

SECTION 81-885.24(18) – USING UNLICENSED PERSONS

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(18) by paying commission to unlicensed person.	90-055 - Marvin Wolfe vs. Donald L. Calkins	December 13, 1990	Stipulation and Consent Order. License censured.
Section 81-885.24(18) by paying commission or compensation to unlicensed person; 81-885.24(29) by demonstrating negligence; and Ch. 5-003.11 and 003.19 by failing to deposit earnest money in a timely manner.	91-032 - Commission vs. Ronald F. Finkel	October 1, 1991	Stipulation and Consent Order. License suspended for 45 days followed by 10 2 months of probation.
Section 81-885.24(18) by compensating an unlicensed person for performing the services requiring a real estate license and 81-885.24(29) by allowing an unlicensed individual to participate in real estate activities requiring a real estate license.	2001-023 - Pace Woods vs. Larry F. Zitek	August 20, 2001	License censured.
Section 81-885.24 (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; 81-885.24 (22) Making any substantial misrepresentations; 81-885.24 (16) Violating any provision of sections 76-2401 to 76-2430; 76-2418 (3) (a) A licensee acting as a buyer's or tenant's agent owes no duty or obligation to a seller, a landlord, or a prospective seller or landlord, except that the licensee shall disclose in writing to any seller, landlord, or prospective seller or landlord all adverse material facts actually known by the licensee. The adverse material facts may include, but are not limited to, adverse material facts concerning the client's financial ability to perform the terms of the transaction. (b) A buyer's or tenant's agent owes no duty to conduct an independent investigation of the client's	2007-064 Commission vs. John Steven Headlee	December 4, 2008	Stipulation and Consent Order. License suspended for a period of thirty (30) days immediately followed by eleven (11) months probation. Suspension period commenced on December 5, 2008, and continued through January 4, 2009. The probationary period commenced on January 5, 2009, and continues through November 5, 2009; plus an additional nine (9) hours of continuing education with three (3) hours in the area of disclosures, three (3) hours in the area of license law and three (3) hours in the area of ethics, to be completed by June 3, 2009.

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<p>financial condition for the benefit of the customer and owes no duty to independently verify the accuracy or completeness of statements made by the client or any independent inspector; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson. Headlee provided compensation for past and future referrals to a person who had not first secured his or her license under the Nebraska Real Estate License Act; Headlee made material misrepresentations to the buyer with respect to Headlee=s knowledge about termites on the property; and, Headlee failed to disclose to the buyers, in writing, an adverse material facts regarding termites which fact was actually known by Headlee.</p>	<p>2007-064 Commission vs. John Steven Headlee (continued)</p>		
<p>Licensee’s failure as a broker to supervise his salespersons and allow Mr. Perez to work as a Seller’s Agent, and to represent himself as a Seller’s Agent, prior to having a Nebraska Real Estate License violated Neb. Rev. Stat. § 81-885.24 (18), it is an unfair trade practice for a licensee to provide any form of compensation or consideration to any person for performing the services of a broker, associated broker, or salesperson who has not first secured his or her license under the Nebraska Real Estate License Act</p>	<p>2023-045 Nebraska Real Estate Commission v. John Michael Ruzicka and Alexander Perez</p>	<p>March 7, 2024</p>	<p>Stipulation and Consent entered March 7, 2024. Licensee placed on probation for a period of three (3) years; Probation to commence on April 6, 2024, and continue through April 6, 2027; licensee ordered to pay a civil fine of \$2500.00 due on June 5, 2024; licensee ordered to complete an additional three (3) hours of continuing education, in the area of License Law by September 2, 2024</p>
<p>Freeman violated Neb. Rev. Stat. §81-885.24(18) which is an unfair trade practice to provide any form of compensation to performing the services of a broker without a Nebraska real estate license; violated 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 he provided an compensation for a real estate transaction to an unlicensed individual.</p>	<p>2022-010 Real Estate Commission of the State of Nebraska v. Daniel Freeman</p>	<p>November 9, 2022</p>	<p>License suspended for a period of one (1) years; with the first thirty (30) days served on suspension and the remained of the period stayed and served on probation. Suspension commences on December 9, 2022 and continues thru January 8, 2023. Probation commences on January 9, 2023 and continues through December 08, 2023; plus complete an additional three (3) of continuing education in the area of licensing law by May 9, 2023; plus pay hearing fees of \$1692.50 due on February 7, 2023; plus civil fine of \$1500.00 due on February 7, 2023. plus if Mr. Freeman violates any law</p>

