer pertaining to the net price the sellers would take for the property; Henn negotiated the terms of the sale with a buyer before he entered into a listing agreement with the sellers; Henn did not have a listing agreement with one of the buyers (now the seller) when he negotiated the assignment of the sale from the buyer to another buyer; Henn assisted in the procurement of a buyer on property he did not have listed for sale; Henn failed to complete an agency disclosure with the sellers on his first substantial contact; Henn falsely disclosed to the sellers and a buyer that he was acting as a sellers' agent when he was in fact a buyer's agent; Henn failed to complete an agency disclosure with a buyer disclosing which party he was representing in the transaction; Henn falsely disclosed his agency status to both the sellers and one of the buyers; Henn falsely advised the sellers about statements made by a buyer pertaining to the buyer completing the transaction; Henn failed to inform the sellers that he was assisting the original buyer in an assignment of the buyer's interest in the contract to another buyer; Henn disbursed the buyer's earnest money to the seller when the return of such money was disputed by the buyer; Henn improperly returned a buyer's earnest money to the buyer; Henn failed to obtain the written consent of the buyer and the sellers to act as a limited dual agent in the transaction; and Henn demonstrated negligence, incompetence, or unworthiness to act as a broker for violating all of the above.</p>	<p>2006-039 - Commission vs. Ronald A. Henn (continued)</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</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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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; 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; 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 Title 299 Chapter 5-003.25 Failure by a licensee who knows of an error, inaccuracy, or omission in a Seller Property Condition Disclosure Statement completed</p>	<p>2006-028 - Tammy Chaudoin vs. Gunner E. Brown</p>	<p>November 2, 2006</p>	<p>Stipulation and Consent Order. License suspended for a period of fifteen (15) days, commencing on November 28,</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence to act as a salesperson.] Brown failed to disclose to the potential purchaser and the seller, in writing, an error or inaccuracy in a Seller Property Condition Disclosure Statement of which he had knowledge.</p> <p>Violated terms of a previous Stipulation and Consent Order dated November 2, 2006, pertaining to Complaint 2006-028.</p>	<p>SC 2007-002 Commission vs. Gunnar E. Brown</p>	<p>Show Cause Hearing March 29, 2007</p>	<p>2006 and continuing through December 13, 2006; 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 ethics to be completed by January 31, 2007.</p> <p>Stipulation and Consent Order. License suspended for a period thirty (30) days to commence on April 2, 2007, and continue through May 1, 2007, followed by a probation period of six (6) months commencing on May 2, 2007, and continuing through November 1, 2007; plus an additional nine (9) hours of continuing education with three (3) hours in the area of license law, three (3) hours in the area of contracts, and three (3) hours in the area of ethics. Courses must be taken in an in-class format and be completed by September 29, 2007.</p>
<p>Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson by accessing the subject property using his lockbox key for an unauthorized purpose.</p>	<p>2006-029 -Tamara S. Leif vs. Joshua Paul Cooley</p>	<p>November 2, 2006</p>	<p>Hearing held November 2, 2006. License suspended for a period of one year with the first month actually served on suspension and the last 11 months served on probation to commence upon activation of his real estate salesperson's license; 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 ethics all to be completed prior to activating his real estate salesperson's license.</p>
<p>Section 81-885.21 (1) Each broker other than an inactive broker shall maintain in a bank, savings bank, building and loan association, or savings and loan association a separate, insured non-interest-bearing checking account in this state in his or her name or the name under which he or she does business which shall be designated a trust account in which all down payments, earnest money</p>	<p>2006-046 - Commission vs. Lucie Jungjohann-Hazel</p>	<p>November 2, 2006</p>	<p>Stipulation and Consent Order. License revoked.</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

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<p>deposits, or other trust funds received by him or her, his or her associate brokers, or his or her salespersons on behalf of his or her principal or any other person shall be deposited and remain until the transaction is closed or otherwise terminated unless all parties having an interest in the funds have agreed otherwise in writing; Title 299 Chapter 3.001 It shall be the duty of every broker to preserve for five years, following its consummation, records relating to any real estate transaction; 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; Title 299 Chapter 3.002 Every broker shall maintain a bookkeeping system which will accurately and clearly disclose full compliance with the law relating to the maintaining of trust accounts; Neb. Rev. Stat. § 81-885.24 (5) Failing to maintain and deposit in a separate non-interest-bearing checking account all money received by a broker acting in such capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in the funds have agreed otherwise in writing; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; Neb. Rev. Stat. § 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others; Jungjohann commingled money of her principals with her own; and Jungjohann demonstrated negligence, incompetence, or unworthiness to act as a broker.</p>	<p>2006-046 - Commission vs. Lucie Jungjohann-Hazel (continued)</p>		
<p>Section 81-885.24 (22) Making any substantial misrepresentations and Neb. Rev. Stat. § 81-885.24 (29) by demonstrating unworthiness to act as a salesperson. Clark explicitly and falsely representing that he was licensed to act as a real agent under Iowa law; Clark implicitly represented through his actions that he could lawfully assist the buyers in negotiating for the purchase of an Iowa property and that he could lawfully prepare an offer to purchase on the Iowa property; and Clark engaged in acts in violation of the laws of the State of Iowa requiring an Iowa real estate license.</p>	<p>2005-028 - Commission vs. David M. Clark</p>	<p>November 2, 2006</p>	<p>Hearing held January 18, 2006. Appealed to the District Court of Lancaster County. Appeal dismissed October 10, 2006. License suspended for twelve (12) months with suspension to begin on November 13, 2006, with the first month served on suspension. The balance of said suspension served on probation to commence on December 13, 2006, and continue through November 12, 2007; plus six (6) hours of additional continuing education with three (3) hours in the area</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2005-028 - Commission vs. David M. Clark (continued)		of license law and three (3) hours in the area of agency, all to be completed by November 13, 2007.
Section 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 conduct an independent measurement of the square footage of the subject home to resolve the discrepancy between two different square footages, specifically 2,264 square feet and 2,688 square feet.	2006-066 - Commission vs. Georgianna Vint	December 14, 2006	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of license law to be completed by March 14, 2007.
Section 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; and (d) To account in a timely manner for all money and property received; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, whether of the same or of a different character as otherwise specified in this section, for taking seven (7) months to turn a tenant issue over to the local Credit Bureau for collection; by failing to provide the Complainant with monthly income and expense statements during the period October, 2005, through May, 2006; and by failing to facilitate, as agreed upon, the restoration of electricity to the barn, the new fencing, and the restoration of the pasture area.	2006-019 - Melvin H. Willems vs. Thomas Eugene Dover, Jr.	December 14, 2006	Stipulation and Consent Order. License suspended for a period of two (2) years with the entire suspension period served on probation commencing December 14, 2006, and continuing through December 15, 2008, plus an additional twelve (12) hours of continuing education to include three (3) hours in the area of license law, three (3) hours in the area of trust accounts, three (3) hours in the area of agency, and three (3) hours in the area of contracts, to be completed by April 13, 2007.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, for notarizing the signature of Complainant without the Complainant being in his presence to sign the documents and for allowing another person to sign the Complainant's name to the Listing Agreement and Offer to Purchase without first verifying that the person had the Complainant's written consent to sign such contracts under a duly-executed Power-of-Attorney.	2006-043 - Dwain Luhr vs. Robert L Hupp	December 14, 2006	Stipulation and Consent Order. License suspended for a period of six (6) months, with the first thirty (30) days actually served on suspension and the remainder of the six (6) month period served on probation. Suspension period to commence within thirty (30) days of the date of this Order is approved and accepted by the Commission; plus an additional nine (9) hours of continuing education with three (3) hours in the area

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	2006-043 - Dwain Luhr vs. Robert L Hupp (continued)		of license law, three (3) hours in the area of contracts, and three (3) hours in the area of ethics, to be completed by June 8, 2007. Also the Facts surrounding the improper notarization must be voluntarily submitted to the Nebraska Secretary of State's Office, Notary Division.
Section 81-885.24 (29) Demonstrating negligence to act as a broker for filing a lien against the subject new-construction home when she had no legal basis for doing so.	2006-052 - Mark Resseguie, Innovative Homes and Design Inc vs. Nada Resnik-McNenny	January 25, 2007	Stipulation and Consent Order. License suspended for a period of thirty (30) days, commencing January 26, 2007, through February 25, 2007; plus nine (9) hours of additional continuing education with three (3) hours in the area of agency, three (3) hours in the area of license law, and three (3) hours in the area of ethics.
Section 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. The agreement shall include a licensee's duties and responsibilities specified in section 76-2417 and the terms of compensation and shall specify whether an offer of subagency may be made to any other designated broker; Title 299 Chapter 5-003.18 Failure to reduce an offer to writing where a prospective purchaser requests such offer be submitted; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence to act as a broker, specifically, Fox failed to obtain a signed Listing Agreement from the seller when listing the property; Fox failed to reduce the Polaks' offer to writing when the Polaks requested their offer be submitted; and Fox failed to contact the Polaks after advising them he would if an Offer was received from any other buyer.	2006-055 - Henry A. and Maxine M. Polak vs. Michael Steven Fox	February 7, 2007	Stipulation and Consent Order. License censured; plus nine (9) hours of additional continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, and three (3) hours in the area of ethics to be completed by August 6, 2007.
Section 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: (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; Neb. Rev. Stat. § 81-885.24 (22)	2006-065 Neal R. Straight vs. Jeanene Elsie Roth	May 24, 2007	Stipulation and Consent Order. License censured; plus six (6) hours of additional 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 November 20, 2007.

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making any substantial misrepresentations; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Roth advised the seller that seller would have sufficient time after closing to remove seller's personal possessions from the home and garage, when in fact, seller should not have had access to the home after closing without the buyer's authorization. Further, Roth did not convey the correct countered price from seller to the buyers.	2006-065 Neal R. Straight vs. Jeanene Elsie Roth (continued)		
<u>Maloney</u> : Section 81-885.24 (29) demonstrating negligence to act as a broker. Maloney prepared advertising and disseminated the advertising to the public, i.e., a flyer and a Multiple Listing Service Detail Report, that incorrectly identified the number of acres. <u>Curtis</u> : Section 76-2419 (2) A dual agent shall be a limited agent for both the seller and buyer or the landlord and tenant and shall have the duties and obligations required by sections 76-2417 and 76-2418 unless otherwise provided for in this section; 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 client and (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence to act as a salesperson. Curtis failed to exercise reasonable skill and care for the buyer and failed to promote the interests of the buyer with the utmost good faith, loyalty, and fidelity by failing to write the buyer's Offer to include two (2) tractors and the required implements needed to mow the lawn, and by signing transaction documents "Margaret T. Maloney by Tracy Curtis", instead of signing the transaction documents as Tracy Curtis.	2006-050 Emilio Zuniga vs. Margaret Theresa Maloney and Tracy Gayle Curtis	May 24, 2007	Stipulation and Consent Order. <u>Maloney</u> : License censured; plus three (3) hour of additional continuing education in the area of license law to be completed by November 20, 2007. <u>Curtis</u> : License censured; plus six (6) hours of additional continuing education with three (3) hours in the area of agency and three (3) hours in the area of contracts to be completed by November 20, 2007.
Section 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as brokers, for failing to exercise due diligence in verify the actual size of the property before advertising it to be "1.5 acres more or less", and for failing to have a written subagency agreement between themselves agreeing to their subagency relationship.	2006-032 Jon Schwartz and Terry Hurt vs. Jack Raymond Nitz and Jay D. Nitz and 2006-067 Commission vs. Jack Raymond Nitz and Jay D. Nitz	May 24, 2007	Joint Hearing held May 24, 2007. <u>Jack Raymond Nitz</u> : License censured; plus three (3) hours of additional continuing education in the area of agency, to be completed by November 27, 2007. <u>Jay D. Nitz</u> : License censured; plus three (3) hours of additional continuing education in the area of disclosures, to be

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	2006-032 Jon Schwartz and Terry Hurt vs. Jack Raymond Nitz and Jay D. Nitz and 2006-067 Commission vs. Jack Raymond Nitz and Jay D. Nitz (continued)		completed by November 27, 2007.
Section 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson for allowing the buyers to remain in seller's home unattended.	2007-002 Robert J. Swatek vs. Thomas F. Kean	June 28, 2007	Stipulation and Consent Order. License suspended for a period of twelve (12) months, with the first thirty (30) days actually served on suspension. Suspension period to commence on August 1, 2007. The balance of said suspension served on probation will commence on August 31, 2007, and continue through July 31, 2008; plus 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 license law, to be completed by December 25, 2007.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson for having been found in violation of the Iowa Real Estate Commission's license law and for conducting the unlicensed practice of real estate in the State of Iowa.	2007-019 Commission vs. Annette Marie Hirsch	June 28, 2007	Stipulation and Consent Order. License suspended for a period of twelve (12) months, with the first thirty (30) days actually served on suspension. Suspension to commence within 30 days of transferring her real estate salesperson's license from "inactive" status to Aactive@ status; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of license law, to be completed by December 25, 2007.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker for having been found in violation of the Iowa Real Estate Commission's license laws and for failing to supervise a salesperson by allowing the salesperson to conduct the unlicensed practice of real estate in the State of Iowa.	2007-020 Commission vs. Dennis Lee Nelson	June 28, 2007	Stipulation and Consent Order. License Censured.
Section 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson for	2007-021 Commission vs. Timothy Sean Caffery	July 10, 2007	Stipulation and Consent Order. License suspended for a period of three (3) years,

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having been charged and convicted of multiple alcohol-related misdemeanor offenses.	2007-021 Commission vs. Timothy Sean Caffery (continued)		with the entire period served on probation, to commence on July 10, 2007 and continue through July 9, 2010. If Respondent Timothy Sean Caffery is charged and convicted of another criminal offense during said three (3) year period which involves the use or possession of pertaining to the Driving Under the Influence - 3rd Offense conviction, said probation shall be immediately revoked effective on the date of conviction of said charge, and Respondent Timothy Sean Caffery shall not engage in any activity in the State of Nebraska that requires the holding of a Nebraska real estate license for the balance of the three (3) year period. The suspension would then remain in effect for the remainder of the three (3) year period even if said conviction is appealed to a higher Court. Respondent Timothy Sean Caffery understands that any new conviction of a criminal offense involving alcohol or a controlled substance as described earlier, will result in a new complaint being filed by the Nebraska Real Estate Commission with respect to such conviction.
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; and Neb.	2007-042 Commission vs. Tia Lyn Stratton	August 23, 2007	Stipulation and Consent Order. License censured; plus three (3) hours of additional continuing education in the area of agency, to be completed by February 19, 2008.

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Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as salesperson, for failing to complete the required Agency Disclosure.	2007-042 Commission vs. Tia Lyn Stratton (continued)		
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, for failing to return the listing agent's telephone calls and for failing to keep the listing agent informed as to the status of the buyer's loan.	2006-064 Ronald S. Kopiasz vs. Gustavo A. Buenrostro	August 23, 2007	Stipulation and Consent Order. License suspended for a period of sixty (60) days, to commence within thirty (30) days of August 23, 2007; plus six (6) hours of additional continuing education with three (3) hours in the area of ethics and three (3) hours in the area of agency to be completed by February 19, 2008.
Section 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: (d) To account in a timely manner for all money and property received. Buenrostro failed to account for the \$500.00 earnest money deposit; Neb. Rev. Stat. § 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others. Buenrostro failed to account for and remit the earnest money deposit of \$500.00; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Buenrostro allowed Respondent Loza to participate in the real estate transaction knowing that he was a licensed salesperson employed by another designated broker.	2006-068 Raymond M. Zendejas vs. Angel Ramon Loza and Gustavo A. Buenrostro.	August 23, 2007	<u>Loza</u> : Continued until further notice. <u>Buenrostro</u> : Stipulation and Consent Order. License suspended for one hundred twenty (120) days, followed by one hundred eighty (180) days of probation, to commence immediately upon completion of the suspension period given the Respondent Buenrostro under Complaint 2006-064; plus six (6) hours of additional continuing education with three (3) hours in the area of trust accounts and three (3) hours in the area of license law to be completed by February 19, 2008.
Section 81-885.24 (22) Making any substantial misrepresentations and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Yates misrepresented the terms of the lease between seller and tenant to the purchaser.	2007-015 Lindsey DeBerry vs. Shannon Kole Yates	October 11, 2007	Stipulation and Consent Order. License censured; plus six (6) hours of additional continuing education with three (3) hours in the area of contracts and three (3) hours in the area of license law to be completed by April 8, 2008.
Section Title 299, Ch. 3-002 Every broker shall maintain a bookkeeping system which will disclose full compliance with the law relating to the maintaining of trust accounts. Van Horne failed to maintain a bookkeeping system which accurately and clearly accounted for trust funds received and disbursed from her real estate trust account. Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Van Horne failed to maintain a bookkeeping system which	2008-002 - Commission vs. Carolyn Van Horne	January 25, 2008	Stipulation and Consent Order. License suspended for a period of two (2) years commencing on January 25, 2008, continuing through January 25, 2010, with the entire suspension period served on probation; 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 trust

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accurately and clearly accounted for trust funds received and disbursed from her real estate trust account; failed to reconcile monthly bank statements on a timely basis; failed to prepare a monthly Trial Balance identifying the property owner(s) and the amount of the property owner's trust funds in the trust account as of the date of the monthly bank statement reconciliation; and Van Horne improperly allowed a property owner's sub-ledger to reflect a negative cash balance.	2008-002 - Commission vs. Carolyn Van Horne (continued)		accounts, all to be completed by July 22, 2008.
<u>Jeffrey Nelson Searcy</u> : Section 81-885.24 (29) Demonstrating negligence to act as a salesperson because he allowed Mary C. Searcy to participate in the pre-listing discussion during which time he failed to disclose to Murphy that Mary C. Searcy and other members of the A Searcy Team@ would not be acting as limited Seller's Agents and representing Murphy in the transaction but instead would be acting as limited Buyer's Agents, as Mary C. Searcy did. <u>Mary C. Searcy</u> : Section 81-885.24 (29) Demonstrating negligence to act as a salesperson because she failed to disclose to Murphy that she and other members of the A Searcy Team@ would not be limited Seller's Agents and would not be representing Murphy in the transaction, but instead would be acting as limited Buyer's Agents in the event a suitable buyer was located by her or any other A Searcy Team@ member.	2007-030 James L. Murphy vs. Jeffrey Nelson Searcy and Mary C. Searcy	March 7, 2008	Stipulation and Consent Order. <u>Jeffrey Nelson Searcy</u> : 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 September 3, 2008. <u>Mary C. Searcy</u> : 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 September 3, 2008.
Section 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; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as an associate broker. Because Jussel failed to have Geri Tanderup sign the Listing Agreement, Jussel offered the real estate for sale without the knowledge and consent of one of the owners.	2007-034 Geri Tanderup vs. Marlene K. Jussel	March 6, 2008	License suspended for a period of one (1) year commencing on March 6, 2008, continuing through March 5, 2009, with the entire suspension period served on probation; plus an additional six (6) hours of continuing education with three (3) hours in the are of license law and three (3) hours in the area of contracts to be completed by September 2, 2008.
Section 81-885.24 (29) by demonstrating unworthiness to act as a broker for having been convicted of four (4) Driving Under the Influence charges and for failing to report the Driving Under the Influence conviction relating to the June 2005 incident to the Nebraska Real Estate Commission on his real estate renewal application for 2006.	2007-012 Commission vs. Kevin Dean Irish	March 6, 2008	Hearing held March 6, 2008. License suspended for two (2) years, with the entire suspension period stayed and served on probation to commence April 18, 2008, and continue through April 17, 2010. Kevin Dean Irish must abstain

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	2007-012 Commission vs. Kevin Dean Irish (continued)		from alcohol; attend Alcoholics Anonymous meetings on a regular basis and provide documentary proof of such regular attendance on, at least, a monthly basis to the Commission; obtain a sponsor and provide documentary proof of such sponsorship to the Commission; and if charged with another criminal offense during the two (2) year period, Irish must report such charge to the Commission within seven (7) days of such charge.
Section 81-885.24 (3) Failing to account for and remit any money coming into his or her possession belonging to others, for failing to transmit January 2007 rents to the Corporation's new property manager; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker, by overcharging and duplicating charges to the Corporation for hall cleaning; for failing to stop the lawn mowing service; for failing to obtain prior authorization from a member of the Corporation for an expense over \$1,000.00; for failing to ensure tenants properly transferred utilities into their name; for allowing tenants to remain in a property without paying monthly rent; for improperly charging a tenant late fees; and for failing to transmit January 2007 rents to the Corporation's new property manager.	2007-011 Kathryn Adkisson and Linda Vogt vs. Michael Ray Holroyd	April 4, 2008	Stipulation and Consent Order. License suspended for a period of two (2) years, with the entire suspension period stayed and served on probation, to commence on April 24, 2008 and will continue through April 23, 2010; plus an additional twelve (12) hours of continuing education with three (3) hours in the area of agency, three (3) hours in the area of contracts, three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed and proof of completion submitted to the Commission by October 1, 2008.
Section 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 client and (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence to act as a broker, associate broker, or salesperson. Muller failed to advise the client to have a whole-house inspection.	2007-036 David L. and Shelley M. Pokorny vs. James Wilbur Muller	April 4, 2008	Stipulation and Consent Order. License Censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of license law to be completed by October 1, 2008.
<u>Gary Bert Stoneburg</u> : Section 81-885.24 (29) Demonstrating incompetency or unworthiness to act as a broker, by accepting two Uniform Listing Contracts as the Sellers' Limited Agent, at a time when he knew that the two listings	2007-047 Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols.	April 17, 2008	Hearing held April 3, 2008. <u>Gary Bert Stoneburg</u> : Broker's license suspended for a period of one hundred and twenty (120) days with the entire suspension

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<p>had been negotiated on behalf of his brokerage by the Nichols, and when he knew, or through the exercise of reasonable care should have known, that the Nichols were at the time employed by another employing broker, who had not given the Nichols the required prior written consent to represent another employing broker, Gary Bert Stoneburg, in connection with the listing and marketing for sale of the two properties. <u>Mark A. Nichols</u>: Section 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, 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 disclose, in writing, to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person; Title 299 NAC Chapter 2-010 The consent required from the employing broker for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in 81-885.24 (7) and (8), respectively, shall be given, in writing, by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. <u>Mark A. Nichols</u> jointly negotiated two Uniform Listing Contracts on behalf of RE/MAX Advantage Real Estate and its designated broker, Respondent Gary Bert Stoneburg; obtained signatures of the two sellers on agency disclosure forms which identified Gary Bert Stoneburg as the limited Sellers' Agent; failed to obtain the signatures of the two sellers on agency disclosure forms which identified each of the Nichols, or either of them, as Sellers' Limited Agents; and failed to obtain the required prior written consent from his then employing broker to represent another employing broker. <u>Beverly Alice Nichols</u>: Section 81-885.24 (7) Representing</p>	<p>2007-047 Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols. (continued)</p>		<p>period stayed and served on probation, commencing on May 9, 2008, and continuing through September 6, 2008; plus an additional twelve (12) hours of continuing education with three (3) hours each in the area of agency, contracts, ethics and license law, to be completed by September 6, 2008. <u>Mark A. Nichols</u>: Broker's license suspended for a period of one (1) year, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009. <u>Beverly Alice Nichols</u>: Salesperson's license suspended for a period of twelve (12) months, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009; plus an additional six (6) hours of continuing education with three (3) hours each in the area of license law and agency, to be completed by November 3, 2008.</p>

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<p>or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, 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 disclose, in writing, to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person; Title 299 NAC Chapter 2-010 The consent required from the employing broker for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in 81-885.24 (7) and (8), respectively, shall be given, in writing, by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. Beverly Alice Nichols jointly negotiated two Uniform Listing Contracts on behalf of RE/MAX Advantage Real Estate and its designated broker, Respondent Gary Bert Stoneburg; obtained signatures of the two sellers on agency disclosure forms which identified Gary Bert Stoneburg as the Sellers' Limited Agent; failed to obtain the signatures of the two sellers on agency disclosure forms which identified each of the Nichols, or either of them, as Sellers' Limited Agents; and failed to obtain the required prior written consent from her then employing broker to represent another employing broker.</p>	<p>2007-047 Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols. (continued)</p>		
<p>Section 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</p>	<p>2008-014 Commission vs. Michael Patrick Earl</p>	<p>May 5, 2008</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 November 1, 2008.</p>

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<p>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, for failing to obtain the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction; 81-885.24 (22) Making any substantial misrepresentations for misrepresenting himself in the Purchase Agreement and throughout the transaction to be a limited Buyer's Agent when actually he was acting as a limited Dual Agent without the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson for misrepresenting himself in the Purchase Agreement and throughout the transaction to be a limited Buyer's Agent in the transaction and for failing to obtain the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction.</p>	<p>2008-014 Commission vs. Michael Patrick Earl (continued)</p>		
<p>Section 81-885.24 (29) Demonstrating unworthiness to act as a broker by permitting his salesperson to implicitly represent to the buyers through his actions that he could lawfully assist the buyers in negotiating for the purchase of an Iowa property and that he could lawfully prepare an Offer to Purchase on the Iowa property; by permitting the salesperson to engage in acts requiring a real estate license in the State of Iowa in violation of the laws of the State of Iowa; and for being sanctioned by the Iowa Real Estate Commission for violations of Iowa law relating to the Iowa transaction.</p>	<p>2005-027 Commission vs. John C. Clark</p>	<p>July 18, 2008</p>	<p>Hearing held January 18, 2006. Appealed Commission's decision to District Court. Commission's decision affirmed by District Court on January 30, 2007. Appealed District Court's decision to Court of Appeals. District Court's decision affirmed by Court of Appeals on May 20, 2008. License suspended for a period of twenty four (24) months, with the first sixty (60) days actually served on suspension. The suspension commenced on July 16, 2008, and will continue through September 13, 2008,</p>

