Nebraska Real Estate Commission
PO BOX 94667
LINCOLN, NE 68509-4667
PHONE: (402) 471-2004
WEBSITE: nrec.nebraska.gov
EMAIL: realestate.commission@nebraska.gov

LICENSEE FAQ'S

Questions Overview:

Questions & Answers

Before You Contact the Commission

Many questions regarding application status, education verification, license issuance, and submitted documents can be answered by checking your *Licensee Portal*. Please allow the applicable processing time before contacting the Commission, as many documents require time to be received, reviewed, and processed. Please create or log into your portal at: https://nrec.nebraska.gov/sites/default/files/doc/Commission/LOGIN%20SCREEN.pdf

PORTAL QUESTIONS

- ### Where can I find my license number and expiration date on my portal?

You will find your license number, expiration date, and several other pieces of needed information listed in the order they appear on the filters line. Log into your Nebraska Real Estate Commission *Licensee Portal*. On the My Profile tab in the upper left-hand corner, scroll down until you see License Information. On the chart which lists the type of license you hold, in the filters section as you scroll to the right, you will see license type, employing broker, license number, Issue date, expiration date, status, last renewal date, retake, certificate, renewal, and transfer.

- ### What file formats are acceptable for submitting documents through the licensee portal?

  The Licensee Portal accepts the following file formats:

  - ***PDF (.pdf)*** *(preferred)*
  - ***Microsoft Word (.doc, .docx)***
  - ***JPEG (.jpg, .jpeg)***
  - ***PNG (.png)***

  To help avoid processing delays:

  - *Ensure all documents are **clear, legible, and complete** before uploading.*
  - *Upload each document in the appropriate section of the Licensee Portal.*
  - *If submitting multiple pages, combine them into a **single PDF** whenever possible.*

- ### Why do I get an error telling me to "contact the commission" when submitting credit card payments through the licensee portal?

  If you receive a message instructing you to contact the Nebraska Real Estate Commission while attempting to make a payment, it usually means that your payment information was auto populated rather than manually entered. Please remove all auto populated data and manually enter.

  Before contacting the Commission, verify that you have entered your payment information correctly.

  If you continue to receive the error message, please contact the Nebraska Real Estate Commission for assistance. Be prepared to provide your name, license or application number (if applicable), and a description or screenshot of the error message to help us resolve the issue as quickly as possible.

COMPLIANCE QUESTIONS

UNLICENSED PERSON/ASSISTANT QUESTIONS

- ### I would like to use an unlicensed person as an assistant. What can they do?

  Below is the Commission's Policy and Interpretation of what an unlicensed person can do and what activities would require a real estate license. This can also be found in the Commissions Policies and Interpretation section of the License Manual .

- ### Use of Unlicensed Persons by Licensees

  Licensees, both brokers and salespersons, often use unlicensed persons, either employed or contracted, to perform various tasks related to a real estate transaction which do not require a license. Such persons, for example, are used as personal assistants, clerical support staff, closing secretaries, etc.

The Nebraska Real Estate License Act prohibits unlicensed persons from negotiating, listing, or selling real property. It is, therefore, important for employing brokers and other licensees using such persons to carefully restrict the activities of such persons so that allegations of wrongdoing under the License Act or Rules can be avoided.

Licensees should not share commissions with unlicensed persons acting as assistants, clerical staff, closing secretaries, etc. The temptation for such unlicensed persons, in such situations, to go beyond what they <u>can</u> do and negotiate or take part in other prohibited activities is greatly increased when their compensation is based on the successful completion of the sale.

In order to provide guidance to licensees with regard to which activities related to a real estate transaction unlicensed persons can and cannot perform, the Commission establishes the following Policy:

Activities which <u>can</u> be performed by unlicensed persons who, for example, act as personal assistants, clerical support staff, closing secretaries, etc., include, but are not necessarily limited to:

1. Answer the phone and forward calls to licensees.
2. Transmit listings and changes to a multiple listing service.
3. Follow up on loan commitments after a contract has been negotiated.
4. Assemble documents for closings.
5. Secure documents, i.e. public information, from courthouse, sewer district, water district, etc.
6. Have keys made for company listings.
7. Write and prepare ads, flyers and promotional information and place such advertising.
8. Record and deposit earnest money and other trust funds.
9. Type contract forms under direction of licensee.
10. Monitor licenses and personnel files.
11. Compute commission checks.
12. Place and remove signs on property.
13. Order items of routine repair as directed by licensee <u>and/or</u> supervising broker.
14. Act as courier service to deliver documents, pick up keys, etc.
15. Schedule appointments.
16. Measure property, if measurements are verified by the licensee.
17. Hand out objective written information on a listing, other than at functions such as open houses, kiosks, and home show booths or fairs.

Activities which <u>cannot</u> be performed by unlicensed persons who, for example, act as personal assistants, clerical support staff, closing secretaries, etc., include, but are not necessarily limited to:

1. Host open houses, kiosks, home show booths or fairs, or hand out materials at such functions.

2. Show property.
3. Answer any questions on listings, title, financing, closing, etc.
4. Discuss or explain a contract, agreement, listing, or other real estate document with anyone outside the firm.
5. Be paid on the basis of real estate activity, such as a percentage of commission, or any amount based on listings, sales, etc.
6. Negotiate or agree to any commission, commission split or referral fee on behalf of a licensee.
Employing brokers, whether they are employing unlicensed persons or whether licensees under their supervision are using unlicensed persons as personal assistants or the like, are responsible for assuring that such unlicensed persons are not involved in activities which require a license and/or activities which violate this policy. Brokers should establish guidelines for the use of unlicensed persons and procedures for monitoring their activities. It is the responsibility of the employing broker to assure that unlicensed persons, either directly employed or contracted, or employed or contracted by licensees under his or her supervision, are not acting improperly.

This policy does not include unlicensed persons who are acting under the exemption related to management of property as set forth in 81-885.04(4).

Adopted February 12, 1992
Amended November 15, 2001

COMMISSIONS/PAYMENT QUESTIONS

• May I pay a referral fee to an unlicensed person?

No. Referral fees may only be paid to persons licensed under the Nebraska Real Estate License Act, or to a nonresident licensed in his or her regulatory jurisdiction. Referral fees must be paid by the designated broker to a designated broker and not by an affiliated licensee to another affiliated licensee. Please review the following section of the license act:

> *Neb. Rev. Stat. §81-885.06. Action for recovery of compensation; prohibited, except to licensed brokers, associate brokers, or salespersons.*
>
> *No action or suit shall be instituted, nor recovery be had, in any court of this state by any person for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the Nebraska Real Estate License Act to other than licensed brokers, licensed associate brokers, or licensed salespersons. A licensed broker may bring an action in the name of a partnership, limited liability company, or corporation if the broker operates under any of such business organizations.*

- Can the Commission call my broker and get my commission check corrected (or paid)?

  No. The Real Estate Commission is prohibited by rule to enter into disputes between licensees over payment or division of commission. Payment of commissions between licensees is a matter of contract law, not license law. Such issues are generally controlled by company policies and employment or independent contractor agreements between the licensees. If disputes arise and cannot be resolved by direct negotiations, licensees must resort to arbitration or the courts for settlement.

- Can I file a complaint with the Commission against another company in order to collect my share of a commission?

  No. The Real Estate Commission is prohibited by rule to enter into disputes between licensees over payment or division of commission. Payment of commissions between licensees is a matter of contract law, not license law. Such issues are generally controlled by company policies and employment or independent contractor agreements between the licensees. If disputes arise and cannot be resolved by direct negotiations, licensees must resort to arbitration or the courts for settlement.

SELLING/RENTING MY OWN PROPERTY

- May I sell my house without paying my broker a commission?

  Although this may be addressed in your Independent Contractor Agreement, generally if you are the seller and you are selling your own home, and it is not listed with your designated broker's real estate company, then you would not be liable to your broker for the payment of a commission. You should disclose to your broker in writing your intention to sell, buy, lease, or exchange property for your own account. Whether you pay a commission under such circumstances depends on what agreement you reach with your broker.

- I own rental property that I obtained before I associated with my broker. Does my broker need to be told anything?

  No. An affiliated licensee is not required by license law or rule to make any such disclosure.

- Do I have to identify myself as an agent to sell or rent my own property?

  Yes. The Rules and Regulations of the Commission require that licensees disclose in all forms of advertisements, the interest the licensee has in the property. The disclosure could read "Seller/Owner is a licensed broker (or salesperson) in the State of Nebraska" or similar type disclosures.

ADVERTISING QUESTIONS

- ### Since I am an independent contractor, may I do my own advertising?

  No. The Rules and Regulations of the Commission requires affiliated licensees to advertise under the name of the broker or the name under which he or she does business in the State of Nebraska as registered with the Secretary of State's Office and recorded with the Commission.

- ### Are addresses required on "For Sale" signs?

  No, addresses and/or phone numbers are not required by license law or rule or regulation. However, licensees should check to see if this requirement is a business policy adopted by their designated broker. What is absolutely required is that advertising include the name under which the broker is doing business.

OPEN HOUSE QUESTIONS

- ### Can I offer a door prize or free gift to prospective purchasers who attend my open house?

  Yes. Nebraska real estate licensees may offer promotional items, door prizes, or gifts to individuals who attend an open house.
  When offering gifts or prizes, licensees should:
  - *Treat all prospective purchasers fairly and consistently to avoid the appearance of discrimination or unequal treatment.*
  - *Not pay or provide anything of value to an unlicensed person in exchange for referring prospective buyers or sellers. Providing compensation or other consideration for referrals to an unlicensed person may constitute an unlawful referral fee and violate the Nebraska Real Estate License Act.*
  - *Ensure the promotion complies with all applicable state and federal laws, including any laws governing contests, drawings, or prize promotions. If you have questions about whether your promotion constitutes a lottery or is subject to tax or consumer protection laws, consult the Nebraska Department of Revenue and/or legal counsel before conducting the promotion.*

  While the Nebraska Real Estate Commission does not prohibit these promotional activities, licensees remain responsible for ensuring that their advertising and promotional practices comply with all applicable laws and regulations.

- ### May we hire unlicensed hostesses to sit in open houses and pass out brochures with information on the houses?

  No. In Nebraska, an open house must be hosted by an individual who holds an active Nebraska real estate license. An unlicensed person may not host an open house or distribute brochures, flyers, or other property information at an open house, kiosk, home show, or similar event.

  The Nebraska Real Estate Commission's Policy and Interpretation also prohibits unlicensed persons from engaging in activities such as:

- *Hosting open houses, kiosks, home show booths, or fairs.*
- *Handing out property information or marketing materials at these events.*
- *Showing property.*
- *Answering questions about the property, financing, contracts, or other real estate matters.*
- *Discussing or explaining real estate documents with the public.*
- *Negotiating any aspect of a real estate transaction or compensation.*

Unlicensed assistants may perform many administrative and clerical tasks in a real estate office, but they may not perform activities that require a real estate license. The employing broker is responsible for ensuring that unlicensed individuals remain within the limits established by Nebraska law and the Commission's policies.

AGENCY DISCLOSURE

- ### May I tell a purchaser that I will represent him or her instead of the seller?

