

COMMISSION COMMENT

Governor Appoints Kathryn Rouch to the Commission

Governor Dave Heineman appointed Kathryn Rouch to a six-year term on the Nebraska Real Estate Commission. Kathryn makes her home in Omaha. She was born in York and raised in Exeter where she graduated from high school. She received her Bachelor of Science degree from the University of Nebraska, Lincoln.

After careers which led her to make her home first in Washington D.C. and then Chicago, Kathryn returned to Omaha in 1993 where she became Marketing Director for Ballet Omaha. In 1996, Kathryn obtained her Nebraska real estate salesperson license and began her real estate career. She is currently a salesperson with CBSHOME Real Estate.

Kathryn has served the real estate community in numerous leadership positions including as 2002 Omaha Chapter President and 2008 State Chapter President of the Women's Council of Realtors. She was named the 2004 Realtor of the Year by the Omaha Chapter of the

Women's Council of Realtors. Kathryn has earned numerous designations including Certified Residential Specialist, Graduate Realtors Institute, Accredited Buyers Realtor, Leadership Training Graduate and Performance Management Network.

Kathryn is also a Dale Carnegie graduate and a graduate of Leadership Omaha. She has served her community as a Board Member for both the Downtown YMCA and the Housing & Neighborhood Developers. Her volunteer activities have included Habitat for Humanity, Salvation Army, March of Dimes, Red Cross,

Nebraska Chapter of the Leukemia Society and Royal Family Kids Camp. Kathryn is an active member of the music ministry at Christ Community Church. ■



Chairperson John Gale administers the Oath of Office to Kathryn Rouch

Commission Meeting Schedule

- October 30-31Lincoln
- December 4-5Lincoln
- January 22-23Lincoln
- February 19-20Lincoln
- March 19-20Lincoln
- May 21-22Lincoln

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*Commissioners Front row, L to R: Rita Griess, Kathryn Rouch, Chairperson John Gale
Standing, L to R: Bruce Bohrer, Robert Dover, Vince Leisey, Wes Grady*

COMMISSION COMMENT

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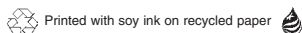
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Director's Desk

License Recognition Agreements Renegotiated



As reported in the last issue of the "Commission Comment", nonresident applicants for licensure and applicants who have moved to Nebraska and are

applying for licensure based on a license in their jurisdiction of immediate preceding residence are now required to complete a three-clock hour class in Nebraska license law and agency law prior to issuance of the salesperson or broker license. This change has required the modification of some of the license recognition agreements we have with other real estate regulatory jurisdictions.

The license recognition agreements with Idaho, Pennsylvania and New Mexico have been rescinded.

We are renegotiating a totally new agreement with Kansas since Kansas recently cancelled all of its license recognition agreements.

The negotiations with Florida, Illinois, Indiana, Montana, New York and Tennessee are still ongoing. The agreements, as they have been in place, are still being honored except that, since July 18, 2008, licensees from these six jurisdictions must complete the three-clock hour class prior to licensing in Nebraska.

The agreements with Alberta, Arkansas, Kentucky, Mississippi, West Virginia and Wyoming were amended to require Nebraska licensees seeking licensure in these jurisdictions to complete coursework prior to issuance of the license.

The agreements with Connecticut and Iowa were amended to require Nebraska licensees seeking licensure in these jurisdictions to pass the state portion of the licensing examination prior to issuance of the license. The same will be true for the Oklahoma agreement effective November 1, 2008.

The agreements with the remainder of jurisdictions, with which we have license recognition agreements, did not change as they relate to Nebraska licensees seeking licensure in those jurisdictions.

A complete listing of the jurisdictions with which Nebraska currently has license recognition agreements and the basic terms and conditions of the agreements is available by request from the Commission Office or on our website at: www.nrec.state.ne.us/recst.htm.

**MEET THE REAL ESTATE
COMMISSION STAFF**

The Real Estate Commission Staff is here to serve the public and the licensee population. It is our goal to be helpful and forthright in a courteous and professional manner. We hope that when you contact our office, you always receive useful, accurate information and/or are referred to the proper authority.

Following is a communication resource to assist you when contacting our office. If the indicated person is unavailable to take your call, please share the purpose for the call and your call will be routed to someone else who can help you.

We take pride in having a skilled staff, if you have comments or suggestions as to how we may better serve you, please contact our office.

