

NEBRASKA REAL ESTATE COMMISSION

August 18, 2016

Staybridge Suites

Staybridge Room

Lincoln, NE

Opening

Chairperson Gale convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on August 18, 2016, 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.

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 11a 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 Avery to adopt the final agenda as presented. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Minutes of June 16, 2016

The minutes of the Commission meeting held on June 16, 2016, were considered.

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

Greg Wayman, a home inspector in the Omaha area, indicated that he wished to provide the Commission with his professional background information so that the Commission had a better understanding when reviewing the complaints that he filed against several real estate licensees.

Chairperson Gale indicated he would allow Mr. Wayman to speak as long as he did not discuss specific information related to current complaints filed before the Commission.

Financial Matters

Receipts and Expenditures Reports for June and July

Director Lemon presented the Receipts and Expenditures Reports for June and July. Copies of said reports are attached to and made a part of these minutes. Director Lemon noted that an explanation page was included in each report.

The cash fund balance as of June 30, 2016, was \$1,530,139.93 (noted incorrectly for the meeting and corrected in these minutes and the exhibit), which compared to a cash fund balance of \$1,107,616.82 on June 30, 2015.

The cash fund balance as of July 31, 2016, was \$1,501,395.36, which compared to a cash fund balance of \$1,054,304.95 on July 31, 2015.

After discussion, a motion was made by Stange and seconded by Alloway to file the June and July Receipts and Expenditures Reports for audit. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Final Renewal Report

Director Lemon presented the Final Renewal Report. A copy of said report is attached to and made a part of these minutes.

No action was necessary on this report.

Fiscal Year 16-17 Monthly Budget Allocations

Director Lemon presented the monthly budget allocations for Fiscal Year 2016-2017. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary on this report.

Consider 2017 License Fees

Director Lemon presented an exhibit in which the Budget and Finance Subcommittee recommended no increase in fees for 2017. A copy of said exhibit is attached to and made a part of these minutes.

After discussion, a motion was made by Alloway and seconded by Stange to make no changes to the Commission's fees at this time and accept recommendation of subcommittee as presented. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Proposed Biennium Budget Request for 2017-2019

Director Lemon presented the Fiscal Year 2017-2019 Biennium Budget Request Proposal. A copy of said proposal is attached to and made a part of these minutes.

Director Lemon noted that the budget request, as presented, is the base appropriation as provided for fiscal year 2016-2017 plus the issues as explained in the cover memo. The issues that would be added are both enterprise and agency issues. The enterprise issues were based on the State's recommendation and will be reflected in the salaries and benefits accounts. The agency issues are related to the examination fees where an increase to the account is proposed due to increased number of examinations being administered. The other agency issue is relative to the new database and the maintenance and support services that would need to be accounted for on an annual basis. Director Lemon pointed out that this was a draft of the budget as it would be submitted unless there were changes to be made.

A motion was made by Freeman and seconded by Alloway to approve the proposed Biennium Budget as presented with the issues as outlined in the exhibit and testimony included. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Appointment of Finance Subcommittee

Chairperson Gale indicated that there are typically three members appointed to the Finance Subcommittee. Currently there are only two members, Chairperson Gale and Commissioner Freeman. Chairperson Gale appointed Commissioner Stange to the Finance Subcommittee to fill the empty position.

Specialized Registrations

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 the 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 Avery and seconded by Alloway to approve the amendment to the registration as presented. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

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 Freeman and seconded by Avery 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 Reports – June and July

Deputy Director Roubal presented for ratification the June and July Examination Reports, copies of which are attached to and made a part of these minutes.

After review, a motion was made by Freeman and seconded by Titus to ratify the June and July Examination Reports for the purpose of issuing licenses. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus voting aye, with Gale not participating or voting, being absent and excused.

Examination Passing Rosters

Deputy Director Roubal presented the Examination Passing Rosters for June and July, copies of which are attached to and made a part of these minutes.

No action was necessary on this report.

Real Estate Education Matters

Pre-License Education Provider/Course Approval

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

Pre-License Education Activity Significant Change

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

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 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.

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.

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 Alloway and seconded by Stange to ratify the seven reports. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Continuing Education Instructor Rejection

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

No action was necessary on this report.

Report on Instructor Development Workshop held June 30, 2016

Deputy Director Roubal presented evaluation results of the Generally Accepted Principles of Education presented by Mark Barker at the 2016 Instructor Development Workshop, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal reported that the 2016 Instructor Development Workshop was well attended and based on the reviews shown in the exhibit, it met the expectation of the instructors who attended. She also indicated that the workshop was worthy of time and expense that was provided by the Commission.

No action was necessary on this report.

