

NEBRASKA REAL ESTATE COMMISSION Winter 2024

Benjamin E. Muraskin Appointed to the Commission



Swearing in of Commissioner Benjamin Muraskin

New Commissioner Ben Muraskin was sworn in at the September, 2024, meeting of the Nebraska Real Estate Commission. Commissioner Muraskin is the Congressional District 2 broker member of the Commission. Muraskin is a designated broker for Nebraska Lifestyles property management company in Omaha and has been licensed as a broker since 2019. In addition, Commissioner Muraskin has a Bachelor's degree in accounting and a Juris Doctorate from the University of Florida.

Muraskin succeeds Commissioner Joe Gehrki, who served six years as the District 2 broker member.





Owner Scams

As if it wasn't enough that my uncle has been detained while on vacation and needs a cool \$100,000 wired right away for legal fees and bail, and a foreign prince is letting me know that his country has found an unclaimed account from a distant and now dead relative, and he just needs \$20,000 from me (which I will get back upon the release of the account funds) to pay the attorneys and government officials to release million and a half to my bank, but there are also people who aren't me that want to sell my house.

Seller scams are becoming more and more prevalent, and agents should take notice. People purporting to be sellers are selling or listing property that is not their own for the purpose of taking the buyer's money and making it disappear very quickly, we will call these people "owners" in quotes. They often go so far as to create fake identification documents for themselves, so the "owners" name matches that on the deed. *(Continued on page 7)*

On the Inside

Director's Desk	page 2
Disciplinary Summary	
Ways to State Out of Trouble	
Settlement Article	

Commission Meeting Schedule

January 16-17	Lincoln
February 20-21	Lincoln
March 20-21	
April 24-25	Lincoln
May 15-16	Lincoln
June 26-27	Lincoln

NEBRASKA REAL ESTATE COMMISSION

COMMISSION COMMENT

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DIRECTOR'S DESK

Before I started writing what will be my last *Director's Desk* column, I looked back at the first column I wrote in 2009, I can take the first sentence and just do a little tweak and make it work this issue.

"First and foremost I would like to say thank you to all of those who have wished me well in my new retirement from my job as Director of the Nebraska Real Estate Commission." Thanks to you all, has been great, I am not retiring so much to leave the Commission, it is an enjoyable job and I work with great people in the office and in the industry, but to explore life in ways I can't right



Director Greg Lemon

now, time goes by fast, just want to slow it down a bit.

Al Again

The previous issue of the *Commission Comment* noted that "*The AI did it*" is not an excuse for any work that is the responsibility of a real estate licensee, apparently the courts consumer protection agencies agree.

In Utah the holder of an aftermarket car warranty was told by the a chatbot on the warranty company's website that they would pay up to \$3,000 for needed repairs. When the company denied the payment, it stated that the chatbot was "miscommunicating" and refused to pay. The owner contacted the Utah Division of Consumer Protection. The Director of the Division of Consumer Protection stated that "A company is ultimately responsible for the things their representatives are saying," and "A robot can be a representative of a company."

Meanwhile in Canada the Civil Resolution Tribunal ordered Air Canada to reimburse a man who was told by a chatbot that he could get a reimbursement for the bereavement rate for his airline tickets if he booked at full fare and applied later. The airline denied the refund and stated their policy did not allow for such requests after the flight was booked. The airline argued that the chatbot was a separate legal entity, and that it had provided "misleading words" that the airline was not obligated to follow.

"In effect, Air Canada suggests the chatbot is a separate legal entity that is responsible for its own actions. **This is a remarkable submission.** While a chatbot has an interactive component, it is still just a part of Air Canada's website. It should be obvious to Air Canada that it is responsible for all the information on its website. It makes no difference whether the information comes from a static page or a chatbot." *Moffatt v. Air Canada, 2024 BCCRT 149* (Emphasis added).

Happy Holidays to All!

