

NEBRASKA REAL ESTATE COMMISSION

August 17, 2023

Graduate Lincoln

Osborne Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 8:30 a.m. on August 17, 2023, in the Osborne Room of the Graduate Lincoln, located at 141 N 9th Street in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Commissioner Starman, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Enforcement Samantha Lowery, and Deputy Director for Licensing Monica Rut. Stephen D. Mossman, Special Assistant Attorney General and Counsel to the Commission, was present for the Brown and Mausbach Hearings.

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 east 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 18b 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 Ritter to adopt the final agenda as presented. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Minutes of June 15, 2023

The minutes of the Commission meeting held on June 15, 2023, were considered.

After review, a motion was made by Peter and seconded by Gehrki to approve the minutes as presented.

Commissioner Starman offered an amendment to change the document in various places throughout the Minutes where Commissioner Bourne's name was still present. The amendment was accepted by the mover and the second.

Motion carried with Dohse, Gehrki, Geiser, Peter, Starman and Evnen voting aye and with Ritter not voting having not been in attendance at the June 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.

Financial Matters

Receipts and Expenditures Report for June

Director Lemon presented the Receipts and Expenditures Report for June. 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.

(Note: It was discovered at the meeting that the Exhibit for this Agenda Item was incorrect. The dates show the report is as of "June 31, 2023" when, in fact, the dates should reflect "June 30, 2023". The Exhibit was corrected for attachment to these minutes.)

The cash fund balance as of June 30, 2023, was \$1,594,345.80, which compared to a cash fund balance of \$1,591,886.20 on June 30, 2022.

Receipts and Expenditures Report for July

Director Lemon presented the Receipts and Expenditures Report for July. 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.

(Note: It was discovered at the meeting that the Exhibit for this Agenda Item was incorrect. The date on page two of the report shows the report date as of "May 31, 2023" when, in fact, the date should reflect "July 31, 2023". The Exhibit was corrected for attachment to these minutes.)

The cash fund balance as of July 31, 2023, was \$1,533,521.72, which compared to a cash fund balance of \$1,533,407.71 on July 31, 2022.

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

Renewal Report

Director Lemon presented the Renewal Report. A copy of said report is attached to and made a part of these minutes.

No action was necessary on this report.

Consider 2024 License Fees

Director Lemon presented an exhibit in which the Budget and Finance Subcommittee recommended a reduction in broker and salesperson renewal fees and original license fees for 2024. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon noted that the Budget and Finance Subcommittee recommended no change in the license fees for 2024. Director Lemon reviewed the documentation as set out in the exhibit noting the revenue projections and the lowest anticipated level the fund balance may reach as shown on the exhibit.

There was discussion regarding potential future license and revenue declines.

After discussion, the motion by recommendation of the Budget and Finance Subcommittee, is to maintain the license fees at the current rate for 2024. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Specialized Registrations

Time-Share Registrations – Orange Lake Land Trust Plan and Orange Lake Land Trust Plan

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

A motion was made by Starman and seconded by Dohse to approve the amendments to the two registrations as presented. Motion carried with Dohse, Gehrki, Geiser, Peter, 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 Dohse and seconded by Starman to ratify issuance of the licenses as set forth in the report. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

License Statistic Report for June

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

No action was necessary on this report.

License Statistic Report for July

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

(Note: It was discovered at the meeting that the Exhibit for this Agenda Item was incorrect. The data in the Background Report Information was left blank when, in fact, the "Total Report Received from State Patrol" should have reflected "96" and the "Average Time to Receive Reports" should have reflected "10". The Exhibit was corrected for attachment to these minutes.)

No action was necessary on this report.

Examination Reports – June and July

Deputy Director Rut presented for ratification the June and July Examination Reports, copies of which are attached to and made a part of these minutes.

