COMMISSION COMMENT

Fall 2007

Errors and Omissions Insurance Seminar Offered
Week of September 23, 2007

As a part of the services provided by Williams Underwriting Group, Inc., the Program Administrator for the Errors and Omissions Insurance Program offered through the Real Estate Commission, a series of seven seminars, open to all licensees, will be conducted the week of September 23, 2007.

The series of seven seminars will be conducted by Dick Williams, Ph.D., CPCU, who is Chairman of Williams Underwriting Group, Inc. During the sessions, Dr. Williams will review the loss/claims record of the Nebraska Errors and Omissions Insurance program and discuss risk management related topics, as well as current economic issues which impact the real estate industry, the economy and yourself. He will also discuss possible future trends and market conditions.

After Dr. Williams has concluded, time will be available to ask questions of Commission Director, Les Tyrrell, with regard to the License Act and other laws and rules and regulations administered by the Commission.

There is no charge for attending these information sessions. We would, however, request that the Registration Form located on page 7 be completed and returned so that we can have enough seating available for those who wish to attend.

Continuing education credit will not be available for these sessions. For those licensees who have their errors and omissions insurance with National Union Fire Insurance of Pittsburgh, PA., Inc. (an AIG subsidiary) through the Commission-offered plan, these seminars are an added benefit of your premium payments. For those licensees who carry equivalent coverage with other errors and omissions insurance carriers, the information provided will be applicable and beneficial to you as well.

Each session is scheduled as follows:

<table>
<thead>
<tr>
<th>Date</th>
<th>Location</th>
<th>Time</th>
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<tbody>
<tr>
<td>September 24, 2007</td>
<td>Scottsbluff</td>
<td>9:00 a.m.–12:00 p.m.</td>
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<tr>
<td></td>
<td>Western Nebraska Community College/Harms Advanced Technology Center</td>
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<td></td>
<td>2620 College Park</td>
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<td></td>
<td>Room B132</td>
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<tr>
<td>September 25, 2007</td>
<td>North Platte</td>
<td>9:00 a.m.–12:00 p.m.</td>
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<tr>
<td></td>
<td>MidPlains Community College (I-80 campus)</td>
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<td></td>
<td>1101 Halligan Drive</td>
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<td></td>
<td>Room 201</td>
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<tr>
<td>September 26, 2007</td>
<td>Kearney</td>
<td>8:30 a.m.–11:30 a.m.</td>
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<td>Holiday Inn</td>
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<td>110 2nd Ave.</td>
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(check at site for room assignment)

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September 26, 2007
Grand Island
2:00 p.m.–5:00 p.m.
Central Community College
3134 W. Highway 34
Room 312

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September 27, 2007
Norfolk
9:00 a.m.–12:00 p.m.
Northeast Community College
801 E. Benjamin Ave.
Lifelong Learning Center,
Room D

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September 28, 2007
Lincoln
8:30 a.m.–11:30 a.m.
Continuing Education Center
301 South 68th Street Place
(behind Shopko and Union Bank, off 68th & O Streets)
Rooms 303 & 304

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September 28, 2007
Omaha
2:00 p.m.–5:00 p.m.
Westside Community Conference Center
3534 So. 108th Street
(108th and Grover Streets)
Room–Arbor 4 & 5

If planning to attend, please submit Registration Form (or copy of same) found on page 7.
COMMISSION COMMENT

Even though the June Commission Comment had an extensive article on the changes to the licensing examination, we have received numerous questions regarding the change. The only change to the salesperson examination is the number of multiple-choice questions on the state portion increased from 32 to 50. There are still 100 multiple-choice questions on the national portion.

The changes to the broker examination are more extensive and have initiated the most inquiries. The broker examination, since July 1, 2007, consists of 75 multiple-choice (50 on the national portion and 25 on the state portion) and 6 “simulation” exercises which will be scored. There will also be one simulation exercise that is being pre-tested and will not affect the examinee’s score.

The question most asked is, “what are simulation exercises?” Simulation exercises place the examinee in situations where information regarding the situation must be gathered and decisions made on how to proceed through the problem posed in the most effective manner. This role-playing type situation places examinees in “real life” situations and allows them to work through the situation. The Commission felt that this format would better measure the skills needed to conduct licensed real estate activities.