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	2005-027 Commission vs. John C. Clark (continued)		followed by the probation period commencing on September 14, 2008, and continuing through July 15, 2010; plus twelve (12) hours of additional continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, three (3) hours in the area of contracts, and three (3) hours in the area of ethics, all to be completed by May 20, 2009.
<p><u>Larry Melichar</u>: Dismissed. <u>Kenneth Muckey</u>: Section Title 299, Chapter 5-003.11, Failure of the licensee to identify in writing to the prospective purchaser-client, or to a purchaser-customer if offered pursuant to Neb. Rev. Stat. 76-2421 (3) (b), at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing. At the same time, the licensee shall prepare a written estimate of the costs the purchaser will be expected to pay at closing, to the extent the necessary cost information is reasonably available. Said written information shall be signed and dated by the purchaser. A copy of the signed and dated document shall be given to the purchaser and, when a transaction results, one copy shall be maintained in the transaction file in accordance with 299 NAC 3-001. This subsection shall not apply to the sale of land or a lot or lots to an entity or individual representing itself, himself or herself as a builder or developer; agricultural property; commercial property, including residential property with five or more dwelling units; or to third-party relocation companies acting as purchasers. For the purposes of this subsection, the term "agricultural property" shall mean property zoned agricultural by a county in which any part of the property is located, or, if a county does not zone land agricultural, then property any part of which is assessed as agricultural property by a county assessor; Title 299, Chapter 5-003.24, Failure by the agent of a purchaser to assure that a copy of the Seller Property Disclosure Statement is delivered to the purchaser on or before the effective date of any contract which binds the</p>	2007-061 - Christin Pruess and R.E.L.M. Investors, LLC vs. Kenneth Alan Muckey and Larry Dean Melichar	September 26, 2008	<p><u>Larry Melichar</u>: Dismissed. <u>Kenneth Muckey</u>: Stipulation and Consent Order. License suspended for sixty (60) days followed by one (1) year probation. The suspension period will commence on October 29, 2008, and will continue through December 28, 2008. The probationary period will commence on December 29, 2008, and will continue through December 28, 2009; plus an additional six (6) hours of continuing education with three (3) hours in the area of contracts and three (3) hours in the area of ethics to be completed by March 25, 2009.</p>

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<p>purchaser to purchase the residential real property, and to obtain the signed receipt of the purchaser; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Respondent Muckey failed to have Complainant date and sign "estimated" closing cost statements for \$18,500.00 and \$20,000.00; failed to obtain the signed receipt of Complainant on the Seller Property Condition Disclosure Statement; signed Complainant's name to the "estimated" closing cost statements for \$18,500.00 and \$20,000.00, and signed Complainant's name to the Seller Property Condition Disclosure Statement.</p>	<p>2007-061 - Christin Pruess and R.E.L.M. Investors, LLC vs. Kenneth Alan Muckey and Larry Dean Melichar (continued)</p>		
<p>Section 81-885.24(29) demonstrating unworthiness to act as a broker for having her insurance producer's license revoked by the Nebraska Department of Insurance based upon the following facts admitted by Beyer in a Consent Order dated January 2, 2008: (a) accepting insurance premiums in excess of \$40,000.00 from consumers as an agent for Stewart Title and failing to remit such premiums to Stewart Title; (b) accepting insurance premiums in excess of \$11,900.00 from consumers as an agent for Union General and failing to remit such premiums to Union General; and (c) charging title insurance premiums and/or fees to consumers which were not in accord with the filed rates of the insurer.</p>	<p>2008-008 - Commission vs. Sally Joanne Beyer</p>	<p>August 28, 2008</p>	<p>Hearing held August 28, 2008. License revoked.</p>
<p>Section 81-885.24 (22) Making any substantial misrepresentation and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson by indicating in the receipt section of Offer to Purchase that she had received an earnest money deposit of \$500.00, when in fact she had not received said earnest money deposit.</p>	<p>2007-070 Jeremy and Cristal Hansen vs. Kerri Lea Pearson</p>	<p>October 30, 2008</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 contracts and three (3) hours in the area of license law to be completed by April 28, 2009.</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</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</p>

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<p>such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that 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>November 5, 2009; plus an additional nine (9) hours of continuing education 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><u>Gibb, Hinkel and Noland</u>: Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for conducting the unlicensed practice of real estate in the State of Iowa when their respective real estate license was inactive, lapsed or expired, and for having an action taken against their respective Iowa real estate license by the Iowa Real Estate Commission. <u>Leisey</u>: Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for conducting the unlicensed practice of real estate in the</p>	<p>2008-030 Commission vs. Richard Lynn Gibb, Sherri Lynn Hinkel, Susan Marie Noland and Vincent W. Leisey</p>	<p>January 22, 2009</p>	<p>Stipulation and Consent Order. Licenses censured.</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

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State of Iowa when their respective real estate failing to supervise his affiliated Iowa licensees and for having an action taken against his Iowa real estate broker's license by the Iowa Real Estate Commission.	2008-030 Commission vs. Richard Lynn Gibb, Sherri Lynn Hinkel, Susan Marie Noland and Vincent W. Leisey (continued)		
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Kelly conducted the unlicensed practice of real estate in the State of Iowa when his real estate broker's license was inactive, lapsed or expired, and had an action taken against his Iowa real estate broker's license by the Iowa Real Estate Commission.	2009-007 Commission vs. Daniel Patrick Kelley	February 19, 2009	Stipulation and Consent Order. License censured.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Plum had an action taken against her Iowa real estate salesperson's license by the Iowa Real Estate Commission.	2009-008 Commission vs. Diane K. Plum	February 19, 2009	Stipulation and Consent Order. License censured.
Section 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. 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; and violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Paladino failed to have a written common law management agreement with Complainant, and, charged Complainant expenses which should have been charged to the new property owner.	2008-018 Scott Annon Boyer vs. David Joseph Paladino	April 17, 2009	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area license law, to be completed by October 14, 2009.
Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Shandera entered the seller's property without having first obtained the affirmative consent or authorization of the seller, the Seller's Agent, or the	2008-025 Meredith J Jantzen vs. Kelly Jane Shandera	May 21, 2009	Stipulation and Consent Order. License censured; plus an additional six (6) hours of additional education with three (3) hours in the area of license law and three (3) hours in the area of ethics, to be

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<p>Seller's Agent's Managing Broker.</p> <p>Section Title 299 Chapter 3 Section 002 Every broker shall maintain a bookkeeping system which will accurately and clearly disclose full compliance with the law relating to the maintaining of trust accounts. Lunz failed to maintain a bookkeeping system during the trust account examination periods ending January 25, 2007, and January 6, 2009. Violated Title 299 Chapter 3 Section 004 Funds deposited in the trust account will necessarily include monies which will ultimately belong to the broker but such monies shall be separately identified in his or her trust account records and shall be paid to the broker by check drawn on the trust account after the same are due the broker. The fact that a trust account contains money belonging to the broker does not constitute "commingling the money or other property of his or her principals with his or her own," as prohibited by Subsection (4) Section 81-885.24 of the Nebraska Real Estate License Act. Lunz failed to properly account for personal funds maintained in the trust account. 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. 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. Lunz failed to have a written agency agreement in place with a seller when representing the seller in the real estate transaction. And violated 81-885.24 (29) Demonstrating negligence, incompetence, or unworthiness to act as a broker, associate broker, or salesperson. Lunz failed to maintain a bookkeeping system for the trust account examination periods ending January 25, 2007, and January 6, 2009; failed to properly account for her personal funds maintained within the trust account; and failed to have written agency agreement in place with a seller when representing the seller in the real estate transaction.</p>	2009-025 Commission vs. Patricia Ann Lunz	May 21, 2009	<p>completed by November 22, 2009.</p> <p>Stipulation and Consent Order. License suspended for a period of two (2) years, with the entire suspension period stayed and served on probation commencing on May 26, 2009, and continuing through May 26, 2011; plus an additional twelve (12) hours of continuing education with three (3) hours in agency, three (3) hours in contracts, three (3) hours in license law, and three (3) hours in trust accounts, to be completed by November 22, 2009.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p><u>Concannon</u> violated Title 299 Chapter 5 Section 003 (22) Failure by a designated or employing broker to supervise his or her associate brokers and salespersons. Concannon failed to ensure that Respondent Wilson and Respondent Marett obtained the signature of both sellers on the Listing Agreement. <u>Wilson</u> violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, and 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. Wilson failed to obtain the signature of both sellers on the Listing Agreement.</p>	<p>2008-012 Commission vs. Charles Wing Concannon, Stacy Jo Wilson and Peggy Barbara Marett</p>	<p>May 21, 2009</p>	<p>Hearing held May 21, 2009. <u>Concannon and Wilson</u>: License censured. <u>Marett</u>: Dismissed.</p>
<p><u>Slatten</u> violated Title 299 Chapter 3 Section 001 It shall be the duty of every broker to preserve for five years, following its consummation, records relating to any real estate transaction. Slatten failed to locate real estate transaction files pertaining to two (2) transactions during the 3 ½ months which elapsed between the initial examination and the follow-up examination. Violated Title 299 Chapter 3 Section 002 Every broker shall maintain a bookkeeping system which will accurately and clearly disclose full compliance with the law relating to the maintaining of trust accounts. Slatten failed to identify a running cash balance after each bookkeeping entry in the General Ledger and failing to prepare sub-ledgers on 49 of 56 real estate sales transactions. Violated Title 299 Chapter 5 Section 003 (11) Failure of the licensee to identify in writing to the prospective purchaser-client, or to a purchaser-customer if offered pursuant to Neb. Rev. Stat. 76-2421 (3) (b), at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing. At the same time, the licensee shall prepare a written estimate of the costs the purchaser will be expected to pay at closing, to the extent the necessary cost information is reasonably available. Said written information shall be signed and dated by the purchaser. A copy of the signed and dated document shall be given to the purchaser and, when a transaction</p>	<p>2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson</p>	<p>May 22, 2009</p>	<p>Hearing held May 22, 2009. Slatten: License suspended for two (2) years, with the first thirty (30) days actually served on suspension, and the remainder of the two (2) year suspension period stayed and served on probation, to commence on July 13, 2009, and continuing through August 11, 2009, followed by the probation period which will continue through July 13, 2011, plus an additional six (6) hours of continuing education to include three (3) hours in the area of trust accounts and three (3) hours in the area of license law to be completed by July 13, 2010. Slatten's real estate broker's license is restricted in that he is absolutely barred indefinitely into the future from acting as a designated broker, employing broker or managing broker. Upon completion of the two (2) year suspension/probation period, Slatten may apply to the Commission for removal of the above-described restrictions, provided that he personally appear before the Commission for consideration of this request and the Commission passes a</p>

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<p>results, one copy shall be maintained in the transaction file in accordance with 299 NAC 3-001. Slatten failed to maintain an estimated buyer closing cost statement for three (3) transactions and failed to have the buyer date and sign the estimated closing cost statement on one (1) transaction. Violated Title 299 Chapter 5 Section 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. Slatten failed to deposit earnest money within 72 hours or before the end of the next banking day after an offer was accepted in three (3) transactions. Violated Title 299 Chapter 5 Section 003 (19) Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities. Slatten failed to supervise the person hired to assist Respondents in their licensed real estate activities. 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. Slatten failed to maintain a signed and dated Agency Disclosure from the respective buyers in three (3) transactions and failed to maintain a signed and dated Agency Disclosure from the respective seller in two (2) transactions. And violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by his actions as detailed above. <u>Thompson</u> violated Title 299 Chapter 3 Section 002 Every broker shall maintain a bookkeeping system which will accurately and clearly</p>	<p>2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson (continued)</p>		<p>motion approving the removal of such restrictions on his real estate broker's license.  <u>Thompson</u>: License suspended for two (2) years, with the first year served on suspension and the second year of the suspension period stayed and served on probation. Suspension period to commenced on December 1, 2009 and will continue through December 1, 2010, followed by the probation period which will continue through December 1, 2011; plus an additional six (6) hours of continuing education to include three (3) hours in the area of trust accounts and three (3) hours in the area of license law. Education to be completed by December 1, 2010. Thompson must also develop written policies and procedures for governing the maintenance of transaction files and trust account records in all of his real estate offices; submit said written policies and procedures to the Commission for review and approval; and submit to the Commission by December 1, 2010, satisfactory documented proof that said policies and procedures have been implemented in all of his real estate offices. Appealed Commission's decision of May 26, 2009, to District Court. Filed Application for Stay on penalty and Petition for Review. Hearing scheduled for July 1, 2009. Stay Granted. Commission filed Motion to Dismiss. October 2, 2009, Case dismissed by District Court.</p>

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<p>disclose full compliance with the law relating to the maintaining of trust accounts. Thompson failed to identify a running cash balance after each bookkeeping entry in the General Ledger, and failed to prepare sub-ledgers on 49 of 56 real estate sales transactions. Violated Title 299 Chapter 5 Section 003 (11) Failure of the licensee to identify in writing to the prospective purchaser-client, or to a purchaser-customer if offered pursuant to Neb. Rev. Stat. 76-2421 (3) (b), at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing. At the same time, the licensee shall prepare a written estimate of the costs the purchaser will be expected to pay at closing, to the extent the necessary cost information is reasonably available. Said written information shall be signed and dated by the purchaser. A copy of the signed and dated document shall be given to the purchaser and, when a transaction results, one copy shall be maintained in the transaction file in accordance with 299 NAC 3-001. Thompson failed to maintain an estimated buyer closing cost statement on three (3) real estate transactions, and failed to have the buyer date and sign the estimated closing cost statement on one (1) transaction. Violated Title 299 Chapter 5 Section 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. Thompson failed to deposit earnest money within 72 hours or before the end of the next banking day after an offer was accepted in three (3) transactions. Violated Title 299 Chapter 5 Section 003 (19) Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities. Thompson failed to supervise the person hired to assist Respondents in their licensed real estate activities. 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</p>	<p>2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson (continued)</p>		

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<p>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. Thompson failed to maintain a signed and dated Agency Disclosure from the respective buyers in three (3) transactions, failed to maintain a signed and dated Agency Disclosure from the respective seller in two (2) transactions. Violated Title 299 Chapter 5 Section 003 (22) Failure by a designated or employing broker to supervise his or her associate brokers and salespersons. Thompson failed to supervise Slatten in Slatten's conduct of licensed real estate activities and his management of the Omaha branch office. And violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Thompson failed, whether of the same or of a different character as otherwise specified in this section, by his actions as detailed above.</p>	<p>2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson (continued)</p>		
<p>Section 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: (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. Kester allowed this transaction to close, and failed to obtain the required Deed of Reconveyance from U.S. Bank as required by the Title Insurance Commitment date April 10, 2008. Violated 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. 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,</p>	<p>2009-019 Commission vs. Sandra Kay Kester</p>	<p>June 30, 2009</p>	<p>Stipulation and Consent Order. License suspended for a period of six (6) months, with the first thirty (30) days served on suspension and the remainder of the suspension period stayed and served on probation. The suspension commenced on July 28, 2009, and will continue through August 27, 2009. The probationary period will commence on August 28, 2009, and continue through January 26, 2010; plus an additional nine (9) hours of continuing education with three (3) hours in the area of license law, three (3) hours in the area of contracts and three (3) hours in the area of agency, to be completed by December 27, 2009.</p>

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<p>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. Kester failed to have a written listing agreement with the seller. Violated 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. Kester failed to complete an Agency Disclosure with the buyers on September 21, 2007. And violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Kester failed to obtain a Deed of Reconveyance from U. S. Bank as required by the Title Insurance Commitment issued on April 10, 2008, failed to have a written Listing Agreement with the seller and failed to complete an Agency Disclosure with the buyers.</p>	<p>2009-019 Commission vs. Sandra Kay Kester (continued)</p>		
<p>Hellman: 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: (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. Hellman failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by the parties. Violated 81-885.24 (19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal. Hellman failed to include a fixed date of expiration in the</p>	<p>2009-026 Commission vs. Jennifer Lynn Hellman and Brady Kieth Bock</p>	<p>July 9, 2009</p>	<p>Stipulation and Consent Order. Both licenses censured and each shall complete an additional six (6) hours of continuing education with three (3) hours in the area of agency and three (3) hours in the area of contracts, to be completed by January 5, 2010.</p>

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<p>listing agreement. And violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Hellman failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by the parties, and, failed to include a fixed date of expiration in the listing agreement. Bock: 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 client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Bock failed to reduce the terms of the proposed settlement between developer and purchaser to writing for signature by the parties.</p>	<p>2009-026 Commission vs. Jennifer Lynn Hellman and Brady Kieth Bock (continued)</p>		
<p>Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Jaksich mailed an unprofessional letter to the Complainant's client.</p>	<p>2008-028 Mitzi Anne Detavernier vs. Rejean Marie Jaksich</p>	<p>August 13, 2009</p>	<p>Stipulation and Consent Order. Licenses censured; plus an additional three (3) hours of continuing education in the area of ethics to be completed by December 10, 2009</p>
<p>Section 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Schaefer filed false applications with the Nebraska Real Estate Commission on his Application for License as a Real Estate Salesperson date May 3, 2005, and on his Application for Annual Renewal of Real Estate License for years 2006, 2007, 2008, and 2009.]</p>	<p>2009-005 Commission vs. Scott Allen Schaefer</p>	<p>August 13, 2009</p>	<p>Stipulation and Consent Order. License suspended for period of two (2) years, with the first sixty (60) days of the suspension period actually served on suspension, and the remainder of the suspension period stayed and served on probation. The suspension period commenced on September 18, 2009, and will continue through November 16, 2009. The probationary period will commence on November 17, 2009 and will continue through September 18, 2011; plus an additional six (6) hours of continuing education to include three (3) hours in the area of disclosures and three (3) hours in the area of ethics to be completed by February 9, 2010. Also, Scott Schaefer must abstain from alcohol during the two (2) year period this Order is in effect,</p>

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	2009-005 Commission vs. Scott Allen Schaefer (continued)		immediately obtain an AA sponsor and provide documentary proof of such sponsorship to the Commission, attend meetings of Alcoholic Anonymous on a weekly basis, and provide proof of such attendance to the Commission by the 5 <sup>th</sup> day of each month. Additionally, if he is charged with any criminal offense at any time during the two (2) year period, he must report such charge to his employing broker and the Nebraska Real Estate Commission within seven (7) days following the date of the incident giving rise to the charge.
King and Bunach 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; by failing at the earliest practicable opportunity during or following the first substantial contact to have the buyer sign an Agency Disclosure in which King and Bunach disclosed they were limited Seller's Agents and the buyer was an unrepresented customer. King and Bunach violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; by failing to obtain sufficient information pertaining to the lot lines of the property being sold at public auction, so they could properly inform potential buyers as to what they were actually purchasing should they be the successful bidder, and, by failing at the earliest practicable opportunity during	2008-027 Justin and Laura Anderson vs. Brian Michael King and Michael Raymond Bunach and,  2009-031 Nebraska Real Estate Commission vs. Brian Michael King and Michael Raymond Bunach and,	October 15, 2009	Stipulation and Consent Order. King's and Bunach's real estate license suspended for a period of six (6) months, with the first sixty (60) days served on suspension and the remainder of the suspension period stayed and served on probation. The suspension period of commenced on November 4, 2009 and will continue through January 2, 2010. The suspension period will be followed by a probation period which will commence on January 3, 2010, and continue through May 3, 2010; plus King and Bunach shall complete an additional nine (9) hours of continuing education to include three (3) hours in the area of disclosures, three (3) hours in the area of agency, and three (3) hours in the area of ethics to be completed by April 13, 2010.

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or following the first substantial contact, to have the buyer sign an Agency Disclosure in which King and Bunach disclosed they were limited Seller's Agents and the buyer was an unrepresented customer.	2008-027 Justin and Laura Anderson vs. Brian Michael King and Michael Raymond Bunach and,  2009-031 Nebraska Real Estate Commission vs. Brian Michael King and Michael Raymond Bunach		
O'Shea violated Neb. Rev. Stat. § 81-885.24 (14) Negotiating a sale, exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract. O'Shea presented an Offer direct to an owner knowing such owner had an exclusive right-to-sell listing contract with another designated broker. Violated 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. O'Shea failed to deliver the buyer's earnest money deposit to his designated broker. 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. O'Shea failed to present an Offer direct to an owner knowing such owner had an exclusive right-to-sell listing contract with another designated broker, and O'Shea failed to deliver the buyer's earnest money deposit to the designated broker.	2008-037 Theresa Marie Garthright vs. Matthew Barrett O'Shea and Kimberly Anne Topp	November 20, 2009	Topp: Dismissed. O'Shea: License suspended for a period of one (1) year, with the first ninety (90) days of the suspension period to be actually served on suspension and the remainder of the 1 year suspension period stayed and served on probation. The suspension period of your real estate license commenced on December 1, 2009 and will continue through February 28 2010. During this suspension period you are not permitted to conduct any real estate activity which would require the holding of a Nebraska real estate license. The suspension period will be followed by a probation period which will commence on March 1, 2010, and continue through December 1, 2010; plus an additional nine (9) hours of continuing education to include three (3) hours in the area of agency, three (3) hours in the area of ethics and three (3) hours in the area of license law to be completed by May 30, 2010.
Scheopner violated Title 299 Chapter 5 Section 003.23 Failure by the agent of the seller to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser or to the agent of the purchaser on or before the effective date of any contract which binds the	2009-041 Commission vs. Bruce William Scheopner	November 20, 2009	Stipulation and Consent Order. License suspended for a period of one (1) year, with the first fifteen (15) days of the suspension period served on suspension and the remainder of the one (1) year

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<p>purchaser to purchase the residential real property. Scheopner failed to assure that a copy of the Seller Property Condition Disclosure Statement was delivered to the purchasers on or before the effective date of any contract which bound the purchasers to purchase the property. Scheopner violated Title 299 Chapter 5 Section 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. Scheopner failed to disclose, in writing, to the purchasers and the sellers, an omission by the sellers on the Seller Property Condition Disclosure Statement and Scheopner failed to attach such disclosure to the Disclosure Statement. Scheopner 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. Scheopner failed to have a seller having a joint-ownership interest in the property sign the Listing Agreement. Scheopner 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. Scheopner violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by failing to have a seller having a joint ownership interest in the property sign the Agency Disclosure; failed to have both sellers sign the Agency Disclosure; failing to identify on the Agency Disclosure that he was the licensee making the agency disclosure; failing to insure that the sellers completed the Seller Property Condition Disclosure in its entirety; failing to disclose, in writing, an omission on the Seller Property Condition Statement to the purchaser and the seller, and failing to have all parties having an ownership interest in the property sign the Listing</p>	<p>2009-041 Commission vs. Bruce William Scheopner (continued)</p>		<p>period stayed and served on probation will commence on a mutually acceptable date within 30 days from the date of receipt of the Order; plus an additional nine (9) hours of continuing education to include three (3) hours in the area of license law, (3) hours in the area of agency and three (3) hours in the area of ethics must be completed by May 19, 2010; and a civil fine of \$1000.00 must be received on or before December 19, 2009.</p>

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<p>Agreement.</p> <p>Long 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. 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 and 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. Long failed to mail the pictures to the Owner in a timely manner, failed to deposit trust funds totaling \$1,500.00 into her real estate trust account in a timely manner, incurring expenses on the Owner's behalf when Long did not have sufficient funds from the Owner or rental income to pay for such repairs.</p>	<p>2009-024 – Richard Pearce vs. Taryn Jo Long</p>	<p>February 27, 2010</p>	<p>Stipulation and Consent Order. License suspended for a period of one (1) year, with the entire period served on probation, which began February 27, 2010, and will run through February 27, 2011. A civil fine of \$2000.00, due March 28, 2010; plus an additional nine (9) hours of continuing education to include three (3) hours in the area of agency law, three (3) hours in the area of contracts and three (3) hours in the area of ethics must be completed by August 26, 2010.</p>
<p>Hellman 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. Hellman made inappropriate comments or remarks towards the Complainant.</p>	<p>2009-029 – Brittney Maloley vs. Jennifer Lynn Hellman</p>	<p>February 27, 2010</p>	<p>Stipulation and Consent Order. License suspended for a period of twelve (12) months with the first forty five (45) days served on suspension and the remainder of the suspension period stayed and served on probation. The suspension commenced on March 2, 2010 and will continue through April 15, 2010. The probationary period will commence on April 16, 2010 and continue through March 1, 2011; plus an additional three (3) hours of continuing education in the area of ethics to be completed by August 26, 2010. Also, Hellman must write a letter of</p>

