



Pete Ricketts
Governor

EXHIBIT

14

STATE OF NEBRASKA

NEBRASKA REAL ESTATE COMMISSION
Greg Lemon
Director

301 Centennial Mall South
P.O. Box 94667
Lincoln, Nebraska 68509-4667
Phone: (402) 471-2004
Fax: (402) 471-4492

E-Mail: RealEstate.Commission@nebraska.gov
Website: www.nrec.ne.gov

TO: Nebraska Real Estate Commission
FROM: Greg Lemon, *Director*
RE: Teams Regulation Discussion, Part III
Date: 10/20/2016

Attached please find a selection of rules and regulations relating to teams from other jurisdictions, as well as a revised set of teams regulations based on the guidance provided through discussion at previous Commission meetings.

While every attempt was made to incorporate changes discussed, Commissioners should carefully review the attached language for areas which may need further discussion or clarification.

Selected Laws Relating to Teams and Team Advertising

Colorado:

Rule E. Separate Accounts – Records – Accountings - Investigations E-8. Advertising

Teams

1. Brokers who form a team shall not advertise in a manner that misleads the public as to the identity of the team's brokerage firm. Teams are prohibited from using the following terms in the team's name:

- (i) Realty,
- (ii) Real estate,
- (iii) Realtors,
- (iv) Company,
- (v) Corporation,
- (vi) CORP.,
- (vii) INC.,
- (viii) LLC,
- (ix) LP or LLP
- (x) Or any other term that would imply a separate entity from the brokerage firm with which the team brokers are licensed.

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Chapter 19, Real Estate Teams and Groups

§1901. Definitions

A. For the purpose of this Chapter, team or group shall mean a collective name used by two or more real estate licensees, who represent themselves to the public as a part of one entity that performs real estate license activities under the supervision of the same sponsoring broker.

§1903. Sponsorship

A. Team or group members shall be sponsored by the same broker and, if applicable, shall conduct all real estate license activity from the office or branch office where their individual license is held.

B. Licensees shall not form a team or group without written approval from the sponsoring broker.

C. The sponsoring broker shall designate a member of each approved team or group as the contact member responsible for all communications between the broker and the team.

§1905. Team or Group Names

A. Team or group names shall not contain terms that could lead the public to believe that the team or group is offering real estate brokerage services independent of the sponsoring broker. These terms shall include, but are not limited to:

1. real estate;
2. brokerage or real estate brokerage;
3. realty;
4. company.

§1907. Team or Group Leaders

A. The sponsoring broker shall be responsible for all license activity of team or group members sponsored by the broker.

B. The designated contact member of each team or group shall maintain a current list of all team or group members, which shall be provided to the sponsoring broker upon formation of the team or group and immediately upon any change thereafter.

C. A current record of all team or group names, and the members thereof, shall be maintained by the sponsoring broker in a manner that can be made readily available to the LREC upon

request, including record inspections.

§1909. Team Advertising

A. A team or group name shall not be used in advertising without the written approval of the sponsoring broker.

B. The term "team" or "group" **may** be used to advertise real estate license activities provided that:

1. the use of the term does not constitute the unlawful use of a trade name and is not deceptively similar to a name under which any other person or entity is lawfully doing business;

2. the team or group is composed of more than one licensee;

3. the advertising complies with all other applicable provisions of this Chapter and LAC 46:LXVII.Chapter 25 of these rules and regulations.

C. An unlicensed person shall not be named, acknowledged, referred to, or otherwise included in any team or group advertising.

Chapter 25. Advertising; Disclosures; Representations

§2501. Disclosures and Representations

A. Agreements between brokers to allow property data to be shared and disseminated to clients, customers, or prospective clients, including but not limited to web-based or email multiple listing service property data, IDX or VOW property data does not constitute advertising or advertisement as to the property data shared.

B. All advertising for property listed by or services performed by a licensed individual real estate broker or a licensed corporation, limited liability company, or partnership, and any advertising for property listed by or services performed by a licensed individual real estate broker or a licensed corporation, limited liability company, or partnership by sponsored licensees or employees, **shall be under the direct supervision of and approved by the licensed individual real estate broker** or designated qualifying broker of the licensed corporation, limited liability company, or partnership.

C. Any trade name used by a licensee, registrant or certificate holder in advertising shall be a trade name that is a clearly identifiable entity that will distinguish itself from other licensees, registrants or certificate holders.

