

NEBRASKA REAL ESTATE COMMISSION

November 18, 2021

Country Inn and Suites

Omaha Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:01 a.m. on November 18, 2021, in the Omaha 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. Also present were Director Greg Lemon, Deputy Director for Education Alane Roubal, Deputy Director for Enforcement Antwan Montague, and Deputy Director for Licensing Monica Rut.

Swearing-In Ceremony- Commissioner Ann K. Post

Chairperson Evnen conducted a swearing-in ceremony for recently appointed Commissioner Ann K. Post, presented her with her Commission pin, and welcomed her to the Commission.

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. Chairperson Evnen 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.

Chairperson Evnen 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 northeast corner of the meeting room by the south entrance; and that the procedures followed were in accordance with the Open Meetings Act. Chairperson Evnen asked that guests sign the guest list.

Director Lemon noted that agenda item 13e had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Starman and seconded by Gehrki to adopt the final agenda as presented. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman, and Evnen voting aye.

Minutes of October 21, 2021

The minutes of the Commission meeting held on October 21, 2021, were considered.

After review, a motion was made by Gehrki and seconded by Dohse to approve the minutes as presented. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, with Post not voting having not been in attendance at the October Meeting.

Public Comment

Chairperson Evnen 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 October

Director Lemon presented the Receipts and Expenditures Report for October. 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 October 31, 2021, was \$1,216,475.98, which compared to a cash fund balance of \$1,739,809.96 on October 31, 2020.

After discussion, a motion was made by Bourne and seconded by Ritter to file the October Receipts and Expenditures Report for audit. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Specialized Registrations

Time-Share Registrations - Amendments for Marriott Vacation Club Destinations and Orange Lake Land Trust

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

A motion was made by Starman and seconded by Gehrki to approve the amendments to the three registrations as presented. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

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 Bourne and seconded by Ritter to ratify issuance of the licenses as set forth in the report. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Examination Report - October

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

After review, a motion was made by Dohse and seconded by Gehrki to ratify the October Examination Report for the purpose of issuing licenses. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, with Post 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

Pre-License Education Instructor Approval

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

Post-License Education Instructor Approval

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

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.

Continuing Education Activity Significant Change

Deputy Director Roubal presented for ratification the Continuing Education Activity Significant Change 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 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 Dohse to ratify the six reports. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, with Post not participating or voting, being absent and excused.

Pending Sworn Complaints and Investigative Matters

Deputy Director Montague 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.

The following sworn complaints and investigative matters were presented to the Commission:

Item A Complaint 2020-037 – Catherine Nicole Payne vs. Leria Bray

Deputy Director Montague presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Ritter and seconded by Dohse that the complaint be dismissed without prejudice. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, and with Post not participating or voting, being absent and excused.

Item B Complaint 2020-025 – Louis B. Walk vs. Nicholas James Abboud

Deputy Director Montague presented the alleged violations and investigative report to the Commission and, when necessary, answered questions on this matter.

After being advised of the results of the investigation and discussion, a motion was made by Bourne and seconded by Starman that the complaint be dismissed without prejudice. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, and with Post not participating or voting, being absent and excused.

Presentation of Stipulation and Consent Orders

There were no Stipulation and Consent Orders to be presented at this meeting.

Disciplinary Hearings

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

Informal Special Appearances

Chaydon Paul Larsen, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Larsen explained the situations regarding his criminal history.

A motion was made by Bourne and seconded by Ritter that Mr. Larsen not be allowed to sit for the salesperson examination at this time. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter and Evnen voting aye, and with Starman voting nay.

Carolyn Jean Carper, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Ms. Carper's special appearance; a letter of explanation from Ms. Carper; character reference letters for Ms. Carper; Ms. Carper's salesperson application form; trial court cases from the State of Nebraska

on Ms. Carper's cases; and Ms. Carper's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Ms. Carper's was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Carper explained the situations regarding her criminal history.

After discussion, a motion was made by Ritter and seconded by Gehrki to allow Ms. Carper to sit for the salesperson examination after making proper application and to have a license issued upon passing. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Echo Elizabeth Good, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Good explained the situations regarding her criminal history.

A motion was made by Ritter and seconded by Starman to allow Ms. Good to sit for the salesperson examination after making proper application and to have a license issued upon passing. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Duane M. Jordan, Non-Resident Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Jordan explained the situations regarding his criminal history.

A motion was made by Starman and seconded by Gehrki that Mr. Jordan not be allowed to sit for the salesperson examination at this time. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Patrick McCarney, Salesperson Applicant - Reappearance

Director Lemon presented an exhibit which included: correspondence regarding this special appearance; a letter of explanation from Mr. McCarney; a request for additional information from the Real Estate Commission; a letter from Mr. McCarney explaining his employment history and additional information requested; Mr. McCarney's criminal history report; character reference letters; and information regarding Mr. McCarney's previous special appearance in October

2021. A copy of said exhibit is attached to and made a part of these minutes. Mr. McCarney was not present.

Chairperson Evnen explained the finding regarding the circumstances of concern at the previous meeting.

A motion was made by Gehrki and seconded by Starman to take the previous motion off the table. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

After further discussion, a motion was made by Gehrki and seconded by Bourne to continue the consideration and table this matter until next meeting. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, and with Post not participating or voting, being absent and excused.

Appointment of Pre-Hearing Conference Officer

Director Lemon presented a request to add Jim Titus as a pre-hearing conference officer. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon noted that the Commission currently had two pre-hearing conference officers and would like to add Jim Titus as a third to that list.

A motion was made by Gehrki and seconded by Ritter to appoint Jim Titus to the current pre-hearing conference officers and give Director Lemon the authority to enter into the agreement until June 30, 2023. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, with Post not participating or voting, being absent and excused.

Review and Approval of Travel to ARELLO Leadership Conference

Deputy Director Rut presented an exhibit regarding the estimated costs of Staff participating in ARELLO Leadership meeting in 2022. A copy of said exhibit is attached to and made a part of these minutes.

Deputy Director Rut explained that she and Greg would be eligible to go to the conference.

After discussion, a motion was made by Bourne and seconded by Gehrki to approve the reimbursement of expenditures for Staff who attend the Leadership Conference as set forth in the exhibit. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, with Post not participating or voting, being absent and excused.

Information Matters - None

Future Meeting Dates

January 20, 2022– Staybridge Suites, Lincoln
February 24-25, 2022 – Country Inn and Suites, Lincoln
March 17-18, 2022 - Country Inn and Suites, Lincoln
April 21, 2022 - Country Inn and Suites, Lincoln
May 19-20, 2022 - Country Inn and Suites, Lincoln
June 16-17, 2022 - Country Inn and Suites, Lincoln

Recesses and Adjournment

At 9:45 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 9:50 a.m.

Commissioner Post was excused from the meeting at 10:10 a.m.

At 10:42 a.m., there being no further business to come before the Commission, the Chairperson declared the meeting adjourned.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the November 18, 2021, meeting of the Nebraska Real Estate Commission were available for inspection on November 18, 2021, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Charles Chadwick, CNC Realty, Omaha
Amy Gewecke, Woods Brothers, Lincoln
Matt Carper, BHBG, Omaha