



Nebraska Real Estate Commission

PO BOX 94667
LINCOLN, NE 68509-4667

PHONE: (402) 471-2004
WEBSITE: nrec.nebraska.gov
EMAIL: realestate.commission@nebraska.gov

GUIDELINES FOR APPLICANTS WITH CRIMINAL HISTORY

SPECIAL NOTES FOR APPLICANTS:

If you have ever been convicted of any misdemeanor or felony offenses, or if there any such charge pending against you must provide: full details including dates, places, disposition, and a detailed explanation of the events leading up to the charge(s), etc. **Note: You MUST include any pending charges; Convictions, no matter how old, must be reported, even though there may have been an order or note by the court to expunge, set aside, or strike the conviction from the record.**

- If you do not disclose **all** convictions, your application may be denied. We will compare your application to the criminal background report and the justice system search. You may purchase these reports prior to submitting your application if desired.

An applicant who has filed an application and is required to appear before the Commission may choose either a formal or an informal appearance before the Commission. Informal appearances by applicants will require that the applicant's Nebraska State Patrol criminal background check and self-reported criminal history be made available to the Commission.

Commission staff may also submit, or request the applicant or potential applicant to submit, other materials such as may be relevant at the informal special appearance.

REVIEW

Each application shall be reviewed on a case-by-case basis; however, the Commission adopts the following as guidelines for denying a license:

1. Unless extraordinary circumstances are present in a specific situation, the application to sit for the examination or issuance of a license will be denied if the applicant has been convicted of a felony violent crime(s) felony financial crime(s), or crimes involving moral turpitude.

2. Unless extraordinary circumstances are present in a specific situation, the application to sit for examination or issuance of a license will be denied if the applicant has not completed his or her sentence, his or her probation, or made restitution, if any was ordered. The Commission recommends the applicant authorize his or her probation or parole officer(s) to discuss applicant's performance during the period of supervision with Commission staff.

For purposes of this section the requirement of driving with an ignition interlock device, absent criminal supervision on probation, parole, or other similar supervised release or diversion programs, shall not be considered to be part of an applicant's sentence required to be completed before an applicant can be allowed to sit for the exam absent extraordinary circumstances. The required use of an ignition interlock device may be considered an aggravating or extenuating circumstance of the crime when reviewing the applicant as provided in 3.c. below.

3. Other information the Commission considers relevant and will consider in granting approval to sit for the examination or issuance of license includes, but may not be limited to, the following:

- a. *The applicant's truthfulness, demeanor, acceptance of responsibility, evidence of rehabilitation, and age at the time of the crime.*
- b. *The nature of the crime(s), the relationship between the crime(s) and licensed activity, and the effect on the applicant's worthiness to hold a real estate license.*
- c. *Any aggravating or extenuating circumstances of the crime(s). The time since the conviction and/or end of the sentence.*
- d. *Whether the applicant successfully completed the terms of the sentence, including the timeliness of making restitution.*
- e. *Whether the applicant's civil rights have been restored.*

4. If the approval to sit for the examination and/or issuance of a license is granted, the Commission may require the applicant to notify any anticipated employing broker of the criminal conviction(s) and the circumstances of the conviction(s) and said broker shall confirm said notification in writing to the Commission prior to the license being placed with said broker.

If an applicant has been convicted of any of the following offenses, then they must appear before the Commission before sitting for the examination or getting their license issued for license recognition applicants.

- Forgery
- Embezzlement
- Obtaining money under false pretenses
- Larceny
- Extortion
- Conspiracy to defraud
- or any other similar offense or offenses
- has been convicted of a felony
- a crime involving moral turpitude
- has a pattern of any other criminal conviction(s), other than minor traffic violation(s)

PRELIMINARY APPLICATION

A POTENTIAL APPLICANT MAY REQUEST AN INFORMAL SPECIAL APPEARANCE PRIOR TO APPLYING FOR LICENSE BY MAKING SUCH REQUEST IN WRITING AND PAYING A PRELIMINARY APPLICATION FEE IN AN AMOUNT APPROVED BY THE COMMISSION. SUCH INDIVIDUALS SHALL BE REQUIRED TO SELF-REPORT ANY CRIMINAL HISTORY. APPROVAL OF ANY POTENTIAL APPLICANT FOR LICENSURE SHALL BE SUBJECT TO RE-CONSIDERATION IF THE SUBSEQUENT CRIMINAL BACKGROUND CHECK PROVIDED BY THE NEBRASKA STATE PATROL REVEALS SIGNIFICANT CRIMINAL HISTORY OF A NATURE THAT WOULD BE GROUNDS FOR DENIAL OF LICENSE UNDER THE LICENSE ACT. [REVIEW THE PRELIMINARY](#)

5. If the approval to sit for the examination and/or issuance of a license is granted, the Commission may require the applicant to notify Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time, for a period of time. The time period, if any, is to be determined on a case-by-case basis. The timeframe for any notification to Commission staff of any new criminal charge, as required by this section, shall be specifically stated in writing to the applicant.

Denied

If an application for license, or an issuance of license, is denied by staff or denied by the Commission following an informal appearance, then in either case the applicant is entitled to request a formal hearing as allowed by statute and regulation. If the applicant or potential applicant is not approved for licensure the Commission may advise the individual of any action, the individual may take to remedy the disqualification. Any individual approved by the Commission to sit for an examination after an appearance does not have to reappear before the Commission regarding the same issue(s) when applying for subsequent licensure, unless specifically required to do so by the Commission as a part of its original decision.