COMMUNICATIONS GUIDE

Ask for person indicated if you have questions in the following areas.

- Commission Meeting Information *Monica Rut*
monica.rut@nebraska.gov
- Complaint Procedures *Terry Mayrose*
terry.mayrose@nebraska.gov
- Continuing Education History or
Inquiries *Melanie Patrick-Heather*
melanie.patrick-heather@nebraska.gov
- Curriculum Design (Education &
Instructor Approval) *Teresa Hoffman*
teresa.hoffman@nebraska.gov
- Errors and Omissions Insurance
Inquiries *Teresa Hoffman*
teresa.hoffman@nebraska.gov
- Financial Officer *Rebecca Hallgren*
rebecca.hallgren@nebraska.gov
- License Applications Packet
Requests *General Staff*
- License Applications Process *Marilyn Masters*
marilyn.masters@nebraska.gov
- Licensing and Education
Requirements *Teresa Hoffman*
teresa.hoffman@nebraska.gov
- New Licenses in Process *Marilyn Masters*
marilyn.masters@nebraska.gov
- Specialized Registrations *Monica Rut*
monica.rut@nebraska.gov
- Transfer of License *Tawny Snider*
tawny.snider@nebraska.gov
- Trust Account Matters *Terry Mayrose*
terry.mayrose@nebraska.gov
John Clark
Patricia Stehly
Ron Pierson
- Webmaster *Monica Rut*
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Disciplinary Actions Taken by the Real Estate Commission

(Does Not Include Cases on Appeal)

2007-047 Commission vs Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols. Hearing held April 3, 2008. **Gary Bert Stoneburg:** Broker's license suspended for a period of one hundred and twenty (120) days with the entire suspension period stayed and served on probation, commencing on May 9, 2008, and continuing through September 6, 2008; plus an additional twelve (12) hours of continuing education with three (3) hours each in the area of agency, contracts, ethics and license law, to be completed by September 6, 2008. [Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating incompetency or unworthiness to act as a broker, by accepting two Uniform Listing Contracts as the Sellers' Limited Agent, at a time when he knew that the two listings had been negotiated on behalf of his brokerage by the Nichols, and when he knew, or through the exercise of reasonable care should have known, that the Nichols were at the time employed by another employing broker, who had not given the Nichols the required prior written consent to represent another employing broker, Gary Bert Stoneburg, in connection with the listing and marketing for sale of the two properties.] **Mark A. Nichols:** Broker's license suspended for a period of one (1) year, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009. [Violated Neb. Rev. Stat. § 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, 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 shall disclose, in writing, to that person the types of brokerage relationships the designated broker and affiliated licensees

are offering to that person; Title 299 NAC Chapter 2-010 The consent required from the employing broker for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in 81-885.24 (7) and (8), respectively, shall be given, in writing, by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. Mark A. Nichols jointly negotiated two Uniform Listing Contracts on behalf of RE/MAX Advantage Real Estate and its designated broker, Respondent Gary Bert Stoneburg; obtained signatures of the two sellers on agency disclosure forms which identified Gary Bert Stoneburg as the limited Sellers' Agent; failed to obtain the signatures of the two sellers on agency disclosure forms which identified each of the Nichols, or either of them, as Sellers' Limited Agents; and failed to obtain the required prior written consent from his then employing broker to represent another employing broker.] **Beverly Alice Nichols:** Salesperson's license suspended for a period of twelve (12) months, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009; plus an additional six (6) hours of continuing education with three (3) hours each in the area of license law and agency, to be completed by November 3, 2008. [Violated Neb. Rev. Stat. § 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, 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 shall disclose, in writing, to that person the types of brokerage relationships the

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2009 LICENSE RENEWAL

We are approaching the 2008 real estate license renewal period. All real estate Brokers or Salespeople WILL be sent a renewal notice along with a partially completed renewal form for use in renewing their license for 2009. Your renewal will be mailed to your broker's main office address, unless you have informed us of your preferred contact address. Then the renewal will be mailed to the requested contact address. If you do not receive your renewal by early October please contact the Real Estate Commission Office. In order for mail to be deliverable, the Post Office must have the names of all persons receiving mail at that address.

