

SECTION 76-2421 - FAILURE TO PROVIDE BROKERAGE PAMPHLET OR DUTIES

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Section 81-885.24(26) by violating a rule or regulation, to wit: Ch. 5-003.14 by failing to deposit earnest money in 48 hours, Ch. 3-006 by failing to transfer money to listing broker, Ch. 5-003.04 by failing to give seller an estimate of closing costs or have it signed, Ch. 5-003.10 by failing to give seller an estimate of closing costs or have it signed, Ch. 5-003.11 by failing to give buyer an estimate of closing costs or have it signed, Ch. 5-003.07 by failing to comply with 76-2401 through 76-2430 in the following: 76-2420 by failing to adopt a written agency policy; 76-2421 by failing to properly complete or retain an agency pamphlet, Ch. 5-003.23 or Ch. 5-003.24 by failing to deliver a copy of the disclosure statement to the purchaser & get a signed receipt, Ch. 3-002 by failing to maintain a bookkeeping system; 81-885.21 by failure to notify Commission of a trust account; 81-885.24(3) by failing to account for other's money; 81-885.24(5) by failing to deposit all money; 81-885.24(22) by making substantial misrepresentation; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.</p>	<p>97-003 - Commission vs. Cameron Houston Thomas</p>	<p>April 1, 1997</p>	<p>Stipulation and Consent Order. License suspended one year; plus an additional 9 hours continuing education, 3 hours in trust accounts, 3 hours in disclosures, and 3 hours in license law.</p>
<p>Section 81-885.24(19) by violating a rule or regulation adopted by the Commission; Ch. 3-002 by failing to maintain an accurate bookkeeping system, Ch. 5-003.07 by failure to comply with 76-2410 through 76-2430, to wit: 76-2421 by failing to properly complete and retain an agency pamphlet, 76-2420 by failing to adopt a written agency policy, Ch. 5-003.08 by failing to write a disclosure on dual agency in accordance with 76-2422(4) by not having a written agreement of the seller & buyer or landlord & tenant permitting the designated broker to serve as a dual agent, Ch. 5-003.10 by failing to give seller closing costs & failing to prepare a written estimate or have one signed, Ch. 5-003.11 by failing to give purchaser closing costs & failing to prepare a written estimate or have one signed, Ch. 5-003.14 by failing to deposit earnest money in 48 hours, Ch. 5-003.22 by failing</p>	<p>97-036 - Commission vs. Glenda Harders</p>	<p>August 19, 1997</p>	<p>Stipulation and Consent Order. License suspended two years, plus 6 hours continuing education, 3 hours in agency law and 3 hours in trust accounts.</p>

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to supervise, Ch. 5-003.23 by failing to give a copy of the disclosure statement to the purchaser or their agent, Ch. 5-003.24 by failing to give a copy of the disclosure statement to the purchaser or get signed receipt, 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a Broker.	97-036 - Commission vs. Glenda Harders		
Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, Ch. 3-001 by failing to properly maintain records relating to any real estate transaction, Ch. 3-002 by failing to maintain a bookkeeping system which will accurately and clearly disclose full compliance with the laws relating to the maintaining of trust accounts, Ch. 5-003.14 by failing to deposit any funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted, and Ch. 5-003.07 by failing to comply with 76-2421 by failing to properly complete and retain an "Agency Acknowledgment Disclosure Pamphlet."	97-047 - Commission vs. John C. Clark	December 10, 1997	Stipulation and Consent Order. License suspended for two-years, with said suspension on probation, plus 12 hours of continuing education, 3 hours in trust accounts, 3 hours in disclosures, 3 hours in agency law, and 3 hours in rules and regulations.
Section 81-855.24(19) by failing to include a fixed date of expiration in any written listing agreement; 81-855.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically Title 299, N.A.C., Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer is presented and accepted, those categories of costs the seller will be expected to pay at closing, failing to prepare a written estimate of the costs the seller will be expected to pay at closing, and failing to obtain the signature of the seller on said written document; Ch. 5-003.11 by failing to identify to the prospective purchaser, in writing, at the time the offer is written by the purchaser or a	98-012 - Commission vs. Mark F. Abboud	May 29, 1998	Stipulation and Consent Order. License suspended for 2 years, with said suspension stayed and served on probation from May 29, 1998 through May 29, 2000, with an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours on agency, 3 hours in license law, and 3 hours in disclosures to be completed by March 1, 1999.

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<p>counteroffer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing, and by failing to obtain the signature of the purchaser on said document; Ch. 5-003.14 by failing to deposit any funds received as an earnest money deposit within 48 hours or before after an offer was accepted; Ch. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement was delivered to the purchaser or to the agent of the purchaser, on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property; Ch. 5-003.24 by failing, as the agent of the purchaser, to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property and to obtain the signed receipt of the purchaser; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430, particularly 76-2417 by acting as an agent for the seller without benefit of a written contract, 76-2420 by failing to adopt a written policy which identifies and describes the relationships in which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities, 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller, landlord, entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity during or following the first substantial contact, and 76-2422(04) by acting as a dual agent without obtaining the written agreement of the seller and the buyer; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to deposit earnest money payment in the Respondent's real estate trust account within 48 hours or before the end of the next banking day after an offer is accepted, in writing, and then forthwith transferring such earnest money deposit to the listing broker;</p>	<p>98-012 - Commission vs. Mark F. Abboud</p>		

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and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as the broker.	98-012 - Commission vs. Mark F. Abboud		
Section 81-855.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically Title 299, N.A.C., Ch. 3-002 by failing to maintain a bookkeeping system which will accurately and clearly disclose full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.23 by failing to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser or the agent of the purchaser, on or before the effective date of any contract which binds the purchaser to purchase the residential real property; Ch. 5-003.24 by failing to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser on or before the effective date of any contract entered into which binds the purchaser to purchase the residential real property and to obtain the signed receipt of the purchaser; Ch. 5-003.13 by failing to identify to the seller, in writing, at the time the offer is presented and accepted, those categories of costs the seller will be expected to pay at closing and to prepare a written estimate of the costs the seller will be expected to pay at closing; Ch. 5-003.11 by failing to identify to the prospective purchaser, in writing, at the time an offer is prepared by the purchaser or a counteroffer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing and a written estimate of the costs the purchaser will be expected to pay at closing; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430, in particular, 76-2417 by representing a seller without a written listing agreement, 76-2421 by failing to provide, at the earliest practicable opportunity during or following the first substantial contact with the seller, landlord, buyer, or tenant who has not entered into a written	98-015 - Commission vs. Fred L. Swett	May 19, 1998	Stipulation and Consent Order. License suspended for 2 years, with said suspension stayed and served on probation from May 19, 1998 to May 19, 2000, with an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours in disclosures, 3 hours in agency, and 3 hours in rules and regulations.

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<p>agreement for brokerage services with a designated broker, a written disclosure regarding agency, 76-2422 by failing to authorize affiliated licensees, in writing, what agreements may be entered into on behalf of the Respondent; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a broker.</p>	<p>98-015 - Commission vs. Fred L. Swett</p>		
<p>Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Law, specifically, Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintenance of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer is presented and accepted, those categories of costs the seller will be expected to pay at closing, failing to prepare a written estimate of the cost the seller will be expected to pay at closing, and failing to obtain the signature of the seller on said written document; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to deposit an earnest money payment in her real estate trust account within forty-eight hours or before the end of the next business day after an offer is accepted, in writing, and then forthwith transferring such earnest money deposit to the listing broker; Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2401 through 76-2430 in the following particulars: 76-2420 by failing to adopt a written policy which identifies and which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities; and 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity during or following the first substantial contact; 81-885.02 by</p>	<p>98-026 - Commission vs. Buree Stovall</p>	<p>February 24, 1999</p>	<p>Stipulation and Consent Order. License suspended for two years, with first 90 days of said suspension served and the remaining suspension time stayed and served on probation; plus an additional 12 hours of continuing education to include 3 hours in trust accounts, 3 hours in agency and six hours as determined and approved by the Director. *Per Show Cause Hearing on June 26, 2001, license censured.</p>

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conducting the business of a broker without an active real estate license; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as the broker.	98-026 - Commission vs. Buree Stovall		
Section 81-885.24(19) by failing to include a date of expiration on the listing contract; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically: Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and failing to obtain the signature of the seller on said document; Ch. 5-003.11 failing to identify to the purchaser, in writing, at the time an offer was written by the purchaser or a counter-offer was accepted by the purchaser, those categories of costs the purchaser would be expected to pay at closing, failing to prepare a written estimate of the costs the purchaser would be expected to pay at closing and failing to obtain a signature of the purchaser on said written document; Ch. 5-003.14 by failing earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Ch. 5-003.24 and 71-2120 by, when acting as an agent of the purchaser, the Respondent failed to obtain the signed receipt of the purchaser on the Seller Property Condition Disclosure Statement; Ch. 5-003.07 and Ch. 5-003308 by failing to comply with 76-2401 through 76-2430 in the following particulars: 76-2421 by failing to provide a written copy of , or properly complete, the current brokerage disclosure pamphlet to a seller or buyer who is not entered	1999-035 - Commission vs. Charles E. Degaillez	December 14, 1999	Stipulation and Consent Order. License suspended for two years, with said suspension stayed and served on probation, from December 14, 1999 through December 13, 2001; plus twelve (12) hours of additional continuing education to include three (3) hours in trust accounts, three (3) hours agency, three (3) hours in license law, and three (3) hours in disclosures.

