



COMMISSION COMMENT

Winter | 2014

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Commission Meeting Schedule

- January 22-23Lincoln
- February 19-20Lincoln
- March 19-20Lincoln
- April 23Lincoln
- May 21-22Lincoln

Online Auction Services

The Spring 2012 issue of the *Commission Comment* ran a fairly comprehensive article on running a real estate auction. However, the article did not cover the subject of online auction services. The Nebraska Real Estate Commission often gets questions about whether an unlicensed online auction company can participate in a real estate auction. The short answer is that an online auction company can be used as long as the real estate is listed with a Nebraska licensed broker, and certain conditions have been met.

1. The property needs to be listed with a licensed Nebraska broker, who will of course be responsible for conducting, advertising, etc., the real estate auction.

2. The unlicensed online auction service must merely be a conduit for bids, in other words they can act as the registration desk to register bidders for the online

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Ann Dover's Swearing In Ceremony



Federal District Court Judge John Gerrard swears in new Commissioner Ann Dover. Dover, the Salesperson Member of the Commission was appointed by Governor Heineman to a six-year term.

IMPORTANT Errors and Omissions Insurance Information

ALL LICENSEES, WHETHER RENEWING OR NOT, must review their errors and omissions insurance coverage!

If your insurance expires on or before January 2, 2015, and you wish to remain on active status, you must renew your errors and omissions insurance. If you are renewing your license this year, proof of insurance for 2015 must be in our records prior to renewing your license. The insurance information packet will not be sent from the Commission but will be mailed to ALL licensees' mailing address directly from the Commission offered plan provider, Rice Insurance Services Company (RISC). As always, you are welcome to use the Commission offered plan or obtain your own equivalent coverage, but, remember, if your insurance expires on or before January 2, 2015, you must renew your E & O coverage in order to keep your license on active status. 

COMMISSION COMMENT

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The Nebraska Real Estate Commission often solicits articles from outside experts or reprints articles with permission. While we feel that these articles may offer a broader perspective and will be of interest to the reader, it should be remembered that the views expressed are those of the author and not necessarily those of the Commission.

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Season's Greetings



Secretary of State John Gale

On behalf of the Real Estate Commission and its staff, I want to wish all of you a very Merry Christmas, Happy Hanukah, and a Happy New Year!

It's hard to believe that 2014 is nearing its grand finale and that the 2015 New Year is approaching! 2014 has been a growth year and has provided a solid base for the future. Licensees tell me that home sales have been very good. Our national and state economies have had steady improvement from increased employment to a positive business environment. Projections for growth over the next two years are excellent.

People are more confident and positive. Consumer confidence is a leading indicator of anticipated consumer spending. Let's hope for an exceptional 2015!

As Chair of the Commission, I remain committed to key long-term goals for the Nebraska Real Estate Commission including: 1) Sound and sensible personal and educational standards for applicants seeking to be licensed; 2) Treating licensees subject to complaint with high standards of fairness and justice; 3) Promoting and supporting legislation that advances high professional standards; and 4) Maintaining high public trust and confidence in the professionalism of the industry.

The Commission has accomplished many of its 2014-2015 objectives. New trust account examination procedures have been adopted, and funding has been requested for replacement of the NREC's real estate license database.

Another goal in 2014-2015 was the hiring of a new Deputy Director for Education. We deeply regretted losing Teresa Hoffman to Alabama, but she had an outstanding offer with an excellent commission. But we are pleased to announce the hiring of Alane Roubal, and further information on her qualifications and background are found elsewhere in this issue. The recently hired Deputy for Enforcement, Duran Cell, has quickly developed his investigative and processing skills, and we are deeply pleased with how he has stepped into the shoes of Terry Mayrose. I appreciate the quality of our staff and the level of experience and distinction of our commissioners.

We continued that trend of excellence this year when Governor Heineman appointed Ann Dover of Coldwell Banker Dover Realtors of Norfolk in September as the salesperson licensee to replace Kathryn Rouch of CBS Home of Omaha whose term expired. Kathryn was a very thoughtful and dedicated member of the Commission and helped make many valuable changes in Commission practices. We look forward to working with Ann!

Serving as chair of the Real Estate Commission is a position which I take seriously and feel honored to hold. On behalf of the Commissioners and the Commission staff, my best wishes to you and your families for a happy holiday season and a very successful 2015. We have appreciated the cooperation and input of the Nebraska REALTORS and Nebraska licensees on various goals and legislation this year, and we know that cooperation will continue in 2015.

Sincerely,
John A. Gale
Secretary of State

DIRECTOR'S DESK

Errors and Omissions Insurance Reminder

Although the Commission has gone to a two year license renewal cycle licensees still required to renew their errors and omissions insurance annually, you can check the status of your errors and omissions insurance on the licensee portal: <https://www.nebraska.gov/apps-LicenseePortal/login/auth>.