DEADLINE REMINDER

November 30, 2008, is the deadline for submitting renewal application materials for all active and inactive salespersons and brokers, along with the proper fees and, if needed, proof of continuing education and errors and omissions insurance. *Because November 30, 2008, falls on a Sunday, materials may be post-marked (postal meter marks will NOT be considered) or delivered to the Commission office through December 1.* The Office is open until 5:00 P.M. (CST).

LICENSES HELD ON INACTIVE STATUS MUST BE RENEWED EACH YEAR, TOO.

Renewal forms and renewal instructions specific to inactive licenses will be mailed along with all others and are subject to the same deadlines and fees as described in this article.

INDIVIDUALIZED FORMS

Mailed renewal forms are produced from our database and are individualized to the named licensee. Please take the time to read the supplied information carefully and make any corrections necessary. Do not attempt to use someone else's form, the barcode will not accommodate this. Please take care not to lose your individualized form. Every year we spend a great deal of time and resources duplicating the original mailing for those who have misplaced the documents. If you do lose the mailed renewal – Remember you can download a generic

renewal from our website at: www.nrec.state.ne.us. **Please be aware that a downloaded form is NOT individualized, therefore, it is very important that you fill-in the contact information at the top of the form in order to be properly identified.** You can also file directly on-line by going to www.nrec.state.ne.us. Please see the paragraph on this topic later in this article.

INCOMPLETE APPLICATIONS

NO RENEWALS WILL BE ACCEPTED UNLESS THEY ARE FILLED OUT COMPLETELY AND SIGNED BY THE LICENSEE. There should be no questions left unanswered. If you feel a question does not pertain to you, please indicate this by placing N/A in the blank. If active, make certain you properly address your errors & omissions insurance and continuing education requirements. Make sure your check or credit card information is enclosed, filled out properly, legible, and in the correct amount. **If you are unsure as to how to complete your renewal, we will be happy to answer any questions you may have. DO NOT SUBMIT INACCURATE OR INCOMPLETE RENEWALS FOR ANY REASON, THESE MAY JEOPARDIZE THE TIMELY RENEWAL OF YOUR LICENSE AND COULD RESULT IN THE ASSESSMENT OF LATE FEES.**

LATE RENEWALS


Any salesperson or broker who fails to file an application for renewal of a license and pay the renewal fee by the November

30 date, as provided in the Nebraska Real Estate License Act and Neb. Rev. Stat. § 49-1203, may file a late renewal application with all required information included. Because November 30, 2008, falls on a Sunday, postmarks and deliveries dated December 1, 2008, will be accepted as timely and not considered late (*postal meter marks will NOT substitute for postmarks*). Renewals which are late must pay, in addition to the renewal fee, the sum of twenty-five dollars for each month, or portion of month, beginning on December 2, 2008; provided that such late application is filed before July 1 of the ensuing year, i.e. by 5:00 P.M. (CDT) June 30, 2009.

“BUNDLING” OF RENEWAL SUBMISSIONS

Every individual licensee is responsible for the renewal of his or her own license. However, some firms have a practice of holding renewals until they have collected all the renewals of the licensees with the firm and then submitting them to the Commission all together. There are two general approaches to this “bundling” practice. One, all renewals for the firm are collected, with individual checks attached to each renewal, and then all renewals for the firm are sent, under one cover, to our Office. Two, all renewals for the firm are collected with the firm writing one check to cover the total amount needed to renew all licensees in the “bundle” and then they are sent, under one cover, to our Office. Both practices can cause situations to occur where late penalty fees can accrue,

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Before sending in your License Renewal read the article: “AVOID THE COMMON PITFALLS THAT CAN DELAY YOUR LICENSE RENEWAL” found on page 6.

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License Renewal. . . (Cont'd)

if the "bundled" renewals are not sent considerably early, to allow for the review and processing to take place prior to the renewal deadline.

In the first scenario, the licensee may have turned his/her renewal and check into the firm a month or more in advance. The "bundle" arrives at the Commission Office a day or two before the deadline. In processing, it is found that questions have not been answered; the form is unsigned; proof of continuing education or errors and omissions insurance is needed; and/or an individual licensee's check is not correct. The individual licensee will owe a late penalty fee if the correction cannot be made prior to the renewal deadline.