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<p>into a written agreement for brokerage services wit a designated broker at the earliest practicable opportunity during or following the first substantial contact, 76-2419 by failing to obtain the written consent of the buyer and seller to act as a dual agent, 76-2422 and 76-2417 by acting as a limited agent for the seller without entering into a written agency agreement; 81-8853.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.</p>	<p>1999-035 - Commission vs. Charles E. Degaillez</p>		
<p>Section 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically: Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 5-003.10 by failing to identify to the seller, in writing, at the time the offer was presented and accepted, those categories of cost the seller would be expected to pay at closing, failing to prepare a written estimate of the costs the seller would be expected to pay at closing, and by failing to obtain the signature of the seller on said document; Ch. 5-003.14 by failing to deposit any funds received as an earnest money deposit within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Title 299, N.A.C. Ch. 5-003.07 and Ch. 5-003.08 by failing to comply with 76-2421 by failing to provide a written copy of the current brokerage disclosure pamphlet to a seller or buyer who is not entered into a written agreement for brokerage services with a designated broker at the earliest practicable opportunity substantial contact; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.</p>	<p>1999-036 - Commission vs. Michele Williams</p>	<p>December 14, 1999</p>	<p>Stipulation and Consent Order. License suspended for two years, with said suspension stayed and served on probation, from December 14, 1999 through December 13, 2001; plus twelve (12) hours of additional continuing education to include three (3) hours in trust accounts, three (3) hours in agency, three (3) hours in license law, and three (3) hours in disclosures.</p>

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Section 76-2421 in that the Respondent failed, at the earliest practicable opportunity during or following the first substantial contact with the Buyers who had not entered into a written agreement for brokerage services with a designated broker, to provide the Buyers with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing the types of brokerage relationships the designated broker and Respondent are offering to the Buyers and by failing to disclose in writing to the Buyers who Respondent is representing; 81-885.24(29) by demonstrating negligence to act as a salesperson.	2000-023 - Commission vs. Steven W. Stueck	December 4, 2000	License suspended for thirty (30) days from December 4, 2000, through January 2, 2001, with entire period stayed and served on probation; plus an additional three (3) hours of continuing education in the area of agency to be completed by June 3, 2001.
Section 76-2421 by failing, at the earliest practicable opportunity during or following the first substantial contact with the Buyers who had not entered into a written agreement for brokerage services with a designated broker, to provide the Buyers with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing to the Buyers who Respondent is representing; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically, Title 299, N.A.C. Ch. 5-003.24 by failing, as an agent of the Buyers, to assure that a copy of the Seller Property Condition Disclosure Statement was delivered to the Buyers on or before the effective date of any contract entered into which binds the Buyers to purchase residential real property and to obtain the signed receipt of the Buyers; 81-885.24(29) by demonstrating negligence to act as a salesperson.	2000-024 - Commission vs. Louis P. Beau	December 4, 2000	License suspended for thirty (30) days from December 4, 2000, through January 2, 2001, with entire period stayed and served on probation; plus an additional six (6) hours of continuing education, including three (3) hours in the area of agency and three (3) hours in the area of disclosure, to be completed by June 3, 2001.
Section 76-2421 by failing, at the earliest practicable opportunity during or following the first substantial contact with the Buyers who had not entered into a written agreement for brokerage services with the designated broker, to provide the Buyers with a written copy of the current brokerage	2001-007 - Terry & Pamela Weldin vs. H. James Merrigan	May 22, 2001	Stipulation and Consent Order. License suspended for thirty (30) days, with entire period stayed and served on probation from May 22, 2001, through June 20, 2001; plus an additional six (6) hours of

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<p>disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing the types of brokerage relationships the Respondent is offering to the Buyers and by failing to disclose in writing to the Buyers who Respondent is representing; 76-2422(4) by acting as a dual agent without obtaining the written agreement of the Buyer and Seller; 76-2419(1) by acting as a dual agent without the informed consent of all parties to the transaction; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act; specifically, the stipulated facts demonstrate a violation of Title 299, NAC, Ch. 5-003.09 by acting for more than one party in a transaction without the informed written consent of all parties involved in the transaction; 81-884.24(29) by demonstrating negligence.</p>	<p>2001-007 - Terry & Pamela Weldin vs. H. James Merrigan</p>		<p>continuing education including three (3) hours in the area of agency and three (3) hours in the area of disclosures to be completed by November 21, 2001.</p>
<p>Section 81-885.21(2) by failing to notify the Commission of the name of the bank in which a trust account is maintained and provide the name of the account on forms provided by the Commission; 81-885.24(26) by violating any rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with Nebraska Real Estate License Act, specifically: Title 299, N.A.C. Ch. 3-002 by failing to maintain a bookkeeping system which clearly and accurately discloses full compliance with the laws relating to the maintaining of trust accounts; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to forthwith transfer earnest money to the listing broker; Ch. 5-003.10 by failing to identify in writing to the seller at the time an offer is presented and accepted, those categories of cost the seller will be expected to pay at closing, as well as preparing a written estimate of the costs the seller will be expected to pay at closing; Ch. 5-003.11 by failing to identify in writing to a purchaser, at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser,</p>	<p>2001-015 - Commission vs. Elaine R. Richman</p>	<p>May 22, 2001</p>	<p>Stipulation and Consent Order. Broker's license surrendered on May 29, 2001, and Salesperson's license issued on suspension from May 29, 2001, through June 11, 2001; salesperson license can only be active under supervision of Bruce R. Richman; plus an additional six (6) hours of continuing education to include three (3) hours in the area of agency and three (3) hours in the area of disclosures to be completed by November 21, 2001.</p>

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<p>those categories of costs the purchaser will be expected to pay at closing as well as preparing a written estimate of the costs the purchaser will be expected to pay at closing; Ch. 5-003.14 by failing to deposit any funds received as earnest money within 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; 76-2421(1) by failing, at the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with the designated broker, to disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; 76-2422(4) by acting as a dual agent without first obtaining a written agreement of the seller and buyer or landlord or tenant permitting the designated broker to serve as a dual agent in the proposed transaction; 76-2422(2) by acting as a selling agent without entering into a written agency agreement with a seller in a transaction; 81-885.24(29) by demonstrating negligence.</p>	<p>2001-015 - Commission vs. Elaine R. Richman</p>		
<p><u>G. Barnard</u>: Section 76-2421 by failing, at the earliest practical opportunity during or following the first substantial contact with sellers who have not entered into a written agreement for brokerage services with the designated broker, to disclose in writing to those persons the types of brokerage relationships that the designated broker and affiliated licensees are offering to the persons or disclose in writing to the persons which party the licensee is representing; 81-885.24(26) by violating a rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, specifically, Title 299, NAC, Ch. 5-003.10 by failing to identify in writing at the time the offers were presented and accepted, those categories of cost the seller</p>	<p>2001-001, 2001-002, 2001-029 - Ronald E. & Julie A. Belding vs. Gary A. Barnard; Ronald P. & Vicki A. Hasley vs. Gary A. Barnard & Kerri Ann Barnard; Kevin Patrick McNenny & Frances Morrisette McNenny vs. Gary A. Barnard</p>	<p>December 18, 2001</p>	<p><u>G. Barnard</u>: Stipulation and Consent Order. License suspended for one (1) year from December 19, 2001, through December 18, 2002, with the first thirty (30) days served and the remainder served on probation; plus an additional twelve (12) hours of continuing education including three (3) hours in the area of disclosure, six (6) hours in the area of agency, and three (3) hours in the area of property exchanges to be completed by June 17, 2002. <u>Barnard Swoboda</u>: Stipulation and Consent Order. License censured; plus an</p>

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<p>will be expected to pay at closing and by failing to prepare a written estimate of cost the seller will be expected to pay, to the extent the necessary cost information is reasonably available; Ch. 5-003.20 by failing to inform a buyer of zoning restrictions that might apply to certain real estate and could have an adverse impact upon Belding's intended use of the property; 81-885.24(29) by demonstrating incompetency to act as a broker by failing to exercise reasonable skill and care for his client Belding, failing to inform Belding of the zoning restrictions that might apply to property he purchased and which could have an adverse impact upon Belding's intended use of the property, and by failing to disclose a buyer knowledge of a lawsuit regarding the title to property owned by the Hasleys. <u>Barnard Swoboda</u>: Section 81-885.24(22) when Respondent made the representation that she was a Limited Buyer's Agent rather than a Limited Seller's Agent; 81-885.24(26) by violating a rule or regulation promulgated by the Commission in the interest of the public, specifically, Title 299, NAC, Ch. 5-003.23, by failing as an agent of the seller to deliver a copy of the Seller Property Condition Disclosure Statement to the purchaser before the effective date of any contract entered into which binds the purchaser to purchase the real estate; 81-885.24(29) by demonstrating negligence.</p>	<p>2001-001, 2001-002, 2001-029 - Ronald E. & Julie A. Belding vs. Gary A. Barnard; Ronald P. & Vicki A. Hasley vs. Gary A. Barnard & Kerri Ann Barnard; Kevin Patrick McNenny & Frances Morrisette McNenny vs. Gary A. Barnard</p>		<p>additional six (6) hours of continuing education in the area of agency to be completed by June 17, 2002.</p>
<p><u>Kirkeby</u>: Title 299, N.A.C. Ch. 5-003.14 by the failure of his associate broker to deposit funds received as earnest money deposits within 48 hours or before the end of the next banking day after an offer is accepted, in writing; Ch. 5-003.22 by failing to supervise his associate brokers and salespersons, specifically Respondent Dreyer, in the transactions set forth herein above; 76-2420(1) by failing to adopt a written policy which the designated broker and affiliated licensees may engage with any seller, landlord, buyer, or tenant as part of any real estate brokerage activities.</p>	<p>2001-046 - Commission vs. Kenneth Lloyd Kirkeby & Melvin R. Dreyer</p>	<p>January 24, 2002</p>	<p><u>Kirkeby</u>: Stipulation and Consent Order. License suspended for thirty (30) days from February 4, 2002, through March 5, 2002; plus an additional nine hours of continuing education including three (3) hours in the area of agency, three (3) hours in the area of license law, and three (3) hours in the area of disclosures to be completed by August 4, 2002. <u>Dreyer</u>: Stipulation and Consent Order. License suspended for sixty (60) days</p>

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<p>Dreyer: Title 299, N.A.C. Ch. 2-003 as his advertising for the parcels in question failed to 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; respondent Dreyer's advertising was not under the direct supervision of his broker and was not in the name his broker was conducting business as recorded with the Commission. Said advertising constitutes misleading or inaccurate advertising pursuant to 81-885.24(2) of the Nebraska Real Estate License Act; Ch. 5-003.09 by acting for more than one party in a transaction without the Nebraska-approved informed written consent of all parties involved in the transaction as required by the Rules and Regulations of the Commission. Respondent Dreyer failed to obtain the written agreement of said parties as well as Respondent Dreyer's employing broker prior to acting in such a manner in a form required by the Rules and Regulations of the Commission; 81-885.24(24) by failing to deposit within forty-eight (48) hours, in the trust account of his employing broker, deposit money entrusted to him by any person dealing with him as the representative of his licensed broker; Ch. 5-003.23 by failing, as the agent of the Seller, to assure that a copy of the Seller Property Condition Disclosure Statement approved by the Commission was delivered to the purchaser or to the agent of the purchaser on or before the effective date of any contract entered into on or after January 1, 1995, which binds the purchaser to purchase the residential real estate property; 76-2421(1)(a)&(b) by failing at the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, to provide that person with a written copy of the current brokerage disclosure pamphlet prepared and approved by the Commission; 76-2422(2) by failing, before engaging in any of the activities enumerated in</p>	<p>2001-046 - Commission vs. Kenneth Lloyd Kirkeby & Melvin R. Dreyer</p>		<p>from February 4, 2002, through April 4, 2002; plus an additional nine (9) hours of continuing education including three (3) hours in the area of agency, three (3) hours in the area of license law, and three (3) hours in the area of disclosures to be completed by August 4, 2002.</p>

