

NEBRASKA REAL ESTATE COMMISSION

October 14, 2020

Country Inn & Suites

Lincoln Room

Lincoln, NE

Opening

Acting Chairperson Titus convened a meeting of the Nebraska Real Estate Commission at 9:02 a.m. on October 14, 2020, in the Lincoln Room of the Country Inn & Suites, located at 5353 N 27th Street in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Chairperson Evnen, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Education Alane Roubal, and Deputy Director for Licensing Monica Rut.

Notice of Meeting (Adopt Agenda)

Director Lemon presented a public notice thereof relating to this meeting, which is attached to and made a part of these minutes. Acting Chairperson Titus reported that all Commissioners had been notified of the meeting simultaneously, by mail and e-mail, and that a proposed tentative agenda accompanied the notification.

Acting Chairperson Titus pointed out to those in attendance that a public copy of the materials being used during the meeting were available on the counsel table in the meeting room; that a copy of the Open Meetings Act was posted on the easel located in the southeast corner of the meeting room by the west entrance; and that the procedures followed were in accordance with the Open Meetings Act. Acting Chairperson Titus asked that guests sign the guest list.

Director Lemon noted that no agenda items had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Gehrki and seconded by Starman to adopt the final agenda as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Minutes of September 17, 2020

The minutes of the Commission meeting held on September 17, 2020, were considered.

After review, a motion was made by Starman and seconded by Gehrki to approve the minutes as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Public Comment

Acting Chairperson Titus asked the members of the audience if anyone wished to come forward to provide public comment on Commission related business. No audience member indicated a desire to come forward.

Receipts and Expenditures Report for September

Director Lemon presented the Receipts and Expenditures Report for September. A copy of said report is attached to and made a part of these minutes. Director Lemon noted that an explanation page was included on the report.

The cash fund balance as of September 30, 20, was \$1,489,665.70, which compared to a cash fund balance of \$1,343,817.19 on September 30, 2019.

After discussion, a motion was made by Bourne and seconded by Starman to file the September Receipts and Expenditures Report for audit. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Specialized Registrations

Time-Share Registration – Orange Lake Land Trust Plan

Director Lemon presented a specialized registrations report, which included the time-share registration for Orange Lake Land Trust Plan. A copy of said report is attached to and made a part of these minutes.

After discussion, a motion was made by Gehrki and seconded by Dover to approve the report as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report

Deputy Director Rut presented for ratification the Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Starman and seconded by Ritter to ratify issuance of the licenses as set forth in the report. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Examination Report - September

Deputy Director Roubal presented for ratification the September Examination Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Gehrki and seconded by Bourne to ratify the September Examination Report for the purpose of issuing licenses. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Examination Passing Roster

Deputy Director Roubal presented the Examination Passing Roster, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

Real Estate Education Matters

Continuing Education Activity Approval

Deputy Director Roubal presented for ratification the Continuing Education Activity Approval Report, a copy of which is attached to and made a part of these minutes.

Continuing Education Instructor Approval

Deputy Director Roubal presented for ratification the Continuing Education Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

Commission-Approved Training Provider/Activity Recognition

Deputy Director Roubal presented a Commission-Approved Training Provider/Activity Recognition Report, a copy of which is attached to and made a part of these minutes.

Commission-Approved Training Activity Recognition

Deputy Director Roubal presented a Commission-Approved Training Recognition Activity Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Starman and seconded by Ritter to ratify the four reports. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Continuing Education Activity Rejection

Deputy Director Roubal presented a Continuing Education Activity Rejection Report, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

Pending Sworn Complaints and Investigative Matters

Director Lemon presented a summary report of the pending complaints, which included a list of licensees presently under disciplinary action or on appeal. A copy of said report is attached to and made a part of these minutes.

No action was necessary on this report.