D. All advertising by a licensed salesperson, associate broker, individual real estate broker, or licensed corporation, limited liability company, or partnership shall include their business name,

which for the purpose of these rules shall mean the name in which that salesperson, associate broker, individual real estate broker, or licensed corporation, limited liability company, or partnership is on record with the commission as doing business as a licensee of the commission or, in the case of a trade name, that which is registered with the Secretary of State and on record with the commission.

E. A group or team name may be used in an advertisement only with the approval of the sponsoring broker. Any person listed as a group or team member in the advertisement must be a licensee sponsored by the sponsoring broker.

F. In all advertising, the salesperson or associate broker must include the name and telephone number of the sponsoring broker. **The broker's name and telephone number must be conspicuous, discernible and easily identifiable by the public.**

G. If allowed by the sponsoring broker, the salesperson or associate broker may include in the advertisement:

1. The salesperson's or associate broker's personal logo or insignia, which cannot be construed as that of a company name, and which must include the name and telephone number of the sponsoring broker;
2. The salesperson's or associate broker's contact information;
3. a group or team name, as long as the advertising complies with all other applicable provisions of this Chapter and LAC 46:LXVII.Chapter 19 of these rules and regulations; and
4. a slogan that may not be construed as that of a company name.

Maine

1. Advertising

4-A. Advertising by Real Estate Brokerage Agencies

Real estate brokerage advertisements must contain the trade name as licensed by the Commission of the real estate brokerage agency that placed the advertisement. The trade name of the agency must be prominently displayed or presented. In an advertisement that appears on or is sent via the Internet, the trade name of the agency that placed the advertisement must prominently appear or be readily accessible.

In addition, the designated broker may authorize an advertisement that includes the name, telephone number, slogan, logotype or photo of an affiliated licensee or group or team of affiliated licensees as part of the brokerage services being offered by the real estate brokerage

agency. The affiliated licensee or group or team of affiliated licensees may not independently engage in real estate brokerage.

Maryland

From the Maryland Director: "Our regulations state that the Team name must be directly connected to the Broker's name (company) such as Kathie Connelly Group of Long and Foster Real Estate. It has made it a lot easier to regulate."

Oregon:

OAR 863-015-0125(11):

(11) A licensee may use the term "team" or "group" to advertise if:

(a) The use of the term does not constitute the unlawful use of a trade name and is not deceptively similar to a name under which any other person is lawfully doing business;

(b) The team or group includes at least one real estate licensee;

(c) The licensee members of the team or group are associated with the same principal broker or property manager;

(d) The licensee members of the team or group use each licensee's licensed name as required under section (3) of this rule;

(e) If any non-licensed individuals are named in the advertising, the advertising must clearly state which individuals are real estate licensees and which ones are not; and

(f) The advertising complies with all other applicable provisions of ORS chapter 696 and its implementing rules.

South Carolina:

S.C. Code 40-57-30 (30) 'Team' means two or more associated licensees working together as a single unit within an office established with the commission and supervised by a broker-in-charge.

S.C. Code 40-57-360.

(A) The broker-in-charge must be responsible for supervising the team and all licensed members of the team. The broker-in-charge may not delegate supervisory responsibilities to the team members or team leader. Written office policy of the broker-in-charge shall address team relationships in which associated licensees may engage.

- (B) The team may act as disclosed dual agents only and with the prior informed and written consent of all parties and as addressed in the broker-in-charge's written office policy.
- (C) Team members must conduct all real estate brokerage activities from their commission-established office under the supervision of a broker-in-charge.
- (D) Team advertising must contain the team name and the full name of the real estate brokerage firm displayed in a conspicuous way.
- (E) No team may imply that the team is a separate entity from the brokerage firm of its employment. Team names may not include the terms 'realty,' 'real estate', 'realtors', or similar terms suggesting a brokerage.
- (F) The team, and any and all team members, must display and promote that they are directly connected to the brokerage firm under which the team works. The brokerage firm name under which the team works is to be displayed prominently and visibly in a meaningful and conspicuous way on all methods of advertising.
- (G) The commission may promulgate regulations

Washington State:

"(1) "Advertising" means any attempt by publication or broadcast, whether oral, written, or otherwise, to induce a person to use the services of a real estate firm, broker, managing broker, or designated broker. & (4) "Clear and conspicuous" in an advertising statement means the representation or term being used is of such a color, contrast, size, or audibility, and presented in a manner so as to be readily noticed and understood."

