



NEBRASKA REAL ESTATE COMMISSION

COMMISSION COMMENT

Fall | 2012

New Online Renewal Service

The Nebraska Real Estate Commission was one of the first Nebraska State Agencies to put its renewal and other licensing services online over 10 years ago. However, the service offered was a highly manual process, more of an online form completion than a true online application. This year the Commission will be introducing a new, improved, online renewal service.

The new online renewal form will be pre-populated with your information as it currently exists in our database, you will have the opportunity to check the information for accuracy and accept it as is or edit as needed, as well as verifying or updating other critical information in our database. For example, there will be no reason to assume your continuing education requirements have been met (or not), you can verify it while filling out the form.

No Renewal Packets!

We will be sending out renewal reminder postcards to those whose license is expiring this year. If you renewed for two years last year you will not need to renew this year and

will not receive a postcard. **The postcard will be your only renewal notice.** We will provide paper renewal packets upon request, but we strongly encourage all licensees with internet access to renew online. Two-year license fees remain the same as last year's and there is no difference in fees between renewing online or through the mail.

New Licensee Portal

The online renewal along with access to the records the Commission has relative to your particular license can be found at your licensee portal. To get the portal you login from our homepage. In order to login you will need to know your user id (which is your real estate license number) and your password. If you do not know your password you can reset it from our website by clicking on the licensee login button in the upper right hand corner of the NREC homepage: <http://www.nrec.ne.gov>, then

click on the "change password" link to have a new password E-mailed to you. The e-mail address we have on file for you must be current and you must know your license number to reset your password, if you need help with either of these things you can call us (402) 471-2004 and we will help you. Once logged in you will be taken to the new licensee portal the renewal link will be clearly indicated on the portal main page.

The licensee portal will also provide your Continuing Education and Errors and Omissions insurance information, as well as affiliated licensees and branch office information that we have on file for designated brokers. All licensees will be able to login to their licensee portal but the renewal option will only be available to those whose renewal is due this year.

The Renewal Process

The online renewal application
(Continued on page 4)

IMPORTANT Errors and Omissions Insurance Information

ALL LICENSEES, WHETHER RENEWING OR NOT, must review their errors and omissions insurance coverage! If your insurance expires on or before January 2, 2013, and you wish to remain on active status you must renew your errors and omissions insurance and proof of insurance for 2013 must be in our records prior to renewing your license. The insurance information packet will not be sent from the Commission but will be mailed to ALL licensees' mailing address directly from the Commission offered plan provider, Rice Insurance Services Company (RISC). As always, you are welcome to use the Commission offered plan or obtain your own equivalent coverage, but, remember, if your insurance expires on or before January 2, 2013, you must renew your E & O coverage in order to keep your license on active status.

Commission Meeting Schedule

September 27-28Lincoln
October 18Lincoln
November 15-16Lincoln

On the Inside

Director's Deskpage 2
Disciplinary Actionspage 3
Keeping Business Filings
Currentpage 5

COMMISSION COMMENT

Official Publication of the
Nebraska Real Estate Commission
1200 "N" Street, Suite 402
P.O. Box 94667
Lincoln, Nebraska 68509-4667
(402) 471-2004
www.nrec.ne.gov
EDITOR: Greg Lemon

COMMISSION MEMBERS

CHAIRPERSON

John Gale
Secretary of State
State Capitol
Lincoln, NE 68509
(402) 471-2554

PUBLIC MEMBER

David H. Ptak
1010 Darrus Drive
Norfolk, NE 68701
(402) 844-7046

SALESPERSON MEMBER

Kathryn Rouch
13110 W. Dodge Rd.
Omaha, NE 68154
(402) 498-8300

BROKER MEMBERS

Robert Dover
1000 Norfolk Avenue
Norfolk, NE 68702
(402) 371-0200

Al Avery
819 Diers Ave, Suite 5
Grand Island, NE 68803
(308) 398-6600

Drew Stange
1248 "O" St.
Lincoln, NE 68508
(402) 441-5800

Herb Freeman
17809 Pacific St.
Omaha, NE 68240
(402) 397-4900

DIRECTOR

Greg Lemon
1200 "N" Street, Suite 402
Lincoln, NE 68508
(402) 471-2004
greg.lemon@nebraska.gov

The Nebraska Real Estate Commission grants permission to reprint articles which appear in this newsletter on condition that recognition of their original publication in the **Nebraska Commission Comment** also appears with the article.

The Nebraska Real Estate Commission often solicits articles from outside experts or reprints articles with permission. While we feel that these articles may offer a broader perspective and will be of interest to the reader, it should be remembered that the views expressed are those of the author and not necessarily those of the Commission.

