

NEBRASKA REAL ESTATE COMMISSION

February 16, 2017

Staybridge Suites

Staybridge Room

Lincoln, NE

Opening

Chairperson Gale convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on February 16, 2017, 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, with the exception of Commissioner Bourne, who was absent and excused. 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 was 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 16 had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Alloway and seconded by Freeman to adopt the final agenda as presented. Motion carried with Alloway, Freeman, Stange, Titus and Gale voting aye, with Bourne and Dover not participating or voting, being absent and excused.

Minutes of January 19, 2017

The minutes of the Commission meeting held on January 19, 2017, were considered.

After review, a motion was made by Stange and seconded by Alloway to approve the minutes as presented. Motion carried with Alloway, Freeman, Stange, Titus and Gale voting aye, with Bourne not participating or voting, being absent and excused and with Dover not voting having not been in attendance at the January 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 January

Director Lemon presented the Receipts and Expenditures Report for January. 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 January 31, 2017, was \$1,994,439.88, which compared to a cash fund balance of \$1,726,400.87 on January 31, 2016.

There was discussion regarding the Legislative Bills and the impact on the current budget at the next biennium's budget.

After discussion, a motion was made by Stange and seconded by Freeman to file the January Receipts and Expenditures Report for audit. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, with Bourne not participating or voting, being absent and excused.

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 Titus and seconded by Dover to ratify issuance of the licenses as set forth in the report. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, with Bourne not participating or voting, being absent and excused.

Examination Report - January

Deputy Director Roubal presented for ratification the January 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 Freeman to ratify the January Examination Report for the purpose of issuing licenses. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, with Bourne not participating or voting, being absent and excused.

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 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 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.

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 Freeman and seconded by Alloway to ratify the five reports. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, with Bourne not participating or voting, being absent and excused.

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 2016-004 – Darrell V. Bromwich vs. Edwin Glen Ziska

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 Alloway that the complaint be dismissed without prejudice. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, and with Bourne not participating or voting, being absent and excused.

Item B Complaint 2016-005- Greg Wayman vs. Cynthia S. Andrew

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 Titus that the complaint be dismissed without prejudice. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, and with Bourne not participating or voting, being absent and excused.

Item C 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 Titus and seconded by Alloway that the Commission file a complaint on its own motion. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, and with Bourne not participating or voting, being absent and excused.

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

There were no informal special appearances scheduled to be held at the meeting.

Consider Changes to the Agency Disclosure Form Related to Real Estate Team Disclosure

Director Lemon presented draft proposals related to teams and agency disclosure. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon noted that the agency disclosure form requires no rule and regulation changes but needed to be revised to account for the team regulations which are anticipated to go into effect July 1, 2017. Director Lemon indicated that the revisions to the form should provide the public with the understanding of who is representing them. He felt the revised agency disclosure form should not be cumbersome for the licensees or the public and would entertain discussion, suggestions and recommendations.

It was the consensus of the Commission that the form be kept simple. There was discussion that the chain of command as well as a disclosure statement regarding designated agency, as shown in example 1a of the exhibit, meets the goals strikes and appropriate balance between simplicity and ease of understanding while providing adequate information on the agency disclosure form.

It was discussed that the chain of command be provided in reverse order as shown on the example provided. There was further discussion regarding the revision of language to the chain of command, specifically item number 5 as currently numbered. After further discussion, it was suggested that items 4 and 5, as currently numbered be combined into one item.

There was discussion regarding how the agency disclosure form was presented, if the items on preprinted forms could be amended and additional wording changes.

It was the consensus of the Commission that Director Lemon incorporate the changes to the agency disclosure form as discussed and present the changes at the next meeting for consideration.

Legislative Matters

LB 9 - Director Lemon reported that the hearing was held on February 7, 2017.

LB 15 - No new information presented.

LB 16 – Director Lemon reported that this bill has been placed on General file.

LB 36 – Director Lemon reported that the McCollister name was added.

LB 127 – Director Lemon reported that the hearing was held on February 2, 2017.

LB 208 – Director Lemon reported that the hearing was held on February 7, 2017.

LB 257 –Director Lemon reported that the hearing was held on February 7, 2017. There was discussion that this bill may be out of committee and after review, it has in fact, been placed on General File.

LB 299 – Director Lemon reported that a hearing is schedule on February 24, 2017.

LB 312 – Director Lemon reported that a hearing is schedule on February 22, 2017.

LB 426 – Director Lemon explained that the bill would require expense reimbursements to be a percentage of Federal GSA Guidelines. Director Lemon indicated that this bill would continue to be monitored.

LB 549 – Director Lemon explained that Broker Trust accounts be non-interest bearing accounts. Director Lemon reported that this bill has been placed on General file and would continue to be monitored.

No action was necessary with regard to these matters.

Identification and Clarification of Advertising Issues Under Amendments to Title 299, chapter 2 (team and affiliate advertising)

Director Lemon presented a copy of amendments made to Title 299, Chapter 2 relating to advertising and questions which have arisen since the Rule Hearing at the last meeting. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon requested that the Commissioners provide guidance on the appropriate interpretations relating to the advertising rules which are anticipated to be effective July 1, 2017. He indicated that questions are being received from licensees regarding the team names and advertising.

There was discussion regarding clarification to the broker's name being adjacent to the team

name and the definition of adjacent, as well as advertising in various mediums.

There was discussion that the Commission should provide an advertising guidance document to the licensees so that they can be prepared for the July 1, 2017 rule implementation.

It was the consensus of the Commission that Director Lemon draft an advertising document to provide guidance to the licensees that will be reviewed and discussed at the next meeting.

Information Matters

ARELLO Mid-Year Meeting – Louisville, KY – April 26-29, 2017

Director Lemon explained that the deadline for registration is April 3, 2017, and asked which Commissioners were planning on attending the conference.

Commissioner Stange, Deputy Director Rut and Director Lemon have registered for the Mid-Year Meeting.

No action was necessary on this report.

Future Meeting Dates

March 16-17, 2017 – Staybridge Suites, Lincoln

April 20, 2017 – Staybridge Suites, Lincoln

May 25-26, 2017 – Staybridge Suites, Lincoln

June 22-23, 2017 – Staybridge Suites, Lincoln

Recesses and Adjournment

Commissioner Dover was briefly excused from the meeting at 9:02 a.m., and rejoined the meeting at 9:04 a.m.

Chairperson Gale was briefly excused from the meeting at 10:56 a.m., and rejoined the meeting at 11:01 a.m.

Commissioner Titus was briefly excused from the meeting at 11:04 a.m., and rejoined the meeting at 11:06 a.m.

At 11:10 a.m., there being no further business to come before the Commission, a motion was made by Freeman and seconded by Alloway that the meeting adjourn. Motion carried with Alloway, Dover, Freeman, Stange, Titus and Gale voting aye, with Bourne 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 February 16, 2017, meeting of the Nebraska Real Estate Commission were available for inspection on February 17, 2017, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

James McCord, J.J. Palmtag, Inc., Nebraska City
Mari Jo Mentzer, Larabee School, Lincoln
Trudy Meyer, CBSHOME, Omaha
Aria Meyer, Woods, Lincoln
Jeff Hebb, Nebraska REALTORS® Association, Lincoln