An Instructor Development Workshop, held in early June, gave real estate educators and other interested persons the opportunity to learn about the changes to the examinations and to discuss the design and validity of the examinations with a representative from Applied Measurement Professionals (AMP) and a respected educator from Georgia where simulation examinations have been utilized for over a year. Participants were given the opportunity to work through simulation exercises and to familiarize themselves with this new format.

You, too, are encouraged, and it is hoped that you encourage others, both potential broker licensees and current broker licensees, to become familiar with simulation exercises by going to AMP’s website and working through some sample simulation exercises.

You can access the simulations by going to the Commission website at www.nrec.state.ne.us scroll down the left-side menu and click on “Applications”, click on “Broker Information”, click on “Broker Simulation Examinations” and click on the highlighted web address for the sample simulation exercises.

The Commission is interested in your thoughts regarding this change. Your comments may be directed to the Commission Office.

Les Tyrrell
Director
Disciplinary Actions Taken by the Real Estate Commission
(Does Not Include Cases on Appeal)

2006-032 Jon Schwartz and Tery Hurt vs Jack Raymond Nitz, Broker and Jay D. Nitz, Broker; and 2006-067 Commission vs Jack Raymond Nitz, Broker and Jay D. Nitz, Broker. Joint Hearing held May 24, 2007. Jack Raymond Nitz: License censured; plus three (3) hours of additional continuing education in the area of agency, to be completed by November 27, 2007. Jay D. Nitz: License censured; plus three (3) hours of additional continuing education in the area of disclosures, to be completed by November 27, 2007. [Both violated Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as brokers, for failing to exercise due diligence in verifying the actual size of the property before advertising it to be “1.5 acres more or less”, and for failing to have a written sub-agency agreement between themselves agreeing to their sub-agency relationship.]

2006-074 Robin T. Schmid, Jeffrey Beaudette and Melissa Larson vs Keith Eugene Morris, Broker. Stipulation and Consent Order dated June 28, 2007. License suspended for a period of thirty (30) days which shall commence within 30 days of June 28, 2007, which is the date the Order was accepted by the Commission and hence, will continue for thirty (30) days thereafter; plus an additional three (3) hours of continuing education in the area of ethics to be completed by December 25, 2007. [Violated Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker by failing to disclose, in writing, that the subject property had liens filed against the property and representing that the property was free and clear of liens or encumbrances.]

2007-002 Robert J. Swatek vs Thomas F. Kean, Salesperson. Stipulation and Consent Order dated June 28, 2007. 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. [Violated Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker by failing to deliver the keys to the purchasers and for failing to tell the purchaser that: they were not the owners of the property; that they did not have clear title to the property; that he would be placing a lien against the home; and if the purchasers entered the property, he would have them arrested.]

2006-076 Kirk Helmink, Nebraska Dirtworks, Inc vs Ronald James Perry, Broker. Stipulation and Consent Order dated June 28, 2007. License suspended for a period of one (1) year, to commence on July 6, 2007, and to continue through July 5, 2008; plus an additional three (3) hours of continuing education in the area of ethics to be completed by December 25, 2007. [Violated Title 299 Chapter 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; Neb. Rev. Stat. § 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 by failing to disclose, in writing, that the subject property had liens filed against the property and representing that the property was free and clear of liens or encumbrances.]

2007-019 Commission vs Annette Marie Hirsch, Salesperson. Stipulation and Consent Order dated June 28, 2007. License suspended for a period of twelve (12) months, with the first thirty (30)
Don’t Get Caught Without Your Continuing Education!

Every year a few licensees find that the renewal of their license is delayed and they incur late renewal fees because they have failed to submit continuing education to meet their license requirement. Sometimes it is because they have forgotten their continuing education period and which year the requirement is due. Sometimes it is because they have missed the continuing education reminder letter mailed to them in the Spring. Sometimes it is because they have lost track of how many hours they have submitted to the Commission or they erroneously thought someone else was going to submit the hours for them.

**It is your responsibility to submit certificates showing completion of continuing education to the Commission.** We strongly encourage you to submit your continuing education certificates as you earn them. Having done so, you can then receive a complete account of course titles, content numbers and dates the education was taken, as they are recorded with the Commission.