Presentation of Stipulation and Consent Orders

Complaint 2018-010; 2018-011; 2018-012; 2018-013; 2018-014; 2018-031 Commission vs. Kay M. Meyer, Frederic C. Meyer, and Jim Christensen

Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2018-010; 2018-011; 2018-012; 2018-013; 2018-014; 2018-031, Commission vs. Kay M. Meyer, Frederic C. Meyer, and Jim Christensen. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Starman to enter into the Order as presented and to dismiss the complaint without prejudice against Frederic Meyer and Jim Christensen. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Complaint 2020-008, Commission vs. Makayla Renee Foley

Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2020-008, Commission vs. Makayla Renee Foley. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Starman and seconded by Gehrki to enter into the Order as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Complaint 2020-030, Commission vs. William Todd Buettner & Susan Paulette Buettner

Director Lemon presented a Stipulation and Consent Order in the matter of Complaint 2020-030, Commission vs. William Todd Buettner & Susan Paulette Buettner. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Dover to enter into the Order as presented. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Disciplinary Hearings

There were no disciplinary hearings scheduled to be held at the meeting.

Informal Special Appearances

Michael Todd McLaughlin, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. McLaughlin's special appearance; a letter of explanation from Mr. McLaughlin; character reference letters for Mr. McLaughlin; Mr. McLaughlin's salesperson application form; trial court cases from the State of Nebraska on Mr. McLaughlin's cases; and Mr. McLaughlin's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. McLaughlin was present.

Acting Chairperson Titus reviewed the procedure for informal special appearances.

Mr. McLaughlin explained the situations regarding his criminal history.

A motion was made by Bourne and seconded by Gehrki that Mr. McLaughlin not be allowed to sit for the salesperson examination at this time. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

Broker Qualification Review

9:30 a.m. – Steven Lawrence Zacks

Director Lemon presented exhibits which included: correspondence regarding Mr. Zacks' Broker Hardship Hearing; Mr. Zacks' Broker Applicant Hardship application form; a letter of explanation from Mr. Zacks, character reference letters for Mr. Zacks; State of California Department of Real Estate public license information regarding Mr. Zacks' license; Mr Zacks' salespersons application form, and Mr. Zacks' criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Simpson was present.

Acting Chairperson Titus reviewed the procedure for Broker Hardship Hearings.

Mr. Zacks explained the situation regarding the request for the hardship.

After discussion, a motion was made by Starman and seconded by Dover that the Director prepare an order of the Commission that the applicant has not supplied sufficient relevant experience to qualify under the Hardship provision. Motion carried with Bourne, Dover, Gehrki, Ritter, Starman, and Titus voting aye, with Evnen not participating or voting, being absent and excused.

2020-2021 Objectives – Quarterly Report

Director Lemon presented an exhibit regarding the proposed 2020-2021 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained the progress of each of the objectives. There was discussion regarding the Commission Comment Newsletter and before print versions cease, input should be sought from the industry and brought before the Commission for further discussion.

No action was necessary on this report.

Information Matters

Errors and Omissions Loss Report – Third Quarter 2020

Director Lemon presented the Errors and Omissions Loss Report – Third Quarter 2020. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary with regard to this matter.

Future Meeting Dates

November 19-20, 2020 – Country Inn and Suites, Lincoln
January 21-22, 2020– Staybridge Suites, Lincoln
February 18-19, 2020 – Country Inn and Suites, Lincoln
March 18-19 2020 - Country Inn and Suites, Lincoln
April 22-23, 2020 - Country Inn and Suites, Lincoln
May 20-21, 2020 - Country Inn and Suites, Lincoln
June 17-18, 2020 - Country Inn and Suites, Lincoln

At 10:20 a.m., there being no further business to come before the Commission, the Acting Chairperson declared the meeting adjourned.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the October 14, 2020, meeting of the Nebraska Real Estate Commission were available for inspection on November 3, 2020, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

James McCord, Nemaha Valley Board of REALTORS®, Nebraska City
Debbie Mitchell, Coldwell Banker REA, Omaha