"(8) Advertising in any manner without including the real estate firm's name or assumed name as licensed in a clear and conspicuous manner in the advertisement; except, that real estate brokers, managing brokers, or firms advertising their personally owned real property must only disclose that they hold a real estate license;"

Nova Scotia:

144A

TEAM is two or more industry members licensed with the same brokerage, including licensed assistants, who

- (a) Work together on a regular basis to provide real estate brokerage services;
- (b) Represent themselves to the public as being part of one entity; and
- (c) Designate themselves by a collective name, such as team or group.

A team member shall belong to one team only and shall not provide real estate services independently of the team.

For advertising, we included the following:

- (c) No industry member may advertise in such a manner as to cause confusion between the brokerage name or logo and any other name or logo that appears in the advertisement.

(d) The brokerage name or logo must be the same size or larger than any industry member name or team name or industry member logo or team logo in advertising.

Regulator Comment: Regarding size, we describe it in terms of footprint, i.e. if I were to cut out the brokerage name/logo and lay it over the team name/logo, it should cover the team/logo completely. It removes subjectivity, but as with all other advertising rules, it's still thoroughly unrewarding and a pain enforce.

Title 299 - NEBRASKA REAL ESTATE COMMISSION

Chapter 2 - BUSINESS PRACTICES; EMPLOYMENT OF SALESPERSON OR ASSOCIATE BROKER; ADVERTISING; SOLICITING LISTINGS OR REPRESENTATION; TRANSMISSION OF WRITTEN OFFERS TO OWNER; CLOSING REAL ESTATE TRANSACTIONS; GOOD FUNDS; REPRESENTING ANOTHER BROKER; RETENTION OF SIGNS; BRANCH OFFICES.

001 It shall be presumed that a duly licensed broker whose principal business is other than that of a real estate broker is unable to supervise licensed employees, and said broker shall not be allowed to employ a real estate salesperson or an associate broker until such presumption is overcome by satisfactory evidence to the contrary.

002 Each broker shall record with the Commission the type of business form under which the broker is doing business, i.e., sole proprietorship, general or limited partnership, corporation, limited liability company, or any other entity authorized by law under which a broker may be operating a real estate business, and the legal name of such entity if it is not a sole proprietorship. A broker may operate only under one business entity. In addition, the broker shall record with the Commission all names under which the broker will be conducting business. All trade names shall be recorded with the Commission only after registration with the Secretary of State's Office.

003 Advertising shall include all forms of identification, representation, promotion, and solicitation disseminated in any manner and by any means of communication to the public for any purpose related to licensed real estate activity. All advertising shall be under the direct supervision of the broker, and in prominently display the name the broker is conducting business as recorded with the Commission. Advertising which is contrary to Sections 003 to 006 of these regulations shall constitute misleading or inaccurate advertising under Section 81-885.24(2) of the Nebraska Real Estate License Act.

003.01 Each broker who is operating as an independent broker or sole proprietorship, without being a corporation or limited liability company or filing a trade name, shall advertise in his or her name as recorded with the Commission and include the word(s) "Broker" or "Real Estate Broker", e.g. Sara Stone, Broker or Sara Stone, Real Estate Broker.

003.02 Each broker, when operating under a franchise, shall clearly set forth in all advertising, in addition to the franchise name, the name under which the broker is doing business as recorded with the Commission and, if applicable, registered with the Secretary of State.

003.03 Each broker who is operating under one or more trade names as registered with the Secretary of State and recorded with the Commission will advertise in the trade name(s) as recorded. The broker is not required to identify all trade names on each advertisement but must advertise, without exception, in the name of one of the trade names as registered with the Secretary of State and as recorded with the Commission. This section applies to independent brokers, sole proprietorships, franchises, corporations, partnerships, limited liability companies, or any other entity authorized by law under which a broker may be operating a real estate business.

003.04 Each broker who is operating under a corporation will advertise in the name of the corporation as registered with the Secretary of State and recorded with the Commission. If the corporation also registers one or more trade names with the Secretary of State, such trade name(s) shall be recorded with the Commission, and the corporation may advertise in either the corporate name or the trade name(s).

