

NEBRASKA REAL ESTATE COMMISSION

March 21, 2024

Telegraph Lofts East Center

4th Floor Conference Room

Lincoln, NE

Opening

Chairperson Evnen convened a meeting of the Nebraska Real Estate Commission at 9:00 a.m. on March 21, 2024, in the 4th Floor Conference Room of the Telegraph Lofts East Center, located at 200 South 21st St in Lincoln, Nebraska. All of the members of the Real Estate Commission were present, with the exception of Commissioner Burleigh, who was absent and excused. Also present were Director Greg Lemon, Deputy Director for Education Melissa Belcastro, Deputy Director for Enforcement Samantha Lowery, and Deputy Director for Licensing Monica Rut. Stephen D. Mossman, Special Assistant Attorney General and Counsel to the Commission, was present for the Ramos 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 water 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 south 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 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 Gehrki and seconded by Ritter to adopt the final agenda as presented. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Minutes of February 29, 2024

The minutes of the Commission meeting held on February 29, 2024, 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, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

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 Report for February

Director Lemon presented the Receipts and Expenditures Report for February. 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 February 29, 2024, was \$1,851,809.76, which compared to a cash fund balance of \$1,782,279.25 on February 28, 2023.

After discussion, a motion was made by Peter and seconded by Dohse to file the February Receipts and Expenditures Report for audit. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh 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 Ritter and seconded by Gehrki to ratify issuance of the licenses as set forth in the report. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

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.

No action was necessary on this report.

Examination Report - February

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

After review, a motion was made by Ritter and seconded by Gehrki to ratify the February Examination Report for the purpose of issuing licenses. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Examination Passing Roster

Deputy Director Belcastro 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

Continuing Education Provider/Activity Approval

Deputy Director Belcastro 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 Belcastro 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 Belcastro 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

Deputy Director Belcastro 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 Gehrki to ratify the four reports. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Continuing Education Activity Rejection

Deputy Director Belcastro presented a Continuing Education Activity 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 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 2023-009

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 Dohse to file an amended complaint in order to ensure the facts and issues involved as identified in the investigation are adequately set forth and set the matter for hearing. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Item B Complaint 2023-024

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 Dohse and seconded by Ritter to file an amended complaint in order to ensure the facts and issues involved as identified in the investigation are adequately set forth and set the matter for hearing. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Presentation of Stipulation and Consent Orders

**Complaint 2024-004,
Commission v. Jeni Meyer**

Deputy Director Lowery presented a Stipulation and Consent Order in the matter of Complaint 2024-004, Commission v. Jeni Meyer. A copy of said Order is attached to and made a part of these minutes.

After discussion, a motion was made by Dohse and seconded by Gehrki to enter into the Order as presented. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Disciplinary Hearings

Complaint 2023-007 Commission vs. Kendra Elibeth Ramos

A Hearing was held on March 21, at 10:30 a.m., in the matter of Complaint 2023-007, Commission v. Kendra Elibeth Ramos. Stephen D. Mossman, Special Assistant Attorney General and Counsel to the Commission, appeared for the Complainant. Respondent Kendra Elibeth Ramos was not present.

After opening statements, Counsel Mossman offered 11 Exhibits, all of which were received by Chairperson Evnen.

Counsel Mossman called Samantha Lowery 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 11:04 p.m., a motion was made by Gehrki and seconded by Dohse to go into closed session to deliberate matters and to protect the reputation of Ms. Ramos. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

At 11:20 p.m., a motion was made by Gehrki and seconded by Ritter to reconvene in open session. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

A motion was made by Peter and seconded by Dohse in Complaint 2024-004, that Kendra Elibeth Ramos violated the statutes as alleged in the Complaint.

An amendment was offered by Chairperson Evnen that it was also determined that the Respondent was properly served. The amendment was accepted by the mover and second.

Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Chairperson Evnen opened the past disciplinary action envelope. It showed no prior disciplinary action against either Respondent.

The Commissioners then discussed the penalty to be assessed.

A motion was made by Peter and seconded by Gehrki in Complaint 2023-007, that Kendra Elibeth Ramos receive a three year suspension, with sixty days served and the rest stayed and served on probation, pay a one thousand five hundred dollar fine, attend an AA meeting twice per month and verification of her attendance must be submitted to the Commission office quarterly for a period of two years, three hours of additional continuing education in the area of ethics to be completed within one year of finding, and the imposition of cost. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Chairperson Evnen directed Counsel Mossman to prepare the Order.