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	2009-029 – Brittney Maloley vs. Jennifer Lynn Hellman		apology to Complainant by March 13, 2010. Hellman shall undergo an alcohol dependency assessment by March 13, 2010 and submit a copy of the findings within two days of completion to the Commission.
<p><u>Novotny:</u> Violated: 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: (b) to exercise reasonable skill and care for the client, and (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity. Novotny failed to ensure that Wherley provided an earnest deposit check for \$500 at the time of the Offer, and Novotny failed to ensure the Wherley was pre-approved for financing prior to making an Offer on the listed property. Novotny violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, for failing to ensure Wherley provided an earnest deposit check for \$500 at the time the Offer was written, and for failing to ensure that Wherley was pre-approved for financing prior to Wherley making an Offer on the subject property.</p> <p><u>Wherley:</u> Violated: 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, for failing to provide an earnest deposit check for \$500 at the time the Offer was written.</p>	2009-012 Michele J. Bonge vs. Shelli Marie Novotny and Tammy L. Wherley	April 22, 2010	<p>Stipulation and Consent Order,</p> <p><u>Novotny:</u> Real estate license suspended for twelve (12) months, with the entire period stayed and served on probation. The suspension period commenced on April 22, 2010 and will continue through April 21, 2011 plus Novotny shall complete an additional six (6) hours of continuing education, to include three (3) hours in the area of Agency Law and three (3) hours in the area of Contracts to be completed by October 19, 2010.</p> <p><u>Wherley:</u> Real estate license suspended for twelve (12) months, with the entire period stayed and served on probation. The suspension period commenced on April 22, 2010 and will continue through April 21, 2011 Wherley shall complete an additional six (6) hours of continuing education, to include three (3) hours in the area of Agency Law and three (3) hours in the area of Contracts to be completed by October 19, 2010.</p>
Section 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes, setting for the following: (3) Such other information as the Commission requires. Yates repeatedly and knowingly submitted a materially false Application for a real estate broker’s license dated October 18, 2003, and materially false Renewal Applications for calendar years 2003, 2004, 2006, 2008, and 2009. Yates violated Neb. Rev. Stat. § 81-885.12 When an applicant has	2010-010 Commission vs. Shannon Kole Yates	June 24, 2010	Stipulation and Consent Order. License is suspended for a period of two (2) years, with the first six (6) months served on suspension and the remainder of the two (2) year period stayed and served on probation. The suspension period commenced on July 8, 2010, and will continue through January 7, 2011. The probation period will commence on January 8, 2011, and will continue through July 7, 2012; plus an additional

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made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license. Yates repeatedly submitted to the Commission a materially false Application for a real estate broker's license dated October 18, 2003, and materially false Renewal Applications for calendar years 2003, 2004, 2006, 2008, and 2009. Yates violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; by repeatedly and knowingly submitting a materially false Application for a real estate broker's license dated October 18, 2003, and materially false Renewal Applications for calendar years 2003, 2004, 2006, 2008, 2009 by engaging in repeated acts of criminal conduct that resulted in multiple criminal convictions, three of which involved alcohol abu	2010-010 Commission vs. Shannon Kole Yates (continued)		six (6) hours of continuing education to include three (3) hours in disclosures, and three (3) hours in ethics, to be completed by October 22, 2010; and pay a civil fine of \$1500.00, on or before July 24, 2010.
Nunez violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes, setting for the following (3) Such other information as the Commission requires. Nunez repeatedly and knowingly submitted materially false Renewal Applications to the Commission for calendar years 2001, 2003, 2004, 2005, 2006, 2007, 2008, and 2009; Nunez violated Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license. Nunez repeatedly and knowingly submitted materially false Renewal Applications to the Commission for calendar years 2001, 2003, 2004, 2005, 2006, 2007, 2008, and 2009; Nunez violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; by repeatedly and knowingly submitting materially false Renewal Applications to the Commission for calendar years 2001, 2003, 2004, 2005, 2006, 2007, 2008, 2009, and for engaging in repeated acts of criminal conduct that resulted in multiple criminal convictions, three of which involved alcohol abuse.	2010-011 Commission vs. Laura A. Nunez	June 24, 2010	Stipulation and Consent Order. License suspended for a period of two (2) years, with the first six (6) months served on suspension and the remainder of the two (2) year period stayed and served on probation. The suspension period commenced on July 8, 2010, and will continue through January 7, 2011. The probation period will commence on January 8, 2011, and continue through July 7, 2012; plus an additional six (6) hours of continuing education to include three (3) hours in disclosures and three (3) hours in ethics, to be completed by October 22, 2010; and pay a civil fine of \$1500.00, on or before July 24, 2010. Suspension/Probation period temporarily suspended – DID NOT RENEW for 2011.

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O'Brien 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; O'Brien failed to have all parties to the contract sign an Addendum outlining the buyers' requirement to purchase a Wal-Mart Gift Card for \$517.00, and deliver said gift card to the sellers immediately following closing; and by failing to have all parties to the contract sign an Addendum granting the buyers§ permission to enter the home for the purpose of replacing the inside door on the front of the home as required by the VA inspection. O'Brien also violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; by failing to have all parties to the contract sign an Addendum outlining the buyers' requirement to purchase a Wal-Mart Gift Card for \$517.00, and deliver said gift card to the sellers immediately following closing; and by failing to have all parties to the contract sign an Addendum granting the buyers' permission to enter the home for the purpose of replacing the inside door on the front of the home as required by the VA inspection.	2009-052 Commission vs. William Daniel O'Brien, Salesperson	July 22, 2010	Stipulation and Consent Order. License is suspended for a period of thirty (30) days with the entire thirty (30) days suspension period stayed and served on probation. The probation period commenced on July 22, 2010, and continues through August 23, 2010; plus complete an additional six (6) hours of continuing education to include three (3) hours in Contracts and three (3) hours in License Law to be completed by November 19, 2010; and pay a civil fine of \$1000.00, on or before August 23, 2010
McGargill violated Neb. Rev. Stat. § 81-885.24(29) (unfair trade practice to demonstrate negligence, incompetency, or unworthiness to act as a salesperson), by failing to have all parties to the Purchase Agreement sign an Addendum memorializing the parties§ agreement that Buyers were to purchase a Wal-Mart gift card for \$517.00, and deliver said gift card to Sellers immediately following closing.	2008-032 Paul D. and Christmas B. Kitko Vs. Anne Jelena McGargill	August 19, 2010	Hearing held on August 19, 2010. License was censured. McGargill will be required to complete an additional three (3) hours of continuing education in "Contracts" to be completed by December 23, 2010; and pay Court Reporter fees of \$300.00, on or before September 24, 2010.
Mullenberg violated Neb. Rev. Stat. § 81-885.11 any person desiring to act as a real estate salesperson shall file an application for a license with the commission, application shall be in such form and detail as the commission prescribes, setting forth the following...such other information as the commission requires, by repeatedly submitting materially false Renewal Applications to the	2010-009 Commission vs. Michael Victor Mullenberg	October 1, 2010	Hearing held October 1, 2010, License is suspended for a period of four (4) years, with the entire four(4) year period stayed

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Commission; Neb. Rev. Stat. § 81-885.12 when an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license, by repeatedly submitting materially false Renewal Applications to the Commission; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson by repeatedly submitting materially false Renewal Applications for 2008, 2009, and 2010, to the Commission.	2010-009 Commission vs. Michael Victor Mullenberg		and served on probation. The suspension period commenced on November 5, 2010, and will continue through November 4, 2014; plus complete an additional six (6) hours of continuing education with three (3) in Ethics and three (3) hours in Disclosures to be completed by May 4, 2011; plus pay a civil fine of \$2,500.00, on or before January 4, 2011; plus pay court reporter fees of \$80.00, on or before January 4, 2011.
<p><u>Krecek</u>: Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; by failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client; for failing to supervise Wojcinski in her licensed activities as a Property Manager.</p> <p><u>Dickerson</u>: Violated Neb. Rev. Stat. § 76-2417 (1) by failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client, for failing to insist upon a tenant's strict compliance with the explicit terms of a written lease agreement; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker ; for failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client, for failing to insist upon a tenant's strict compliance with the explicit terms of a written lease agreement.</p> <p><u>Wojcinsk</u>: Violated Neb. Rev. Stat. § 76-2417 (1) by failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client, for failing to insist upon a tenant's strict compliance with the explicit terms of a written lease agreement, and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; for failing to exercise reasonable skill and care for the client and by failing to promote the interests of the client, all by failing to insist upon a tenant's strict compliance with the explicit terms of a written lease agreement.</p>	2009-042 Commission vs. John S. Krecek, John H. Dickerson and Deborah Ann Wojcinski	October 28, 2010	<p>Stipulation and Consent Order.</p> <p><u>Krecek</u>: License suspended for a period of thirty (30) days, with the entire thirty (30) day period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through November 27, 2010.; plus complete six(6) hours of additional continuing education with three(3) hours in Contracts and three (3) hours in Ethics to be completed by February 25, 2011; plus pay a civil fine of \$1,000.00, on or before November 27, 2010.</p> <p><u>Dickerson</u>: License is suspended for a period of thirty (30) days, with the entire thirty (30) day suspension period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through November 27, 2010; plus complete six (6) hours of additional continuing education with three (3) hours in Contracts and three (3) hours in Ethics to be completed by February 25, 2011; plus pay a civil fine of \$1,000.00, on or before November 27, 2010.</p> <p><u>Wojcinski</u> : License is suspended for a</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2009-042 Commission vs. John S. Krecek, John H. Dickerson and Deborah Ann Wojcinski (continued)		period of thirty (30) days, with the entire thirty (30) day suspension period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through November 27, 2010; plus complete six(6) hours of additional continuing education with three(3) hours in Contracts and three(3) hours in Ethics to be completed by February 25, 2011; plus pay a civil fine of \$1,000.00, on or before November 27, 2010.
Landolt violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes, setting for the following (3) Such other information as the Commission requires; Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Landolt repeatedly submitted materially false Renewal Applications to the Commission for 2007, 2008, 2009, and 2010.	2010-005 Commission vs. Kenneth J. Landolt Jr.	October 28, 2010	Stipulation and Consent Order. License suspended for a period of two (2) years with the entire two (2) year suspension period stayed and served on probation. The suspension/probation period commenced on October 29, 2010, and will continue through October 28, 2012; plus complete an additional six (6) hours of continuing education to include a three (3) hour course in Disclosures and a three (3) hour course in Ethics to be completed by February 25, 2011; plus pay a civil fine of \$500.00, on or before December 28, 2010. Suspension/Probation Period temporarily suspended due to "inactive" status – February 7, 2011.
<u>Blume:</u> Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for conducting licensed real estate activities in Nebraska during the period January 1, 2010, and January 31, 2010, a period of time when Blume failed to renew his real estate salesperson's license for 2010. <u>Evans:</u> Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; by allowing an affiliated licensee, Dirk Conrad Blume, to write offers for buyers, negotiate listings with sellers, and advertise properties for sale on his website,	2010-013 Commission vs. Dirk Conrad Blume and Donald Wray Evans	October 28, 2010	Stipulation and Consent Order. <u>Blume:</u> license is suspended for a period of six (6) months, with the entire six (6) month suspension period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through April 27, 2011; plus complete an additional three (3) hour course in License Law by February 25, 2011; plus pay a civil

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knowing that he had not renewed his Nebraska real estate license for 2010; and Title 299 Chapter 5 003.21 by failing to return Blume's real estate license to the Real Estate Commission within fifteen days of the Real Estate Commission's request to do so.	2010-013 Commission vs. Dirk Conrad Blume and Donald Wray Evans (continued)		fine of \$1,500.00, on or before November 27, 2010. <u>Evans:</u> License suspended for a period of six (6) months with the entire six (6) month suspension period stayed and served on probation. The suspension/probation period commenced on October 28, 2010, and will continue through April 27, 2011; plus complete an additional three (3) hour course in License Law to be completed by February 25, 2011; plus pay a civil fine of \$1,500.00, on or before November 27, 2010.
Hofer violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, by engaging in repeated acts of criminal conduct and crimes of dishonesty directly connected to her duties as a rental manager, resulting in two criminal convictions.	2010-036 Commission vs. Terry Jo Hofer	October 29, 2010	Hearing held October 29, 2010. License revoked.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for making inappropriate comment to Sandra Nichols.	2009-053 Sandra L. & George O. Nichols vs. Candice M. Potratz	December 2, 2010	Stipulation and Consent Order dated December 2, 2010. License censured; plus, an additional three (3) hours of continuing education in the area of ethics to be completed by April 1, 2011.
Switzer violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes. Switzer submitted false Annual Renewal Applications to the Commission for 2006, 2007, and 2008. Switzer violated Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license Switzer submitted false Annual Renewal Applications to the Commission for 2006, 2007, and 2008. Switzer violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a real estate	2010-015 Commission vs. Laura Ann Switzer	December 2, 2010	Hearing held December 2, 2010. License revoked.

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salesperson; Switzer submitted false Annual Renewal Applications to the Commission for 2006, 2007, and 2008, and, for having been convicted of Theft-Shoplifting/2 <sup>nd</sup> , a Class 1 Misdemeanor.	2010-015 Commission vs. Laura Ann Switzer (continued)		
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 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	February 17, 2011	Stipulation and Consent Order. License is 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.
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	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>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 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><u>Diane Lee Powers:</u> Violated Title 299 Chapter 5 Section 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. § 76-2,120 to disclose the error, inaccuracy, or omission, in writing, to a potential purchaser and the seller and attaching the written disclosure to the Seller Property Condition Disclosure Statement; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; for representing in the Seller Property Condition Disclosure Statement that there had been no prior hail damage to the roof, and that there had been no insurance claims filed against the roof; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for violating Title 299 Chapter 5 Section 003.25</p>	<p>2010-006 – James E. Sanford vs. Diane Lee Powers and Michael Stuart Powers</p>	<p>February 17, 2011</p>	<p><u>Diane Lee Powers:</u> Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of “Disclosures” to be completed by June 17, 2011; plus pay a civil fine of \$500.00, on or before March 18, 2011.</p> <p><u>Michael Stuart Powers:</u> Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of “Disclosures” to be completed by June 17, 2011; plus pay a civil fine of \$500.00, on or before March 18, 2011.</p>

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and Neb. Rev. Stat. § 81-885.24 (22). <u>Michael Stuart Powers</u> : Violated Title 299 Chapter 5 Section 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. § 76-2,120 to disclose the error, inaccuracy, or omission, in writing, to a potential purchaser and the seller and attaching the written disclosure to the Seller Property Condition Disclosure Statement; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; for representing in the Seller Property Condition Disclosure Statement that there had been no prior hail damage to the roof, and that there had been no insurance claims filed against the roof; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for violating Title 299 Chapter 5 Section 003.25 and Neb. Rev. Stat. § 81-885.24 (22).	2010-006 – James E. Sanford vs. Diane Lee Powers and Michael Stuart Powers (continued)		
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 Buyers in a timely manner; 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).	2010-012 – Lisa Kohles and Dan Brown vs. Beverly Ann Crowell	March 17, 2011	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in "Agency" and "Contracts" to be completed by July 15, 2011.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for using inappropriate profanity towards buyer's child.	2010-039 – Sheryll Mowinkel vs. Keith Lewis Brown	March 17, 2011	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in "Ethics" to be completed by July 15, 2011.
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;	2011-008 – Commission vs. Eric Scott Lundstrom	March 17, 2011	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.

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<p>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 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 (continued)</p>		
<p>Violated Neb. Rev. Stat. § 81-885.24(11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or his or her authorized agent; 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; and 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. § 81-885.24(11) and (12).</p>	<p>2010-019 – Mary A. Redman vs. Sheila Rae Hulme</p>	<p>April 21, 2011</p>	<p>Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in “Agency” and “License Law” to be completed by August 19, 2011; and pay a civil fine of \$500.00 on or before May 21, 2011.</p>
<p>Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for having the</p>	<p>2011-007 – Commission vs. David Joseph Egan</p>	<p>April 21, 2011</p>	<p>Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in “Contracts” and</p>

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sellers sign, on April 15, 2009, the Offer to Purchase dated March 27, 2009, despite the fact that the offer had already expired on its own terms on March 29, 2009; and, for making inappropriate and demeaning comments to one of the sellers on April 14, 2009, and on May 29, 2009.	2011-007 – Commission vs. David Joseph Egan (continued)		“Ethics” to be completed by August 19, 2011.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency by mismanaging and neglecting the property thereby allowing the property to be damaged and rundown.	2010-003 – Richard and Janet Marler vs. Gayle Gene Herbst	August 18, 2011	Hearing held August 18, 2011. License is censured. An additional three (3) hours of continuing education in Agency to be completed by November 22, 2011; plus pay court reporter fees of \$360.00, on or before September 23, 2011.
<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 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	2009-028 – Beth and John Wiersma vs. Betty Jane Warren and Jamie Paul Bollwitt	August 19, 2011	<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.

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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.	2009-028 – Beth and John Wiersma vs. Betty Jane Warren and Jamie Paul Bollwitt (continued)		
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 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. §	2010-021 – Commission vs. Betty Jane Warren	August 19, 2011	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.

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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. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson for having been convicted of possessing or obtaining legend drugs, a Class 3 Misdemeanor.	2011-009 – Commission vs. Michael Robert Kelly	August 19, 2011	Stipulation and Consent Order. License revoked.
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; and 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson.	2011-021 – Commission vs. Matthew Kurt Pieper	August 19, 2011	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in “Agency” to be completed by November 28, 2011. Plus pay a civil fine of \$500.00 by September 29, 2011.
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 good faith, loyalty, and fidelity, including: (ii) Presenting all	2011-004 – Commission vs. Michael Rae Crawford	September 15, 2011	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.

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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.	2011-004 – Commission vs. Michael Rae Crawford (continued)		
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: (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; Meier failed to contact the buyer's attorney as represented to seller, Meier negligently drafted the terms of buyer's July 24, 2010 Offer by indicating that the balance due at closing from the buyer was \$54,000.00, instead of \$54,500.00; and Meier failed to correct the erroneous date entered by buyer on the Offer from 8-13-10 to 9-13-10, as well as the date following the buyer's signature from 8-13-10 to 9-13-10; Meier violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as an associate broker by violating Neb. Rev. Stat. § 76-2417(1)(b)(c).	2010-060 – Brandon Schroeder vs. Douglas Lee Meier	September 16, 2011	Stipulation and Consent Order. License suspended for a period of six (6) months with the entire period stayed and served on probation, commencing on September 15, 2011, and continuing through March 15, 2012; plus pay a civil fine of \$500.00 by October 15, 2011; plus complete an additional six (6) hours of continuing education with three (3) hours each in the area of Agency and Contracts to be completed by December 14, 2011, and submit documentary proof to the Commission that said courses have been satisfactorily completed.
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)	2009-057 – Commission vs. Kevin Dean McCully	September 16, 2011	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

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<p>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 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>\$160.00, and witness fees of \$365.79, totaling \$525.79, by October 28, 2011.</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</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>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 (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>2010-060 – Brandon Schroeder vs. Douglas Lee Meier (continued)</p>		
<p>Violated Title 299, Chapter 5, 003.23 for failing to deliver a copy of the Seller Property Condition Disclosure Statement to the purchaser on or before the effective date of the</p>	<p>2011-024 – Commission vs. Bruce Delmar Connell</p>	<p>October 27, 2011</p>	<p>Stipulation and Consent Order. License suspended for six (6) months, with the entire six (6) month period stayed and</p>

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<p>contract which binds the purchaser to purchase the property; Connell violated Title 299, Chapter 5, 003.25 for failing to disclose any errors, inaccuracies or omissions in the Seller Property Condition Disclosure Statement, in writing to the purchaser and seller and failing to attach the written disclosure to the Seller Property Condition Disclosure Statement; Connell violated Neb. Rev. Stat. § 76-2421 (1) for failing to complete an Agency Disclosure with the seller and buyer at the earliest opportunity during or following the first substantial contact; for failing to mark customer or client on the disclosure with the buyer; and for failing to have the buyer identify the date buyer signed the Agency disclosure; Connell violated Neb. Rev. Stat. § 81-885.16 Violating any provision of sections 76-2401 to 76-2430 for violating Neb. Rev. Stat. § 76-2421; Connell violated Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act, for violating Title 299, Chapter 5, Sections 003.23 and 003.25; Connell violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for: 1) failing to deliver a copy of the Seller Property Condition Disclosure Statement to the purchaser on or before the effective date of the contract which binds the purchaser to purchase the property; 2) failing to review the Seller Property Condition Disclosure Statement for errors, inaccuracies, or omissions; 3) failing to disclose omissions by the seller in the Seller Property Condition Disclosure Statement, in writing, to both the purchaser and the seller, and failing to attach the disclosure to the Seller Property Condition Disclosure Statement ; 4) failing to complete an Agency Disclosure with the seller and buyer at the earliest opportunity during or following the first substantial contact, and, failing to mark customer or client on the Agency Disclosure with the buyer; and failing to have the buyer identify the date buyer signed the Agency Disclosure; 5) violating any provision of sections 76-2401 to 76-2430, specifically 76-2421; 6) violating any rule or regulation of the commission, specifically Title 299, Chapter 5, Sections 003.23 and</p>	<p>2011-024 – Commission vs. Bruce Delmar Connell (continued)</p>		<p>served on probation. The suspension/probation period commenced on October 27, 2011 and continues through April 27, 2012. Connell must pay a civil fine of \$750.00 by December 26, 2011; plus complete an additional six (6) hours of continuing education by February 24, 2012, with three (3) hours each in the area of Agency and License Law, and submit documentary proof to the Commission that said courses have been satisfactorily completed.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
003.25; 7) having the buyer sign the receipt for a fully-accepted copy of the offer before the seller signed and accepted the offer; 8) failing to receipt in the Offer to Purchase for the buyer's earnest money deposit of \$800.00; 9) improperly entering a date of April 5, 2010, on the buyer's Agency Disclosure which the Buyer signed on March 27, 2010; 10) failing to review the final closing statement which contained material errors including; a) the sale price of \$25,000.00, instead of the reduced price of \$24,536.12; b) an expense to the seller of \$463.88, for the water pipe repairs which expense was actually paid for by the buyer; and c) failing to reflect that \$1,500.00, of seller proceeds was to be escrowed at closing for clean-up of the Property.	2011-024 – Commission vs. Bruce Delmar Connell (continued)		
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, for sending an inappropriate mass e-mail to other licensed real estate professionals affiliated with her designated broker's real estate companies.	2011-006 – Matthew M. Steinhausen vs. Shelly J. Nitz	December 6, 2011	Stipulation and Consent Order. Additional six (6) hours of continuing education in "Ethics" to be completed by March 18, 2012.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, by his ongoing pattern of mismanagement of the financial affairs of Realty Linc., particularly the debt owed by Realty Lin., since 2004, to the NDOL for delinquent state unemployment taxes, in violation of the Nebraska Employment Security Act, which caused Realty Linc.'s trust accounts to become subject to the NDOL levies, which, in turn, caused Realty Linc.'s trust accounts to be short of funds and Realty Linc.'s trust account records to be inaccurate, from July of 2010, through May of 2011.	2011-012 – Commission vs. Gary Thomas Thompson	December 6, 2011	Hearing held December 6, 2011. License will be suspended for an additional three years, to commence on May 31, 2012 and shall continue through May 31, 2015. The entirety of the additional three (3) years shall be stayed and served on probation; Thompson's trust accounts and the trust account records maintained by Realty Linc. shall be posted current and accurate at all times and without exception. Should Thompson utilizes a computer-generated bookkeeping system, Thompson shall be required to maintain a back-up to the bookkeeping system. The trust accounts and trust account records maintained by Realty Linc. are subject to examination by a Commission trust account examiner at any time, and such examinations shall occur at least quarterly commencing with the signing of this Order; Thompson is to pay \$400.00 for Court Reporter fees and

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Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as an associate broker, for failing to collect an earnest money deposit from the buyer.	2011-012 – Commission vs. Gary Thomas Thompson (continued) 2011-002 – Jason K. Hesser vs. Charles Robert Winkler	January 19, 2012	\$40.00 for witness fees for a total of \$440.00 due January 11, 2012. Stipulation and Consent Order. License censured; Winkler must pay a civil fine of \$500.00 by March 19, 2012; plus an additional three (3) hours of continuing education in “Contracts” to be completed by April 18, 2012.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as an associate broker; for failing to review the Seller Property Condition Disclosure Statement completed by the sellers on October 19, 2009, for errors, inaccuracies or omissions.	2011-035 – Commission vs. Robby Gene Predmore	January 19, 2012	Stipulation and Consent Order. License censured; Civil fine of \$500.00 by February 18, 2012; and three (3) additional hours of continuing education in “Disclosures” to be completed by April 18, 2012.
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes; Violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may be sufficient ground for refusal of a license; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, for repeatedly and knowingly submitting materially false Renewal Applications for 2009, 2010 and 2012 to the Nebraska Real Estate Commission, and for violating Neb. Rev. Stat. § 81-885.11 and 81-885.12.	2011-039 – Commission vs. John Anthony Clark	January 19, 2012	Stipulation and Consent Order. License suspended for two (2) years with the entire two (2) year suspension period stayed and served on probation, commencing January 19, 2012, and continuing through January 19, 2014; Plus a civil fine of \$1,000.00 to be paid by February 18, 2012; plus six (6) hours of additional continuing education with three (3) hours each in the areas of “Disclosures” and “Ethics”, to be completed by May 18, 2012.
Violated Neb. Rev. Stat. § 81-885.24 (12) Offering real estate for sale 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; Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, for offering real estate for sale without the knowledge and consent of the owners or on terms other than those authorized by the owner, and for failing to present offers to all owners of the subject acres.	2011-003 – Mark W. and Roy D. Timm vs. Craig Alan Timm	February 16, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$250.00 to be paid by March 17, 2012; plus nine (9) hours of additional continuing education with three (3) hours each in the areas of “Agency”, “Contracts” and “License Law”, to be completed by June 15, 2012.
Violated Neb. Rev. Stat. § 76-2417(1) A licensee representing a seller or landlord as a seller’s agent shall be	2011-017 – Tiffany A. Trofino vs. Jeffery Michael Rensch	March 15, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to

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a limited agent with the following duties and obligations; (b) to exercise reasonable skill and care for the client; and (c) to promote the interests of the client with the utmost good faith, loyalty, and fidelity; for receiving buyer's financial documents from Buyer's Agent on January 10, 2011, and not delivering the financial documents to his seller/clients immediately following receipt.; and 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. § 76-2417(1) (b) and (c).	2011-017 – Tiffany A. Trofino vs. Jeffery Michael Rensch (continued)		be paid by April 14, 2012; plus six (6) hours of additional continuing education with three (3) hours each in the areas of "Agency" and "Disclosures", to be completed by July 13, 2012.
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 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	2012-002 – Commission vs. Robert L. Hupp	March 15, 2012	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, 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.

