





# COMMISSION COMMENT

## New Written Buyer Representation Contract Effective July 1

A Written Buyer Representation Contract will be mandated for residential sales before engaging in any real estate activities beginning July 1, 2025. This requirement has been approved by the Commission and adopted through the rule and regulation process. A sample written buyer representation agreement and best practices have been provided on our website at: <https://nrec.nebraska.gov/legal/writtenbuyerrepcontract.html> 


## Get Permission to Enter

Retired Director Lemon periodically published his Top 13 Ways to Avoid Getting a Complaint Filed Against You. I will edit and add to his list in issues to come. In this issue I want to call your attention to #11 on Greg's list. It reads: "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, etcetera on the property prior to the closing of the transaction or commencement of the lease without express written authority signed by the seller". In a recent complaint filed by a seller, a buyer extended the good will gesture of the seller and completed far more "repairs" than authorized. While it is always best to follow the contract, if entering the property is necessary it is good practice to clearly define what is authorized to your buyer before you and the buyer go in. Even if the house is vacant, please remember to get permission to enter. For a complete list of the Top 13 Ways to Avoid Getting a Complaint Filed Against You, please visit our website at: <https://nrec.nebraska.gov/pdf/Top%20Ten%20Ways%20to%20Avoid%20Getting%20a%20Complaint%20Filed%20Against%20You.pdf> 



## Staffing Changes

### New Deputy Director for Enforcement

The Commission has selected William Boucher to serve as our new Deputy Director for Enforcement. Mr. Boucher has over 27 years of experience in Criminal Justice from working in the Nebraska Department of Correctional Services and Administrative Office of the Supreme Court and Probation. Mr. Boucher has a Bachelor's degree in Criminal Justice Administration and he brings in decades of enforcement and investigation knowledge which we plan to assist with increasing the efficiency of the complaint process and investigations. 

## On the Inside

Director's Desk .....	page 2
Disciplinary Summary .....	page 3
Wholesaling Procedures .....	page 6
Krier Decision Reversed .....	page 6
Let's Talk Compliance .....	page 7
Other Provision of LB187 .....	page 8

## Commission Meeting Schedule

June 26-27 .....	Lincoln
August 14-15 .....	Lincoln
September 18-19 .....	Lincoln
October 16-17 .....	Lincoln
November 20 .....	Lincoln

## COMMISSION COMMENT

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Nebraska Real Estate Commission  
301 Centennial Mall South  
P.O. Box 94667

Lincoln, Nebraska 68509-4667  
(402) 471-2004

nrec.nebraska.gov

Facebook: Nebraskarealestatecommission

Twitter: @Nerealestatecom

EDITOR: Joe Gehrki

## COMMISSION MEMBERS

## CHAIRPERSON

Robert Evnen  
Secretary of State  
State Capitol  
Lincoln, NE 68509  
(402) 471-2554

## PUBLIC MEMBER

Paul J. Peter  
200 South 21st St, Suite 400  
Lincoln, NE 68510

## SALESPERSON MEMBER

Doug Dohse  
311 Village Point Plaza  
Omaha, NE 68118  
(402) 493-4663

## BROKER MEMBERS

Lisa Ritter  
11212 Davenport St.  
Omaha, NE 68154  
(402) 884-7707

Rocky Geiser  
3000 2nd Ave, Suite 200  
Kearney, NE 68847

Connie Burleigh  
4300 South 48th, Suite 5  
Lincoln, NE 68516

Benjamin E. Muraskin  
256 N 115th St, Ste 8  
Omaha, NE 68154

## DIRECTOR

Joe Gehrki  
301 Centennial Mall South  
Lincoln, NE 68508  
(402) 471-2004  
joe.gehrki@nebraska.gov

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## DIRECTOR'S DESK

The Nebraska Real Estate Commission has appointed Joe Gehrki as the New Director of the Commission effective January 1, 2025. Prior to the appointment Gehrki worked as an associate broker for Berkshire Hathaway Home- Services Ambassador Real Estate in Omaha. Gehrki was first licensed as a salesperson in 1987 and received his broker's license in 2008. He has served in numerous capacities with the Omaha Area Board of Realtors and the Nebraska Realtor's Association, including president of the Omaha Board in 2009 and the Nebraska Realtors in 2012. He has also served on the Douglas County Zoning Board of Adjustment and many non-profit committees and boards in the Omaha area. Joe also enjoyed advocating on behalf of licensees in the legislature in Lincoln and represented three Members of Congress for NAR in Washington DC. In the Fall of 2018, then Governor Pete Ricketts appointed Joe to a 6 year term on the Nebraska Real Estate Commission which ended in August of 2024. This is where his love of the real estate industry, the law and working to protect the public grew into his first major career change in 37 years. Gehrki replaced Greg Lemon, who retired after 15 years with the Commission. "I want to thank all of those that have extended well wishes, and the wonderful staff that has made me feel at home here at the Commission office".