003.05 Each broker who is operating under a limited liability company will advertise in the name of the limited liability company as registered with the Secretary of State and recorded with the Commission. If the limited liability company also registers one or more trade names with the Secretary of State, such trade name(s) shall be recorded with the Commission, and the limited liability company may advertise in either the limited liability company name or the trade name(s).

003.06 If registered and recorded names have in their titles, "Co.", "Inc." or the like, such designations may be excluded from advertising, provided that such exclusion is likely to neither deceive nor confuse the public with regard to the identity of the real estate business being advertised.

003.07 Real estate affiliate and team advertising:

003.07a Team advertising shall always include the team name as recorded with the team's designated broker.

003.07b Team advertising shall prominently display the name the broker supervising the team conducts business under as recorded with the Commission adjacent to the team name and similar or greater in size and visibility than the team name.

003.07b Advertising featuring the name of an affiliated associate broker or salesperson shall prominently display the name the broker supervising the affiliated salesperson or associate broker conducts business under as recorded with the Commission adjacent to affiliated licensee's name and similar or greater in size and visibility than the affiliated licensee's name.

003.08 Real estate team names:

003.08a Must always include the word "team" or "group" as part of the team name.

003.08b Real estate team names shall not include the words:

- (i) Realty,
- (ii) Real estate,
- (iii) Realtors,
- (iv) Company,
- (v) Corporation,
- (vi) Corp.,
- (vii) Inc.,
- (viii) LLC,
- (ix) LP or LLP
- (x) or similar words suggesting the team is a separate real estate brokerage or company.

Title 299
Chapter 2

004 A broker shall not advertise to sell, buy, exchange, rent, or lease real property in a manner indicating that the offer to sell, buy, exchange, rent, or lease such real property is being made by a private party not engaged in the real estate business, and no advertisement shall be inserted in any publication where only a post office box number, telephone number, or street address appears.

005 Every salesperson, associate broker, and broker is prohibited from advertising under his or her own name the offering for sale, purchase, or exchange of any real property unless he or she is the owner thereof. Every licensee, when advertising his or her own property for sale, purchase, or exchange must disclose in such advertising that he or she is a licensed real estate salesperson, associate broker, or broker.

006 Every licensee is prohibited from soliciting or attempting to secure listings or to represent a purchaser or tenant without first advising the owner or prospective purchaser or tenant that he or she is a licensee, and that he or she is engaged in the real estate business.

007 In the event that more than one written offer is made before the owner has accepted an offer and closed on that offer, any other written offer presented to the licensee, whether by a prospective purchaser, an agent of a prospective purchaser, or a cooperating broker, shall be transmitted forthwith to the owner for his or her consideration.

008 A salesperson or associate broker shall not participate in the closing of any real estate transaction except under the supervision and with the consent of the broker under whom such salesperson or associate broker is licensed. A broker shall not authorize any person who is not licensed as a salesperson or associate broker to conduct the closing of a real estate transaction. This shall not prevent an unlicensed person, such as a closing secretary, from doing the preparatory work for the closing, subject to the approval of the licensee conducting the closing; and does not apply to real estate closing agents authorized under Neb. Rev. Stat. 76-2,121 et seq.

009 A broker closing a real estate transaction shall be in compliance with Neb. Rev. Stat. Sections 76-2,121 through 76-2,123.

010 The consent required from the employing broker for an associate broker or salesperson to represent another real estate broker or to accept a commission or other valuable consideration from anyone other than the employing broker as set forth in Neb. Rev. Stat. 81-885.24(7) and (8), respectively, shall be given in writing by the broker in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. A copy of the consent shall be maintained by the employing broker for five years following the date of such consent.

011 The word "Placing..." as used in 81-885.24(11) of the Nebraska Real Estate License Act shall also be construed to mean the retention of such sign. Written authorization is required to place and retain a sign, and the sign must be removed within a reasonable period of time after the termination of such written authorization.

012 A branch office is any location, other than the main office of a real estate business, where: 1)

Title 299
Chapter 2

one or more licensees spend a substantial amount of time transacting real estate business requiring a license; and 2) such licensee(s) advertises that they can be contacted for real estate business purposes; and 3) such licensee(s) maintains what would, in the normal business context, be considered a business office. Nothing in this Section should be construed to include the advertising of a home phone number and address by a licensee in the alphabetical listing of subscribers section, or white pages, of the telephone directory to come within the branch office definition. A model home utilized as an office on a temporary basis would not be considered a branch office.