You reference Licensee Information on the Real Estate Commission’s website (www.nrec.state.ne.us) or call the Commission requesting your continuing education records.

**Reminders on Mailing Labels**

Additionally, if you submit your continuing education certificates as you earn them the reminder on our mailing label will be current as well. The mailing label, as it appears on this newsletter, can help an active licensee keep track of how many continuing education hours he or she has submitted in his or her current continuing education period. The label indicates a numerical code to the right of the address. The first set of numbers indicates the number of hours of continuing education the active licensee has submitted, the number behind the slash mark indicates the total number of hours required. If this is followed with an asterisk (*) then the licensee has NOT yet submitted the required 3-hours of designated subject matter (the R course). The second set of numbers identifies the licensee’s continuing education period. For example the notation 06-07 indicates a 2006-2007 continuing education period. In this example November 30, 2007, would be the last day to submit continuing education, along with complete renewal materials, to avoid incurring a late renewal fee.

For example, if an individual’s continuing education is due this year and the individual has completed 6 hours of continuing education without an R course the notation on the mailing label would read: 6:00/12.00* 06-07. The notation for an individual who has completed the current continuing education requirement would be: 12.00/12.00 06-07.

The benefit to regularly submitting your certificates is that you will have up-to-date reminders on your mailings and education history “at your fingertips”. These will assist you in avoiding duplication of subject matter and deficiencies that threaten timely renewals.
2008 License Renewal

We are approaching the 2008 real estate license renewal period. All real estate Brokers or Salespeople WILL be sent a renewal notice along with a partially completed renewal form for use in renewing their license for 2008. Your renewal will be mailed to your broker’s main office address, unless you have informed us of your preferred contact address. Then the renewal will be mailed to the requested contact address. If you do not receive your renewal by late October please contact the Real Estate Commission Office. In order for mail to be deliverable, the Post Office must have the names of all persons receiving mail at that address.

DEADLINE REMINDER

November 30, 2007, is the deadline for submitting renewal application materials for all active and inactive salespersons and brokers, along with the proper fees and, if needed, proof of continuing education and errors and omissions insurance. Renewal materials may be postmarked (postal meter marks will NOT be considered) through November 30. The Office is open until 5:00 P.M. (CST).

LICENSES HELD ON INACTIVE STATUS MUST BE RENEWED EACH YEAR, TOO.

Renewal forms and renewal instructions specific to inactive licensees will be mailed along with all others and are subject to the same deadlines as described in this article.

INDIVIDUALIZED FORMS

Mailed renewal forms are produced from our database and are individualized to the named licensee. Please take the time to read the supplied information carefully and make any corrections necessary. Do not attempt to use someone else’s form, the barcode will not accommodate this. Please take care not to lose your individualized form. Every year we spend a great deal of time and resources duplicating the original mailing for those who have misplaced the documents. If you do lose the mailed renewal—Remember you can download a generic renewal from our website at www.nrec.state.ne.us. Please be aware that a downloaded form is NOT individualized, therefore, it is very important that you fill-in the contact information at the top of the form in order to be properly identified. You can also file directly on-line by going to www.nrec.state.ne.us. Please see the paragraph on this topic later in this article.

INCOMPLETE APPLICATIONS

NO RENEWALS WILL BE ACCEPTED UNLESS THEY ARE FILLED OUT COMPLETELY AND SIGNED BY THE LICENSEE. Make sure your check or credit card information is enclosed, filled out properly, legible, and in the correct amount. If active, do not forget about the errors & omissions insurance and continuing education.

LATE RENEWALS

Any salesperson or broker who fails to file an application for renewal of a license and pay the renewal fee by the November 30 date, as provided in the Nebraska Real Estate License Act and Neb. Rev. Stat. § 49-1203, may file a late renewal application with all required information included and must pay, in addition to the renewal fee, the sum of twenty-five dollars for each month, or fraction thereof, beginning with December 1, 2007; provided that such late application is filed before July 1 of the ensuing year, i.e. by 5:00 P.M. (CDT) June 30, 2008.