Director Joe Gehrki

Joe Gehrki, Director  
Nebraska Real Estate  
Commission



# Disciplinary Actions Taken by the Real Estate Commission

*(Does Not Include Cases on Appeal)*

## 2024-003 Nebraska Real Estate Commission v. Amy Jo

**Schinco**; Salesperson; Omaha, NE. Stipulation & Consent entered January 16, 2025. Licensee suspended for a period of one (1) year, with the first sixty (60) days to be served on suspension and the remainder stayed and served on probation. Suspension to commence on February 21, 2025, and continue through April 23, 2025. Probation to commence April 23, 2025, and continue through February 21, 2026, licensee ordered to pay a civil fine of \$1500.00 due on April 23, 2025; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by July 23, 2025. [Licensee's failure to report the DUI conviction and civil case on her renewal application 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."]

## 2024-007 Nebraska Real Estate Commission v. Jose Antonio

**Ramirez**; Salesperson; Grand Island, NE. Stipulation & Consent entered November 21, 2024. Licensee suspended for a period of one (1) year, with the first sixty (60) days to be served on suspension and the remainder stayed and served on probation. Suspension to commence on December 21, 2024 and continue through February 19, 2025. Probation to commence on February 20, 2025, and continues through December 21, 2025. Licensee ordered to pay a civil fine of \$1,500 on or before February 19, 2025. Licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by May 20, 2025. [Licensee's failure to report the DUI conviction and criminal case on his renewal application 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."]

(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. . . . . William Boucher  
william.boucher@nebraska.gov

Continuing Education History or  
Inquiries . . . . . Shae Drews  
shae.drews@nebraska.gov

Curriculum Design (Education &  
Instructor Approval) . . . . . Melissa Belcastro  
melissa.belcastro@nebraska.gov

Errors and Omissions Insurance  
Inquiries . . . . . 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 . . . . . Marilyn Masters  
marilyn.masters@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

WEBSITE: nrec.nebraska.gov

TELEPHONE NUMBER

(402) 471-2004

FAX NUMBER

(402) 471-4492

ADDRESS:

Nebraska Real Estate Commission

301 Centennial Mall South

P.O. Box 94667

Lincoln, NE 68509-4667



**2023-016 Nebraska Real Estate Commission, Ted and Marion Koolstra v. Linda J. Dedic;** Designated Broker; Scottsbluff, NE. Stipulation and Consent entered November 21, 2024. License is Censured. Licensee ordered to pay a civil fine of \$1,500 on or before February 19, 2025. Licensee is ordered to complete six (6) additional hours of continuing education with three (3) in the area of license law and three (3) in the area of post-licensing education course 6000 by May 20, 2025. [ Licensee's failure to supervise both Respondent Lopez and Respondent Williams as required by Title 299 NAC 5-003.22, demonstrated negligence, incompetency, or unworthiness 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."]

