

NEBRASKA REAL ESTATE COMMISSION

July 9, 2009

Staybridge Suites

Staybridge Room

Lincoln, NE

Opening

Chairperson Gale convened a meeting of the Nebraska Real Estate Commission at 9:04 a.m. on July 9, 2009, in the Second Floor Conference Room of the Atrium Building, located at 1200 N Street in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Commissioner Leisey, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Education and Licensing Teresa Hoffman, Deputy Director for Enforcement Terry Mayrose, and Administrative Assistant Monica Rut.

Notice of Meeting (Adopt Agenda)

Director Lemon presented a public notice and proofs of publication thereof relating to this meeting, all of which are attached to and made a part of these minutes. Chairperson Gale reported that all Commissioners had been notified of the meeting simultaneously, in writing, and that a proposed tentative agenda accompanied the notification.

Chairperson Gale pointed out to those in attendance that a public copy of the materials being used during the meeting were available to the public 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 Gale asked that guests sign the guest list.

Director Lemon noted that a correction to item 5a and agenda items 18b and 18c had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Grady and seconded by Bohrer to adopt the final agenda as presented. Motion carried with Bohrer, Dover, Grady, Rouch and Gale voting aye, with Leisey and Griess not participating or voting, being absent and excused.

Minutes of May 21-22, 2009

The minutes of the Commission meeting held on May 21-22, 2009, were considered.

After review, a motion was made by Dover and seconded by Bohrer to approve the minutes as presented. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Receipts and Expenditures Report for May

Director Lemon presented the Receipts and Expenditures Report for May. 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. On page three, the beginning balance reflected the incorrect

amount of "\$726,970.65" when, in fact, the amount should have been "\$688,318.86". The Exhibit was corrected for attachment to these minutes.)

After discussion, a motion was made by Bohrer and seconded by Grady to file the May Receipts and Expenditures Report as corrected for audit. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

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.

Specialized Registrations

Time-Share Registration – Cypress Palms Condominium

Director Lemon presented a specialized registration report which included the time-share registration for Cypress Palms Condominium. A copy of said report is attached to and made a part of these minutes. (Note: It was discovered prior to the meeting that the Exhibit for this Agenda Item was incorrect. The name of the project was set forth as "The Village at Steamboat Springs Vacation Ownership Plan with 3,692 intervals" when, in fact, the name should have been "Cypress Palms Condominium with 12,444 intervals". The Exhibit was corrected for attachment to these minutes.)

After discussion, a motion was made by Grady and seconded by Dover to approve the registration as presented. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Time-Share Registration - Amendment for ClubWyndham Access Vacation Ownership Plan (Non-Specific Site)

Director Lemon presented a specialized registrations report which included the registration of amendment to time-share registration for ClubWyndham Access Vacation Ownership Plan (Non-Specific Site). A copy of said report is attached to and made a part of these minutes.

A motion was made by Dover and seconded by Grady to approve the amendment to the registration as presented. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Nonresident Licenses and Resident Licenses Issued to Persons Holding Licenses in Other Jurisdictions Report

Deputy Director Hoffman 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 Grady and seconded by Griess to ratify issuance of the licenses as set forth in the report. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Examination Report - May

Deputy Director Hoffman presented for ratification the May Examination Report, a copy of which is attached to and made a part of these minutes.

Commissioner Griess requested that future exhibits include the manner in which broker examinees qualified to take the examination i.e. through education alone or through a combination of education and experience.

After review, a motion was made by Grady and seconded by Griess to ratify the May Examination Report for the purpose of issuing licenses. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Real Estate Education Matters

Continuing Education Activity Approval

Deputy Director Hoffman 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

Deputy Director Hoffman presented for ratification the Continuing Education Instructor Approval Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Dover and seconded by Bohrer to ratify the two reports. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Report on Instructor Development Workshop held May 28

Deputy Director Hoffman reported that the workshop was held on May 28, 2009. The workshop was hosted by Randall School of Real Estate. There had been approximately thirty-four people who attended part of the workshop, with approximately thirty individuals registered for the entire day. The presenter was Pat Johnson who addressed concerns specific to real estate education in Nebraska and offered instruction on teaching methodologies that have proven effective in preparing students for the simulations in the broker examination and in practicing real estate. Ms. Johnson was well received and Deputy Director Hoffman had heard positive comments from those in attendance.

