



COMMISSION COMMENT



Swearing in of Commissioner Connie Burleigh

Connie Burleigh Appointed to the Commission



Governor Jim Pillen has announced the appointment of Connie Burleigh as the First Congressional District broker member of the Nebraska Real Estate Commission. Commissioner Burleigh is the designated broker for CJ Burleigh Real Estate, P.C., in Lincoln, NE, and has been licensed as a broker since 2006. In addition, Burleigh has served in numerous leadership roles with the Nebraska REALTORS® Association, including President of the Association in 2022.

Burleigh succeeds Commissioner Darlene Starman, who served six years as the District 1 broker member. 




E & O Reminder



Reminder, all licensees are required to have a current errors and omissions insurance policy in order to maintain an active real estate license.

Every year we send out hundreds of letters to licensees who are not required to renew their license at the end of the current year, but are required to renew their errors and omissions insurance and who have failed to do so.

If you do not have E & O Insurance extending past January 2, 2024, your license will be placed on inactive status, and you will not be able to conduct any activities requiring a Nebraska real estate license. You can check the status of your E & O insurance by logging in to your licensee portal on the login link on this page: <https://nrec.nebraska.gov/licensing-forms/logininfo.html>

If you have already renewed your E & O insurance please be aware that Errors and Omissions Insurance Providers typically send verification to the Commission within 48 hours. Please watch your portal and if verification is not received, please contact the provider. Only submit the Certification of Coverage form to the Commission Office, receipts and declaration pages will not be accepted. 

On the Inside

Director's Desk	page 2
Disciplinary Summary	page 3
Payments for Showings	page 7
Audit Requests	page 7

Commission Meeting Schedule

January 18-19	Lincoln
February 22-23	Lincoln
March 21-22.....	Lincoln
April 25-26.....	Lincoln
May 16-17	Lincoln
June 20-21	Lincoln

Official Publication of the
Nebraska Real Estate Commission
301 Centennial Mall South
P.O. Box 94667

Lincoln, Nebraska 68509-4667
(402) 471-2004

nrec.nebraska.gov

Facebook: Nebraskarealestatecommission

Twitter: @Nerealestatecom

EDITOR: Greg Lemon

COMMISSION MEMBERS

CHAIRPERSON

Robert Evnen
Secretary of State
State Capitol
Lincoln, NE 68509
(402) 471-2554

PUBLIC MEMBER

Paul J. Peter
200 South 21st St, Suite 400
Lincoln, NE 68510

SALESPERSON MEMBER

Doug Dohse
311 Village Point Plaza
Omaha, NE 68118
(402) 493-4663

BROKER MEMBERS

Rocky Geiser
3000 2nd Ave, Ste 200
Kearney, NE 68847
(308) 237-4060

Joe Gehrki
311 Village Pointe Plaza
Omaha, NE 68118
(402) 598-4656

Lisa Ritter
11212 Davenport St.
Omaha, NE 68154
(402) 884-7707

Connie Burleigh
4300 South 48th, Suite 5
Lincoln, NE 68516

DIRECTOR

Greg Lemon
301 Centennial Mall South
Lincoln, NE 68508
(402) 471-2004
greg.lemon@nebraska.gov

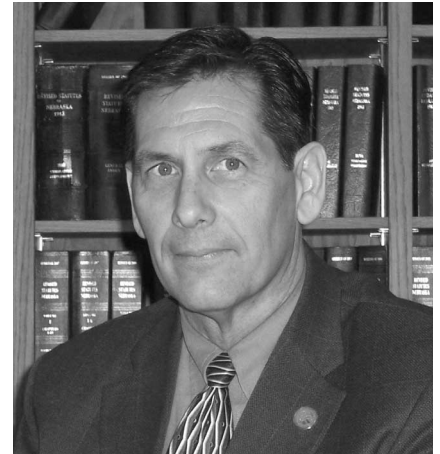
The Nebraska Real Estate Commission grants permission to reprint articles which appear in this newsletter on condition that recognition of their original publication in the Nebraska Commission Comment also appears with the article.

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.