013 A real estate broker, who is not otherwise involved in the real estate transaction before a written agreement has been entered into for the purchase, sale, or exchange of the real estate, may close the real estate transaction as long as the broker complies with all provisions of the Nebraska Real Estate License Act and Rules of the Commission.

013.01 For the purpose of 013 above, the word "close" refers to services as an independent party to perform the ministerial actions necessary to complete the transaction, which may include the receipt and disbursement of funds. When providing only the above ministerial actions, the broker shall disclose, in writing, to all parties to the transaction, prior to the closing of the transaction, that the broker is only providing this ministerial service and is not acting as an agent for either party. The disclosure shall be signed by both parties and a copy shall be maintained in accordance with 299 NAC 3-001.

013.02 Whenever a broker participates in a real estate transaction before a written agreement has been entered into for the purchase, sale, or exchange of real estate, the broker must fulfill the applicable obligations of a broker to the seller and the buyer in accordance with the provisions of the Nebraska Real Estate License Act and the Rules of the Commission.

014 In the event that a team or group leader's license is suspended or revoked, unless dissolved, the team or group must forthwith designate a new leader and provide the name of the new group leader to the team's designated broker. If a team or group member for whom the team or group is named has his or her license suspended or revoked the team must designate a new name for the team or group which does not use or incorporate the revoked or suspended licensee's name.

Laws 1973, LB 68, §10; RS 1943, §81-885.07 (5) R. S. Supp., 1974. Effective date September 2, 1973.

Laws 1994, LB 1275, §3; RS 1943, §76-2,123 R.S. Cum. Supp., 1994. Effective date July 16, 1994.

Title 299 - NEBRASKA REAL ESTATE COMMISSION

Chapter 7 - CONTINUING EDUCATION ACTIVITIES; REQUIRED HOURS; APPROVAL; RESTRICTIONS; DENIAL; REVOCATION; APPEAL PROCESS; RECORD KEEPING.

001 Of the twelve hours of continuing education required in Section 81-885.51 of the Nebraska Real Estate License Act, (a) six hours in each two-year period shall be taken in continuing education activities which are derived from material covering ethical decision-making or federal or state laws, rules, or regulations dealing with or pertaining to real estate or real estate transactions, and which are approved and designated by the Commission as meeting this six-hour requirement, and (b) three hours shall be required in each two year period in a property management course or courses approved and designated by the Commission as meeting this requirement for all licensees who provide property management services during such two year period, or who supervise a licensee or licensees who provide property management services during such two year period, and (c) three hours shall be required in courses on teams or team leadership which are approved and so designated by the Commission for all team members, team leaders, and designated brokers who supervise teams within 180 days after being designated a team member or team leader.

001.01 Continuing education activities approved under this Section are not subject to the duplication provision as set forth in Section 0034.07 of this Chapter, except that continuing education activities approved under this Section and which are of the same content, or if in the opinion of the Commission so similar as to be indistinguishable in content, cannot be duplicated within the same two-year continuing education period.

001.02 For purposes of this chapter property management shall mean and include: Acting under a written contract as a third party for a landlord or owner of property in the collection and or holding of rent, deposits, or other monies from tenants for the benefit of the property owner.

001.03 Continuing education activities required under Section 001(c) of this section shall meet the education requirements for the two year continuing education period in which they are taken and the ensuing two year continuing education period. Team members, team leaders and designated brokers who supervise teams shall complete the required team training a minimum of once every four years.

002 The six hours of training required in Section 81-885.51 of the Nebraska Real Estate License Act may be fulfilled by satisfactorily completing training activities approved by the licensee's designated broker and recognized by the Commission **OR** by satisfactorily completing Commission approved continuing education activities **OR** by some combination of both. Training activity shall be required to be met and submitted as provided in the License Act and these regulations beginning in calendar year 2012.

003 Qualifications for approval of continuing education activities shall be as stated herein.

003.01 A continuing education activity offered in the State of Nebraska shall be qualified for approval if the Real Estate Commission determines that:

003.01A The continuing education activity contributes to the maintenance and improvement of the quality of real estate services provided by real estate licensees to the public; and

003.01B An in-class continuing education activity must consist of at least three in-class clock hours but no more than eight in-class clock hours in any one day of instruction. In the case of a continuing education activity delivered in a distance education format there must be at least the content equivalent of three in-class clock hours, and certification pursuant to 299 NAC 7-002.02. An in-class clock hour is defined as 50 minutes in length; and

003.01C The provider has submitted a complete application as prescribed by the Real Estate Commission at least thirty days prior to the beginning of the continuing education activity; and

003.01D All instructors have met the qualification standards as established by the Real Estate Commission; and

003.01E The provider has met the provisions of all other applicable state laws.

