

SECTION 81-885.24(12) – OFFERING REAL ESTATE FOR SALE OR LEASE WITHOUT OWNER’S CONSENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
Section 81-885.24(11)(12)(14)(29) by placing a sign on property offering it for sale or rent without the written consent of the owner or his or her authorized agent; offering real estate for sale or lease on terms other than those authorized by the owner or his or her authorized agent; negotiating a lease of real estate directly with the owner or lessor, fully knowing that said owner and lessor had a written outstanding listing contract granting an exclusive agency to another Broker to sell or lease said property; and by said acts, demonstrating negligence, incompetency or unworthiness to act as a Broker.	91-055 - IOC Realty Specialist, Inc. vs. Lucille Anne Champion	April 8, 1993	Revoked.
Section 81-885.24(12) by causing a property to be offered for sale through a newspaper advertisement without the knowledge and consent of one of the owners.	93-055 - Karen V. Hopper vs. Charles Larsen	October 26, 1993	Stipulation and Consent Order. License censured.
Section 81-885.24(19) by failing to leave a copy of the addendum to the listing agreement; 81-885.24(12) by offering real estate for sale on terms other than authorized by the owner or authorized agent; and 81-885.24(25)(29) by filing a document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the Title to real estate when no valid claim exists and by demonstrating negligence, incompetency or unworthiness to act as a Salesperson.	95-043 - Commission vs. Robert W. Tallichet	March 1, 1996	License suspended for three (3) months, with the suspension being served from March 1 through March 15, 1996 and the remainder served on probation; plus additional 12 hours of continuing education.
Section 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.	2006-007 - Commission vs. Thomas J. Haiar	April 3, 2006	Hearing held March 23, 2006. License suspended for a period of twelve (12) months commencing on April 3, 2006, through April 2, 2007, with the entire period served on probation; 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, all to be completed by August 1, 2006.

SECTION 81-885.24(12) – OFFERING REAL ESTATE FOR SALE OR LEASE WITHOUT OWNER’S CONSENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>Section 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; and Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as an associate broker. Because Jussel failed to have Geri Tanderup sign the Listing Agreement, Jussel offered the real estate for sale without the knowledge and consent of one of the owners.</p>	<p>2007-034 Geri Tanderup vs. Marlene K. Jussel</p>	<p>March 6, 2008</p>	<p>License suspended for a period of one (1) year commencing on March 6, 2008, continuing through March 5, 2009, with the entire suspension period served on probation; 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 contracts to be completed by September 2, 2008.</p>
<p>Scheopner violated Title 299 Chapter 5 Section 003.23 Failure by the agent of the seller to assure that a copy of the Seller Property Condition Disclosure Statement is delivered to the purchaser or to the agent of the purchaser on or before the effective date of any contract which binds the purchaser to purchase the residential real property. Scheopner failed to assure that a copy of the Seller Property Condition Disclosure Statement was delivered to the purchasers on or before the effective date of any contract which bound the purchasers to purchase the property. Scheopner violated Title 299 Chapter 5 Section 003.25 Failure by a licensee who knows of an error, inaccuracy, or omission in a Seller Property Condition Disclosure Statement completed pursuant to Neb. Rev. Stat. Section 76-2,120 to disclose the error, inaccuracy, or omission, in writing, to a potential purchaser and the seller. Such disclosure shall be attached to the Seller Property Condition Disclosure Statement. Scheopner failed to disclose, in writing, to the purchasers and the sellers, an omission by the sellers on the Seller Property Condition Disclosure Statement and Scheopner failed to attach such disclosure to the Disclosure Statement. Scheopner 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. Scheopner failed to have a seller having a joint-ownership interest in the property sign the Listing Agreement. Scheopner violated Neb. Rev. Stat. §</p>	<p>2009-041 Commission vs. Bruce William Scheopner</p>	<p>November 20, 2009</p>	<p>Stipulation and Consent Order. License suspended for a period of one (1) year, with the first fifteen (15) days of the suspension period served on suspension and the remainder of the one (1) year period stayed and served on probation will commence on a mutually acceptable date within 30 days from the date of receipt of the Order; plus an additional nine (9) hours of continuing education to include three (3) hours in the area of license law, (3) hours in the area of agency and three (3) hours in the area of ethics must be completed by May 19, 2010; and a civil fine of \$1000.00 must be received on or before December 19, 2009.</p>

SECTION 81-885.24(12) – OFFERING REAL ESTATE FOR SALE OR LEASE WITHOUT OWNER’S CONSENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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. Scheopner violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson, by failing to have a seller having a joint ownership interest in the property sign the Agency Disclosure; failed to have both sellers sign the Agency Disclosure; failing to identify on the Agency Disclosure that he was the licensee making the agency disclosure; failing to insure that the sellers completed the Seller Property Condition Disclosure in its entirety; failing to disclose, in writing, an omission on the Seller Property Condition Statement to the purchaser and the seller, and failing to have all parties having an ownership interest in the property sign the Listing Agreement.</p>	<p>2009-041 Commission vs. Bruce William Scheopner</p>		
<p>Steven Wiley violated 81-885.24 (2) Intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted. Steven Wiley failed to remove expired listings from the website. Violated 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. Steven Wiley continued to identify real property for sale without the consent or knowledge of the owner because the Respondent did not remove the expired, withdrawn or terminated listing from the website.</p>	<p>2009-023 Hobert Eugene Brake vs. Steven Randolph Wiley and Mary Kathryn Waring-Wiley</p>	<p>February 27, 2010</p>	<p><u>Mary Wiley:</u> Dismissed. <u>Steven Wiley:</u> Stipulation and Consent Order. License censured; plus an additional nine (9) hours of continuing education to include three (3) hours in the area of risk management, three (3) hours in the area of ethics and three (3) hours in the area of license law to be completed by August 18, 2010.</p>
<p>Violated Neb. Rev. Stat. § 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; 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; and Neb. Rev. Stat. § 81-885.24(29) Demonstrating negligence,</p>	<p>2010-019 – Mary A. Redman vs. Sheila Rae Hulme</p>	<p>April 21, 2011</p>	<p>Stipulation and Consent Order. License censured; plus an additional six (6) hours of continuing education in “Agency” and “License Law” to be completed by August 19, 2011; and pay a civil fine of \$500.00 on or before May 21, 2011.</p>

