

## SECTION 81-885.01 - IMPROPER LICENSURE

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Stipulation and Consent Order entered on October 12, 2023. Blank violated 81-885.03 by acting directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offer, or agrees to perform or performs any single act described in subdivision of section 81-885.01, whether as a part of a transaction or as an entire transaction. Mr. Blank violated a Cease and Desist order by violating 81-885.03 and 81-885.01.	SC2023-003 Nebraska Real Estate Commission vs. Jacob Blank - Fast Wholesale Deals	October 12, 2023	Civil Fine \$5200.00
Stipulation and Consent order entered into on March 6, 2023. [Ms. Marin, an unlicensed individual, advertised to the public, real property for sale in Nebraska that she did not hold title to, violating Neb. Rev. Stat. § 81.885.01(02) (a) and Neb. Rev. Stat. § 81-885.03 (3).]	SC2022-001 Nebraska Real Estate Commission v. Jessica Marin	March 6, 2023	Civil fine \$300.00
Kraft violated Neb. Rev. Stat. § 81-885.12(18) Providing any form of compensation or consideration to any person for performing the services of a broker, associate broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act unless such person is (a) a nonresident who is licensed in his or her resident regulatory jurisdiction or (b) a citizen and resident of a foreign country which does not license persons conducting the activities of a broker and such person provides reasonable written evidence to the Nebraska broker that he or she is a resident citizen of that foreign country, is not a resident of this country, and conducts the activities of a broker in that foreign country by the use of Facebook to solicit referrals from unlicensed individuals constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute negligence, incompetency, or unworthiness to act as a broker (or salesperson) when Mr. Kraft used Facebook to solicit referrals from unlicensed individuals which constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute "negligence, incompetency or unworthiness to act as a broker (or salesperson); Neb. Rev. Stat. § 81-885.01(2) Broker means any person who,	2022-011 – Commission Vs Kelby Kraft	September 15, 2022	Stipulation and Consent Order entered September 15, 2022. License suspended for a period of thirty-six (36) months with the first sixty (60) days to be served on suspension and the remaining suspension period stayed and served on probation. The suspension period shall commence exactly thirty (30) days from the activation of Mr. Kraft's salesperson license; plus pay a civil fine of \$1,500.00 due December 14, 2022; plus if Mr. Kraft violates any law administered by the Nebraska Real Estate Commission during the entirety of his probationary suspension period, it may result in a Show Cause proceeding being brought against him by the Commission, in which case, his Nebraska real estate salesperson's license may be suspended for the remainder of the probationary suspension period and, in addition to or as an alternative to such suspension, the Commission may, as a result of the findings of such hearing, impose any

SECTION 81-885.01 - IMPROPER LICENSURE

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<p>for any form of compensation or consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker also includes any person: (a) Employed, by or on behalf of the owner or owners of lots or other parcels of real estate, for any form of compensation or consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who auctions, offers, attempts, or agrees to auction real estate; or (c) who buys or offers to buy or sell or otherwise deals in options to buy real estate when Mr. Kraft used Facebook to solicit referrals from unlicensed individuals which constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute "negligence, incompetency or unworthiness to act as a broker (or salesperson); Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section, when his statements and/or omissions on his 2022 Renewal Application constitute negligence, incompetency, or unworthiness to act as a broker (or salesperson) by the use of Facebook to solicit referrals from unlicensed individuals constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute negligence, incompetency, or unworthiness to act as a broker (or salesperson) when Mr. Kraft used Facebook to solicit referrals from unlicensed individuals which constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, constitute</p>	<p>2022-011 – Commission Vs Kelby Kraft (continued)</p>		<p>other sanctions as provided in the Nebraska Real Estate License Act.</p>

## SECTION 81-885.01 - IMPROPER LICENSURE

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"negligence, incompetency or unworthiness to act as a broker (or salesperson)	2022-011 – Commission Vs Kelby Kraft (continued)		
Section 76-2422 (2) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to establish a single agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee=s duties and responsibilities specified in section 76-2417, the terms of compensation, a fixed date of expiration of the agreement, and whether an offer of subagency may be made to any other designated broker; and Neb. Rev. Stat. ' 81-885.24 (29) by demonstrating negligence to act as a broker.	2005-047 - Commission vs Nada Resnik-McNenny, Broker	November 16, 2005	Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of agency, and three (3) hours in the area of license law to be completed by February 14, 2006.
Violated Neb. Rev. Stat. § 76-2422(4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an	2014-013 – Commission vs. Jane Hartman Heimboch	June 25, 2014	Stipulation and Consent Order entered June 25, 2014. License revoked.

SECTION 81-885.01 - IMPROPER LICENSURE

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<p>Agency Disclosure; Neb. Rev. Stat. § 81-885.01(2) Broker means any person who, for any form of compensation or consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker also includes any person: (a) Employed, by or on behalf of the owner or owners of lots or other parcels of real estate, for any form of compensation or consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who auctions, offers, attempts, or agrees to auction real estate; or (c) who buys or offers to buy or sell or otherwise deals in options to buy real estate, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. State § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that</p>	<p>2014-013 – Commission vs. Jane Hartman Heimboch (continued)</p>		

SECTION 81-885.01 - IMPROPER LICENSURE

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>person which party the licensee is representing, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note that an individual refused to sign an Agency Disclosure; Neb. Rev. State § 81-885.24(3) Failing to account for and remit any money coming into his or her possession belonging to others by failing to timely deposit or remit earnest monies, failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(4) Commingling the money or other property of his or her principals with his or her own, by failing to timely deposit or remit earnest monies, also failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(26) Violating any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act; by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch (continued)</p>		

SECTION 81-885.01 - IMPROPER LICENSURE

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<p>agreements and to protect interests of her clients. Heimbouch also failed to truthfully and timely inform her clients of the status of transactions concerning their properties and to competently complete paperwork; 299 NAC 3-005 Earnest money deposits and other deposits relating to the sale of real estate shall be kept in a separately identified trust account and all other trust funds may be deposited in another separately identified trust account, by failing to timely deposit or remit earnest monies, to keep separate and/or commingling earnest money received from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and failed to protect the interests of her clients; 299 NAC 5-003.14 Failure to deposit any funds received as an earnest money deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided in the purchase agreement. In the event an offer is not accepted, said earnest money deposit shall be returned forthwith, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; 299 NAC 5-003.15 Withholding earnest money when the purchaser or seller is rightfully entitled to the money; provided, a broker may retain funds to cover expenses he or she has prepaid for a purchaser or seller from the broker's funds, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(20) Failing to deliver within a reasonable time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller, by failing to deliver a written copy of the offer and/ or purchase agreements; 299 NAC 5-003.18 Failure to reduce an offer to writing where a prospective purchaser requests such offer be submitted when the licensee is: the limited seller's agent for the property; the prospective purchaser's limited</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch (continued)</p>		

SECTION 81-885.01 - IMPROPER LICENSURE

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buyer's agent; or the dual agent of the seller and the prospective purchaser, by failing to deliver a written copy of offers and/or purchase agreements; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, by advising clients of offers without the necessary documents and also disclosing personal information about possible clients.	2014-013 – Commission vs. Jane Hartman Heimboch (continued)		