003.02 Continuing education activities offered in a distance education format must be certified by the Association of Real Estate License Law Officials, with the exception that such certification will not be required of courses in a correspondence study format that held the certification by the Association of Real Estate License Law Officials and were in good standing as of January 1, 2012, and such courses shall remain exempt from Association of License Law Officials certification through January 1, 2017. A student must complete the distance education activity within one year of the date of enrollment. Distance education as it is used in this chapter shall mean courses in which instruction does not take place in a traditional classroom setting but rather through other media where instructor and student are separated by distance and sometimes by time.

003.03 Courses taken by salesperson licensees toward meeting the broker pre-license requirements, with the exception of Real Estate Principles and Practices or its equivalent courses, may be used toward meeting the continuing education requirement and also as meeting the pre-license broker requirement.

003.04 In addition to continuing education activities directly approved by the Real Estate Commission, the Commission shall accept:

003.04A Continuing education activities approved to meet the continuing education requirements for renewal of a salesperson or broker license in another real estate jurisdiction and taken outside the State of Nebraska.

003.04B Instruction by instructors of approved continuing education activities toward meeting the continuing education requirement. The same restrictions of usage as set forth in Title 299, Chapter 7, Section 003 will apply.

003.04C Reviews of continuing education activities that are provided in a distance education format and have been submitted for approval as provided in this Chapter when the appointed reviewer, who must meet the same qualification standards established for continuing education instructors, successfully completes the activity and provides a report prescribed by the Commission.

003.04D The Commission shall have no obligation to accept a continuing education activity otherwise considered acceptable under this subsection if the activity has been identified by the Commission as unacceptable according to Nebraska continuing education criteria.

003.04E Written affirmation from non-resident licensees that they have met the current continuing education requirement in their state of residence.

003.05 Licensees may use appraisal continuing education approved by the Nebraska Real Estate Appraiser Board toward their salesperson or broker continuing education requirement, when taken during the applicable two-year period for their salesperson or broker license.

004 The following activities shall not be approved as continuing education and cannot be used toward meeting the continuing education requirement:

004.01 Those which are specifically examination preparation in nature.

004.02 Those which deal with office or business skills, such as typing, speed reading, memory improvement, body language, motivation and similar activities.

004.03 Those which are completed by a challenge examination (testing-out of the activity).

004.04 Sales promotion or sales meetings held in conjunction with a brokerage firm's general business.

004.05 Orientation courses for licensees held by trade organizations.

004.06 Continuing education activities taken prior to approval date of the continuing education activity.

004.07 Continuing education activities of the same content, or if in the opinion of the Commission an activity is so similar as to be indistinguishable in content, cannot be used for a minimum of four years after the activity was taken to be applied toward meeting the continuing education requirement, except that activities meeting the required hours set forth in Section 001 of this Chapter may be repeated but not in the same two-year continuing education period.

004.08 Broker licensees cannot retake courses taken as part of their pre-license requirement and use them toward meeting their continuing education requirement except as provided in Title 299, Chapter 7, Section 0034.07.

004.09 Continuing education activities taken to make up a deficiency of the continuing education requirement from a previous continuing education period may not be used toward the current period's continuing education requirement.

005 Qualifications for recognition of training activities shall be as stated herein.

005.01 A training activity offered in the State of Nebraska shall be recognized by the Real Estate Commission pursuant to Section 81-885.51 if the Real Estate Commission determines that:

005.01A The training activity directly relates to real estate services provided by real estate licensees to the public; and

005.01B The training does not materially misstate elements of the Real Estate License Act or other provisions of the law; and

005.01C A training activity must consist of at least one sixty minute hour. In the case of a training activity delivered in a distance education format there must be at least the content equivalent of one sixty-minute hour; and

005.01D The provider has submitted a complete application as prescribed by the Real Estate Commission at least thirty days prior to the beginning of the training activity.