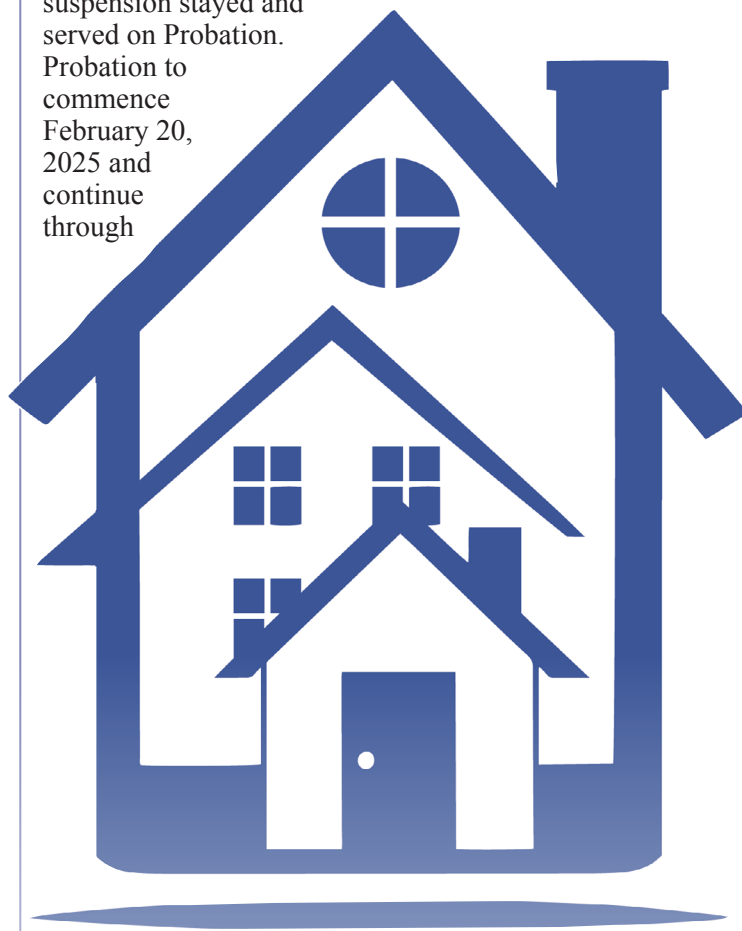
**2023-016 Nebraska Real Estate Commission, Ted and Marion Koolstra v. Gina Lynn Lopez;** Salesperson; Scottsbluff, NE. Stipulation and Consent entered November 21, 2024. Licensee suspended for a period of three (3) years, with the first sixty (60) days served on suspension and the remainder stayed and served on probation. Suspension to commence on December 23, 2024 through February 19, 2025. Probation to commence on February 19, 2025 through December 21, 2027; licensee ordered to pay civil fine of \$1,500 on or before February 19, 2025; licensee ordered to complete three (3) hours of additional continuing education in the area of license law by May 20, 2025. [ Licensee's failure to disclose known inaccuracies of property condition is an unfair trade practice violating Neb. Rev. Stat. § 81-885.24(16), Violating any provision of sections 76-2401 to 76-2430; and violating 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;]

**2023-016 Nebraska Real Estate Commission, Ted and Marion Koolstra v. Caitlyn Lee Williams;** Salesperson; Scottsbluff, NE. Stipulation and Consent entered November 21, 2024. Licensee suspended for a period of two (2) years, with the first thirty (30) days served on suspension and the remainder of the suspension shall be stayed and served on probation. Suspension to commence on December 23, 2024 through January 20, 2025. Probation to commence on January 20, 2025 and continue through December 21, 2026. Licensee ordered to pay civil fine of \$1,500 on or before February 19, 2025; licensee ordered to complete three (3) hours of additional continuing education in the area of license law by May 20, 2025. [ Licensee's failure to disclose known inaccuracies of property condition is an unfair trade practice violating Neb. Rev. Stat. § 81-885.24(16), Violating any provision of sections 76-2401

to 76-2430; violating 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; and violating Neb. Rev. Stat. § 81-885.24(29) in demonstrating "negligence". 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;]

**2023-011 Nebraska Real Estate Commission v. Stanley Douglas Wolkins;** Associate Broker; Omaha, NE. Disciplinary Order entered February 4, 2025. Licensee revoked with thirty (30) days to remove all materials or statements representing himself as current licensee. Licensee ordered to pay civil fine of \$2,500 on or before May 5, 2025. [ Licensee's actions underlying the disciplinary measures taken by the Iowa Real Estate Appraiser board for failure to pay fines and fees are also unfair trade practices under the Nebraska Real Estate Act for demonstrating "negligence, incompetency, or unworthiness to act as a broker or salesperson" violating Neb. Rev. Stat. § 81-885.24 (29).]

**2022-039 Nebraska Real Estate Commission v. Georgia M. Evans;** Designated Broker; Lexington, NE. Stipulation and Consent entered February 20, 2025. Licensee placed on four (4) year suspension with the suspension stayed and served on Probation. Probation to commence February 20, 2025 and continue through



February 20, 2029. Licensee ordered to pay civil fine of \$2,500 by May 21, 2025. Licensee ordered to complete twelve (12) hours of additional continuing education in the area of post-licensing education course 6000 by August 19, 2025. [Licensee demonstrated negligence, incompetence, or unworthiness to act as a broker violating Neb. Rev. Stat. § 81-885.24 (29), for failing to supervise activities of employee and associate broker with no experience in commercial real estate transactions and violating Neb. Rev. Stat. § 81-885.01, a broker has a duty to supervise the real estate activities of an associate broker.]