“BUNDLING” OF RENEWAL SUBMISSIONS

Every individual licensee is responsible for the renewal of his or her own license. However, some firms have a practice of holding renewals until they have collected all the renewals of the licensees with the firm and then submitting them to the Commission all together. There are two general approaches to this “bundling” practice. One, all renewals for the firm are collected, with individual checks attached to each renewal, and then all renewals for the firm are sent, under one cover, to our Office. Two, all renewals for the firm are collected with the firm writing one check to cover the total amount needed to renew all licensees in the “bundle” and then they are sent, under one cover, to our Office. Both practices can cause situations to occur where late penalty fees can accrue, if the “bundled” renewals are not sent considerably early, to allow for the review and processing to take place prior to the renewal deadline.

In the first scenario, the licensee may have turned his/her renewal and check into the firm a month or more in advance. The “bundle” arrives at the Commission Office a day or two before the deadline. In processing, it is found that questions have not been answered; the form is unsigned; proof of continuing education or errors and omissions insurance is needed; and/or an individual licensee’s check is not correct. The individual licensee will owe a late penalty fee if the correction cannot be made prior to the renewal deadline.

In the second scenario, the licensee had turned his/her check and form into the firm a month or more in advance and the “bundle” with one check arrives at our Office or close to the deadline. Again, the review process finds that an individual application, or more than one, is incomplete or proof of continuing education or errors and omissions insurance is needed. This time, however, if the correction cannot be made by the deadline, all renewal applications covered by the single check are late and the late penalty fee accrues to each and every renewal application in the bundle. If the “bundling” option is used, please be sure to mail early!

RENEW EARLY

The processing of renewal applications, as the volume of renewals received increases near the deadline, can be as long as a week to ten days. This being the case, the return of the individual application or “bundled” applications, by mail, in and of itself, will cause late penalties to occur. Therefore, we encourage all licensees to mail renewals early and not wait until the last minute.

Opportunities TO RENEW

On-Line At

www.nrec.state.ne.us

Our website has been developed to better serve you and we are constantly

(Continued on page 7)
Top SEVEN List of Renewal Mistakes

This article is being written to alert you to some of the renewal mistakes that we have seen repeatedly over the years, it is not intended to discourage you from contacting us with your questions and concerns. It is our objective to assist in your efforts to meet your license responsibilities.

We all make mistakes and we all need help correcting these mistakes. Unfortunately, these “little” renewal mistakes are often multiplied by the hundreds and most mistakes, even the little ones, are costly in some way, i.e. time and money. It is our hope that by reviewing the “Top Seven Mistakes” listed below and by being mindful of them you can avoid these same pitfalls and enjoy a smoother renewal experience.

1. **NO ERRORS & OMISSIONS INSURANCE:** E & O Policies other than the NEBRASKA Commission-offered plan, require a current Certification of Coverage Form and, in some cases, an Endorsement Form either already in the file or submitted in conjunction with the renewal form. Please enroll for any equivalent policies far enough in advance that verification of coverage will not delay the renewal of your license.

   Similarly, when indicating enrollment in the Nebraska Commission-offered plan, the renewal form reads that you have **MADE** application – key is the fact that you must follow up on this commitment and send the insurance enrollment materials as directed preferably **prior to the time** you send your renewal materials to the Commission. Whether enrolling in the Commission-offered plan where coverage is verified directly to the Commission or enrolling in an equivalent policy which necessitates your coordination of the verification, if you wait until the last minute to renew your license and then send your insurance enrollment at this same late date you will have a delay in processing your renewal – **WE CANNOT RENEW YOUR LICENSE ON ACTIVE STATUS WITHOUT PROOF OF INSURANCE.**

2. **INCOMPLETE OR INACCURATE RENEWALS:** Renew early and carefully! Every year we make hundreds of telephone calls to avoid returning incomplete renewals. We endeavor to facilitate the renewal of your license in any way that we can but these calls are costly in time and charges. Please make sure that the application is **completed fully, your additional explanations, corrections, or credit card numbers are clearly legible, all pages are returned and the form is signed.** Make sure your check or payment information is enclosed, signed, and correct. If active, do not forget to include the errors & omissions insurance and continuing education.

3. **CONTINUING EDUCATION REQUIREMENT NOT COMPLETE OR NOT SUBMITTED:** If your renewal form indicates NEEDS CONTINUING EDUCATION – then you have not fulfilled your CE obligation as of the date the renewal was printed. We will not renew your license on active status without it. Be sure to include any CE certificates not already submitted to the Commission office with your renewal form.

