

NEBRASKA REAL ESTATE COMMISSION

May 19, 2022

Country Inn & Suites

Omaha Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:12 a.m. on May 19, 2022, 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, with the exception of Commissioner Post, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Enforcement Samantha Lowery, 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. 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 southeast corner of the meeting room by the west 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 6a and two investigative reports under agenda item 10 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 Bourne to adopt the final agenda as presented. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, with Post not participating or voting, being absent and excused

Minutes of April 21, 2022

The minutes of the Commission meeting held on April 21, 2022, were considered.

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

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 April

Director Lemon presented the Receipts and Expenditures Report for **April**. 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 April 30, 2022, was \$1,674,707.86, which compared to a cash fund balance of \$1,431,695.88 on April 30, 2021.

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

Specialized Registrations

Campground Registration – Amendment for Thousand Trails

Director Lemon presented a specialized registrations report which included the registration of amendment to campground registration for Thousand Trails. 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 amendment to the registration as presented. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, with Post 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 Ritter and seconded by Dohse to ratify issuance of the licenses as set forth in the report. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, with Post not participating or voting, being absent and excused.

License Statistic Report for April

Deputy Director Rut presented the License Statistic Report for the month of April, a copy of which is attached to and made a part of these minutes.

Deputy Director Rut noted that the report would be provided to the Commission on a monthly basis.

No action was necessary on this report.

Examination Report - April

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

After review, a motion was made by Ritter and seconded by Bourne to ratify the April 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 Rut 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

Director Lemon 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

Director Lemon 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

Director Lemon 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

Director Lemon presented a Commission-Approved Training Activity Recognition 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 Starman to ratify the four reports. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, with Post not participating or voting, being absent and excused.

Commission-Approved Training Activity Rejection

Director Lemon 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

Deputy Director Lowery 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 2021-012

Deputy Director Lowery 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 Dohse and seconded by Gehrki that this complaint be held in abeyance and a new complaint be filed against the respondent per the Staff recommendation. Motion carried with Bell, Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, and with Post not participating or voting, being absent and excused.

Item B Investigative Report

Deputy Director Lowery presented an investigative report to the Commission.

After being advised of the results of the investigation and discussion, a motion was made by Ritter and seconded by Gehrki that the Commission file a complaint on its own motion and set it for hearing on the violations alleged in the report. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, and with Post not participating or voting, being absent and excused.

After discussion, it was the consensus of the Commission to notify the tenants of the issues surrounding this report.

Item C Investigative Report

Deputy Director Lowery presented an investigative report to the Commission.

After being advised of the results of the investigation and discussion, a motion was made by Gehrki and seconded by Starman that the Commission file a complaint on its own motion and set it for hearing on the violations alleged in the report. Motion carried with Bell, Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, and with Post not participating or voting, being absent and excused.

After discussion, it was suggested that an article reminding licensees to provide appropriate disclosures and forms in all transactions be published in the Commission Comment newsletter.

After further discussion, it was the consensus of the Commission to review the records and identify individuals which are consistently neglecting to obtain provide appropriate disclosures and forms in all transactions. The report is requested at the next meeting for possible disciplinary actions.

Item D Complaint 2021-008

Deputy Director Lowery explained that at a previous Commission Meeting, a motion was made to hold the complaint in abeyance and file a new complaint against the designated broker, however, the complaint was not dismissed against the salesperson.

Deputy Director Lowery requested the dismissal. A motion was made by Starman and seconded by Dohse that the complaint be dismissed without prejudice against the salesperson in this matter. Motion carried with Bell, 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

Charlie Collyer, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. Collyer's special appearance; a letter of explanation from Mr. Collyer; a pardon for the convicted crime of Theft by unlawful taking or disposition movable property issued by the Governor of Pennsylvania for Mr. Collyer; character reference letters for Mr. Collyer; Mr. Collyer's salesperson application form; trial court cases from the State of Nebraska on Mr. Collyer's cases; and Mr. Collyer's criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Collyer was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Collyer explained the situations regarding his criminal history.