Be Careful Out There

Most of you have probably read about the abduction and murder of Arkansas Real Estate Agent Beverly Carter. Safety has been and continues to be an ongoing concern in an industry where there are often one on one meetings between strangers in isolated places like vacant houses and acreages out in the country. In this issue you will find an article on safety tips developed by the Kentucky Real Estate Commission, and reprinted with permission here. The Nebraska Real Estate Commission would also certainly consider an hour (or more) spent on licensee safety to be an appropriate class for a broker approved training session.

License Examination Survey

The Applied Measurement Professionals (AMP, our licensing examination provider) Real Estate Examination Program Advisory Board is studying the important tasks and knowledge for real estate licensees. AMP will use responses from a survey to help decide the content of real estate licensing examinations. Licensees are invited to participate; your input is important. If you are not actively engaged in real estate, please give this invitation to a colleague who is.

To access the survey, please go to https://www.surveymonkey.com/s/RE_JA_4. All information obtained, including your survey responses, will remain confidential. Thank you for helping with this very important project. Please complete and submit your survey responses by December 21, 2014.

If you have any questions about this survey, please contact AMP at NationalRE.JAsurvey@goamp.com.

Happy Holidays

We would like to wish you all a safe and happy holiday season and a joyful and prosperous new year!

Greg Lemon, Director
Nebraska Real Estate Commission



Director Greg Lemon

MEET THE REAL ESTATE COMMISSION STAFF

The Real Estate Commission Staff is here to serve the public and the licensee population. It is our goal to be helpful and forthright in a courteous and professional manner. We hope that when you contact our office, you always receive useful, accurate information and/or are referred to the proper authority.

Following is a communication resource to assist you when contacting our office. If the indicated person is unavailable to take your call, please share the purpose for the call and your call will be routed to someone else who can help you.

We take pride in having a skilled staff, if you have comments or suggestions as to how we may better serve you, please contact our office.

COMMUNICATIONS GUIDE

Ask for person indicated if you have questions in the following areas.

- Commission Meeting Information . . . *Monica Rut*
monica.rut@nebraska.gov
- Complaint Procedures *Duran Cell*
duran.cell@nebraska.gov
- Continuing Education History or
Inquiries *Tawny Snider*
tawny.snider@nebraska.gov
- Curriculum Design (Education &
Instructor Approval) *Alane Roubal*
alane.roubal@nebraska.gov
- Errors and Omissions Insurance
Inquiries *Monica Rut*
monica.rut@nebraska.gov
- Financial Officer. *Hillary Pospisil*
hillary.pospisil@nebraska.gov
- License Applications Packet
Requests *General Staff*
realestate.commission@nebraska.gov
- License Applications Process *Marilyn Masters*
marilyn.masters@nebraska.gov
- Licensing Requirements *Monica Rut*
monica.rut@nebraska.gov
- New Licenses in Process. *Marilyn Masters*
marilyn.masters@nebraska.gov
- Specialized Registrations *Monica Rut*
monica.rut@nebraska.gov
- Transfer of License *Patricia Menousek*
patricia.menousek@nebraska.gov
- Trust Account Matters *John Clark*
john.clark@nebraska.gov
Ron Pierson
- Webmaster. *Monica Rut*
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Safety Guide Summary

The following article was published in the Fall, 2014 issue of the Kentucky Real Estate News, the newsletter of the Kentucky Real Estate Commission, and is reprinted with permission.

Safety Tip #1 - Know Who You Are Dealing With When You Have New Clients or Customers

1. Meet them at your office
2. Complete the Client/Customer Identification Form
3. Photocopy their driver's license
4. Get their car description and license number
5. Verify his/her identity

Safety Tip #2 - Tell Someone

- Who you are with
- Where you are going
- When you will be back

Safety Tip #3 - Keep a Cell Phone at Your Side

1. Program emergency numbers into speed dial
2. Keep your phone fully charged
3. Carry it with you at all times with clients and customers

Safety Tip #4 - Conduct a Safe Open House

1. Don't advertise a listing as vacant
2. Establish escape routes from each level of the house
3. Call the office or a buddy hourly
4. Keep your keys and cell phone with you
5. Park where you can get out quickly

Safety Tip #5 - Have a Distress Code

1. Have a prearranged distress signal
2. Share and practice distress signal with colleagues, family & friends

Safety Tip #6 - Don't Make Personal Marketing Too Personal

1. Your marketing materials should be polished and professional
2. Limit the amount of personal information you share
3. Use your cell number, not your home phone number
4. Use your office address rather than your home address

Safety Tip #7 - Be a Buddy and Know in Advance Who You Are Going to Call When

- Your instincts tell you to get help
- You're just a little nervous
- You need help at an open house

Tip #8 - Dress for Safety

1. Don't wear expensive jewelry
2. Always wear your cell phone
3. Dress for the weather
4. Only carry the cash or credit cards you need
5. Wear comfortable shoes

Safety Tip #9 - Danger is Not Always Easy to Identify so Recognize

- Gut feelings
- Hesitation
- Unexplained fear
- Apprehension

Safety Tip #10 - Practice Car Safety

1. Always have your keys with you
2. Keep car doors locked at all times
3. Park in a well-lit area
4. Don't get blocked in
5. Beware of dead-end streets
6. Keep your car in good running condition
7. Consider using separate cars

(Continued from page 1)

Online Auctions (Cont'd)

and they can relay bids to the broker conducting the auction through their automated online service, but they should not answer questions about the property or the purchase process or interact live, person to person, with bidders (beyond the registration process and answering technical questions about using the site).