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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.	2012-002 – Commission vs. Robert L. Hupp (continued)		
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 client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity; for failing to notify the home warranty company that a new furnace had been installed in the subject home prior to closing; 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) (b) and (c).	2011-015 – Patricia Sindelar Vs. Terry Lee Forman	April 19, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$250.00 to be paid by May 19, 2012; plus three (3) hours of additional continuing education in the area of "Agency", to be completed by August 17, 2012.
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 of his or her authorized agent; by failing to have the consent of all owners to manage the Property; Violated Neb. Rev. Stat. § 81-885.24(14) Negotiating a sale exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; for entering into a Management Agreement with one of the owners on April 22, 2011, at a time when the Property was under a Management Agreement with another broker granting that broker an exclusive agency to manage the Property; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness	2012-007 – Commission vs. Keith Eugene Morris	April 19, 2012	Stipulation and Consent Order. License suspended for thirty (30) days. The suspension period commenced on May 19, 2012, and continued through June 18, 2012; plus complete six (6) hours of additional continuing education with three (3) hours each in the areas of "Contracts" and "License Law" to be completed by August 17, 2012.

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to act as a broker, associate broker, or salesperson; for violating Neb. Rev. Stat. § 81-885.24(12) and (14).	2012-007 – Commission vs. Keith Eugene Morris (continued)		
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence to act as a broker; for writing the buyer's Offer to Purchase knowing that her husband may have an interest in purchasing the same Property, and if he had such interest, that she would have to terminate any agency relationship she had with the buyer.	2012-008 – Commission vs. Linda Lee Fuller	April 19, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$1,000.00, to be paid by May 19, 2012; plus six (6) hours of additional continuing education with three (3) hours each in the areas of "Agency" and "Contracts", to be completed by August 17, 2012.
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; 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; for failing to complete an Agency Disclosure with the buyers on first substantial contact; Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; 1) For falsely representing in the Agency Disclosure dated October 7, 2010, that she was acting as a limited Buyer's Agent instead of a limited Seller's Agent, and 2) For falsely representing in the Offer to Purchase dated October 7, 2010, that she was a limited Buyers' Agent when she was actually a limited Sellers' Agent. 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. §§ 76-2421(1) (a) (b) and 81-885.24(22).	2012-012 – Commission vs. Lydia Beth Moyer	April 19, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to be paid by May 19, 2012; plus six (6) hours of additional continuing education with three (3) hours each in the areas of "Agency" and "License Law", to be completed by August 17, 2012.
Violated Neb. Rev. Stat. § 81-885.11(3) Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such a form and detail as the commission prescribes, setting forth the following...(3) Such	2012-003 – Commission vs. Leslie Sue Petersen	May 2, 2012	Stipulation and Consent Order. License suspended for four (4) years with the first sixty (60) days served on suspension and the remainder three (3) years and ten (10) months stayed and served on

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<p>other information as the commission requires: Violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on any application, such false statement may in itself be sufficient grounds for refusal of a license; and Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by repeatedly and knowingly submitting materially false Renewal Applications to the Commission for the years 1999, 2001, 2002, 2003, 2004, 2007 and 2008. Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for having been convicted of four (4) counts of insurance fraud on August 25, 2011, showing that she lacks the “good reputation for honesty, trustworthiness, integrity, and competence to transact the business of broker or salesperson in such manner as to safeguard the interest of the public” as required by Neb. Rev. Stat. § 81-885.12, which reflects a demonstration of negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for engaging in repeated acts of criminal conduct that resulted in four (4) misdemeanor criminal convictions of Driving Under the Influence of Alcohol.</p>	<p>2012-003 – Commission vs. Leslie Sue Petersen (continued)</p>		<p>probation. The suspension period commenced on May 29, 2012, and continues through July 28, 2012. The probation period will commence on July 29, 2012, and continues through May 28, 2016; plus complete six (6) hours of additional continuing education with three (3) hours each in the areas of “Disclosure” and “Ethics”, to be completed by August 31, 2012.</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; Arney incorrectly advertised in the MLS Data Sheet that the home has 3,871 square feet and Arney incorrectly advertised in a flyer that the home has over 3,800 square feet; Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentation; Arney falsely represented in the MLS Data Sheet that the home has 3,871 square feet and Arney falsely represented in a flyer that the home has over 3,800 square feet; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or</p>	<p>2011-022 – Steve and Cathy Sickler vs. Joan Elizabeth Fink-Arney</p>	<p>May 17, 2012</p>	<p>Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to be paid by June 16, 2012; plus complete three (3) hours of additional continuing education in the area of “Disclosures” by September 14, 2012.</p>

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unworthiness to act as a broker, associate broker, or salesperson; for violating Neb. Rev. Stat. § 81-885.24(2) and (22), and for inaccurately measuring the square footage of the home.	2011-022 – Steve and Cathy Sickler vs. Joan Elizabeth Fink-Arney (continued)		
Violated Neb. Rev. Stat. § Title 299 Chapter 3 Section 007.02 In the absence of a pending civil action and upon the passage of one year’s time from the date of an accepted offer to purchase, it shall not be considered grounds for disciplinary action for a broker to pay out an earnest money deposit to a seller when the payment of such earnest money deposit has been based on a good faith decision that the buyer has abandoned any claim to such earnest money deposit; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Rosfeld disbursed the earnest money deposit to the seller without having first secured the written release of all parties to the contract.	2012-006 – Charles Jerrell vs. Philip J. Rosfeld	June 28, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to be paid by July 28, 2012; plus complete three (3) hours of additional continuing education in the area of “License Law” by September 26, 2012.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for making inappropriate telephone calls to a represented buyer regarding buyer’s failure to close on a real estate transaction; for making inappropriate telephone calls regarding buyer to buyer’s supervisor; and for making inappropriate telephone calls regarding buyer to buyer’s supervisor’s superiors.	2012-004 – Aaron Doriani vs. Melissa L. Jarecke and Richard Kavan	August 23, 2012	<b>Richard Kavan:</b> Dismissed.  <b>Melissa L. Jarecke:</b> Stipulation and Consent Order. License suspended for six (6) months with the entire six (6) month period stayed and served on probation. The suspension period commenced on August 23, 2012, and continues through February 23, 2013; plus a civil fine of \$1,000.00, to be paid by September 24, 2012; plus complete three (3) hours of additional continuing education in the area of “Ethics”, to be completed by November 21, 2012.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence and unworthiness to act as a salesperson; For failing to enter the complete terms of compensation as agreed upon by the parties in the agency (listing) agreements dated June 28, 2010, November 5, 2010, and March 22, 2011, in that the parties agreed that the commission would be reduced from 7% to 6%, if seller agreed to use Paulsen as her Buyer’s Agent when she	2012-005 – Annette M. Brandl vs. Tracy Gerald Paulsen	August 23, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to be paid by September 24, 2012; plus complete three (3) hours of additional continuing education in the area of “Agency” by November 21, 2012.

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purchased her next home; and 2) For attempting to collect the commission from seller on her purchase of a For-Sale-By-Owner home based upon verbal agreements not reduced to writing in an agency (listing) agreement as noted above and therefore not enforceable.	2012-005 – Annette M. Brandl vs. Tracy Gerald Paulsen (continued)		
Violated title 299 Chapter 5 Section 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, Petersen failed to reduce a buyer's offers to writing while acting as a limited Seller's Agent for the property; Violated Neb. Rev. Stat. § 81-885.24(26) Violating any rule or regulation adopted by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, Petersen violated Title 299 Chapter 5 Section 003.18; 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; Petersen failed to complete an agency disclosure with the buyers on first substantial contact; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence and unworthiness to act as a broker, associate broker, or salesperson; Petersen violated Title 299 Chapter 5 Section 003.18; Neb. Rev. Stat. § 76-2421(1) (a) and (b); and 81-885.24(26).	2012-023 – Commission vs. Robin A. Petersen	October 2, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to be paid by November 1, 2012; plus complete nine (9) hours of additional continuing education, three (3) hours each in the areas of "Agency", "Contracts" and "License Law" by March 31, 2013.
Violated Title 299 Chapter 2 Section 003 Advertising shall include all forms of identification, representation, promotion, and solicitation disseminated in any manner and by any means of communication to the public for any purpose related to licensed real estate activity. All advertising shall	2012-024 – Commission vs. Michael Nathan Helmuth	November 15, 2012	Stipulation and Consent Order. License censured; plus pay a civil fine of \$1,000.00, by December 14, 2012.

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<p>be under the direct supervision of the broker, and in the name the broker is conducting business as recorded with the Commission. Advertising which is contrary to Sections 003 to 006 of these regulations shall constitute misleading or inaccurate advertising under Section 81-885.24(2) of the Nebraska Real Estate License Act; 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; Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted and promulgated by the Commission; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Helmuth conducted real estate business in Nebraska from April 16, 2011 through September 11, 2012, under an inactive Limited Liability Company, and he improperly advertised Nebraska real estate for sale under the name of the inactive Limited Liability Company which constitutes misleading or inaccurate advertising.</p>	<p>2012-024 – Commission vs. Michael Nathan Helmuth (continued)</p>		
<p>Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson: for having had a disciplinary action taken against her Iowa real estate salesperson's license by the Iowa Real Estate Commission.</p>	<p>2012-030 – Commission vs. Julie Christie David</p>	<p>November 15, 2012</p>	<p>Stipulation and Consent Order. License censured; plus pay a civil fine of \$500.00 by December 14, 2012.</p>
<p>Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for having had a disciplinary action taken against his Iowa real estate broker's license by the Iowa Real Estate Commission.</p>	<p>2012-031 – Commission vs. Steven Andrew Alloway</p>	<p>November 15, 2012</p>	<p>Stipulation and Consent Order. License censured; plus pay a civil fine of \$500.00 by December 14, 2012.</p>
<p>Violated Title 299 Chapter 5 Section 003.06 Failure to obtain the informed written, signed, and dated consent of all parties involved in a transaction prior to a licensee acting for more than one party in the transaction. A copy of said informed written consent shall be signed, dated, and maintained in the transaction file. If no transaction results then the informed written consent shall be maintained by the licensee's employing broker for five years after the date of the agreement; Violated Neb. Rev. Stat. § 76-2422 (4) Before engaging in any of the activities enumerated in</p>	<p>2012-029 – Commission vs. Joshua Bryan Bulow</p>	<p>January 17, 2013</p>	<p>Stipulation and Consent Order. License censured; plus a civil fine of \$500.00 to be paid by February 16, 2013; plus complete an additional three (3) hours of continuing education in the area of Agency Law by May 17, 2013.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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. 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; Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a...salesperson.	2012-029 – Commission vs. Joshua Bryan Bulow (continued)		
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrated negligence, incompetence, or unworthiness to act as a salesperson; for engaging in repeated acts of criminal conduct that resulted in three (3) criminal convictions for Driving Under the Influence dated October 24, 2008, July 1, 2010, and January 17, 2012, and one criminal conviction for Assault/Battery on January 17, 2012.	2012-028 – Commission vs. Steven Charles Morrissey, Jr.	January 17, 2013	Hearing held January 17, 2013. License revoked.
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; for improperly using the Realtor logo and specific disclaimers in her Purchase Agreement indicating that she was a member of the Nebraska Realtors Association and governed by its Code of Ethics and Rules and Regulations; Violated Neb.	2012-025 – Ronald Rohde vs. Patricia Ann Lunz	March 21, 2013	Stipulation and Consent Order entered March 21, 2013. License censured; plus a civil fine of \$200.00 to be paid by April 20, 2013.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Rev. Stat. § 81-885.24 (22) making any substantial misrepresentation; for improperly using the Realtor logo and specific disclaimers in her Purchase Agreement indicating that she was a member of the Nebraska Realtors Association and governed by its Code of Ethics and Rules and Regulations; 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. § 81-885.24 (2) and (22).	2012-025 – Ronald Rohde vs. Patricia Ann Lunz (continued)		
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker or salesperson, for having had a disciplinary action taken against him by another regulatory jurisdiction.	2013-007 – Commission vs. Bruce Gerald Johnson	April 18, 2013	Stipulation and Consent Order entered April 18, 2013. License censured; plus a civil fine of \$500.00 to be paid by May 18, 2013.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence to act as a broker, associate broker, or salesperson; for failing to advise Buyer's Agent that the subject property was already under contract for sale and if Buyer's Agent's buyer wanted to purchase the subject property, then Buyer's Agent should write a new offer and submit it to Hornby for presentation to the sellers for consideration.	2012-037 – Angela M. Pofahl vs. Rodney Scott Hornby	May 16, 2013	Stipulation and Consent Order entered May 16, 2013. License censured; plus a civil fine of \$1,000.00 to be paid by June 15, 2013; plus complete an additional six (6) hours of continuing education, three (3) hours each in the areas of Disclosures and Ethics by September 13, 2013.
Violated Title 299 Chapter 5 Section 003.23, Failure by the agent of a purchaser to assure that a copy of the Seller Property Disclosure Statement is delivered to the purchaser on or before the effective date of any contract which binds the purchaser to purchase the residential real property, and to obtain the signed receipt of the purchaser; for failing to deliver a copy of the Seller Property Disclosure Statement to the buyer on or before the date the contract became binding; Violated Neb. Rev. Stat. § 76-2421, 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	2013-016 – Commission vs. Todd S. Bartusek	May 16, 2013	Stipulation and Consent Order entered May 16, 2013. License censured; plus a civil fine of \$1,000.00 to be paid by June 15, 2013; plus complete an additional six (6) hours of continuing education, three (3) hours each in the areas of Agency and Disclosures by September 13, 2013.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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; for failing to complete an agency disclosure with the seller on first substantial contact; Violated Neb. Rev. Stat § 76-2422, 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; for failing to have seller and buyer sign a Consent To Dual Agency Agreement when dual agency occurred; Violated Neb. Rev. Stat § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a...salesperson; for violating Title 299 Chapter 5 Section 003.23, Neb. Rev. Stat § 76-2421 (1), and Neb. Rev. Stat § 76-2422 (4).</p>	<p>2013-016 – Commission vs. Todd S. Bartusek (continued)</p>		
<p>Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes; Neb. Rev. Stat. § 81-885.12 (4)</p>	<p>2013-005 – Commission vs. Darwin K. Boyd</p>	<p>June 20, 2013</p>	<p>Stipulation and Consent Order entered June 20, 2013. License revoked.</p>

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker... Boyd submitted to the Commission a false original Application for a real estate broker's license dated September 26, 2000, and Boyd submitted to the Commission false Renewal Applications dated November 7, 2000, November 24, 2008, October 20, 2009, November 22, 2010, September 21, 2011, and October 26, 2012, in which he failed to report lawsuits in which he was named a Defendant.</p>	<p>2013-005 – Commission vs. Darwin K. Boyd (continued)</p>		
<p>Violated: Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes; Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Swanson submitted to the Commission a materially false original Application For A Real Estate License on June 16, 1986, and materially false Renewal Applications on December 1, 2009, December 1, 2010, and November 30, 2011, by failing to report misdemeanor criminal convictions against him; and for having been convicted of five (5) misdemeanor Driving Under the Influence charges.</p>	<p>2013-009 – Commission vs. William Glenn Swanson</p>	<p>June 16, 2013</p>	<p>Stipulation and Consent Order entered June 16, 2013. License suspended for a period of three (3) years with the first ninety (90) days served on suspension and the remainder of the three (3) year period stayed and served on probation; plus pay a civil fine of \$1,500.00 by July 16, 2013; plus report any future alcohol or drug related charge or conviction to the Director of the Commission and to his designated broker within seven (7) days of the charge or conviction; plus submit to a criminal background check on or about January 1, 2014, January 1, 2015, and January 1, 2016, by having his finger prints captured by the Nebraska State Patrol; plus submit the resulting final report of such Criminal Background Check to the Commission office no later than February 28th of each year; plus attend regular meetings of Alcoholic Anonymous ("AA") or a similar substance abuse program which provides group therapy or substance abuse counseling during the three (3) year suspension/probation period and provide proof of such attendance to the Commission office on a monthly basis;</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2013-009 – Commission vs. William Glenn Swanson (continued)		plus obtain an "AA" sponsor or counselor for such substance abuse program and provide proof to the commission office of such sponsorship or counselor; and any future alcohol or drug related charge or conviction will result in a Show Cause Hearing against him.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for engaging in repeated acts of criminal conduct which resulted in three (3) misdemeanor criminal convictions involving alcohol, and for having been convicted of Attempt To Commit a Class 3A or Class 4 Felony, a Misdemeanor, by making terroristic threats.	2013-013 – Commission vs. William Robert Milczski	June 20, 2013	Stipulation and Consent Order entered June 20, 2013. License suspended for a period of three (3) years with the first ninety (90) days served on suspension and the remainder of the three (3) years stayed and served on probation; plus pay a civil fine of \$1,500.00 by August 19, 2013; plus report any future alcohol or drug related charge or conviction, or any violation of the Court's Order of February 11, 2013, to the Director of the Commission and to his designated broker within seven (7) days of the charge, conviction, or violation; plus submit to a Criminal Background Check on or about January 1, 2014, January 1, 2015 and January 1, 2016, by having his finger prints captured by the Nebraska State Patrol; plus submit the resulting criminal background report to the Commission office no later than February 28 <sup>th</sup> of each year; and any future alcohol or drug related conviction, any violation of the Court's Order of February 11, 2013, or any violation of the laws administered by the Real Estate Commission will result in a Show Cause Hearing against him.
Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for engaging in repeated acts of criminal conduct which resulted in three (3) misdemeanor criminal convictions involving alcohol.	2013-015 – Commission vs. John E. Wiedel	June 20, 2013	Stipulation and Consent Order entered June 20, 2013. License suspended for a period of three (3) years with the first ninety (90) days served on suspension and the remainder of the three (3) years stayed and served on probation; plus pay

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2013-015 – Commission vs. John E. Wiedel (continued)		a civil fine of \$1,500.00 by July 20, 2013; plus report any future alcohol or drug related charge or conviction, or any violation of the Court's final Order dated March 1, 2013, to the Director of the Commission within seven (7) days of the charge, conviction or violation; plus submit to a Criminal Background Check on or about January 1, 2014, January 1, 2015 and January 1, 2016, by having his finger prints captured by the Nebraska State Patrol; plus submit the resulting criminal background reports to the Commission office no later than February 28 <sup>th</sup> of each year; and any future alcohol or drug related conviction, any violation of the Court's Order of March 1, 2013, or any violation of the laws administered by the Real Estate Commission will result in a Show Cause Hearing against him.
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. Boyd failed to complete an agency disclosure with the seller on first substantial contact; and Boyd 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. § 76-2421 (1).	2013-017 – Commission vs. Andrew Donald Bock	June 21, 2013	Stipulation and Consent Order entered June 21, 2013. License censured; plus a civil fine of \$250.00 to be paid by July 21, 2013; plus complete three (3) hours of additional continuing education in the area of agency law and submit proof of completion to the Commission office by September 19, 2013.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the Commission. The application shall be in such form and detail as the Commission prescribes; Neb. Rev. Stat. § 81-885.12 (4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker. Boyd submitted to the Commission a false original Application in September, 2000, and, Boyd repeatedly submitted false Renewal Applications in 2000, 2008, 2009, 2010, 2011, and 2012. Boyd also demonstrated unworthiness to act as a Broker by having been sanction in the jurisdiction of Arizona, New Hampshire and Oklahoma for illegal real estate brokerage activities.	2013-004 – Commission vs. Michael Patrick Boyd	June 21, 2013	Hearing held June 20, 2013. Order entered June 21, 2013. License revoked.
Violated Neb. Rev. Stat. § 81-885.21(1) Each broker other than an inactive broker shall maintain in a bank, savings bank, building and loan association, or savings and loan association a separate, insured non-interest-bearing checking account in this state in his or her name or the name under which he or she does business which shall be designated a trust account in which all down payments, earnest money deposits, or other trust funds received by him or her, his or her associate brokers, or his or her salespersons on behalf of his or her principal or any other person shall be deposited and remain until the transaction is closed or otherwise terminated unless all parties having an interest in the funds have agreed otherwise in writing; for receiving trust funds which were not deposited into the trust account. Jungjohann 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; specifically Title 299, Chapter 3, Section 002; by failing to maintain an accurate bookkeeping system for his trust account, and Title 299 Chapter 5 Section 003.19; by failing to supervise persons hired to assist him in his or her licensed real estate activities. Jungjohann violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence,	2013-021 – Commission vs. Craig Matthew Jungjohann	August 15, 2013	Stipulation and Consent Order entered August 15, 2013. License suspended for a period of five (5) years with the entire five (5) period stayed and served on probation; plus a civil fine of \$2,500.00 to be paid by September 14, 2013; plus nine (9) hours of additional continuing education with three (3) hours each in the areas of ethics, license law, and trust accounts, and, submit proof of completion to the Commission office by December 13, 2013; plus be subject to additional random trust account examinations by the Commission during the five (5) year suspension/probationary period.

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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 violating Neb. Rev. Stat. 81-885.24 (26); Violating any rule or regulation adopted or promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act, and Title 299 Chapter 5 Section 003.19, failing to supervise persons hired to assist the licensee in the processing of tenant rent payments for Action Management, and, by hiring a person to assist him in the processing of tenant rent payments and maintaining the trust accounts of Action Management when he had knowledge that that person's broker license had been revoked by the Commission due to misappropriation of trust funds from that person's trust account.	2013-021 – Commission vs. Craig Matthew Jungjohann (continued)		
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes setting forth the following; (3) Such other information as the commission requires; Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; by submitting a materially false original Application For A Real Estate Salesperson's License on October 26, 2004, and by repeatedly submitting materially false Annual Renewal Applications on November 23, 2005, November 9, 2006, October 15, 2009, November 16, 2010, September 27, 2011 and November 14, 2012.	2013-006 – Commission vs. Amy M. Mosser	August 23, 2013	Stipulation and Consent Order entered August 23, 2013. License suspended for a period of two (2) years with the entire two (2) period stayed and served on probation; plus, a civil fine of \$2,500.00 to be paid by September 22, 2013; plus six (6) hours of additional continuing education with three (3) hours each in the areas of disclosures and ethics, and submit proof of completion to the Commission office by February 19, 2014.
Violated Neb. Rev. Stat. § 81-885.24(3) Failing to account for and remit any money coming into his or her possession belonging to others, and for failing to timely remit monies to the Owner after repeatedly being requested to remit such monies.; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for	2013-008 – Earnest Kaiman vs. Adrienne Ellen Farnsworth	September 27, 2013	Stipulation and Consent Order entered September 27, 2013. License revoked.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
being negligent and for violating Neb. Rev. Stat. § 81-885.24(3).	2013-008 – Earnest Kaiman vs. Adrienne Ellen Farnsworth (continued)		
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for being negligent for failing to timely remit monies to the Owner after repeatedly being requested to remit such monies; for failing to provide the Owner in a timely manner with the 2012 financial reports; and for failing to provide the Owner with receipts for a fence after repeatedly being requested to provide such receipts.	2013-011 – David Richard Schnell vs. Adrienne Ellen Farnsworth	September 27, 2013	Stipulation and Consent Order entered September 27, 2013. License revoked.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for having been convicted of a Class 1 Misdemeanor which involved the use of a firearm.	2013-025 – Commission vs. David Frank Harders	September 27, 2013	Stipulation and Consent Order entered September 27, 2013. License revoked.
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for misappropriating funds from her employer's operating accounts.	2013-027 – Commission vs. Rebecca S. Rutherford	September 27, 2013	Stipulation and Consent Order entered September 27, 2013. License revoked.
Violated Neb. Rev. Stat. § 81-885.12(2) When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license.; Neb. Rev. Stat. § 81-885.24(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson; For entering a plea of guilty to a federal felony charge for making a false statement to an agency of the United States.; 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 entering	2013-020 – Commission vs. Robert Lee Pelshaw	November 21, 2013	Hearing held November 21, 2013. License revoked.