After review, a motion was made by Dohse and seconded by Gehrki to ratify the June and July Examination Reports for the purpose of issuing licenses. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Examination Passing Rosters – June and July

Deputy Director Rut presented the Examination Passing Rosters for June and July, copies of which are attached to and made a part of these minutes.

No action was necessary on this report.

Second Quarter PSI School Reports

Deputy Director Rut presented the PSI Review of Examination Performance Reports for comparison for the period of April 1, 2023 through June 30, 2023, copies of which are attached to and made a part of these minutes.

Deputy Director Rut explained the reports and answered questions.

No action was necessary on this report.

Real Estate Education Matters

Pre-License Education Instructor Approval

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

Continuing Education Provider/Activity Approval

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

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 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 Ritter to ratify the six reports. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Report on Instructor Development Workshop held July 20, 2023

Director Lemon reported that the Instructor Development Workshop (IDW) was held on July 20, 2023 at the Jack J. Huck Continuing education Center located in Lincoln, NE. The speaker this year was Juanita McDowell with InMotion Productions, and was well received by the approximately 40 attendees. Pearson VUE which was contracted as the new real estate examination provider also provided a brief presentation for the attendees. Director Lemon reported that the IDW was very successful.

No action was necessary on this report.

Report of Information on Exam Score Reports

Director Lemon presented an exhibit explaining the results of the consultation with the Attorney General's office regarding whether test results would be public record. A copy of which is attached to and made a part of these minutes.

Director Lemon explained that there was discussion at a prior Commission Meeting if the passing score report was considered public record. He reported that as part of the discussion with the Attorney General's office, results are part of the review process and may be withheld from the public record. Director Lemon indicated that the Commission may choose to have a pass only stated on the passing record or it can give the results of each section of the examination.

There was discussion that the examination is a pass or no pass examination. The current score report only provides information that they passed the examination currently.

It was the consensus of the Commission not to change the passing score reports at this time.

Update on Pearson VUE Test Implementation

Director Lemon explained that effective August 17, 2023, applicants can schedule to take the examination with Pearson VUE after September 1, 2023. He noted that the examination has been developed, the data exchange is tested and while the process has moved rather quickly it has gone well so far. He also noted that the Commission is looking forward to working with the new provider.

There was some discussion regarding scheduling issues with the current examination provider.

No action was necessary on this report.

Test Protocol Violation

Director Lemon reported that the candidate had been caught violating a test protocol. Director Lemon indicated that he was able to review the film that caught the violation and explained the severity of the issue to the Commission. He indicated that due to the severity of the issue, he had denied the candidates application and provided information should the applicant desire to appeal. He reported that at this time he had not heard back from the applicant.

Director Lemon stated that should the apply reapply in the future, they would be required to appear in front of the Commission for an informal special appearance.

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 2023-015

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 Ritter and seconded by Gehrki that the complaint be set for hearing. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Item B Complaint 2022-028 - James McArtor vs. Christin Lee Pruess & Jung Sup Seu

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 Ritter that the complaint be dismissed without prejudice. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Item C Complaint 2022-014 – Cheri R. Dean v. Jody Adams

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 Ritter and seconded by Peter that the complaint be dismissed without prejudice. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Item D Complaint 2022-027

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, it was the consensus of the Commission that this Complaint be held in abeyance for further investigation.

Item E Complaint 2022-042 - Barry Madsen vs. Lisa Marie Zimmerman

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 the complaint be dismissed without prejudice. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Item F Complaint 2022-031

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 Ritter and seconded by Dohse that the complaint be set for hearing. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Item G Complaint 2022-034 - Andrea Watkins vs. Aaron Counsell Fenton & Dana N. Schmidt

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 Gehrki and seconded by Starman the complaint be dismissed without prejudice. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and

Evnen voting aye.

Item H 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 Ritter 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 Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Item I Complaint 2022-008 – George L. Castilla, corporate Real Estate Solutions LLC vs. Cynthia Kay Makinster and Holly Lee Jones

Deputy Director Lowery indicated that the Respondent in this matter had not renewed their license for 2023. Therefore, the Commission no longer had jurisdiction over this matter.