DIRECTOR'S DESK

Seller Property Disclosure Statements

The Seller Property Condition Disclosure Statement (“SPCD”) requires that a licensed salesperson or broker “assure that a copy of the statement to the buyer on or before the effective date of any purchase agreement...” (Neb. Rev. Stat. §76-2,120(10)). The Commission has always viewed this statute as requiring a seller’s agent to do everything within their power to ensure that a properly completed form (an agent is not responsible for the accuracy, but a disclosure form that is not fully completed does not meet the requirements of the law) is provided to a buyer of a property subject to the residential disclosure requirements prior to entering into a contract to purchase the property.



Director Greg Lemon

The Commission recognizes that in some instances, for a variety of reasons, sellers may be reluctant to fill out such forms. If a complete Seller Property Disclosure Statement does not seem to be forthcoming from the seller after the form has been provided, it is highly recommended that a seller’s agent should, for their own and their seller’s protection, inform the seller in writing of the legal requirement to provide the statement. The seller should also be informed of the possible consequences of not providing the SPCD. These consequences include the negative effect on buyers who are expecting to see the statement and may be concerned about the seller’s representations about the condition of the property, as well the potential liability created by failing to provide a statement. “If a conveyance of real property is not made in compliance with this section, the purchaser shall have a cause of action against the seller...(Neb. Rev. Stat. §76-2418(12)).

Commission Splits Class Action Lawsuits

Most everybody reading this is already aware of the class action lawsuits challenging the traditional pre-established commission splits between listing agent and buyer’s agent. The Nebraska Real Estate Commission is aware of these actions and is following them closely, while there is a lot more that could be said, things are moving so quickly right now that any news will be out of date by the time it is published in this semi-quarterly newsletter. The Commission will work closely with the industry to monitor these events and provide future guidance as outcomes and legal precedents become more clear.

Holidays

It is a great pleasure to work with the many people in the industry I have come to know as Director. I hope everyone gets a chance to take some time off and relax with family and friends this holiday season.

Happy Holidays!



Greg Lemon, Director
Nebraska Real Estate Commission



Disciplinary Actions Taken by the Real Estate Commission

(Does Not Include Cases on Appeal)

2022-018 – Nebraska Real Estate Commission v. Joshua William Coates; Broker; Waterloo, NE. Stipulation and Consent entered February 28, 2023. Licensee placed on Probation for a period of two (2) years. Probation to commence on March 30, 2023, and continue through March 30, 2025; licensee ordered to pay a civil fine of \$2,000.00 due on May 25, 2023; licensee ordered to complete an additional six (6) hours of education with three (3) hours in the area of trust accounts and three (3) hours in the area of license law to be completed by September 2, 2023. [Licensee’s failure to comply with an audit since 2018 is a violation of Title 299 Chapter 3-002 a broker’s trust account will accurately and clearly disclose full compliance with the law relating to maintaining of such accounts; Licensee’s failure to turn over their transaction files is a violation of Title 299 Chapter 5-3.17 failure to produce any document, book, or record in the licensee’s possession, or under his or her control, concerning any real estate transaction under investigation by the Commission; Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, unworthiness, or incompetency by failing to comply with an audit.]

2022-017 – Nebraska Real Estate Commission v. Karalyn Marie Hoefer; Broker; Omaha, NE. Stipulation and Consent Order entered February 28, 2023. Licensee placed on Probation for a period of two (2) years. Probation to commence on February 28th, 2023, and continue until February 28, 2025; Licensee’s brokerage subject to a compliance audit every four (4) months for two (2) years or until the end of her Probation or for as long as she remains a designated broker whichever comes first; licensee ordered to pay a civil fine of \$2,500.00 by May 25, 2023. [Licensee violated 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 when she violated Title 299 NAC 5-003.22 failure by a designated or employing broker to supervise her associate brokers and salespersons. Ms. Hoefer’s failure to supervise her associate brokers and salespersons, and perform her duties as a broker, resulted in several actions in violation of the Nebraska Real Estate Licensing Act and Regulations; Ms. Hoefer violated Neb. Rev. Stat. § 76-2422 (1) all written agreements for brokerage services on behalf of seller, landlord, buyer, or tenant shall be entered into by the designated broker on behalf of that broker and affiliated licensees; Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, unworthiness, or incompetency by not supervising the affiliated licensees under her.]

