

NEBRASKA REAL ESTATE COMMISSION

February 23, 2023

Country Inn & Suites

Lighthouse Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on February 23, 2023, 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. Also present were Director Greg Lemon, Deputy Director for Education Mary Daily, Deputy Director for Enforcement Samantha Lowery, and Deputy Director for Licensing Monica Rut. John Weis, Special Assistant Attorney General and Counsel to the Commission, was present for the Wyatt Hearing.

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 northwest 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 agenda items 9a, 9b, 9f, 9j, and 11f 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 Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Minutes of November 17, 2022

The minutes of the Commission meeting held on November 17, 2022, were considered.

After review, a motion was made by Dohse and seconded by Ritter to approve the minutes as presented. Motion carried with Dohse, Gehrki, Geiser, 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.

Financial Matters

Receipts and Expenditures Reports for November, December, and January

Director Lemon presented the Receipts and Expenditures Reports for November, December, and January. 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 November 30, 2022, was \$1,651,206.79, which compared to a cash fund balance of \$1,609,545.38 on November 30, 2021.

The cash fund balance as of December 31, 2022, was \$1,809,358.96, which compared to a cash fund balance of \$1,690,489.71 on December 31, 2021.

The cash fund balance as of January 31, 2023, was \$1,821,125.78, which compared to a cash fund balance of \$1,735,719.51 on January 31, 2022.

After discussion, a motion was made by Gehrki and seconded by Dohse to file the November, December, and January Receipts and Expenditures Reports for audit. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Renewal Report

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

No action was necessary on this report.

Specialized Registrations

Time-Share Registration Amendments for Orange Lake Land Trust Plan and ClubWyndham Access Vacation Ownership Plan (Non-Specific Site)

Director Lemon presented a specialized registrations report which included the registration of amendments to time-share registrations for Orange Lake Land Trust Plan and ClubWyndham Access Vacation Ownership Plan (Non-Specific Site). A copy of said report is attached to and made a part of these minutes.

Time-Share Registration for Capital Vacations Club Multi-Site Timeshare Plan

Director Lemon presented a specialized registrations report which included the time-share registration for Capital Vacations Club Multi-Site Timeshare Plan. A copy of said report is attached to and made a part of these minutes.

Subdivided Land Registration Amendment for Reynolds Lake Oconee

Director Lemon presented a specialized registrations report which included the subdivided land registration amendment for Reynolds Lake Oconee. A copy of said report is attached to and made a part of these minutes.

After discussion, a motion was made by Starman and seconded by Dohse to approve the report as presented. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen 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 Starman and seconded by Ritter to ratify issuance of the licenses as set forth in the report. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

License Statistic Report for November, December, and January

Deputy Director Rut presented the License Statistic Reports for the month of November, December, and January. Copies of which are attached to and made a part of these minutes.

No action was necessary on these reports.

Examination Report – November, December, and January

Deputy Director Daily presented for ratification the November, December and January Examination Reports, copies of which are attached to and made a part of these minutes.

After review, a motion was made by Dohse and seconded by Gehrki to ratify the November, December, and January Examination Reports for the purpose of issuing licenses. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Examination Passing Rosters

Deputy Director Daily presented the Examination Passing Rosters for November, December, and January copies of which are attached to and made a part of these minutes.

No action was necessary on this report.

PSI Fourth Quarter School Reports

Deputy Director Daily presented the PSI Review of Examination Performance Reports for comparison for the period of October 1, 2022 through December 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 Summary did not coincide with the correct school in some circumstances. The Exhibit was corrected for attachment to these minutes.)

Deputy Director Daily 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

(Note: It was discovered prior to the meeting that the Exhibit for this Agenda Item was incorrect. The exhibits from last month were not merged with the current month. The Exhibit was corrected for attachment to these minutes.)

Pre-License Education Instructor Approval

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

Post-License Education Course Approval

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

Continuing Education Provider/Activity Approval

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

Continuing Education Activity Approval

Deputy Director Daily 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 Daily 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 Daily 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 Provider/Training Activity Recognition

Deputy Director Daily presented a Commission-Approved Training Recognition Report, a copy of which is attached to and made a part of these minutes.