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<p>subdivision (2) of 81-885.01, to enter into a Nebraska written Agency Agreement with the Seller, which agreement shall include a licensee's duties and responsibilities as specified in 76-2417, the terms of compensation, and whether an offer of subagency may be made to any other designated broker; 76-2422(3) by entering into a written Agency Agreement with the Buyer which did not meet the requirements of the Nebraska Agency Relationships Statutes. Said Agreement shall include a licensee's duties and responsibilities as specified in 76-2418, the terms of compensation, and whether an offer of subagency may be made to any other designated broker; 76-2422(4) by failing to obtain the written agreement of the seller and buyer permitting the designated broker to serve as a dual agent in the proposed transaction in a form required by the Agency Relationships Statutes before engaging in any of the activities enumerated in subdivision (2) of 81-885.01. Respondent Dreyer's South Dakota Real Estate Relationships Disclosure form further failed to include a licensee's duties and responsibilities as specified in 76-2419 or the terms of compensation; 81-885.24(2) by using advertising which is deemed misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted, in that the auction sale bill, failed to identify the name under which Respondent Dreyer's designated broker is conducting business as recorded with the Commission; 81-885.24(29) by demonstrating negligence to act as a broker, associate broker, or salesperson by utilizing individuals not licensed to sell real estate in Nebraska when selling the four parcels in question.</p>	<p>2001-046 - Commission vs. Kenneth Lloyd Kirkeby & Melvin R. Dreyer</p>		
<p>Section 81-885.24(22) by making a substantial misrepresentation; 81-885.24(26) by violating any rule or regulation adopted and promulgated by the Commission in the interest of the public and consistent with the Nebraska</p>	<p>2001-038 - William J. & Cindy C. Sarraillon vs. Vincent Muniz, Jr.</p>	<p>April 3, 2002</p>	<p>Stipulation & Consent Order. License suspended for thirty (30) days with entire period served on probation from April 3, 2002, through May 2, 2002; plus an</p>

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<p>Real Estate License Act, specifically, Title 299, N.A.C., Ch. 5-003.07 by failing to comply with the requirements set forth in 76-2401 through 76-2430, particularly, 76-2418(1)(b) by representing a buyer but failing to exercise reasonable skill and care for the client; 76-2419 by failing to perform the terms of the written agreement and exercise reasonable skill and care for the client and promote the interest of the client with the utmost good faith, loyalty and fidelity; 76-2421(1) by failing, at the earliest practicable opportunity during or following the first substantial contact with the seller or buyer who has not entered into a written agreement for brokerage services to provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission and disclose in writing which party the licensee is representing; 81-885.24(29) by demonstrating negligence to act as a salesperson.</p>	<p>2001-038 - William J. & Cindy C. Sarraillon vs. Vincent Muniz, Jr.</p>		<p>additional six (6) hours of continuing education, including three (3) hours in the area of agency and three (3) hours in the area of license law to be completed by October 2, 2002.</p>
<p>Section 76-2421(1) by failing, at the earliest practical opportunity during or following the first substantial contact with the potential tenant, who had not entered into a written agreement for brokerage services with a designated broker, to provide that person with a copy of the current Brokerage Disclosure Pamphlet which had been prepared and approved by the Commission and failing to disclose in writing to the potential tenant the types of brokerage relationships the designated broker and affiliated licensees were offering to that person or to disclose in writing to the potential tenant which party Respondent was representing.</p>	<p>2002-003 - Commission vs. Gary Lee Huber</p>	<p>April 3, 2002</p>	<p>Stipulation & Consent Order. License suspended for thirty (30) days with entire period served on probation from April 3, 2002, through May 2, 2002; plus an additional three (3) hours of continuing education in the area of agency to be completed by October 2, 2002.</p>
<p>Section 81-885.24(2) by intentionally using advertising which is misleading and inaccurate in any material particular or in any way misrepresents any property, terms, values, policies or services of the business conducted, specifically, advertising a 4.91 acre parcel as 8 acres in the Omaha World Herald on June 4, 2000; 81-885.24(22) by making a</p>	<p>2002-024 - Allan & Susan Arp vs. Richard Merle Wardell</p>	<p>December 11, 2002</p>	<p>Stipulation & Consent Order. License censured; plus an additional six (6) hours of continuing education, including three (3) hours in the area of agency and three (3) hours in the area of license law to be completed by February 10, 2003.</p>

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<p>misrepresentation, specifically, that the property was represented by Respondent to be approximately 8 acres when said property was 4.91 acres; 81-885.24(29) by demonstrating negligence to act as an Associate Broker; 76-2421(1) by failing at the earliest practicable opportunity during or following the first substantial contact with the seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, to provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission, by failing to disclose in writing to that person the type of brokerage relationships a designated broker and affiliated licensees are offering to that person, and by failing to disclose in writing to that person which party the licensee is representing, specifically, failed to complete an Acknowledgment of Disclosure form with the Complainants on or before June 5, 2000.</p>	<p>2002-024 - Allan & Susan Arp vs. Richard Merle Wardell</p>		
<p>Section 76-2418(1)(b) by failing to exercise reasonable skill and care for the client; 76-2421 by failing, at the earliest practicable opportunity during or following the first substantial contact with a buyer, who has not entered into a written agreement for brokerage services with a designated broker, to provide the buyer with a written copy of the current brokerage disclosure pamphlet and disclose in writing the type of brokerage relationships the designated broker and affiliated licensees are offering or disclose in writing to the buyer which party the Respondent is representing.</p>	<p>2002-015 - Janelle A. Zeleny vs. Steven Lee Scherich</p>	<p>January 29, 2003</p>	<p>Stipulation & Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of agency and 3 hours in the area of ethics, to be completed by July 31, 2003.</p>
<p>Section 76-2421, failing at the earliest practicable opportunity during or following the first substantial contact with the buyers who had not entered into a written agreement for brokerage services with a designated broker, to provide the buyers with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission.</p>	<p>2002-016 - Commission vs. Steven Robert Evers</p>	<p>March 5, 2003</p>	<p>Stipulation & Consent Order. License censured; plus an additional 3 hours of continuing education in the area of agency to be completed by May 28, 2003.</p>

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<p>Section 76-2418(1)(b) and (c) by failing to exercise reasonable skill and care for her client and by failing to promote the interests of the client with the utmost good faith, loyalty and fidelity, including: seeking a price in terms which are acceptable to the client and in that Respondent signed buyer's name to numerous documents relating to this transaction; 76-2421(1) in that Respondent failed at the earliest practicable opportunity during or following the first substantial contact with a buyer to provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission and to disclose in writing to that person types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a salesperson in that she failed at the earliest practicable opportunity during or following the first substantial contact with the buyer to provide buyer with a written copy of the current brokerage disclosure pamphlet, to disclose in writing to buyer the types of brokerage relationships Respondent was offering to the buyer and to disclose in writing to the buyer which party Respondent was representing and by signing buyer's name to the transaction documents.</p>	<p>2003-035 - Commission vs. Mary Catherine Larsen</p>	<p>July 16, 2003</p>	<p>Stipulation & Consent Order. License revoked.</p>
<p>Section 76-2418(1) by failing to exercise reasonable skill and care for the buyers and by failing to promote the interests of the client with the utmost good faith, loyalty and fidelity in that Respondent did not allow the buyers to have a furnace and air-conditioning inspection, selected the closing date for Respondent's convenience, failed to discuss home inspections and home warranty plans and failed to allow the buyers to have a final walk-through inspection; 76-2419(2) in that Respondent failed to exercise reasonable skill and care for the buyers and to promote the interests of the buyers with</p>	<p>2003-021 - Commission vs. Gary William Smith</p>	<p>August 20, 2003</p>	<p>Stipulation & Consent Order. License suspended for 6 months, from September 1, 2003, through February 29, 2004, with the first 15 days served on suspension and the remainder of the period stayed and served on probation; plus an additional 6 hours of continuing education, including 3 hours in the area of agency and 3 hours in the area of license law, to be completed by February 29, 2004.</p>

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<p>the utmost good faith, loyalty, and fidelity, as follows: Respondent discouraged the buyers from having a furnace and air-conditioning inspection rather than encourage same, Respondent selected the closing date for Respondent's convenience rather than the convenience of the buyers, Respondent failed to discuss and recommend to the buyers home inspections and home warranty plans, and Respondent failed to recommend the buyers have a final walk-through prior to closing; 76-2421(1) by failing at the earliest practical opportunity during or following the first substantial contact with a buyer who has not entered into a written agreement for brokerage services with a designated broker to provide that person with a written copy of the current Brokerage Disclosure pamphlet, and by failing to disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person, or disclose in writing to that person which party the licensee is representing; 81-885.24(22) by demonstrating negligence, incompetency or unworthiness to act as a salesperson in that he failed at the earliest practicable opportunity during or following the first substantial contact with the buyers: to provide them with a written copy of the current Brokerage Disclosure Pamphlet, to disclose in writing to the buyers the types of brokerage relationships Respondent was offering to the buyers, and to disclose in writing to the buyers which party Respondent was representing and further, Respondent advised the buyers: the furnace and air-conditioning system worked fine and an inspection of same would be a waste of money.</p>	<p>2003-021 - Commission vs. Gary William Smith</p>		
<p><u>Haer</u>: Respondent Haer failed to timely complete an Acknowledgment of Disclosure statement with the buyers. Respondent Haer further agrees that he shall be considered a buyer's limited agent unless he obtains a written agency agreement from the seller, as specified in 76-2416(2). Respondent Haer agrees that he should have obtained, at</p>	<p>2003-047 - Commission vs. Gregory G. Haer & Roger A. Nieman</p>	<p>November 12, 2003</p>	<p><u>Haer</u>: Stipulation & Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of agency and 3 hours in the area of contracts, to be completed by February 9, 2004.</p>

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<p>the time of listing the property for sale, the written consent of the seller/builder and the buyers to serve as dual agent. Therefore, violated 76-2422(4); 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson; and 76-2421(1) by failing at the earliest practicable opportunity during or following the first substantial contact with a buyer to provide the buyers with a written copy of the current brokerage disclosure pamphlet which had been prepared and approved by the Commission, and failed to timely disclose in writing to the buyers the types of brokerage relationships the designated broker and affiliated licensees are offering to the buyers or to disclose in writing to the buyers which party the Respondents were representing.</p> <p><u>Nieman</u>: Respondent Nieman did not complete an Acknowledgment of Disclosure statement with the buyers until June 19, 2002. Therefore, violated 76-2421(1) by failing at the earliest practicable opportunity during or following the first substantial contact with a buyer to provide the buyers with a written copy of the current brokerage disclosure pamphlet which had been prepared and approved by the Commission, and failed to timely disclose in writing to the buyers the types of brokerage relationships the designated broker and affiliated licensees are offering to the buyers or to disclose in writing to the buyers which party the Respondents were representing; and 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.</p>	<p>2003-047 - Commission vs. Gregory G. Haer & Roger A. Nieman</p>		<p><u>Nieman</u>: Stipulation & Consent Order. License censured; plus an additional 3 hours of continuing education in the area of agency to be completed by February 9, 2004.</p>
<p>Section 76-2421(1) for failing at the earliest practicable opportunity during or following the first substantial contact with Buyer who had not entered into a written agreement for brokerage services with the designated broker, to provide Buyer with a written copy of the current brokerage disclosure pamphlet prepared and approved by the Commission, failed to disclose in writing to the Buyer the types of brokerage relationships Respondent was representing, specifically</p>	<p>2003-058 - Commission vs. Suzanne Marie Morehead</p>	<p>December 10, 2003</p>	<p>Stipulation & Consent Order. License censured; plus an additional 6 hours of continuing education, including 3 hours in the area of agency and 3 hours in the area of license law, to be completed by March 8, 2004.</p>