Response to Question Regarding Testing Frequency

Deputy Director Roubal presented the current Examination – Time, Scoring and Delivery Report from the ARELLO Digest, a copy of which is attached to and made a part of these minutes.

Deputy Director Roubal explained the contents in the report and discussed re-examinations. The report reflected that in many jurisdictions, applicants are allowed to take the examination an unlimited amount of times per year which is also true of Nebraska.

There was discussion regarding the changes in examination score results. It was suggested that a review be conducted by Deputy Director Roubal to compare current results against results from the period prior to allowing salespersons to take only the portion of the examination that they failed at report such results at a future meeting.

No action was necessary on this report.

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 2015-022

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

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 Alloway and seconded by Freeman that Complaint 2015-022 be sent back for further investigation and results to be presented at a future meeting. Motion carried with Avery, Dover, Freeman, Stange, Titus and Gale voting aye, with Alloway not participating or voting, having recused himself.

Item B Complaint 2015-025 - Greg Wayman vs. Richard Lawrence Begley

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

Item C Complaint 2015-026

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 Alloway that this complaint be held in abeyance and a new complaint be filed against the seller's agent per the Staff recommendation. Motion failed with Alloway, Avery, Dover, Freeman, Stange, and Titus voting nay and with Gale abstaining.

After further discussion, a motion was made by Freeman and seconded by Avery that this complaint be held in abeyance and a new complaint be filed against the buyer's agent per the Staff recommendation. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Item D Complaint 2015-027

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 Titus and seconded by Freeman that the complaint be set for hearing. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Item E Complaint 2015-028 - Greg Wayman vs. Rachel June Nun

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

Item F Complaint 2015-029

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 Dover that Complaint 2015-029 be sent back for further investigation and results to be presented at a future meeting. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Item G Complaint 2015-034 - Greg Wayman vs. Marc Edward Cohn, Christopher Adam Bauer, Dana William Hancock & Brian Alan Thomas

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

A motion was made by Freeman and seconded by Avery that the complaint be dismissed without prejudice against the buyer's agent and buyer's agent 2. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

A motion was made by Freeman and seconded by Avery that the complaint be dismissed without prejudice against the Seller's agent. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Item H Complaint 2015-035

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 Titus and seconded by Freeman that Complaint 2015-035 be sent back for further investigation and results to be presented at a future meeting. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Item I Complaint 2013-034 Gordon Ronald Opp vs. Kelly Brian Langer and Complaint 2015-009 – Commission vs. Kelly Brian Langer

Deputy Director Cell indicated that the Respondent in these matters had not renewed their license for 2016-2017. Therefore, the commission no longer had jurisdiction over this matter.

A motion was made by Freeman and seconded by Titus that Complaints 2013-034 and 2015-009 be dismissed without prejudice. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Presentation of Stipulation and Consent Orders

Complaint 2015-015, Joan Phillips vs. Dennis James McGuire

Deputy Director Cell presented a Stipulation and Consent Order in the matter of Complaint 2015-015, Joan Phillips vs. Dennis James McGuire. A copy of said Order is attached to and made a part of these minutes.

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

Disciplinary Hearings

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

Informal Special Appearances

Sean Miller, Salesperson Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. Miller's special appearance; a letter of explanation from Mr. Miller; character reference letters for Mr. Miller; Mr. Miller's salesperson application form; a State of New York Department of Corrections and Community Supervision release of good conduct for Mr. Miller, and his criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Miller was present.

Chairperson Gale reviewed the procedure for informal special appearances.

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

After discussion, a motion was made by Freeman and seconded by Stange to allow Mr. Miller to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Miller 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. Miller 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 after becoming licensed. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Don Albin Christensen, Salesperson Applicant

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

Chairperson Gale reviewed the procedure for informal special appearances.

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

A motion was made by Avery and seconded by Freeman that Mr. Christensen not be allowed to sit for the salesperson examination at this time. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Lamar Darnell Brown, Salesperson Applicant

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

Chairperson Gale reviewed the procedure for informal special appearances.

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

After discussion, a motion was made by Alloway and seconded by Dover to allow Mr. Brown to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Brown 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. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

James Michael Webster, Broker Applicant

Director Lemon presented exhibits which included: correspondence regarding Mr. Webster's special appearance; a letter of explanation from Mr. Webster; character reference letters Mr. Webster; Mr. Webster's salesperson application form; and his criminal history report. A copy of said exhibit is attached to and made a part of these minutes. Mr. Webster was present via telephone conference.

Chairperson Gale reviewed the procedure for informal special appearances.

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

After discussion, a motion was made by Avery and seconded by Freeman to allow Mr. Webster to have a broker's license issued after making proper application. Motion carried with Alloway, Avery, Dover, Freeman, Stange, Titus and Gale voting aye.