Licensees must first check with their designated broker to ensure that the designated broker offers limited Buyer Agency in their Designated Broker Agency Policy. If so, then in cases where the firm exercises the appointment of agents option in the law and the licensee is not identified in the listing contract as an agent for the seller, then the agent must necessarily serve as a buyer's agent. If the buyer has entered into a written exclusive agency agreement with a different buyer's agent, then this licensee has no role and should direct the buyer back to his/her exclusive buyer's agent.

- ### May I work for the purchaser and be paid a fee by the seller and listing broker?

Yes. A buyer's agent may be compensated by the seller, the listing broker, the buyer, or by a combination of these sources, provided the compensation arrangement is fully disclosed, agreed to by the parties as required, and otherwise complies with Nebraska law.

The source of compensation does not determine who the licensee represents. A licensee who has entered into an agency relationship with a buyer owes fiduciary duties to the buyer, regardless of whether the compensation is ultimately paid by the seller or the listing broker.

The Nebraska Real Estate Commission regulates agency relationships and compensation practices, but the amount or method of compensation is generally a matter of agreement between the parties.

- ### Which agent is supposed to make the proper agency disclosure statement in a cooperating transaction?

When the seller and the buyer are represented by different real estate licensees, the listing agent completes an Agency Disclosure with his/her seller on his/her first substantial contact with the seller. The selling broker completes an Agency Disclosure with his/her buyer on his/her first substantial contact with the buyer.

- ### Do I need a special form to make the agency disclosure or can I make the required disclosure in a written offer?

  Agency statute requires real estate licensees to make their written agency disclosure to sellers, buyers, landlords, and tenants, on their first substantial contact utilizing the current brokerage disclosure pamphlet which has been prepared an approved by the Commission.

CONTRACTS & OFFERS

- ### If an offer is accepted on the phone, is it a contract?

  Not by itself. In most Nebraska real estate transactions, a verbal acceptance communicated over the telephone does not create an enforceable contract for the sale of real estate.

  Under Nebraska's Statute of Frauds, a contract for the sale of real estate must generally be in writing and signed by the parties to be charged in order to be enforceable.

  A purchase agreement becomes a binding contract when:

  - The offer has been accepted without changes (or all counteroffers have been accepted);
  - The agreement is signed by all required parties; and
  - The acceptance has been communicated to the parties in accordance with the terms of the offer.

  A telephone call notifying the parties that an offer has been accepted may communicate acceptance, but it does not replace the requirement for a written, signed agreement.

  Licensees should avoid telling buyers or sellers that they have a binding contract based solely on a verbal acceptance and should encourage all parties to promptly execute the necessary written documents. If there is a dispute about contract formation or enforceability, the parties should seek advice from a qualified attorney.

- ### Should offers be changed by the listing agent when essentials are left out of the offer by a selling agent?

  Changes to a contract may be made by the listing broker with the consent and approval of the seller(s). This, in essence, is a Counter-Offer to the buyer(s). Any changes in the contract should be initialed and dated by the seller(s). The buyer(s) may make additional changes to this contract thus countering back to the seller(s). As in the previous illustration the buyer(s) should initial and date. This process goes back and forth until the contract is no longer amended and is acceptable to all parties.

EARNEST MONEY

- ### How long can I keep earnest money before I take it to the office?

  The best business practice is immediately. However, the license law requires that earnest money be deposited into the broker's trust account within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless other wise provided in the purchase agreement.

- May a salesperson give earnest money back to the purchaser if he or she is still holding it and has not turned it in?

  No. *A salesperson or associate broker **should not return earnest money to the purchaser on their own**, even if they have not yet delivered it to the employing broker.*

  *Once earnest money has been accepted on behalf of the brokerage, it is being held in connection with a real estate transaction. Any decision regarding the disposition or return of those funds must be made by the **employing broker** and handled in accordance with the purchase agreement, Nebraska law, and Commission requirements.*

  *The **employing broker** is responsible for the proper handling and accounting of earnest money and other trust funds. Unauthorized return of earnest money by a salesperson could result in disputes between the parties and may violate the Nebraska Real Estate License Act and the broker's trust account procedures.*

- How should a broker disburse earnest money that the buyer (or seller) is demanding?

  A broker may not unilaterally decide who is entitled to disputed earnest money. If there is a dispute between the parties, the broker must remain neutral and hold the funds until the broker receives legal authority to disburse them.

  Earnest money may be disbursed only when one of the following occurs:

  - *Written mutual instructions signed by all parties directing how the funds are to be disbursed.*
  - *A final court order or judgment directing the disposition of the funds.*
  - *As otherwise permitted by the purchase agreement or applicable law, if the agreement clearly authorizes the broker to disburse the funds under specific circumstances.*

  If the buyer and seller disagree about who is entitled to the earnest money, the broker should:

  - *Continue to hold the funds in the trust account until the dispute is resolved.*
  - *Encourage the parties to resolve the matter through negotiation, mediation, or legal counsel.*
  - *Avoid taking sides or providing legal advice regarding entitlement to the funds.*

  If the dispute cannot be resolved, the broker may wish to consult legal counsel regarding available legal remedies, such as filing an interpleader action.

  The broker's responsibility is to safeguard the trust funds and disburse them only when legally authorized to do so.

- Should a broker hold the earnest money or let the seller hold it when the seller is a builder?

  It is dependent upon the terms and conditions of the written agreement. If the agreement is silent as to the earnest money being held by the builder, then it must be held by the broker in the broker's real estate trust account.

DOING BUSINESS IN ANOTHER STATE

- ### How can I do business in another state?

  To conduct real estate brokerage activities in another state, you must comply with that state's real estate licensing laws. A Nebraska real estate license does not automatically authorize you to perform licensed real estate activities in another jurisdiction.

  Depending on the state, you may be able to:

  - *Obtain a nonresident license if the state offers reciprocal or licensure recognition with Nebraska.*
  - *Apply for a license under that state's licensure recognition or reciprocal licensing requirements.*
  - *Work in cooperation with a licensee who is licensed in that state, if permitted by that state's laws.*

  Before conducting any real estate activities in another state, you should:

  - *Contact the real estate regulatory agency in that state to determine its licensing requirements.*
  - *Review any applicable reciprocity or licensure recognition agreements.*
  - *Ensure you comply with all laws governing advertising, agency relationships, trust funds, and brokerage activities in that jurisdiction.*

  Licensees should always verify current requirements directly with the real estate regulatory agency in the state where they intend to conduct business.

- ### May I obtain a license in another state by reciprocity?

  Yes, in some states. If you are interested in obtaining a license in another state, you must contact that state directly for information on its licensing requirements for nonresidents.

GIFTS

- ### May I give gifts to clients and customers who do business with me?

  Licensees may give gifts to persons to entice the person to do business with the licensee. However, giving any form of compensation or consideration to a person after they have done business with the licensee may be considered paying a commission to an unlicensed person.

- ### May I pay a fee or give a gift to a person who refers a prospect to me?

  Only if the person has a real estate license on active status, in Nebraska or his or her state of residence, in which case, the gift must be given by the employing broker to the person's employing broker, who in turn would give the gift to the person who made the referral. IF the person who made the referral does not possess a real estate license, this giving of any form of compensation or consideration would be considered paying a commission to an unlicensed person. This would *be a violation of the License Act for the licensee and the unlicensed person who accepts such a consideration would be guilty of conducting licensed activity without a license and he/she would be guilty of a Class III misdemeanor.*

MAINTAINING YOUR REAL ESTATE LICENSE

- ## How do I request verification of my Nebraska license history?

Licensees sometimes need verification of their licensed status. You may use the Request for Certification of Licensure Form, and submit it to our office. Follow the instructions either on the form or on our website at ***https://nrec.nebraska.gov/licensing-forms/licensehistory.html****. Please allow approximately seven to ten business days for the Commission to process your request.*

- ## What if my name, address or email address on file with the Commission is out-of-date?

You are required to report changes in your address, name and email address. Those changes can be made by the licensee by logging into your portal and updating those fields at https://nrec.igovsolution.net/online/Login

Note: *To change your legal name, supporting documentation may be required.*

- ## How do I know when my license expires?

All Newly issued licenses expire December 31 of the year in which they are issued.

All renewed licenses expire on December 31 every other year. You may review your license expiration date by logging into the licensee portal at: https://nrec.igovsolution.net/online/Login

- ## What states do you have reciprocal agreements with?

Yes. Many real estate regulatory jurisdictions have provisions that allow Nebraska licensees to obtain a license based on their existing Nebraska license. However, each jurisdiction establishes its own licensing laws and determines whether it offers license recognition, reciprocity, or other pathways for out-of-state licensees.

Requirements vary by jurisdiction and may change over time. Some jurisdictions may require additional education, an examination, or other documentation before issuing a license.

If you are interested in obtaining a license in another jurisdiction, we recommend contacting that real estate regulatory agency directly to learn about its current requirements. The Nebraska Real Estate Commission provides general information about jurisdictions that recognize Nebraska licenses, but the other jurisdiction is the final authority on its licensing requirements.

- ## My payment to the Real Estate Commission was insufficient, what should I do?

The State of Nebraska, Treasurer's office runs checks through the financial institution, twice. If the moneys are not available on the second run, the Commission receives notification from the Treasurer's office. The following section of law relates to unpaid returned payments:

Section 81-885.14 of the Nebraska Real Estate License Act states, in part, as follows:
Any check presented to the commission as a fee for either an original or renewal license or for examination for license which is returned to the State Treasurer unpaid or any electronic payment presented to the commission as a fee for either an original or renewal license or for an examination for license that is not accepted against the commission shall be cause for revocation or denial of license.

If funds were not available, you will need to provide the following to the Commission office:

- *Submit a letter addressed to the Commission with an explanation giving fully the circumstances surrounding the issuance of the insufficient funds.*

  - *The unpaid check amount with an additional $30.00 processing fee. If the fee was for a renewal of license, an additional late penalty fee may need to be added. The Commission will only accept a money order, cash, cashier's check or a different credit card for payment of insufficient funds.*

Please be aware that the service for which the funds were paid will be reversed upon notification of insufficient funds. *For example, if you were going to take the examination, you will be unable to until the appropriate documents have been received by the Commission. Another example, if you were renewing your real estate license, your license would not be renewed until the appropriate documents are received by the Commission.*

- ## Can I change my residence address online?

Yes. You can update your residence address through the Nebraska Real Estate Commission [Licensee Portal](#).

Simply log in to the portal, and update your residence address under My Profile tab. Be sure to save your changes before exiting.

Nebraska law requires licensees to notify the Commission of any change in residence address within the required timeframe. Keeping your address current ensures you receive important licensing information and renewal notices.

TRANSFERRING YOUR REAL ESTATE LICENSE

INACTIVE STATUS

- ### What is a transfer?

  A transfer is when you change your license status. For example: If you are currently on active status and would like your license placed on inactive status that is considered a transfer since you are "transferring" your license to inactive status. If you currently work for a broker, and would like to go to work for a different broker, you would "transfer" your license from one broker to another broker.

- ### How do I inactivate my license?