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Respondent showed properties to Buyer as early as December, 2002, and failed to complete the Acknowledgment of Disclosure for Buyer until January 27, 2003; 81-885.24(22) by making a substantial misrepresentation, that being the ten feet of vacated alley at the rear of Buyer's property was included in the property offered for sale to Buyer when in fact it was not; 81-885.24(29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson.	2003-058 - Commission vs. Suzanne Marie Morehead		
Section 76-2421(1) by failing at the earliest practicable opportunity during or following the first substantial contact with the prospective buyers to provide the prospective buyers with a written copy of the current brokerage disclosure pamphlet which had been prepared and approved by the Commission and failed to timely disclose in writing to the prospective buyers the types of brokerage relationships the designated broker and affiliated licensees are offering to the prospective buyer, or to disclose in writing to the prospective buyers which party respondents were representing.	2004-020 - Commission vs. Carla J. Mason, Broker, & Janell Dianne McMann	April 1, 2004	<u>Both</u> : Stipulation & Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by June 29, 2004.
Section 81-885.21(2) by failing to notify the Commission of a trust account and provide the name of the account on forms provided by the Commission; 81-885.24(26) by violating 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, specifically: Title 299, Ch. 3-001 by failing to preserve for five years, following its consummation, records relating to any real estate transaction; Ch. 3-002 by failing to maintain a bookkeeping system which accurately and clearly discloses full compliance with the laws relating to the maintaining of trust accounts, this includes failing to maintain sufficient broker equity to write checks unrelated to a real estate transaction; Ch. 3-006 by failing, in the case of cooperative sales between brokers, to forthwith transfer earnest money to the listing broker; Ch. 5-003-10 by failing to identify in writing to the	2004-005 - Commission vs. Buree Stovall	December 7, 2004	Hearing held November 18, 2004. License revoked.

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<p>seller at the time an offer is presented and accepted, those categories of costs the seller will be expected to pay at closing, as well as preparing a written estimate of the costs the seller will be expected to pay; Ch. 5-003.11 by failing to identify in writing to a purchaser, at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing and prepare a written estimate of the costs the purchaser will be expected to pay at closing; Ch. 5-003.14 which regulation became effective 9/3/2002 and was in effect through the remainder of the examination period, by failing to deposit any funds received as earnest money within 72 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Ch. 5-003.14, which regulation was in effect at all time relevant to this claim through 9/2/2002, by failing to deposit any funds received as earnest money with 48 hours or before the end of the next banking day after an offer is accepted, in writing, unless otherwise provided in the purchase agreement; Ch. 5-003.24 by failing to assure a copy of the Seller Property Condition Disclosure Statement was delivered to the purchaser on or before the effective date of any contract which binds the purchaser to purchase the residential real estate, and to obtain the signed receipt of the purchaser; 76-2421(1) by failing, at the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with the designated broker, to provide that person with a written copy of the current brokerage disclosure pamphlet prepared and approved by the Commission, and to disclose in writing to that person the types of brokerage relationships the designated broker is offering to the person or disclosing in writing to that person which party the licensee is</p>	<p>2004-005 - Commission vs. Buree Stovall</p>		

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<p>representing; 76-2422(4) by acting as a dual agent without first obtaining the written agreement of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent in the proposed transaction; 76-2422(2) by acting as a selling agent without entering into a written agency agreement with a seller in a transaction and by failing to have a fixed date of expiration in a brokerage agreement; 81-885.24(29) by demonstrating negligence, incompetency or unworthiness to act as a broker.</p>	<p>2004-005 - Commission vs. Buree Stovall</p>		
<p>Section 81-885.24 (3) Failing to account for and remit any money coming into his possession belonging to others; Neb. Rev. Stat. § 81-885.24 (4) Co-mingling client money or other property with his own; Neb. Rev. Stat. § 81-885.24 (5) Failing to maintain and deposit into a separate non-interest bearing checking account all money received by him unless all parties having an interest in the funds have agreed otherwise in writing; Neb. Rev. Stat. § 81-885.24 (22) Making a substantial misrepresentation; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; Neb. Rev. Stat. § 76-2421 (1) for failing, at the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; and, Neb. Rev. Stat. 76-2422 (6) by failing, before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, to establish an</p>	<p>2003- 038 - Commission vs. Mark Lester Stecker</p>	<p>January 12, 2005</p>	<p>Stipulation & Consent Order dated January 12, 2005. License suspended for two (2) years from date license of license renewal for 2005 plus an additional six (6) hours of continuing education, including three (3) in farm brokerage and three (3) in farm management to be completed within the two year suspension period. If not completed the suspension remains in effect until successful completion of the courses.</p>

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<p>agency relationship with any party or parties to a transaction in which the designated broker's duties and responsibilities exceed those contained in sections 76-2417 and 76-2418, to enter into a written agency agreement with a party or parties to the transaction to perform services on their behalf. The agreement shall specify the agent's duties and responsibilities, including any duty of confidentiality, and the terms of compensation.</p>	<p>2003- 038 - Commission vs. Mark Lester Stecker</p>		
<p>Section 76-2421(1) by failing, at the earliest practicable opportunity during or following the first substantial contact with a buyer who has not entered into a written agreement for brokerage services with a designated broker, to provide that person with a written copy of the current brokerage disclosure pamphlet with has been prepared and approved by the commission and disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing.</p>	<p>2005-010 - Commission vs. Lisa Marie (McGuire) Kelly</p>	<p>May 16, 2005</p>	<p>Stipulation & Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of Agency, to be completed by August 8, 2005.</p>
<p>Section 81-885.24 (16) by violating any provision of sections 76-2401 through 76-2430, specifically, Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with the seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing.</p>	<p>2004-014- Donald Christopher Miller vs. Timothy Kuchta Jr.</p>	<p>October 13, 2005</p>	<p>Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of Agency, to be completed by December 12, 2005.</p>

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<p>Section 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the Commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person which party the licensee is representing; and, Neb. Rev. Stat. § 81-885.24 (29) by demonstrating negligence, incompetency, or unworthiness to act as a salesperson by failing to complete the required Agency Acknowledgement of Disclosure.</p>	<p>2005-050 - Barry and Peggy Franzen vs. Debbie A. Runge-Jesch</p>	<p>February 23, 2006</p>	<p>Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by April 17, 2006.</p>
<p>Section 76-2417 (1) A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, including: (iii) Disclosing in writing to the client all adverse material facts actually known by the licensee; and (iv) Advising the client to obtain expert advice as to material matters about which the licensee knows but the specifics of which are beyond the expertise of the licensee; (2) A licensee acting as a seller's or landlord's agent shall not disclose any confidential information about the client unless disclosure is required by statute, rule, or regulation or failure to disclose the information would constitute fraudulent misrepresentation. No cause of action for any person shall arise against a licensee acting as a seller's or landlord's agent for making any required or permitted disclosure; Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant</p>	<p>2006-039 - Commission vs. Ronald A. Henn</p>	<p>August 24, 2006</p>	<p>Stipulation and Consent Order. License suspended for a period of one (1) year with the first four (4) months served on actual suspension and the remainder of the suspension stayed and served on probation. Suspension period to commence on September 1, 2006. Plus an additional twelve (12) hours of continuing education with (3) hours each being in the areas of agency, license law, disclosures, and ethics, all to be completed by January 31, 2007.</p>

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<p>who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; Neb. Rev. Stat. § 76-2422 (2) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to establish a single agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee's duties and responsibilities specified in section 76-2417 and the terms of compensation and shall specify whether an offer of subagency may be made to any other designated broker; Neb. Rev. Stat. § 81-885.24 (22) Making any substantial misrepresentations; Neb. Rev. Stat. § 81-885.24 (23) Acting for more than one party in a transaction without the knowledge of all parties for whom he or she acts; Neb. Rev. Stat. § 81-885.24(26) Violating 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; Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; Title 299 Chapter 3-007 In the event of a dispute over the return or forfeiture of any earnest deposit held by a broker, the broker shall continue to hold said deposit in his or her trust account until he or she has a written release from all parties consenting to its disposition or until a civil action is filed to determine its disposition at which time the broker may pay it into court; and, Title 299 Chapter 5 -003.09 Failure to</p>	<p>2006-039 - Commission vs. Ronald A. Henn</p>		

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<p>obtain the informed written, signed, and dated consent of all parties involved in a transaction prior to a licensee acting for more than one party in the transaction. Informed written consent means that the licensee must obtain the written agreement of said parties, as well as the licensee's employing broker, prior to acting in such a manner. A copy of said informed written consent shall be signed, dated, and maintained in the transaction file in accordance with 299 NAC 3-001. If no transaction results then the informed written consent shall be maintained by the licensee's employing broker for five years after the date of the agreement.] Henn failed to disclose an adverse material fact to the sellers; failed to advise the sellers to seek legal advice regarding statements made by a buyer; failed to advise the sellers regarding the earnest money deposit received from the buyer; and failed to advise the sellers regarding the effect of the assignment of the sale from one buyer to another buyer; Henn negotiated the assignment of the sale between sellers and buyer, to another buyer, without the consent of the sellers; Henn failed to advise a buyer to seek legal advice pertaining to a refund of the buyer's earnest money deposit; Henn disclosed confidential information to a buyer pertaining to the net price the sellers would take for the property; Henn negotiated the terms of the sale with a buyer before he entered into a listing agreement with the sellers; Henn did not have a listing agreement with one of the buyers (now the seller) when he negotiated the assignment of the sale from the buyer to another buyer; Henn assisted in the procurement of a buyer on property he did not have listed for sale; Henn failed to complete an agency disclosure with the sellers on his first substantial contact; Henn falsely disclosed to the sellers and a buyer that he was acting as a sellers' agent when he was in fact a buyer's agent; Henn failed to complete an agency disclosure with a buyer disclosing which party he was representing in the transaction; Henn falsely disclosed his agency status to both</p>	<p>2006-039 - Commission vs. Ronald A. Henn</p>		

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<p>the sellers and one of the buyers; Henn falsely advised the sellers about statements made by a buyer pertaining to the buyer completing the transaction; Henn failed to inform the sellers that he was assisting the original buyer in an assignment of the buyer's interest in the contract to another buyer; Henn disbursed the buyer's earnest money to the seller when the return of such money was disputed by the buyer; Henn improperly returned a buyer's earnest money to the buyer; Henn failed to obtain the written consent of the buyer and the sellers to act as a limited dual agent in the transaction; and Henn demonstrated negligence, incompetence, or unworthiness to act as a broker for violating all of the above.</p>	<p>2006-039 - Commission vs. Ronald A. Henn</p>		
<p>Section 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; 76-2422 (4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements</p>	<p>2006-025 - Gary and Patty Cranmer vs. Joan Elizabeth Kuehl</p>	<p>October 5, 2006</p>	<p>Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of license law and three (3) hours in the area of agency to be completed by January 3, 2007.</p>