Commission-Approved Training Activity Recognition

Deputy Director Daily 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 Starman and seconded by Dohse to ratify the eight reports. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Minutes from Education Advisory Group – February 2023

Deputy Director Daily presented the Minutes from the Education Advisory Group-February 2023, a copy of which is attached to and made a part of these minutes.

Deputy Director Daily noted that she felt the meeting was very productive and was able to get a lot accomplished.

There was discussion that several Commissioners had heard good feedback from the Advisory Group meetings. There was also discussion that while they support the business planning methodology, the Commission Approved Training is specifically designed to address these types of courses.

No action was necessary on this report.

Instructor Development Workshop

Deputy Director Daily presented an exhibit regarding the proposed Instructor Development Workshop, a copy of which is attached to and made a part of these minutes.

Deputy Director Daily indicated that she had spoken with Ryan Adair at the Alabama Real Estate Commission who had recommended Juanita McDowell among other speakers to use at the upcoming IDW. After reviewing videos and materials, she had sought out proposals from multiple speakers. Deputy Director Daily indicated that she felt Juanita McDowell was the best and most economical choice for speakers for the 2023 IDW.

Commissioner Dohse noted that this rate included all of the expenses for Juanita McDowell in the proposal and felt it was a fair rate.

A motion was made by Ritter and seconded by Dohse to approve the expenditures for the Instructor Development Workshop and to provide the Workshop free of charge. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, 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 2022-008

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 Gehrki that the Complaint be amended per staff recommendation and set for hearing. Motion carried with Dohse, Gehrki, Geiser,

Ritter, Starman, and Evnen voting aye.

Item B Complaint 2022-012

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 Dohse that the Complaint be set for hearing on the violations alleged in the report. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Item C Complaint 2022-006 – Commission vs. Lynne Gene Fisher

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 Gehrki that the complaint be dismissed without prejudice. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Item D Complaint 2022-016 – Deborah DiMartino v. Lyndsey R. Golden

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 Starman and seconded by Ritter that the complaint be dismissed without prejudice. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Item E Complaint 2022-024

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 Starman and seconded by Ritter that the Complaint be amended per staff recommendation and set for hearing. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Item F Complaint 2023-003

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 Starman that the Complaint be set for hearing on the violations alleged in the report. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Item G Investigative Report

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 Ritter and seconded by Gehrki 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 Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Item H Investigative Report

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 Dohse 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 Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Presentation of Stipulation and Consent Orders

Complaint SC2022-001, Commission v. Jessica Marin

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2022-001, Commission v. Jessica Marin. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Starman and seconded by Gehrki to enter into the Order as amended with the dates and paragraphs added as amended. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

There was discussion regarding this matter and the Commission has asked Deputy Director Lowery to review the brokerage and designated broker who was supervising Jessica Marin and report any findings back to the Commission at a future meeting.

Complaint 2021-005, Commission v. Andrew Panebianco

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2021-005, Commission v. Andrew Panebianco. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Gehrki to enter into the Order as presented. Motion carried with Gehrki, Geiser, Ritter, Starman, and Evnen voting aye, and with Dohse voting nay.

**Complaint 2021-005,
Commission v. Khanh Tran**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2021-005, Commission v. Khanh Tran. A copy of said Order is attached to and made a part of these minutes.

There was discussion regarding wording within the Order that needed amended prior to being accepted.

After discussion, a motion was made by Gehrki and seconded by Starman to enter into the Order as amended. Motion carried with Gehrki, Geiser, Ritter, Starman, and Evnen voting aye, and with Dohse voting nay.

Commissioner Ritter requested that an additional quarterly audit occur for designated brokers in circumstances such as these. Director Lemon indicated that if it was the consensus of the Commission, the request would be accommodated.

**Complaint 2021-012,
Commission v. Jade Stunkel**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2021-012, Commission v. Jade Stunkel. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Starman to enter into the Order as presented. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

**Complaint 2022-018,
Commission v. Joshua William Coates**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2022-018, Commission v. Joshua William Coates. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Gehrki and seconded by Dohse to enter into the Order as presented. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Commissioner Ritter requested that an additional quarterly audit occur for this designated broker as well. Director Lemon indicated that if it was the consensus of the Commission, the request would be accommodated.

