

NEBRASKA REAL ESTATE COMMISSION

April 21, 2022

Country Inn and Suites

Omaha Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:03 a.m. on April 23, 2022, in the Omaha 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. Also present were Director Greg Lemon, Deputy Director for Enforcement Samantha Lowery, and Deputy Director for Licensing Monica Rut.

Notice of Meeting (Adopt Agenda)

Director Lemon presented a public notice thereof relating to this meeting, which is attached to and made a part of these minutes. Chairperson Evnen 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 Evnen 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 southeast corner of the meeting room by the west entrance; and that the procedures followed were in accordance with the Open Meetings Act. Chairperson Evnen asked that guests sign the guest list.

Director Lemon noted that no agenda items had been added since the tentative agenda was mailed to the Commissioners.

After review of the final agenda, a motion was made by Gehrki and seconded by Ritter to adopt the final agenda as presented. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Minutes of March 18, 2022

The minutes of the Commission meeting held on March 18, 2022, were considered.

After review, a motion was made by Bourne and seconded by Dohse to approve the minutes as presented. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Public Comment

Chairperson Evnen 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 March

Director Lemon presented the Receipts and Expenditures Report for March. 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 March 31, 2022, was \$1,713,716.21, which compared to a cash fund balance of \$1,461,438.25 on March 31, 2021.

After discussion, a motion was made by Dohse and seconded by Ritter to file the March Receipts and Expenditures Report for audit. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen 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 Starman and seconded by Bourne to ratify issuance of the licenses as set forth in the report. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

License Statistic Report for March

Deputy Director Rut presented the License Statistic Report for the month of March, a copy of which is attached to and made a part of these minutes.

Deputy Director Rut noted that the report would be provided to the Commission on a monthly basis.

No action was necessary on this report.

Examination Report - March

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

After review, a motion was made by Gehrki and seconded by Ritter to ratify the March Examination Report for the purpose of issuing licenses. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen 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.

Fourth Quarter PSI School Reports

Deputy Director Rut presented the PSI Review of Examination Performance Reports for comparison for the period of January 1, 2022 through March 31, 2022, copies of which are attached to and made a part of these minutes. (Note: It was discovered prior to the meeting that the Exhibit for this Agenda Item was incorrect. The school name listed on the last page was set forth as "0003 Cooke Real Estate School" when, in fact, the name should have been "5555 Out of State". The Exhibit was corrected for attachment to these minutes.)

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

No action was necessary on this report.

Real Estate Education Matters

Continuing Education Activity Approval

Director Lemon 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

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

Commission-Approved Training Activity Recognition

Director Lemon presented a Commission-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 Dohse and seconded by Starman to ratify the three reports. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Bell and Evnen voting aye.

Pending Sworn Complaints and Investigative Matters

Deputy Director Lowery 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 2021-008

Deputy Director Lowery 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 Dohse and seconded by Ritter that this complaint be held in abeyance and a new complaint be filed against the respondent per the Staff recommendation. Motion carried with Bell, Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye.

Item B Complaint 2021-016 – Board of Directors of Oaktown Square Association c/o Anita Weiskircher vs. Jason Allan Young

Deputy Director Lowery 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 Ritter and seconded by Bourne that due to lack of jurisdiction, the complaint be dismissed without prejudice and a letter be drafted to the Complainants with the assistance of Chairperson Evnen. Motion carried with Bell, Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye.

Item C Complaint 2021-009 – James & Shaila Clark vs. Tyler Christian Bundy

Deputy Director Lowery 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 Dohse and seconded by Starman that the complaint be dismissed without prejudice. Motion carried with Bell, Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye.

Item D Complaint 2021-017 - Shawn Patrick McGuire vs. Gina Marie-Kapo Tejral

Deputy Director Lowery 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 Gehrki and seconded by Ritter that the complaint be dismissed without prejudice. Motion carried with Bell, Bourne, Dohse, Gehrki, Ritter, Starman, and Evnen voting aye.

Item 1 Investigative Matter

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

Deputy Director Lowery presented an investigative report to the Commission.

After being advised of the results of the investigation and discussion, a motion was made by Gehrki and seconded by Starman that the Commission file a complaint on its own motion and set it for hearing on the violations alleged in the report. Motion carried with Bell, Bourne, Dohse, Gehrki, Starman, and Evnen voting aye, and with Ritter not participating or voting, having recused herself, thereby nullifying any potential conflict of interest.

Item 2 Investigative Matter

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

Deputy Director Lowery presented an investigative report to the Commission.

After being advised of the results of the investigation and discussion, a motion was made by Starman and seconded by Bourne that the Commission file a complaint on its own motion and set it for hearing on the violations alleged in the report. Motion carried with Bell, Bourne, Dohse, Gehrki, Starman, and Evnen voting aye, and with Ritter not participating or voting, having recused herself, thereby nullifying any potential conflict of interest.

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

Christine Anderson, Salesperson Applicant - Reappearance

Director Lemon presented an exhibit which included: correspondence regarding this special appearance; a letter of explanation from Ms. Anderson; character reference letters for Ms. Anderson; Ms. Anderson's salesperson application form; trial court cases from the State of Nebraska on Ms. Anderson's cases; Ms. Anderson's criminal history report; and information regarding Ms. Anderson's previous special appearance held on March 18, 2021.

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Anderson explained the situations regarding her criminal history.

