

BEFORE THE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA

STATE OF NEBRASKA, <i>ex. rel.</i>)	CASE NO 2019-008
THE STATE REAL ESTATE COMMISSION)	
OF THE STATE OF NEBRASKA,)	
)	
Complainant,)	
v.)	STIPULATION AND
)	CONSENT ORDER
)	
JUSTIN LEWIS SHANAHAN)	
)	
Respondent.)	

Respondent Justin Lewis Shanahan (“Mr. Shanahan”) and The State of Nebraska, by and through the State Real Estate Commission of the State of Nebraska (the “Commission”), hereby stipulate and agree as follows:

1. A Complaint was served upon Mr. Shanahan for alleged violations of the Nebraska Real Estate License Act. The Complaint was issued in the above-captioned case and is incorporated as a part of this Stipulation and Consent Order.
2. Mr. Shanahan recognizes his right to a hearing on this matter pursuant to law, acknowledges that he knowingly and voluntarily waives his right to said hearing, acknowledges that he waives his right to any appeal from this Order of the Commission, and he agrees to accept the terms and conditions of this Stipulation and Consent Order.
3. At all times material to this case, Mr. Shanahan was and is the holder of a real estate broker’s license issued by the Commission.
4. Mr. Shanahan warrants that the stipulated facts set forth in this Stipulation and Consent Order, and Case No. 2019-008, are accurate and complete and acknowledges that he has provided all material information in his knowledge, possession, custody, or control to the Commission as an affirmative assertion, knowing and intending that the Commission would rely

upon the same. Mr. Shanahan further acknowledges that: (A) he has no knowledge of any information which is material to the pending complaint proceeding which has not already been fully disclosed to the Commission; (B) in deciding to accept this Stipulation and Consent Order, the Commission has reasonably relied upon the accuracy and the completeness of Mr. Shanahan's disclosures and warranties thereof; and (C) the representations contained in this Paragraph 4 are material to and substantially contributed to the Commission's decision to accept this Stipulation and Consent Order. Mr. Shanahan further acknowledges that, if he has made any misrepresentations to the Commission regarding the subject matter of this complaint preceding, either by omission or commission, the Commission may vacate this Stipulation and Consent Order and re-institute the prosecution of this case against Mr. Shanahan.

Background Facts

5. Mr. Shanahan is and was at all times relevant herein, the holder of a real estate broker's license issued by the Commission on or about January 01, 2014.

6. Mr. Shanahan was and is, at all times material, affiliated with Vince Leisey (hereinafter, "Mr. Leisey"), designated broker for Ambassador Real Estate Company, d/b/a Berkshire Hathaway Home Services Ambassador Real Estate, located at 1501 S. 188th Plaza, Omaha, NE 68130..

7. Mr. Shanahan was and is, at all times material, the President of Shadow Ridge Real Estate CO, a Nebraska Corporation registered with the Secretary of State.

8. On or about March 16, 2018, it was brought to Director Greg Lemon's (hereinafter, "Director Lemon") attention that a website and signage were being used to offer real estate services requiring a license by "Shadow Ridge Real Estate Company" including advertising being done on Mr. Shanahan's website, www.shadowridgerealestatecompany.com (hereinafter the "Website").

9. On or about March 16, 2018, Director Lemon did visit the Website and did observe "Shadow Ridge Real Estate CO." (hereinafter the "Logo") being used in conjunction with the offering of real estate services, including assisting in buying and selling homes in the Shadow Ridge Country Club development in Omaha.

10. On or about March 16, 2018, Director Lemon e-mailed Mr. Shanahan wherein Director Lemon informed Mr. Shanahan that the Logo was not in compliance with the advertising rules and regulations set forth by the Nebraska Real Estate Commission and should not be used in any advertising or signage offering real estate services requiring a license. Mr. Leisey was carbon copied to Director Lemon's March, 16, 2018 e-mail.

11. On or about March 16, 2018, Mr. Shanahan did respond to Director Lemon's e-mail wherein Mr. Shanahan indicated the Website had been fixed with the exception of the Logo. Mr. Shanahan also indicated that the Logo should be taken care of by the end of business on Monday, March 19, 2018.

12. On or about March 16, 2016, Director Lemon had a telephone conversation with Mr. Shanahan, wherein Director Lemon indicated any advertising for real estate services or properties, including but not limited to websites and signage should not use the Logo, and that the website and any such signage should be changed as soon as possible. Mr. Shanahan indicated that he and associates would henceforth operate as a real estate team with a team name "Shadow Ridge Real Estate Group" in compliance with the License Act.