**2023-037 Nebraska Real Estate Commission, James L. Stephenson & Alonza R. Hohl v. Kevin Thomas Archer;** Designated Broker; Sioux City, IA. Stipulation and Consent entered August 8, 2025. Licensee placed on Probation for three (3) years. Probation to commence April 8, 2025 and continue through April 8, 2028. Licensee ordered to pay civil fine of \$2,500 by July 7, 2025. Licensee ordered to complete nine (9) hours of additional continuing education with three (3) hours in the area of ethics, three (3) hours in the area of contracts, and three (3) hours in the area of license law. [Licensee failed to supervise salespersons and violated Neb. Admin. Code § 5-003.22 and is an unfair trade practice violating Neb. Rev. Stat. § 81.885.24(18) and actions demonstrated “negligence, incompetency, or unworthiness to act as a broker violating Neb. Rev. Stat. § 81-885.24 (29).]

**2024-033 Nebraska Real Estate Commission v. Amber Lee Howell;** Salesperson; Scottsbluff, NE. Stipulation and Consent entered March 26, 2025. Licensee placed on two (2) year suspension with entire

suspension stayed and served on probation. Probation to commence April 21, 2025 and continue through April 21, 2027. Licensee ordered to pay civil fine of \$1,500 by May 15, 2025. Licensee is to complete 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. [Licensee destroying first earnest check instead of delivering to escrow agent, failing to remit money coming into her possession belonging to others was unfair trade practice and violated Neb. Rev. Stat. § 81.885.24(3), 299 NAC 5 003.14, Neb. Rev. Stat. § 81.885.24(26) and demonstrated “negligence, incompetency, or unworthiness to act as a broker” violating Neb. Rev. Stat. § 81.885.24(29).]

**2024-029 Nebraska Real Estate Commission v. Jon Michael Ruzicka;** Associate Broker; Minneapolis, MN. Stipulation and Consent entered March 26, 2025. Licensee suspended for two (2) years running concurrently with ongoing probation. Suspension to commence May 26, 2025 and continue through May 26, 2027. Licensee ordered to pay civil fine of \$2,500 by June 24, 2025. Licensee ordered to complete six (6) hours of additional continuing education with three (3) hours in area of license law and three (3) hours in area of ethics. [Licensees failure to prevent unlicensed activity withing the Brokerage demonstrated “negligence, incompetency, or unworthiness to act as a broker or salesperson violating Neb. Rev. Stat. § 81.885.24(29) and unfair trade practices violating Neb. Rev. Stat. § 81.885.24(26) and failed to have a written consent to dual agency prior to acting as dual agent violating Neb. Rev. Stat. § 76-2422(4).]To Be Published Spring 2025.docx 📄



# Wholesaling Procedures

We have had several inquiries from the public, and complaints from Nebraska licensees about out-of-state Brokers attempting to market an equitable interest in properties. This is Wholesaling. LB892, passed by the Legislature in the 2022 regular session, requires a real estate license for “publicly marketing for sale an equitable interest in a contract for the purchase of real property between a property owner and a prospective purchaser”, commonly referred to as “Wholesaling”. The Commission has come up with guidelines and procedures for real estate agents working with a wholesaler to publicly market an equitable interest in real estate. In order to meet the requirements of using a licensee to publicly market an equitable interest in real property, the purchaser and marketer of the equitable interest (“Wholesaler”) must enter into a listing agreement with the licensee as seller’s agent of the Wholesaler, in addition, the original title owner of the property (“Owner”) is in a customer only relationship with the Wholesaler’s agent, and the nature of the listing agreement and transaction would be considered substantial contact with the Owner for agency disclosure law requirements. A special Assignable Contract addendum is developed and included for use in these transactions, which provided additional disclosures to both the Owner and potential buyer of the assignable interest. The disclosure specifically provides notice to the Owner that Wholesaler is the beneficiary of any profits made on the sale of the equitable interest, and not the Owner. A Commission policy and interpretation lists and summarizes the agency and procedural requirements and references statutory authority where relevant, here is a link to the new policy and interpretation, the new agency addendum, and other relevant materials. <https://nrec.nebraska.gov/legal/policyinterpretation.html>. LB 187 that passed this year included a provision that excluded the optioning of vacant building lots. This provision goes into effect January 1, 2026. 🏠