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a plea of guilty to a federal felony charge for making a false statement to an agency of the United States, and for breaching his fiduciary duty to Pelstar Development by taking funds from Pelstar Development without authorization and using such funds for his own personal use.	2013-020 – Commission vs. Robert Lee Pelshaw (continued)		
Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes, setting forth the following: 3) Such other information as the commission requires; for knowingly and willfully submitting a false Renewal Application for 2013-14 by reporting that she did not have any criminal charges pending against her at that time. Neb. Rev. Stat. § 81-885.12(2) When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license; for entering a plea of guilty to a state felony charge of Theft-Deception. Neb. Rev. Stat. § 81-885.12(4)When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; by submitting a false Renewal Application for 2013-14 reporting that she did not have any criminal charges pending against her at that time. Neb. Rev. Stat. § 81-885.24(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson; for entering a plea of guilty to a state felony charge of Theft-Deception. 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. § 81-885.11, 81-885.12(2)(4) and 81-885.24(28).	2013-026 – Commission vs. Nancy E. Miller	January 22, 2014	Stipulation and Consent Order entered January 22, 2014. License revoked.
Violated Neb. Rev. Stat. § 81-885.24(2) Intentionally using advertising which is misleading or inaccurate in any material	2013-028 – Joyce Krings vs. Michael Joseph Korth	January 22, 2014	Stipulation and Consent Order entered January 22, 2014. License censured;

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<p>particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted; by advertising the property for sale after the expiration date of the listing contract with the sellers. 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; for failing to have sellers' spouses sign the listing contract. Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; for telling a Buyer's Agent that the property was sold when it was not. 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. § 81-885.24(2)(12) and (22).</p>	<p>2013-028 – Joyce Krings vs. Michael Joseph Korth (continued)</p>		<p>plus a civil fine of \$1,000.00 to be paid by February 21, 2014; plus complete an additional three (3) hours of continuing education each in the areas of Ethics and License Law by May 22, 2014.</p>
<p>Violated Neb. Rev. Stat. § 81-885.12(2) When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license. Neb. Rev. Stat. § 81-885.24(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson; for entering a plea of guilty to a federal felony charge for fraud by wire, television, or radio. 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. § 81-885.12(2) and 81-885.24(28).</p>	<p>2013-031 – Commission vs. Troy Michael Ortmeier</p>	<p>January 22, 2014</p>	<p>Stipulation and Consent Order entered January 22, 2014. License revoked.</p>
<p>Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes, setting forth the following: 3) Such other information as the commission requires; by submitting a materially false original Application in 2001 and submitting materially false Renewal Applications to the Commission for</p>	<p>2014-008 – Greg Lemon, Director vs. George Noel Herrington</p>	<p>March 20, 2014</p>	<p>Stipulation and Consent Order entered March 20, 2014. License suspended for three (3) years with the first forty five (45) days served on suspension and the remainder stayed and served on probation; plus pay a civil fine of \$1,500.00 by April 18, 2014; plus report any future alcohol or drug related charge</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Calendar years 2002, 2003, 2004 and 2005; Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license; by submitting a materially false original Application in 2001 and submitting materially false Renewal Applications to the Commission for calendar years 2002, 2003, 2004 and 2005; Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by submitting a materially false original Application in 2001 and submitting Materially false Renewal Applications to the Commission for calendar years 2002, 2003, 2004 and 2005, and also for having been convicted of Three DUI misdemeanors.</p>	<p>2014-008 – Greg Lemon, Director vs. George Noel Herrington (continued)</p>		<p>or conviction, to the Director of the Commission within seven (7) days of the charge or conviction; plus submit to a Criminal Background Check on or about January 1, 2015, January 1, 2016 and January 1, 2017, by having his finger prints captured by the Nebraska State Patrol; and submit the resulting criminal background reports to the Commission office no later than February 28<sup>th</sup> of each year.</p>
<p>Violated Neb. Rev. Stat. § 81-885.11 Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes, setting forth the following: 3) Such other information as the commission requires, by submitting a materially false 2011 Renewal Application to the Commission; Neb. Rev. Stat. § 81-885.12 When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license, by submitting a materially false 2011 Renewal Application to the Commission; Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by submitting a materially false 2011 Renewal Application, and for having been convicted of four misdemeanor convictions for driving under the influence of alcohol and for his other misdemeanor conviction for minor in possession of alcohol.</p>	<p>2014-012 – Greg Lemon, Director vs. Adam Tyler Vogt</p>	<p>June 25, 2014</p>	<p>Stipulation and Consent Order entered June 25, 2014. License suspended for three (3) years with the first ninety (90) days served on suspension and the remainder stayed and served on probation; plus pay a civil fine of \$1,000.00 by July 25, 2014; plus report any future alcohol or drug related charge or conviction, to his broker and the Director of the Commission within seven (7) days of the charge or conviction; plus submit to a Criminal Background Check on or about January 1, 2015, January 1, 2016 and January 1, 2017, by having his finger prints captured by the Nebraska State Patrol; and submit the resulting criminal background reports to the Commission office no later than February 28<sup>th</sup> of each year, plus attend regular meetings of Alcoholic Anonymous ("AA") or a similar</p>
			<p>substance abuse program which provides group therapy or substance abuse counseling during the three (3) year</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2014-012 – Greg Lemon, Director vs. Adam Tyler Vogt (continued)		suspension/probation period and provide proof of such attendance to the Commission office on a monthly basis; plus obtain an "AA" sponsor or counselor for such substance abuse program and provide proof to the commission office of such sponsorship or counselor; and any future alcohol or drug related charge or conviction will result in a Show Cause Hearing against him.
Violated 299-5-003.22 Failure by a designated or employing broker to supervise his or her associate brokers and salespersons, by failing to supervise Heimbouch as set forth by the Stipulation and Consent orders in case no. 2014-013 Commission vs. Jane Hartman Heimbouch and Commission vs. Geraldine B. Allen; 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 supervise Heimbouch as set forth by the Stipulation and Consent orders in case no. 2014-013 Commission vs. Jane Hartman Heimbouch and Commission vs. Geraldine B. Allen.	2014-013 – Commission vs. Geraldine B. Allen	June 25, 2014	Stipulation and Consent Order entered June 25, 2014. License was suspended for a period of three (3) years all stayed and served on probation, plus pay a civil fine of \$1,500.00 due July 25, 2014, plus complete nine (9) hours of additional continuing education, three (3) hours each in the areas of contracts, ethics and license law by September 23, 2014.
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	2014-013 – Commission vs. Jane Hartman Heimbouch	June 25, 2014	Stipulation and Consent Order entered June 25, 2014. License revoked.

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<p>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 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</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch (continued)</p>		

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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, 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)</p>	<p>2014-013 – Commission vs. Jane Hartman Heimboch (continued)</p>		

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 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. Heimbouch 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 dated</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch (continued)</p>		

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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.</p>	<p>2014-013 – Commission vs. Jane Hartman Heimboch (continued)</p>		
<p>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 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</p>	<p>2014-015 – Commission vs. Thomas Eugene Sunderman</p>	<p>August 21, 2014</p>	<p>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.</p>

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<p>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. § 81-885.24(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson; Mr. Perry entered a plea of guilty to the federal felony charge and was convicted on that felony charge, on February 21, 2013; violated Neb. Rev. Stat. § 81-885.12(2) When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness</p>	<p>2014-014 – Greg Lemon, Director vs. Conway T. Perry</p>	<p>September 5, 2014</p>	<p>Hearing held August 21, 2014. Order entered September 5, 2014. License is suspended until the following conditions have been met: Completion of the supervised release under the United States Probation office; receipt of an application letter to terminate suspension; present certified documentation that all terms and conditions of the supervised release have been completed, at which time a Special Appearance before the Commission shall be scheduled to determine whether the license suspension should be terminated, at such special</p>

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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 pleading guilty to a federal felony charge and being convicted of that federal felony charge.	2014-014 – Greg Lemon, Director vs. Conway T. Perry (continued)		appearance Perry shall provide any additional information the Commission may require, including but not limited to a current criminal background report and evidence of the current status of restitution payments in the bank fraud matter; plus hearing costs in the amount of \$160.00, to be paid by October 5, 2014.
Violated Neb. Rev. Stat. § 81-885.24(22) unfair trade practice for a real estate licensee to make “any substantial misrepresentations” when he misrepresented to the Buyers in December of 2012 that he had no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing and that he did not know whether any tests had been conducted for the presence of lead-based paint on the Property, when he had authorized the EPA to access the Property to perform a lead-based paint assessment thereon on January 26, 2011 and he signed documents from the EPA’s contractor on December 6, 2011, which informed Briley that the lead-based paint assessment on the Property had been completed.; violated 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 in that he provided Buyers with a Seller Property Condition Disclosure Statement, which contained a misrepresentation, by checking the “do not Know” box in response to Section B, Question 4, which asks whether lead-based paint had been on the Property and whether any tests had been conducted for the presence of lead-based paint on the Property; violated Neb. Rev. Stat. § 81-885.24(26) unfair trade practice for a real estate licensee to violate 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 violating 299 NAC 5.003.25; violated Neb. Rev. Stat. § 81-885.24(29) unfair trade practice for a real estate licensee	2014-003 – Daniel and Susana Torres vs. Adam Briley	November 25, 2014	Hearing held November 25, 2014. License suspended for three (3) years, with the entire period stayed and served on probation; plus pay a civil fine of \$1,500.00 by December 25, 2014; plus complete an additional three (3) hours of continuing education in the area of disclosures to be completed by May 25, 2015.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
to demonstrate negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson by misrepresenting to the Buyers in December of 2012 that he had no records or reports pertaining to lead-based paint and/or lead-based paint hazards in the housing and that he did not know whether any tests had been conducted for the presence of lead-based paint on the Property, when he had authorized the EPA to access the Property to perform a lead-based paint assessment thereon on January 26, 2011 and he had signed documents from the EPA's contractor on December 6, 2011, which informed Briley that the lead-based paint assessment on the Property had been completed.	2014-003 – Daniel and Susana Torres vs. Adam Briley (continued)		
Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson by allowing the buyer, prior to closing to have possession of the key to the home, for allowing the buyer to be in the subject property unattended and for failing to insure the key had been returned to the lockbox.	2014-017 – Commission vs. Lisa Renee Richardson	November 25, 2014	Stipulation and Consent Order entered November 25, 2014. License suspended for one (1) year, with the first fifteen (15) days served on suspension, and the remainder stayed and served on probation; plus pay a civil fine of \$1,000.00 by December 25, 2014; plus complete an additional three (3) hours of continuing education in one of the following courses: #0748R Professionalism Required: High Standards of Professional Conduct, #0349 Risk Management for Real Estate Professionals, or #0497R Ethics & Professional Practice, to be completed by May 25, 2015.
Violated Neb. Rev. Stat. § 81-885.24(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson; by pleading guilty to a federal felony charge and being convicted of a felony; 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 pleading guilty to a federal felony charge and being convicted of a felony.	2015-001 – Commission vs. Todd S. Bartusek	March 19, 2015	Hearing held March 19, 2015. License suspended for three (3) years with the first eighteen (18) months served on suspension and the balance of the three (3) year suspension period stayed and served on probation. Suspension commenced on April 29, 2015 and continues through October 29, 2016. The probation period commences on October 30, 2016 and continues through April 29, 2018; plus if charged with

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	2015-001 – Commission vs. Todd S. Bartusek (continued)		another criminal offense at any time during the three (3) year suspension period and probationary suspension period, he will need to report such charge to the Commission and to his employing broker, within seven (7) days following the date of the incident resulting in the charge. If convicted of another criminal offense during the three (3) year suspension period and probationary suspension period, he will need to report such a conviction to the Commission and to his employing broker, within seven (7) days following the date of the criminal conviction; plus a civil fine of \$1,500.00 to be paid by April 29, 2015; plus complete an additional six (6) hours of continuing education with three (3) hours each in the area of Ethics by September 30, 2015.
Violated Neb. Rev. Stat. § 81-885.24(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or salesperson; by pleading guilty to a federal felony charge and being convicted of a felony; 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 pleading guilty to a federal felony charge and being convicted of a felony.	2014-041 – Commission vs. Lisa K. Stork	March 19, 2015	Hearing held March 19, 2015. License suspended for three (3) years with the first nine (9) months served on suspension and the balance of the three (3) year suspension period stayed and served on probation. Suspension commenced on May 4, 2015 and continues through February 4, 2016. The probation period commences on February 5, 2016 and continues through May 4, 2018; plus if charged with another criminal offense at any time during the three (3) year suspension period and probationary suspension period, she will need to report such charge to the Commission and to her employing broker, within seven (7) days following the date of the incident resulting in the charge. If convicted of another criminal offense during the three (3) year suspension period and probationary suspension

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	2014-041 – Commission vs. Lisa K. Stork (continued)		period, she will need to report such a conviction to the Commission and to her employing broker, within seven (7) days following the date of the criminal conviction; plus a civil fine of \$1,000.00 to be paid by April 29, 2015; plus complete an additional six (6) hours of continuing education, two (2) three (3) hour courses in the area of Ethics by September 30, 2015.
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 failing to get signatures of both property owners on the listing agreement for the subject property. 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 have both property owners sign the listing agreement and verbally canceling the listing agreement with the property owners.	2014-033 – Commission vs. Troy Arthur Trumm	March 27, 2015	Stipulation and Consent Order entered March 27, 2015. License suspended for six (6) months with the entire period stayed and served on probation, commenced on March 27, 2015 and continues through September 27, 2015; plus a civil fine of \$1,000.00 to be paid by April 26, 2015; plus complete an additional six (6) hours of continuing education with three (3) hours each in the areas of Contracts and License Law by September 27, 2015.
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; for failing to supervise Danielle Fry leading to the theft of Trust Account monies; 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 failing to supervise Danielle Fry leading to the theft of Trust Account monies.	2014-035 – Commission vs. Michael R. Crawford	April 23, 2015	Stipulation and Consent Order entered April 23, 2015. License suspended for three (3) years all stayed and served on probation, commenced on April 23, 2015 and continues through April 23, 2018; plus pay a civil fine of \$2,500.00 by May 23, 2015; complete nine (9) hours of additional continuing education, three (3) hours each in the areas of agency, risk management and trust accounts by July 22, 2015.
Violated Neb. Rev. State § 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 pleading guilty to a federal misdemeanor charge, and being convicted of said federal misdemeanor	2014-031 – Greg Lemon, Director vs. Daniel M. Malone	April 23, 2015	Hearing held April 23, 2015. License suspended until such time as the Commission receives and accepts proof that Malone has (A) completed the one (1) year term of supervised release imposed in the Case No. 8:12CR190; (B)

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charge.	2014-031 – Greg Lemon, Director vs. Daniel M. Malone (continued)		paid in full all restitution imposed in the Case No. 8:12CR190; and (C) paid in full the fine imposed in the Case No 8:12CR190, suspension commenced May 30, 2015; upon acceptance by the Commission of the proof of completion of the conditions Malone’s license shall be suspended for an additional period of three (3) years, with the entire period stayed and served on probation; plus a civil fine of \$1,500.00 to be paid by May 30, 2015; plus if charged with another criminal offense at any time during the entirety of his suspension period and probationary suspension period shall report such a charge to the Commission within seven (7) days following the date of the incident resulting in the charge; If convicted of another criminal offense at any time during the entirety of his suspension period and probationary suspension period shall report such a conviction to the Commission within seven (7) days following the date of the incident resulting in the conviction; any violation of the laws administered by the Real Estate Commission will result in a Show Cause Hearing against him.
Violated Neb. Rev. Stat. § 81-885.11 Application for license; contents. Any person desiring to act as a real estate broker or real estate salesperson shall file an application for a license with the commission. The application shall be in such form and detail as the commission prescribes, setting forth the following: Such other information as the commission requires. Matzen submitted a materially false Renewal Application for the calendar year 2007; violated Neb. Rev. Stat. § 81-885.12 Licenses shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of broker or salesperson in such manner as to	2014-042 – Greg Lemon, Director vs. Sheryl K. Matzen	April 30, 2015	Stipulation and Consent Order entered April 30, 2015. License suspended for three (3) years with the first forty five (45) days actually served on suspension and the balance of the three (3) year suspension period stayed and served on probation, suspension period commenced on April 30, 2015 and continues through June 13, 2015, the probation period begins June 14, 2015 and continues through April 30, 2018; plus a civil fine of \$1,500.00 to be paid by May 30, 2015;

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<p>safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commission. No license shall be granted to an applicant who will be conducting business through a corporation, partnership, or limited liability company unless any stockholder, partner, or member having a controlling interest therein, if any, bears a good reputation for honesty, trustworthiness, and integrity, by submitting a materially false Renewal application for the calendar year 2007; 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 submitting a materially false Renewal Application for calendar year 2007, and for having been convicted of Three DUI misdemeanors.</p>	<p>2014-042 – Greg Lemon, Director vs. Sheryl K. Matzen (continued)</p>		<p>plus if charged with another alcohol or drug related criminal offense at any time during the three (3) year suspension period and probationary suspension period, she will need to report such charge to the Commission and to her employing broker, within seven (7) days following the date of the incident resulting in the charge. If convicted of another alcohol or drug related criminal offense during the three (3) year suspension period and probationary suspension period, she will need to report such a conviction to the Commission and to her employing broker, within seven (7) days following the date of the criminal conviction; plus submit to a Criminal Background Check on or about January 1, 2016, January 1, 2017 and January 1, 2018, by having her finger prints captured by any qualified agency, then submitting the cards to the Nebraska Stat Patrol; plus submit the resulting criminal background report to the Commission office no later than February 28<sup>th</sup> of each year; plus during the entirety of her 3 year suspension and probationary suspension period, attend monthly alcohol/substance abuse groups and provide documentary evidence of such attendance to the Commission not later than the 5<sup>th</sup> of every month; any violation of the laws administered by the Real Estate Commission will result in a Show Cause Hearing against her.</p>
<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 notarizing the Sellers' signature on the</p>	<p>2014-019 – Commission vs. Janelle Marie Wise</p>	<p>August 25, 2015</p>	<p>Stipulation and Consent Order entered August 25, 2015. License suspended for one (1) year with the entire suspension period stayed and served on probation. Probation commenced on August 25,</p>

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Purchase Agreement dated October 11, 2013, when the Sellers never signed the Purchase Agreement, and for notarizing the Sellers' signature on October 19, 2013, when the Sellers' signed the October 16, 2013, Purchase Agreement on October 18, 2013.	2014-019 – Commission vs. Janelle Marie Wise (continued)		2015 and continues through August 25, 2016; plus pay a civil fine of \$1,500.00; plus complete an additional six (6) hours of continuing education, three (3) hours each in the areas of Contracts and Ethics by November 23, 2015; Ms. Wise's Notary License must be surrendered to the Nebraska Secretary of State's Notary Division by September 24, 2015.
Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; by representing that there was a valid Residential Lease with Option to Purchase(hereafter the "Lease Agreement") when there wasn't one and resided on the property for three (3) years without a Lease Agreement, Mr. Mitchell also misrepresented the Client/Agent relationship and the Agency Relationship in which he was acting on October 31, 2010; 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 making substantial misrepresentations regarding the Residential Lease, the option to purchase the Property, his agency, and the capacity in which he was acting after October 31, 2010.	2015-008 – Commission vs. Felix Dwayne Mitchell	November 19, 2015	Hearing held November 19, 2015. License suspended for three (3) years with the first sixty (60) days served on suspension and the remainder stayed and served on probation. Suspension commenced on January 7, 2016 and continues through March 6, 2016. Probation commences on March 7, 2016 and continues through January 7, 2019; plus pay a civil fine of \$2,000.00 due January 7, 2016, plus pay hearing cost in the amount of \$200.00 by January 7, 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 June 8, 2016.
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	2015-004 – Jeri Schlickbernd vs. Jeff Rothlisberger	January 21, 2016	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.

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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.	2015-004 – Jeri Schlickbernd vs. Jeff Rothlisberger (continued)		
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, Hardy failed to notify Sandra Turner that Buyers did not sign under the "I/We accept the above counter offer," but Buyers did sign under " BUYER RECEIPT OF ACCEPTED CONTRACT" section on April 18, 2014, also for the acceptance of counter offer, and for failing to request Sandra Turner to have Buyers sign under "I/We accept the above counter offer" section.	2015-038 – Commission vs. John Hardy	April 26, 2016	Stipulation and Consent Order. License censured; plus pay a civil fine of \$1,500.00 by June 25, 2016; plus complete an additional three (3) hours of continuing education in the area of Contracts by October 26, 2016.
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 failing to have Buyers sign for the acceptance of the counteroffer.	2015-038 – Commission vs. Sandy Turner	April 21, 2016	Stipulation and Consent Order. entered April 21, 2016. License censured; plus pay a civil fine of \$1,500.00 by June 20, 2016; plus complete an additional three (3) hours of continuing education in the area of Contracts by October 21, 2016.
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 allowing the Owners and Buyers to receipt for a fully executed purchase agreement when the Owners' signatures were not notarized as required by Neb. Rev. Stat. § 40-104 (as then in effect), The homestead of a married person cannot be conveyed or encumbered unless the instrument by which it is conveyed or encumbered is executed and acknowledged by both spouses; 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	2015-039 – Commission vs. Steven Randolph Wiley	April 21, 2016	Stipulation and Consent Order. License suspended for one (1) year with the first thirty (30) days served on suspension, and the remainder stayed and served on probation. Suspension commenced on May 4, 2016, and continues through June 4, 2016. Probation begins June 5, 2016, and continues through May 4, 2017; plus pay a civil fine of \$1,500.00 by May 21, 2016; plus complete an additional three (3) hours of continuing education in the area of License Law by October 21, 2016.

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specified in this section, by allowing Buyer's and Seller's to receipt for a fully executed purchase agreement when the Buyer's Purchase Agreement was not complete due to the signatures of the Owners not being notarized, also by making false assertions that notarization was no longer required by the Nebraska Real Estate Commission by failing to have any purchase agreements in either transaction notarized, and representing that he was no longer involved in the transaction when in fact Wiley was working with both the Buyers and Owners on the Purchase Agreement.	2015-039 – Commission vs. Steven Randolph Wiley (continued)		
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.	2015-015 – Joan Phillips vs. Dennis James McGuire	August 18, 2016	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.
Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, in that Mr. Khorram made substantial misrepresentations involving the condition of the Property and by failing to identify all material defects in the Property; 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, in that Mr. Khorram made substantial misrepresentations involving the condition of the Property and by failing to identify all material defects in the Property.	2015-012 – Tyler Zach vs. Cyrus M. Khorram	November 17, 2016	Hearing held November 17, 2016. 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 January 6, 2017, and continues through February 5, 2017; Probation commences on February 6, 2017 and continues through January 6, 2018; plus pay a civil fine of \$1,000.00 due January 28, 2017; Plus pay hearing

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	2015-012 – Tyler Zach vs. Cyrus M. Khorram (continued)		fees of \$400.00 due January 28, 2017; plus complete an additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and License Law by June 29, 2017.
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 utilizing a preprinted Exhibit to Purchase Agreement, in multiple transactions prior to October 2015, wherein a specific contractor was excluded from performing home inspections without consulting with any client or consideration of the client's wishes regarding the selection of a home inspector.	2015-021 – Greg Wayman vs. Heeran Yi Workman	January 26, 2017	Stipulation and Consent Order. License suspended for six (6) months with the entire period stayed and served on probation. Probation commences on January 26, 2017, and continues through July 26, 2017; plus pay a civil fine of \$2,000.00 due February 25, 2017; plus complete an additional three (3) hours of continuing education in the area of Agency by April 27, 2017.
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, in that she made representations to a potential buyer of a property that were unsubstantiated and untrue.	2015-027 – Greg Wayman vs. Carolyn Jane Kesick	May 25, 2017	Hearing held May 25, 2017. License was censured; plus pay hearing fees of \$401.92 due July 1, 2017; plus complete an additional six (6) hours of continuing education, three (3) hours each in the areas of Ethics and License Law by December 1, 2017.
Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, she made a substantial misrepresentation by saying the key to the Property was "safe" when it was not in her possession, custody, or control; 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 providing the key to the buyer prior to closing without having seller's consent to do the same.	2016-001 – Timothy A. Ogle vs. Z Z Moaveni	January 18, 2018	Hearing held January 18, 2018. License was put on probation for a period of two (2) years. Probation begins on February 25, 2018 and continues through February 25, 2020; plus pay hearing fees of \$320.00 due February 25, 2018; plus pay a civil fine of \$1,500.00 due February 25, 2018; plus complete an additional three (3) hours of continuing education in the area of License Law by July 26, 2018.
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 Safarik advertised, or caused to be advertised, on the MLS the following statement, "Seller will not accept Foundation 2 Rooftops as home	2016-016 - Greg Wayman vs. Duane Joseph Safarik Sr.	April 19, 2018	Stipulation and Consent Order entered April 19, 2018. License suspended for a period of nine (9) months with the entirety stayed and served on probation. Probation commences on May 19, 2018 and continues through February 19, 2019; plus pay a civil fine of \$500.00 due

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inspector/inspection" when said statement was not true.	2016-016 - Greg Wayman vs. Duane Joseph Safarik Sr. (continued)		May 19, 2018; plus complete and additional three (3) hours of continuing education in the area of License Law by October 19, 2018.
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 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.	2017-024 - Commission vs. Ryan Basye	April 19, 2018	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.
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 being convicted of driving under the influence on three separate occasions.	2018-004 - Commission vs. Eric Joseph Carraher	May 24, 2018	Stipulation and Consent Order entered May 24, 2018. License suspended for a period of three (3) years with the first thirty (30) days served on suspension, and the remainder to be stayed and served on probation. Suspension begins June 23, 2018, and continues through July 22, 2018. Probation commences on July 23, 2018 and continues through June

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	2018-004 - Commission vs. Eric Joseph Carraher (continued)		23, 2021; plus pay a civil fine of \$2,000.00 due June 23, 2018; plus submit to a yearly criminal background check, by having his fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28 <sup>th</sup> of each year during the three (3) year Suspension/Probation period. The first report is due February 28, 2019; plus during the entire three (3) year Suspension/Probation period attend monthly alcohol/substance abuse treatment or group and provide documentary evidence of such attendance to the Commission every 3 months. The first report is due September 23, 2018; plus If charged with or convicted of, another criminal offense at any time during the entirety of the three (3) Suspension/Probation period report such offense to the Commission within five (5) days following the incident.
Violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license, by omitting, on her 2017 Renewal Application her conviction of "driving under suspension, before reinstated-state", a Class 3 Misdemeanor. Because the Commission has the right in the first instance to deny and/or refuse a license to an applicant who has made a false statement of material fact on an application, the Commission may impose discipline on a licensee on the same basis; Janzen violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate	2018-005 - Commission vs. Luz Elena Janzen	May 24, 2018	Stipulation and Consent Order entered May 24, 2018. License was censured; plus pay a civil fine of \$500.00 is due June 23, 2018; plus do additional continuing education of three (3) hours in License Law due November 24, 2018.