Printed with soy ink

DIRECTOR'S DESK

Like us on Facebook, Follow us on Twitter

I will admit that we are probably coming a little late to the party. I will also admit that part of the reason for that is the Commission and Commission staff had to explain to the Director, stuck in the "old fashioned" world of the internet and E-mail, about social media and how it works. But even an old dog can learn a few new tricks and by the time you are reading this the Commission will have a Facebook page at Nebraskarealestatecommission.com and a twitter account @Nerealestatecom.

So please like us on Facebook and follow us on Twitter. By the time you read this, we will have the symbols prominently displayed on our website, so it will be easy to do. We will use the social media sites to send out important information such as renewal notices and other information regarding your license as well as links to timely articles on items of interest to licensees.

Staying in Touch Electronically

You may have noticed that this issue of the *Commission Comment* is almost entirely focused on technology. The Commission believes that we can interact more efficiently and effectively with you, the licensee, through the use of technologies that, if appropriately designed and implemented, save us both time and money. Your license fees finance the Commission budget, so savings on processing, printing and postage costs benefit all of us.

As we move forward with these plans it is very important that we have the appropriate contact information for you. Having a current e-mail address on file for all or nearly all licensees will vastly assist in our efforts to provide electronic services. The new renewal application will allow you to submit or update your e-mail address online, and we hope to have a stand-alone function for e-mail address updates on our website soon.

Good Old Fashioned Service

If all this talk of technology has you worried that it will soon be as hard to talk to a person at the Commission as it is when calling a big bank or the IRS, don't worry. During office hours we still have people answering all our phone lines, no automated "push this button to get routed to yet another pre-recorded message" options, and no plans to change that anytime soon. In fact as we move forward the use of technology should allow us to have more time to answer your questions as we spend less time pushing paper.

Greg Lemon, Director
Nebraska Real Estate Commission



Director Greg Lemon

Disciplinary Actions Taken by the Real Estate Commission

(Does Not Include Cases on Appeal)

Disciplinary Actions Taken by the Real Estate Commission (Does Not Include Cases on Appeal)

2012-001 - Commission vs. Monte L. Froehlich; Broker; Lincoln, NE. Stipulation and Consent Order entered June 28, 2012. License censured; Plus a civil fine of \$1,000.00 to be paid by July 28, 2012; plus complete twelve (12) hours of additional continuing education in the areas of "Agency", "Disclosures", "Ethics" and "License Law" by December 25, 2012. [Violated Neb. Rev. Stat. § 76-17 (1) (b) & (c) (iv). Froehlich failed to advise the seller to obtain expert advice as to the price and marketability of a unit in an out-of-state resort which was being offered by buyers as part of the purchase price, of which unit Froehlich had knowledge as an owner of an interest in the same unit, but lacked the expertise to advise the seller of the price or the marketability; and Violated Neb. Rev. Stat. § Title 299, Chapter 5, Section 003.04. Froehlich failed to make known, in writing, to the seller, Froehlich's interest in a unit in the out-of-state resort prior to the seller being obligated to acquire the interest in the unit.]

2012-006 - Charles Jerrell vs. Philip J. Rosfeld; Broker; Chadron, NE. Stipulation and Consent Order entered June 28, 2012. License censured; Plus a civil fine of \$500.00 to be paid by July 28, 2012; plus complete three (3) hours of additional continuing education in the area of "License Law" by September 26, 2012. [Rosfeld violated Neb. Rev. Stat. § Title 299 Chapter 3 Section 007.02 In the absence of a pending civil action and upon the passage of one year's time from the date of an accepted offer to purchase, it shall not be considered grounds for disciplinary action for a broker to pay out an earnest money deposit to a seller when the payment of such earnest money deposit has been based on a good faith decision that the buyer has abandoned any claim to such earnest money deposit; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Rosfeld disbursed the earnest money deposit to the seller without having first secured the written release of all parties to the contract.]

2012-004 - Aaron Doriani vs. Melissa L. Jarecke, Broker; Papillion, NE., and Richard E. Kavan, Salesperson, Omaha, NE. Richard Kavan: Dismissed. Melissa L. Jarecke: Stipulation and Consent Order entered August 23, 2012. License suspended for six (6) months with the entire six (6) month period stayed and served on probation. The suspension period commenced on August 23, 2012, and continues through February 23, 2013; plus a civil fine of \$1,000.00, to be paid by September 24, 2012; plus complete three (3) hours of additional continuing education in the area of "Ethics", to be completed by November 21, 2012. [Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for making inappropriate telephone calls to a represented buyer regarding buyer's failure to close on a real estate transaction; for making inappropriate telephone calls regarding buyer to buyer's supervisor; and for making inappropriate telephone calls regarding buyer to buyer's supervisor's superiors.]