After discussion, a motion was made by Dohse and seconded by Ritter to allow Ms. Anderson to sit for the salesperson examination after making proper application and to have a license issued upon passing. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

William John Clark, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Clark explained the situations regarding his criminal history.

A motion was made by Evnen and seconded by Gehrki that Mr. Clark not be allowed to sit for the salesperson examination at this time. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Phillip James Doremus, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Doremus explained the situations regarding his criminal history.

A motion was made by Bourne and seconded by Gehrki that Mr. Doremus not be allowed to sit for the salesperson examination at this time. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Jacob Allen Volkmann, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Volkmann explained the situations regarding his criminal history.

A motion was made by Evnen and seconded by Starman that Mr. Volkmann not be allowed to sit for the salesperson examination at this time. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Melani Rose Harrison, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Harrison explained the situations regarding her criminal history.

After discussion, a motion was made by Bourne and seconded by Dohse to allow Ms. Harrison to sit for the salesperson examination after making proper application and to have a license issued upon passing. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, and Starman voting aye, and with Evnen voting nay.

Sharon K. Jimenez, Non-Resident Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Jimenez explained the situations regarding her criminal history.

A motion was made by Evnen and seconded by Dohse to hold this application in abeyance and table the discussion until the next Commission Meeting in order to give Ms. Jimenez the opportunity to address certain open items on her criminal history. Motion carried with Bourne, Dohse, Gehrki, Post, Ritter, Starman and Evnen voting aye.

Broker Qualification Review

Benson Wallace

Director Lemon presented exhibits which included: correspondence regarding Mr. Wallace's Broker Hardship Hearing; a letter of explanation from Mr. Wallace, character reference letters for Mr. Wallace, Mr. Wallace's Broker Applicant Hardship application form, Mr. Wallace's resume and Mr. Wallace's broker application form. A copy of said exhibit is attached to and made a part of these minutes. Mr. Wallace was present.

Chairperson Evnen reviewed the procedure for Broker Hardship Hearings. Including that LB811 will get rid of this exception but must be considered since law is still in effect.

Mr. Wallace explained the situation regarding the request for the hardship.

Mr. Wallace distributed examples of work experience. A copy of said exhibit is attached to and made a part of these minutes, denoted as exhibit 14a1.

After discussion, a motion was made by Ritter and seconded by Gehrki that the Director prepare an order of the Commission that the applicant has supplied sufficient relevant experience to qualify under the Hardship provision. Motion carried with Dohse, Gehrki, Post, Ritter, and Evnen voting aye, and with Bourne and Starman voting nay.

Scott Lawrence Mausbach

The broker qualification review for Mr. Mausbach was postponed to a future meeting at the request of the applicant.

2021-2022 Objectives – Quarterly Report

Director Lemon presented an exhibit regarding the proposed 2021-2022 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained the progress on the objectives.

No action was necessary on this report.

Commission Meeting Security

Director Lemon explained the recently there had been discussions with other regulatory agencies and the Commissioners regarding security presence at the Commission Meetings. He indicated that since there was interest, he felt that the Commission should discuss how this may manifest. He indicated that there are many options for the Commission to consider and was interested in hearing what the Commissioners opinions.

There was discussion regarding the Commissioners desire to have security present at Commission Meetings. Chairperson Evnen suggested that the Director develop options for the Commissioners to consider at the next Commission Meeting.

It was the consensus of the Commission to review the security options at the next Commission Meeting.

No action was necessary on this report.

Legislative Matters

LB 112 - No new information presented.

LB 196 - No new information presented.

LB 263 - No new information presented.

LB 709 - Director Lemon reported that there was a lot of opposition this bill and since the Legislative session is closed this bill will most likely be carried over to next session. He indicated that with the greatly appreciated cooperation with the Nebraska REALTORS® Association the amendment to exempt real estate licensees out of this bill was accepted. He also noted that next session he would monitor the bill and the amendment.

LB 811 - No new information presented.

LB 892 – Director Lemon reported that this bill passed and would be effective in July 2022.

LB 975 - No new information presented.

No action was necessary with regard to these matters.

Information Matters

Errors and Omissions Loss Report – Third Quarter 2022

Director Lemon presented the Errors and Omissions Loss Report – Third Quarter 2022. 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 Mid-Year Meeting – April 6-8, 2022 - Savannah, Georgia – Report of Attendees

Director Lemon noted that Commissioner Starman and Deputy Director Rut and he attended the ARELLO Mid-Year Meeting.

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

No action was necessary on this report.

Future Meeting Dates

May 19-20, 2022 - Country Inn and Suites, Lincoln
June 16-17, 2022 - Country Inn and Suites, Lincoln
August 18-19, 2022- TBD
September 15-16, 2022- TBD
October 20-21, 2022- TBD
November 17-18, 2022- TBD

Recesses and Adjournment

At 9:49 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 9:58 a.m.

At 11:05 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 11:15 a.m.

At 12:31 p.m., there being no further business to come before the Commission, a motion was made by Dohse and seconded by Ritter that the meeting adjourn. Motion carried with Bourne, Dohse, Gehrki, Ritter, Starman, Bell and Evnen voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the April 21, 2022, meeting of the Nebraska Real Estate Commission were available for inspection on April 27, 2022, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Charles Chadwick, CNC Realty, Omaha
Tricia Weathers, Omaha
Debbie Mitchell, Coldwell Banker REA, Omaha
Christie Bevington, Nebraska REALTORS® Association, Lincoln
Billy Clark, Omaha