

BEFORE THE REAL ESTATE COMMISSION  
OF THE STATE OF NEBRASKA

STATE OF NEBRASKA, ex rel., )  
THE STATE REAL ESTATE )  
COMMISSION OF THE STATE OF )  
NEBRASKA, )

Case No. 2015-038

Complainant, )

v. )

**STIPULATION AND CONSENT ORDER**

JOHN HARDY, & )  
SANDRA TURNER )

Respondents. )

Respondent Sandra Turner ("Turner") 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 Turner 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. Turner recognizes her right to a hearing on this matter pursuant to law, acknowledges that she knowingly and voluntarily waives her right to said hearing, acknowledges that she waives her right to any appeal from this Order of the Commission, and she agrees to accept the terms and conditions of this Stipulation and Consent Order.

3. At all times material to this case, Turner was and is the holder of a real estate broker's license issued by the Commission. Turner is currently affiliated with Scott Vogt designated broker for CBSHOME Real Estate Company, d/b/a CBSHOME, 15950 W Dodge Rd Ste. 300, Omaha, Nebraska 68118, and at all times material to this complaint was affiliated with Joseph Valenti, former designated broker for CBSHOME.

4. Turner warrants that the stipulated facts set forth in this Stipulation and Consent Order are accurate and complete and acknowledges that she has provided all material information in her knowledge, possession, custody or control to the Commission as an affirmative assertion, knowing and intending that the Commission would rely upon same. Turner further acknowledges that: (A) she 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 Turner'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. Turner further acknowledges that, if she 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 Turner.

#### **BACKGROUND FACTS**

5. On or about February 26, 2014, Karin A. Bisland (hereinafter "Owner" or "Ms. Bisland") entered into a Listing Agreement (hereinafter the "Listing Agreement") with John Hardy regarding a residence legally described as Skylark Heights Add, Lot 45, Block 0 Irreg. and commonly known as 1206 Skylark Drive, Omaha, Nebraska 68144 (hereinafter the "Property").

6. The Listing Agreement identified the listing price for the Property as

\$290,000.00.

7. On or about April 18, 2014, Gary and Kim Justus (hereinafter "Buyers" or "Mr. and Mrs. Justus") made an offer to purchase the Property for \$235,000.00 – the terms of which are contained in an April 18, 2014 Purchase Agreement.

8. Sandy Turner represented Buyers in the transaction as a limited buyers' agent.

9. On or about April 18, 2014, Owner made a counter offer utilizing the phrase "Property sold AS-IS".

10. Buyers never signed an acceptance of the counteroffer, but did sign under "BUYER RECEIPT OF ACCEPTED CONTRACT."

## FINDINGS

### Count I

11. The Commission re-alleges and incorporates herein by reference each and every allegation set forth above in Paragraphs 1 through 10 inclusive of this Complaint.

12. The Commission finds Turner has violated unfair trade statute NEB. REV. STAT. § 81-885.24(29) ([d]emonstrat[e] negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, whether of the same or of a different character as otherwise specified in this section . . .) in that Turner failed to have Buyers sign for the acceptance of Bisland's counter offer.

13. Turner admits the allegations as stated in Paragraphs 1 through 12 above are true. Turner agrees with the actions of the Commission and accepts the discipline which shall be made a part of her permanent record maintained by the Commission and which shall be received into evidence in any subsequent proceeding against her, should one arise.

28. Turner has no prior disciplinary action taken against her license by the

Commission.

29. The following disciplinary action is imposed upon Turner in the public interest and for the protection of public health, safety, and welfare.

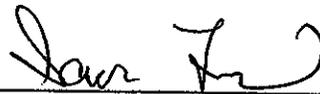
**ACCORDINGLY, IT IS ORDERED, AS FOLLOWS:**

A. The real estate broker's license of Respondent Sandra Turner is hereby censured, effective immediately upon the signing of this Stipulation and Consent Order by the Chairperson of the Commission. Said censure shall be made part of Respondent Sandra Turner's permanent record as maintained by the Nebraska Real Estate Commission.

B. Within 60 days of the signing of this Order by the Chairperson of the Commission, Respondent Sandra Turner shall pay a civil fine in the amount of \$1,500.00. Said civil fine payment shall be submitted to the Commission under separate cover letter, addressed to Commission Director Greg Lemon, with reference to Case No. 2015-038.

C. Within six (6) months of the signing of this Order by the Chairperson of the Commission, Respondent Sandra Turner shall complete one (1) three (3) hour continuing education course in contracts. This continuing education course requirement is above and beyond the mandatory hours required for license renewal.

Dated this 7 day of April, 2016.



Sandra Turner



---

Greg Lemon, Director