Greg Lemon, Director Nebraska Real Estate Commission



Disciplinary Actions Taken by the Real Estate Commission

(Does Not Include Cases on Appeal)

2022-031 Jean McBride vs. Benjamin Edward Muraskin & Jacob Cole Muraskin; Benjamin Edward Muraskin; Broker; Omaha, NE; Stipulation & Consent entered June 20, 2024; Licensee ordered to pay a civil fine of \$2500.00, due on September 18, 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 Contracts by December 17, 2024. [Licensee failed to supervise their affiliated license in violation of Title 299 NAC 5-003.22, actions demonstrating negligence shall include "failure by a designated or employing broker to supervise his associate brokers and salespersons" and Neb. Rev. Stat. §81-885.24 (26), violating any rule or regulation adopted by the Commission is a violation of the Licensing Act and an unfair trade practice. Affiliated License allowed tenants to access the basement area without the owner's permission. Licensee violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson]

2022-031 Jean McBride vs. Jacob Cole Muraskin & Jacob

Cole Muraskin; Jacob Cole Muraskin; Broker; Omaha, NE; Stipulation & Consent entered June 20, 2024; Licensee placed on probation for a period on one (1) years; Probation to commence on July 20, 2024 and continue through July 20, 2025; licensee ordered to pay a civil fine of \$2500.00, due on September 18, 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 Contracts by December 17, 2024. [Licensee allowing tenants access to the basement area without owner's permission, violated Neb. Rev. Stat § 76-2417 (1), a licensee representing a seller shall be a limited agent with the following duties and obligations; (a) to perform the terms of a written agreement made with the client, (b) to exercise reasonable skill and care, (c) to seek a price and terms which are acceptable to the client, and (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 to such sections or act. Licensee violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

2024-001 Nebraska Real Estate Commission v. Kristin Karla

Pavelka: Salesperson; Hastings, NE. Stipulation & Consent entered August 15, 2024. Licensee suspended for a period of two (2) years, with the entirety of the suspension period shall be stayed and served on probation. Probation to commence September 14, 2024, and continue through September 14, 2026, licensee ordered to pay a civil fine of \$2500.00 due on November 13, 2024; licensee ordered to complete an additional six (6) hours of continuing education with three (3) hours being in the area of license law and three (3) being in the area of disclosures by February 11, 2025. [Licensee's failure to provide the EPA approved lead hazard information pamphlet or to perform any other required lead-based paint disclosure activities before the lessees were obligated under contract to lease the properties demonstrates negligence; violating 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."] (Continued on page 4)

MEET THE REAL ESTATE COMMISSION STAFF

The Real Estate Commission Staff is here to serve the public and the licensee population. It is our goal to be helpful and forthright in a courteous and professional manner. We hope that when you contact our office, you always receive useful, accurate information and/or are referred to the proper authority.

Following is a communication resource to assist you when contacting our office. If the indicated person is unavailable to take your call, please share the purpose for the call and your call will be routed to someone else who can help you.

We take pride in having a skilled staff, if you have comments or suggestions as to how we may better serve you, please contact our office.

COMMUNICATIONS GUIDE

Ask for person indicated if you have questions in the following areas. Commission Meeting Information . . .Shae Drews shae.drews@nebraska.gov Complaint Procedures... . . Samantha Lowery samantha.lowery@nebraska.gov Continuing Education History or Shae Drews Inquiries shae.drews@nebraska.gov Curriculum Design (Education & Instructor Approval) Melissa Belcastro melissa.belcastro@nebraska.gov Errors and Omissions Insurance Monica Rut monica.rut@nebraska.gov Financial Officer Christina Seyersdahl christina.seyersdahl@nebraska.gov License Applications Packet Requests General Staff realestate.commission@nebraska.gov License Applications Process Marilyn Masters marilyn.masters@nebraska.gov Licensing Requirements Monica Rut monica.rut@nebraska.gov New Licenses in Process Patricia Menousek patricia.menousek@nebraska.gov Specialized Registrations Monica Rut monica.rut@nebraska.gov Transfer of License. Patricia Menousek patricia.menousek@nebraska.gov Trust Account Matters . John Clark john.clark@nebraska.gov Webmaster.... . . Monica Rut monica.rut@nebraska.gov

