

CHAPTER 5-003.13 - FAILURE TO DISCLOSE OTHER THAN CASH/IMMEDIATELY DEPOSITABLE EARNEST MONEY

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
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(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.
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.
<p><u>Peterson</u>: Section 81-885.24(26) and Ch. 5-003.13 by failing to communicate to the seller the fact that the earnest money deposit was in a form other than cash or an immediately cashable check and failing to show such fact in the earnest money receipt.</p> <p><u>Schon</u>: Section 81-885.24(26) and Ch. 5-003.13 by failing to communicate to the seller the fact that the earnest money deposit was in a form other than cash or an immediately cashable check and failing to show such fact in the earnest money receipt. Ch. 5-003.22 by failing to supervise her salesperson.</p>	96-025 - Commission vs. Dolores G. Peterson and Mary Elizabeth Schon	September 18, 1996	<p>Stipulation and Consent Orders.</p> <p><u>Peterson</u>: License suspended 30 days, with entire period being served on probation.</p> <p><u>Schon</u>: License censured.</p>

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<p>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.</p>	<p>96-046, 97-010 - Commission vs. Jillian Ann Currie</p>	<p>March 20, 1997</p>	<p>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.</p>
<p>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</p>	<p>98-015 - Commission vs. Fred L. Swett.</p>	<p>May 19, 1998</p>	<p>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.</p>

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<p>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 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.</p>	<p>98-015 - Commission vs. Fred L. Swett</p>		
<p>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 broker or salesperson.</p>	<p>2001-045 - Larry & Sondra Kotas vs. Leonard Ray Prall</p>	<p>August 21, 2002</p>	<p>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.</p>

CHAPTER 5-003.13 - FAILURE TO DISCLOSE OTHER THAN CASH/IMMEDIATELY DEPOSITABLE EARNEST MONEY (CONTINUED)