

CHAPTER 3-001 - FAILURE TO MAINTAIN TRANSACTION RECORDS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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.</p>	<p>95-048 - Patrick and Rebecca Burns vs. Alvina Becker, 96-005 - Commission vs. Alvina Marie Becker</p>	<p>April 30, 1996</p>	<p>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.</p>
<p>Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, Ch. 3-001 by failing to properly maintain records relating to any real estate transaction, 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. 5-003.14 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, and Ch. 5-003.07 by failing to comply with 76-2421 by failing to properly complete and retain an "Agency Acknowledgment Disclosure Pamphlet."</p>	<p>97-047 - Commission vs. John C. Clark</p>	<p>December 10, 1997</p>	<p>Stipulation and Consent Order. License suspended for two-years, with said suspension on probation, plus 12 hours of continuing education, 3 hours in trust accounts, 3 hours in disclosures, 3 hours in agency law, and 3 hours in rules and regulations.</p>
<p>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;</p>	<p>2004-005 - Commission vs. Buree Stovall</p>	<p>December 7, 2004</p>	<p>Hearing held November 18, 2004. License revoked.</p>

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<p>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 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</p>			

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<p>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</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 downpayments, 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; 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</p>	<p>2006-046 - Commission vs. Lucie Jungjohann-Hazel</p>	<p>November 2, 2006</p>	<p>Stipulation and Consent Order. License revoked.</p>

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<p>to others; Neb. Rev. Stat. § 81-885.24 (4) Commingling the money or other property of his or her principals with his or her own; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker for violating each of the above license laws. Jungjohann failed to maintain a bookkeeping system which clearly and accurately accounted for trust funds coming into her possession; Jungjohann failed to deposit trust funds coming into her possession into a trust account; Jungjohann failed to preserve for five years, records relating to a real estate transaction; Jungjohann made substantial misrepresentations; Jungjohann failed to account for and remit any money coming into 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</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</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. <u>Slatten</u>: 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</p>

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<p>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. 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</p>			<p>that he personally appear before the Commission for consideration of this request and the Commission passes a motion approving the removal of such restrictions on his real estate broker's license.</p> <p><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</p>

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<p>detailed above.</p> <p><u>Thompson</u> 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. 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</p>	<p>2008-004 Commission vs. Michael Dean Slatten and Gary Thomas Thompson</p>	<p></p>	<p>District Court.</p>

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<p>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. 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</p>		