2021-005 – Nebraska Real Estate Commission v. Andrew James Panebianco; Salesperson; Omaha, NE. Stipulation and Consent Order entered February 28, 2023. Licensee ordered to pay a civil fine of \$1,000.00 by November 25, 2023; licensee ordered to complete an additional six (6) hours of continuing education with three (3) in the area of ethics and three (3) in the area of contracts, to be completed by August 27, 2023.

(Continued on page 4)

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.	Yahaira Ramirez yahaira.ramirez@nebraska.gov
Complaint Procedures.	Samantha Lowery samantha.lowery@nebraska.gov
Continuing Education History or Inquiries.	Yahaira Ramirez yahaira.ramirez@nebraska.gov
Curriculum Design (Education & Instructor Approval)	Vacant
Errors and Omissions Insurance Inquiries	Monica Rut monica.rut@nebraska.gov
Financial Officer	Vacant
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	Patricia Menousek patricia.menousek@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
Webmaster	Monica Rut monica.rut@nebraska.gov

WEBSITE: nrec.nebraska.gov
TELEPHONE NUMBER
(402) 471-2004
FAX NUMBER
(402) 471-4492
ADDRESS:

Nebraska Real Estate Commission
301 Centennial Mall South
P.O. Box 94667
Lincoln, NE 68509-4667



(Continued from page 3)

[Licensee's failure to communicate with the client and subsequent work completed by his company without the client's permission constitutes a violation of the duties provided in Neb. Rev. Stat. §76-2417 (1) a licensee representing a landlord as a landlord's agent shall be a limited agent with the following duties and obligations; (b) to exercise reasonable skill and care, (c) to promote the interest of the client with the utmost good faith, loyalty, and fidelity; Mr. Panebianco violated §81-885.24 (29) by demonstrating negligence, incompetency, or unworthiness to act as a licensee by violating Neb. Rev. Stat. §76-2417 (1)(b) and §76-2417 (1)(c) when he failed to confirm with the client prior to conducting work on the property.]

2021-005 - Nebraska Real Estate Commission v. Khanh Ngocluu Tran; Broker; Omaha, NE. Stipulation and Consent Order entered March 14, 2023. Licensee placed on Probation for one (1) year. Probation to commence on April 8, 2023, and continue through April 8, 2024; licensee ordered to pay a civil fine of \$2500.00 due by December 10, 2023; licensee to complete an additional six (6) hours of continuing education with three (3) in the area of ethics and three (3) in the area of contracts to be completed by August 27, 2023. [Licensee, doing business as Maxim Realty LLC, violated Neb. Rev. Stat. §76-2417 (1) a licensee representing a landlord as a landlord'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, and (c) to promote the interests of the client with the utmost good faith, loyalty, and fidelity by issuing work orders that failed to correctly bill for services and accepted payment of rent from a tenant that was being evicted causing a cancellation of the eviction; Neb. Rev. Stat. §81-885.24 (29) demonstrated negligence, unworthiness, or incompetency by issuing work orders that failed to correctly bill for services and accepted payment of rent from a tenant that was being evicted causing a cancellation of the eviction.]

SC2022-001 – Nebraska Real Estate Commission v. Jessica Marin Bravo; Unlicensed Practice. Stipulation and Consent order entered March 6, 2023. Ms. Marin ordered to pay a civil fine of \$300.00 by June 4, 2023. [Ms. Marin, an unlicensed individual, advertised to the public, real property for sale in Nebraska that she did not hold title to, violating Neb. Rev. Stat. § 81-885.03 Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or

performs any single act described in subdivision (2) of section 81-885.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act,... Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare, when they failed to abide by provisions of the Commission's cease and desist order, CD 2022-016 issued July 19, 2022.]