  To inactivate your license, you need to submit a transfer online going from your current status to inactive status. Alternatively, your broker may submit a Termination of Affiliation form online using their Portal.

  You can remain on inactive status indefinitely as long as you continue to renew the license. However, if the license remains on inactive status for over three consecutive years, you will need to pass the licensing examination along with making up any continuing education deficiency and any other licensing requisites prior to transferring back to active status.

  To become active again, you will have needed to renew your license, submitted or have submitted by the provider errors and omissions insurance. The licensee and a designated broker will need to complete the online transfer form located in the Licensee Portal. Whomever initiates the transfer, will pay the transfer fee. See the Commission's fee schedule for the current transfer fee.

- ### I have been renewing my license on inactive status for the past 5 years, what do I need to do to transfer my license to active status?

  Any license which has been inactive for a continuous period of more than three years shall be reinstated only if the individual has met the examination requirement of an original applicant. Please see the Items required to Reinstate License section of the Commission's website.

- ### I want to go inactive and work for a referral company, how can I do that?

  You cannot be on inactive status and work for a referral company, as this is considered licensed activity. Your license will need to be on active status, The licensee and a designated broker will need to complete the online transfer form located in the Licensee Portal. Whomever initiates the transfer, will pay the transfer fee. See the Commission's fee schedule for the current transfer fee. For additional questions regarding licensed activities, review the Commission's Policies and Interpretations section on the Commission's website.

GENERAL TRANSFER QUESTIONS

- ### If I'm making a change to my license, when can I go to work?

  The change or "transfer" of a license is effective on the date that all the required paperwork has been completed and received by the Commission. The licensee and designated broker will be notified via email once the transfer has been completed. For a list of the items required to transfer your license please review the transfer checklist.

- ### How long does it take to transfer my license?

  *The Commission generally tries to review the required documentation within **2 business days of receipt.** The transfer cannot be completed until all of the required documentation is received by the Commission. Once all of the required documentation has been received by the Commission, the licensee and designated broker will be notified via email of the completed transfer. For a list of the items required to transfer your license please review the transfer checklist.*

- ### How long should they wait prior to calling about the request to transfer my license?

  *The Commission generally tries to review the required documentation within **2 business days** of receipt. The transfer cannot be completed until all of the required documentation is received by the Commission. **If it has been longer than 2 business days since your request was submitted, please contact our office.** Once all of the required documentation has been received by the Commission, the licensee and designated broker will be notified via email of the completed transfer. For a list of the items required to transfer your license please review the transfer checklist.*

- ### Can my paperwork be e-mailed?

  Yes. If you are unable to complete your transfer through the Licensee Portal, you may submit your transfer paperwork by email.

  Please send all required documents to the Commission's general email address, not to an individual staff member. Sending your paperwork to the general email ensures it is received, routed promptly, and processed even if a staff member is out of the office.

  For a list of the items required to transfer your license please review the transfer checklist.

  The Licensee Portal is the preferred method for submitting transfer requests because it is the fastest and most efficient way to process your application.

- ### Can I transfer my license online?

  Yes. The Nebraska Real Estate Commission encourages licensees to submit transfer requests through the Licensee Portal. Online transfers are the fastest and most efficient way to submit your request and track its status.

Before submitting your transfer request, make sure you have completed all required information and uploaded any necessary supporting documentation. For a list of the items required to transfer your license please review the transfer checklist.

If you are unable to complete your transfer through the Licensee Portal you may submit your transfer paperwork by email to the Commission's general email address. Please do not send your paperwork directly to an individual staff member, as this may delay processing if that person is out of the office.

For the quickest service, the Licensee Portal remains the preferred method for submitting transfer requests.

- ### Can I work for a different broker while still working for my current broker? OR I currently work for a broker but also want to work for a different broker at the same time, how can I do this?

  *The License Act requires that there be a written agreement between the two brokers for whom the **salesperson or associate broker** licensee will conduct licensed activities. This agreement must be specific and detailed. The Commission requests a copy of the Agreement between the designated brokers. The Director of the Commission will review the conditions of the Agreement and determine if the activities to be performed and the duties to supervise would be acceptable. The agreement should clearly differentiate between any different duties, geographic areas of the state, etc. as they apply to your activities with each of the brokers. **If you are a designated broker, you cannot work for another designated broker as an affiliated licensee.***

- ### Can I transfer my license using the renewal form?

  No, you cannot use your renewal form as a request to transfer your license. The processes to transfer and renew your license are separate. Such requests and appropriate fees need to be sent under separate cover.

- ### What is the difference between the Receipt Card and the Wall License?

  The receipt card is a receipt for license fees and is small enough to carry in your purse or wallet. The receipt card includes your license I.D. number which is important when utilizing many online functions, obtaining Errors and Omissions Insurance and in registering for continuing education.

  The wall license is 8 ½ " X 11" in size. The wall license can be printed by your designated broker's portal if desired. Effective August 2017, the wall license is obsolete.

- ### Is there a form to change my license to be a Self-Employed Broker?

  *On the Licensee Portal, in the **My Profile** tab, you will see a section called **License Information**. Navigate to the row that displays your current license and scroll to the right to find the "Transfer" column and link. There you will be able to select that you are transferring to become a designated or self-employed broker.*

To become a self-employed broker, you must submit the appropriate transfer application through the Nebraska Real Estate Commission Licensee Portal (or by paper, if applicable) and complete all requirements for establishing your brokerage. For a transfer summary or for a list of the items required to transfer your license please review the transfer checklist.

REAL ESTATE ENTITIES

GENERAL QUESTIONS

- ### How do I open a new real estate business?

In summary, visit the Business Options for Self-Employed Broker section of the website. This section outlines the differences between such options. There are circumstances where you may operate under a trade name in combination with the other entity options available, as allowed by law. However, all the necessary documents and information must be completed for both, if applicable. If you wish to open a branch office, please visit our website at https://nrec.nebraska.gov/licensing-forms/branchlicensinginfo

Opening a real estate business in Nebraska involves several steps. The exact requirements depend on the type of business you plan to operate and whether you will be a **designated broker**.

If you are opening a real estate brokerage:

1. ***Qualify as a designated broker.***
   Only a designated broker may establish and operate a real estate brokerage.
2. ***Choose your business entity, you may only choose one.***
   Decide whether you will operate as a:
   - *Sole Proprietorship*
   - *Limited Liability Company (LLC)*
   - *Corporation or Professional Corporation (PC)*
   - *Partnership*
   - *Other entity permitted by law*
3. ***Register your business with the Nebraska Secretary of State**, if required.*
   If you are forming a corporation, PC, LLC, partnership, or using a trade (fictitious) name, complete the appropriate registration with the Secretary of State.
4. ***Register your entity and/or trade name with the Nebraska Real Estate Commission.***
   Before conducting real estate business, the entity and any trade names must be registered and approved by the Commission. You may have multiple trade names, but only one entity.
5. ***Obtain Errors & Omissions (E&O) insurance.***
   Ensure you have the required E&O insurance coverage before conducting business.
6. ***Open your trust account(s) or apply for a trust account waiver.***
   If your brokerage will hold client funds, establish trust account(s) that comply with

Nebraska law and the Commission's trust account requirements. If you will not be holding client funds, you may submit a trust account waiver form.

7. ***Complete the Designated Broker Course #6000.*** *Prior to supervising affiliated licensees, a designated broker must complete course 6000.*
8. ***Transfer or affiliate licensees, if applicable.***
Salespersons and associate brokers who will work for your brokerage must affiliate with your company through the Nebraska Real Estate Commission.

Important: *Registering your business with the Nebraska Secretary of State* ***does not authorize you to conduct real estate business.*** *You must also meet all requirements of the Nebraska Real Estate License Act and be properly registered with the Nebraska Real Estate Commission* ***before*** *offering real estate brokerage services.*

If you are unsure which requirements apply to your situation, please contact the Nebraska Real Estate Commission before opening your business.

- ### Can I have multiple entities?

A ***designated broker*** *may <u>own</u> more than one business entity but may* ***conduct real estate business through only <u>one</u> registered real estate entity at a time.***

If you own multiple entities, only ***one*** *may be registered with the Nebraska Real Estate Commission as your real estate brokerage. Any additional entities may not be used to advertise or conduct licensed real estate activities.*

Salespersons and associate brokers *may establish a personal business entity (such as an LLC or corporation) solely to receive commission payments for tax purposes. They* ***may not*** *advertise, hold themselves out to the public, or conduct real estate activities under the name of that entity. All licensed real estate activities must be conducted under the name of their employing broker's registered entity.*

- ### I want to have a business entity for Sales and another for Property Management, what do I need to do?

A designated broker may own multiple business entities; however, ***Nebraska law permits a designated broker to conduct licensed real estate activities through only one registered real estate entity.***

This means you ***may not*** *operate your real estate sales activities through one Commission-approved entity and your property management activities through a separate Commission-approved entity. Both activities must be conducted under the* ***same registered real estate entity*** *and under the supervision of the designated broker.*

However, you may have multiple trade names under an entity. For example, if registered properly you may do business as an entity with two trade names: ABC Realty, LLC, DBA/ ABC Sales; ABC Property Management.

*If you choose to operate under a trade name (DBA) for marketing purposes, the trade name must be properly registered with both the **Nebraska Secretary of State** (if applicable) and the **Nebraska Real Estate Commission** before it may be used.*

If you have questions about structuring your real estate business or using multiple entities or trade names, please contact the Nebraska Real Estate Commission before establishing your business structure.

- ### How do I officially close a real estate entity?

*To officially close a real estate entity in Nebraska, you must complete the required steps with both the **Nebraska Real Estate Commission** and the **Nebraska Secretary of State,** if applicable.*

Generally, you should:

1. ***Cease conducting real estate business** through the entity.*
2. ***Notify the Nebraska Real Estate Commission** by submitting a written letter or email to the Commission office to terminate the entity's registration.*
3. ***Transfer or inactivate** any affiliated licensees, if applicable.*
4. ***Close all real estate trust accounts** in accordance with Nebraska law and retain required records.*
5. ***Dissolve or cancel the business entity** with the Nebraska Secretary of State, if the entity is registered with that office.*

*Closing your entity with the Nebraska Real Estate Commission **does not automatically dissolve the business entity** with the Nebraska Secretary of State. Likewise, dissolving your entity with the Secretary of State does **not** remove it from the Commission's records.*

If you are unsure which forms are required or have affiliated licensees, trust accounts, or pending transactions, please contact the Nebraska Real Estate Commission before closing your entity.

BRANCH OFFICES

- ### What is a branch office?

A **branch office** is a location, other than your main office, where one or more licensees regularly conduct licensed real estate business, advertise that they can be contacted for real estate services, and maintain what would generally be considered a business office.

If you establish a branch office in Nebraska:

- You must obtain a **branch office license** from the Nebraska Real Estate Commission for each branch office.
- A **designated broker or associate broker** must manage the branch office.
- The branch office license must be **displayed prominently** at that location.
- An annual branch office license fee is required.

What is not considered a branch office?

A location generally is **not** considered a branch office if:

- A licensee only lists a home address or telephone number in a directory or online listing.
- A **model home** is used temporarily as a sales office.