005.02 The Commission shall have the authority to require additional information regarding training content in order to determine eligibility.

005.03 The Commission may determine that an activity submitted to meet the training requirement would more appropriately be recognized as continuing education because the level of complexity or legal nature of the training requires a more detailed review of the subject matter as provided in these regulations for continuing education.

006 The following activities cannot be used toward meeting the training requirement:

006.01 Those which are specifically examination preparation in nature.

006.02 Those which are completed by a challenge examination (testing-out of the activity).

006.03 Orientation courses for licensees held by trade organizations.

006.04 Training activities taken prior to the Commission's recognition date of the training activity.

007 The Commission shall notify applicants in a timely manner, in writing, whether an application is approved or denied. If an application is denied, the denial notice shall state the reason(s) for denial. This section applies to initial submittals of applications for approval of training activities, and providers, activities, and instructors of Nebraska real estate continuing education; resubmittals of continuing education activities for reapproval every three years; and resubmittals of activities due to substantial changes in the activities.

008 Approved continuing education activities shall be resubmitted by the provider for approval and reviewed every three years by the Commission unless substantial changes are made in the activity prior to that time.

009 Training activity recognition will expire three years from the date of original recognition.

010 If substantial changes are made, the activity shall be submitted by the provider for review and approval, and may not be offered prior to receiving notice that the altered activity has been approved.

011 Decisions of the Real Estate Commission to deny approval of training activities or continuing education providers, activities, or instructors may be reviewed by the Commission when such review is requested within twenty days of notification of said decision. The Real Estate Commission may at any time re-evaluate an approved training activity or continuing education provider, activity, or instructor. If a basis for consideration of revocation of approval is found, the Commission shall notify said provider by mail at least twenty business days prior to said hearing on the revocation.

012 Providers of approved training or continuing education activities shall be governed by the provisions of this Section in addition to any other applicable statutes or rules and regulations.

012.01 The provider shall submit to the Commission a notice of the scheduling of an approved activity prior to offering the activity. The notice shall be submitted in a form prescribed by the Commission. This subsection shall not apply to distance education activities offered in an independent study format.

012.02 Successful completion of an approved training or continuing education activity requires full-time attendance at the activity.

012.03 A completion certificate, not larger than 8 ½ by 11, must be issued to each student upon completion of the activity and shall include such information required by the Commission.

012.04 In the case of students using a pre-license broker course toward both pre-license and continuing education as set forth in Title 299, Chapter 7, Section 002.03, upon request by the student a separate continuing education completion certificate will be issued by the provider upon completion of the course in addition to the pre-license proof of completion.

012.05 Records shall be maintained by each provider on each individual student for four years. Said records to include: name and real estate license identification number of the student; residence or business address of the student; the title of the activity completed in full; the number of training or continuing education hours granted the activity; the date the student completed the activity; and, activity content numbers for continuing education activities.

012.06 A verification listing of the attendees at an approved training or continuing education activity who have met the requirements of completion as established by the Commission pursuant to Section 81-885.52 of the Nebraska Real Estate License Act shall be submitted to the Commission, in the current format specified by the Commission, within ten business days of the conclusion of the activity.

012.07 By January 31st of each year all approved providers shall submit to the Commission a chronological list to include the title, number of hours granted, date, location, instructor and number of attendees for each training or continuing education activity conducted during the preceding year.

013 Nothing in this Chapter shall be construed to preclude training or educational offerings sponsored, or conducted, by the Real Estate Commission from being accepted toward meeting the continuing education requirement of the Nebraska Real Estate License Act.

Laws 1985, LB 101, §10; RS 1943, §81-885.54, R.S. Supp., 1985. Effective date March 7, 1985.

INFORMATION IN THE COMMISSION-PREPARED AND APPROVED DISCLOSURE FORMS

In the development of the disclosure forms required under Nebraska Agency Relationships statutes, the Commission left space so that additional information may be provided on the back of the form. This space has been provided so that designated brokers may use it to include information and disclosures the statute also requires. Examples have been set out in ~~A and B~~ below.

When inserting this information, designated brokers are required to use a different type of print, such as italics, boldface, capital, etc., in order for their information to be distinguishable from that part of the brochures which were prepared and approved by the Commission.