Commissioner Griess indicated that she had been really impressed with Ms. Johnson and enjoyed the presentation. She felt the workshop was interesting and wished the attendees would apply the methods she taught.

Deputy Director Hoffman had received reports that some of the instructors were incorporating Ms. Johnson's teachings into their classrooms, and while some instructors may find it hard to change since the teaching style is based on participation rather than lecture. Commissioner Griess felt that certain teaching styles take more time and preparation, but felt that it was worth it for the instructors.

Commissioner Grady indicated that if the Commission required instructors to take a continuing education course specifically for instructors, many of them would benefit.

Deputy Director Hoffman indicated that many jurisdictions have such a requirement, however, in Nebraska there are not as many students, and therefore, instructors are not full time and not remunerated well. She indicated that if there were too many mandates on instructors they may not continue teaching real estate related courses. She also indicated that ARELLO had good teacher training for instructors using distance education formats and perhaps ARELL could look into developing training for instructors of live classrooms, providing additional training opportunities.

Commissioner Dover indicated that the licensees had been told by their local REALTOR Boards to go through the Board for continuing education rather than through the community colleges and correspondence courses were often recommended by brokers for pre-license education because it is more expedient.

Deputy Director Hoffman indicated that after 2010, ARELLO would no longer certify correspondence courses since they could not document and verify compliance with ARELLO standards for distance education. She also noted that it is in the License Act that distance education courses have to be certified by ARELLO and hoped that the Providers affected would be able to find another format for their courses prior to 2011.

Commissioner Dover felt that correspondence workbooks were easier for some to use. Commissioner Griess felt that the education providers should use more of today's tools by using computer based applications rather than correspondence.

Deputy Director Hoffman indicated that an example of ARELLO's concern was that when correspondence course materials were printed and mailed out it is difficult to make changes efficiently and timely. However, when course materials are online the changes are immediate which is more beneficial.

No action was necessary on this report.

Pending Sworn Complaints and Investigative Matters

Deputy Director Mayrose 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.

Deputy Director Mayrose indicated that the Gary Thompson matter had been appealed.

No action was necessary on this report.

The following sworn complaints and investigative matters were presented to the Commission:

Item A Complaint 2008-027

Deputy Director Mayrose 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 Grady and seconded by Dover that the complaint be set for hearing on Neb. Rev. Stat. §81-885.24(29). The motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, and with Leisey not participating or voting, being absent and excused.

A motion was made by Grady and seconded by Dover that the Commission file a complaint on its own motion on the agency disclosure issue. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, and with Leisey not participating or voting, being absent and excused.

Item B Complaint 2008-028

Prior to discussion of this matter, Commissioner Rouch recused herself, thereby nullifying any potential conflict of interest.

Deputy Director Mayrose presented the alleged violation 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 Grady and seconded by Dover that the complaint be set for hearing on the violation alleged in the report. Motion carried with Bohrer, Dover, Grady, Griess and Gale voting aye, with Rouch not participating or voting, having recused herself, thereby nullifying any potential conflict of interest, and with Leisey not participating or voting, being absent and excused.

Item C Complaint 2008-033 – Robert F. and Diane L. McWilliams vs. Jeffrey Lon Coplin

Prior to discussion of this matter, Commissioner Rouch recused herself, thereby nullifying any potential conflict of interest.

Deputy Director Mayrose 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 Dover and seconded by Bohrer that the complaint be dismissed without prejudice. Motion carried with Bohrer, Dover, Grady, Griess and Gale voting aye, with Rouch not participating or voting, having recused herself, thereby nullifying any potential conflict of interest, and with Leisey not participating or voting, being absent and excused.