2012-005 - Annette M. Brandl vs. Tracy Gerald Paulsen; Salesperson; Omaha, NE. Stipulation and Consent Order entered August 23, 2012. License censured; Plus a civil fine of \$500.00 to be paid by September 24, 2012; plus complete three (3) hours of additional continuing education in the area of "Agency" by November 21, 2012. [Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence and unworthiness to act as a salesperson; For failing to enter the complete terms of compensation as agreed upon by the parties in the agency (listing) agreements dated June 28, 2010, November 5, 2010, and March 22, 2011, in that the parties agreed that the commission would be reduced from 7% to 6%, if seller agreed to use Paulsen as her Buyer's Agent when she purchased her next home; and 2) For attempting to collect the commission from seller on her purchase of a For-Sale-By-Owner home based upon verbal agreements not reduced to writing in an agency (listing) agreement as noted above and therefore not enforceable.]

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	Tawny Snider tawny.snider@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	Paige Utecht paige.utecht@nebraska.gov
License Applications Packet Requests	General Staff realestate.commission@nebraska.gov
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	Patricia Menousek patricia.menousek@nebraska.gov
Trust Account Matters	Terry Mayrose terry.mayrose@nebraska.gov John Clark Patricia Stehly Ron Pierson
Webmaster	Monica Rut monica.rut@nebraska.gov

WEBSITE: www.nrec.ne.gov

TELEPHONE NUMBER

(402) 471-2004

FAX NUMBER

(402) 471-4492

ADDRESS:

Nebraska Real Estate Commission

P.O. Box 94667

Lincoln, NE 68509-4667

(Continued from page 1)

Online Renewal Service (Cont'd)

asks for the same information as the old paper renewals in generally the same order, so it should look familiar. By pre-populating the applicable fields we hope to speed up your renewal process and minimize any errors. The renewal application will also let you attach documents such as CE certificates. All attachments must be in PDF format. PDF converters are readily available online and also built into many of the latest versions of popular off-the-shelf software such as Microsoft Word.

The renewal application takes you through the step by step process for renewal and includes numerous stopping points so you can save your work and continue later. While the process and questions are fairly self-explanatory, there are a few hints we would like to add to make your online renewal easier:

Before starting your renewal, please read the online instructions.

From the Licensee Portal, review the continuing education and errors and omissions insurance information we have on file for you—if something is missing, be prepared to submit it as a PDF file. These items must be in order before your license will be renewed on active status. If you need to renew your license this year, your continuing education needs to be complete and you need to have E&O insurance into 2013 unless you are renewing on inactive status.

Designated brokers will want to review the list of their affiliated licensees so that they are prepared to add or subtract those necessary as part of completing the renewal.

If there is an affirmative answer regarding errors and omissions insurance claims, lawsuits, etc. have the details, as requested, ready to submit via narrative or attachment.

Designated brokers will also want to review their branch offices every year and consider those they wish to renew or let expire by the end of the year. Online branch renewals are also available, please remember that both

the designated broker and the managing broker must be renewed on active status before the branch can be renewed.

Final Review and Payment

When you complete entering the renewal information you will be taken to a review page that will allow you to look over what you have entered. Once you have completed your review and made any corrections, you will be taken to the payment portal where you can pay for your renewal via credit card (Visa, MasterCard or Discover). **Print the submission confirmation page for your records.**

Because there are many items on the renewal form, such as lawsuit information or criminal charges, that will still require review by Commission staff, the renewal status indicated on your licensee portal will indicate “pending Commission’s approval” **Your renewal will not be complete until Commission staff have reviewed the form and given final approval, this process may take several days.** Your credit card will not be charged pending final review, but you will probably see a notice of pending charge or charge authorization on your online statement after the renewal has been submitted.

Verification That License Has Been Renewed

Please allow time for the Commission’s review of your renewal. After the renewal has been reviewed you will receive an e-mail that will confirm the renewal has been approved OR that the renewal has been rejected and why it has been rejected. Finally, after you have succeeded in renewing and have received the e-mail indicating approval of renewal you will receive another e-mail that contains your receipt card. **PRINT YOUR RECEIPT CARD AND PUT IT IN YOUR WALLET**—no more waiting until a mass mailing in December!

The Commission will send an e-mail to designated brokers in December indicating which of their affiliated licensees have not renewed, similar to

the letter we have sent in the past. However, designated brokers should note that they can go to their licensee portal and review the list of affiliated licensees to see who has renewed and who has not throughout the renewal season.

E-mail Address Critical

It is very important that we have the correct e-mail address in order to send you your renewal confirmation and other information. Please review your online filing to make sure we have the right e-mail address for you, or if changing your address or adding one, double check to make sure it is correct.

And Please Remember

Failure to receive your renewal reminder postcard or a requested packet because it was lost in the mail or not personally delivered to you does not relieve you of your obligation to renew your license on time.

DEADLINES WILL NOT CHANGE!