Patrick James Oakes, Salesperson Applicant

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

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

Chairperson Gale reviewed the procedure for informal special appearances.

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

After discussion, a motion was made by Alloway and seconded by Freeman to allow Mr. Oakes to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Oakes 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. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, and with Avery not participating or voting, having recused himself, thereby nullifying any potential conflict of interest

Scott Patrick Reilly, Salesperson Applicant

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

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

Chairperson Gale reviewed the procedure for informal special appearances.

Mr. Reilly distributed an additional letter of reference. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 13f1.

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

After discussion, a motion was made by Titus and seconded by Freeman to allow Mr. Reilly to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Reilly 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. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, and with Avery not participating or voting, having recused himself, thereby nullifying any potential conflict of interest

Adopt AI Avery Resolution

Director Lemon presented a resolution commemorating service on the Commission by AI Avery. A copy of said resolution is attached to and made a part of these Minutes.

A motion was made by Stange and seconded by Alloway that the resolution for AI Avery be adopted. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye and with Avery not participating or voting, having recused himself, thereby nullifying any potential conflict of interest.

Consideration of Draft Amendment to Regulations Relating to the Implementation of LB678, The Real Estate Teams Bill

Director Lemon presented proposed regulations relating to the implementation of LB678, the real estate teams bill. A copy of said exhibit is attached to and made a part of these minutes. There were several industry members and members of the Nebraska REALTORS Association present for the discussion of this matter.

Director Lemon also passed out a letter received from an Omaha broker, Vince Leisey regarding the teams' bill. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 15a.

Director Lemon noted that a joint task force was created between the Nebraska Real Estate Commission and the Nebraska REALTORS Association to draft proposed guidelines for teams regulation. He explained that there had been an increase in the number and size of teams in the real estate industry. The joint task force recommendations resulted in the introduction of LB678 to the Legislature. Director Lemon explained the bill and sought direction from the Commission on the proposed regulations which were being presented as a draft for discussion only.

Arla Meyer, with the Nebraska REALTORS Association, explained that concerns regarding teams began with public confusion regarding team advertising. There was discussion regarding the difference between teams and co-listings, and it was noted that the distinction under the new law could be dealt with through education and Commission communications.

Chairperson Gale asked for clarification of team dissolution and time frames relating to team leader changes. There was discussion regarding possible time frames and the requirements which would need to be implemented for dissolving teams.

Joe Gehrki, with CBSHOME, explained that he agreed that a team name should not suggest it is a brokerage, however, the terms, real estate and REALTOR relate to what the teams do and felt those terms would assist in public understanding the team's services and would not cause confusion to the public. It was noted that with the requirement of the word "team" or "group" in the name, there should not be any confusion as to whether the team is in fact a team and not an independent brokerage.

Joe Westerhaus, with Berkshire Hathaway Home Services Ambassador Real Estate, indicated that he felt it would be misleading to the public if real estate was not used in the name. He also felt the name team and group should be included in the name. There was discussion regarding the difference between the term group and team. There was also discussion regarding team ownership, and the branding of the team name.

Commissioner Freeman reviewed the proposed rules and regulations and indicated that the team leader responsibility creates an intermediate layer of supervision between the licensees and the designated broker. There was discussion regarding the complaint process where currently the licensee and designated broker could be cited, if the licensee was a team member, this could also include a team leader under the proposed regulations.

Alex Heyen, broker for Heyen Real Estate in Omaha, stated that team advertising is currently confusing and needs clarification. He also noted that another state has a requirement that the broker name has to be equal to or larger than the agent or team name. There was discussion regarding size and the advertising media being used by licensees.

There was discussion regarding the representation of a team to buyers and the need for clarification and disclosure regarding members of the team, and if they represent the interest of the buyer or only one team seller. After discussion, several Commissioners expressed an interest in further definition through regulation of the team agency disclosure requirements.

There was also discussion regarding the definition of a team. Commissioner Alloway indicated that the bill states in the definition what classifies as a team. He noted that many are reading this as only requiring one of the three provisions in the law rather than all three. The perception is that it is read with an "or" between definitions rather than the word "and", and when read as written, the "and" clarifies the definition.

There was also discussion of allowing a grace period once the rules and regulations are adopted, to allow teams to change their advertising to conform to the new requirements.

Chairperson Gale encouraged licensees and any affiliates to send letters regarding their recommendations or concerns to the Commission.

There was discussion regarding the time line for adopting the rules and regulations. Director Lemon indicated that while the laws go into effect on October 1 and the licensees will begin following those laws, the regulations should be done once and done correctly and should not be rushed. Director Lemon noted that there was an article placed in the Commission Comment newsletter regarding the teams' bill.

