

NEBRASKA REAL ESTATE COMMISSION

May 22, 2014

Staybridge Suites

Staybridge Room

Lincoln, NE

Opening

Chairperson Gale convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on May 22, 2014, in the Staybridge Room of the Staybridge Suites, located at 2701 Fletcher Avenue in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Education and Licensing Teresa Hoffman, Deputy Director for Enforcement Duran Cell, 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, by mail and e-mail, 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 northwest corner of the meeting room by the west 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 agenda item 16 had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Ptak and seconded by Stange to adopt the final agenda as presented. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Minutes of April 18, 2014

The minutes of the Commission meeting held on April 18, 2014, were considered.

After review, a motion was made by Rouch and seconded by Avery to approve the minutes as presented. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch and Gale voting aye, and with Stange not voting having not been in attendance at the April Meeting.

Public Comment

Chairperson Gale asked the members of the audience if anyone wished to come forward to provide public comment on Commission related business. No audience member indicated a desire to come forward.

Receipts and Expenditures Report for April

Director Lemon presented the Receipts and Expenditures Report for April. 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.

The cash fund balance as of April 30, 2014, was \$1,071,468.69, which compared to a cash fund balance of \$908,600.08 on April 30, 2013.

After discussion, a motion was made by Stange and seconded by Ptak to file the April Receipts and Expenditures Report for audit. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Specialized Registrations

There were no specialized registrations to be presented at the meeting.

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 Rouch and seconded by Avery to ratify issuance of the licenses as set forth in the report. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Examination Report - April

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

After review, a motion was made by Ptak and seconded by Stange to ratify the April Examination Report for the purpose of issuing licenses. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Examination Passing Roster

Deputy Director Hoffman presented the Examination Passing Roster, a copy of which is attached to and made a part of these minutes.

No action was necessary on this report.

Real Estate Education Matters

Pre-License Education Provider Approval

Deputy Director Hoffman presented for ratification the Pre-License Education Provider 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.

Broker-Approved Training Recognition

Deputy Director Hoffman presented a Broker-Approved Training Recognition Report, a copy of which is attached to and made a part of these minutes.

After review, a motion was made by Ptak and seconded by Avery to ratify the three reports. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Pending Sworn Complaints and Investigative Matters

Deputy Director Cell 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.

No action was necessary on this report.

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

Item A Complaint 2013-023 – Troy Trumm vs. Dawn M. Bierman

Deputy Director Cell 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 Stange and seconded by Ptak that the complaint be dismissed without prejudice. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Item B Complaint 2013-024

Deputy Director Cell 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 Stange and seconded by Freeman that the Commission file a complaint on its own motion against Salesperson #1 and set it for hearing per Staff recommendation. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

After further discussion, a motion was made by Freeman and seconded by Rouch that a letter of admonishment be sent to the office manager and Salesperson #2.

An amendment to the pending motion was offered by Commissioner Avery to also send a letter of admonishment to Salesperson #2's designated broker. The amendment was accepted by the mover and second.

Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Item C Complaint 2013-038 – Christine Emmerson vs. Linda K. Wibbels

Deputy Director Cell 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 Avery and seconded by Stange that the complaint be dismissed without prejudice. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Item D Complaint 2014-003

Deputy Director Cell 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 Stange and seconded by Freeman the Commission file a complaint on its own motion and set it for hearing per Staff recommendation. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Item E Investigative Matter

Deputy Director Cell presented an investigative report to the Commission.

After being advised of the results of the investigation and discussion, a motion was made by Ptak and seconded by Avery that the Complaint be set for hearing based on Director Lemon's complaint. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Item F Complaint 2014-005 – Christine and Amanda Emmerson vs. Linda K. Wibbels

Deputy Director Cell 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 Freeman and seconded by Stange that the complaint be dismissed without prejudice. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Presentation of Stipulation and Consent Orders

There were no stipulation and consent orders to be presented at the meeting.

Disciplinary Hearings

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

Informal Special Appearances

Angela Suzanne Frazee, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Ms. Frazee's special appearance; a letter of explanation from Ms. Frazee; character reference letters for Ms. Frazee; Ms. Frazee's criminal history report; and her salesperson application form. A copy of

said exhibit is attached to and made a part of these minutes. Ms. Frazee's was present.

Chairperson Gale reviewed the procedure for informal special appearances.

Ms. Frazee explained the situations regarding his past criminal history.