   Sometimes the mailing of the renewal form and your submission of continuing education certificates cross in the mail. You can verify our receipt of your certificates by looking up your information under the “Nebraska Licensee and Applicant Information Search” section of our website at: [www.nrec.state.ne.us](http://www.nrec.state.ne.us).

   If you need further assistance, we will be happy to discuss this with you PRIOR to you sending in your renewal.

4. **POSTAL METER MARKS WILL NOT BE HONORED:** State law allows us to recognize U.S. Postmarks as a means to complying with deadlines which involve fees. Postal meters are not sufficient to meet this requirement.

5. **LOST RENEWAL MATERIALS:** Your renewal materials will be mailed to your broker’s main office address, unless you have informed us of your preferred contact address. Then the renewal will be mailed to the requested contact address. Please take care not to misplace these materials. We send them as early as possible so that you can renew early and not worry about it. Unfortunately, it appears that this lead time gives lots of people time to lose their materials—replacing these materials is expensive. If you do lose the mailed renewal—Remember you can download a renewal, complete it, and send it in or you can file directly on-line by going to [www.nrec.state.ne.us](http://www.nrec.state.ne.us).

   Should you elect to renew online please remember that all deadlines apply to online renewals just as they would any other. Please also remember that you CANNOT fill out online renewals for anyone but yourself. Once you enter this page, your identification is automatically supplied on the form(s), therefore, any electronic signature besides your own will invalidate the renewal form.

   Different from a mailed form and an online form, please be aware that a downloaded form is NOT individualized, therefore, it is very important that you fill-in the contact information at the top of the form in order to be properly identified.

6. **ILLEGIBLE AND/OR INCOMPLETE CREDIT CARD INFORMATION:** Please be careful and accurate when writing your credit card information. Also, remember to supply the expiration date of the credit card used AND supply your signature authorizing the charge in addition to signing the renewal form, itself.

7. **COMBINING RENEWAL WITH TRANSFER PROCESSES:** The renewal of your license is a completely separate process from a voluntary transfer of your license. Requests to have your license transferred to another broker or activated to yourself should be sent under separate cover and the $15.00 transfer fee should be separate from the license renewal fee as well.
License Renewal (Cont’d)

updating it to even better serve licensees and the public. We hope that you have acquainted yourself with the site and the tremendous amount of material available on it. We are seeking to bring you greater opportunities in this medium. While everyone will be mailed a renewal in the traditional fashion, the opportunity to submit a renewal online is also available to you. Should you elect to renew online please remember that all deadlines apply to online renewals just as they would any other. Please also remember that you CANNOT fill out online renewals for anyone but yourself. Once you enter this page, your identification is automatically supplied on the form(s), therefore, any electronic signature besides your own will invalidate the renewal form. It is recommended that you keep a copy of the submission page for your records.

CREDIT CARD PAYMENTS

Visa and Master Card only may be used to pay fees associated with the renewal of licenses. Debit cards will NOT be accepted. Please review forms and supply the indicated information when opting for the credit card method of payment.

REMEMBER:

License Renewal Fees cannot be combined with Transfer Fees or Examination Fees. These are separate processes. Please send such requests and the appropriate fee under separate cover.

INSUFFICIENT FUNDS CHECKS

It should also be pointed out that the License Act provides that the issuance of an insufficient funds check may be grounds for denial or revocation of license – this includes the renewal of a license. A check returned for any reason accrues a $35.00 processing fee.

REGISTRATION FORM

Errors and Omissions Insurance Seminar

September 24–28, 2007

Please check the space in front of the date and location you plan to attend:

- September 24–Scottsbluff
- September 25–North Platte
- September 26–Kearney
- September 26–Grand Island
- September 27–Norfolk
- September 28–Lincoln
- September 28–Omaha

Name:________________________________________________________________________________________

Address:________________________________________________________________________________________

_______________________________________________________________________________________________

Return by September 4, 2007 to:

Nebraska Real Estate Commission
P.O. Box 94667
Lincoln, NE 68509
Fax: (402)471-4492

(This form may be duplicated.)