**Complaint 2022-017,
Commission v. Karalyn Marie Hoefler**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2022-017, Commission v. Karalyn Marie Hoefler. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Ritter and seconded by Gehrki to enter into the Order as presented. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Disciplinary Hearings

Complaint 2022-035- Commission v. Jeffery William Wyatt

A Hearing was held on February 23, at 11:04 a.m., in the matter of Complaint 2022-035, Commission v. Jeffery William Wyatt. John Weis, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Jeffrey William Wyatt was present and represented by Counsel Scott D. Jochim of Omaha.

Counsels Weis and Jochim jointly offered 11 Exhibits, all of which were received by Chairperson Evnen.

After Opening Statements, Counsel Weis called Samantha Lowery, Jeffrey William Wyatt, and Ashley Fischer-Foxall as witnesses. Counsel Weis offered 3 Exhibits, all of which were received by Chairperson Evnen.

At 12:33 p.m., Chairperson Evnen declared a brief recess, and reconvened the Hearing at 12:45 p.m.

At 1:38 p.m., Chairperson Evnen declared a recess for lunch. The Hearing reconvened at 2:17 p.m.

Counsel Jochim called Teri Stander as a witness.

After closing arguments had been presented, Chairperson Evnen declared the Hearing concluded and gathered the original exhibits.

The Commission deliberated on the matters adduced at hearing.

At 3:23p.m., a motion was made by Gehrki and seconded by Ritter to go into closed session to deliberate matters and to protect the reputation of Mr. Wyatt's. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

At 3:50 p.m., a motion was made by Ritter and seconded by Starman to reconvene in open session. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

A motion was made by Gehrki and seconded by Ritter that in Complaint 2022-035, Commission v. Jeffrey William Wyatt the complaint be dismissed with prejudice. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

With the consent of the Respondent, Chairperson Evnen directed Counsel Weis to prepare the Order.

Chairperson Evnen announced that all exhibits related to this hearing would be retained in the Commission office.

The Hearing was adjourned at 3:53 p.m.

Complaint 2022-017 – Commission v. Karalyn Marie Hoefer - Continued

The Hearing scheduled for Complaint 2022-017, Commission v. Karalyn Marie Hoefer was continued.

Informal Special Appearances

Chaydon Paul Larsen, Salesperson Applicant - Reappearance

Director Lemon presented exhibits which included: correspondence regarding Mr. Larsen's special appearance; a letter of explanation from Mr. Larsen; character reference letters for Mr. Larsen; Mr. Larsen's salesperson application form; trial court cases from the State of Nebraska on Mr. Larsen's cases; and Larsen's criminal history report; and information regarding Mr. Larsen's previous special appearance in November 2021. A copy of said exhibit is attached to and made a part of these minutes. Mr. Larsen was present.

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Larsen explained the situations regarding his criminal history.

After discussion, a motion was made by Gehrki and seconded by Starman to allow Mr. Larsen to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Larsen 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. Larsen must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within five days for a period of three years. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Anthony Michael Romero, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Mr. Romero explained the situations regarding his criminal history.

After discussion, a motion was made by Ritter and seconded by Starman to allow Mr. Romero to sit for the salesperson examination after making proper application and to have a license issued upon passing. Mr. Romero 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. Romero must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within five days for a period of five years.

An amendment to the motion was made by Gehrki and seconded by Dohse that Mr. Romero attend two Alcoholic Anonymous (AA) Meetings monthly and report attendance of those monthly

meetings to the Commission Office to the Commission for three years. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Elizabeth Michelle Ramos, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Ramos explained the situations regarding her criminal history.

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

Madison Sapienza, Salesperson Applicant

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Sapienza explained the situations regarding her criminal history.

After discussion, a motion was made by Starman and seconded by Ritter to allow Ms. Sapienza to have a license issued after making proper application. Ms. Sapienza 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. Ms. Sapienza must also notify the Commission staff of any criminal charge, except those charges where there is no possible sentence of jail time within five days for a period of three years. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Jessica Marin Bravo, Salesperson Applicant – Cease and Desist Order

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

Chairperson Evnen reviewed the procedure for informal special appearances.