Several Commissioners indicated that proximity and prominence of the name the broker does business under should also be defined further in regulation. After discussion, it was decided that Director Lemon would bring examples used by other states to further clarify prominence and proximity.

There was further discussion regarding the team names and it was decided that a proposed rule be considered which has been amended to remove the words "realty", "real estate", "realtors" and add others such as "partnership" and "limited liability company".

There was also discussion regarding a course requirement for team leaders and team members since there is currently no approved course and also the time frame to allow team leaders to take the course. It was noted that there was a course that is being developed by the Nebraska Realtors Association and would be made available to licensees in the near future. The time frame for taking the course is currently six months, and there was discussion regarding reducing the time frame.

Director Lemon noted that the proposed rules and regulations regarding teams would be amended per the recommendations and discussion and brought to a future meeting for review.

Director Lemon also explained the changes regarding record keeping. Proposed revisions were discussed and noted and will be brought back for future discussion.

No action was necessary on this report.

Information Matters

ARELLO Annual Conference - September 21-25, 2016 - Vancouver, B.C.

Director Lemon explained that the deadline for accommodations is August 28, 2016, and asked which Commissioners were planning on attending the conference. Commissioners Freeman, and Stange indicated they planned on attending the conference.

No action was necessary on this report.

Errors and Omissions Loss Report – Second Quarter 2016

Director Lemon presented the Errors and Omissions Loss Report – Second Quarter 2016. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary with regard to this matter.

Adoption of Title 302, Chapter 1; Title 299, Chapter 1; and Title 299, Chapter 7

Director Lemon explained that the rule changes to Title 032, Chapter 1; Title 299, Chapter 1; and Title 299, Chapter 7 have been approved. He noted the implementation of the rule changes regarding property management would be implemented starting this renewal cycle and implementation of the seller property condition disclosure statement would begin on January 1, 2017 to coincide with the new law requirements for carbon monoxide detectors.

No action was necessary at this time.

Future Meeting Dates

September 29-30, 2016– Staybridge Suites, Lincoln

October 27-28, 2016 – Staybridge Suites, Lincoln

November 17-18 2016 - Staybridge Suites, Lincoln

Recesses and Adjournment

At 10:16 a.m., Chairperson Gale declared a brief recess, and reconvened the meeting at 10:28 a.m.

Commissioner Gale was briefly excused from the meeting at 11:16 a.m., and rejoined the meeting at 11:20 a.m.

Commissioner Alloway was briefly excused from the meeting at 11:41 a.m., and rejoined the meeting at 11:50 a.m.

Commissioner Avery was briefly excused from the meeting at 1:08 p.m., and rejoined the meeting at 1:11 p.m.

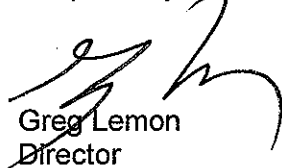
Commissioner Gale was briefly excused from the meeting at 1:18 p.m., and rejoined the meeting at 1:21 p.m.

At 1:23 a.m., Chairperson Gale declared a recess for lunch, and reconvened the meeting at 2:15 p.m.

At 3:52 p.m., there being no further business to come before the Commission, a motion was made by Avery and seconded by Alloway that the meeting adjourn. Motion carried with Avery, Alloway, Dover, Freeman, Stange, Titus and Gale voting aye,

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the August 18, 2016, meeting of the Nebraska Real Estate Commission were available for inspection on August 29, 2016, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Alex Heyen, Heyen Real Estate, Omaha
Mark Leaders, CBSHOME, Omaha
Dave Ptak, Hastings
Jeff Hebb, Nebraska REALTORS⁷ Association, Lincoln
Scott Vogt, Nebraska REALTORS Association, Lincoln
Sheri Bourne, Gateway Realty of North Platte, North Platte
Beth Lube, Remax Real Estate Group, Omaha
Christie Bevington, Nebraska REALTORS Association, Lincoln
Arla Meyer, Woods Bros Realty, Lincoln
Amy Duval Carlson, CBSHOME, Home Services of Nebraska, Lincoln
Marcia Weddle, Century 21 Home and Farm Realty, Lincoln
Connie Burleigh, CJ Burleigh Real Estate, PC, Lincoln
Joe Gehrki, CBSHOME, Nebraska REALTORS Association, Lincoln
Katie Adams, BHHS Ambassador Real Estate, Omaha
Joe Westerhaus, Berkshire Hathaway Home Services Ambassador Real Estate, Omaha
Dave Becker, Berkshire Hathaway Home Services Real Estate, Omaha
April Bohling, RE/MAX Real Estate Concepts, Lincoln
Jeni Meyer, REMAX REC, Lincoln
Matt Mick, Berkshire Hathaway Home Services, Omaha/Lincoln