If you are considering opening a branch office, please review the Branch Office information on our website for licensing requirements and application instructions:
https://nrec.nebraska.gov/licensing-forms/branchlicensinginfo

- ### What is the law on branch offices?

Neb. Rev. Stat. §81-885.19. License; form; broker's branch office; license; fee.
The commission shall prescribe the form of license. Each license shall have placed thereon the seal of the commission. The license of each salesperson and associate broker shall be delivered or mailed to the broker by whom the salesperson or associate broker is employed and shall be kept in the custody and control of such broker. It is the duty of each broker to display his or her own license and those of his or her associate brokers and salespersons conspicuously in his or her place of business. If a broker maintains more than one place of business within the state, a branch office license shall be issued to such broker for each branch office so maintained by him or her upon the payment of an annual fee to be established by the commission of not more than fifty dollars and the branch office license shall be displayed conspicuously in each branch office. The broker or an associate broker shall be the manager of a branch office.

Title 299, Chapter 2, Section 012.
A branch office is any location, other than the main office of a real estate business, where: 1) one or more licensees spend a substantial amount of time transacting real estate business requiring a license; and 2) such licensee(s) advertises that they can be contacted for real estate business purposes; and 3) such licensee(s) maintains what would, in the normal business context, be considered a business office. Nothing in this Section should be construed to include the advertising of a home phone number and address by a licensee in the alphabetical listing of subscribers section, or white pages, of the telephone directory to come within the branch office definition. A model home utilized as an office on a temporary basis would not be considered a branch office.

If you are interested in setting up a branch office, please visit our website at https://nrec.nebraska.gov/licensing-forms/branchlicensinginfo

LIMITED LIABILITY COMPANIES (LLC) AND PROFESSIONAL CORPORATIONS (PC)

- ## Where can I find the LLC/Professional Corporation (PC) forms?

The Nebraska Real Estate Commission provides all LLC and Professional Corporation (PC) forms on its website.

  - **LLC/PC Application** – (Application for Registration as an LLC/PC) This form is used to apply for approval of a new Professional Corporation (PC) or Limited Liability Company (LLC). This form is available to complete on your Licensee Portal.
  - **LLC/PC Annual Renewal Form** – Used to renew your registered entity each year. This form is available to complete on your Licensee Portal.
  - **Professional Certificate (Certificate of Registration)** – Issued by NREC upon review and approval of the Application or Annual Renewal Form. Used when establishing a Professional Corporation (PC) or Limited Liability Company (LLC) for real estate purposes with the Nebraska Secretary of State's office.

You can find these forms, along with instructions and additional information, on the **Professional Corporations (PC) and Limited Liability Companies (LLC)** page: https://nrec.nebraska.gov/licensing-forms/pcllcinfo.html

- ## How do I set up a Professional Corporation?

Licensees may choose to incorporate under the Nebraska Professional Corporation Act. Contact your attorney or financial consultant for the advisability of such option.

Step 1: A professional corporation must submit an application to the Commission for a Certificate of Registration certifying that each shareholder, officer, director and professional employee, except the secretary and assistant secretary, is licensed by the Commission and not otherwise disqualified to render services. See PC information located at https://nrec.nebraska.gov/sites/default/files/doc/License/pcllcinfo.pdf

Step 2: Filing of the Certificate of Registration is then made with the Secretary of State's Office. Additional information on this process and the forms are available from the Secretary of State's Office.

Step 3: Important: Forming an LLC with the Nebraska Secretary of State does not automatically authorize the company to conduct real estate business. The entity must also be registered with and approved by the Nebraska Real Estate Commission before providing real estate brokerage services.

In summary:

- **Salespersons and associate brokers**: You may establish a personal business entity (as an LLC or PC) solely to receive your commission payments for tax purposes. You may not advertise, market, or conduct real estate activities under the name of that entity. All licensed real estate activities must be conducted under the name of your employing broker.

- **Designated brokers**: Before conducting real estate business under a corporation, PC, LLC, partnership, or trade name, the entity must be properly registered with both the Nebraska Secretary of State (if applicable) and the Nebraska Real Estate Commission, and all required approvals must be obtained before the entity name is used in any real estate activities or advertising.

- ## How do I set up a Limited Liability Company?

Licensees may choose to organize under the Nebraska Uniform Limited Liability Company Act. Contact your attorney or financial consultant for the advisability of such option.

Step 1: A limited liability company must submit an application to the Commission for a Certificate of Registration certifying that each of the members and managers, are licensed by the Commission and not otherwise disqualified to render services. See LLC information located at https://nrec.nebraska.gov/sites/default/files/doc/License/pcllcinfo.pdf

Step 2: Filing of the Certificate of Registration is then made with the Secretary of State's Office. Additional information on this process and the forms are available from the Secretary of State's Office.

Step 3: Important: Forming an LLC with the Nebraska Secretary of State does not automatically authorize the company to conduct real estate business. The entity must also be registered with and approved by the Nebraska Real Estate Commission before providing real estate brokerage services.

In summary:

- **Salespersons and associate brokers**: You may establish a personal business entity (as an LLC or PC) solely to receive your commission payments for tax purposes. You may not advertise, market, or conduct real estate activities under the name of that entity. All licensed real estate activities must be conducted under the name of your employing broker.
- **Designated brokers**: Before conducting real estate business under a corporation, PC, LLC, partnership, or trade name, the entity must be properly registered with both the Nebraska Secretary of State (if applicable) and the Nebraska Real Estate Commission, and all required approvals must be obtained before the entity name is used in any real estate activities or advertising.

- ### Can I submit a paper application for my LLC/PC? If so, what is the turn around time vs the online application?

You may submit your **LLC** or **PC** application either by **paper** or through the **Nebraska Real Estate Commission Licensee Portal**. However, the **Licensee Portal is the Commission's preferred method** because it allows you to:

- Submit your application and supporting documents electronically.
- Pay applicable fees online.
- Track the status of your application.
- Receive notifications if additional information is needed.

How long does processing take?

- **Online applications:** Typically processed more quickly because they are received immediately and are less likely to be delayed by mail or incomplete submissions.
- **Paper applications:** May take longer due to mailing time, manual processing, and document handling.

Regardless of the submission method, processing times depend on whether the application is complete and all required documentation has been received. Submitting a complete application through the Licensee Portal is the fastest way to help avoid delays.

- ### Who do I contact regarding my PC/LLC application?

If you have questions about the status of your LLC or Professional Corporation (PC) application, or need assistance with the application process, please contact the **Nebraska Real Estate Commission** - https://nrec.nebraska.gov/sites/default/files/doc/Commission/officeinformation.pdf

The Commission can assist with questions regarding:

- Application requirements.
- Required forms and supporting documentation.
- Application status.
- Entity and trade name registration questions.

Before contacting the Commission, we recommend:

- Allowing at least 2 business days for your application to be reviewed.
- Ensuring all required documents have been submitted.

If your question relates to **forming your LLC or Professional Corporation**, **registering your business**, or **filing with the Nebraska Secretary of State**, you should contact the **Nebraska Secretary of State's Office**, as those matters are administered by that office.

- How do I obtain a professional certificate for my LLC or Professional Corporation (PC) to submit to the Nebraska Secretary of State?

  *The **professional certificate** required by the Nebraska Secretary of State is issued by the **Nebraska Real Estate Commission**.*

  To obtain the certificate:

  1. *Submit a **Professional Corporation (PC)** or **Limited Liability Company (LLC)** application to the Nebraska Real Estate Commission through the **Licensee Portal** .*
  2. *The Commission will review your application to verify that the owners, officers, managers, members, and professional employees (as applicable) meet the licensing requirements established by law.*
  3. *Once your application is approved, the Commission will issue a **Certificate of Registration (Professional Certificate)**.*
  4. *Submit the Commission-issued certificate to the **Nebraska Secretary of State** with your business entity filing to complete the registration process.*

  *Please note that the Nebraska Real Estate Commission **must issue the professional certificate before** the Nebraska Secretary of State can complete the registration of a Professional Corporation or Professional Limited Liability Company.*

  For additional information about Professional Corporations and Limited Liability Companies, visit: https://nrec.nebraska.gov/sites/default/files/doc/License/pcllcinfo.pdf

- What does it mean if my LLC/PC is not listed on the Nebraska Secretary of State's website as a Professional LLC or PC?

  *A **Professional Limited Liability Company or Professional Corporation** is formed specifically to provide professional services that require a state-issued license, such as real estate license.*

  *If the Nebraska Real Estate Commission issued you a **Professional Certificate**, you have satisfied the Commission's licensing requirements. However, it does not become a professional entity until the professional certificate is filed with the Nebraska Secretary of State.*

- Why do I have to renew my LLC/PC each year?

  The Nebraska Real Estate Commission and the Secretary of State's office requires the annual renewal of registered **Professional Corporations (PCs)** and **Limited Liability Companies (LLCs)** to ensure the entity continues to comply with Nebraska law and requirements.
  The annual renewal allows the Commission to verify that:

  - The entity remains active and authorized to conduct real estate business.
  - The licensed owners, members, officers, or managers continue to meet licensing requirements.
  - The entity's ownership and organizational information is current.

- The entity remains in compliance with the Nebraska Real Estate License Act and the Commission's rules and regulations.

Please note that renewing your PC/LLC with the **Nebraska Real Estate Commission** is **separate from** any annual or biennial filing requirements administered by the **Nebraska Secretary of State**. You must comply with the requirements of **both** agencies, if applicable.

AUDITING/TRUST ACCOUNT

- ## May I have an interest-bearing account for earnest money and security deposits?

  Trust Funds - *Nebraska law requires that all trust funds be deposited into a non-interest bearing trust account.*

  Earnest Money - *If buyer and seller agree in writing, earnest money may be transferred to an interest bearing account. Authorization must include, who will receive the interest.*

  Security Deposits - *they are normally held in a non-interest bearing trust account. If both the management agreement and the lease agreement specify that the security deposits will be maintained in an interest bearing account, it may be done. Again the authorization must specify who is to receive the interest.*

- ## Can the Commission recommend a bank that does not charge too much to keep a trust account open?

  No. The Nebraska Real Estate Commission does not recommend or endorse any particular bank or financial institution.

  When selecting a bank for your trust account, you should consider factors such as:

  - *Account fees and minimum balance requirements.*
  - *Interest-bearing and non-interest-bearing account options.*
  - *Monthly statements and transaction history.*
  - *The institution's ability to support your trust account recordkeeping needs.*
  - *If the financial institution operates in many states, they must provide a trust account with a Nebraska account/routing number.*

  The financial institution you choose must be authorized to do business in Nebraska and offer accounts that comply with the Nebraska Real Estate License Act and the Commission's trust account requirements.

  We encourage you to compare financial institutions and select the one that best meets the needs of your brokerage and trust account operations.

- **What kind of record keeping do I need?**

Nebraska brokers are required to maintain complete and accurate records for all trust account transactions. Good recordkeeping helps ensure that all client funds are properly accounted for and that your trust account complies with the Nebraska Real Estate License Act and the Commission's rules and regulations.