Ms. Bravo explained the situations regarding her criminal history.

A motion was made by Ritter and seconded by Evnen that Ms. Bravo not be allowed to sit for the salesperson examination at this time. Motion failed with Ritter voting aye and with Dohse, Gehrki, Geiser, Starman, and Evnen voting nay.

After discussion, a motion was made by Gehrki and seconded by Starman to allow Ms. Bravo to sit for the salesperson examination after making proper application and to have a license issued upon passing. Ms. Bravo must notify any anticipated employing broker of the Cease and Desist Order for a period of five years. Motion carried with Dohse, Gehrki, Geiser, and Starman voting aye, and with Ritter and Evnen voting nay.

Rule Hearings

Rule Hearing on Title 299, Chapters 1, 2, 5 and 7, and Title 301 Chapter 1, – Adopt amendments to clean up of obsolete language and references, changes related to real estate education and activity reporting and offering equitable interests in real property

At 10:40 a.m. on February 23, Chairperson Evnen called to order the public hearing on the proposed amendments to Title 299, Chapters 1, 2, 5 and 7, and Title 301, Chapter 1 of the Commission's Rules and Regulations.

Director Lemon presented three exhibits, which included: 1) a copy of the meeting notice, which was published in two newspapers and filed with the Secretary of State, the Executive Board of the Legislative Council, and the Governor's Policy Research Office; 2) a copy of the Lincoln Journal-Star and Omaha Daily Record proofs of publication of the meeting notice; and 3) a copy of the proposed amendments to Title 299, Chapters 1, 2, 5 and 7 and Title 301, Chapter 1, in legislative style. Exhibits are attached to and made a part of these minutes.

Director Lemon noted that he had not received any written comments or testimony which had been solicited.

Director Lemon reviewed the proposed amendments set out in Title 299, Chapters 1, 2, 5 and 7 and Title 301, Chapter 1.

Chairperson Evnen asked if any member of the public wished to speak regarding the proposed amendments. No members of the public chose to address the Commission.

A motion was made by Dohse and seconded by Gehrki that the Commission adopt Title 299, Chapters 1, 2, 5 and 7, and Title 301, Chapter 1 and to direct staff to complete the filing process for the proposed rule changes. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Chairperson Evnen declared the rule hearing concluded at 10:45 a.m.

Review and Approval of Travel to 2023 Regularly Attended Meetings

Deputy Director Rut presented an exhibit regarding the estimated costs of Commissioners and staff participating in regularly-attended meetings in 2023. A copy of said exhibit is attached to and made a part of these minutes.

After discussion, a motion was made by Starman and seconded by Ritter to approve the reimbursement of expenditures for Commissioners and staff who attend the meetings set forth in the exhibit. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Annual Review and Approval of Procedures and Cycle for Trust Account Examinations

Director Lemon presented a reference copy of the Commission's Approved Procedures and Cycle for Trust Account Examinations. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon indicated that there were no recommended changes to the document.

After discussion, a motion was made by Ritter and seconded by Dohse to approve the exhibit as presented. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman and Evnen voting aye.

Consider Approval of Special Assistant Attorneys General Appointment

Director Lemon presented a letter appointing Special Assistant Attorneys General, Chris Heinrich. A copy of said exhibit is attached to and made a part of these minutes.

A motion was made by Gehrki and seconded by Starman to ratify the appointment of Special Assistant Attorney General Heinrich. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Approval of Real Estate License Examination Request for Proposals

Director Lemon presented an exhibit regarding the Real Estate License Examination Request for Proposal. A copy of said exhibit is attached to and made a part of these Minutes.

Director Lemon explained that the Commission is currently at the end of contract with the current provider that administers the real estate license examination. The new contract would be for two years with an additional three two-year addendums. He explained that this is a public bid process and explained the new provisions in the new RFP.