A motion was made by Starman and seconded by Gehrki that Complaint 2022-008 be dismissed without prejudice. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Presentation of Stipulation and Consent Orders

**Complaint 2022-026,
Commission v. Jason Alan Young**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2022-026, Commission v. Jason Alan Young. A copy of said Order is attached to and made a part of these minutes.

There was discussion that the Respondent should be offered a maximum fine and either a sixty or ninety day suspension. There was also a suggestion that the stipulation and consent order be held until the audit has been completed.

A motion was made by Ritter and seconded by Gehrki to decline the proposed Stipulation and Consent Order as presented. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

**Complaint 2023-002,
Richard Erickson v. Tanya Ann Porter**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2023-002, Richard Erickson v. Tanya Ann Porter. 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. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

**Complaint 2021-021,
Commission v. Keisha Chantel Davis**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2021-021, Keisha Chantel Davis. 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. Motion carried with Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye and with Dohse voting nay.

Disciplinary Hearings

Complaint 2022-037 Commission v. Lamar Darnell Brown

A Hearing was held on August 17, at 10:42 a.m., in the matter of Complaint 2022-037, Commission v. Lamar Darnell Brown. Stephen D. Mossman, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Lamar Darnell Brown was present and represented by Counsel Douglas Ruge of Omaha.

After opening statements, Counsels Mossman and Ruge jointly offered 30 Exhibits, all of which were received by Chairperson Evnen. Counsel Mossman called Samantha Lowery, Jason Kemp and Marketta Kemp as witnesses.

Counsel Ruge called Lamar Darnell Brown as a witness.

After closing arguments had been presented, Chairperson Evnen declared the Hearing concluded and gathered the original exhibits.

The Commission deliberated on the matters adduced at hearing.

At 1:10 p.m., a motion was made by Gehrki and seconded by Ritter to go into closed session to deliberate matters and to protect the reputation of Mr. Brown. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

At 1:54 p.m., a motion was made by Gehrki and seconded by Dohse to reconvene in open session. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

A motion was made by Evnen and seconded by Gehrki in Complaint 2022-037, that the complaint be dismissed against Lamar Darnell Brown. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

With the consent of the Respondent, Chairperson Evnen directed Counsel Mossman to prepare the Order.

Chairperson Evnen announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 1:56 p.m.

**August 17, 1:30 p.m. – Petition for Review Hearing on
P2022-001, Commission v. Scott Lawrence Mausbach**

A Hearing was held on August 17 at 2:03 p.m., in the matter of P2022-001. Stephen D. Mossman, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Scott Lawrence Mausbach was present and represented by Counsels Kaylen Akert and Joseph F. Willms of Lincoln.

Chairperson Evnen recused himself from participating in this matter, thereby nullifying any potential conflict of interest.

Counsels Mossman and Akert jointly offered 11 Exhibits, all of which were received by Acting Chairperson Peter. The remaining 14 Exhibits were also received by Acting Chairperson Peter.

Counsel Akert called Greg Lemon and Scott Mausbach as witnesses. Counsel Mossman called Greg Lemon as a witness.

After closing arguments had been presented, Acting Chairperson Peter declared the Hearing concluded and gathered the original exhibits.

The Commission deliberated on the matters adduced at hearing.

At 3:00 p.m., a motion was made by Gehrki and seconded by Ritter to go into closed session to deliberate matters and to protect the reputation of Ms. Hayes. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Peter voting aye, and with Evnen not participating or voting, having recused himself, thereby nullifying any potential conflict of interest.

At 3:10 p.m., a motion was made by Gehrki and seconded by Starman to reconvene in open session. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Peter voting aye, and with Evnen not participating or voting, having recused himself, thereby nullifying any potential conflict of interest.