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(Continued from page 3)

2024-005 Nebraska Real Estate Commission v. Eric Cano; Broker; Omaha, NE. Stipulation & Consent entered August 15, 2024. Licensee suspended for a period of four (4) years, with the first six (6)months to be served on suspension and the remainder stayed and served on probation. Suspension to commence on September 16, 2024, and continue through March 13, 2025. Probation to commence March 14, 2025, and continue through September 14, 2028, licensee ordered to pay a civil fine of \$1500.00 due on November 13, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by February 11, 2025, licensee shall for the first two (2) years of the suspension and probation period attend two meetings per month for alcohol/substance abuse groups and have their sponsor provide documentary evidence of attendance on a quarterly basis. [Licensee's plea of guilty to "DUI-1 Prior CONV" demonstrates negligence, incompetency, or unworthiness to act as a broker or salesperson; violating 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."]

SC2024-002 Nebraska Real Estate

Commission v Scott Berens; Unlicensed practice. Stipulation and Consent entered September 20, 2024. Mr. Berens ordered to pay a civil fine of \$2,000.00 due on October 20, 2024. [Mr. Berens, an unlicensed individual, advertised real property for sale in Nebraska that he did not hold title to, violating Neb. Rev. Stat. § 81-885.03 (3) Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or performs any single act described in subdivision (2) of section 81-855.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act..., Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanction pursuant to this section for the protection of the public health, safety, or welfare, (when they failed to abide by provisions of the Commission's cease and desist order, CD 2023-019 served on May 29, 2023.]

2023-037 Nebraska Real Estate Commission v. Kevin T Archer, Norma E Karnes & Brittni Ashton Staben;

Salesperson; Brittni Ashton Staben; Sioux City, IA. Stipulation and Consent entered September 20, 2024. Licensee placed on suspension for two (2) years with the first sixty (60) days served on suspension and the remainder stayed and served on probation. Suspension to commence on October 20, 2024, and continue through December 18, 2024. Probation to commence on December 19, 2024 and continue through October 20, 2026; licensee ordered to pay a civil fine of \$1,000.00 due on December 19, 2024; licensee ordered to complete an additional nine (9) hours of continuing education, with three (3) in the area of License Law, three (3) in the area of Contracts and three (3) in the area of disclosures by March 19, 2025. [Licensee, by acting as a salesperson prior to her license being issued, violated Neb. Rev. Stat § 81-885.45, any person acting as a salesperson without first having obtained the required license or while her license is under suspension shall be guilty of a class II misdemeanor and Licensee violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

2022-040 Nebraska Real Estate Commission v. Mauricio Martinez Eusse; Salesperson; Stipulation and Consent entered September 20, 2024. Licensee placed on probation for a period on two (2) years; Probation to commence on October 20, 2024 and continue through October 20, 2026; licensee ordered to pay a civil fine of \$2000.00 due on December 19, 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 contracts by March 19, 2025. [Licensee, by failing to timely deliver the executed addenda and disclosing his client's confidential information breached his statutory duty as a seller's agent, violated Neb. Rev. Stat § 81-885.24 (16), it is an unfair trade practice for a licensee to violate any provision of sections 76-2401 to 76-2430; Licensee violated 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 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; Licensee violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

2024-015 Nebraska Real Estate Commission v. Anthony A. Ybarra; Salesperson; Lincoln, NE; Disciplinary Order entered September 3, 2024; License revoked. [Licensee's false representation on his license application aiding him in obtaining his Nebraska Real Estate Salesperson's License and his conviction for sexual assault of another person without consent 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 the same or of a different character as otherwise specified in this section."]