In the second scenario, the licensee had turned his/her check and form into the firm a month or more in advance and the "bundle" with one check arrives at our Office on or close to the deadline. Again, the review process finds that an individual application, or more than one, is incomplete or proof of continuing education or errors and omissions insurance is needed. This time, however, if the correction cannot be made by the deadline, all renewal applications covered by the single check are late and the late penalty fee accrues to each and every renewal application in the bundle. **If the "bundling" option is used, please be sure to mail early!**

RENEW EARLY!

The processing of renewal applications, as the volume of renewals received increases near the deadline, can be as long as a week to ten days. This being the case, the return of the individual application or "bundled" applications, by mail, in and of itself, will cause late penalties to occur. Therefore, **we encourage all licensees to mail renewals early and not wait until the last minute.**

**Opportunities TO RENEW
On-Line At
www.nrec.state.ne.us**

Our website has been developed to better serve you and we are constantly updating it to even better serve licensees and the public. We hope that you have acquainted yourself with the site and the tremendous amount of material available on it. We are seeking to bring you greater opportunities in this medium. While everyone will be mailed a renewal in the traditional fashion, the opportunity to submit a renewal online is also available to you. **Should you elect to renew online please remember that all deadlines apply to online renewals just as they would any other. Please also remember that you CANNOT fill out online renewals for anyone but yourself. If multiple licensees use the same computer to renew their license on-line, they must exit the on-line renewal page completely and re-enter using their individual user name and password between each user. Once you enter this**

page, your identification is automatically supplied on the form(s) any electronic signature besides your own will invalidate the renewal form. It is recommended that you keep a copy of the submission page for your records.

CREDIT CARD PAYMENTS

Visa and Master Card ONLY may be used to pay fees associated with the renewal of licenses. **Debit cards will NOT be accepted.** Please review forms and supply the indicated information when opting for the credit card method of payment.

REMEMBER:

LICENSE RENEWAL FEES CANNOT BE COMBINED WITH TRANSFER FEES OR EXAMINATION FEES. **THESE ARE SEPARATE PROCESSES.** PLEASE SEND SUCH REQUESTS AND THE APPROPRIATE FEE UNDER SEPARATE COVER.

INSUFFICIENT FUNDS

ANY PAYMENT RETURNED BY A FINANCIAL INSTITUTION WILL BE SUBJECT TO A \$30 PROCESSING FEE. IT SHOULD ALSO BE POINTED OUT THAT THE LICENSE ACT PROVIDES THAT THE ISSUANCE OF AN INSUFFICIENT FUNDS CHECK MAY BE GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE - THIS INCLUDES THE RENEWAL OF A LICENSE. ■

2009 ERRORS & OMISSIONS INSURANCE

THE NEBRASKA COMMISSION-OFFERED ERRORS & OMISSIONS PLAN FOR 2009 IS THROUGH WILLIAMS UNDERWRITING GROUP.

ENROLLMENT MATERIALS FOR THIS PLAN HAVE BEEN MAILED WITH THE LICENSE RENEWAL MATERIALS. INSTRUCTIONS FOR SUBMITTING EQUIVALENT COVERAGE INSURANCE HAVE ALSO BEEN INCLUDED.

Avoid The Common Pitfalls That Can Delay Your License Renewal

The objective of this article is to assist you in your efforts to renew your license. This article is being written to alert you to some of the renewal mistakes that we have seen repeatedly over the years, it is not intended to discourage you from contacting us with your questions and concerns.

We all make mistakes and we all need help correcting these mistakes. Unfortunately, these “little” renewal mistakes are often multiplied by the hundreds and most mistakes, even the little ones, are costly in some way, i.e. time and money. It is our hope that by reviewing the following common mistakes listed below and by being mindful of them you can avoid these same pitfalls and enjoy a smoother renewal experience.

1. INCURRING LATE FEES DUE TO FAILURE TO RENEW ON TIME: Although licenses do not expire until December 31, 2008, renewal applications, all required documents, and the correct renewal fee must be received in the Nebraska Real Estate Commission office by no later than 5:00 p.m.(CST) on November 30, 2008. (Since November 30, 2008, is on Sunday, renewals received or postmarked through December 1, will be accepted. Postal meter marks will NOT substitute for postmarks). Renewals received past this deadline will have to pay additional late penalty fees (which are \$25.00 per month or any portion of a month beginning December 2, 2008). The option to renew late expires June 30, 2009.