A motion was made by Peter and seconded by Starman in the Petition for Review P2022-001, to affirm the decision of the original Order that Scott Lawrence Mausbach not be allowed to sit for the brokers examination at this time. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Peter voting aye, and with Evnen not participating or voting, having recused himself, thereby nullifying any potential conflict of interest.

With the consent of the Respondent, Acting Chairperson Peter directed Counsel Mossman to prepare the Order.

Acting Chairperson Peter notified the Respondent that as a part of the Order in this matter, the Respondent is required, under Nebraska Revised Statutes Section 84-914(1) and Title 305 Nebraska Administrative Code, Chapter 4-007.05, to pay the costs of the appearance fee by the court reporter, and any and all witness fees, including mileage and the cost of serving any witness. The Respondent will be billed by the Commission Office, or the amount may be specified in the Order, and will have thirty days from receipt of the costs to totally reimburse the Commission.

Acting Chairperson Peter announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 3:13 p.m.

Informal Special Appearances

Chance Robert Eaton, Salesperson Applicant License Recognition

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Eaton's explained the situations regarding his criminal history.

After discussion, a motion was made by Ritter and seconded by Starman to allow Mr. Eaton's to obtain his reciprocal salesperson license.

After further discussion, an amendment was offered by the mover to attend AA meetings on a weekly basis for one year and send a quarterly verification to the Commission office. The amendment was approved by the second.

Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Taylor Vanhousen, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Vanhousen explained the situation regarding her criminal history.

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

Tiana Charnae Bush, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Bush's explained the situations regarding her criminal history.

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

David Michael Tonniges, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Tonniges explained the situations regarding his criminal history.

After discussion, a motion was made by Gehrki and seconded by Ritter to allow Mr. Tonniges to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Tonniges must notify any anticipated employing broker of the criminal convictions and the circumstances of the convictions and said broker shall confirm said notification in writing to the Commission prior to the license being placed with said broker. Mr. Tonniges must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within five days for a period of two years. Motion carried with Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye, and with Dohse voting nay.

Rule Hearings

Rule Hearing on Title 299, Chapter 2 – Amendment relating to disclosure of agent status when as a private party to require disclosure of license status when soliciting for the purchase of property as a principal

At 10:10 a.m. on August 17, Chairperson Evnen called to order the public hearing on the proposed amendments to Title 299, Chapter 2, of the Commission's Rules and Regulations.

Director Lemon presented three exhibits, which included: 1) a copy of the meeting notice, which was published in two newspapers and filed with the Secretary of State, the Executive Board of the Legislative Council, and the Governor's Policy Research Office; 2) a copy of the Lincoln Journal-Star and Omaha Daily Record proofs of publication of the meeting notice; 3) Fiscal Impact Statement; and 4) a copy of the proposed amendments to Title 299, Chapter 2, in legislative style. Exhibits are attached to and made a part of these minutes.

Director Lemon noted that he had not received any written comments or testimony which had been solicited.

Director Lemon explained the changes as provided in the exhibit.

A motion was made by Gehrki and seconded by Dohse that the Commission adopt Title 299, Chapter 2, and to direct staff to complete the filing process for the proposed rule changes. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman, and Evnen voting aye.

Chairperson Evnen declared the rule hearing concluded at 10:15 a.m.

Review of Advertising Rules and Violations – Broker Prominence

Director Lemon presented an exhibit explaining the advertising violations related to broker name prominence. A copy of said exhibit is attached to and made a part of these minutes. Andy Alloway, with Nebraska Realty, was present to discuss this matter.

Director Lemon explained the report as part of this exhibit regarding violations reported to the Commission. He noted that a majority of the violations reported were for no broker listed.

Mr. Alloway indicated that this is a problem, one in which both he and staff spend a significant amount of time discussing in meetings. He indicated that problems relating to prominence and logos, is what his company spends time with marketing on educating with a lot of technicalities regarding the spirit of the law to be easy recognizable, to be in compliance and not to confuse the public.