It was the consensus of the Commission that a letter of admonishment be sent to the Respondent's designated broker.

Item D Complaint 2008-035

Deputy Director Mayrose 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 Dover and seconded by Grady that this complaint be held in abeyance and a new complaint be filed against the Respondent per Staff recommendation. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, and with Leisey not participating or voting, being absent and excused.

Item E Complaint 2008-036 – Steve Warren Smithberg vs. Mary Louise Mueller

Deputy Director Mayrose 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 Dover and seconded by Bohrer that the complaint be dismissed without prejudice. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, and with Leisey not participating or voting, being absent and excused.

Item F Complaint 2008-037

Deputy Director Mayrose 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 Grady and seconded by Griess that the complaint be set for hearing against Respondent 2 per staff recommendation and against Respondent 1 on Title 299 Chapter 5 Section 003.22.

A motion was made by Grady and seconded by Griess to call for the question. Motion failed with Bohrer, Dover and Griess voting nay, with Gale and Grady voting aye, with Rouch abstaining, and with Leisey not participating or voting, being absent and excused.

Further discussion ensued after the motion to call the question failed. Upon completion of that discussion the original motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, and with Leisey not participating or voting, being absent and excused.

Item G Complaint 2008-038 – James R. Conway vs. John Martin Nanos

Deputy Director Mayrose 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 Dover and seconded by Griess that the complaint be dismissed without prejudice. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, and with Leisey not participating or voting, being absent and excused.

Item H Complaint 2007-062 - Marcia K. and Ernie L. Campbell vs Wayne David Larson

Deputy Director Mayrose indicated that Respondent in this matter had not renewed his license for 2009. Therefore, the Commission no longer had jurisdiction over this matter.

After being advised of the results of the investigation and discussion, a motion was made by Bohrer and seconded by Dover that the complaint be dismissed without prejudice. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, and with Leisey not participating or voting, being absent and excused.

Item I Complaint 2008-026 - Brittney Maloley vs Jennifer Lynn Hellman and Brady Kieth Bock

Deputy Director Mayrose requested Complaint 2008-026 be dismissed. Deputy Director Mayrose explained it was being held in abeyance until Complaint 2009-026 had been adjudicated, which occurred at this meeting.

A motion was made by Grady and seconded by Griess that the complaint be dismissed without prejudice. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, and with Leisey not participating or voting, being absent and excused.

Presentation of Stipulation and Consent Orders

Complaint 2008-023 – Travis and Dawn Kovarik vs. Ronald Earl Bunger and Complaint 2009-022 – Commission vs. Ronald Earl Bunger

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2008-023 – Travis and Dawn Kovarik vs. Ronald Earl Bunger and Complaint 2009-022 – Commission vs. Ronald Earl Bunger. A copy of said Order is attached to and made a part of these minutes.

Complaint 2009-021, Commission vs. Timothy Scott Brewster

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2009-021, Commission vs. Timothy Scott Brewster. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Bohrer and seconded by Dover to enter into the Orders as presented. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Complaint 2009-026, Commission vs. Jennifer Lynn Hellman and Brady Kieth Bock

Deputy Director Mayrose presented a Stipulation and Consent Order in the matter of Complaint 2009-026, Commission vs. Jennifer Lynn Hellman and Brady Kieth Bock. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Bohrer and seconded by Grady to enter into the Order as presented. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Hearings

There were no hearings scheduled to be held at the meeting.

Informal Special Appearances

Guillermo Gutierrez, Salesperson Applicant

Director Lemon presented exhibits which included: a summary of Mr. Gutierrez's situation; correspondence regarding Mr. Gutierrez's special appearance; letters of reference; a summary of Mr. Gutierrez's criminal history; a copy of Mr. Gutierrez's Motor Vehicle Record; a copy of Mr. Gutierrez's course completion certificates; and his salesperson application form. A copy of said exhibit is attached to and made a part of these minutes. Mr. Gutierrez was present.

Chairperson Gale reviewed the procedure for informal special appearances.