2. INCOMPLETE OR INACCURATE RENEWALS: Make sure that the application is completed fully, your additional explanations, corrections, and credit card numbers are clearly legible, all pages are returned and the form is signed. Make sure your check or payment information is enclosed, signed, and correct. If active, do not forget to include the errors & omissions insurance and continuing education. **If you are unsure as to how to complete your renewal, please contact our office, we will be happy to answer any questions you may have.**

3. NO ERRORS & OMISSIONS

INSURANCE: E & O Policies other than the NEBRASKA Commission-offered plan, require a current Certification of Coverage Form and, in some cases, an Endorsement Form either already in the file or submitted in conjunction with the renewal form. Please enroll for any equivalent policies far enough in advance that verification of coverage will not delay the renewal of your license.

Similarly, when indicating enrollment in the Nebraska Commission-offered plan, the renewal form reads that you have MADE application – key is the fact that you must follow up on this commitment and send the insurance enrollment materials for the Commission-offered insurance preferably prior to the time you send your renewal materials to the Commission. Whether enrolling in the Commission-offered plan where coverage is verified directly to the Commission or enrolling in an equivalent policy which necessitates your coordination of the verification, if you wait until the last minute to renew your license and then send your insurance enrollment at this same late date you will have a delay in processing your renewal – WE CANNOT RENEW YOUR LICENSE ON ACTIVE STATUS WITHOUT PROOF OF INSURANCE.

4. CONTINUING EDUCATION REQUIREMENT NOT COMPLETE OR NOT SUBMITTED: If your renewal form indicates NEEDS CONTINUING EDUCATION—then you have not fulfilled your CE obligation as of the date the renewal was printed. We will not renew your license on active status without it. Be sure to include any CE certificates not already submitted to the Commission office with your renewal form.

Sometimes the mailing of the renewal form and your submission of continuing education certificates cross in the mail. You can verify our receipt of your certificates by looking up your information under the “Nebraska Licensee and Applicant Information Search” section of our website at: www.nrec.state.ne.us. If you need further assistance, we will be happy

to discuss this with you PRIOR to you sending in your renewal.

5. MISSING ATTENDANT DOCUMENTS: Your license will not be renewed until all materials have been submitted in full. Please coordinate your documents so that they may arrive either prior to or simultaneously with your renewal form. Follow-up documents often delay processing of your renewal.

6. POSTAL METER MARKS WILL NOT BE HONORED: State law allows us to recognize U.S. Postmarks as a means to complying with deadlines which involve fees. Postal meters are not sufficient to meet this requirement.

7. LOST RENEWAL MATERIALS: Your renewal materials will be mailed to your broker’s main office address, unless you have informed us of your preferred contact address. Then the renewal will be mailed to the requested contact address. Please take care not to misplace these materials. We send them as early as possible so that you can renew early and not worry about it. Unfortunately, it appears that this lead time gives lots of people time to lose their materials—replacing these materials is expensive. If you do lose the mailed renewal—Remember you can download a renewal, complete it, and send it in or you can file directly on-line by going to www.nrec.state.ne.us.

8 INVALID ON-LINE RENEWALS: Should you elect to renew online please remember that all deadlines apply to online renewals just as they would any other. **Please also remember that you CANNOT fill out online renewals for anyone but yourself. If multiple licensees use the same computer to renew their license on-line, they must exit the on-line renewal page completely and re-enter using their individual user name and password between each user.** Once you enter this page, your identification is automatically supplied on the form(s), therefore, any electronic signature besides your own will invalidate the renewal form. **It is recommended that you retain a copy of the submission page for your records.**

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Avoid Delays (Cont'd)

Different from a mailed form and an online form, please be aware that a downloaded form is NOT individualized, therefore, it is very important that you fill-in the contact information at the top of the form in order to be properly identified.

9. ILLEGIBLE AND/OR INCOMPLETE CREDIT CARD INFORMATION: Please be careful and accurate when writing your credit card information. Remember too, to supply the expiration date of the credit card used AND supply your signature authorizing the charge in addition to signing the renewal form, itself.