13. On or about April 04, 2018, Director Lemon and Deputy Director for Enforcement Duran Cell (hereinafter, "Deputy Director Cell") received an e-mail about a yard sign being placed around the Shadow Ridge Golf Course in Omaha, Nebraska. Attached to the e-mail was a picture of a yard sign containing the Logo.

14. On or about April 09, 2018, Director Lemon did drive to 1616 S. 187th Circle, Omaha, Nebraska and did observe and photograph a yard sign placed in front of the property containing the Logo.

15. On or about April 17, 2018, Deputy Director Cell did visit the Website and observed the Logo prominently placed at the top of the homepage.

Findings

**COUNT I
VIOLATION OF 299 NAC 2-003.08b(ii) & VIOLATION OF NEB. REV. STAT. § 81-885.24(26)**

16. The Commission incorporates the allegations as outlined in Paragraphs 1 through 15 above as if fully set forth herein.

17. The Commission finds that Mr. Shanahan has violated unfair trade statute 299 NAC 2-003.08b(ii) ("real estate team names shall not include company") when Mr. Shanahan used, or allowed to be used, the name Shadow Ridge Real Estate Company.

18. The Commission finds Mr. Shanahan has violated unfair trade statute NEB. REV. STAT. §81-885.24(26), ([violate] any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act) when he violated 299 NAC 2-003.08b(ii).

**COUNT II
VIOLATION OF NEB. REV. STAT. § 81-885.24(29)**

19. The Commission incorporates the allegations as outlined in Paragraphs 1 through 18 above as if fully set forth herein.

20. The Commission finds Mr. Shanahan has violated unfair trade statute NEB. REV. STAT. §81-885.24(29), ("[d]emonstrat[e] negligence, incompetency, or unworthiness to act as a broker or [salesperson]...., whether of the same or of a different character as otherwise specified

in this section.”) when he utilized, or acquiesced to other team members use of, the Logo, and violated NEB. REV. STAT. §81-885.24(26), as well as 299 NAC 2-003.08b(ii).

**COUNT III
VIOLATION OF NEB. REV. STAT. § 81-885.24(34)**

21. The Commission incorporates the allegations as outlined in Paragraphs 1 through 20 above as if fully set forth herein.

22. The Commission finds Mr. Shanahan has violated unfair trade statute NEB. REV. STAT. §81-885.24(34) (“utilize team advertising or a team name suggesting the team is an independent broker”) by utilizing the Logo which is utilization of advertising or a name suggesting the team is an independent real estate brokerage.

23. Mr. Shanahan admits that the allegations as stated in Paragraphs 1 through 22 above are true. Mr. Shanahan agrees with the actions of the Commission and accepts the penalty which shall be made part of his permanent record maintained in the office of the State Real Estate Commission of the State of Nebraska, and which shall be received into evidence in any subsequent proceeding against him, should one arise.

24. Mr. Shanahan has had no prior disciplinary action taken against his Nebraska real estate broker’s license.

25. The following disciplinary action is imposed upon Mr. Shanahan in the public interest and for the protection of public health, safety, and welfare:

ACCORDINGLY, IT IS ORDERED, AS FOLLOWS:

A. The Nebraska broker’s License of Mr. Shanahan is hereby censured, with a copy of said censure to be maintained in his permanent record in the office of the State Real Estate Commission of the State of Nebraska.

B. Within thirty (30) days of the signing of this Order by the Chairperson of the Commission, Mr. Shanahan shall pay a civil fine in the amount of Two Thousand Dollars (\$2,000.00). Said civil fine shall be paid to the Commission under separate cover letter addressed to Commission Director Greg Lemon with specific reference made to Case No. 2019-008.

C. Within six (6) months of the signing of this Order by the Chairperson of the Commission, Mr. Shanahan shall complete three (3) hours of continuing education, above and beyond the mandatory hours required for renewal in license law.

Dated this 22 day of April, 2019.


Justin Lewis Shanahan

STATE OF NEBRASKA)
COUNTY OF Douglas)

Now on this 22 day of April, 2019, before me, a duly appointed and qualified Notary Public, personally appeared Justin Lewis Shanahan, known to me to be the same and identical person who signed the above and foregoing Stipulation and Consent Order and acknowledges the execution thereof to be his voluntary act and deed.



Notary Seal


Notary Public Signature

Complaint No. 2019-008

Accepted and approved this ____ day of May, 2019.

**STATE OF NEBRASKA, STATE REAL
ESTATE COMMISSION OF THE STATE
OF NEBRASKA**

By: _____
Robert B. Evnen, Chairperson

Attest By:

Greg Lemon, Director