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<p>of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property; 81-885.24 (16) Violating any provision of sections 76-2401 to 76-2430; and 81-885.24 (29) Demonstrating negligence to act as a broker. Kuehl failed to complete a commission-approved Agency Acknowledgment of Disclosure with the seller and buyer and Kuehl failed to obtain the informed written consent of the seller and buyer authorizing her to serve as a dual agent in the transaction.</p>	<p>2006-025 - Gary and Patty Cranmer vs. Joan Elizabeth Kuehl</p>		
<p>Section 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or</p>	<p>2007-042 - Commission vs. Tia Lyn Stratton</p>	<p>August 23, 2007</p>	<p>Stipulation and Consent Order. License censured; plus three (3) hours of additional continuing education in the area of agency, to be completed by February 19, 2008.</p>

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unworthiness to act as salesperson, for failing to complete the required Agency Disclosure.	2007-042 - Commission vs. Tia Lyn Stratton		
<p>Section 81-885.24 (29) Demonstrating incompetency or unworthiness to act as a broker, by accepting two Uniform Listing Contracts as the Sellers' Limited Agent, at a time when he knew that the two listings had been negotiated on behalf of his brokerage by the Nichols, and when he knew, or through the exercise of reasonable care should have known, that the Nichols were at the time employed by another employing broker, who had not given the Nichols the required prior written consent to represent another employing broker, Gary Bert Stoneburg, in connection with the listing and marketing for sale of the two properties.] <u>Mark A. Nichols</u>: Broker's license suspended for a period of one (1) year, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009. [Violated Neb. Rev. Stat. § 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker; 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person shall disclose, in writing, to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person; Title 299 NAC Chapter 2-010 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 81-885.24 (7) and (8), respectively, shall be given, in writing,</p>	2007-047 - Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols.	April 17, 2008	<p>Hearing held April 3, 2008. <u>Gary Bert Stoneburg</u>: Broker's license suspended for a period of one hundred and twenty (120) days with the entire suspension period stayed and served on probation, commencing on May 9, 2008, and continuing through September 6, 2008; plus an additional twelve (12) hours of continuing education with three (3) hours each in the area of agency, contracts, ethics and license law, to be completed by September 6, 2008.</p> <p><u>Mark A. Nichols</u>: Broker's license suspended for a period of one (1) year, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009.</p> <p><u>Beverly Alice Nichols</u>: Salesperson's license suspended for a period of twelve (12) months, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009; plus an additional six (6) hours of continuing education with three (3) hours each in the area of license law and agency, to be completed by November 3, 2008.</p>

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<p>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. Mark A. Nichols jointly negotiated two Uniform Listing Contracts on behalf of RE/MAX Advantage Real Estate and its designated broker, Respondent Gary Bert Stoneburg; obtained signatures of the two sellers on agency disclosure forms which identified Gary Bert Stoneburg as the limited Sellers' Agent; failed to obtain the signatures of the two sellers on agency disclosure forms which identified each of the Nichols, or either of them, as Sellers' Limited Agents; and failed to obtain the required prior written consent from his then employing broker to represent another employing broker.] <u>Beverly Alice Nichols:</u> Salesperson's license suspended for a period of twelve (12) months, with the entire suspension period stayed and served on probation, commencing on May 7, 2008, and continuing through May 6, 2009; plus an additional six (6) hours of continuing education with three (3) hours each in the area of license law and agency, to be completed by November 3, 2008. [Violated Neb. Rev. Stat. § 81-885.24 (7) Representing or attempting to represent a real estate broker, other than the employer, without the express knowledge and consent of the employer; 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person shall disclose, in writing, to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person; Title 299 NAC Chapter 2-010 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 81-885.24 (7) and (8), respectively, shall be given, in writing, by the broker</p>	<p>2007-047 - Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols</p>		

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<p>in advance of the licensee representing the other broker or the acceptance of the commission or other valuable consideration from the other party. Beverly Alice Nichols jointly negotiated two Uniform Listing Contracts on behalf of RE/MAX Advantage Real Estate and its designated broker, Respondent Gary Bert Stoneburg; obtained signatures of the two sellers on agency disclosure forms which identified Gary Bert Stoneburg as the Sellers' Limited Agent; failed to obtain the signatures of the two sellers on agency disclosure forms which identified each of the Nichols, or either of them, as Sellers' Limited Agents; and failed to obtain the required prior written consent from her then employing broker to represent another employing broker.</p>	<p>2007-047 - Commission vs. Gary Bert Stoneburg, Mark A. Nichols, and Beverly Alice Nichols</p>		
<p>Section 76-2421 (1) Licensee offering brokerage services; duties. (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing. Respondent Sellman failed to have the buyers sign an Agency Disclosure at the earliest practicable opportunity during or following first substantial contact with the parties.</p>	<p>2008-029 - Commission vs. Shirley Jean Sellman</p>	<p>September 26, 2008</p>	<p>Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by March 25, 2009.</p>
<p>Section 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall:</p>	<p>2008-041 - Commission vs. Farrell F. Ross</p>	<p>January 22, 2009</p>	<p>Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education with three (3) hours in the area of license law and three hours in the area of agency, to be completed by July 21, 2009.</p>

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(a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing and 81-885.24 (11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or his or her authorized agent. Ross failed to have the buyers sign and date the Agency Disclosure on August 13, 2007 and placed a For-Sale sign on the property without written consent to place such sign.	2008-041 - Commission vs. Farrell F. Ross		
Section 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; for failing to complete an Agency Acknowledgment of Disclosure on first substantial contact with the buyers; and violated 76-2422 (4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller	2009-020 - Commission vs. Candice Jo Troia	May 21, 2009	Stipulation and Consent Order. License censured; plus an additional three (3) hours of additional continuing education in the area of agency, to be completed by November 22, 2009.

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<p>or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property. Troia failed at the time the transaction became property specific, to have the seller and buyers re-sign the Consent To Dual Agency Agreement thereby reconfirming Troia's status as a limited Dual Agent in the transaction.</p>	<p>2009-020 - Commission vs. Candice Jo Troia</p>		
<p><u>Slatten</u> violated Title 299 Chapter 3 Section 001 It shall be the duty of every broker to preserve for five years, following its consummation, records relating to any real estate transaction. Slatten failed to locate real estate transaction files pertaining to two (2) transactions during the 3 ½ months which elapsed between the initial examination and the follow-up examination. Violated Title 299 Chapter 3 Section 002 Every broker shall maintain a bookkeeping system which will accurately and clearly disclose full compliance with the law relating to the maintaining of trust accounts. Slatten failed to identify a running cash balance after each bookkeeping entry in the General Ledger and failing to prepare sub-ledgers on 49 of 56 real estate sales transactions. Violated Title 299 Chapter 5 Section 003 (11) Failure of the licensee to identify in writing to the prospective purchaser-client, or to a purchaser-customer if offered pursuant to Neb. Rev. Stat. 76-2421 (3) (b), at the time an</p>	<p>2008-004 - Commission vs. Michael Dean Slatten and Gary Thomas Thompson</p>	<p>May 22, 2009</p>	<p>Hearing held May 22, 2009. <u>Slatten</u>: License suspended for two (2) years, with the first thirty (30) days actually served on suspension, and the remainder of the two (2) year suspension period stayed and served on probation, to commence on July 13, 2009, and continuing through August 11, 2009, followed by the probation period which will continue through July 13, 2011, plus an additional six (6) hours of continuing education to include three (3) hours in the area of trust accounts and three (3) hours in the area of license law to be completed by July 13, 2010. Slatten's real estate broker's license is restricted in that he is absolutely barred indefinitely into the future from acting as a</p>

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<p>offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing. At the same time, the licensee shall prepare a written estimate of the costs the purchaser will be expected to pay at closing, to the extent the necessary cost information is reasonably available. Said written information shall be signed and dated by the purchaser. A copy of the signed and dated document shall be given to the purchaser and, when a transaction results, one copy shall be maintained in the transaction file in accordance with 299 NAC 3-001. Slatten failed to maintain an estimated buyer closing cost statement for three (3) transactions and failed to have the buyer date and sign the estimated closing cost statement on one (1) transaction. Violated Title 299 Chapter 5 Section 003 (14) Failure to deposit any funds received as an earnest money deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided in the purchase agreement. Slatten failed to deposit earnest money within 72 hours or before the end of the next banking day after an offer was accepted in three (3) transactions. Violated Title 299 Chapter 5 Section 003 (19) Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities. Slatten failed to supervise the person hired to assist Respondents in their licensed real estate activities. Violated Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the</p>	<p>2008-004 - Commission vs. Michael Dean Slatten and Gary Thomas Thompson</p>		<p>designated broker, employing broker or managing broker. Upon completion of the two (2) year suspension/probation period, Slatten may apply to the Commission for removal of the above-described restrictions, provided that he personally appear before the Commission for consideration of this request and the Commission passes a motion approving the removal of such restrictions on his real estate broker's license.</p> <p><u>Thompson</u>: License suspended for two (2) years, with the first year served on suspension and the second year of the suspension period stayed and served on probation. Suspension period to commenced on December 1, 2009 and will continue through December 1, 2010, followed by the probation period which will continue through December 1, 2011; plus an additional six (6) hours of continuing education to include three (3) hours in the area of trust accounts and three (3) hours in the area of license law. Education to be completed by December 1, 2010. Thompson must also develop written policies and procedures for governing the maintenance of transaction files and trust account records in all of his real estate offices; submit said written policies and procedures to the Commission for review and approval; and submit to the Commission by December 1, 2010, satisfactory documented proof that said</p>

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<p>designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing. Slatten failed to maintain a signed and dated Agency Disclosure from the respective buyers in three (3) transactions and failed to maintain a signed and dated Agency Disclosure from the respective seller in two (2) transactions. And violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by his actions as detailed above. <u>Thompson</u> violated Title 299 Chapter 3 Section 002 Every broker shall maintain a bookkeeping system which will accurately and clearly disclose full compliance with the law relating to the maintaining of trust accounts. Thompson failed to identify a running cash balance after each bookkeeping entry in the General Ledger, and failed to prepare sub-ledgers on 49 of 56 real estate sales transactions. Violated Title 299 Chapter 5 Section 003 (11) Failure of the licensee to identify in writing to the prospective purchaser-client, or to a purchaser-customer if offered pursuant to Neb. Rev. Stat. 76-2421 (3) (b), at the time an offer is written by the purchaser or a counter offer is accepted by the purchaser, those categories of costs the purchaser will be expected to pay at closing. At the same time, the licensee shall prepare a written estimate of the costs the purchaser will be expected to pay at closing, to the extent the necessary cost information is reasonably available. Said written information shall be signed and dated by the purchaser. A copy of the signed and dated document shall be given to the purchaser and, when a transaction results, one copy shall be maintained in the transaction file in accordance with 299 NAC 3-001. Thompson failed to maintain an estimated buyer closing cost statement on three (3) real estate transactions, and failed to have the buyer date and sign the estimated closing cost statement on one (1) transaction. Violated Title 299 Chapter 5 Section 003 (14) Failure to deposit any funds received as an earnest money</p>	<p>2008-004 - Commission vs. Michael Dean Slatten and Gary Thomas Thompson</p>		<p>policies and procedures have been implemented in all of his real estate offices. Appealed Commission's decision of May 26, 2009, to District Court. Filed Application for Stay on penalty and Petition for Review. Hearing scheduled for July 1, 2009. Stay Granted. Commission filed Motion to Dismiss. October 2, 2009, Case dismissed by District Court</p>