After discussion, a motion was made by Alloway and seconded by Avery to allow Ms. Frazee to sit for the salesperson examination after making proper application and to have a license issued upon passing. Ms. Frazee must notify any anticipated employing broker of the criminal convictions and the circumstances of the convictions and said broker shall confirm said notification in writing to the Commission prior to the license being placed with said broker. Ms. Frazee must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time for a period of two years. Motion carried with Alloway, Avery, Freeman, Ptak, Rouch, Stange and Gale voting aye.

Legislative Matters (Final Report)

LB 687 – No new information presented.

LB 785 - No new information presented.

LB 852 – No new information presented.

LB 13 – No new information presented.

LB 120 – No new information presented.

LB 427 – No new information presented.

No action was necessary with regard to these matters.

Information Matters

Trust Account Examination Evaluation Report - First Quarter 2014

Director Lemon presented the Trust Account Examination Evaluation Report - First Quarter 2014. A copy of said report is attached to and made a part of these minutes.

Director Lemon reviewed some of the comments received and how the situations were handled.

No action was necessary on this report.

ARELLO District Meeting – Omaha, Nebraska - June 3-5, 2014

Director Lemon explained that the deadline for registration had been changed to May 23, 2014, and encouraged those who had not signed up yet to do so. He also noted that he looked forward to seeing everyone at the meeting.

No action was necessary on this report.

Nebraska Equal Opportunity Commission Complaint – 1-13/14-4-42933-PA

Director Lemon reported that a Complaint had been filed with the Nebraska Equal Opportunity Commission (NEOC) against the Commission. He explained that the Complaint was in regard to the Landlord Tenant Act which is not administered by the Commission. He noted that an answer to the Complaint had been reviewed by legal counsel and submitted to the NEOC on the Commission's behalf. He indicated that he would be supplying the Commissioners with updates relating to this Complaint as needed.

No action was necessary on this report.

Discussion of Nebraska Administrative Code Provision Title 299, Ch. 2, Sec. 010 (representing more than one broker)

Director Lemon presented the following sections of the Rules & Regulations, and laws for discussion: Title 299, Chapter 2, 010; 81-885.24(7) and 81-885.24(8). A copy of said report is attached to and made a part of these minutes. Jeff Perdue, Jasper Stone Management, LLC, was present to discuss this agenda item.

Director Lemon indicated that Mr. Perdue had inquired about working for another real estate company while currently a designated broker for a different real estate company. Director Lemon indicated that Mr. Perdue was not the first person to request this arrangement, but this was not allowed according to the current laws and rules and regulations.

Mr. Perdue indicated that he is engaged in commercial property as a designated broker and does not supervise any other real estate licensees. He explained that he also owns a business which engages in new home construction and he wanted to work as an associate broker with another company to assist in the residential sales. He noted that he felt the law did not prevent this type of arrangement.

There was discussion regarding conflict of interest and possible confusion to the public regarding which entity a designated broker working for another brokerage would be representing. There was also discussion on researching the topic and how any revisions made to the license laws or rules and regulations could apply to all designated brokers rather than just Mr. Perdue.

It was the consensus of the Commission to have Staff conduct further research on the matter and that it be placed on the Agenda for further discussion.

Future Meeting Dates

June 19-20, 2014 - Staybridge Suites, Lincoln
August 21-22, 2014 - Staybridge Suites, Lincoln
September 25-26, 2014 - Staybridge Suites, Lincoln
October 17, 2014 - Staybridge Suites, Lincoln
November 20-21, 2014 - Staybridge Suites, Lincoln

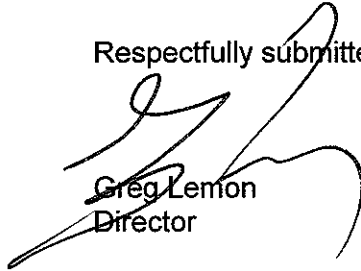
Recesses and Adjournment

At 10:34 a.m., Chairperson Gale declared a brief recess, and reconvened the meeting at 10:50 a.m.

At 11:30 a.m., there being no further business to come before the Commission, a motion was made by Ptak and seconded by Freeman that the meeting adjourn. Motion carried with Avery, Alloway, Freeman, Ptak, Rouch, Stange and Gale voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the May 22, 2014, meeting of the Nebraska Real Estate Commission were available for inspection on June 2, 2014, 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
Judy Burford, CBSHOME Real Estate, Omaha