SECTION 81-885.24(12) – OFFERING REAL ESTATE FOR SALE OR LEASE WITHOUT OWNER’S CONSENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
incompetency, or unworthiness to act as a broker, associate broker, or salesperson; for violating Neb. Rev. Stat. § 81-885.24(11) and (12).	2010-019 – Mary A. Redman vs. Sheila Rae Hulme		
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; and 81-885.24(29) Demonstrating negligence, incompetency, or unworthiness to act as a broker, associate broker, or salesperson.	2011-021 – Commission vs. Matthew Kurt Pieper	August 19, 2011	Stipulation and Consent Order. License censured; plus an additional three (3) hours of continuing education in “Agency” to be completed by November 28, 2011. Plus pay a civil fine of \$500.00 by September 29, 2011.
Violated Neb. Rev. Stat. § 81-885.24 (12) Offering real estate for sale 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; Violated Neb. Rev. Stat. § 81-885.24 (29) Demonstrating negligence, incompetency, or unworthiness to act as a salesperson, for offering real estate for sale without the knowledge and consent of the owners or on terms other than those authorized by the owner, and for failing to present offers to all owners of the subject acres.	2011-003 – Mark W. and Roy D. Timm vs. Craig Alan Timm	February 16, 2012	Stipulation and Consent Order. License censured; Plus a civil fine of \$250.00 to be paid by March 17, 2012; plus nine (9) hours of additional continuing education with three (3) hours each in the areas of “Agency”, “Contracts” and “License Law”, to be completed by June 15, 2012.
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 of his or her authorized agent; by failing to have the consent of all owners to manage the Property; Violated Neb. Rev. Stat. § 81-885.24(14) Negotiating a sale exchange, listing, or lease of real estate directly with an owner or lessor if he or she knows that such owner has a written outstanding listing contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker or negotiating directly with an owner to withdraw from or break such a listing contract for the purpose of substituting, in lieu thereof, a new listing contract; for entering into a Management Agreement with one of the owners on April 22, 2011, at a time when the Property was under a Management Agreement with another	2012-007 – Commission vs. Keith Eugene Morris	April 19, 2012	Stipulation and Consent Order. License suspended for thirty (30) days. The suspension period commenced on May 19, 2012, and continued through June 18, 2012; plus complete six (6) hours of additional continuing education with three (3) hours each in the areas of “Contracts” and “License Law” to be completed by August 17, 2012.

SECTION 81-885.24(12) – OFFERING REAL ESTATE FOR SALE OR LEASE WITHOUT OWNER’S CONSENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>broker granting that broker an exclusive agency to manage the Property; 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. § 81-885.24(12) and (14).</p>	<p>2012-007 – Commission vs. Keith Eugene Morris</p>		
<p>Curtis John Hart - Violated Title 299 Chapter 5 Section 003.22 Failure by a designated or employing broker to supervise his or her associate brokers and salespersons.</p> <p>Mark Douglas Hart – 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.</p>	<p>2012-010 – Commission vs. Curtis John Hart and Mark Douglas Hart</p>	<p>May 25, 2012</p>	<p>Curtis John Hart - Stipulation and Consent Order. License is suspended for a period of six (6) months with the entire six (6) month period stayed and served on probation. The suspension period commenced on May 25, 2012, and continues through November 25, 2012; Plus a civil fine of \$1,250.00, on or before June 24, 2012.</p> <p>Mark Douglas Hart - Stipulation and Consent Order. License is suspended for a period of six (6) months with the entire six (6) month period stayed and served on probation. The suspension period commenced on May 25, 2012, and continues through November 25, 2012; Plus a civil fine of \$1,250.00, on or before June 24, 2012.</p>
<p>Violated Neb. Rev. Stat. § 81-885.24(2) Intentionally using advertising which is misleading or inaccurate in any material particular or in any way misrepresents any property, terms, values, policies, or services of the business conducted; by advertising the property for sale after the expiration date of the listing contract with the sellers. 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; for failing to have sellers' spouses sign the listing contract. Neb. Rev. Stat. §</p>	<p>2013-028 – Joyce Krings vs. Michael Joseph Korth</p>	<p>January 22, 2014</p>	<p>Stipulation and Consent Order entered January 22, 2014. License censured; plus a civil fine of \$1,000.00 to be paid by February 21, 2014; plus complete an additional three (3) hours of continuing education each in the areas of Ethics and License Law by May 22, 2014.</p>

SECTION 81-885.24(12) – OFFERING REAL ESTATE FOR SALE OR LEASE WITHOUT OWNER’S CONSENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>81-885.24(22) Making any substantial misrepresentations; for telling a Buyer's Agent that the property was sold when it was not. 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. § 81-885.24(2)(12) and (22).</p>	<p>2013-028 – Joyce Krings vs. Michael Joseph Korth</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 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</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 81-885.24(12) – OFFERING REAL ESTATE FOR SALE OR LEASE WITHOUT OWNER’S CONSENT

VIOLATION	COMPLAINT	DATE OF ORDER	PENALTY
<p>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 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).</p>	<p>2014-015 – Commission vs. Thomas Eugene Sunderman</p>		