A. Broker Contact Information:

A statement of the "chain of command" of licensee presenting the agency disclosure form is required and should include (at a minimum):

1. Designated Broker name, name designated broker does business under (if different), and phone number
2. Branch Office Manager name and phone number (if applicable)
3. Team name, Team Leader name and phone number (if applicable)
4. Licensee(s) presenting form name(s) and phone number(s)

AB. To indicate types of brokerage relationships offered:

Language similar to the following could be inserted after the appropriate brokerage relationship description:

(Name under which broker is doing business and type of brokerage service) offers this type of brokerage relationship.

OR

(Name under which broker is doing business and type of brokerage service) does not offer this type of brokerage relationship.

BC. A licensee working as an agent or subagent of a client with a customer who is not represented by a licensee must provide a written disclosure to the customer of the tasks the client's agent or subagent may perform with the unrepresented customer. These tasks could also

be disclosed by listing them on the back of the form with appropriate identification as services performed for an unrepresented customer.

I. Examples of tasks a seller's or landlord's agent or subagent may perform with an unrepresented buyer or tenant may include, but not be limited to, the following:

a) Tasks for unrepresented buyer by seller's agent:

1. Explain the home buying process. Assess your wants and needs in a property.
2. Conduct previews and showings of multiple properties.
3. Assist in determining financial ability to purchase.
4. Assist in selection of properties best fitting your needs.
5. Provide information on available financing.
6. Provide estimate of total investment and monthly investment required, based on the offer.
7. Provide estimate of closing costs at the time of completing the offer to purchase.
8. Review and explain clauses in the sales contract.
9. Provide background information you wish given to the seller regarding the terms of the offer.
10. Present offers to the seller and counter-offers from the seller.
11. Provide follow-up services, including arranging inspections, appraisal, and delivering documents and copies.
12. Keep in contact with lenders, inspectors, and sellers while awaiting closing and report progress.

b) Tasks for unrepresented tenant by landlord's agent:

1. Explain the leasing process. Assess your wants and needs in a leased space.
2. If requested, conduct previews and showings of locations available in the market place.
3. Assist in determining financial ability to lease.
4. If requested, provide market data for comparable leased space that substantiates the landlord/owner's terms.

5. Provide background information or details you wish given to the landlord/owner regarding the terms of your proposal.
6. Present proposals or letter of intent to the landlord/owner and convey landlord/owner's acceptance or counter-offer back to you.
7. Prepare letter of intent or review proposed lease and explain lease provisions.
8. Coordinate signing of lease and delivering copies to all parties.

II. Examples of tasks a buyer's or tenant's agent or subagent may perform with an unrepresented seller or landlord may include, but not be limited to, the following:

a) Tasks for unrepresented seller by buyer's agent:

1. Explain the home selling process.
2. Provide background information, except that required to be confidential, relating to the buyer's ability to perform under the proposed terms of an offer.
3. Review and explain clauses in the offer.
4. Provide estimate of closing costs based on the proposed terms of an offer.
5. Provide market data that justifies the buyer's offer.
6. Present seller's counter-offers to the buyer.
7. Provide follow-up services, including coordinating inspections, appraisals, surveys, etc.
8. Assist with utilities changes.
9. Assist with preparation and filing of documents.
10. Provide referral services, if relocating.

b) Tasks for unrepresented landlord by tenant's agent:

1. Explain the leasing process.
2. Provide background information, except that required to be confidential, regarding the tenant's ability to perform under the proposed terms.
3. Review and explain clauses in the proposal.

4. Provide market data that justifies the tenant's proposal.
5. Present landlord/owner's counter proposals to tenant.
6. Coordinate lease preparation, signing, and delivering copies to all parties.

Agency Disclosure Addendum

Real Estate Teams—Buyer's Agent

(Team Name)

Working for

(Brokerage Name)

Team members *(listed below)* are working for you as a buyer's agent, act on behalf of the buyer and have the duties of a buyer's agent under the Nebraska Real Estate License Act and as described in the agency disclosure form.

Team members *(listed below)* represent seller's of the property located at:

and act on behalf of the seller as a seller's agent in the transaction, providing the services and having the duties of a seller's agent under the Nebraska Real Estate License Act and as described in the accompanying agency disclosure form.

Check Team Member's Name(s)
Acting as a Buyer's Agent

Check Team Member's Name(s)
Acting as a Seller's Agent

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(continue team list on back of page if needed)

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(continue team list on back of page if needed)

Buyer Signature

Date

Buyer Signature

Date