10. COMBINING RENEWAL WITH TRANSFER PROCESSES: The renewal of your license is a completely separate process from a voluntary transfer of your license. Requests to have your license transferred to another broker or activated to yourself should be sent under separate cover and the \$15.00 transfer fee should be separate from the license renewal fee as well. ■

(Continued from page 3)

Disciplinary Action (Cont'd)

designated broker and affiliated licensees are offering to that person; Title 299 NAC Chapter 2-010 The consent required from the employing broker for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in 81-885.24 (7) and (8), respectively, shall be given, in writing, by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. Beverly Alice Nichols jointly negotiated two Uniform Listing Contracts on behalf of RE/MAX Advantage Real Estate and its designated broker, Respondent Gary Bert Stoneburg; obtained signatures of the two sellers on agency disclosure forms which identified Gary Bert Stoneburg as the Sellers' Limited Agent; failed to obtain the signatures of the two sellers on agency disclosure forms which identified each of the Nichols, or either of them, as Sellers' Limited Agents; and failed to obtain the required prior written consent from

her then employing broker to represent another employing broker.]

April 17, 2008

2008-014 Commission vs Michael Patrick Earl, Salesperson. Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by November 1, 2008. [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, for failing to obtain the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction; 81-885.24 (22) Making any substantial misrepresentations for misrepresenting himself in the Purchase Agreement and throughout the transaction to be a limited Buyer's Agent when actually he was acting as a limited Dual Agent without the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction; and 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson for misrepresenting himself in the Purchase Agree-

ment and throughout the transaction to be a limited Buyer's Agent in the transaction and for failing to obtain the written consent of buyer and seller permitting him to act as a limited Dual Agent in the transaction.]

May 5, 2008

2008-013 Commission vs Roger A. Nieman, Salesperson. Stipulation and Consent Order. License suspended for a period of thirty (30) days, with the entire suspension period stayed and served on probation, commencing on June 2, 2008, and continuing through July 1, 2008; plus an additional three (3) hours of continuing education in the area of ethics to be completed by November 5, 2008. [Violated Neb. Rev. Stat. § 76-2418 (1) A licensee representing a buyer or tenant shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the client and (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, by failing to disclose to the Complainant that Respondent Nieman and his spouse also had an interest in purchasing the subject property.]

May 5, 2008

2005-027 Commission vs John C. Clark, Broker. Hearing held January 18, 2006. Appealed Commission's decision to District Court. Commission's decision affirmed by District Court on January 30, 2007. Appealed District Court's decision to Court of Appeals. District Court's decision affirmed by Court of Appeals on May 20, 2008. License suspended for a period of twenty four (24) months, with the first sixty (60) days actually served on suspension. The suspension commenced on July 16, 2008, and will continue through September 13, 2008, followed by the probation period commencing on September 14, 2008, and continuing through July 15, 2010; plus twelve (12) hours of additional continuing education with three (3) hours in the area of license law, three (3) hours in the area of agency, three (3) hours in the area of contracts, and three (3) hours in the area of ethics, all to be completed by May 20, 2009. [Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating unworthiness to act as a broker by permitting his salesperson to implicitly represent to the buyers through his actions that he could lawfully assist the buyers in negotiating for the purchase of an Iowa property and

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Disciplinary Action (Cont'd)

that he could lawfully prepare an Offer to Purchase on the Iowa property; by permitting the salesperson to engage in acts requiring a real estate license in the State of Iowa in violation of the laws of the State of Iowa; and for being sanctioned by the Iowa Real Estate Commission for violations of Iowa law relating to the Iowa transaction.] July 18, 2008



THE CONSUMER GUIDE TO BUYING AND SELLING HOMES

The Commission publishes the *Consumer Guide to Buying and Selling Homes* and makes these booklets available for the public. They can be accessed by contacting our Office for copies of the booklet or by visiting our Website at: www.nrec.state.ne.us.

The Nebraska Real Estate Commission has published this booklet to aid consumers in the buying and selling of real estate. The processes involved in a real estate transaction are described, as well as, the roles of the various individuals who may take part in the transaction.

Sections of the Booklet describe: The Real Estate Licensee's Role; The Selling Process; The Buying Process; Financing Information; Federal Fair Housing Information; The Real Estate Commission's Role; and an extensive Glossary. Throughout the booklet Consumers are advised of the information they should gather, the advice they should seek, and resources available to them as they navigate through the home buying process.

The Commission believes that everyone benefits when complete information is available and all parties to a transaction have a basic understanding of what to expect. If you know of someone who can benefit from this information at this time, we encourage you to refer them to the Real Estate Commission, the Commission's website, or to obtain a copy of the booklet on their behalf.

Please note that in addition to this booklet a Consumer Section may be found on our website at the address given above. ■



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