

**NEBRASKA REAL ESTATE COMMISSION**

**September 17, 2015**

**Staybridge Suites**

**Staybridge Room**

**Lincoln, NE**

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**Opening**

Chairperson Gale convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on September 17, 2015, 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. Also present were Director Greg Lemon, Deputy Director for Education Alane Roubal, Deputy Director for Enforcement Duran Cell, and Deputy Director for Licensing Monica Rut.

**Swearing-In Ceremony- Commissioner Jim R. Titus**

Chairperson Gale conducted a swearing-in ceremony for recently appointed Commissioner Jim R. Titus

Director Lemon presented him with his Commission pin, and Chairperson Gale and the other Commissioners welcomed Commissioner Titus to the Commission.

**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 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 15 had been added since the tentative agenda was mailed to the Commissioners.

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

**Minutes of August 20, 2015**

The minutes of the Commission meeting held on August 20, 2015, were considered.

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

Director Lemon presented the Receipts and Expenditures Report for August. 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 August 31, 2015, was \$1,005,507.23, which compared to a cash fund balance of \$883,726.21 on August 31, 2014.

After discussion, a motion was made by Stange and seconded by Alloway to file the August Receipts and Expenditures Report for audit. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus 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 Rut 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 Avery and seconded by Freeman to ratify issuance of the licenses as set forth in the report. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

## **Examination Report – August**

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

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

## **Examination Passing Roster**

Deputy Director Roubal 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 Instructor Approval**

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

### **Continuing Education Activity Approval**

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

### **Continuing Education Activity Significant Change**

Deputy Director Roubal presented for ratification the Continuing Education Activity Significant Change Report, a copy of which is attached to and made a part of these minutes.

### **Broker-Approved Training Recognition**

Deputy Director Roubal 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 Avery and seconded by Dover to ratify the five reports. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus 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 2014-028 - Madu Joshi vs. Brenna M. Moray and Jody D. Grewe-Gasnick**

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 Titus that the complaint be dismissed without prejudice. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

### **Presentation of Stipulation and Consent Orders**

There were no Stipulation and Consent Orders to be presented at this meeting.

## **Disciplinary Hearings**

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

## **Informal Special Appearances**

### **Jarrad Allan Eklund, Salesperson Applicant**

Director Lemon presented exhibits which included: correspondence regarding Mr. Eklund's special appearance; a letter of explanation from Mr. Eklund; character reference letters for Mr. Eklund; trial court cases from the State of Nebraska on Mr. Eklund's cases; Mr. Eklund's criminal history report; and his salesperson application form. A copy of said exhibit is attached to and made a part of these minutes. Mr. Eklund was present.

Chairperson Gale reviewed the procedure for informal special appearances.

Mr. Eklund explained the situations regarding his past criminal history.

After discussion, a motion was made by Alloway and seconded by Avery to allow Mr. Eklund to sit for the salesperson examination after making proper application, has completed probation, and restitution has been paid and to have a license issued upon passing. Mr. Eklund 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. Mr. Eklund 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.

An amendment was offered by Commissioner Stange to require Mr. Eklund to attend weekly AA meetings and report attendance monthly to the Commission office for three years and to require him to notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time for a period of three years. The amendment was accepted by the mover and second.

Motion carried with Alloway, Avery, Dover, Freeman and Stange voting aye, and with Titus and Gale voting nay.

## **Coming Soon Listings – Commission Policy & Interpretation**

Director Lemon presented a draft recommendation regarding "Coming Soon" listings. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained that the recommendation, if adopted, would be utilized as a policy and interpretation. Director Lemon explained the trends and concerns regarding those who list properties as "Coming Soon".

After discussion, a motion was made by Freeman and seconded by Alloway to approve the policy and interpretation as presented. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

## **Consideration of Nebraska REALTORS® Association Recommendation on Real Estate Teams**

Director Lemon explained that a recommendation was anticipated from the Nebraska REALTORS® Association regarding teams, however, they requested further review time before presenting such recommendation. Arla Meyer was present to discuss this matter.

Ms. Meyer indicated that the Association was planning on reevaluating and discussing the recommendation on teams within the next thirty days. She noted that a recommendation would likely be presented at the November meeting.

There was discussion regarding the joint task force review and possible legislation delays if presented at the November meeting.

No action was necessary on this report.

## **Information Matters**

### **ARELLO Annual Conference – Washington, DC – September 9-13, 2015**

Director Lemon noted that he and Commissioners Avery and Stange, and Deputy Director Rut attended the ARELLO Annual Meeting.

Each of the Attendees discussed their experiences at the ARELLO Meeting.

No action was necessary on this report.

## **Future Meeting Dates**

October 15-16, 2015 -- Staybridge Suites, Lincoln  
November 19-20, 2015 – Staybridge Suites, Lincoln  
January 21-22, 2016 – Staybridge Suites, Lincoln  
February 18-19, 2016 – Staybridge Suites, Lincoln  
March 17-18, 2016 – Staybridge Suites, Lincoln  
April 21-22, 2016 - Staybridge Suites, Lincoln  
May 19-20, 2016 - Staybridge Suites, Lincoln  
June 16-17, 2016 - Staybridge Suites, Lincoln

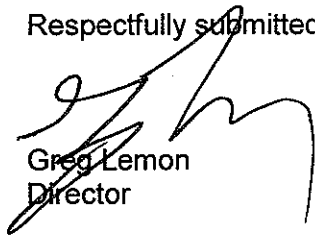
## **Recesses and Adjournment**

At 10:00 a.m., Chairperson Gale declared a brief recess, and reconvened the meeting at 10:12 a.m.

At 11:40 a.m., there being no further business to come before the Commission, a motion was made by Dover and seconded by Avery that the meeting adjourn. Motion carried with Avery, Alloway, Dover, Freeman, Titus, Stange and Gale voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the September 17, 2015, meeting of the Nebraska Real Estate Commission were available for inspection on **September 22, 2015**, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Greg Lemon', is written over the typed name and title.

Greg Lemon  
Director

**Guests Signing the Guest List**

Alex Heyen, Heyen Real Estate, Omaha  
Joe Gehrki, CBSHOME Real Estate, Omaha  
Arla Meyer, Woods Bros Realty, Lincoln