Chairperson Evnen explained that as a part of the Order in this matter, the Respondent is required, under Nebraska Revised Statutes Section 84-914(1) and Title 305 Nebraska Administrative Code, Chapter 4-007.05, to pay the costs of the appearance fee by the court reporter, and any and all witness fees, including mileage and the cost of serving any witness. The Respondent will be billed by the Commission Office, or the amount may be specified in the Order, and will have thirty days from receipt of the costs to totally reimburse the Commission.

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

The Hearing was adjourned at 11:24 p.m.

Informal Special Appearances

There were no Informal Special Appearances to be reviewed at this meeting.

Education Subcommittee Preliminary Report

Director Lemon presented an exhibit regarding a preliminary report as submitted by the Education Subcommittee. A copy of said exhibit is attached to and made a part of these minutes.

Director Lemon indicated that a subcommittee meeting was held where the requirements of other states were reviewed. He explained that the subcommittee is proposing that one additional pre-license education course is added to the current requirements. In addition, the subcommittee also recommends making the License Law and Principles and Practices courses mandatory, with the other 30-hour course taken in an area as determined by the applicant. He also indicated that the recommendation would be sent to interested parties for feedback.

There was discussion regarding the importance of both courses, Principles and Practices and Nebraska License Law.

Commissioner Dohse indicated that he would like to have the Pearson VUE candidate handbook outline compared to the course outlines for the Nebraska License Law and Principles and Practices course to make sure each area of content is covered. There was also discussion regarding the content update of the license law class.

A motion was made by Ritter and seconded by Peter to authorize Director Lemon to circulate the proposal to interested parties and stakeholders to obtain thoughts and ideas. Motion carried with Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh not participating or voting, being absent and excused.

Class Action Lawsuit Settlement

Ann Post, Nebraska REALTORS® Association's counsel and Arla Meyer, President of the Nebraska REALTORS® Association were present for discussion of this agenda item.

Ms. Meyer indicated that there are currently no changes being made at the State level yet but will possibly be looking at education and forms in the future.

Ms. Post provided an overview of the class action lawsuit. She explained the issues relating to compensation and how those may no longer appear on the MLS. She further explained that the settlement changes will become effective in July. There was discussion regarding who was covered by the Settlement and that many of the licensees and REALTORS® were not covered, only the National REALTORS® Association.

Director Lemon noted that, based on his review of the proposed settlement, there was nothing contrary to the Nebraska License Law. He suggested that there may need to be education efforts made for agency roles even if there are no changes to the law, there will be changes to agency practices. There was also discussion regarding fair housing and what impact the settlement may have moving forward.

No action was necessary with regard to this matter.

Legislative Matters

LB 151- No new information was presented.

LB 152- No new information was presented.

LB 873 – No new information was presented.

LB 1135 – Director Lemon reported that this bill was combined with LB 1073 but has not been on the agenda at this time. He indicated that it is anticipated that the bill will be added to the agenda soon and moved forward.

LB 1136 – Director Lemon reported that this bill was combined with LB 1073 but has not been on the agenda at this time. He indicated that it is anticipated that the bill will be added to the agenda soon and moved forward.

No action was necessary with regard to these matters.

Information Matters

ARELLO Mid-Year Conference – April 16-18, 2024 – New Orleans LA

Director Lemon explained that there are a few staff and Commissioners registered to attend the conference.

No action was necessary on this report.

Future Meeting Dates

April 25-26, 2024, Telegraph Lofts East Center, Lincoln

May 16-17, 2024, Telegraph Lofts East Center, Lincoln

June 20-21, 2024, Telegraph Lofts East Center, Lincoln

August 15-16, 2024, Telegraph Lofts East Center, Lincoln

September 19-20, 2024, Telegraph Lofts East Center, Lincoln

October 17-18, 2024, Telegraph Lofts East Center, Lincoln

November 21, 2024, Telegraph Lofts East Center, Lincoln

Recesses and Adjournment

At 10:00 a.m., Chairperson Evnen declared a brief recess, and reconvened the meeting at 10:45 a.m.

At 11:42 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 Dohse, Gehrki, Geiser, Peter, Ritter, and Evnen voting aye, with Burleigh 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 March 21, 2024, meeting of the Nebraska Real Estate Commission were available for inspection on April 4, 2024, in compliance with Section 84-1413(5) R.R.S. 1943, of Nebraska.

Respectfully submitted,


Greg Lemon
Director

Guests Signing the Guest List

Ashley Hendrickson, Nebraska REALTORS® Association, Lincoln
Leighun Brabec, Larabee School of Real Estate, Lincoln
Kim Braaten, Nebraska REALTORS® Association, Lincoln
Ryan Swinney, Nebraska REALTORS® Association, Lincoln
Kim Braaten, Nebraska Realty, Lincoln
Ann Post, Nebraska REALTORS® Association, Lincoln