A motion was made by Dohse and seconded by Gehrki to approve the Request for Proposal and to authorize Director Lemon to release the RFP as presented. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Adopt Ann Post's Resolution

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

A motion was made by Gehrki and seconded by Dohse that the resolution for Ann Post be adopted as presented. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

Legislative Matters

LB16 – Director Lemon explained that this bill would require occupational boards to issue certain credentials based on credentials or work experience in another jurisdiction and make a determination regarding an applicant with a criminal conviction, provide for jurisprudential examinations and appeals from denial of a license, and change requirements for membership of the State Electrical Board. He further explained that within this bill we would be exempt in two places but where we are not, this law would conflict with our current laws. He noted that a hearing had already taken place on this bill.

A motion was made by Gehrki and seconded by Ritter to direct and authorize Director Lemon to partner with others to let the Commission's opposition known. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

LB43 – Director Lemon explained that this bill would require hearing officers and judges to interpret statutes and regulations to limit agency power and maximize individual liberty. He indicated that he would monitor this bill but did not feel any action would be necessary.

LB92 – Director Lemon noted that this bill would eliminate the requirement that an annual review of a title insurance agent's practices be onsite. He indicated that he was unsure if this was to eliminate the onsite review or the letter audit but would continue to monitor this bill.

LB151 – Director Lemon indicated this bill would change provisions relating to the State Real Estate Commission legislative districts. He noted that it was well received, and believed it was Senator Dover's first bill. The Commission congratulated Senator Dover on the successful introduction and advancement of his first legislative bill.

LB152 – Director Lemon noted that this bill would eliminate registration requirements under the Membership Campground Act. He indicated that the hearing went well and there were not a lot of questions.

LB628 – Director Lemon indicated that this bill would change provisions relating to professional service by limited liability companies and professional corporations. It was the consensus of the Commission to support this bill.

LB684 – Director Lemon indicated that this bill would provide for a review of services provided by state agencies. He indicated that he would continue to monitor this bill

Information Matters

2022-2023 Objectives – Second Quarter 2022

Director Lemon presented an exhibit regarding the second quarter 2022-2023 objectives of the Commission. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon explained the progress of each of the objectives.

No action was necessary with regard to this matter.

Errors and Omissions Loss Report – Fourth Quarter 2022

Director Lemon presented the Errors and Omissions Loss Report – Fourth 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 2023 Leadership Conference – January 9-11, 2023 - Henderson, NV – Report of Attendees

Director Lemon noted that Deputy Director Rut and he attended the ARELLO 2023 Leadership Conference.

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

No action was necessary on this report.

ARELLO Mid-Year Conference – April 26-28, 2023 - Boston, MA

Director Lemon explained that the deadline for registration is March 17, 2023, and asked which Commissioners were planning on attending the conference.

No action was necessary on this report.

Trust Account Examination Evaluation Report - 2022

Director Lemon presented the Trust Account Examination Evaluation Report - 2022. A copy of said report is attached to and made a part of these minutes.

Director Lemon reviewed some of the comments received.

No action was necessary on this report.

Future Meeting Dates

March 16-17, 2023 - Country Inn and Suites, Lincoln
April 20-21, 2023 - Country Inn and Suites, Lincoln
May 18-19, 2023 - Country Inn and Suites, Lincoln

June 15-16, 2023 - Country Inn and Suites, Lincoln
August 17-18, 2023 - TBD

Recesses and Adjournment

At 10:45 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 11:04 a.m.

At 12:33 p.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 12:45 p.m.

At 1:38 p.m., Chairperson Evnen declared a recess for lunch, and reconvened the meeting at 2:17 p.m.

At 3:57 p.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 4:02 p.m.

At 5:45 p.m., there being no further business to come before the Commission, a motion was made by Gehrki and seconded by Ritter that the meeting adjourn. Motion carried with Dohse, Gehrki, Geiser, Ritter, Starman, and Evnen voting aye.

I, Greg Lemon, Director of the Nebraska Real Estate Commission, do hereby certify that the foregoing minutes of the February 23, 2023, meeting of the Nebraska Real Estate Commission were available for inspection on March 1, 2023, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,



Greg Lemon
Director

Guests Signing the Guest List

Ashlee Hendrickson, Nebraska REALTORS® Association, Lincoln
Leighun Brabec, Larabee School of Real Estate, Lincoln
Ruby Khaleel, Omaha
Michael Miller, Omaha
Kim Zwiener, Lincoln
Ashley Fischer, Omaha