At a minimum, you should maintain:

- *Bank statements for each trust account.*
- *Canceled checks, check images, or electronic payment records.*
- *Deposit records, including deposit slips or electronic deposit confirmations.*
- *A check register or cash receipts and disbursements journal showing all deposits, withdrawals, and account balances.*
- *A separate ledger for each client, transaction, or property showing all receipts, disbursements, and the current balance.*
- *Monthly reconciliations comparing the bank statement, check register, and client ledgers to ensure all balances agree.*
- *Supporting documentation, such as purchase agreements, property management agreements, leases, closing statements, invoices, receipts, and other records explaining each trust account transaction.*

Trust account records must be maintained in an organized manner and retained for the period required by Nebraska law. Brokers are responsible for ensuring that trust account records are complete, accurate, and available for review during a Commission audit.

For the Trust Account Manual and additional guidance, including trust account forms and examples, visit the Nebraska Real Estate Commission's Trust Account Information page: https://nrec.nebraska.gov/licensing/trust-account-information

- ## How much of my own money can I keep in a trust account?

The amount of "Broker Equity" maintained in the trust account should be kept to a minimum. This may be the amount the bank requires to maintain in order to avoid service charges. Maintaining too much of the Broker's money in the account could destroy the nature of the trust.

- ## Do I need separate trust accounts for rental property?

The Commission only requires that you maintain one trust account. For simplicity of bookkeeping, you may want a separate account for property management; especially if you have a lot of sales and management activity.

- ## Why can't you call and set up an appointment before you come for an audit?

The Commission has the following policy regarding Trust Account Examination Advance Notice, which may also be found in the Commission's Policies and Interpretations section on our website.

Trust Account Examination Advance Notice Policy to Cease

The Real Estate Commissions' policy of giving brokers advance notice of trust account examinations practice will cease after notice to brokers through an article in the Commission Comment.

Adopted August 1, 1990

PROPERTY MANAGEMENT

- ## What is Property Management?

  *Property management is the management of either residential, commercial or farm accounts. This will include leasing, collection of rents and security deposits and disbursements to vendors and to owners. The extent of duties will vary from company to company depending on the management agreement or the listing to leas***e.**

- ## Do I need a Real Estate License to do Property Management?

  Under most circumstances, you do need a license to manage real estate for a third party. There are exclusions which can be found in 81-885.04 of the License Act.

- ## During the term of the lease, who's property is the security deposit?

  The security deposit belongs to the tenant during the term of the lease. If it is being held by the owner, it still belongs to the tenant with the owner accepting the liability for the security deposit.

- ## What should be done to document a property management agreement?

  All management agreements must be in writing with the broker maintaining a copy.

- ## May the broker list properties without having a signed management agreement?

  A broker must have a signed listing contract in order to list property. If the management agreement has a clause allowing you to sell the property, it should still be followed up with a listing contract.

- ## Must the designated broker review all rental agreements?

  The designated broker is responsible for the actions of the licensees' underneath him/her. You may review the agreements or delegate the authority to someone else. This does not relieve the broker of the responsibility.

- ## What jurisdiction does the Commission exercise over landlord-tenant disputes?

  The Commission only regulates the actions of licensed real estate salespersons or brokers. Landlord-tenant disputes are normally handled through the courts.

- ## Who is responsible for supervising property management employees?

  An employing broker is responsible for all acts of associate brokers and salespersons of the entity, and the designated broker must supervise the associate brokers and salespersons. No salesperson or associate broker may conduct property management if the broker does not supervise the activity.

- ## What name may the property manager operate under?

  *A property manager must conduct all licensed property management activities under the **name of the real estate brokerage with which the property manager is affiliated.***

  *A property manager may **not** advertise or provide property management services under a separate business name unless that name has been properly registered as the brokerage's business entity or approved trade name with the **Nebraska Real Estate Commission** and, if required, the **Nebraska Secretary of State**.*

  If the brokerage uses a trade name (DBA), the trade name must be properly registered and approved before it may be used in advertising or conducting property management activities.

  *In Nebraska, a designated broker conducts all licensed real estate activities—including **property management**—through a single registered real estate entity. Property management may not be operated under a separate unregistered entity or trade name.*

- ## How should payments from tenants be handled?

  Property managers are responsible for ensuring that all tenant funds are handled promptly, accurately, and in accordance with the property management agreement, Nebraska law, and the Nebraska Real Estate Commission's trust account requirements.
  As a general rule:
  - ***Issue a receipt or maintain documentation** for all payments received.*
  - ***Deposit tenant funds promptly** into the appropriate trust account, unless the funds are otherwise authorized to be handled differently by law or written agreement.*
  - ***Accurately record each transaction** in the trust account records and the tenant's ledger.*
  - ***Do not commingle** tenant funds with personal or business operating funds.*
  - ***Disburse funds only as authorized** by the lease agreement, property management agreement, or applicable law.*
  - ***Maintain complete records** of all receipts, deposits, disbursements, and supporting documentation.*

  *Whether a payment is made by **cash, check, money order, electronic transfer, ACH, or other electronic payment method**, the broker remains responsible for safeguarding the funds, maintaining accurate records, and ensuring the funds are deposited and disbursed in compliance with Nebraska law and the Commission's rules.*

Proper handling of tenant funds is an important responsibility of every broker and property manager and helps protect both property owners and tenants.

- ### What controls must the broker have over a property management trust account?

The designated broker is responsible for maintaining full supervision and control over all property management trust accounts. Even if bookkeeping or accounting duties are delegated, the broker remains responsible for ensuring that trust funds are properly safeguarded and accounted for.

A broker should have controls in place to ensure:

- *Only authorized individuals have access to the trust account.*
- *All receipts and disbursements are accurately recorded and supported by appropriate documentation.*
- *Separate ledgers are maintained for each owner, property, or tenant, as applicable.*
- *Monthly reconciliations are completed to verify that the bank statement, check register, and individual ledgers are in balance.*
- *Trust funds are never commingled with the broker's personal or business operating funds.*
- *Disbursements are made only as authorized by the management agreement, lease, or applicable law.*
- *Trust account records are complete, accurate, and retained in accordance with Nebraska law and the Commission's rules.*
- *Internal procedures are in place to help detect and prevent errors, unauthorized transactions, or misuse of trust funds.*

Although a broker may delegate bookkeeping responsibilities to employees or third-party service providers, ***the designated broker remains legally responsible*** *for the proper handling of all trust funds and for maintaining compliance with the Nebraska Real Estate License Act and the Commission's trust account requirements.*

- ### Must the property owner have a license to manage property?

The property owner does not need a license to manage his/her own property. They ***do*** *need one to manage for a third party. Again, the exclusions are in 81-885.04 of the License Act.*

- ### Must the "residential leasing agent or manager" of the owner's property be licensed?

Not as an employee of the property owner when those duties are part of their employment.

BROKER SPECIFIC – LICENSE QUESTIONS

- ### Can I be a broker for more than one company?

No. As a designated broker, you are only allowed to operate one entity. See the General Questions under Real Estate Entities on this page.

- ### Can I be the designated broker for a corporation if I do not own any stock in the corporation?

Yes. A Subordination Resolution will need to be completed and submitted to the Commission office along with the other documentation required to operate as a corporation. Please review the transfer form section of our website at: https://nrec.nebraska.gov/licensing/current-licensee-manage-your-license

- ### Can I open a company in my home?

Yes. Your home address would need to be used for all contacts with the public regarding your company. Also, the business name, address and additional information, as required, must have been filed with the Commission office. Please review the documentation needed on our website at: https://nrec.nebraska.gov/licensing/current-licensee-manage-your-license

- ### Can someone else use my company's name without my permission?

Company names are not a license law matter. Names of corporations are controlled through the Corporations Division of the Secretary of State's office. Please contact the Secretary of State's office for further questions. Whether someone is improperly using your trade name should be addressed by an attorney.

- ### I have just submitted documentation to the Commission to open a new entity. How soon may I begin taking listings and handling other brokerage business?

You may begin licensed activities using the new entity on the effective date. The effective date is determined by the date all of the required paperwork was received in the Commission Office in order to properly make the entity change. You should not begin licensed activity until you receive a email confirmation that it has been approved.

- ### I am a designated real estate broker which supervises other licensees. Can I have a full time job in a different profession?

If your principle business will be in something other than real estate and you wish to supervise affiliated licensees you will be required to overcome the presumption cited below:

> *"It shall be presumed that a duly licensed broker whose principal business is other than that of a real estate broker is unable to supervise licensed employees and said broker shall not be allowed to employ a real estate salesperson or an associate broker until such presumption is overcome by satisfactory evidence to the contrary."*

You will be required to complete and submit the Survey to Address the Presumption form. The completed form needs to be submitted to the Commission for the Director's review.

- ### May I pay a referral fee to an unlicensed person?

  No. Referral fees may only be paid to persons licensed under the Nebraska Real Estate License Act, or to a nonresident licensed in his or her regulatory jurisdiction. Referral fees must be paid by the designated broker to a designated broker and not by an affiliated licensee to another affiliated licensee. Please review the following section of the license act:

  > *Neb. Rev. Stat. §81-885.06. Action for recovery of compensation; prohibited, except to licensed brokers, associate brokers, or salespersons.*
  >
  > *No action or suit shall be instituted, nor recovery be had, in any court of this state by any person for compensation for any act done or service rendered, the doing or rendering of which is prohibited under the Nebraska Real Estate License Act to other than licensed brokers, licensed associate brokers, or licensed salespersons. A licensed broker may bring an action in the name of a partnership, limited liability company, or corporation if the broker operates under any of such business organizations.*

SALESPERSON & ASSOCIATE BROKER - LICENSE QUESTIONS

- ### Can I work for more than one broker at the same time?

  The License Act requires that there be a written agreement between the two brokers for whom the ***salesperson or associate broker*** *licensee will conduct licensed activities. This agreement must be specific and detailed. The Commission requests a copy of the Agreement between the designated brokers. The Director of the Commission will review the conditions of the Agreement and determine if the activities to be performed and the duties to supervise would be acceptable. The agreement should clearly differentiate between any different duties, geographic areas of the state, etc. as they apply to your activities with each of the brokers.* ***If you are a designated broker, you cannot work for another designated broker as an affiliated licensee.***

- ### I have just passed the salesperson's examination. How soon can I go to work?

  Before you begin licensed activity you must supply the Commission with the completed license issuance materials. A list of such materials can be found on our website at https://nrec.nebraska.gov/licensing-forms/licenseissueprocedures You may not begin licensed activity until you and your broker receive the license issuance email and receipt that includes your receipt card.

- ### I passed the real estate examination. How soon should I apply to go on inactive status?

  Any person who passes a licensing examination must submit paperwork to have their license placed on an active or inactive status within thirty days of passing the exam. If the paperwork is not received within thirty days, you must retake the examination.

- How do I incorporate as a Salesperson or Associate Broker with my broker?

*In Nebraska, a **Salesperson or Associate Broker** may organize as a **Professional Corporation (PC)** or **Professional Limited Liability Company (PLLC)** for compensation and tax purposes **while remaining affiliated with an employing broker**.*

***This is different from a designated broker forming an entity to operate a brokerage.** In Nebraska, a **Salesperson or Associate Broker may not independently incorporate or form a business entity to conduct real estate activities**. All licensed real estate activities must be performed **on behalf of and under the supervision of the employing/designated broker**.*

- What do I do if I do not agree with the employment or independent contractor agreement my broker offers to me?