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broker, or salesperson, whether of the same or of a different character as otherwise specified in this section by omitting on her 2017 Renewal Application, her conviction of "driving under suspension, before reinstated-state", a Class 3 Misdemeanor.	2018-005 - Commission vs. Luz Elena Janzen (continued)		
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 being convicted of driving under the influence on three separate occasions.	2018-003 - Commission vs. Christopher Alan Coleman	June 11, 2018	Stipulation and Consent Order entered June 11, 2018. License suspended for a period of three (3) years with the forty-five (45) days served on suspension, and the remainder to be stayed and served on probation. Suspension begins July 11, 2018, and continues through August 25, 2018. Probation commences on August 26, 2018 and continues through July 11, 2021; plus pay a civil fine of \$1,250.00 due July 11, 2018; plus submit to a yearly criminal background check, by having his fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28 <sup>th</sup> of each year during the three (3) year Suspension/Probation period. The first report is due February 28, 2019; plus during the entire three (3) year Suspension/Probation period attend monthly alcohol/substance abuse treatment or group and provide documentary evidence of such attendance to the Commission every 3 months. The first report is due October 11, 2018; plus If charged with or convicted of, another criminal offense at any time during the entirety of the three (3) Suspension/Probation period report such offense to the Commission within five (5) days following the incident.

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<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 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,</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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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.	2017-017 - Commission vs. Matthew John Beers (continued)		
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 Ms. Brezinski (1) failed to obtain a new listing agreement or addendum to the listing agreement signed and finalized when the terms of the original listing agreement changed, (2) reused old contract pages that do not represent the intention and actions of the Parties, and (3) failed to provide the Nebraska Real Estate Commission with all documents in her possession as they related to the Property; violated Neb. Rev. Stat. § 299-5-003.17 Failure to produce any document, book, or record in the licensee's possession, or under his or her control, concerning any real estate transaction under investigation by the Commission; by failing to provide the Nebraska Real Estate Commission with the Second Listing Agreement when asked for all transaction documents pertaining to the Property pursuant to the investigation of Complaint in Case No. 2016-022; 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; when Ms. Brezinski failed to provide the Nebraska Real Estate Commission with all documents related to the transaction under investigation in her possession.	2018-002 - Commission vs. Michelle A. Brezinski (Slavik)	August 16, 2018	Stipulation and Consent Order entered August 16, 2018. License suspended for a period of twelve (12) months with the entire period to be stayed and served on probation. Probation commences on September 15, 2018 and continues through September 15, 2019; plus pay a civil fine of \$1,200.00 due September 15, 2018; and complete three (3) hours of additional continuing education in the area of License law on or before February 16, 2019.
Violated Neb. Rev. Stat. § 81-885.12(2) When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a	2017-026 - Commission vs. John Robert Knopp	October 18, 2018	Hearing held October 18, 2018. License suspended for a period of five (5) years all stayed and served on probation. Probation commences on December 16, 2018 and continues through December 16, 2023; plus submit to a yearly criminal background check, by having his

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<p>foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license, in that he engaged in and was convicted of two (2) Class IV Felony violations for possession of a controlled substance; 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; in that he engaged in and was convicted of two (2) Class IV Felony violations for possession of a controlled substance.</p>	<p>2017-026 - Commission vs. John Robert Knopp (continued)</p>		<p>fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28<sup>th</sup> of each year during the five (5) year Suspension/Probation period, the first report is due February 28, 2019; plus during the entire five (5) year Suspension/Probation period attend weekly alcohol/substance abuse treatment or groups and provide documentary evidence of such attendance to the Commission every 3 months. The first report is due March 16, 2019; plus If charged with or convicted of, another criminal offense at any time during the entirety of the five (5) year Suspension/Probation period report such offense to the Commission within five (5) days following the incident.</p>
<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 by being convicted of issuing fake insurance policy, certificate, or card.</p>	<p>2017-027 - Commission vs. Ronald Lynn Nitzel</p>	<p>October 23, 2018</p>	<p>Stipulation and Consent Order entered October 23, 2018. License suspended for a period of three (3) years with the first (1) year served on suspension, and the remainder to be stayed and served on probation. Suspension begins December 22, 2018, and continues through December 22, 2019. Probation commences on December 23, 2019 and continues through December 22, 2021; plus pay a civil fine of \$500.00 due December 22, 2018; plus submit to a yearly criminal background check, by having his fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority,</p>

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	2017-027 - Commission vs. Ronald Lynn Nitzel (continued)		paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28 <sup>th</sup> of each year during the three (3) year Suspension/Probation period. The first report is due February 28, 2019; plus If charged with or convicted of, another criminal offense at any time during the entirety of the three (3) Suspension/Probation period report such offense to the Commission within five (5) days following the incident.
Violated Neb. Rev. Stat. § 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 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; 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 disclose the existence of the Carey Report which indicated the Property had termites; and when she failed to disclose MDM Pest & Termite Control had previously provided an estimate for treatment.	2017-016 - Mark C. & Mary B. Gallagher vs. Rebecca L. Marble	November 13, 2018	Stipulation and Consent Order entered November 13, 2018. License suspended for a period of three (3) years with the first six (6) months served on suspension, and the remainder to be stayed and served on probation. Suspension begins December 13, 2018, and continues through June 13, 2019. Probation commences on June 14, 2019 and continues through December 13, 2021; plus pay a civil fine of \$2,000.00 due December 13, 2018; and complete six (6) hours of additional continuing education with three (3) hours each in the areas of Ethics and License Law on or before May 13, 2019.
Violated Neb. Rev. Stat. § violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license, by making a false statement of material fact on an application, violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate	2017-028 - Commission vs. Matthew Richard Lindauer	November 15, 2018	Hearing held November 15, 2018. License suspended for a period of three (3) years with the first ninety (90) days served on suspension, and the remainder to be stayed and served on probation. Suspension begins January 6, 2019, and continues through April 6, 2019.

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broker, or salesperson, whether of the same or of a different character as otherwise specified in this section, in that he engaged in and was convicted of a misdemeanor for "disorderly conduct", failed to notify the Commission of said conviction as required by the conditions of the June 18, 2015 Informal Special Appearance, and provided a false statement on his 2017 renewal application.	2017-028 - Commission vs. Matthew Richard Lindauer (continued)		Probation commences on April 7, 2019 and continues through January 6, 2022; plus pay a civil fine of \$1,000.00 due January 6, 2019; plus If charged and/or convicted of another criminal offense at any time during the entirety of the three (3) Suspension/Probation period shall report such offense to the Commission within five (5) days following the incident.
Violated Neb. Rev. Stat. § 81-885.12(2) When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license, when he was convicted of two (2) felonies, manslaughter and the use of a deadly weapon to commit a felony; 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; in that he was convicted of two (2) felonies, manslaughter and the use of a deadly weapon to commit a felony.	2017-029 - Commission vs. Dirk Conrad Blume	November 15, 2018	Hearing held November, 15, 2018. License revoked.
Chohon violated Neb. Rev. Stat. § 81-885.12 License; when granted, by failing to disclose his 2011 class W Misdemeanor charge on his 2012 renewal application; violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license. Mr. Chohon failed to disclose his 2011 class W Misdemeanor charge on his 2012 renewal application; 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 failing to disclose	2018-037 – Commission vs. Tyson Patrick Chohon	April 18, 2019	Stipulation and Consent Order entered April 18, 2019. License suspended for a period of one (1) year with entire period to be stayed and served on probation. Suspension begins April 18, 2019, and continues through April 18, 2020; plus pay a civil fine of \$1,000.00 due May 18, 2019; plus submit to a yearly criminal background check, by having his fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of

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his 2011 class W Misdemeanor charge on his 2012 renewal application.	2018-037 – Commission vs. Tyson Patrick Chohon (continued)		such background check, and submitting the results of such background check to the Commission no later than February 28, 2020. If charged with any misdemeanor or felony offense at any time during the entirety of the one (1) year Suspension/Probation period report such offense to the Commission within five (5) days of being charged.
Redfield 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 he used, or allowed to be used, the name Focal Realty when no such entity or trade name existed and when such name was not registered with the Nebraska Real Estate Commission; violated 299 NAC 2-003 Advertising shall include all forms of identification, representation, promotion, and solicitation disseminated in any manner and by any means of communication to the public for any purpose related to licensed real estate activity. All advertising shall be under the direct supervision of the broker, and prominently display the name the broker is conducting business as recorded with the Commission in a way that is conspicuous, discernible, and easily identifiable by the public. Advertising which is contrary to Sections 003 to 006 of these regulations shall constitute misleading or inaccurate advertising under Section 81-885.24(2) of the Nebraska Real Estate License Act, when he engaged in and or allowed Mr. Littler to engage in advertising that was not under his direct supervision, when he did not prominently display and/or Mr. Littler did not prominently display the name of the broker as recorded with the Commission in a way that was conspicuous, discernible, and easily identifiable by the public, when he engaged in and/or allowed Mr. littler to engage in advertising that was not in his or her name as recorded with the Commission and included the word(s) “Broker” or “Real Estate Broker,” and when he engaged in and/or allowed Mr. Littler to engage in advertising in the	2018-022 – Commission vs. Christopher Joseph Redfield	May 3, 2019	Stipulation and Consent Order entered May 3, 2019. License Censured; plus pay a civil fine of \$2,000.00 due June 2, 2019; plus complete three (3) hours of additional continuing education in the area of License Law by November 3, 2019; plus he will be required to testify in this matter on the behalf of the Nebraska Real Estate Commission without the requirement of a subpoena should a hearing be held.

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<p>name of a trade name that was not registered with the Nebraska Secretary of State and/or recorded with the Commission; 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 when he violated 299 NAC 2-003; 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 failed to supervise Mr. Littler for the events, actions and inactions described in Case 2018-022.</p>	<p>2018-022 – Commission vs. Christopher Joseph Redfield (continued)</p>		
<p>Shanahan violated Neb. Rev. Stat. § 299-2-003.08b Real estate team names shall not include the words: (ii) Company, (x) or similar words suggesting the team is a separate real estate brokerage or company, when he used, or allowed to be used, the name Shadow Ridge Real Estate Company.; Shanahan 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, when he used or allowed to be used, the name Shadow Ridge Real Estate Company; Shanahan 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 utilized, or acquiesced to other team members use of, the Logo and violating 81-885.24(26) and 299-2-003.08b; Shanahan violated Neb. Rev. Stat. §81-885.24(34) Utilizing team advertising or a team name suggesting the team is an independent real estate brokerage, by utilizing the Logo which is utilization of advertising or a name suggesting the team is an independent real estate brokerage.</p>	<p>2019-008 – Commission vs. Justin Lewis Shanahan</p>	<p>May 23, 2019</p>	<p>Stipulation and Consent Order entered May 23, 2019. License was Censured; plus pay a civil fine of \$2,000.00 due June 22, 2019; plus take an additional three (3) hours of continuing education in the area of License Law due November 23, 2019.</p>
<p>Johnson violated Neb. Rev. Stat. § 299-2-003.07c Advertising featuring the name of an affiliated associate broker or salesperson shall prominently display the name which the broker supervising the affiliated salesperson or associate broker conducts business under as recorded with</p>	<p>2019-009 – Commission vs. Samantha Denise Johnson</p>	<p>May 23, 2019</p>	<p>Stipulation and Consent Order entered May 23, 2019. License was Censured; plus pay a civil fine of \$2,000.00 due June 22, 2019; plus take an additional three (3) hours of continuing education in</p>

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the Commission adjacent to affiliated licensee's name and similar or greater in size and visibility than the affiliated licensee's name, when she used a noncompliant yard sign; Johnson 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, when she violated 299-2-003.07c; Johnson 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 used a noncompliant yard sign and failed to properly remove the yard sign.	2019-009 – Commission vs. Samantha Denise Johnson (continued)		the area of License Law due November 23, 2019.
Keck violated Neb. Rev. Stat. § 299-2-003.07c Advertising featuring the name of an affiliated associate broker or salesperson shall prominently display the name which the broker supervising the affiliated salesperson or associate broker conducts business under as recorded with the Commission adjacent to affiliated licensee's name and similar or greater in size and visibility than the affiliated licensee's name, when she used a noncompliant Real Estate Advertisement.; Keck 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, when she used a noncompliant Real Estate Advertisement.; Keck 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 disregarded Deputy Director Cell's April 26, 2018, e-mail and posted the noncompliant Real Estate Advertisement.	2019-011 – Commission vs. Victoria Marie Keck	May 23, 2019	Stipulation and Consent Order entered May 23, 2019. License was Censured; plus pay a civil fine of \$2,000.00 due June 22, 2019; plus take an additional three (3) hours of continuing education in the area of License Law due November 23, 2019.
Rasmussen violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; by repair and/or replacement of a septic tank without being a certified professional under the Nebraska Private Onsite Wastewater Treatment System Contractors Certification and System Registration Act.; Rasmussen violated Neb. Rev. Stat. §81-	2017-023 – Commission vs. Matthew Rasmussen	October 25, 2019	Stipulation and Consent Order entered October 25, 2019. License suspended for a period of three (3) years with the first ten (10) months served on suspension, and the remainder to be stayed and served on probation. Suspension begins

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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 installing a septic tank without being a state certified installer.			November 1, 2019, and continues through September 1, 2020. Probation will begin on September 2, 2020 and continue through November 1, 2022; plus pay a civil fine of \$2,500.00 due September 1, 2020, if fine is not received by this date Mr. Rasmussen will remain on Suspension until the Civil Fine is paid; plus take an additional six (6) hours of continuing education with three (3) hours each in the areas of Ethics and License Law due January 23, 2020.
Reinders 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 failing to verify the sellers' signatures on the February 28, 2018 Listing Agreement.; Reinders violated Neb. Rev. Stat. § 81-885.24(19) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of the agreement with the principal; by failing to leave a copy of the February 28, 2018 Listing Agreement with the sellers.; Reinders 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 a. Failing to verify the authenticity of the sellers' initials near paragraph 5 of the Purchase Agreement for Subject Property #1; b. Failing to verify the authenticity of the sellers' signatures on the February 28, 2018, Listing Agreement for Subject Property #1; c. Failing to verify the authenticity of the sellers' signatures on the March 1, 2018, Estimated Real Estate Closing Costs form for Subject Property #1; d. Failing to verify the authenticity of the sellers' signatures on the February 28, 2018, Agency Disclosure Information for Buyers and Sellers form for Subject Property #1; e. Failing to verify the authenticity of the sellers' signatures on the March 6, 2018, Agency Disclosure Information for Buyers and Sellers form for	2018-021 – Mary Katherine Harder vs. Tiffany Ann Reinders	October 25, 2019	Stipulation and Consent Order entered October 25, 2019. License was revoked.

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<p>Subject Property #1; f. Failing to verify the authenticity of the sellers' signatures on the April 2, 2018, Addendum to Purchase Agreement for Subject Property #2; g. Failing to verify the authenticity of the sellers' signatures on the April 3, 2018, Estimated Real Estate Closing Statement for Subject Property #2; h. Failing to verify the authenticity of the buyers' signatures on the April 2, 2018, Addendum to Purchase Agreement for Subject Property #2; and i. Failing to verify and failing to investigate further the claim for payment made by ACLS, which turned out to be fraudulent.; Reinders violated Neb. Rev. Stat. 299 NAC 5-003.10 Failure of the licensee to identify in writing to the seller-client, or to a seller-customer if offered pursuant to Neb. Rev. Stat. 76-2421 (4) (b), at the time the offer is presented and accepted, those categories of costs the seller will be expected to pay at closing. At the same time, the licensee shall prepare a written estimate of the costs the seller will be expected to pay at closing, to the extent the necessary cost information is reasonably available. Said written information shall be signed and dated by the seller, and a copy of the signed and dated document(s) shall be maintained in the transaction file in accordance with 299 NAC 3-001. This subsection shall not apply to the sale of new construction; lots; agricultural property; commercial property, including residential property with five or more dwelling units; or to third-party relocation companies acting as sellers. For the purposes of this subsection, the term "agricultural property" shall mean property zoned agricultural by a county in which any part of the property is located, or, if a county does not zone land agricultural, then property any part of which is assessed as agricultural property by a county assessor; by failing to provide the sellers and the buyers with an Estimated Real Estate Closing Statement.</p>	<p>2018-021 – Mary Katherine Harder vs. Tiffany Ann Reinders (continued)</p>		
<p>Blaalid-Daugherty violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license by failing to disclose her conviction of "Petty Theft, Second Degree, \$400 or less", a Class 2 Misdemeanor, constitutes a "False Statement of material fact"; violated Neb. Rev. Stat. § 81-</p>	<p>2019-016 – Commission vs. Lisa Jo Blaalid-Daugherty</p>	<p>October 25, 2019</p>	<p>Stipulation and Consent Order entered October 25, 2019. License suspended for a period of four (4) years and one hundred and eighty (180) days with the first one (1) year and one hundred and eighty days (180) served on suspension, and the remainder to be stayed and</p>

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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 being convicted of Petty Theft, Second Degree, \$400 or less.	2019-016 – Commission vs. Lisa Jo Bhaalid-Daugherty (continued)		served on probation. Suspension begins December 24, 2019, and continues through June 22, 2021. Probation will begin on June 23, 2021 and continue through June 23, 2024; plus take an additional three (3) hours of continuing education in the area of Ethics due December 24, 2019; If charged with another criminal offense at any time during the entirety of the four (4) years and one hundred and eighty (180) days Suspension/Probation period Ms. Bhaalid-Daugherty shall report such offense to the Commission within five (5) days of being charged.
Basye violated Neb. Rev. Stat. § 81-885.24(8) Accepting any form of compensation or consideration by an associate broker or salesperson from anyone other than his or her employing broker without the consent of his or her employing broker, when Mr. Basye deposited a commission check in his account or the account of Basye Real Estate Concepts instead of the account of his designated broker; 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 failing to deliver a completed copy of the contract Assignment or Addendum to the Seller within a reasonable time; 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 (a) accepting and depositing the Commission Check in a personal account without the consent of his employing broker; (b) did not within a reasonable time, provide Seller with a completed and dated copy of the Assignment; (c) did not within a reasonable time, provide Seller with a completed and dated copy of the Addendum; (d) for Seller not receipting for a copy of a fully executed purchase agreement; (e) for not discussing with or providing to Seller an "Acknowledgement	2019-001 – Commission vs. Ryan Basye	November 21, 2019	Stipulation and Consent Order entered November 21, 2019. License suspended for a period of thirty (30) days and serve one (1) year probation. Suspension begins December 7, 2019, and continues through January 5, 2020. Probation will begin on January 6, 2020 and continue through January 6, 2021; plus take an additional six (6) hours of continuing education in the area of Ethics due May 21, 2020; plus pay a Civil Fine of \$1,000.00 by December 21, 2019.

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of Disclosure" form; violated Neb. Rev. Stat. § 76-2421(4)(a) 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 buyer or tenant with a seller or landlord 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 buyer or tenant and is not an agent for the customer, by failing to provide a written agency disclosure; violated 299 NAC 5-003.07 Failure of a licensee to comply with the requirements set forth in Neb. Rev. Stat. Sections 76-2401 - 76-2430; (a) by accepting and depositing the Commission Check in a personal account without the consent of his employing broker; (b) did not provide Seller with a completed and dated copy of the Assignment within a reasonable time; (c) did not provide Seller with a completed and dated copy of the Addendum within a reasonable time; (d) for Seller not receipting for a copy of a fully executed purchase agreement; (e) did not discuss or provide the Seller with an "Acknowledgement of Disclosure" form.	2019-001 – Commission vs. Ryan Basye (continued)		
Cohn violated 299 NAC 2-003.07c Advertising featuring the name of an affiliated associate broker or salesperson shall prominently display the name which the broker supervising the affiliated salesperson or associate broker conducts business under as recorded with the Commission adjacent to affiliated licensee's name and similar or greater in size and visibility than the affiliated licensee's name, when he used social media and YouTube to advertise property or services offered; 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; when he violated 299 NAC 2-003.07c; 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 failed to include or prominently display the brokerage name in all advertising.	2019-007 – Commission vs. Jeffrey Marc Cohn	November 21, 2019	Stipulation and Consent Order entered November 21, 2019. License suspended for a period of two (2) years with the entire period stayed and served on probation. Probation will begin on December 21, 2019, and continue through December 21, 2021; plus take an additional nine (9) hours of continuing education with three (3) hours each in the area of Agency, Ethics and License Law due February 19, 2020; plus pay a Civil Fine of \$2,500.00 by December 21, 2019.

