

NEBRASKA REAL ESTATE COMMISSION

October 20, 2017

Country Inn and Suites

Lighthouse Room

Lincoln, NE

Opening

Chairperson Gale convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on October 20, 2017, in the Lighthouse Room of the Country Inn & Suites, located at 5353 N 27th Street in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Commissioner Starman, who was absent and excused. Also present were Director Greg Lemon, 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 on the north 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 17c 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 Titus to adopt the final agenda as presented. Motion carried with Alloway, Bourne, Dover, Freeman, Titus and Gale voting aye, with Starman not participating or voting, being absent and excused.

Minutes of September 28, 2017

The minutes of the Commission meeting held on September 28, 2017, were considered.

After review, a motion was made by Titus and seconded by Dover to approve the minutes as presented.

An amendment was offered by Commissioner Freeman on page 7 of the Minutes under Agenda Item Military Waiver, that in the motion the words "and the" be removed as that was not the intent of the motion. The amendment was accepted by the mover and the second.

Motion carried with Alloway, Bourne, Dover, Freeman, Titus and Gale voting aye, with Starman not participating or voting, being absent and excused.

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 September

Director Lemon presented the Receipts and Expenditures Report for September. 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 September 30, 2017, was \$1,435,963.57, which compared to a cash fund balance of \$1,396,113.10 on September 30, 2016.

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

Examination Report - September

Deputy Director Rut presented for ratification the September Examination 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 September Examination Report for the purpose of issuing licenses. Motion carried with Alloway, Bourne, Dover, Freeman, Starman, Titus and Gale voting aye.

Examination Passing Roster

Deputy Director Rut 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.

Third Quarter AMP School Reports

Deputy Director Rut presented the Third Quarter AMP School Reports, copies of which are attached to and made a part of these minutes.

Deputy Director Rut explained the reports relating to the tests and the school reports.

No action was necessary on this report.

Real Estate Education Matters

Pre-License Education Instructor Approval

Deputy Director Rut 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 Rut 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 Rut 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 Activity Recognition

Deputy Director Rut 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 Dover to ratify the four reports. Motion carried with Alloway, Bourne, Dover, Freeman, Starman, Titus and Gale voting aye.

Continuing Education Instructor Rejection

Deputy Director Rut 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.

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.

There was discussion regarding expediting the process to obtain documents relating to complaints. The Commission indicated that the Staff should use all tools at the Commissions disposal to expedite the complaint process.

No action was necessary on this report.

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

Item A Complaint 2016-021 – Geoffrey C. Friesen v. Ronald Nicholas Neumayer

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

After discussion, a motion was made by Freeman and seconded by Bourne to reconsider the motion. Motion carried with Alloway, Bourne, Dover, Freeman, Titus and Gale voting aye and with Starman voting nay.

After further discussion, a motion was made by Freeman and seconded by Bourne that the complaint be dismissed without prejudice, and a letter of admonishment be sent to the Respondent and the Respondent's designated broker. Motion carried with Alloway, Bourne, Dover, Freeman, Starman, Titus and Gale voting aye.

There was also discussion regarding review of the Seller Property Disclosure Statement and it was suggested that an article be put in the Commission Comment newsletter regarding a licensee's obligations relating to the Sellers Property Condition Disclosure form.

Presentation of Stipulation and Consent Orders

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

Disciplinary Hearings

Complaint 2016-001 – Timothy A Ogle vs. ZZ Ramazani

The Hearing regarding Complaint 2016-001, Timothy A. Ogle vs. ZZ Ramazani was continued.

Informal Special Appearances

Ronald Allen Bradeen, Broker Applicant

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

Chairperson Gale reviewed the procedure for informal special appearances.

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

After discussion, a motion was made by Freeman and seconded by Alloway to allow Mr. Bradeen to have a nonresident broker license issued after making proper application. Motion carried with Alloway, Bourne, Dover, Freeman, Starman, Titus and Gale voting aye.

2016-2017 Objectives – Quarterly Report

Director Lemon presented an exhibit regarding the 2016-2017 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained how each are progressing.