If you do not agree with the terms of the employment or independent contractor agreement offered by your broker, you have several options:

- *Discuss your concerns with your broker. Many agreements are negotiable, and you may be able to reach terms that are acceptable to both parties.*
- *Seek legal advice. Employment and independent contractor agreements are private contracts. The Nebraska Real Estate Commission cannot interpret, draft, or advise you on contractual terms. An attorney can explain your rights and the legal implications of the agreement.*
- *Consider other brokerage opportunities. If you and the broker cannot reach an agreement, you are not required to affiliate with that broker. You may seek employment or affiliation with another Nebraska licensed broker whose agreement better meets your needs.*

Important: The Nebraska Real Estate Commission does not review, approve, enforce, or mediate employment or independent contractor agreements between licensees and brokers unless there is an alleged violation of the Nebraska Real Estate License Act or the Commission's rules and regulations. If you do not understand parts of the agreement you are asked to sign or disagree with any of its terms, you should discuss those with the broker and negotiate a clear agreement before signing or contact an attorney.

EDUCATION

OVERVIEW

The Nebraska Real Estate Commission maintains current lists of approved education courses and providers on its **Education Information** webpage. There you will find links to:

- **Approved Pre-License Education**
- **Post-License Education (Course 7000)**
- **Continuing Education**
- **Designated Broker Education (Course 6000)**
- **Commission-Approved Training**

The approved course lists are updated periodically. Before registering for a course, verify that both the **provider and the course are currently approved** by the Commission. Course schedules and registration information are available directly from the education providers.

For the most current course lists, visit the Nebraska Real Estate Commission's **Education Information** page:
https://nrec.nebraska.gov/licensing-forms/educationinfo.html

POST LICENSE EDUCATION – COURSE 7000

- ### What is Post-Licensing Course 7000? Does it apply to me?

  Post-Licensing Course 7000 is a 12-hour Nebraska Real Estate Commission-approved course designed to help newly licensed salespersons and brokers develop the practical knowledge and skills needed for real estate practice. Topics include completing contracts, listing agreements, handling client funds, and other essential brokerage practices. If more than four years have passed since you completed the course before obtaining your license, you must complete Course 7000 again within 180 days after licensure.

- ### Who must complete Course 7000?

  Course 7000 applies to all individuals who receive an initial Nebraska salesperson or broker license through examination. It does not satisfy continuing education requirements. If more than four years have passed since you completed the course before obtaining your license, you must complete Course 7000 again within 180 days after licensure.

- ### When must it be completed?

  You must complete 12 hours of Course 7000 within 180 days of your resident license being issued.

  If you do not complete the course within 180 days, your license will be placed on inactive status until the Nebraska Real Estate Commission receives proof of completion.

  If you are unsure whether the requirement applies to your specific licensing situation, contact the Nebraska Real Estate Commission before your 180-day deadline.

- ### I've been licensed for years, why do I need Course 7000 with my newly issued Broker's License?

  *Although you may have many years of experience as a Nebraska real estate salesperson or associate broker, **Course 7000 is required for individuals who receive an initial Nebraska broker's license through examination.***

  *Because a broker license carries legal duties and responsibilities that differ from those of a salesperson or associate broker, prior experience alone does **not** satisfy the statutory post-*

licensing requirement.

*You must complete the **12-hour Commission-approved Course 7000 within 180 days** of your broker license being issued. Failure to complete the course within the required timeframe will result in your broker license being placed on **inactive status** until proof of completion is received by the Nebraska Real Estate Commission.*

Note:** Course 7000 is a **post-licensing requirement** and **does not count toward your continuing education requirements.

- Does course 7000 count as CE?

  *Course 7000 is a **post-licensing requirement** and **does not count toward your continuing education requirements.***

- Where can I take Course 7000?

  *Course 7000 must be completed through a **Nebraska Real Estate Commission-approved education provider.** The Commission maintains a current list of approved providers offering the required **12-hour Post-Licensing Course 7000 (Real Estate Practice)** on their website at: https://nrec.nebraska.gov/sites/default/files/doc/Education/postlicenseeducation.pdf*

  The list of approved providers and available course offerings is updated periodically by the Nebraska Real Estate Commission. Because course schedules and delivery methods vary by provider, you should contact the provider directly for current dates, pricing, and registration information.

- I have taken Course 7000 as required but would like to take it again for CE hours. Is that allowed?

  No.** Course 7000 is a **post-licensing course**, not a continuing education (CE) course. Once you have completed Course 7000 to satisfy the post-licensing requirement, **retaking the course does not qualify for continuing education credit.

DESIGNATED BROKER EDUCATION

- What is Designated Broker Education (Course 6000)?

  Designated Broker Education (Course 6000) is a **12-hour post-licensure education course** required for brokers who wish to serve as the **designated broker** for affiliated licensees. The course covers:

  - Real estate trust accounting
  - Brokerage finance
  - Business ethics
  - Risk management

The purpose of the course is to prepare brokers for the additional supervisory and management responsibilities of operating a brokerage.

- ### Who is required to complete Course 6000?

  *Any broker who intends to act as the **designated broker for one or more affiliated licensees** must complete Course 6000 **before** serving in that capacity.*

- ### When must I complete Designated Broker Education?

  *You must successfully complete **Course 6000 before supervising any affiliated licensees or acting as a designated broker.** The Nebraska Real Estate Commission must have your course completion certificate on file before you assume designated broker responsibilities.*

- ### Can I become a designated broker without taking Course 6000?

  Yes, you can become a designated broker without taking the course. If you do not complete course 6000, you will not be able to supervise other affiliated licensees.

- ### Does Course 6000 count toward my continuing education requirements?

  ***No.** Course 6000 is a **post-licensure education requirement**, not a continuing education (CE) course. Completing Course 6000 does not satisfy Nebraska's biennial continuing education requirements.*

- ### Where can I take Course 6000?

  *Course 6000 must be completed through a **Nebraska Real Estate Commission-approved education provider.** A current list of approved providers is available on the Commission's **Designated Broker Education Information** webpage at https://nrec.nebraska.gov/sites/default/files/doc/Education/designatedbrokereducation.pdf*

  Providers may offer the course in a classroom, live virtual, or other approved formats. Contact the provider directly for class schedules, registration, and fees.

- ### I've been a broker for many years. Do I still need Course 6000?

  ***Yes.** If you have never completed the required Designated Broker Education and now wish to supervise affiliated licensees as a designated broker, you must complete Course 6000 regardless of your years of experience as a broker. The requirement is based on your role as a **designated broker**, not on the length of time you have been licensed.*

- ### Is Course 6000 required if I am a broker but will not supervise other licensees?

  ***No.** Course 6000 is required only for brokers who will serve as the **designated broker** for affiliated licensees. If you are a broker who is not acting as a designated broker, the course is not required unless and until you assume that role.*

CONTINUING EDUCATION REQUIREMENTS

- What are the Continuing Education Requirements?
  - **LICENSES ISSUED IN THE CURRENT YEAR** – continuing education is not required to be completed for your first renewal.
  - **NONRESIDENT LICENSEES WHO HAVE A LICENSE IN THEIR RESIDENT STATE** – if you have a current license in your resident state, other than Nebraska, you must attest that you have met the requirements of that jurisdiction on the renewal.

  - **NEBRASKA RESIDENTS OR THOSE WHO DO NOT HAVE A LICENSE IN ANOTHER STATE -** *To maintain an **active Nebraska real estate license**, licensees must complete the required education **every two-year license period** before renewing their license.*

    Total Education Required

    - ***18 clock hours** of education every two years.*

    Continuing Education (CE)

    - ***At least 12 hours** must be in **Nebraska Real Estate Commission-approved Continuing Education**.*
    - *Of those 12 hours, **at least 6 hours** must be in **Designated Subject Matter** courses, identified by an **"R"** after the four-digit course number (e.g., **0366R**).*

    Commission-Approved Training

    - *Up to **6 hours** may be completed through **Commission-Approved Training**.*
    - *You may substitute **Continuing Education** courses for all or part of these 6 hours.*
    - ***Commission-Approved Training cannot substitute for the required 12 hours of Continuing Education.***

    Duplicate Courses

    - *Continuing Education credit **will not be granted** if you repeat the same course content within **four years**.*
    - *The exception is **"R" (Designated Subject Matter) courses**, which may be repeated in a **subsequent education period**, but **not during the same education period**.*
    - *Course duplication is determined by the **four-digit course content number**.*

    Property Management Requirement

    If you:

    - *Provide **property management services**, or*
    - *Supervise licensees who provide property management services,*

    *you must complete **3 hours** of Commission-approved **Property Management** education during each two-year education period. These courses are identified by course numbers ending in **"PM."***

    Team Requirement

    If you are:

- *A **team member**,*
- *A **team leader**, or*
- *A **designated broker supervising a team**,*

*you must complete **3 hours** of Commission-approved education on teams or team leadership **within 180 days** of joining or creating the team. One required course, **1000R**, must be completed **every four years**.*

Verify Your Education

*Licensees are encouraged to monitor their education history through the **Nebraska Real Estate Commission Licensee Portal** to ensure all required courses have been reported before renewing their license.*

- ### What is an "Education period?"

Education periods begin the January following licensure and continue every two years after that, synchronous with the license term. After the initial calendar year of licensure, licensees will renew their license for two years. Licensees will not be able to renew for subsequent two-year license periods without first meeting their education requirement.

- ### Where can I find the current course list?

*Nebraska Real Estate Commission's **Education Information** page:*
https://nrec.nebraska.gov/licensing-forms/educationinfo.html

- ### Can I receive credit for courses that aren't Nebraska Real Estate Commission approved?

***Generally, no.** To receive credit toward Nebraska's education requirements, a course must be **approved by the Nebraska Real Estate Commission** or otherwise qualify under the Commission's education policies. There is **no provision for retroactive approval** of courses taken without the required approval.*

*However, for **continuing education (CE)** there are three exemptions:*

- *Continuing education activities approved by the Nebraska Real Estate Appraiser Board may be used toward meeting a part of a salesperson or broker continuing education requirement, as long as taken within the appropriate two-year period. Inquiries regarding appraisal continuing education subject matter should be directed to the Nebraska Real Estate Appraiser Board at (402) 471-9015.*
- *Continuing education taken in person in **another state** may be accepted **if the course is approved by that state's real estate regulatory agency.** If the course completion certificate does not show the approving jurisdiction and approved hours, you may be required to provide additional documentation from the course provider. Online or Distance education course do not meet this requirement.*
- *Licensees may use continuing education approved as Mandatory Continued Legal Education by the Nebraska Supreme Court if subject matter of such meets the requirements of Title 299, Chapter 7, Section 003.01A.*

- Where can I attend Continuing Education classes?

  Real estate licensees may attend classes from Approved Providers with Approved Courses. The list can be found on our website:
  https://nrec.nebraska.gov/sites/default/files/doc/Education/continuingeducation.pdf

- How do I report my Continuing Education Courses to the Commission?