After discussion, a motion was made by Bohrer and seconded by Dover to allow Mr. Gutierrez to sit for the salesperson examination after making proper application and to have a license issued upon passing his examination.

A friendly amendment was made by the mover to include in the motion that Mr. Gutierrez be required for the next three years to notify the Commission immediately of any arrest **and** the broker be notified of Mr. Gutierrez's criminal convictions and such notification be confirmed, in writing, to the Commission from the broker. The friendly amendment was accepted by the second.

Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

Fining Authority Draft Recommendations

Deputy Director Mayrose presented a draft set of guidelines for use exercising fining authority. A copy of said exhibit is attached to and made a part of these minutes.

Chairperson Gale indicated that the during penalty phases, the reference of this document would be beneficial. Deputy Director Mayrose indicated that a condensed copy could be made to put in their meeting folder.

Commissioner Grady indicated that these guidelines are not meant to be a public document, only a reference tool in order to be consistent. Director Lemon indicated that currently these guidelines are public since they were included in the meeting materials, however, as to whether they would be formal or informal guidelines the distinction would be whether the Commission had adopted them. Chairperson Gale indicated that guidelines were easier to change rather than rules and regulations, and if this document were published there could be no exceptions.

The Commissioners reviewed the document and offered suggestions to Deputy Director Mayrose.

No action was necessary on this report.

2008-2009 Objectives - Final Report

Director Lemon presented the Final Report regarding the 2008-2009 objectives. A copy of said report is attached to and made a part of these minutes.

No action was necessary on this report.

Consider 2009-2010 Objectives

Director Lemon presented an exhibit regarding the proposed 2009-2010 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon reviewed the exhibit and indicated that several of the objectives listed had been carried over from the prior fiscal year.

Deputy Director Hoffman indicated that the first objective which is to consider the implementation of new Commissioner orientation program by Staff and by Commissioners with work manual created for such purpose, paralleled an initiative discussed at an independent agency director's

meeting. This group plans to look into elements of Commission/Board member training programs and assist agencies where possible. She believed that throughout this year good materials would be made available.

Director Lemon indicated that there had been subcommittees formed for some of the objectives listed and requested clarification as to who typically calls the subcommittees meetings. Chairperson Gale indicated that Director Lemon would call the subcommittee meetings.

Chairperson Gale asked for clarification regarding the objective to review changes required due to the passing of LB403. Director Lemon indicated that after LB403 had been reviewed, he would provide a report to the Commission of the changes to office procedures and forms in order to comply with the new law. Deputy Director Hoffman noted that DAS-Administrative Services, which is a state agency, should be drafting language required by law, which would affect the required changes in our office. She also noted that since we have not received the language, the renewal mailing may be delayed.

Commissioner Dover indicated that in the sixth objective, the goal is to achieve consistency among trust account examiners. He felt that trust account examiner meetings should be held to discuss the specific details of examinations. He suggested asking various opinions from the designated brokers and bookkeepers.

Chairperson Gale indicated that he would be interested in being on the subcommittee assigned to the objective to review the complaint process. Commissioner Griess indicated that she would be interested as well.

Commissioner Grady indicated that the Commission should seek professional help as needed to keep the Commission's website on the cutting edge. Commissioner Dover felt the website should be freshened up and made more user friendly. Commissioner Griess did not feel that the website was up to date or that the online database was accurate.

Director Lemon indicated that the current licensee database did not produce certain reports and statistics required and a new program or application would be needed in order for the database to be more usable.

Commissioner Griess felt that e-mail addresses should be acquired and maintained in the licensee database. Deputy Director Hoffman indicated that e-mail addresses are currently requested and input in the licensee database. She noted that some jurisdictions assign their own e-mail addresses to the licensees to address the problem of keeping up with frequent address changes. Commissioner Dover felt that licensees would ignore the assigned e-mail as they currently do the assigned username and passwords. He felt that obtaining and tracking the e-mail addresses licensees use would be more beneficial. Chairperson Gale indicated that perhaps another objective item should be added to include the enhancement of the licensee database.