(Continued on page 5)

(Continued from page 4)

SC2024-001 Nebraska Real Estate Commission v. Aaron Twersky; Unlicensed

practice. Stipulation and Consent entered October 17, 2024. Mr. Twersky ordered to pay a civil fine of \$20,000.00 due on November 7, 2024. [Mr. Twersky, an unlicensed individual, advertised real property for sale in Nebraska that he did not hold title to, violating Neb. Rev. Stat. § 81-885.03 (3) Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or performs any single act described in subdivision (2) of section 81-855.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act..., Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanction pursuant to this section for the protection of the public health, safety, or welfare, when they failed to abide by provisions of the Commission's cease and desist order, CD 2022-012 served on April 17, 2024.]

2023-036 Nebraska Real Estate Commission v. Otoniel Ojeda-Alvarez and Teresa Loya;

Otoniel Ojeda-Alvarez; Broker; Omaha, NE; Stipulation & Consent entered October 17, 2024; Licensee's broker's license will be placed on one-year (1) suspension with the first ninety (90) days served on suspension and the remainder stayed and served on probation. Said suspension shall commence on November 18, 2024, and continue through February 13, 2025. Said probation shall commence February 14, 2025, and continue through November 18, 2025. Licensee ordered to pay a civil fine of \$2500.00, due on January 15, 2025; licensee ordered to complete an additional nine (9) hours of continuing education, with three (3) in the area of License Law, three (3) in the area of Contracts and three (3) in the area of trust accounts by April 16, 2025. [Licensee failed to supervise their affiliated license in violation of Title 299 NAC 5-003.22, actions demonstrating negligence shall include "failure by a designated or employing broker to supervise his associate brokers and salespersons" and Neb. Rev. Stat. §76-2422 (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 the broker and affiliated licensees; and Neb. Rev. Stat. §81-885.24 (26), violating any rule or regulation adopted by the Commission is a violation of the Licensing Act and an unfair trade practice. Licensee violated Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

2023-036 Nebraska Real Estate Commission v. Otoniel Ojeda-Alvarez and Teresa Loya;

Teresa Loya; Salesperson; Omaha, NE; Stipulation & Consent entered October 17, 2024; Licensee's salesperson's license will be placed on four-year (4) suspension with the first 12 months served on suspension and the remainder stayed and served on probation. Said suspension shall commence on November 18, 2024, and continue through November 17, 2025. Said probation shall commence November 18, 2025, and continue through November 18, 2028. Licensee ordered to pay a civil fine of \$1500.00, due on January 15, 2025; licensee ordered to complete an additional nine (9) hours of continuing education, with three (3) in the area of License Law, three (3) in the area of Contracts and three (3) in the area of disclosures by April 16, 2025. [Licensee failed to provide the Seller Property Disclosure Statements in all transaction files violates Title 299 NAC 5-003.23 and 5-003.24; Licensee's failure to make known, in writing, to any purchaser any interest the licensee had in the properties contained in this complaint and licensee's failure to provide the Seller Property Disclosure Statements violates Neb. Rev. Stat. §81-885.24 (26), violating any rule or regulation adopted by the Commission is a violation of the Licensing Act and an unfair trade practice and Neb. Rev. Stat. § 81-885.24 (29), demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson.]

Top Ten Thirteen Ways to Avoid Getting a Complaint Filed Against You

-Greg Lemon, Director, Nebraska Real Estate Commission

Director's Note--I believe this is the most popular or most utilized article I ever wrote for the Commission Comment, it has been nearly 14 years since it was first published, but it seemed like an appropriate time for a reboot. I have tweaked a couple things, but this is essentially the same article we published in 2010.

This article started out as a top ten list, but as I and others worked on the list it kept getting bigger. This is not a detailed legal article on how to comply with specific license and agency laws, but general guidelines that I hope will be easy to remember and incorporate into your real estate practice. We will get about 70 sworn complaints filed this year with the Commission,

(Continued on page 6)

(Continued from page 5)

as well as hundreds of calls from consumers and licensees with concerns or potential complaints. If the rules below were followed those numbers would go down dramatically.