  Licensees are no longer required to send in certificates for proof of completion of continuing education.

  The education providers have 10 days, by law, to submit verification lists to the Commission for automated upload into licensee data files. In order for you to get proper credit it is essential that you provide the educator with your accurate license I.D. number. When you renew your license you are issued a receipt card by the Commission. This receipt card is issued to ALL renewed licensees (active and inactive) and is credit card size for ease of storing in your wallet. You are encouraged to carry the receipt card with you to refer to when you need your license I.D. number.

  ***NOTE:** licensees will still be required to submit certificates for courses taken through providers approved in jurisdictions other than Nebraska, as well as appraiser continuing education.*

- Can I use my broker pre-license education for renewal CE?

  All Salesperson and Broker Pre-license courses may be used toward 12 hours of the Salesperson and Broker Continuing Education requirements except for Real Estate Principles & Practices or its equivalent.

- Where can I attend Commission-approved training?

  Licensees should contact their broker concerning training opportunities that have been submitted to the Commission and will meet the broker-approved training requirement.

- Where can I find a list of approved commission-approved training?

  Licensees should consult their broker regarding commission-approved training opportunities. Licensees can verify that their training has been recognized by the Commission by contacting the Commission office.

- The courses I took for this education period are not appearing on my portal. How long should I wait prior to calling the Commission office.

  *Education providers are responsible for reporting course completions to the Nebraska Real Estate Commission. Please allow **up to 10 business days after completing your course** for the course to appear in your portal.*
  *If your course has **not appeared after 10 business days**, you should:*

  1. *Verify with the education provider that your course completion has been submitted to the Nebraska Real Estate Commission.*

    a. *If the provider confirms the course was submitted and it still does not appear in your portal, contact the Nebraska Real Estate Commission for assistance.*

2. *If your course was taken in another state, it was an appraiser course or a mandatory continued legal education approved by the Nebraska Supreme Court, you must submit the course completion certificates to our office.*

Tip: *Keep a copy of your course completion certificate until you have confirmed the course appears in your Licensee Portal and your education requirements have been satisfied.*

- Can I renew my license without submitting my education credits?

  To renew your real estate license on ***active*** *status you MUST meet the eighteen hours of continuing education requirement, and it must be on file with the Commission office prior to submitting your renewal.*

  To renew your license on ***inactive*** *status your education requirement can be waived.*

- I didn't have my education complete so I renewed on inactive status and waived my education. I want to have an active license now, what about my education requirement?

  When you waived your education it created an education deficiency that you must address before your license can be transferred back to active status. After January 1, you will have to complete 12 hours of continuing education with six of these in "R" courses taken since the beginning of your most recent deficient period.

- Can I have some of my Continuing Education credits waived for other education I attended?

  All Continuing Education credit required to renew your license must be pre-approved with the Commission to be applicable. There is no provision in the License Law for retroactive approval of a program.

- Can I get credit for attending continuing education in another state?

  Nebraska will accept continuing education taken in another jurisdiction as long as it is approved by another real estate regulatory body. If the course completion certificate, itself, does not identify the jurisdiction's approval and the number of hours for which it is approved the licensee will need to submit some documentation of that jurisdictions approval along with the course completion certificate. Such documentation may be obtained from the course provider.

  If it is hoped the course will qualify as an "R" course the licensee will need to be able to provide a time-allotted outline to verify that a full three hours (or six to meet the full requirement) was devoted to any ***ONE*** *of the following subject matter: Fair Housing/ADA, Ethical Decision-making/Code of Ethics, BPOs/CMAs, Environmental Hazards, Agency Relationships, or*

Contracts. Licensees are encouraged to contact the Commission, prior to taking these courses, if there is any question with regard to recognition of these courses.

- I am a resident licensee in another state, can any of the education I have already completed for my resident state licensure be applied to the renewal of my Nebraska license?

  If you are a non-resident of Nebraska and currently hold a real estate salesperson or broker license in your jurisdiction of residence and have met that jurisdictionÍs) continuing education requirement, the Nebraska Commission will ask you to affirm that fact on your license renewal form and will not require further evidence of continuing education from you.

  If you are a nonresident Nebraska licensee and do not hold a real estate license in your resident jurisdiction, you will need to submit 18 hours of education to the Nebraska Commission as prescribed by the Commission. Nebraska will accept continuing education taken in person in another jurisdiction as long as it is approved by another real estate regulatory body. If the course completion certificate, itself, does not identify the jurisdictionÍs) approval and the number of hours for which it is approved the licensee will need to submit some documentation of the approval along with the course completion certificate. Such documentation may be obtained from the course provider.

- What if I am unable to complete my Continuing Education classes but want to renew my license?

  You may renew your license on an inactive status. Once you have met the continuing education requirement, you can transfer your license back to active status.

- After I complete my CE for one period can I start classes for the next CE period?

  The law requires a total of 18 clock hours, with 12 hours of continuing education (CE) credits and 6 hours of in designated subject matter be taken DURING each 24 month period of licensure. One cannot "warehouse" credit for a future education period. Each period begins on January 1 and you must supply the required education during the license period and prior to renewal in November of the following year.

- I checked on the Commission's website and my continuing education courses are not showing up, why?

  Providers of continuing education have up to 10 days after a program is held to submit a list of those who completed the program and were given certificates. How soon the education shows up on the website depends on how soon the Providers submit the list. The website is updated at 10:30 a.m. during normal business hours. If after several days the education still does not appear, please contact the Provider or the Commission office.

ERRORS AND OMISSIONS INSURANCE

- ## How do I know what E&O Insurance to get?

If your license is issued on inactive status, you do not need to purchase E&O insurance.

*All **active Nebraska real estate licensees** are required to maintain Errors & Omissions (E&O) insurance. If your license is issued on active status, please check with your designated broker prior to proceeding. If you are the designated broker, or insurance is not provided through your brokerage, there are three ways to satisfy this requirement:*

2. ***Commission Offered Plan –*** *NREC contracts with a provider to offer licensees the best rate and a policy that meets the requirements. You must submit the enrollment form and remit the fee directly to the provider not NREC. Information regarding insurance requirements is located on our website at:* *https://nrec.nebraska.gov/sites/default/files/doc/License/errorsandomissionsinsuranceinfo.pdf*
   Note: *New licensees will only be required to purchase the second year of the two-year Commission offered policy in order to sync up with the license expiration date. Your insurance and license will be renewed the same year.*
3. ***Individual Policy***
   You may purchase your own two-year E&O insurance policy from an insurance carrier. The policy must meet the minimum coverage requirements established by the Commission. Proof of coverage must be submitted and approved before you can opt out of the Commission's master policy. Insurance requirements are located on our website at: *https://nrec.nebraska.gov/sites/default/files/doc/License/errorsandomissionsinsuranceinfo.pdf*
4. ***Group Policy***
   If your brokerage participates in a group E&O insurance program, you may be covered under that policy. The two-year group policy must also meet the Commission's minimum coverage requirements, and proof of coverage must be submitted and approved. Insurance requirements are located on our website at: *https://nrec.nebraska.gov/sites/default/files/doc/License/errorsandomissionsinsuranceinfo.pdf*

- ## Why does the Commission not accept Errors and Omissions Insurance from Surplus Lines Insurance Companies?

The Nebraska Department of Insurance does not, as a rule, specifically review and approve surplus lines policies. Therefore, these policies cannot be accepted by the Commission. If the Nebraska Department of Insurance has specifically approved the policy they will provide the carrier with an approved policy bearing their seal.

- ### Who is the Commission offered insurance provider and how do I contact them?

  The Real Estate Commission, through a Request for Proposal process, contracts to make available, to all licensees, a policy of E&O Insurance under a Group Plan from a qualified insurance carrier through our E & O Program Administrator. Enrollment forms and additional information on this plan are sent to licensees annually. These materials can also be acquired by contacting the Commission Office. Licensees are not required to use the Commission's E & O Program Administrator but are required to have E & O coverage as defined by Nebraska law in order to renew licenses on active status or to maintain licenses on active status. For more information on the required coverage, please visit the Errors & Omissions Insurance Information section on the Commission's website.

- ### If I mail my enrollment form to the Commission's E & O Program Administrator, how long will it take for them to notify the Commission that I have insurance?

  The Commission's E & O Program Administrator typically notifies the Commission office of coverage in seven to ten business days if the payment and form was submitted via mail. If you made application for the errors and omissions insurance online, the Administrator will typically notify us within one day but at renewal time it may be closer to three to five business days.

  If you are pushing a deadline, please contact the program administrator or upload your receipt to your portal.

- ### I applied for errors and omissions insurance through the Commission offered plan and have not yet received my policy. When will my policy be sent to me?

  You will need to contact the Commission's E & O Program Administrator to obtain a copy of your policy. A copy of the Commission's basic E & O policy may be found on our website at: https://nrec.nebraska.gov/licensing-forms/eoinformation.html

- ### I don't live in Nebraska and in my resident state the Errors and Omissions Insurance verification is not sent to me until after November 30. How can I avoid the late penalty fee?

  Unfortunately if NREC does not receive a Certification of Coverage form from your errors and omissions insurance carrier or verification that you have enrolled in the Nebraska Commission Offered Plan prior to November 30, the late penalty fee cannot be waived. You can obtain the Nebraska Commission Offered Plan if acceptable. Please contact your resident jurisdiction for further verification.

- ### My resident state uses the same E & O Program Administer as Nebraska. What verification needs to be submitted to you?

  The errors and omissions insurance provider will need to complete a Certification of Coverage form which may be mailed, emailed, or faxed to the Commission office either by you or your insurance representative. It is most helpful if the completed form accompanies your license renewal form or is in the Commission office prior to the renewal form.

- I did not use the Nebraska Commission offered plan for my errors and omissions insurance carrier The other carrier said they would send you verification but failed to do so before the November 30, deadline. Why do I owe a late fee?

  If you do not use the Nebraska E & O Program Administrator, a Certification of Coverage form must be received on or before November 30. It is the licensee' s responsibility to make sure that all filing deadlines are met.

- Do I need errors and omissions insurance if I renew on inactive status?

  You do not need to obtain errors and omissions insurance if your license is on inactive status. However, it is recommended that you contact your errors and omissions insurance provider prior to letting your coverage expire. You will want to discuss consequences of ending coverage and the possible purchase of an extended reporting endorsement, "tail" coverage.

- Do I need errors and omissions insurance?

  Any applicant for issuance of an original license on active status or the renewal of a license on active status, shall not be issued such active license unless he or she has submitted proof, or had proof submitted, of Errors & Omissions (E&O) Insurance coverage to the Nebraska Real Estate Commission office. For additional information please review the "Fact Sheet" along with additional information available on the E & O Information Page.

- When do I need to submit the "Certification of Coverage" form?

  Original applicants obtaining equivalent Errors and Omissions Insurance independently of the Group Plan available through the State Program Administrator must submit a Certificate of Equivalent Coverage form, signed by an authorized insurance representative, to the Commission office before original license issuance.
  Licensees who are obtaining equivalent E&O Insurance independently of the Group Plan, and whose E&O Insurance coverage corresponds with the calendar year, must submit with the license renewal form, or must arrange to have submitted, a Certificate of Equivalent Coverage which shows renewed coverage and is signed by an authorized insurance representative before their license will be renewed. It is the licensee's responsibility to make sure that all filing deadlines are met.