Commissioner Dover indicated that a separate pre-license education course should be offered in the area of license law. He understood that currently license law was part of the Sales and Brokerage course but felt that it should be separated out. Chairperson Gale indicated that a new objective could be added to include the review and study of the pre-license course curriculum. Commissioner Griess indicated that the Sales and Brokerage course had just been rewritten two years ago and felt that it had not been offered enough to tell the effects of the rewrite. She explained that while separating out license law was fine, she was unsure how it could be stretched into a thirty-hour course. She felt that a lot of changes would be required to the curriculum in

order for this change to occur. Deputy Director Hoffman indicated that a real estate law pre-license course was offered although it is not Nebraska specific law. She noted that a licensee or student could take the Sales and Brokerage course and the Real Estate Law course to get all aspects of the law. Commissioner Dover noted that there were not two good choices of pre-license education since he felt it was important for licensees to take Principals and Practices as one of the courses.

Deputy Director Hoffman indicated that Nebraska was unique in offering students choice among multiple pre-license courses, with seven different courses to choose from. The purpose of different courses was that, for most licensees in Nebraska, real estate was a second career and they could take courses which would enhance the knowledge they already bring to the industry. The effort was to allow the student to customize his/her education. She was unsure if there were any two courses which could be chosen for all individuals.

Commissioner Dover still felt that there should be a stand-alone pre-license course specific to Nebraska license law. Commissioner Griess asked if he was aware that there was a continuing education course specific to Nebraska license law. Deputy Director Hoffman indicated that if the Commission was to mandate a Nebraska specific license law course then that would require a statute change. Commissioner Dover felt that while working on a new course, perhaps the Sales and Brokerage course could be attended. Commissioner Griess indicated that it would be difficult to mandate this course since the numbers of new licensees were minimal and there was difficulty with the availability of the Sales and Brokerage course. Commissioner Griess felt that perhaps a formal or informal subcommittee could be formed in order to review this objective. Commissioner Dover felt that a license law course would also be beneficial to a new Commissioner.

Chairperson Gale indicated that he was concerned and would like researching the licensing of home inspectors for the protection of real estate licensees to be added as an objective. Commissioner Griess felt that the lack of regulation on the closing companies was also a problem. Commissioner Griess felt that closing companies and home inspectors had no accountability. Director Lemon indicated that closing agents were regulated by the Department of Insurance and the Commission had previously worked with their attorneys. Deputy Director Hoffman indicated that the Commission had a good working relationship with the Department of Insurance. Commissioner Dover asked what the Department of Insurance regulated. Commissioner Griess felt that by finding out what the Department of Insurance regulated would be a great place to start on this objective item. Chairperson Gale indicated that an objective should be added for the researching standards for closing agents and home inspectors.

Commissioner Griess indicated that the continuing education approval criteria for not allowing courses regarding office machines should be reconsidered since the function of office machines had changed due to technology. She felt that many licensees would benefit from such a course. Deputy Director Hoffman indicated that courses regarding technology have been approved if they were using the equipment to better serve the public. She explained that some of the courses she had reviewed were not intended to help the public but rather to help licensees advertise and prospect, which were not approved subject matter. Chairperson Gale indicated that as an objective a subcommittee could be formed and the specifics could be discussed during the study. Commissioners Dover and Griess had agreed to be on the subcommittee to study continuing education approval criteria.

No action was necessary on this report.

DISCUSSION OF TITANIUM SOLUTIONS BUSINESS DESCRIPTION

Deputy Director Hoffman explained that Titanium Solutions had submitted an application to the Collection Agency Board who had consulted the Commission office to see if they were in violation of the real estate license act in the way that they utilized real estate licensees. At a previous Commission meeting she had been asked to look further into the business description of Titanium Solutions. She noted that after further review, she had still found no violation of the license act and would share the findings with Colleen Byelick in the Secretary of State's office.

Chairperson Gale felt that Deputy Director Hoffman had conducted an adequate investigation and would also be speaking with Ms. Byelick in his office and would give the verbal report to the Collection Agency Board.