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	2022-010 Real Estate Commission of the State of Nebraska v. Daniel Freeman (continued)		administered by the Nebraska Real Estate Commission during the entirety of his probationary period, it may result in a Show Cause proceeding being brought against him by the Commission, in which case the salesperson license may be suspended for the remained of the probation. In addition to or as an alternative to suspension as a result of the findings of the hearing, impose any other sanctions as provided in the Nebraska Real Estate License Act. Also, should he violate any law administered by the Commission during the entirety of his probationary period it may result in a new disciplinary complaint proceeding being brought against him by the Commission.
Licensee committed unfair trade practices by violating Neb. Rev. Stat § 81-885.24 (18) it is an unfair trade practice for a licensee to provide 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	2023-026 Nebraska Real Estate Commission v. Hunter R Koch	November 9, 2023	License suspended for a period of one (1) year; with the first thirty (30) days to be served on suspension and the remainder served on Probation. Suspension to commence on December 1, 2023 and continue through December 30, 2023. Probation to commence on December 31,2023, and continue through November 30, 2024; licensee ordered to pay a civil fine of \$1,500.00 due on February 7,2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license to be completed by May 7, 2024.
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	2022-011 Real Estate Commission of the State of Nebraska v. Kelby Kraft	September 15, 2011	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

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<p>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, 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</p>	<p>2022-011 Real Estate Commission of the State of Nebraska v. Kelby Kraft (continued)</p>		<p>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 other sanctions as provided in the Nebraska Real Estate License Act.</p>

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<p>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 "negligence, incompetency or unworthiness to act as a broker (or salesperson)</p>	<p>2022-011 Real Estate Commission of the State of Nebraska v. Kelby Kraft (continued)</p>		
<p>Licensee committed unfair trade practices by violating Neb. Rev. Stat § 81-885.24 (18) it is an unfair trade practice for a licensee to provide 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;</p>	<p>2023-006 Nebraska Real Estate Commission v. Jeffrey Morgan Ahern and Megan Frances Ahern</p>	<p>November 9, 2023</p>	<p>License suspended for a period of one (1) year; with the first thirty (30) days to be served on suspension and the remainder served on Probation. Suspension to commence on December 9, 2023 and continue through January 8, 2024. Probation to commence on January 8,2024, and continue through January 9, 2024; licensee ordered to pay a civil fine of \$1,500.00 due on February 7; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law to be completed by May 7, 2024.</p>
<p>Licensee's use of email to solicit referrals from unlicensed individuals constitutes an attempt to provide compensation or consideration to any person performing services of a licensee, violating NEB. REV. STAT § 81.885.24 (18), it is</p>	<p>2024-004 Nebraska Real Estate Commission v. Jeni Meyer</p>	<p>March 21, 2024</p>	<p>Stipulation & Consent entered March 21, 2024. Licensee suspended for a period of one (1) year, with the first thirty (30) days to be served on suspension and the</p>

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unfair trade practice for a licensee to provide 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 and NEB. REV. STAT. § 81.885.24 (29), it is unfair trade practice for a licensee to “demonstrate negligence, incompetency, or unworthiness to act as a broker or salesperson..., whether the same or of different character as otherwise specified in this section.”]			remainder served on probation. Suspension to commence on April 7, 2024, and continue through May 7, 2024. Probation to commence May 8, 2024, and continue through April 7, 2025, licensee ordered to pay a civil fine of \$1,500.00 due on June 19, 2024; licensee ordered to complete an additional three (3) hours of continuing education in the area of license law by September 17, 2024