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BEFORE THE STATE REAL ESTATE COMMISSION
OF THE STATE OF NEBRASKA

STATE OF NEBRASKA, *ex. rel.*,)
STATE REAL ESTATE COMMISSION)
OF THE STATE OF NEBRASKA,)
)
Complainant,)
)
v.)
)
DAVID FRANK HARDERS)
)
Respondent.)

Case No. 2013-025

Stipulation and Consent Order

Respondent, David Frank Harders, (hereinafter "Harders"), and the State of Nebraska, *ex rel.* State Real Estate Commission of the State of Nebraska (hereinafter the "Commission"), Complainant, hereby agree and stipulate as follows:

1. A Complaint was served upon Harders for alleged violations of the Nebraska Real Estate License Act. The Complaint was issue in the above-captioned matter and is incorporated as part of this Stipulation and Consent Order.

2. Harders recognizes his right to a hearing on this matter pursuant to law, acknowledges that he knowingly and voluntarily waives his right to said hearing, and acknowledges that he waives the right to appeal from this Order of the Commission. In lieu of filing an Answer to said Complaint, Harders knowingly agrees to waive such requirement and accept the terms and conditions of this Stipulation and Consent Order.

3. Harders, was and is, at all times material the holder of a real estate broker's license issued by the Commission on August 30, 1988. Harders is affiliated with Roger Eugene Harders, designated broker for Windmill Realty Inc., located at 530 West Broadway, in Wahoo, Nebraska 68066.

4. Harders warrants that the stipulated facts set forth in this Stipulation and Consent Order are accurate and complete and he acknowledges that he has provided all material information to his knowledge, possession, custody or control to the Commission as an affirmative assertion, knowing and

intending that the Commission would rely upon same. Harders 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 his 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. Harders further acknowledges that if he has made any material misrepresentations to the Commission regarding the subject matter of this complaint proceeding, either by omission or commission, the Commission may vacate this Stipulation and Consent Order and re-institute the prosecution of this case against him.

5. According to Chief Deputy Robert Thorson with the Saunders County Sheriff's Office, he received a report on August 27, 2012, from a Federal Express employee that he was threatened by a person near 668 Hwy. 77 in Ceresco, Nebraska. The employee, driver John Collins ("Collins"), advised that he left a Federal Express package at a residence later identified as 672 Hwy.77, in Ceresco, Nebraska. After leaving the package on the front step and knocking on the door, Collins returned to his Federal Express van. While looking down at this phone, Collins heard a loud noise, then looked up and saw the package on the windshield/hood of the Federal Express van. Collins also saw a man in front of his van pointing a pistol directly at him. The man, later identified as Harders, told Collins, "It's not my package". Harders then put the pistol down but still had his finger on the trigger. Harders then gave the package to Collins and said the package was for his neighbor.

6. On September 10, 2012, Harders was charged in the **County Court of Saunders County in Case No. CR 12 0000445** with "Making Terroristic Threats", a Class 4 Felony.

7. On October 18, 2012, the matter was bound over to the **District Court of Saunders County and assigned Case No. CR 12 0000098.**

8. On April 29, 2013, the original charge of "Making Terroristic Threats" a Class 4 Felony, was amended to "Attempted Terroristic Threats", a Class 1 Misdemeanor.

9. On April 29, 2013, Harders entered a plea of "No Contest". The Court accepted the plea of "No Contest" and found Harders guilty of the amended charge of "Attempted Terroristic Threats", a Class 1 Misdemeanor.

10. On July 22, 2013, Harders was sentenced in the **District Court of Saunders County in Case No. CR 12 0000098**, to probation of 18 months commencing July 22, 2013, and pay associated probation and drug testing fees totaling \$545.00.

FINDINGS

11. The State Real Estate Commission of the State of Nebraska incorporates the allegations in paragraphs 1 through 10 above as if fully set forth herein.

12. The State Real Estate Commission of the State of Nebraska finds that Respondent David Frank Harders violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for having been convicted of a Class 1 Misdemeanor which involved the use of a firearm.

13. Respondent David Frank Harders admits that the allegations as stated in Paragraphs 1-12 above are true. Harders agrees with the actions of the Commission and accepts the discipline which shall be made a 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.

14. Respondent David Frank Harders has no prior disciplinary actions against his Nebraska real estate broker's license.

15. The following disciplinary actions are imposed upon Respondent David Frank Harders in the public interest and for the protection of public health, safety, and welfare:

ACCORDINGLY, IT IS ORDERED, AS FOLLOW:

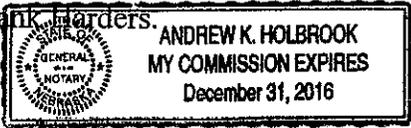
A. The Nebraska real estate broker's license of Respondent David Frank Harders is hereby revoked effective upon the signing to this Order by the Chairperson of the Commission.

Dated this 22 day of Aug., 2013.

David F. Harders
DAVID FRANK HARDERS

State of Nebraska)
County of Lancaster) vs.

Subscribed and sworn before me this 22nd day of August, 2013 by Respondent, David Frank Harders.



Notary Seal

[Signature]
Notary Signature

Case No. 2013-025

Accepted and approved this ____ day of September, 2013.

State of Nebraska, *ex rel.*
State Real Estate Commission of the
State of Nebraska, Complainant

By: _____
John A. Gale, Chairperson

Attest By:

Greg Lemon, Director