No action was necessary on this report.

Legislative Matters – Final Report 2009 Session

LB 11 - No new information presented.

LB 29 - No new information presented.

LB 30 – No new information presented.

LB 226 – No new information presented.

LB 311 – No new information presented.

LB 315 – No new information presented.

LB 403 – Director Lemon indicated that the appropriate forms to be used for compliance with LB403 were requested from DAS – Administrative Services, and after receipt of those forms would begin the implementation of the new law.

No action was necessary with regard to these matters.

Information Matters

ARELLO District Conference – June 25-27, 2009 - Louisville, Kentucky

Deputy Director Hoffman noted that Commissioners Dover, Grady, Griess and Rouch and Deputy Director Hoffman attended the ARELLO District Conference.

Commissioner Grady indicated that Deputy Director Hoffman performed her duties representing the Commission appropriately. He also explained that the conference had interesting discussion relating to fraud and anticipated the discussions at the next meeting regarding auction and internet auctions.

Chairperson Gale indicated that he had been reviewing some of the materials received at the meeting and felt that the materials should be provided to those who were unable to attend the ARELLO meetings.

Commissioner Griess indicated that she had been interested in the session on mediation and arbitration and confirmed that it was a similar process to the stipulation and consent orders the Commission negotiates.

Commissioner Rouch felt that ARELLO offered some very interesting sessions. She agreed with Commissioner Griess that the mediation and arbitration discussion was interesting and felt the way the Commission pursued complaints were more efficient. She felt that the jurisdiction meeting reports were interesting. She explained that Deputy Director Hoffman had represented Nebraska well, was respected very much by the other members, and found it interesting that members refer to her often for historical data. She explained that this was the first district meeting she had attended and felt that district meetings were better since they were addressing a smaller group, in the same geographical area, and issues relevant to those in Nebraska.

Commission Dover agreed with the comments given by the other attendees.

No action was necessary on this report.

TransCanada Pipeline – Cease & Desist

Director Lemon explained that a cease and desist order had been issued to Universal Field Services as an agent of TransCanada Pipeline. He indicated that the Commission received a telephone call which explained that they were conducting real estate activities without a license. He noted that after discussion, Universal Field Services indicated that they would comply with the Commission's request. Director Lemon also indicated that the Commission had not received any further complaints or reports of unauthorized activity.

No action was necessary on this report.

State Records Board – July 22

Director Lemon explained that prior to employment by the Real Estate Commission, he had been working with network services on the contract with Nebraska.gov. Since his employment he had severed contractual services with them, however, wanted to notify the Commission that he would be appearing to give the report at their meeting on what was going on with the contract if the Commission had no objections. He also explained that the Commission contracted with Nebraska.gov for online services.

No action was necessary on this report.

Future Meeting Dates

August 13-14, 2009 – Staybridge Suites, Lincoln
September 10-11, 2009 – Staybridge Suites, Lincoln
October 15-16, 2009 – Hampton Inn-Airport, Lincoln

Recesses and Adjournment

Commissioner Griess joined the meeting at 9:06 a.m.

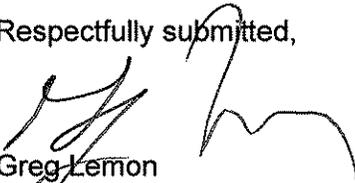
At 10:10 a.m., Chairperson Gale declared a brief recess, and reconvened the meeting at 10:29 a.m.

At 11:50 a.m., Chairperson Gale declared a brief recess, and reconvened the meeting at 12:00 p.m.

At 2:00 p.m., there being no further business to come before the Commission, a motion was made by Grady and seconded by Griess that the meeting adjourn. Motion carried with Bohrer, Dover, Grady, Griess, Rouch and Gale voting aye, with Leisey not participating or voting, being absent and excused.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the July 9, 2009, meeting of the Nebraska Real Estate Commission were available for inspection on July 15, 2009, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Kristen Anderson, Nebraska REALTORS® Association, Lincoln