There was discussion regarding videos relating to consumer protection and the licensees.

A motion was made by Alloway and seconded by Freeman to replace Objective number 3 with an objective whereby the Commission would create short industry videos featuring Director Lemon to send out no less than quarterly, but on an as needed basis, to all licensees. Motion carried with Alloway, Bourne, Dover, Freeman, Starman, Titus and Gale voting aye

Commission Bourne suggested a change in Objective number 5 and instead of processing complaints to final disposition within one year, they be completed within nine months. There was discussion regarding the goal and the Commission's ability to achieve that deadline. There was also discussion regarding the tracking of Complaints and would like to see the average of time the Complaints are taking.

There was discussion regarding Commission Staffing and the possibility of hiring another Staff member to assist with the Complaint process. It was concluded that Director Lemon could review the Commission's budget for hiring another staff member if needed and that further review of the objection's criteria could take place after steps to further expedite the complaint process are implemented.

Review and Approval of Travel to ARELLO Leadership Conference

Director Lemon presented an exhibit regarding the estimated costs for Deputy Director Rut to attend the ARELLO Leadership Conference in January 2018. A copy of said exhibit is attached to and made a part of these minutes.

After discussion, a motion was made by Freeman and seconded by Starman to approve the reimbursement of expenditures for staff who attend the meeting set forth in the exhibit. Motion carried with Alloway, Bourne, Dover, Freeman, Starman, Titus and Gale voting aye, with XX not participating or voting, being absent and excused.

Legislative Matters

Active Military License Fee Waiver

Director Lemon presented an exhibit of the proposed legislation to exempt service members and their spouses from application fees as prescribed. A copy of said exhibit is attached to and made a part of these Minutes.

Director Lemon explained that he felt the bill as drafted reflected the Commission's discussion at the last meeting regarding the waiver of fees for active duty military and their spouses if licensed in another state or if they had a previous Nebraska license. He reported that Senator Blood was very cooperative and allowed him to work directly with the bill drafters to on the language in the proposed legislation.

A motion was made by Titus and seconded by Alloway to endorse the bill as drafted. Motion carried with Alloway, Bourne, Dover, Freeman, Starman, Titus and Gale voting aye.

Information Matters

Errors and Omissions Loss Report – Third Quarter 2017

Director Lemon presented the Errors and Omissions Loss Report – Third Quarter 2017. A copy of said exhibit is attached to and made a part of these minutes.

No action was necessary with regard to this matter.

ARELLO Investigator Workshop – Portland, OR-October 17-19, 2017 - Report of Attendee

Director Lemon noted that Deputy Director Cell attended the ARELLO Investigator Workshop.

Deputy Director Cell presented a comprehensive report regarding his experience at the Workshop.

No action was necessary on this report.

GL Solutions Client Conference – Bend, OR - October 12-13, 2017 - Report of Attendee

Director Lemon noted that Deputy Director Rut attended the GL Solutions Client Conference.

Deputy Director Rut discussed her experience at the Conference.

No action was necessary on this report.

Future Meeting Dates

November 16-17, 2017 – Staybridge Suites, Lincoln
January 18-19, 2018 - Country Inn and Suites, Lincoln
February 15-16, 2018 – Staybridge Suites, Lincoln
March 15-16, 2018 – Staybridge Suites, Lincoln
April 19-20, 2018 – Staybridge Suites, Lincoln
May 24-25, 2018 – Staybridge Suites, Lincoln
June 21-22, 2018 – Staybridge Suites, Lincoln

Recesses and Adjournment

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

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

At 12:30 p.m., there being no further business to come before the Commission, a motion was made by Titus and seconded by Freeman that the meeting adjourn. Motion carried with Alloway, Bourne, Dover, Freeman, Starman, Titus and Gale voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the October 20, 2017, meeting of the Nebraska Real Estate Commission were available for inspection on November 3, 2017, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,


Greg Lemon
Director

Guests Signing the Guest List

Jeff Hebb, Nebraska REALTORS® Association, Lincoln
Jim McCord, J. J. Palmtag, Nebraska City
Joe Gehrki, CBSHOME Real Estate, Omaha