1. Don't make misrepresentations.

a. Never withhold or deliberately misconvey information even if that information may make the transaction less likely to be completed, always remember you are looking out for your client's best interests.

b. Get your facts straight, don't say the house is not in a flood plain, for example, unless you have checked and verified this with official sources, don't say the roof doesn't leak based on an assumption or limited knowledge. Don't be afraid to say I don't know, or I will check and get back to you, or you will need to consult an attorney or other professional, or that there may need to be an inspection done to answer that question.

2. Communicate, Communicate, Communicate. Many of our complaint calls start out with "my agent won't call me back". Remember, many of your clients are entering into the biggest monetary transaction of their lives, haven't done a real estate transaction before, or haven't done one for many years. While the Commission does not have, and has no interest in, establishing rules on how fast you respond to a phone call, text, or e-mail, you do have a fiduciary duty to your client and it will be very hard to fulfill if you are not communicating with them.

3. Reduce all offers, contracts, amendments, addendums, etc. to writing, signed by the appropriate parties. The Statute of Frauds provides that all real estate contracts must be in writing. Agency law requires you to present all written offers in a timely manner. There is a reason for these laws, oral agreements are much harder to prove, much easier to dispute and may not be enforceable.

4. Provide the Commission's agency disclosure pamphlet at or as soon as practicable after the first substantial contact. This is kind of like a secondary offense, like driving without a seatbelt or texting while driving, because you are not likely to get a complaint filed against you if this the only problem. But if a complaint is filed, we review the transaction and if we find that this has not been done in a timely manner it can and likely will be added to any other charges in the complaint, or may even be considered stand alone grounds to go forward with the complaint even if the original grounds for the complaint are dismissed.

5. Always handle the money right. Hound your buyer about writing the escrow check if they didn't include it with the offer, deposit the escrow funds in the appropriate account in a timely manner, record the disposition of any and all escrow funds appropriately. 6. Be timely. Don't "sit on" documents, escrow checks, offers, etc. relating to the transaction that your client may want or need. Knowing a better offer may be in its way is not a reason to withhold an offer which is on the table.

7. Seek Advice. When faced with an unusual situation or something you don't know the answer to talk to your supervising broker, call the Nebraska Real Estate Commission, when necessary seek the advice of an attorney. When in doubt seek advice before you act.

8. Disclose, Disclose, Disclose. Disclose adverse material facts (in writing please!). Disclose that you are a licensee if you are buying selling property on your own behalf. Disclose dual agency when it occurs. Disclose all lawsuits, pending criminal charges and convictions on your renewal form.

9. Do your listing agreement right. Have all aspects of the agreement clearly spelled out in writing, include the precise expiration date, include the specific terms of compensation. If you are planning on or need to extend the listing get the extension in writing before the listing expires. Have all parties that have an interest in the property sign the listing agreement.

10. Pay attention to detail. Know the terms of any contract you have pending or listing agreements you have, if you don't know go to the appropriate source document and verify, don't assume.

11. Don't allow unauthorized access to the property— Don't allow the buyer or tenant to repair, replace, paint, live in, move in, have a party at, store things, etc. on the property prior to the closing of the transaction or commencement of the lease without express written authority signed by the seller.

12. Keep all your paperwork with the Commission current and correct. Get your renewal in on time, keep your E & O insurance current, meet your continuing education requirements on time. Keep any business entities you use in your real estate business (Professional Corporation, Corporation, LLC, etc.) properly registered and in good standing with the Secretary of State. Don't start working for broker B until your transfer from broker A is complete and confirmed with the Commission.

***13. **Remember your Fiduciary duty to your client.** You are representing them, their interests are to be placed above yours in your transactions and dealings with them. Place yourself in their shoes, "if I were buying this house I would certainly want to know

", whether the blank is information about the property, or the buying or selling process, or anything else relevant to the transaction. If you always remember your fiduciary duty the other items on this list should fall into place pretty easily.***

Buyer Agency License Law Briefs

As the Commission has noted before, the settlement in class action lawsuit against the National Association of Realtors and various brokerages is not Nebraska license law, but those required to comply with the settlement need to be aware of how certain aspects of the license law interplay with the settlement requirements and the new procedures, particularly the buyer agency agreements, that are required under the settlement.