November 30, 2012, 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. Online filings must be completed prior to Midnight, on November 30. No matter how you are filing your renewal we strongly recommend that you do not wait until the last minute to file as any technical difficulty in filing or filing deficiency will result in a delayed or rejected filing and a late fee.

For those renewing on paper the Commission office is open until 5:00 P.M. (CST). If the renewal is complete and all necessary materials have been submitted, postmarks of November 30, 2012, will be honored. **Postal meter marks will not substitute for postmarks!**

Licenses held on inactive status

(Continued on page 5)

Keeping Your Business Properly Registered With the Secretary of State

Many real estate brokerage firms operate as a corporation, or limited liability company, or under a trade name, all of which are required to be filed and kept current with the Nebraska Secretary of State's Office. Over the last few years the Real Estate Commission has done periodic checks of such registrations we have on file for all licensees. The Commission had hoped that over time the periodic checks and notices sent out on expired registrations would drastically reduce the problem of expired registrations, but so far that has not been the case, the Commission sent out nearly fifty notices this summer regarding expired or invalid registrations with the Secretary of State.

We would like to remind you that it is the licensee's responsibility to keep their registrations with the Secretary of State's office current. However, in order to help you we have tried to create a list of significant filing requirements for the various business entities a licensee may operate under.

All the items in the box are required filings with the Secretary of State (SOS). Failure to keep the registration current for an entity or name you do business under will result in your license being placed on inactive

Entity or Registration Type	Requirement
1. Trade Name	Must File Proof of Publication of the Trade name within 45 days of initial registration Must renew every 10 years on or up to 6 months before anniversary of original filing
2. Business Corporation	Must file occupation tax report every even numbered year by April 15
3. Limited Liability Company	Must file biennial report every odd numbered year by June 1
4. Limited Liability Partnership	Must file annual report by June 1
5. Professional Corporation	Must renew professional certificate with NREC and SOS annually on or up to 30 days before anniversary date of formation and biennial report filing as provided above for business corporations
6. Professional Limited Liability Co.	Must renew professional certificate with NREC and SOS annually On or up to 30 days before anniversary date of formation and biennial report filing as provided above for LLCs.

Contact Information: Nebraska Secretary of State's Office,
Room 1301 State Capitol, P.O. Box 94608, Lincoln, NE 68509
(402) 471-4079
<http://www.sos.ne.gov>

status with the Nebraska Real Estate Commission (NREC).

You must also notify the NREC if there are any changes you have made

to records filed with the Secretary of State regarding the type of entity or name of the entity under which you do business.

(Continued from page 4)

Online Renewal Service (Cont'd) must be renewed too.

Inactive licenses are subject to the same deadlines and fees as described in this article.

Individualized Paper Forms

Requested paper 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**

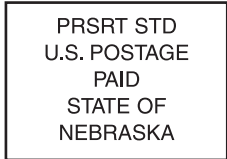
attempt to use someone else's form, the barcode will not accommodate this. Please take care not to lose your requested individualized form.

Incomplete Applications

NO LICENSES WILL BE RENEWED UNTIL THE CORRECT FORM IS RECEIVED, ALL INFORMATION REQUESTED IN THE APPLICATION IS SUPPLIED. PAPER RENEWALS MUST BE SIGNED BY THE LICENSEE. There should be no

questions left unanswered. If active, make certain you properly address your errors & omissions insurance and continuing education requirements. Make sure your check or credit card information is supplied, filled out properly, legible, and in the correct amount. **If you are unsure as to how to complete your online or paper renewal, we will be happy to answer any questions you may have. INACCURATE OR INCOMPLETE RENEWALS MAY JEOPARDIZE THE TIMELY RENEWAL OF**

(Continued on page 6)



(Continued from page 4)

Online Renewal Service (Cont'd)
YOUR LICENSE AND COULD RESULT IN THE ASSESSMENT OF LATE FEES.

Late Renewals

Any salesperson or broker who fails to file a complete 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. 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 1, 2012; provided that such late application is filed by 5:00 P.M. (CDT) June 30, 2013.

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 rejection of an online renewal, return of the individual application or bundled applications in and of itself, will cause late penalties to occur. **Therefore, we encourage all licensees to submit renewals early and not wait until the last minute.**

Remember: Do Not Combine Fees

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 OR ANY STOP PAYMENT

THROUGH A CREDIT CARD COMPANY (CHARGEBACK) WILL BE SUBJECT TO A \$30 PROCESSING FEE. IT SHOULD ALSO BE POINTED OUT THAT THE LICENSE ACT PROVIDES THAT ATTEMPTED PAYMENT OF A LICENSE OR RENEWAL FEE BY AN INSUFFICIENT FUNDS CHECK OR INVALID ELECTRONIC PAYMENT MAY BE GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE.