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Cohn violated 299 NAC 2-003.07c Advertising featuring the name of an affiliated associate broker or salesperson shall prominently display the name which the broker supervising the affiliated salesperson or associate broker conducts business under as recorded with the Commission adjacent to affiliated licensee's name and similar or greater in size and visibility than the affiliated licensee's name, when he used social media and YouTube to advertise property or services offered; 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; when he violated 299 NAC 2-003.07c; 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 failed to include or prominently display the brokerage name in all advertising.	2019-010 – Commission vs. Jeffrey Marc Cohn	November 21, 2019	Stipulation and Consent Order entered November 21, 2019. License suspended for a period of two (2) years with the entire period stayed and served on probation. Probation will begin on December 21, 2019, and continue through December 21, 2021; plus take an additional nine (9) hours of continuing education with three (3) hours each in the area of Agency, Ethics and License Law due February 19, 2020; plus pay a Civil Fine of \$2,500.00 by December 21, 2019.
Salkin 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 (a) failing to ensure that the closing agent was informed of the commission adjustment approved by his client and by (b) failing to enter into a written and executed modification of the listing agreement reflecting the commission modification in accordance with the terms of the agreement.	2018-032 – Commission vs. Michael Howard Salkin	November 21, 2019	Hearing held November 21, 2019. License censured; plus take an additional six (6) hours of continuing education, with three (3) hours each in the areas of Contract Law and License Law due June 27, 2020; plus pay hearing fees of \$373.20 due January 26, 2020.
Anzalone 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 authored and sent a "demand for commission" letter without having a written agreement with the seller or buyer.	2018-040 – Commission vs. Antonio O. Anzalone	January 23, 2020	Stipulation and Consent Order entered January 23, 2020. License suspended for a period of one (1) year, with the entire period stayed and served on probation. Probation commences February 22, 2020 and continues through February 22, 2021; plus pay a civil fine of \$2,000.00 due February 22, 2020.
Lade violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient	2019-035 – Commission vs. Renae Ann Lade	January 23, 2020	Stipulation and Consent Order entered January 23, 2020. License placed on probation for a period of two (2) years,

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ground for refusal of a license, when she failed to disclose her charge of "Theft-Deception \$500-\$1500, a class 1 Misdemeanor"; 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 disclose her charge of "Theft-Deception \$500-\$1500, a class 1 Misdemeanor".	2019-035 – Commission vs. Renae Ann Lade (continued)		with the first thirty (30) days served on suspension. Suspension commences February 22, 2020 and continues thru March 22, 2020. Probation commences on March 23, 2020, and continues through February 22, 2022; plus pay a civil fine of \$500.00 due February 22, 2020; plus if charged and/or convicted of another criminal offense at any time during the entirety of the two (2) year suspension/probation period she shall report such an offense to the commission within five (5) days.
Perry violated Neb. Rev. Stat. § 81-885.12(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license, when he failed to disclose his charge of Driving Under the Influence .08, Second Offense, a Misdemeanor on his 2018 license renewal; 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 failed to disclose his charge of Driving Under the Influence .08, Second Offense, a Misdemeanor on his 2018 license renewal.	2019-014 – Commission vs. Alex J. Perry	March 5, 2020	Stipulation and Consent Order entered March 5, 2020. License placed on probation for a period of two (2) years, with the first thirty (30) days served on suspension. Suspension commences April 4, 2020 and continues thru May 4, 2020. Probation commences on May 5, 2020, and continues through April 4, 2022; plus pay a civil fine of \$1,000.00 due April 4, 2020; plus if charged and/or convicted of another criminal offense at any time during the entirety of the two (2) year suspension/probation period he shall report such an offense to the commission within five (5) days.
Littler 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 Littler used, or allowed to be used the Name Focal Realty when no such entity or trade name existed, and was not registered with the Nebraska Real Estate Commission.; Littler violated 299 NAC 2-003 - Advertising shall include all forms of identification, representation, promotion, and solicitation disseminated in any manner and by any means of communication to the public for any purpose related to licensed real estate	2018-022 – Commission vs. Brian Tyler Littler	April 21, 2020	Stipulation and Consent Order entered April 21, 2020. License censured; plus take an additional three (3) hours of continuing education in the area of License Law due October 21, 2020; plus pay a civil fine of \$2,000.00 by May 21, 2020.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>activity. All advertising shall be under the direct supervision of the broker, and prominently display the name the broker is conducting business as recorded with the Commission in a way that is conspicuous, discernible, and easily identifiable by the public. Advertising which is contrary to Sections 003 to 006 of these regulations shall constitute misleading or inaccurate advertising under Section 81-885.24(2) of the Nebraska Real Estate License Act, when Littler engaged in advertising that was not under his direct supervision of his broker, when Littler did not prominently display the name of the broker as recorded with the Commission in a way that was conspicuous, discernible, and easily identifiable by the public, when Littler engaged in advertising that was not in his name as recorded with the Commission and included the word(s) "Broker" or "Real Estate Broker," and when Littler engaged in advertising in the name of a trade name that was not registered with the Nebraska Secretary of State and/or recorded with the Commission; Littler violated Neb. Rev. Stat. § 1-885.24(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 Littler's advertising failed to prominently display the brokerage name violated 299 NAC 2-003; Littler 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 Littler engaged in the actions and omissions described in this Stipulation and Consent.</p>	<p>2018-022 – Commission vs. Brian Tyler Littler (continued)</p>		
<p>Paxton 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 Lockmon, as a broker, was contacted multiple times by mail and telephone by an attorney representing another broker on a sale in question and never responded to him as was requested, and necessary for the transaction.</p>	<p>2018-026 – Lanny Billings vs. Sonya Kaye Lockmon</p>	<p>April 21, 2020</p>	<p>Stipulation &amp; Consent Order entered April 21, 2020. License placed on Probation for a period of two (2) years. Probation begins May 21, 2020, and continues thru May 21, 2022; plus complete six (6) hours of additional continuing education with three (3) hours each in the areas of Disclosure &amp; Ethics due July 20, 2020; plus pay a civil fine of \$1,250.00 due May 21, 2020.</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Weaver violated Neb. Rev. Stat. § 81-885.12(2) - When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license, when Weaver was convicted of driving under the influence and failing to notify the Commission of Said offenses; Weaver 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 Weaver was convicted of driving under the influence and failing to notify the Commission of Said offenses. section when he failed to disclose adverse material facts to the complainants.</p>	<p>2018-039 – Commission vs. Jodie LaNae Weaver</p>	<p>April 21, 2020</p>	<p>Stipulation &amp; Consent Order entered April 21, 2020. License was suspended for three (3) years, with the first forty-five (45) days served on Suspension and the remainder of the period to be stayed and served on Probation. Suspension begins May 21, 2020, and continues thru July 4, 2020. Probation begins July 5, 2020, and continues thru May 21, 2023; plus pay a civil fine of \$1,500.00 due June 20, 2020; plus submit to a yearly criminal background check, by having her fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28th of each year during the three (3) year Suspension/Probation period. The first report is due February 28, 2021; plus attend biweekly substance abuse counseling sessions to be reported to the Commission on a quarterly basis; plus during the entirety of the three (3) year suspension &amp; probationary period if she is charged with another criminal offense at any time during this period she shall report such charge to the Commission within seven (7) days following the date of the incident giving rise to the charge.</p>
<p>Cutchall violated Neb. Rev. Stat. § 299-2-003.07c - Real estate affiliate and team advertising, when Cutchall's advertising failed to have the brokerage name more prominent than the affiliated licensee's name.; Cutchall 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, when Cutchall's</p>	<p>2019-025 – Commission vs. Cory C. Cutchall</p>	<p>April 21, 2020</p>	<p>Stipulation and Consent Order entered April 21, 2020. License suspended for a period of one (1) year, with the entire period stayed and served on probation. Probation begins May 21, 2020, and continues thru May 21, 2021; plus take an additional six (6) hours of continuing education in the area of License Law due</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
advertising failed to have the brokerage name more prominent than the affiliated licensee's name.; Cutchall 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 Cutchall's use of advertising with the licensee's name more prominent than the brokerage name which constitutes negligence, incompetency , or unworthiness to act as a salesperson.	2019-025 – Commission vs. Cory C. Cutchall (continued)		July 20, 2020; plus pay a civil fine of \$1,500.00 by July 20, 2020.
Bock violated Neb. Rev. Stat. § 81-885.24(3) - Failing to account for and remit any money coming into his or her possession belonging to others, when he failed to adhere to estimates or seek approval for overages; Bock violated Neb. Rev. Stat. § 81-885.24(22) - Making any substantial misrepresentations, when he failed to stay within the timelines of the client and misrepresented the costs of the remodeling as well as the misrepresentations that the Property was ready for rent; Bock violated Title 299, Chapter 5, Section 003.19 - Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities, when Bock failed to supervise the repairs and painting of the property; Bock 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 Bock failed to adhere to the estimate or seek approval for overages, Bock failed to stay with the timelines of the client and misrepresenting the costs of the remodeling as well as the misrepresentations that the property was ready for rent and failing to supervise the repairs and painting of the property.	2020-009 – Commission vs. John Eric Bock	April 21, 2020	Stipulation and Consent Order entered April 21, 2020. License censured; plus take an additional three (3) hours of continuing education in the area of Contracts due June 20, 2020; plus pay a civil fine of \$1,000.00 by May 21, 2020.
Ross violated Neb. Rev. Stat. § 81-885.24(25) - Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under the listing contract exists, when Ross filed a lien against a property in an effort to assure he would secure a commission payment for the sale of the same property;	2020-012 – Commission vs. Farrell F. Ross	April 21, 2020	Stipulation and Consent Order entered April 21, 2020. License was placed on probation for a period of two (2) years. Probation begins May 21, 2020 and continues thru May 21, 2022; plus complete an additional nine (9) hours of continuing education with three (3) hours

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Ross 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 Ross filed a lien against a property in an effort to assure he would secure a commission payment for the sale of the same property.	2020-012 – Commission vs. Farrell F. Ross (continued)		each in the areas of Agency, Contracts & Ethics by July 20, 2020; plus pay a civil fine of \$2,500.00 due May 21, 2020.
Conley violated 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, by demonstrating negligence, incompetency, or unworthiness to act as a real estate broker (A) Failing to disclose the contents of the February 5, 2018 inspection report to buyer prior to the purchase of the Property; (B) Failing to attach the February 5, 2018 inspection report to the January 2, 2018 SPCDS provided to the buyer; (C) Failing to disclose the existence and status of the January 22, 2018 Purchase Agreement prior to purchase of the Property and (D) Failing to attach the January 22, 2018 Purchase Agreement or facts sufficient to disclose the status of the January 22, 2018 Purchase agreement to the January 2, 2018 SPCDS provided to the buyer; Conley 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 demonstrating negligence, incompetency, or unworthiness to act as a real estate broker (A) Failing to disclose the contents of the February 5, 2018 inspection report to buyer prior to the purchase of the Property; (B) Failing to attach the February 5, 2018 inspection report to the January 2, 2018 SPCDS provided to the buyer; (C) Failing to disclose the existence and status of the January 22, 2018 Purchase Agreement prior to purchase of the Property and (D) Failing to attach the January 22, 2018 Purchase Agreement or facts sufficient to disclose the status of the January 22, 2018	2019-039 – Commission vs. Michael Joseph Conley	July 2, 2020	Stipulation and Consent Order entered July 2, 2020. License was placed on Probation for a period of twelve (12) months with the first thirty (30) days served on suspension. The suspension period begins July 11, 2020, and continues thru August 9, 2020. Probation begins August 10, 2020 and continues thru July 11, 2021; plus take an additional nine (9) hours of continuing education with three (3) hours each in the areas of Agency, Contracts and Disclosure due August 10, 2020; plus pay a civil fine of \$750.00 by July 25, 2020.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Purchase agreement to the January 2, 2018 SPCDS provided to the buyer.	2019-039 – Commission vs. Michael Joseph Conley (continued)		
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 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	2018-033 – Michael J. Fix vs. Brian Eric Kays	August 20, 2020	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.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
provide an agency disclosure form to the seller at the first practicable opportunity.	2018-033 – Michael J. Fix vs. Brian Eric Kays (continued)		
Hines 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 demonstrated unworthiness by being charged with and found guilty of three (3) DUIs.	2019-013 – Commission vs. Ryan Patrick Hines	August 20, 2020	Hearing held August 20, 2020. License suspended for a period of three (3) years with the first thirty (30) days served on suspension and the remainder of the period to be stayed and served on probation. Suspension begins December 15, 2020 and continues through January 13, 2021. Probation begins January 14, 2021, and continues through December 15, 2023; plus pay hearing fees of \$91.87 due November 22, 2020; plus pay civil fine of \$1,500.00 due November 22, 2020; plus submit to a yearly criminal background check, by having his fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28th of each year during the three (3) year Suspension/Probation period. The first report is due February 28, 2021; plus during the entire three (3) year Suspension/Probation period attend monthly substance abuse treatment or groups and provide documentary evidence of such attendance to the Commission every three (3) months. The first report is due February 22, 2021; plus If charged with or convicted of, another criminal offense at any time during the entirety of the three (3) Suspension/Probation period report such offense to the Commission within five (5) days following the incident.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 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</p>	<p>2019-038 – Commission vs. Rachel Helen Tiller</p>	<p>August 20, 2020</p>	<p>Stipulation and Consent Order entered August 20, 2020. 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 and License Law due February 20, 2021; plus pay a civil fine of \$1,000.00 due on September 19, 2020.</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
regarding the condition of the roof.	2019-038 – Commission vs. Rachel Helen Tiller (continued)		
Kellar violated Title 299 NAC 2-003.07c - 003.07c Advertising featuring the name of an affiliated associate broker or salesperson shall prominently display the name which the broker supervising the affiliated salesperson or associate broker conducts business under as recorded with the Commission adjacent to affiliated licensee's name and similar or greater in size and visibility than the affiliated licensee's name, when an advertisement identifying Kellar was posted within a group on Facebook that was not compliant with the NREC advertising rules, in that it omitted the brokerage information; 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 an advertisement identifying Kellar was posted within a group on Facebook that was not compliant with the NREC advertising rules, in that it omitted the brokerage information; 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 an advertisement identifying Kellar was posted within a group on Facebook that was not compliant with the NREC advertising rules, in that it omitted the brokerage information.	2020-001 – Commission vs. Cassandra Lynn-Frances Kellar	August 20, 2020	Stipulation and Consent Order entered August 20, 2020. License was Censured; plus take an additional three (3) hours of continuing education in the area of License Law due November 18, 2020; plus pay a civil fine of \$1,500.00 by September 19, 2020.
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 the current brokerage disclosure pamphlet which has been	2020-011 – Commission vs. Jason Thomas Slama	August 20, 2020	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.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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.	2020-011 – Commission vs. Jason Thomas Slama (continued)		
Bernard 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 used a disparaging name for another licensee in an email.	2020-021 – Commission vs. Theodore Sean Bernard	August 20, 2020	Stipulation and Consent Order entered August 20, 2020. Bernard will need to take an additional three (3) hours of continuing education in the area of Ethics due February 20, 2021; plus pay a civil fine of \$1,000.00 by September 19, 2020.
Sodoro 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 failed to update or revise the MLS listing for the Property with the pre foreclosure information prior to the Property being sold at auction.]	2020-007 – Commission vs. Michael Anthony Sodoro	September 18, 2020	Stipulation and Consent Order entered September 18, 2020. License was placed on probation for a period of six (6) months. Probation begins October 17, 2020 and continues thru April 17, 2021; plus pay a civil fine of \$1,000.00 by October 17, 2020.
Stracke violated Neb. Rev. Stat. § 299-5-003.18 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, she failed to prepare a written purchase agreement in a timely manner when a purchase price had been agreed upon; 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, when she failed to prepare a written purchase agreement in a timely manner when a purchase price had been agreed upon; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson,	2020-024 – Commission vs. Stacey J. Stracke	September 18, 2020	Stipulation and Consent Order entered September 18, 2020. License was placed on probation for a period of eighteen (18) months. Probation begins October 17, 2020 and continues thru April 17, 2022; plus take an additional six (6) hours of education, with three (3) hours each in the areas of Agency and Contracts due March 18, 2021; plus pay a civil fine of \$2,000.00 due October 17, 2020.

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
whether of the same or of a different character as otherwise specified in this section, when she failed to prepare a written purchase agreement in a timely manner when a purchase price had been agreed upon.	2020-024 – Commission vs. Stacey J. Stracke (continued)		
Meyer 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 accurately or completely describe the use and access rights granted via the license and easement agreements.	2018-010 Cathryn A. Sack vs. Kay M. Meyer	October 16, 2020	Stipulation and Consent Order entered October 16, 2020. License suspended for a period of two (2) years with the first forty-five (45) days served on suspension and the remainder of the period stayed and served on probation. Suspension begins on January 1, 2021, and continues thru February 14, 2021. Probation commences on February 15, 2021, and continues through January 1, 2023; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and Disclosure by April 16, 2021; plus pay a civil fine of \$1,500.00 due November 15, 2020.
Meyer 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 accurately or completely describe the use and access rights granted via the license and easement agreements.	2018-011 – Harold D. & Gail L. Schenck vs. Kay M. Meyer	October 16, 2020	Stipulation and Consent Order entered October 16, 2020. License suspended for a period of two (2) years with the first forty-five (45) days served on suspension and the remainder of the period stayed and served on probation. Suspension begins on January 1, 2021, and continues thru February 14, 2021. Probation commences on February 15, 2021, and continues through January 1, 2023; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and Disclosure by April 16, 2021; plus pay a civil fine of \$1,500.00 due November 15, 2020.
Meyer 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	2018-012 – Kelly Cole vs. Kay M. Meyer	October 16, 2020	Stipulation and Consent Order entered October 16, 2020. License suspended for a period of two (2) years with the first forty-five (45) days served on suspension

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>specified in this section, when she failed to accurately or completely describe the use and access rights granted via the license and easement agreements.</p>	<p>2018-012 – Kelly Cole vs. Kay M. Meyer (continued)</p>		<p>and the remainder of the period stayed and served on probation. Suspension begins on January 1, 2021, and continues thru February 14, 2021. Probation commences on February 15, 2021, and continues through January 1, 2023; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and Disclosure by April 16, 2021; plus pay a civil fine of \$1,500.00 due November 15, 2020.</p>
<p>Meyer 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 accurately or completely describe the use and access rights granted via the license and easement agreements.</p>	<p>2018-013 – Gary Ken &amp; Carmen Christensen vs. Kay M. Meyer</p>	<p>October 16, 2020</p>	<p>Stipulation and Consent Order entered October 16, 2020. License suspended for a period of two (2) years with the first forty-five (45) days served on suspension and the remainder of the period stayed and served on probation. Suspension begins on January 1, 2021, and continues thru February 14, 2021. Probation commences on February 15, 2021, and continues through January 1, 2023; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and Disclosure by April 16, 2021; plus pay a civil fine of \$1,500.00 due November 15, 2020.</p>
<p>Meyer 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 accurately or completely describe the use and access rights granted via the license and easement agreements.</p>	<p>2018-014 – Joseph &amp; Paulette Hansen vs. Kay M. Meyer</p>	<p>October 16, 2020</p>	<p>Stipulation and Consent Order entered October 16, 2020. License suspended for a period of two (2) years with the first forty-five (45) days served on suspension and the remainder of the period stayed and served on probation. Suspension begins on January 1, 2021, and continues thru February 14, 2021. Probation commences on February 15, 2021, and continues through January 1, 2023; plus complete and additional six (6) hours of continuing education with three (3) hours</p>

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2018-014 – Joseph & Paulette Hansen vs. Kay M. Meyer (continued)		each in the areas of Agency and Disclosure by April 16, 2021; plus pay a civil fine of \$1,500.00 due November 15, 2020.
Meyer 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 accurately or completely describe the use and access rights granted via the license and easement agreements.	2018-031 – Jeffrey & Penny Minnig vs. Kay M. Meyer	October 16, 2020	Stipulation and Consent Order entered October 16, 2020. License suspended for a period of two (2) years with the first forty-five (45) days served on suspension and the remainder of the period stayed and served on probation. Suspension begins on January 1, 2021, and continues thru February 14, 2021. Probation commences on February 15, 2021, and continues through January 1, 2023; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and Disclosure by April 16, 2021; plus pay a civil fine of \$1,500.00 due November 15, 2020.
Foley 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 withdrew a payment from an account maintained for DEMU Properties, LLC when it should have been drawn from the account of Birch Street Properties, LLC. DEMU Properties, LLC.	2020-008 – Commission vs. Makayla Renee Foley	October 16, 2020	Stipulation and Consent Order entered October 16, 2020. License Censured; plus complete an additional three (3) hours of continuing education in the area of Trust Accounts by January 14, 2021.
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	2020-030 – Commission vs. Susan Paulette Buettner	October 16, 2020	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.

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<p>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; 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</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</p>

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<p>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; 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>\$1,000.00 due November 15, 2020.</p>
<p>Jonsson 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 made substantial misrepresentations when she represented that (1) the seller needed to or was required to pay a commission; (2) Could</p>	<p>2019-040 – Brandi Hlavac vs. Jasmin Kalyn Jonsson (Jensen)</p>	<p>November 19, 2020</p>	<p>Stipulation and Consent Order entered November 19, 2020. License Censured; plus complete an additional six (6) hours of continuing education with three (3) hours each in the areas of Contracts and Ethics by June 19, 2021; plus pay a civil fine of \$1,500.00 by January 10, 2021.</p>

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not do 1% legally, 2.4% is the minimum for a buyer's agent (3) could do 2.4% even though doing double the work, legally she could not go under that.	2019-040 – Brandi Hlavac vs. Jasmin Kalyn Jonsson (Jensen) (continued)		
Reddish 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 allowed the buyer to leave a rug at the property prior to the final closing date.	2020-022 – Commission vs. Connie Lee Reddish	November 19, 2020	Stipulation and Consent Order entered November 19, 2020. License is Censured; plus complete and additional three (3) hours of continuing education in the area of Contracts by February 23, 2021; plus pay a civil fine of \$750.00 by January 29, 2021.
Torrence violated Neb. Rev. Stat. §76-2417 Seller's agent or landlord's agent; powers and duties; confidentiality; immunity; disclosures required. (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, including: (i) Seeking a price and terms which are acceptable to the client, except that the licensee shall not be obligated to seek additional offers to purchase the property while the property is subject to a contract for sale or to seek additional offers to lease the property while the property is subject 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 property is subject to a contract for sale or lease or a letter of intent to lease; (iii) Disclosing in writing to the client all 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; and (f) to comply with any applicable federal, state, and local laws, rules, regulations, and ordinances, including fair housing	2020-034 – Commission vs. Michele Torrence	February 24, 2021	Stipulation and Consent Order entered February 24, 2021. License is Suspended for a period of five (5) years. Suspension begins March 26, 2021 and continues thru March 26, 2026; plus complete and additional six (6) hours of continuing education in course #0003-Developing Professional Conduct and Ethical Practices by January 25, 2026; plus pay a civil fine of \$1,500.00 by March 26, 2021.

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<p>and civil rights statutes and regulations. (2) A licensee acting as a seller's or landlord's agent shall not disclose any confidential information about the client unless disclosure is required by statute, rule, or regulation or failure to disclose the information would constitute fraudulent misrepresentation. No cause of action for any person shall arise against a licensee acting as a seller's or landlord's agent for making any required or permitted disclosure. (3) (a) A licensee acting as a seller's or landlord's agent owes no duty or obligation to a buyer, a tenant, or a prospective buyer or tenant, except that a licensee shall disclose in writing to the buyer, tenant, or prospective buyer or tenant all adverse material facts actually known by the licensee. The adverse material facts may include, but are not limited to, adverse material facts pertaining to: (i) Any environmental hazards affecting the property which are required by law to be disclosed; (ii) the physical condition of the property; (iii) any material defects in the property; (iv) any material defects in the title to the property; or (v) any material limitation on the client's ability to perform under the terms of the contract. (b) A seller's or landlord's agent owes no duty to conduct an independent inspection of the property for the benefit of the buyer, tenant, or prospective buyer or tenant and owes no duty to independently verify the accuracy or completeness of any statement made by the client or any independent inspector. (4) A seller's or landlord's agent may show alternative properties not owned by the client to prospective buyers or tenants and may list competing properties for sale or lease without breaching any duty or obligation to the client. (5) (a) A seller or landlord may agree in writing with a seller's or landlord's agent that other designated brokers may be retained and compensated as subagents. (b) Any designated broker acting as a subagent on the seller's or landlord's behalf shall be a limited agent with the obligations and responsibilities set forth in subsections (1) through (4) of this section, when she removed funds from her broker trust account without proper authorization; violated Neb. Rev. Stat. §76-2418 Buyer's agent or tenant's agent; powers and duties; confidentiality; immunity; disclosures required. (1) A</p>	<p>2020-034 – Commission vs. Michele Torrence (continued)</p>		

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<p>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; 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. (2) A licensee acting as a buyer's or tenant's agent shall not disclose any confidential information about the client unless disclosure is required by statute, rule, or regulation or failure to disclose the information would constitute fraudulent misrepresentation. No cause of action for any person shall arise against a licensee acting as a buyer's or tenant's agent for making any required or permitted disclosure. (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</p>	<p>2020-034 – Commission vs. Michele Torrence (continued)</p>		

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<p>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. (4) A buyer's or tenant's agent may show properties in which the client is interested to other prospective buyers or tenants without breaching any duty or obligation to the client. This section shall not be construed to prohibit a buyer's or tenant's agent from showing competing buyers or tenants the same property and from assisting competing buyers or tenants in attempting to purchase or lease a particular property. (5) (a) A client may agree in writing with a buyer's or tenant's agent that other designated brokers may be retained and compensated as subagents. (b) Any designated broker acting as a subagent on the buyer's or tenant's behalf shall be a limited agent with the obligations and responsibilities set forth in subsections (1) through (4) of this section, when she removed funds from her broker trust account without proper authorization; violated Neb. Rev. Stat. § 81-885.24(4) Commingling the money or other property of his or her principals with his or her own, when she removed funds from her broker trust account without proper authorization; 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 removed funds from her broker trust account without proper authorization.</p>	<p>2020-034 – Commission vs. Michele Torrence (continued)</p>		
<p>Berthold 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 fully disclose one or more easements and/or title conditions/restrictions/disputes regarding a property.</p>	<p>2020-002 – Ryan &amp; Heather Linden vs. Angela Joy Berthold</p>	<p>May 20, 2021</p>	<p>Hearing held May 20, 2021. License was suspended for a period of one (1) year with the entirety of the period stayed and served on probation. Probation will begin on July 11, 2021, and continues through July 11, 2022; plus pay hearing fees of \$1,897.77 by July 11, 2021; plus complete an additional six (6) hours of continuing education with three (3) hours</p>

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Petersen 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 report to the Commission the DUI convictions during the renewal of her salesperson license.	2020-002 – Ryan & Heather Linden vs. Angela Joy Berthold (continued) 2021-004 – Commission vs. Leslie Sue Petersen	May 20, 2021	each in the areas of Ethics and License Law by June 11, 2022 Stipulation and Consent Order entered May 20, 2021. License was suspended for a period of four (4) years with the first eighteen (18) months served on suspension and the remainder of the period stayed and served on probation. Suspension begins June 19, 2021, and continues through December 19, 2022. Probation will begin on December 20, 2022 and continues through June 19, 2025; plus pay a civil fine of \$1,500.00 by June 19, 2021; plus submit to a yearly criminal background check, by having her fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28 <sup>th</sup> of each year during the four (4) year Suspension/Probation period. The first report is due February 28, 2022; plus during the entire four (4) year Suspension/Probation period attend bi-weekly AA meetings for the first six (6) months of the suspension and provide documentary evidence of such attendance to the Commission on a quarterly basis, or bi-weekly meetings with a licensed counselor. The first report is due September 19, 2021. Following the six (6) month period you shall attend monthly AA meetings or monthly sessions with a licensed counselor for the remainder of the suspension period providing documentary evidence of such attendance to the