All licensees are subject to the Nebraska Real Estate License Act. The Nebraska License Law and the Nebraska Real Estate License Act and regulations have not changed at this time and are still applicable in all instances.

Please remember:

Provide and agency disclosure to all unrepresented customers and potential clients at first substantial contact.

Provide copies of all disclosures, agency agreements and transaction documents to your client, including your buyer agency agreement.

It has always been a good practice to start your conversations with potential clients by asking if they are working with another agent. Even more important now as may more buyers are signing exclusive agency agreements.

If an agent is being compensated by more than one party to a transaction, a written disclosure regarding that compensation is required to be signed and dated by all parties prior to entering into a contract for purchase in accordance with Title 299 NAC 5-003.06.

Maintain all disclosures, transaction documents, agency and listing agreements in your transaction files for audit.

We have heard stories of buyer's agents refusing to show homes because of the seller's low or nonexistent offer of compensation to the buyer's agent. Agents should remember that they have a fiduciary duty to their client, and certainly should have a discussion to make sure the client understands the provision in their buyer agency agreement (if applicable) that provides for buyer agency compensation from the buyer if some or all is not provided as an offer of compensation by the seller before the buyer signs any agency agreement.

The nuance of explaining the buyer agency agreement requirement (if applicable to you as a licensee): "I as an agent am required to have the agency agreement signed before I work with you as a buyer's agent"—as opposed to "you as a buyer are required to sign a buyer's agency agreement" (implying it is a universal requirement and not a requirement limited to those subject to the requirements of the class action lawsuit. There are of course several ways that this can be expressed, but the explanation needs to go beyond stating the buyer is required ("legally", "by law", etc.) to sign such an agreement.

Dual Agency

With buyer agency agreements being signed on a more regular basis as part of the NAR commission lawsuit settlement, we may see more instance of dual agency or possible dual agency with a buyer agency agreement already in place.

The linked article from the Spring 2010 Commission Comment is still applicable: https://nrec.nebraska.gov/ pdf/newsletters/2010springcc.pdf. We would like to add that if you have an existing buyer agency agreement or are acting as a buyer's agent and you do not have or do not get a written general consent from both parties to act as a dual agent, you will need to let the buyer know that if that is the case you cannot show the property, and they still want to use a buyer's agent they will need to find a different agent, and if the buyer has signed an exclusive buyer's agency agreement, exclude the property in question from the exclusive agreement.

Owner Scams

(Continued from page 1)

We don't expect licensees to have identification superpowers or access to Wonder Women's Lasso of Truth, but we would like you to be aware that these fake seller scams are happening on a more regular basis.

As everybody knows, the license act provides that an agent should exercise reasonable skill and care for their client, however, there are not specific provisions about what needs to be done to ensure the purported seller is really the owner. Even if you have seen ID and have taken reasonable measures to ensure that the seller has a legal interest in the property being sold, there are certain red flags you should be aware of in the owner scams. While these things can all happen in a legitimate transaction, they are warnings that perhaps some additional care needs to be taken before proceeding with the deal:

- 1. "Owner" wants a cash only transaction
- 2. "Owner" wants closing to wired to an offshore account
- 3. Never meet "owner" in person
- 4. Real Estate for sale is a vacant lot or house
- 5. "Owner" does not want a sign in the yard or wants to place unusual restrictions on the advertising
- 6. "Owner" seems to be in a hurry or not particularly interested in getting market price, just getting the property sold to a cash buyer.

Nebraska Real Estate Commission PO Box 94667 Lincoln, NE 68509-4667 Return Service Requested

PRSRT STD U.S. POSTAGE PAID STATE OF NEBRASKA



Nebraska Real Estate Commission: Seated (1 to r): Connie Burleigh, Chairman Robert Evnen, Lisa Ritter; Standing: Ben Muraskin, Rocky Geiser, Doug Dohse, Paul Peter