



**Pete Ricketts**  
Governor

**EXHIBIT**

**18**

**STATE OF NEBRASKA**

**NEBRASKA REAL ESTATE COMMISSION**  
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TO: Nebraska Real Estate Commission

FROM: Greg Lemon, *GL* Director

RE: Special Assistant Attorneys General

Date: 11/10/2016

The Commission has traditionally reviewed and approved special assistant attorney general fee schedules at the beginning of each calendar year without significant research, advance review, or solicitation of rates from local attorneys. As currently practiced the review process may put the Commission at some disadvantage in obtaining the most advantageous rates for service.

At a recent meeting with a representative of the attorney general the Chairman and Director were informed that the Commission has general discretion in the selection of assistant attorneys general for Commission legal services, as well as discretion in negotiating rates as long as the Commission was negotiating in good faith within reason and the constraints of the law (no conflict of interest, or contracts outside the range of general custom and practice, for example).

Although it does not appear from initial review that the rates currently charged are outside the range for similar services in this geographic area, or that the quality of service is lacking, it has been suggested informally by Commissioners, and also is generally good business practice, to develop a procedure such as preliminary comparison of rates or solicitation of bids to ensure maximum use of Commission resources. The purpose of this agenda item is to seek guidance from the Commission in formulating a plan or process to pursue such a negotiation strategy.

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