2022-038 – Nebraska Real Estate Commission v. Dale Koch Scott; Associate Broker; Omaha, NE. Stipulation and Consent Order entered March 16, 2023. Licensee was censured. Licensee ordered to pay a civil fine \$1,500.00 due by June 15, 2023; licensee to complete an additional three (3) hours of continuing education in the area of contracts by September 14, 2023.

[Licensee violated Neb. Rev. Stat. § 81-885.24(29) "demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson" by representing to the seller that his company was the entity buying the property, when his company was not the buyer.]

2023-003 – Rachal Sabata v. Erica Lynn Zywiec; Salesperson; Firth, NE. Stipulation and Consent Order entered March 6, 2023. Licensee placed on Probation for two years (2). Probation to commence on April 5, 2023, and continue thru April 5, 2025; licensee to pay a civil fine of \$2,000.00 by May 28, 2023; licensee to complete an additional three (3) hours of continuing education in the area of ethics by September 16, 2023. [Licensee violated Neb. Rev. Stat § 81-885.24 (29) "demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson" by accompanying a home inspector to the seller's property where they engaged in inappropriate actions not related to the home inspection and not authorized by the seller.]

2022-008 -- George L. Castilla, corporate Real Estate Solutions LLC vs. Cynthia Kay Makinster and Holly Lee Jones; Holly Lee Jones; Salesperson; Omaha, NE. Stipulation and Consent Order entered April 20, 2023. License suspended for a period of eighteen (18) months; with the first thirty (30) days served on suspension and the remainder served on Probation. Suspension to commence on April 20, 2023, and continue through May 20, 2023. Probation to commence on May 21, 2023, and continue through October 20, 2024; licensee to pay a civil fine of \$2,500



by July 19, 2023; licensee to complete an additional nine (9) hours of continuing education with three (3) in the area of contracts, three (3) in the area of ethics, and three (3) in the area of agency by October 18, 2023. [Licensee violated Neb. Rev. Stat. § 81-885-24(29) "demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson" when the licensee was paid a fee to solely be the "broker of record" while allowing an out of state real estate professional, without a Nebraska real estate license, to conduct the transaction.]

SC2023-001 – Nebraska Real Estate Commission v. Christopher Rood;

Unlicensed practice. A final order by the Commission was entered July 5, 2023. Mr. Rood ordered to pay a civil fine of \$9100.00 and \$110.00 in hearing fees, by October 6, 2023. [Mr. Rood, an unlicensed individual, advertised to the public, real property for sale in Nebraska that he did not hold title to, violating Neb. Rev. Stat. § 81-885.03 (Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or performs any single act described in subdivision (2) of section 81-885.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act,... Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare, when they failed to abide by provisions of the Commission's cease and desist order, CD 2023-004, issued January 20, 2023.]

2023-002 – Richard Erickson v. Tanya Ann Porter; Salesperson; Lincoln, NE. Stipulation and Consent Order entered August 17, 2023. License revoked; licensee to pay a civil fine of \$2,500.00 by November 16, 2023. [Ms. Porter's failure to deposit in a separate trust account all monies received, failure to provide accurate accounting, and failure to remit monies owed constitutes a violation of Neb. Rev. Stat. § 76-2417 (1) a licensee representing a landlord as a landlord'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 (c) to promote the interests of the client with the utmost good faith, loyalty, and fidelity, (d) to account in a timely manner for all money and property received, (e) to comply with all