## Krier Decision Reversed

At the April 25, 2024, NREC meeting, the Commission considered a complaint received from a member of the public against licensee Aaron Krier in the Complaint number 2023-015. After hearing the matter, the Commission concluded that Mr. Krier had violated the license act and entered into an order which imposed sanctions on his license. This conclusion and the subsequent discipline were published in the Summer 2024 edition of the Commission Comment newsletter. Mr. Krier appealed the decision in the District Court of Lancaster County. On October 22, 2024, the District Court reversed the decision of the Nebraska Real Estate Commission. At the February 20, NREC meeting, the Commission reviewed the Order and elected to take no further action. The Commission will not appeal the District Court ruling. 🏠






# LET'S TALK COMPLIANCE

John Clark, Senior Compliance Auditor

## Nebraska Written Buyer Representation Contracts

Many of you have been completing Written Buyer Representation Contracts with your buyers for several months as the National Association of Realtors has required it. Effective July 1, 2025, it will also be required by the Nebraska Real Estate Commission. The buyer representation contract must be filled out and signed at the first substantial contact and prior to showing any properties as a buyer agent. Keep in mind this does not eliminate the need for the Agency Disclosure form, which should be presented and signed prior to executing the buyer representation contract. The buyer representation contract is not required for an unrepresented customer. In the Compliance Auditor's review of completed forms, there are several issues that you may want to consider. The compensation shown must include any compensation that you may receive from the seller or seller's agent. It may include a broker administrative fee in addition to a percentage of the sale price or a fixed amount. If this section is left blank you are not entitled to any commission. The percentage that the seller or seller's agent will compensate you as a buyer agent should be disclosed in either the purchase contract or separate document at or prior to the purchase contract. They cannot compensate you more than what is disclosed in the buyer representation contract. If the buyer representation contract shows a higher percentage than what the seller or seller's agent has agreed upon, you can either charge the buyer the difference or get an addendum to the buyer representation contract showing the actual amount you will receive. In addition, there are several items to consider, some which are required and some which the Nebraska Real Estate Commission views as "Best Business Practices". The contract must have a specific expiration date. It is also recommended that if a buyer would like released from the

contract due to "incompatibility" with the agent, that the request be considered, depending on the circumstances. You should always ask the buyer if they have signed a buyer representation contract with another licensee before presenting them with the your buyer representation contract to sign. If a buyer signs multiple contracts with multiple agents, they could potentially find themselves owing multiple commissions. If the transaction would fall through because of multiple commissions being charged there is a high likelihood that a complaint could be filed against all the agents involved. If you as the buyer agent are being compensated by both the buyer and seller, you must disclose in writing at or prior to the purchase contract of that fact. (Title 299, Chapter 5, 003.06 and 76-2423 of the License Act). Many purchase contracts will show that you may be compensated by more than one party, it is the Nebraska Real Estate Commission's recommendation that it must be specific. Should the buyer refuse to sign the buyer representation contract, your only option would be to show them only your listings as a customer. One of our biggest concerns is that since this form focuses mostly on the transparency of the buyer agent's commissions, that many agents will lose sight of their fiduciary responsibilities to their client and focus more on how they will receive compensation. 



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## Other Provisions of LB 187

By now, I hope everyone reading this knows about the law change that brought about the requirement of Written Buyer Representation Contracts. The main change is to the Nebraska License Act in which the terminology changes from “before working with a buyer, an agent may enter into a written agency agreement with the party to be represented”, to “shall enter into a written agreement with the party to be represented”. This provision of the bill was signed by the Governor with the Emergency Clause so it will become effective July 1, 2025. At the March 2024 Commission meeting, the Education Sub-committee proposed increasing the requirement for pre-license education from two thirty-hour courses to three thirty-hour courses. This provision passed as a part of LB 187, and in a subsequent rule hearing the Commission mandated that two of the three classes must be in Principles and Practices, and the other in Nebraska License Law. Also, post license education course 7000, is valid for four years from the date of completion for any license application. If you currently have a salesperson license and it has been more than four years since you took course 7000, you will need to retake the course prior to testing for your broker license.

This provision of the bill was signed by the Governor and will become effective January 1, 2026. As with some legislation, there may be unintended consequences. For example, LB 892 the “Wholesaling Bill” inadvertently needed language cleaned up to allow for selling options on vacant building lots, which was included in the bill. Lastly, the bill clarifies that the payment of compensation to out-of-state licensees who do not hold a Nebraska real estate license is allowed for the payment of a referral fee only, and that out-of-state licensees may not participate in a Nebraska Real Estate transaction without a Nebraska Real Estate License. 🏠