3. As with any other real estate sale, all advertising must be done in the name of the broker (including the property information on the online auction site) and with the broker's approval. The broker can advertise that the online bidding ser-

vice is being used to conduct the auction, but the online auction service cannot advertise or promote the real estate auction on their own initiative, as that would be soliciting prospects and would require a license.

4. An unlicensed employee of the auction company can relay the online bids to the licensed auctioneer, but may not interact with or answer questions of online bidders.

5. The broker listing the property or an affiliated salesperson or associate broker working for the broker could, of course, interact with and answer the questions of online bidders. 

Disciplinary Actions Taken by the Real Estate Commission

(Does Not Include Cases on Appeal)

2014-014 - Greg Lemon, Director vs. Conway T. Perry; Salesperson; Omaha, NE. Hearing held August 21, 2014. Order entered September 5, 2014. License is suspended until the following conditions have been met: Completion of the supervised release under the United States Probation office; receipt of an application letter to terminate suspension; present certified documentation that all terms and conditions of the supervised release have been completed, at which time a Special Appearance before the Commission shall be scheduled to determine whether the license suspension should be terminated, at such special appearance Perry shall provide any additional information the Commission may require, including but not limited to a current criminal background report and evidence of the current status of restitution payments in the bank fraud matter; plus hearing costs in the amount of \$160.00, to be paid by October 5, 2014. [Perry violated Neb. Rev. Stat. § 81-885.24(28) Conviction of a felony or entering a plea of guilty or nolo contendere to a felony charge by a broker or

salesperson; Mr. Perry entered a plea of guilty to the federal felony charge and was convicted on that felony charge, on February 21, 2013; violated Neb. Rev. Stat. § 81-885.12(2) When an applicant has been convicted of forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud, or any other similar offense or offenses or has been convicted of a felony or a crime involving moral turpitude in any court of competent jurisdiction of this or any other state, district, or territory of the United States or of a foreign country, such untrustworthiness of the applicant and the conviction may in itself be sufficient ground for refusal of a license; violated 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 pleading guilty to a federal felony charge and being convicted of that federal felony charge.] 

Staff Changes

Pat Stehly Retirement

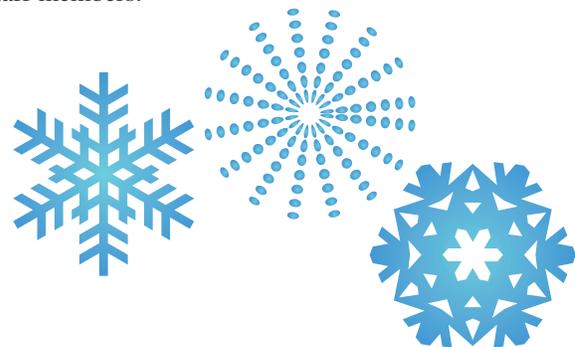
Pat Stehly has retired from her position as trust account examiner with the Commission. Pat served for 13 years as a trust account examiner, the only position in the office that deals with licensees out in the field on a daily basis. She embodied the philosophy of the Commission in her work “we would rather educate than regulate” and she will be missed. The Commission was still reviewing applicants for her replacement at the time this issue was submitted for publication.

Alane Roubal Hired as new Deputy Director for Education

The Nebraska Real Estate Commission is pleased to announce the hiring of Alane Roubal, who succeeds Teresa Hoffman as Deputy Director for Education. Ms. Roubal’s experience includes a work as an elementary and middle school teacher, and as a consultant and Director of Secondary Education at the Stanislaus County Office of Education in California. Alane also has a Bachelor’s degree in Education, and 150 graduate hours in Education. Alane was raised in Nebraska, worked in California for most of her adult career, and has moved back to Nebraska recently.

Rut Promoted to Deputy Director for Licensing

The duties of the Deputy Director for Education and Licensing, formerly performed by Teresa Hoffman, have been split up, with the Education side being performed by Alane Roubal as described in this article. The Deputy Director for Licensing will be filled by Monica Rut, a long time Commission employee who has performed numerous information technology, accounting, finance, administrative and licensing duties in her 16 years with the Commission. See the Communications Guide on page 3 for further more detailed information on services performed by each of the Commission staff members.



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2015 Real Estate Commission



Real Estate Commission Members: Seated (l to r) Chairperson John Gale; Commissioner Ann Dover, standing, (l to r) Commissioners, Al Avery, Drew Stange, Andy Alloway, Herb Freeman Not Pictured, David Ptak)