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<p>deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided in the purchase agreement. Thompson failed to deposit earnest money within 72 hours or before the end of the next banking day after an offer was accepted in three (3) transactions. Violated Title 299 Chapter 5 Section 003 (19) Failure by any licensee to supervise persons hired to assist the licensee in his or her licensed real estate activities. Thompson failed to supervise the person hired to assist Respondents in their licensed real estate activities. Violated Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing. Thompson failed to maintain a signed and dated Agency Disclosure from the respective buyers in three (3) transactions, failed to maintain a signed and dated Agency Disclosure from the respective seller in two (2) transactions. Violated Title 299 Chapter 5 Section 003 (22) Failure by a designated or employing broker to supervise his or her associate brokers and salespersons. Thompson failed to supervise Slatten in Slatten's conduct of licensed real estate activities and his management of the Omaha branch office. And violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Thompson failed, whether of the same or of a different character as otherwise</p>	<p>2008-004 - Commission vs. Michael Dean Slatten and Gary Thomas Thompson</p>		

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specified in this section, by his actions as detailed above.	2008-004 - Commission vs. Michael Dean Slatten and Gary Thomas Thompson		
<p>Section 76-2417 (1) A licensee representing a seller or landlord as a seller's agent or a landlord's agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity. Kester allowed this transaction to close, and failed to obtain the required Deed of Reconveyance from U.S. Bank as required by the Title Insurance Commitment date April 10, 2008. Violated 76-2422 (2) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to establish a single agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee's duties and responsibilities specified in section 76-2417, the terms of compensation, a fixed date of expiration of the agreement, and whether an offer of subagency may be made to any other designated broker, except that if a licensee is a limited seller's agent for a builder, the terms of compensation may be established for a specific new construction property on or before the builder's acceptance of a contract to sell. Kester failed to have a written listing agreement with the seller. Violated 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the</p>	2009-019 - Commission vs. Sandra Kay Kester	June 30, 2009	Stipulation and Consent Order. License suspended for a period of six (6) months, with the first thirty (30) days served on suspension and the remainder of the suspension period stayed and served on probation. The suspension commenced on July 28, 2009, and will continue through August 27, 2009. The probationary period will commence on August 28, 2009, and continue through January 26, 2010; plus an additional nine (9) hours of continuing education with three (3) hours in the area of license law, three (3) hours in the area of contracts and three (3) hours in the area of agency, to be completed by December 27, 2009.

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<p>designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing. Kester failed to complete an Agency Disclosure with the buyers on September 21, 2007. And violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson. Kester failed to obtain a Deed of Reconveyance from U. S. Bank as required by the Title Insurance Commitment issued on April 10, 2008, failed to have a written Listing Agreement with the seller and failed to complete an Agency Disclosure with the buyers.</p>	<p>2009-019 - Commission vs. Sandra Kay Kester</p>		
<p>King and Bunach violated Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; by failing at the earliest practicable opportunity during or following the first substantial contact to have the buyer sign an Agency Disclosure in which King and Bunach disclosed they were limited Seller's Agents and the buyer was an unrepresented customer. King and Bunach violated 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; by failing to obtain sufficient information pertaining to the lot lines of the property being sold at public auction, so they could properly inform potential buyers as to what they were actually purchasing should they</p>	<p>2008-027 - Justin and Laura Anderson vs. Brian Michael King and Michael Raymond Bunach and, 2009-031 - Nebraska Real Estate Commission vs. Brian Michael King and Michael Raymond Bunach</p>	<p>October 15, 2009</p>	<p>Stipulation and Consent Order. King's and Bunach's real estate license suspended for a period of six (6) months, with the first sixty (60) days served on suspension and the remainder of the suspension period stayed and served on probation. The suspension period of commenced on November 4, 2009 and will continue through January 2, 2010. The suspension period will be followed by a probation period which will commence on January 3, 2010, and continue through May 3, 2010; plus King and Bunach shall complete an additional nine (9) hours of continuing education to include three (3) hours in the area of disclosures, three (3) hours in the area of agency, and three (3) hours in the area of ethics to be completed by April 13, 2010.</p>

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<p>be the successful bidder, and, by failing at the earliest practicable opportunity during or following the first substantial contact, to have the buyer sign an Agency Disclosure in which King and Bunach disclosed they were limited Seller's Agents and the buyer was an unrepresented customer.</p>	<p>2008-027- Justin and Laura Anderson vs. Brian Michael King and Michael Raymond Bunach and, 2009-031 - Nebraska Real Estate Commission vs. Brian Michael King and Michael Raymond Bunach</p>		
<p>Nelms violated Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing. Nelms failed to complete the Agency Disclosure on his first substantial contact with the buyers.</p>	<p>2009-032 - Timothy P Conover and Linda K. Conover vs. James Leslie Nelms.</p>	<p>March 18, 2010</p>	<p>Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by September 14, 2010.</p>
<p>Swanson violated Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose</p>	<p>2010-014 - Commission vs. Regis A. Swanson</p>	<p>March 18, 2010</p>	<p>Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in the area of agency to be completed by September 14, 2010.</p>

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<p>in writing to that person which party the licensee is representing. Instead of Swanson having the buyers sign her Agency Disclosure in which she disclosed to them that she was acting as their Buyer's Agent, Swanson had the buyers sign an Agency Disclosure that identified the name of a different real estate licensee as the licensee representing them as a Buyer's Agent.</p>	<p>2010-014 - Commission vs. Regis A. Swanson</p>		
<p>Violated Neb. Rev. Stat. § 76-2418(1)(b) and (c) licensee representing a buyer, as a buyer's agent, agent shall be a limited agent with the following duties and obligations, (b) to exercise reasonable skill and care for the client; (c) to promote the interests of the client with the utmost good faith, loyalty, and fidelity, including (ii) presenting all written offers to and from the client in a timely manner, in that she failed to exercise reasonable skill and care for the Warneke buyers with regard to the transaction in question and failed to promote the interests of the Warneke buyers, by failing to present the Warnkes' \$33,500.00 offer of December 10, 2008 to the Listing Agent for the Seller; 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a buyer, who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person shall (a) provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing, in that she offered brokerage services, as an affiliated licensee, to the Warneke buyers and failed, at the earliest practicable opportunity following the first substantial contact with the Warneke buyers, to provide them with a written copy of the current brokerage disclosure pamphlet approved by the Commission and failed to disclose in writing to the Warneke buyers the type of brokerage</p>	<p>2009-056 - Commission vs. Brenda L. Whalen</p>	<p>February 17, 2011</p>	<p>Stipulation and Consent Order. License suspended for one (1) year, with the first sixty (60) days served on suspension and the ten (10) month remainder stayed and served on probation; plus an additional nine (9) hours of continuing education in the areas of agency law, ethics and contracts to be completed by June 17, 2011. Whalen shall pay a civil fine in the amount of \$1,000.00 on or before March 18, 2011.</p>

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<p>relationship Whalen was offering to the Warneke buyers; 81-885.24(16) Unfair trade practice for real estate licensee to “violate any provision of sections 76-2401 to 76-2430”; 81-885.24(26) Unfair trade practice for a licensee to violate any rule or regulation adopted and promulgated by the commission in the interest of the public and consistent with the Nebraska’s Real Estate License Act; 81-885.24(29) Failure to reduce an offer to writing where a prospective purchaser requests such offer to be submitted when the licensee is the prospective purchaser’s limited buyer’s agent, in that she failed to reduce to writing the various offers, alleged more particularly above, to purchase the subject property, submitted to her by the Warnkes and by Glissman in November and December of 2008; 299 NAC 5.003.18 Actions demonstrating negligence, incompetency, or unworthiness.</p>	<p>2009-056 - Commission vs. Brenda L. Whalen</p>		
<p>Violated Neb. Rev. Stat. § 76-2418(1) A licensee representing a buyer as a limited Buyer’s Agent shall have the following duties and obligations: (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity; for failing to postpone or delay closing on the property when it was discovered that the Warranty Company would not cover the furnace, air-conditioner, and humidifier, and for omitting page three of the furnace company’s inspection report to the Warranty Company; Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a buyer, who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person shall (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker</p>	<p>2011-008 – Commission vs. Eric Scott Lundstrom</p>	<p>March 17, 2011</p>	<p>Stipulation and Consent Order. License suspended for one (1) year, with the first thirty (30) days served on suspension and the eleven (11) month remainder stayed and served on probation; plus an additional nine (9) hours of continuing education in the area of “Agency”, “Disclosures” and “Ethics” to be completed by July 15, 2011.</p>

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<p>and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; for failing to provide an agency disclosure to the buyers at the earliest practicable opportunity during or following the first substantial contact; Neb. Rev. Stat. § 81-885.24(16) Unfair trade practice for a real estate licensee to “violate any provision of sections 76-2401 to 76-2430; specifically violating Neb. Rev. Stat. § 76-2418(1)(b)(c) and 76-2421(1)(a)(b); Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; by omitting page three of the furnace company’s inspection report to the Warranty Company; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as broker, associate broker, or salesperson; for violating Neb. Rev. Stat. §§ 76-2418(1)(b)(c); 76-2421(1)(a)(b); 81-885.24(16); and 81-885.24(22).</p>	<p>2011-008 – Commission vs. Eric Scott Lundstrom</p>		
<p><u>Bollwitt</u>: Violated Neb. Rev. Stat. § 76-2418(1) A licensee representing a buyer or tenant as a buyer's or tenant's agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the buyer/client; Bollwitt failed to check all necessary boxes on the buyer's Offer to Purchase; Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the</p>	<p>2009-028 – Beth and John Wiersma vs. Betty Jane Warren and Jamie Paul Bollwitt</p>	<p>August 19, 2011</p>	<p><u>Warren</u>: Dismissed due to the Commission entering a Stipulation and Consent Order on Case No. 2010-021. <u>Bollwitt</u> : Stipulation and Consent Order. License censured; plus complete an additional nine (9) hours of continuing education by September 23, 2011, with three (3) hours each in the area of Agency, Contracts and License Law and submit documentary proof to the Commission that said courses have been satisfactorily completed; plus pay a civil fine of \$1,500.00 by September 23, 2011.</p>