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

Broker Qualification Review

Brian Cooper Hansen

Director Lemon presented exhibits which included: correspondence regarding Mr. Hansen Broker Applicant Review Hearing; a letter of explanation from Mr. Hansen, character reference letters for Mr. Hansen, Mr. Hansen's Broker Applicant Review Hearing application form, and Mr. Hansen's broker application form. A copy of said exhibit is attached to and made a part of these minutes. Mr. Hansen was present.

Chairperson Evnen reviewed the procedure for Broker Qualification Hearings.

Mr. Hansen explained the situation regarding the request for the broker qualification review.

After discussion, a motion was made by Gehrki and seconded by Ritter that the Director prepare an order of the Commission that the applicant has supplied sufficient relevant experience to

qualify under the statutory provisions. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, and with Post not participating or voting, being absent and excused.

Scott Lawrence Mausbach

Director Lemon presented exhibits which included: correspondence regarding Mr. Mausbach Broker Applicant Review Hearing; information regarding the postponed Broker Applicant Review Hearing for Mr. Mausbach; a letter of explanation from Mr. Mausbach, character reference letters for Mr. Mausbach, Mr. Mausbach's Broker Applicant Review Hearing application form; Mr. Mausbach's resume; a copy of Mr. Mausbach's Iowa, Kansas, Minnesota, Missouri, Nebraska, South Dakota, and Wyoming Certified General Appraiser's licenses; and Mr. Mausbach's broker application form. A copy of said exhibit is attached to and made a part of these minutes. Mr. Mausbach was present.

Chairperson Evnen reviewed the procedure for Broker Qualification Hearings.

Mr. Mausbach explained the situation regarding the request for the broker qualification review.

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

Security Options for Commission Meetings

Director Lemon presented an exhibit regarding the information on security options for Commission Meetings. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon discussed the options as provided in the exhibit.

There was discussion regarding the venue options which were not favored by the Commissioners.

There was also discussion regarding security options and whether plain clothes or uniformed officers were desired.

A motion was made by Ritter and seconded by Dohse to authorize the Director to pursue security option one at the earliest opportunity. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, and with Post not participating or voting, being absent and excused.

Awarding of Mandatory Errors and Omissions Insurance Contract for 2023

Director Lemon presented an exhibit of the recommendation for awarding the Mandatory Errors and Omissions Insurance Contract for 2023. A copy of said exhibit is attached to and made a part of these Minutes.

Director Lemon summarized the contents of the Request for Proposal, the evaluation summaries and the process for evaluating the proposals and awarding the mandatory errors

and omissions insurance contract.

There was discussion regarding continuous coverage which would be an article in the next Commission Comment newsletter.

After discussion, a motion was made by Bourne and seconded by Ritter to authorize the Director to enter into the contract for mandatory errors and omissions insurance. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman and Evnen voting aye, with Post not participating or voting, being absent and excused.

Information Matters

ARELLO Annual Meeting – August 29-September 2, 2022 - Nashville, TN

Director Lemon explained that the deadline for registration is July 25, 2022, and asked which Commissioners were planning on attending the conference.

No action was necessary on this report.

Future Meeting Dates

June 16-17, 2022 - Country Inn and Suites, Lincoln

August 18-19, 2022 - TBA

September 15-16, 2022 - TBA

October 20-21, 2022 - TBA

November 17-18, 2022 - TBA

Recesses and Adjournment

At 10:19 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:29 a.m.

At 11:22 p.m., there being no further business to come before the Commission, a motion was made by Gehrki and seconded by Ritter that the meeting adjourn. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye, and with Post not participating or voting, being absent and excused.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the May 19, 2022, meeting of the Nebraska Real Estate Commission were available for inspection on **June 3, 2022**, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,


Greg Lemon
Director

Guests Signing the Guest List

Adam Schwend, Nebraska REALTORS® Association, Lincoln
Charles Chadwick, CNC Realty, Omaha
Sam Malson, Legislative Fiscal Office, Lincoln