Chairperson Evnen indicated that changes to the law may make the challenge subjective. There was discussion regarding language that Arizona uses for advertising and that it may be helpful to know what experience the licensees have had using this language.

There was also discussion regarding educating the licensee regarding the advertising laws and holding them accountable. There was also discussion that the public is not necessarily confused since they don't know the rules, this is typically an issue between licensees.

Chairperson Evnen noted that the Commission may need to deal with the compliance issues and provide information through a campaign, followed by compliance actions. He felt that if the Commission goes through the effort of taking steps to get the licensees in compliance, the industry may get the word and increase compliance.

No action was necessary on this report.

Authorize Entering Into Memorandums of Understanding with Newly Appointed Special Assistant Attorneys General

Director Lemon presented a list of the newly appointed Special Assistant Attorneys General. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon requested authority to enter into memorandums of understanding with the newly appointed Special Assistant Attorneys General, Abbie Widger of Johnson Flodman Guenzel & Widger LLP.

Director Lemon indicated that due to unusual circumstances there was a need to have additional attorneys appointed as Special Assistant Attorneys General. He needed the authority to enter into a "Memorandum of Understanding" with the new appointee.

A motion was made by Starman and seconded by Gehrki to authorize Director Lemon to enter

into memorandums of understanding with the newly appointed Special Assistant Attorneys General. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, Starman and Evnen voting aye.

Adopt Darlene Starman's Resolution

Director Lemon presented a resolution commemorating service on the Commission by Darlene Starman. A copy of said resolution is attached to and made a part of these Minutes.

A motion was made by Dohse and seconded by Gehrki that the resolution for Darlene Starman be adopted as presented. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye. with Starman not participating or voting, having recused herself, thereby nullifying any potential conflict of interest.

Information Matters

ARELLO Annual Meeting - September 18-22, 2023 - Montreal, QC, Canada

Director Lemon explained that the deadline for registration was due August 6, 2023, and asked which Commissioners were planning on attending the conference.

No action was necessary on this report.

Approval of Amendments to Title 299, Chapters 001, 002, 005 and 007 and Title 301, Chapter 001

Director Lemon noted that changes to the amendments to Title 299, Chapters 001, 002, 005 and 007, and Title 301, Chapter 001 were approved, by the Governor and filed with the Secretary of State and will be effective August 20, 2023.

No action was necessary on this report.

Future Meeting Dates

September 14-15, 2023- Country Inn and Suites, Lincoln
October 12-13, 2023- Telegraph Lofts East Center, Lincoln
November 9, 2023- Graduate Lincoln, Lincoln

Recesses and Adjournment

At 8:31 a.m. Commissioner Starman joined the meeting.

At 8:38 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 8:44 a.m.

At 9:37 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 9:43 a.m.

At 10:26 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:41 a.m.

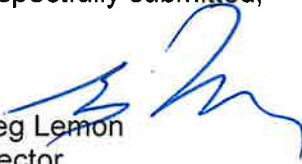
At 12:15 p.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 12:24 p.m.

At 3:13 p.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 3:18 p.m.

At 4:27 p.m., there being no further business to come before the Commission, a motion was made by Starman and seconded by Gehrki that the meeting adjourn. Motion carried with Dohse, Gehrki, Peter, Ritter, Starman, and Evnen voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the August 17, 2023, meeting of the Nebraska Real Estate Commission were available for inspection on August 29, 2023, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,


Greg Lemon
Director

Guests Signing the Guest List

Amy Gewecke, Woods Bros Realty, Larabee School, Lincoln
SuLyn Medvin, Nebraska Real Estate Commission, Lincoln
Ashlee Hendrickson, Nebraska REALTORS® Association, Lincoln
Charles Chadwick, CNC Realty, Omaha
Leighun Brabec, Home Real Estate, Lincoln
Karalyn Hofer, Next Home Integrity, Lincoln
Andy Alloway, Nebraska Realty, Omaha