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<p>licensee is representing; Bollwitt failed at the earliest practicable opportunity during or following first substantial contact with the Buyers, to complete an Agency Disclosure which disclosed, in writing, to the Buyers that Bollwitt was acting as a limited Buyer's Agent; and by failing at the earliest practicable opportunity during or following first substantial contact with the Sellers, to complete and Agency Disclosure which disclosed in writing to the Sellers that he was acting as a limited Buyer's Agent; Bollwitt violated Neb. Rev. Stat. § 81-885.24(16) by violating Neb. Rev. Stat. § 76-2418(1) and Neb. Rev. Stat. § 76-2421(1) of the agency statutes; Bollwitt violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; by violating Neb. Rev. Stat. §§ 76-2418(1), 76-2421(1), and 81-885.24.</p>	<p>2009-028 – Beth and John Wiersma vs. Betty Jane Warren and Jamie Paul Bollwitt</p>		
<p>Violated 299 NAC 5-003.22, for failing to supervise Bollwitt with respect to the subject real estate transaction; Warren violated Neb. Rev. Stat. § 76-2417(1) A licensee representing a seller...as a seller's agent...shall be a limited agent with the following duties and obligations: (a) To perform the terms of the written agreement made with the client; (b) To exercise reasonable skill and care for the client; Warren improperly marked boxes on the initial Offer to Purchase without the consent of the sellers/clients, thereby changing the terms and conditions of the Offer; and, by allowing the Buyer's Agent to present the buyers' counteroffer to the sellers thereby leaving the sellers unrepresented. Warren violated Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall:</p>	<p>2010-021 - Commission vs. Betty Jane Warren</p>	<p>August 19, 2011</p>	<p>Stipulation and Consent Order. License suspended for a period of one (1) year with the entire period stayed and served on probation, commencing on August 24, 2011, and continuing through August 23, 2012; plus pay a civil fine of \$2,000.00 by September 23, 2011; plus complete an additional nine (9) hours of continuing education with three (3) hours each in the area of Agency, Contracts, and License Law to be completed by December 22, 2011, and submit documentary proof to the Commission that said courses have been satisfactorily completed.</p>

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<p>(a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; Warren offered brokerage services to the sellers and failed, at the earliest practicable opportunity during or following first substantial contact, to complete an Agency Disclosure with the sellers; Warren violated Neb. Rev. Stat. § 81-885.24(16) by violating Neb. Rev. Stat. § 76-2417(1)(b) and 76-2421(1)(a)(b) of the agency statutes; Warren violated Neb. Rev. Stat. § 81-885.24(26) violating any rule or regulation adopted and promulgated by the commission; by violating 299 NAC 5-003.22; and, Warren violated Neb. Rev. Stat. § 81-885.24(29) demonstrating negligence, incompetency, or unworthiness to act as a broker, by violating 299 NAC 5-003.22; Neb. Rev. Stat. § 76-2417(1)(b), 76-2421(1)(a)(b), and 81-885.24(26).</p>	<p>2010-021 - Commission vs. Betty Jane Warren</p>		
<p>Violated Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing. McCully offered brokerage services to the Seller and failed at the earliest practicable opportunity following the first</p>	<p>2009-057 – Commission vs. Kevin Dean McCully</p>	<p>September 16, 2011</p>	<p>Hearing held September 16, 2011. License censured; plus an additional three (3) hours of continuing education in “Agency” to be completed by December 27, 2011. McCully must pay a Civil Fine of \$500.00 by October 28, 2011; and McCully must pay court reporter fees of \$160.00, and witness fees of \$365.79, totaling \$525.79, by October 28, 2011.</p>

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<p>substantial contact with the Seller to provide the Seller with a written copy of the current brokerage disclosure pamphlet approved by the Commission, and McCully failed to disclose in writing to the Seller the type of brokerage relationship he was offering to the Seller; Violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of 76-2401 through 76-2430; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, by violating Neb. Rev. Stat. § 76-2421(1) and 81-885.24(16).</p>	<p>2009-057 – Commission vs. Kevin Dean McCully</p>		
<p>Violated Title 299, Chapter 5, 003.23 for failing to deliver a copy of the Seller Property Condition Disclosure Statement to the purchaser on or before the effective date of the contract which binds the purchaser to purchase the property; Connell violated Title 299, Chapter 5, 003.25 for failing to disclose any errors, inaccuracies or omissions in the Seller Property Condition Disclosure Statement, in writing to the purchaser and seller and failing to attach the written disclosure to the Seller Property Condition Disclosure Statement; Connell violated Neb. Rev. Stat. § 76-2421 (1) for failing to complete an Agency Disclosure with the seller and buyer at the earliest opportunity during or following the first substantial contact; for failing to mark customer or client on the disclosure with the buyer; and for failing to have the buyer identify the date buyer signed the Agency disclosure; Connell violated Neb. Rev. Stat. § 81-885.16 Violating any provision of sections 76-2401 to 76-2430 for violating Neb. Rev. Stat. § 76-2421; Connell violated Neb. Rev. Stat. § 81-885.24 (26) Violating any rule or regulation adopted by the commission in the interest of the public and consistent with the Nebraska Real Estate License Act, for violating Title 299, Chapter 5, Sections 003.23 and 003.25; Connell violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson; for: 1) failing to deliver a copy of the Seller Property Condition Disclosure Statement to the purchaser on</p>	<p>2011-024 – Commission vs. Bruce Delmar Connell</p>	<p>October 27, 2011</p>	<p>Stipulation and Consent Order. License suspended for six (6) months, with the entire six (6) month period stayed and served on probation. The suspension/probation period commenced on October 27, 2011 and continues through April 27, 2012. Connell must pay a civil fine of \$750.00 by December 26, 2011; plus complete an additional six (6) hours of continuing education by February 24, 2012, with three (3) hours each in the area of Agency and License Law, and submit documentary proof to the Commission that said courses have been satisfactorily completed.</p>

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<p>or before the effective date of the contract which binds the purchaser to purchase the property; 2) failing to review the Seller Property Condition Disclosure Statement for errors, inaccuracies, or omissions; 3) failing to disclose omissions by the seller in the Seller Property Condition Disclosure Statement, in writing, to both the purchaser and the seller, and failing to attach the disclosure to the Seller Property Condition Disclosure Statement ; 4) failing to complete an Agency Disclosure with the seller and buyer at the earliest opportunity during or following the first substantial contact, and, failing to mark customer or client on the Agency Disclosure with the buyer; and failing to have the buyer identify the date buyer signed the Agency Disclosure; 5) violating any provision of sections 76-2401 to 76-2430, specifically 76-2421; 6) violating any rule or regulation of the commission, specifically Title 299, Chapter 5, Sections 003.23 and 003.25; 7) having the buyer sign the receipt for a fully-accepted copy of the offer before the seller signed and accepted the offer; 8) failing to receipt in the Offer to Purchase for the buyer's earnest money deposit of \$800.00; 9) improperly entering a date of April 5, 2010, on the buyer's Agency Disclosure which the Buyer signed on March 27, 2010; 10) failing to review the final closing statement which contained material errors including; a) the sale price of \$25,000.00, instead of the reduced price of \$24,536.12; b) an expense to the seller of \$463.88, for the water pipe repairs which expense was actually paid for by the buyer; and c) failing to reflect that \$1,500.00, of seller proceeds was to be escrowed at closing for clean-up of the Property.</p>	<p>2011-024 – Commission vs. Bruce Delmar Connell</p>		
<p>Violated Neb. Rev. Stat. § 81-885.24 (16) for violating an agency statute, specifically, 76-2418 (1), 76-2421 (1), 76-2422 (4), and 76-2425; Violated Neb. Rev. Stat. § 81-885.24 (26) for violating a rule or regulation of the Commission, specifically, Title 299 Chapter 5 Section</p>	<p>2012-002 – Commission vs. Robert L. Hupp</p>	<p>March 15, 2012</p>	<p>Stipulation and Consent Order. License suspended for six (6) months with the first thirty (30) days served on suspension and the remainder five (5) months stayed and served on probation. The suspension</p>

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<p>003.25; Violated Neb. Rev. Stat. § 76-2425 for violating any provision of sections 76-2401 to 76-2430; Violated Neb. Rev. Stat. § 76-2418 (1) (b) (c) (e) A licensee representing a buyer as a buyer’s agent shall be a limited agent with the following duties and obligations: (b) To exercise reasonable skill and care for the client; (c) To promote the interests of the client with the utmost good faith, loyalty, and fidelity, and (e) To comply with all requirements of sections 76-2401 to 76-2430; Hupp failed to get a pre-occupancy agreement in place during the time period when buyer occupied the property prior to closing from August 2009, to October 9, 2009; Violated Neb. Rev. Stat. § 76-2421 (1) for failing to provide an Agency Disclosure to buyer at the earliest practicable opportunity during or following the first substantial contact with buyer; Violated Neb. Rev. Stat. § 76-2422 (4) for failing to obtain written confirmation of his “dual agency status” from the Seller or POAs prior to or at the time a contract to purchase the property was entered into on August 6, 2009; Violated Title 299 Chapter 5-003.25 for providing buyer with a Seller Property Condition Disclosure Statement which contained omissions in which seller’s POAs failed to provide a response. Hupp was aware of these omissions and failed to attach a written disclosure of the omissions to the Seller Property Condition Disclosure Statement disclosing the omissions to the potential buyer and the seller; Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for violating Neb. Rev. Stat. §§ 76-2418 (1) (b) (c) and (e); 76-2421 (1) (a) and (b); 76-2422 (4); 76-2425; 81-885.24 (16) and (26); and Title 299 Chapter 5 Section 003.25.</p>	<p>2012-002 – Commission vs. Robert L. Hupp</p>		<p>period commenced on March 19, 2012, and continued through April 18, 2012. The probation period will commence on April 19, 2012 and will continue through September 19, 2012; Plus complete nine (9) hours of additional continuing education with three (3) hours each in the areas of “Agency”, “Contracts” and “Disclosures”, to be completed by July 13, 2012.</p>
<p>Violated Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not</p>	<p>2012-012 – Commission vs. Lydia Beth Moyer</p>	<p>April 19, 2012</p>	<p>Stipulation and Consent Order. License censured; Plus a civil fine of \$500.00 to be paid by May 19, 2012; plus six (6) hours of</p>

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<p>entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall; (a) Provide that person with a written copy of the current brokerage disclosure pamphlet; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; for failing to complete an Agency Disclosure with the buyers on first substantial contact; Violated Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations; 1) For falsely representing in the Agency Disclosure dated October 7, 2010, that she was acting as a limited Buyer's Agent instead of a limited Seller's Agent, and 2) For falsely representing in the Offer to Purchase dated October 7, 2010, that she was a limited Buyers' Agent when she was actually a limited Sellers' Agent. Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, for violating Neb. Rev. Stat. §§ 76-2421(1) (a) (b) and 81-885.24(22).</p>	<p>2012-012 – Commission vs. Lydia Beth Moyer</p>		<p>additional continuing education with three (3) hours each in the areas of "Agency" and "License Law", to be completed by August 17, 2012.</p>
<p>Violated title 299 Chapter 5 Section 003.18 Failure to reduce an offer to writing where a prospective purchaser requests such offer be submitted when the licensee is: the limited seller's agent for the property, Petersen failed to reduce a buyer's offers to writing while acting as a limited Seller's Agent for the property; Violated Neb. Rev. Stat. § 81-885.24(26) Violating any rule or regulation adopted by the Commission in the interest of the public and consistent with the Nebraska Real Estate License Act, Petersen violated Title 299 Chapter 5 Section 003.18; Violated Neb. Rev. Stat. § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord,</p>	<p>2012-023 – Commission vs. Robin A. Petersen</p>	<p>October 2, 2012</p>	<p>Stipulation and Consent Order Entered October 2, 2012. License censured; Plus a civil fine of \$500.00 to be paid by November 1, 2012; plus complete nine (9) hours of additional continuing education, three (3) hours each in the areas of "Agency", "Contracts" and "License Law" by March 31, 2013.</p>