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	2021-004 – Commission vs. Leslie Sue Petersen (continued)		Commission on a quarterly basis; plus if charged with or convicted of another criminal offense that would likely result in jail time at any time during the entirety of the four (4) year suspension period, she shall report such charges and/or convictions to the Commission within five (5) days following the date of the charges being filed and/or conviction; plus if convicted of any DUI or failure to submit to a chemical test during the suspension period of four (4) years she has agreed to a revocation of her salesperson license; plus should she violate any law administered by the Commission during the four (4) year suspension period, it may result in a Show Cause proceeding being brought against her by the Commission, in which case her salesperson’s license may be suspended for the remainder of the suspension period; plus should she violate any law administered by the Commission during the entirety of her probationary period it may result in a new disciplinary complaint proceeding being brought against her by the commission.
Hoffman 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 was convicted of driving under the influence on four (4) separate occasions.	2021-003 – Commission vs. Terrance Bryan Hoffman	June 17, 2021	Stipulation and Consent Order entered June 17, 2021. License suspended for a period of three (3) years, with the first forty-five (45) days served on suspension and the remainder stayed and served on probation. Suspension begins July 24, 2021, and continues thru September 6, 2021. Probation begins September 7, 2021, and continues thru July 24, 2024; plus pay a civil fine of \$1,500.00 by July 24, 2021; plus submit to a yearly criminal background check, by having his fingerprints captured by anyone qualified

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	2021-003 – Commission vs. Terrance Bryan Hoffman (continued)		to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28 <sup>th</sup> of each year during the three (3) year Suspension/Probation period. The first report is due February 28, 2022; plus during the entire three (3) year Suspension/Probation period attend monthly alcohol/substance abuse groups and provide documentary evidence of such attendance to the Commission on a quarterly basis. The first report is due October 24, 2021; plus if charged with another criminal offense at any time during the entirety of the three (3) year suspension and probation period, he shall report such charges and/or convictions to the Commission within five (5) days following the date of the incident giving rise to the charge; plus if convicted of any DUI or failure to submit to a chemical test during the suspension period of four (4) years she has agreed to a revocation of her salesperson license.
Mesenbrink 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 her actions and convictions of DUI on three (3) different occasions, and her statements and/or omissions on her application constitute negligence, incompetency, or unworthiness to act as a salesperson.	2021-001 - Commission vs. Shannon Renae Mesenbrink	August 19, 2021	Stipulation and Consent Order entered August 19, 2021. License was suspended for a period of three (3) years with the first thirty (30) days served on suspension and the remainder of the period stayed and served on probation. Suspension begins September 18, 2021, and continues through October 17, 2021. Probation will begin on October 18, 2021 and continues through September 18, 2024; plus pay a civil fine of \$1,500.00 by September 18, 2021; plus submit to a yearly criminal background check, by

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	<p>2021-001 - Commission vs. Shannon Renae Mesenbrink (continued)</p>		<p>having her fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28<sup>th</sup> of each year during the three (3) year Suspension/Probation period. The first report is due February 28, 2022; plus during the entire three (3) year Suspension/Probation period attend monthly AA meetings and provide documentary evidence of such attendance to the Commission on a quarterly basis. The first report is due December 18, 2021; plus if charged with or convicted of another criminal offense that would likely result in jail time at any time during the entirety of the three (3) year suspension/probation period, she shall report such charges and/or convictions to the Commission within five (5) days following the date of the incident giving rise to the charge and/or conviction; plus if convicted of any DUI or failure to submit to a chemical test during the suspension/probation period of three (3) years she has agreed to a revocation of her salesperson license; plus should she violate any law administered by the Commission during the three (3) year suspension/probation period, it may result in a Show Cause proceeding being brought against her by the Commission, in which case her Nebraska Real Estate salesperson's license may be suspended for the remainder of the suspension/probation period; plus should</p>

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	2021-001 - Commission vs. Shannon Renae Mesenbrink (continued)		she violate any law administered by the Commission during the entirety of her probationary period it may result in a new disciplinary complaint proceeding being brought against her by the commission.
Violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson	2023-045 Nebraska Real Estate Commission v. John Michael Ruzicka and Alexander Perez	March 7, 2024	Licensee placed on probation for a period of three (3) years; Probation to commence on April 6, 2024, and continue through April 6, 2027; licensee ordered to pay a civil fine of \$2500.00 due on June 5, 2024; licensee ordered to complete an additional three (3) hours of continuing education, in the area of License Law by September 2, 2024
Stipulation and Consent Order entered on February 28, 2023. [Licensee's failure to communicate with the client and subsequent work completed by his company without the client's permission constitute a violation of Neb. Rev. Stat. §76-2417 (1)(b) and Neb. Rev. Stat. §76-2417 (1)(c). Licensee violated §81-885.24 (29) by demonstrating negligence, incompetency, or unworthiness to act as a licensee by violating Neb. Rev. Stat. §76-2417 (1)(b) and §76-2417 (1)(c).]	2021-005 Stephen Anthony vs. Khanh Ngocluu Tran & Andrew James Panebianco	February 28, 2023	Licensee shall pay a civil fine of \$1,000.00 by November 25, 2023; plus complete an additional six (6) hours of continuing education with three (3) in the area of ethics and three (3) in the area of contracts. These hours are due by August 27, 2023
Licensee 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 when she violated Title 299 NAC 5-003.22 failure by a designated or employing broker to supervise her associate brokers and salespersons. Ms. Hoefler's failure to supervise her associate brokers and salespersons, and perform her duties as a broker, resulted in several actions in violation of the Nebraska Real Estate Licensing Act and Regulations; licensee violated Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness by a broker.	2022-044 Kevin & Rebecca Pray vs. Anthony Nelson Terp and Kari Lynn Milford	November 9, 2023	Licensee placed on Probation for one (1) year. Probation to commence on December 9, 2023 and continue through December 9, 2024; licensee ordered to pay a civil fine of \$2,000.00 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 contracts to be completed by May 7,2024
Licensee's three (3) DUI convictions are in violation of Neb. Rev. Stat § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.	2023-021 Nebraska Real Estate Commission v. Austin Reed Yurth	November 9, 2023	License suspended for a period of three (3) years; with the first thirty (30) days to be served on suspension and the remainder served on Probation.

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	2023-021 Nebraska Real Estate Commission v. Austin Reed Yurth (continued)		Suspension to commence on December 1, 2023 and continue through December 30, 2023. Probation to commence on December 31, 2023, and continue through November 30, 2026; licensee ordered to pay a civil fine of \$1,500.00 due on February 7, 2024; for the first two (2) years of Mr. Yurth's suspension and probationary period, will need to attend two alcohol/substance abuse group meetings per month and provide documentary evidence of such attendance to the Commission on a quarterly basis.
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	2022-032 Elaine Parman-Eagle Hollow Homeowners Association vs. Brandon G. Roseberry & Karalyn Marie Hoefer	January 18, 2024	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.
Licensee, acting as the buyer's agent, failed to disclose that the seller of the property was not the owner violating 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 real estate of which a salesperson has knowledge. Licensee failure to disclose an adverse material fact that the licensee has knowledge of is a violation of Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or	2022-036 Nebraska Real Estate Commission v. Mark Hart & Bridget Olsen	January 18, 2024	Stipulation and Consent entered January 18, 2024. License placed on probation for a period of one (1) year; Probation to commence on February 17, 2024, and continue through February 17, 2025; licensee ordered to pay a civil fine of \$1,250.00 due on April 17, 2024; licensee ordered to complete an additional nine (9) hours of continuing education, with three

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
unworthiness.	2022-036 Nebraska Real Estate Commission v. Mark Hart & Bridget Olsen (continued)		(3) in the area of ethics, with three (3) in the area of license law and three (3) in the area of contracts to be completed by July 16, 2024. [Licensee acted as a limited buyer's agent in a real estate transaction.
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	2020-001 Commission vs. Cassandra Lynn-Frances Kellar (Zeisler)	August 20, 2020	License censured. Civil fine in the amount \$1,500.00 Shall complete a total of three (3) continuing education hours in the area of License Law
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 or refused to abide by the specified conditions in a Order of the commission, pertaining to the April 21, 2016, Special Appearance	SC2019-001 Commission vs. Christine Michelle Dozler	January 23, 2020	License placed on probation for a period of two (2) years. Probation commences on February 22, 2020, and continues through February 22, 2022; plus pay a civil fine of \$1,500.00 due February 22, 2020; plus during the entire two (2) year Probation period shall complete two (2) alcohol/substance abuse classes per week and provide documentary evidence of such attendance to the Commission every 3 months. The first report is due May 22, 2020
Stipulation and Consent Order entered into on March 16, 2023. [Licensee violated NEB. REV. STAT.§ 81-885.24(29) by representing to the seller that his company was the entity buying the property, when his company was not the buyer, constitutes "demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson."]	2022-038 Nebraska Real Estate Commission v. Dale Koch Scott & Vincent W. Leisey	March 16, 2023	Licensee was censured. Licensee to pay a civil fine of \$1,500 due by June 15, 2023, plus complete an additional three (3) hours in the area of Contracts. These hours are due by September 14, 2023. (Civil Fine Received)
Freeman violated Neb. Rev. Stat. §81-885.24(18) which is an unfair trade practice to provide any form of compensation to performing the services of a broker without a Nebraska real estate license; 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 provided an compensation for a real estate transaction to an unlicensed individual	2022-010 Real Estate Commission of the State of Nebraska v. Daniel Freeman	November 9, 2022	License suspended for a period of one (1) years; with the first thirty (30) days served on suspension and the remained of the period stayed and served on probation. Suspension commences on December 9, 2022 and continues thru January 8, 2023. Probation commences on January 9, 2023 and continues through December 08, 2023; plus complete an additional three (3) of continuing education in the area of licensing law by May 9, 2023; plus

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2022-010 Real Estate Commission of the State of Nebraska v. Daniel Freeman (continued)		pay hearing fees of \$1692.50 due on February 7, 2023; plus civil fine of \$1500.00 due on February 7, 2023. plus if Mr. Freeman violates any law administered by the Nebraska Real Estate Commission during the entirety of his probationary period, it may result in a Show Cause proceeding being brought against him by the Commission, in which case the salesperson license may be suspended for the remained of the probation. In addition to or as an alternative to suspension as a result of the findings of the hearing, impose any other sanctions as provided in the Nebraska Real Estate License Act. Also, should he violate any law administered by the Commission during the entirety of his probationary period it may result in a new disciplinary complaint proceeding being brought against him by the Commission.
Thompson violated Neb. Rev. Stat. § 81-885.12(4) The Commission has the right in the first instance to deny and/or refuse a license to an applicant who has made a false statement of material fact on an application, the Commission may impose discipline on a licensee on the same basis, when he failed to disclose his pending charges in the Douglas County Case, constitute "False statement(s) of material fact; 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 his statements and/or omissions on his 2022 Renewal Application constitute negligence, incompetency, or unworthiness to act as a broker (or salesperson)	2022-004 Commission vs. Devon Thompson	August 18, 2022	License suspended for a period of one (1) year with the entire period to be stayed and served on probation. Probation begins August 24, 2022 and continues through August 24, 2023; plus complete and additional three (3) hours of continuing education with three (3) hours in the area of Ethics by February 16, 2023; plus pay a civil fine of \$1,500.00 due November 16, 2022; plus submit to a yearly criminal background check, by having his fingerprints captured by anyone qualified to take finger prints and submitting the fingerprint cards to the appropriate law enforcement authority, paying the cost of such background check, and submitting the results of such background check to the Commission no later than February 28th of each year

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2022-004 Commission vs. Devon Thompson (continued)		during the one (1) year Probation period. The first report is due February 28, 2023; plus If charged with or convicted of, another criminal offense at any time during the entirety of the three (3) Probationary suspension period report such offense to the Commission within five (5) days of being charged.
Stipulation and Consent order entered on September 26, 2023. [Licensee failed to disclose any interest in the property violating Title 299 Ch 5, Section 003.04 and Neb. Rev Stat. § 81-885.24 (29)]	2023-013 Judy Evans v. Elizabeth Ann Nielsen	September 26, 2023	Licensee was placed Probation for a period of one (1) year. Probation commenced on October 26, 2023 and continues through October 26, 2024; plus pay a civil fine of \$1,000.00 due by December 25, 2023; plus complete an additional six (6) continuing education hours in the area of License Law which must be completed by March 25, 2024.
Stipulation and Consent Order entered on March 6, 2023. [Licensee violated Neb. Rev. Stat § 81-885.24 (29) by accompanied a home inspector to the seller's property where they engaged in inappropriate actions not related to the home inspection and not authorized by the seller.]	2023-003 Rachel Sabata v. Erica Lynn Zywiec	March 16, 2023	License was placed on probation for two years (2). Probation begins April 16, 2023, and continues thru April 16, 2025; plus pay a civil fine of \$2,000 due June 16, 2023; plus complete an additional three (3) hours of continuing education in the area of ethics due September 16, 2023.
Licensee 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 or salesperson when the licensee was paid a fee to solely be the "broker of record" while allowing an out of state real estate professional, without a Nebraska real estate license, to conduct the transaction	2022-008 George L. Castilla, corporate Real Estate Solutions LLC vs. Cynthia Kay Makinster and Holly Lee Jones	April 20, 2023	License was suspended for a period of eighteen (18) months; with the first thirty (30) days served on suspension and the remainder served on Probation. Suspension commenced on April 20, 2023, and continued through May 20, 2023. Probation commenced on May 21, 2023, and continues through October 20, 2024; plus pay a civil fine of \$2,500 due by July 19, 2023; plus complete an additional nine (9) hours of continuing education with three (3) in the area of contracts, three (3) in the area of ethics, and three (3) in the area of agency which must be complete by October 18, 2023

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Licensee's social media post violated Neb. Rev. Stat § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a salesperson.]	2023-026 Nebraska Real Estate Commission v. Hunter R Koch	November 9, 2023	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 December 1, 2023 and continue through December 30, 2023. Probation to commence on December 31,2023, and continue through November 30, 2024; licensee ordered to pay a civil fine of \$1,500.00 due on February 7,2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license to be completed by May 7,2024.
Lerner 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 failed to make known, in writing, to any purchaser, prior to the buyer becoming obligated to purchase the property, his interest in the property for sale.	2022-013 Nebraska Real Estate Commission v. Jay Lerner	October 20, 2022	Stipulation and Consent Order entered October 20, 2022. License placed on probation for a period of one (1) year with the entire period stayed and served on probation. The probation period shall commence on October 20, 2022; plus pay a civil fine of \$2,000.00 due January 18, 2023; plus complete an additional 3 hours of continuing education hours in the area of ethics. These hours are due April 18, 2023; plus if Mr. Lerner violates any law administered by the Nebraska Real Estate Commission during the entirety of his probationary period, it may result in a Show Cause proceeding being brought against him by the Commission, 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.
Licensee's social media post demonstrated negligence, incompetency, or unworthiness to act as a salesperson	2023-006 Nebraska Real Estate Commission v. Jeffrey Morgan Ahern and Megan Frances Ahern	November 9, 2023	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 December 9, 2023 and continue through January 8, 2024.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2023-006 Nebraska Real Estate Commission v. Jeffrey Morgan Ahern and Megan Frances Ahern (continued)		Probation to commence on January 8, 2024, and continue through January 9, 2024; licensee ordered to pay a civil fine of \$1,500.00 due on February 7; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law to be completed by May 7, 2024.
Stipulation and Consent Order entered on September 14, 2023. [ Licensee violated Neb. Rev. Stat. § 76-2417 3(a), § 76-2417 (1) (c) (iii), by Failure to disclose in writing to the buyer all adverse material fact actually known by licensee, acting as the sellers agent. Also committed unfair trade Failure to disclose in writing to the buyer all adverse material facts actually known by licensee acting as the sellers agent. Violated Neb. Rev. Stat. § 81-885.24 (16) & Neb. Rev. Stat. § 81-885.24 (29) by unfair trade practice demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson. ]	2020-023 Christopher & Kerry Bylund vs. John J. Hanson	September 14, 2023	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.
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	2022-015 Kathryn Robin Allen vs. Joseph Vladimir Gatchenko	November 17, 2022	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

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 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>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>
<p>Stipulation and Consent Order entered into on February 28, 2023. Licensee’s failure to comply with an audit since 2018 is a violation of Title 299, Chapter 3-002. Licensee’s failure to turn over their transaction files is a violation of Title 299, Chapter 5-3.17 and Neb. Rev. Stat. §81-885.24 (29).</p>	<p>2022-018 Nebraska Real Estate Commission v. Joshua Coates</p>	<p>February 28, 2023</p>	<p>Licensee will be placed on Probation for a period of two (2) years. Probation will commence on March 30, 2023 and continues through March 30, 2025; plus pay a civil fine of \$2,000.00 due on May</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2022-018 Nebraska Real Estate Commission v. Joshua Coates (continued)		25, 2023; plus complete an additional six (6) hours of education with three (3) hours in the area of trust accounts and three (3) hours in the area of licensing law which must be completed by September 2, 2023.
Licensee violated 81-885.24(26) and Title 299 NAC 5-003.10 Ms. Hoefer's failure to supervise her associate brokers and salespersons, and perform her duties as a broker, resulted in several actions in violation of the Nebraska Real Estate Licensing Act and Regulations. Ms. Hoefer violated NEB. REV. STAT 76-2422 (1) and NEB. REV. STAT 81-885.24 (29)	2022-017 Nebraska Real Estate Commission v. Karalyn Marie Hoefer	February 28, 2023	Licensee will be placed on Probation for two (2) years, Probation begins on February 28, 2023, and continues until February 28 2025; and Ms. Hoefer's brokerage shall be subject to a compliance audit every four (4) months for two (2) years or until the end of her probation or for as long as she remains a designated broker whichever comes first; plus pay a civil fine of \$2,500.00 due May 25, 2023;
Stipulation and Consent Order entered October 16, 2020. Meyer 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 accurately or completely describe the use and access rights granted via the license and easement agreements.	2018-010 Cathryn A. Sack vs. Jim Christensen, Frederic Christian Meyer & Kay M. Meyer	October 16, 2020	License suspended for a period of two (2) years with the first forty-five (45) days served on suspension and the remainder of the period stayed and served on probation. Suspension begins on January 1, 2021, and continues thru February 14, 2021. Probation commences on February 15, 2021, and continues through January 1, 2023; plus complete and additional six (6) hours of continuing education with three (3) hours each in the areas of Agency and Disclosure by April 16, 2021; plus pay a civil fine of \$1,500.00 due November 15, 2020.
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).	2021-021 Jason & Marketta Kemp vs. Keisha Chantel Davis	August 17, 2023	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.

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Kraft violated Neb. Rev. Stat. § 81-885.12(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 foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country by the use of Facebook to solicit referrals from unlicensed individuals constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute negligence, incompetency, or unworthiness to act as a broker (or salesperson) when Mr. Kraft used Facebook to solicit referrals from unlicensed individuals which constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute "negligence, incompetency or unworthiness to act as a broker (or salesperson); Neb. Rev. Stat. § 81-885.01(2) Broker means any person who, for any form of compensation or 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</p>	<p>2022-011 Real Estate Commission of the State of Nebraska v. Kelby Kraft</p>	<p>September 15, 2022</p>	<p>Stipulation and Consent Order entered September 15, 2022. License suspended for a period of thirty-six (36) months with the first sixty (60) days to be served on suspension and the remaining suspension period stayed and served on probation. The suspension period shall commence exactly thirty (30) days from the activation of Mr. Kraft's salesperson license; plus pay a civil fine of \$1,500.00 due December 14, 2022; plus if Mr. Kraft violates any law administered by the Nebraska Real Estate Commission during the entirety of his probationary suspension 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>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 when Mr. Kraft used Facebook to solicit referrals from unlicensed individuals which constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute "negligence, incompetency or unworthiness to act as a broker (or salesperson); 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 his statements and/or omissions on his 2022 Renewal Application constitute negligence, incompetency, or unworthiness to act as a broker (or salesperson) by the use of Facebook to solicit referrals from unlicensed individuals constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute negligence, incompetency, or unworthiness to act as a broker (or salesperson) when Mr. Kraft used Facebook to solicit referrals from unlicensed individuals which constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute "negligence, incompetency or unworthiness to act as a broker (or salesperson)</p>	<p>2022-011 Real Estate Commission of the State of Nebraska v. Kelby Kraft (continued)</p>		
<p>Licensee's edits to the purchase agreement, initialing those changes instead of having the buyer initials the changes, and use of profanity in her response to complainant, violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a salesperson</p>	<p>2023-025 Jackie Lunzmann v. Lori Kalin</p>	<p>November 9, 2023</p>	<p>License suspended for a period of two (2) years; with the first forty-five (45) days to be served on suspension and the remainder served on Probation. Suspension to commence on December 9, 2023 and continue through January 23, 2024. Probation to commence on January 24, 2024, and continue through December 8, 2025; licensee ordered to pay a civil fine of \$1,500.00 due on February 7, 2024; licensee ordered to complete an additional six (6) hours of continuing education in contracts to be completed by May 7, 2024.</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Stipulation and Consent Order entered January 23, 2020. Shoecraft violated Neb. Rev. Stat. § 81-885.10 Commission; powers; licensing; sanctions; consent decrees; civil fine. The commission shall have the full power to regulate the issuance of licenses and the activities of licensees and may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare. The commission may revoke or suspend licenses issued under the Nebraska Real Estate License Act, censure licensees, enter into consent decrees, and issue cease and desist orders to violators of section 81-885.03. The commission may, alone or in combination with such disciplinary actions, impose a civil fine on a licensee for each violation alleged in a complaint for which the commission has made a finding of guilt, except that the total fine for such violations shall not exceed two thousand five hundred dollars per complaint. The commission may also impose a civil fine on violators of section 81-885.03 subject to the limits in such section, when she failed to abide by the sanctions by the commission. The commission shall retain its powers under this section with respect to the actions of a licensee, whether or not he or she continues to be licensed under the act; 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, when she failed to abide the commission sanctions; 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 or refused to abide by the specified conditions in an Order of the commission, pertaining to the April 21, 2016, Special Appearance.</p>	<p>SC2019-002 Commission vs. Nicole Jean Shoecraft</p>	<p>January 23, 2020</p>	<p>License placed on probation for a period of two (2) years. Probation commences on February 22, 2020, and continues through February 22, 2022; plus pay a civil fine of \$1,500.00 due February 22, 2020; plus during the entire two (2) year Probation period shall complete two (2) alcohol/substance abuse classes per week and provide documentary evidence of such attendance to the Commission every 3 months. The first report is due May 22, 2020.</p>
<p>Licensee violated Neb. Rev. Stat. § 81-885.24 (29), it is unfair trade practice for a licensee to “demonstrate negligence, incompetency, or unworthiness to act as a broker or salesperson....., whether of the same or of a different character as otherwise specified in this section</p>	<p>2023-017 Nebraska Real Estate Commission v. Renee Michelle Mueller</p>	<p>February 26, 2024</p>	<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.</p>

## SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
	2023-017 Nebraska Real Estate Commission v. Renee Michelle Mueller (continued)		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
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. 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	2022-012 Mary Ahern vs. Robert Lawrence Cerveny	November 9, 2023	Licensee placed on Probation for two (2) years. Probation will commence on December 9, 2023 and will continue 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.
Hancock 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 accessed the databases of the Nebraska Real Estate Commission and the Nebraska Secretary of State's Office and made changes that were not approved or authorized and were, in fact, untrue.	2022-001 Susan Marie Hancock vs. Shaun Paul Hancock	November 9, 2022	Revocation of Salesperson License and Hearing Fees of \$137.50
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-	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.

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 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).]</p>	<p>2023-002 Richard Erickson v. Tanya Ann Porter (continued)</p>		
<p>[Licensee's use of email to solicit referrals from unlicensed individuals constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, violating NEB. REV. STAT § 81.885.24 (18), it is unfair trade practice for a licensee to provide 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 and NEB. REV. STAT. § 81.885.24 (29), it is unfair trade practice for a licensee to "demonstrate negligence, incompetency, or unworthiness to act as a broker or salesperson..., whether the same or of different character as otherwise specified in this section."]</p>	<p>2024-004 Nebraska Real Estate Commission v. Jeni Meyer</p>	<p>March 21, 2024</p>	<p>Stipulation &amp; Consent entered March 21, 2024. Licensee 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 April 7, 2024, and continue through May 7, 2024. Probation to commence May 8, 2024, and continue through April 7, 2025, licensee ordered to pay a civil fine of \$1,500.00 due on June 19, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by September 17, 2024</p>

SECTION 81-885.24(29) - DEMONSTRATING NEGLIGENCE, INCOMPETENCY OR UNWORTHINESS (CONTINUED)