RENEWING YOUR REAL ESTATE LICENSE

- ## Real Estate License Renewal Overview

  - Nebraska real estate licenses must be **renewed every two years**.
  - *All Newly issued licenses expire December 31 of the year in which they are issued and must be renewed. This allows for the license to sync up with the education period and you will begin renewing every two years after your initial renewal.*

To renew an active license, including those who are on probation status, you must:

- Submit or have submitted verification of a two-year policy for **errors and omissions insurance** which coincides with your license expiration date. NOTE: If a licensee resides in a jurisdiction other than Nebraska, and has the commission-offered insurance policy in their resident state, an endorsement must be purchased for Nebraska and we will honor the contracted policy in that jurisdiction.
- Complete the two-year required **continuing education** before the renewal deadline. NOTE: New licensees, renewing in the same year your license is issued, do not need to complete the education requirement. Also, licenses who reside in a jurisdiction other than Nebraska, must meet the requirements in that jurisdiction and attest to the completion on your renewal form.
- Submit your renewal application through the *Licensee Portal*. Note: Renewal period begins in October. Prior to this time, the system will indicate that you are not eligible for renewal.
- Pay the required renewal fee.

To renew an inactive license, including those who are on suspended status, you must:

- Submit your renewal application through the *Licensee Portal*. Note: Renewal period begins in October. Prior to this time, the system will indicate that you are not eligible for renewal.
- Pay the required renewal fee.

For complete renewal requirements, deadlines, and instructions, visit the Nebraska Real Estate Commission's **License Renewal** page:
https://nrec.nebraska.gov/licensing-forms/renewalprocedures

- ## License Renewal Checklist

We recommend that you print the License Renewal Checklist and use it to ensure that you have completed all the requirements for license renewal.

You may also call the Commission at 402-471-2004, during regular business hours.

- ## How often do I have to renew my license?

The first year your license is issued you will have to renew your license that same year. After that you will renew your license every 2 years.

- ## What does it cost to renew your license?

Fees are reviewed annually by the Commission. Please visit the Fee Schedule for the most up-to-date information.

- ## How do I know when my license expires and if I need to renew this year?

All Newly issued licenses expire December 31 of the year in which they are issued.

All renewed licenses expire on December 31 every other year. You may review your license expiration date by logging into the Licensee Portal at: https://nrec.igovsolution.net/online/Login

- ## What does it cost to renew my license?
    - Please review the **Fee Schedule** on our website. There is a $25.00 late fee for each month you are late beginning December 1.
      -Important note: The option to renew late expires on June 30. If you do not renew your license on or before the June 30 deadline, you will need to apply for relicensure.
    - **What renewal form do I use?**
      The correct online form is provided for you by utilizing the **Licensee Login** link.

- ## If I am on inactive status do I need to renew my license?

  *Yes, you need to renew your license by November 30 of the year it expires. The license expiration date is December 31. For additional information regarding renewing your real estate license please review the **Renewal Procedures** available on our website.*

- ## If I am inactive can I complete an active renewal form to transfer to active status?

  No, you cannot use your renewal form as a request to transfer your license. The processes to transfer and renew your license are separate. Such requests and appropriate fees need to be sent under separate cover.

- ## Can I pay the renewal fee and transfer fee with one check?

  No, you cannot combine payments for your renewal and transfer of license. The processes to transfer and renew your license are separate. Such requests and appropriate fees are best sent under separate cover and separate payments. Please review Transfer Procedures for additional information.

- ## Where can I find my renewal form?

  *When the renewals are available (October – June), the form is located on "My Profile" tab under the **License Information** section. Scroll to the right and it will be under the **Renewal** column.*

- ## How do I renew online?
    - *Log into the Licensee Portal*
    - *You will automatically be taken to the "My Profile" tab. Navigate to the License Information section. On the right side, you will notice a Renewal column, where it will have a link to renew when available.*
    - *Read the renewal instructions that appear when you click on the renewal.*
    - *Gather the information you will need to renew, such as username/password, credit card and any other required information.*
    - *Click on the Renewal link to submit form online*
    - *To complete the form online you need to follow the instructions on the form.*
      Once you have completed the form you must print out the "successfully submitted" page which provides you with the "Transaction ID Number".

- *If any additional information needs to be submitted in conjunction with your renewal form you may attach it as a pdf to the renewal form or upload it to your [Portal] under the Documents tab.*
- *Please wait at least three business days after you have submitted your renewal form, and verify that you have been renewed.*
  - *If your renewal has been processed you will see that your expiration date has advanced.*
  - *If your expiration date has not changed you may contact our office.*
  - *If you submitted your renewal online, you will need to provide the "transaction ID number".*

If I filed my license renewal online, why doesn't it show that it's renewed?

- Please wait at least three business days after you have submitted your renewal form to verify that you have been renewed.
- Login to your Portal at: https://nrec.nebraska.gov/sites/default/files/doc/Commission/LOGIN%20SCREEN.pdf
- If your renewal has been processed you will see that your expiration date has been advanced. If you have waited the three days and the expiration date has not changed you should contact our office.

How can I receive a renewal reminder that my license is expiring soon?

In October when renewals become available, you receive a postcard to your preferred mailing address, and an email to the address on file. If these are not updated, you may not receive your notification, so please make sure these are updated immediately and prior to October each year.

Please Note: It remains the license holder's responsibility to maintain their license in good standing before engaging in activities that require licensure.

LATE RENEWALS

If the end of my renewal month falls on a weekend or holiday, when must my application be filed to avoid a lapse in licensure?

If the last day of your license period falls on a weekend or holiday, it will be considered a timely renewal IF it is:

-filed online before midnight of the expiration date,

-received or postmarked (not meter-marked) the first business day following the weekend or holiday.

If you file in person, Commission staff will review your application for completeness and, if complete, accept it for processing in the order received. If incomplete, it will be returned to you with a notice of deficiencies.

- ## What happens if I don't renew before my license expiration date?

If you do not file a complete renewal form before your license expires on December 31, your license is expired. If your license has expired, you are no longer licensed to conduct real estate activities and must cease all activity for which a license is required. You cannot be transferred or licensed on "active status" until the Commission has an opportunity to process your late-filed renewal form. - Late renewals may be renewed online or may be submitted by mail or in person at the Commission office. Incomplete applications will be returned to the applicant, unprocessed.

If filing after the license expiration date (Late Renewal), include the following forms, documents and fees or renew using the Online System:

-Renewal Application Form - complete and submit online through the portal.
-Broker Letter – stating they are still willing to supervise you.
-Renewal fee - auto calculated fee must be submitted online through the portal.
-Late fee - auto calculated fee must be submitted online through the portal beginning December 1.

Remember, if renewing late or if your application is returned to you because it is incomplete, you are not licensed to conduct real estate activity until the completed application has been approved and processed.

Should your license expire, you have until June 30 to renew. On July 1, your license is terminated. Once your license is terminated you must apply again as if applying for an original license. The Commission has no authority to extend this timeframe.

If you continue to transact real estate business after your license expires i.e. January 1, you could face serious consequences which might include a civil (monetary) penalty, additional continuing education requirements and license suspension or revocation.

- ## May I have my late fee waived if I renewed late, due to not receiving my renewal notice on time?

*No, ***Failure to receive the renewal notice does not excuse your failure to renew on time.*** As a courtesy, in the Fall of each year, the Commission sends a postcard, along with multiple emails to the licensees, to the address on file for each licensee whose license is expiring, and their designated broker.*

- ## Can I get an extension on my license renewal?

The Commission does not have the authority to change your license expiration date and/or "extend" your license period. 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. §81-885.14(1), 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 the first day of December; Provided that such late application is filed before July 1 of the ensuing year. If you are seeking additional time to complete your continuing education (CE) classes you may renew on inactive status to allow for time to meet the education requirements.

- ### What do I do if I have been convicted of a felony, or misdemeanor or am involved in a lawsuit or disciplinary action?

You must report a criminal conviction, or any lawsuit or disciplinary action against you on your renewal form and provide proper documentation. Pending charges against you must also be reported, if a charge is dismissed it does not need to be reported.

REASONS FOR DENIAL OF A NEBRASKA REAL ESTATE LICENSE

Criminal convictions, civil judgments, or disciplinary action involving any other professional licenses in Nebraska or any other state may result in license denial.

*You ought to review the following state laws, also known as **Nebraska Revised Statutes (Neb. Rev. Stat.),** which may pose problems during the review of an application for a new license or an application for renewal of an existing license.*

81-885.12. License; when granted.
(1) Licenses shall be granted only to persons who bear a good reputation for honesty, trustworthiness, integrity, and competence to transact the business of broker or salesperson in such manner as to safeguard the interest of the public and only after satisfactory proof of such qualifications has been presented to the commission. No license shall be granted to an applicant who will be conducting business through a corporation, partnership, or limited liability company unless any stockholder, partner, or member having a controlling interest therein, if any, bears a good reputation for honesty, trustworthiness, and integrity.
(2) When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license.
(3) The commission may in its discretion deny a license to any person who has engaged in the real estate business without a license.
(4) When an applicant has made a false statement of material fact on an application, such false statement may in itself be sufficient ground for refusal of a license.
(5) Grounds for suspension or revocation of a license, as provided for by the Nebraska Real Estate License Act, or the previous revocation of a real estate license shall also be grounds for refusal to grant a license.

81-885.18. Application; refusal; hearing; decision.

(1) If the director of the commission, after an application in proper form has been filed with the commission, accompanied by the proper fee, refuses to accept the application, the director shall give notice of the fact to the applicant within twenty days after his or her ruling, order, or decision.

(2) Upon written request from the applicant, filed within thirty days after receipt of such notice by the applicant, the commission shall set the matter down for a hearing to be conducted within ninety days after receipt of the applicant's request.

(3) The hearing shall be at such time and place as the commission shall prescribe. At least twenty days prior to the date set for the hearing the commission shall notify the applicant and other persons protesting, and the notice shall set forth the reasons why the director refused to accept the application. Such written notice of hearing may be served by delivery personally to the applicant and protesters or by mailing the same by registered or certified mail to the last-known business address of the applicant and protesters.

(4) At the hearing the applicant shall be entitled to examine, either in person or by counsel, any and all persons protesting against him or her, as well as all other witnesses whose testimony is relied upon to substantiate any protest or denial of the application. The applicant shall be entitled to present such evidence, written and oral, as he or she may see fit and as may be pertinent to the inquiry.

(5) At the hearing all witnesses shall be duly sworn by the chairperson of the commission, or any member thereof, and stenographic notes of the proceedings shall be taken. Any party to the proceedings desiring a copy of the stenographic notes shall be furnished with a copy upon the payment to the commission of such fee as the commission shall prescribe, if the request is made within ten days after the date of any order issued by the commission.

(6) The commission shall render a decision on any application within sixty days after the final hearing on such application and shall immediately notify the parties to the proceedings, in writing, of its ruling, order, or decision.