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<p>buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall; (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; Petersen failed to complete an agency disclosure with the buyers on first substantial contact; Violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence and unworthiness to act as a broker, associate broker, or salesperson; Petersen violated Title 299 Chapter 5 Section 003.18; Neb. Rev. Stat. § 76-2421(1) (a) and (b); and 81-885.24(26).</p>	<p>2012-023 – Commission vs. Robin A. Petersen</p>		
<p>Violated Title 299 Chapter 5 Section 003.23, Failure by the agent of a purchaser to assure that a copy of the Seller Property Disclosure Statement is delivered to the purchaser on or before the effective date of any contract which binds the purchaser to purchase the residential real property, and to obtain the signed receipt of the purchaser; for failing to deliver a copy of the Seller Property Disclosure Statement to the buyer on or before the date the contract became binding; Violated Neb. Rev. Stat. § 76-2421, At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission;</p>	<p>2013-016 – Commission vs. Todd S. Bartusek</p>	<p>May 16, 2013</p>	<p>Stipulation and Consent Order entered May 16, 2013. License censured; plus a civil fine of \$1,000.00 to be paid by June 15, 2013; plus complete an additional six (6) hours of continuing education, three (3) hours each in the areas of Agency and Disclosures by September 13, 2013.</p>

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<p>and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing; for failing to complete an agency disclosure with the seller on first substantial contact; Violated Neb. Rev. Stat § 76-2422, Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property; for failing to have seller and buyer sign a Consent To Dual Agency Agreement when dual agency occurred; Violated Neb. Rev. Stat § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a...salesperson; for violating Title 299 Chapter 5 Section 003.23, Neb. Rev. Stat § 76-2421 (1), and Neb. Rev. Stat § 76-2422 (4).</p>	<p>2013-016 – Commission vs. Todd S. Bartusek</p>		

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<p>Violated Neb. Rev. Stat. § 76-2421 (1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing. Boyd failed to complete an agency disclosure with the seller on first substantial contact; and Boyd violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for violating Neb. Rev. Stat. § 76-2421 (1).</p>	<p>2013-017 – Commission vs. Andrew Donald Bock</p>	<p>June 21, 2013</p>	<p>Stipulation and Consent Order entered June 21, 2013. License censured; plus a civil fine of \$250.00 to be paid by July 21, 2013; plus complete three (3) hours of additional continuing education in the area of agency law and submit proof of completion to the Commission office by September 19, 2013.</p>
<p>Violated Neb. Rev. Stat. § 76-2422(4) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to act as a dual agent shall obtain the written consent of the seller and buyer or landlord and tenant permitting the designated broker to serve as a dual agent. The consent shall include a licensee's duties and responsibilities specified in section 76-2419. The requirements of this subsection are met as to a seller or landlord if the written agreement entered into with the seller or landlord complies with this subsection. The requirements of this subsection are met as to a buyer or tenant if a consent or buyer's or tenant's agency agreement is signed by a potential buyer or tenant which complies with this subsection. The consent of the buyer or tenant does not need to refer to a specific property and may refer generally to all properties for which the buyer's or tenant's agent may also be acting as a</p>	<p>2014-013 – Commission vs. Jane Hartman Heimboch</p>	<p>June 25, 2014</p>	<p>Stipulation and Consent Order entered June 25, 2014.</p>

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<p>seller's or landlord's agent and would be a dual agent. If a licensee is acting as a dual agent with regard to a specific property, the seller and buyer or landlord and tenant shall confirm in writing the dual-agency status and the party or parties responsible for paying any compensation prior to or at the time a contract to purchase a property or a lease or letter of intent to lease is entered into for the specific property, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. Stat. § 81-885.01(2) Broker means any person who, for any form of compensation or consideration or with the intent or expectation of receiving the same from another, negotiates or attempts to negotiate the listing, sale, purchase, exchange, rent, lease, or option for any real estate or improvements thereon, or assists in procuring prospects or holds himself or herself out as a referral agent for the purpose of securing prospects for the listing, sale, purchase, exchange, renting, leasing, or optioning of any real estate or collects rents or attempts to collect rents, gives a broker's price opinion or comparative market analysis, or holds himself or herself out as engaged in any of the foregoing. Broker also includes any person: (a) Employed, by or on behalf of the owner or owners of lots or other parcels of real estate, for any form of compensation or consideration to sell such real estate or any part thereof in lots or parcels or make other disposition thereof; (b) who auctions, offers, attempts, or agrees to auction real estate; or (c) who buys or offers to buy or sell or otherwise deals in options to buy real estate, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb. Rev. stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note the refusal of an individual to sign an Agency Disclosure; Neb.</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch</p>		

SECTION 76-2421 - FAILURE TO PROVIDE BROKERAGE PAMPHLET OR DUTIES

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Rev. State § 76-2421(1) At the earliest practicable opportunity during or following the first substantial contact with a seller, landlord, buyer, or tenant who has not entered into a written agreement for brokerage services with a designated broker, the licensee who is offering brokerage services to that person or who is providing brokerage services for that property shall: (a) Provide that person with a written copy of the current brokerage disclosure pamphlet which has been prepared and approved by the commission; and (b) Disclose in writing to that person the types of brokerage relationships the designated broker and affiliated licensees are offering to that person or disclose in writing to that person which party the licensee is representing, by failing to disclose in writing brokerage services, to have clients sign an Agency Disclosure and to note that an individual refused to sign an Agency Disclosure; Neb. Rev. State § 81-885.24(3) Failing to account for and remit any money coming into his or her possession belonging to others by failing to timely deposit or remit earnest monies, failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(4) Commingling the money or other property of his or her principals with his or her own, by failing to timely deposit or remit earnest monies, also failed to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(24) Failing by an associate broker or salesperson to place, as soon after receipt as practicable, in the custody of his or her employing broker any deposit money or other money or funds entrusted to him or her by any person dealing with him or her as the representative of his or her licensed broker, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch</p>		

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>utility charges; Neb. Rev. Stat. § 81-885.24(26) Violating 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; by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(29) Demonstrating 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, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and to protect interests of her clients. Heimboch also failed to truthfully and timely inform her clients of the status of transactions concerning their properties and to competently complete paperwork; 299 NAC 3-005 Earnest money deposits and other deposits relating to the sale of real estate shall be kept in a separately identified trust account and all other trust funds may be deposited in another separately identified trust account, by failing to timely deposit or remit earnest monies, to keep separate and/or commingling earnest money received from clients, to account for money belonging to others with respect to irrigation payments or utility charges, to deliver a written copy of offers and/or purchase agreements and failed to protect the interests of her clients; 299 NAC 5-003.14 Failure to deposit any funds received as an earnest money deposit within 72 hours or before the end of the next banking day, after an offer is accepted, in writing, unless otherwise provided in the purchase agreement. In the event an offer is not accepted, said earnest money deposit shall be returned forthwith, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients and to account</p>	<p>2014-013 – Commission vs. Jane Hartman Heimboch</p>		

SECTION 76-2421 - FAILURE TO PROVIDE BROKERAGE PAMPHLET OR DUTIES

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>for money belonging to others with respect to irrigation payments or utility charges; 299 NAC 5-003.15 Withholding earnest money when the purchaser or seller is rightfully entitled to the money; provided, a broker may retain funds to cover expenses he or she has prepaid for a purchaser or seller from the broker's funds, by failing to timely deposit or remit earnest monies, to keep separate earnest money from clients, and to account for money belonging to others with respect to irrigation payments or utility charges; Neb. Rev. Stat. § 81-885.24(20) Failing to deliver within a reasonable time a completed and dated copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller, by failing to deliver a written copy of the offer and/ or purchase agreements; 299 NAC 5-003.18 Failure to reduce an offer to writing where a prospective purchaser requests such offer be submitted when the licensee is: the limited seller's agent for the property; the prospective purchaser's limited buyer's agent; or the dual agent of the seller and the prospective purchaser, by failing to deliver a written copy of offers and/or purchase agreements; Neb. Rev. Stat. § 81-885.24(22) Making any substantial misrepresentations, by advising clients of offers without the necessary documents and also disclosing personal information about possible clients.</p>	<p>2014-013 – Commission vs. Jane Hartman Heimbouch</p>		
<p>Violated Neb. Rev. Stat. § 76-2421(3) Licensee offering brokerage services; (3) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a licensee working as an agent or subagent of the seller or landlord with a buyer or tenant who is not represented by a licensee shall provide a written disclosure to the customer which contains the following: (a) A statement that the licensee is an agent for the seller or landlord and is not an agent for the customer; and (b) A list of the tasks that the agent acting as a seller's or landlord's agent or subagent may</p>	<p>2014-015 – Commission vs. Thomas Eugene Sunderman</p>	<p>August 21, 2014</p>	<p>Stipulation and Consent Order entered August 21, 2014. License suspended for two (2) years all stayed and served on probation; plus pay a civil fine of \$1,500.00 by September 20, 2014; plus complete six (6) hours of additional continuing education, three (3) hours each in the areas of agency and contracts by February 17, 2015.</p>

SECTION 76-2421 - FAILURE TO PROVIDE BROKERAGE PAMPHLET OR DUTIES

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>perform with the customer; by not obtaining a signed Agency Disclosure "following the first substantial contact with" nine of the twelve owners of seller's farmland July 30, 2013; violated Neb. Rev. Stat. § 76-2422 Written agreements for brokerage services; when required (1) All written agreements for brokerage services on behalf of a seller, landlord, buyer, or tenant shall be entered into by the designated broker on behalf of that broker and affiliated licensees, except that the designated broker may authorize affiliated licensees in writing to enter into the written agreements on behalf of the designated broker. A copy of a written agreement for brokerage services shall be left with the client or clients. (2) Before engaging in any of the activities enumerated in subdivision (2) of section 81-885.01, a designated broker intending to establish a single agency relationship with a seller or landlord shall enter into a written agency agreement with the party to be represented. The agreement shall include a licensee's duties and responsibilities specified in section 76-2417, the terms of compensation, a fixed date of expiration of the agreement, and whether an offer of subagency may be made to any other designated broker, except that if a licensee is a limited seller's agent for a builder, the terms of compensation may be established for a specific new construction property on or before the builder's acceptance of a contract to sell; violated Neb. Rev. Stat. § 81-885.24(12) Offering real estate for sale or lease without the knowledge and consent of the owner or his or her authorized agent or on terms other than those authorized by the owner or his or her authorized agent; by marketing real property for sale between March 20, 2013 and July 30, 2013, and writing Buyer's Offer to Purchase property on July 30, 2013, without having a signed Listing Agreement with all owners of the property; violated Neb. Rev. Stat. § 81-885.24(16) Violating any provision of sections 76-2401 to 76-2430; violated Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness</p>	<p>2014-015 – Commission vs. Thomas Eugene Sunderman</p>		

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VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
to act as a broker, associate broker, or salesperson by violating Neb. Rev. Stat. § 76-2121(3), 76-2422, 81-885.24(12) and 81-885.24(16).	2014-015 – Commission vs. Thomas Eugene Sunderman		