requirements of sections 76-2401 to 76-2430; Neb. Rev. Stat. § 81-885.24 (3) failing to account for a remit any money coming into her possession belonging to others, Neb. Rev. Stat. § 81-885.24 (4) commingling the money of her principles with her own, Neb. Rev. Stat. § 81-885.24 (5) failing to maintain and deposit in a separate trust account all money received unless all parties having an interest in the funds have agreed otherwise in writing, 299 NAC 5-003.07 failing to comply with all the requirements set forth in Neb. Rev. Stat. § 76-2401 through 76-2430, and Neb. Rev. Stat. § 81-885.24 (16) violating any provisions of sections 76-2401 to 76-2430. Ms. Porter's representations that she was licensed to conduct property management for Mr. Erickson, as well as other landlords, and her unwillingness to turn over any documentation to the Commission is a violation of Neb. Rev. Stat. § 81-885.02 holding oneself out as engaging in or conducting business as a real estate broker without first obtaining a license , Neb. Rev. Stat. § 81-885.03 (2) a cease and desist order may be issues against any person acting without the appropriate license, 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, and 299 NAC 2-004.07(c) advertising shall feature the name of the broker affiliated with the salesperson as recorded with the Commission. Ms. Porter's actions of working in property management with the permission of her broker and representations that she had the appropriate license to conduct property management for Mr. Erickson, as well as other landlords; plus her unwillingness to turn over documentation to the Commission is a violation of Neb. Rev. Stat. § 81-885.24 (22), substantial misrepresentation, 299 NAC 5-003.17 failure to produce any document, book, or record in the licensee's possession, or under their control, concerning any real estate transaction under investigation by the Commission, and Neb. Rev. Stat. § 81-885.24 (29) "demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson".]

2021-021 – Nebraska Real Estate Commission v. Keisha Chantel Davis; Associate Broker; Omaha, NE. Stipulation and Consent order entered August 17, 2023. Licensee placed on Probation for a period of one (1) year. Probation to commence on September 16, 2023, and continue through September 16, 2024; licensee to pay a civil fine of \$2500.00 by November 16, 2023; licensee to complete an additional three (3) continuing education hours in the area of license law by February 15, 2024. [Licensee's failure to collect and forward to

(Continued on page 6)

(Continued from page 5)

the client the inspection report is a violation a licensee's duties as provided in Neb. Rev. Stat. § 76-2418 (1), 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, (c) to promote the interests of the client with the utmost good faith, loyalty, and fidelity, Neb. Rev. Stat. § 81-885.24 (16) violating any provisions of sections 76-2401 to 76-2430, and Neb. Rev. Stat. § 81-885.24 (29) "demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson when they failed to collect and forward to the client the sewer inspection report".]

2020-023 – Christopher & Kerry Bylund v. John J. Hanson; Associate Broker,

Omaha, NE. Stipulation and Consent order entered September 14, 2023. License Suspended for a period of (2) years, with the first 30 days served on Suspension, and the remainder stayed and served on Probation. Suspension to commence on October 15, 2023, and continue through November 15, 2023. Probation to commence on November 16, 2023, and continue through November 16, 2025; licensee to pay a civil fine of \$1000.00 by December 14, 2023; licensee to complete an additional six hours of continuing education with three (3) hours in the area of license law and three (3) hours in the area of disclosures by March 13, 2024. [Licensee violated Neb. Rev. Stat. § 76-2417 3(a), a licensee acting as a seller's agent owes no duty or obligation to the buyer, except that a licensee shall disclose in writing to the buyer all adverse material facts actually known by the licensee, § 76-2417 (1)(c)(iii), disclose in writing all adverse material facts, known to the licensee, in writing to the client. Licensee committed unfair trade practices when they failed to disclose in writing to the buyer all adverse material facts actually known by licensee acting as the seller's agent; Licensee violated Neb. Rev. Stat. § 81-885.24 (16) violating any provisions of sections 76-2401 to 76-2430; Neb. Rev. Stat. § 81-885.24 (29) by unfair trade practice demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson by failing to provide a copy of the inspection report to the buyers.]

2023-013 – Judy Evans v. Elizabeth Ann Nielsen; Salesperson, Blair, NE. Stipulation and

Consent order entered September 26, 2023. Licensee placed on Probation for a period of one (1) year. Probation to commence on October 26, 2023, and continues through October 26, 2024; licensee to pay a civil fine of \$1,000.00 by December 25, 2023; licensee to complete an additional six (6) continuing education hours in the area of License Law by March 25, 2024. [Licensee failed to disclose any interest in the property in violation of Title 299 Ch 5 Section 003.04, failure to

make known in writing to any purchaser any interest the licensee has in the property she is selling or buying; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson by failing to disclose in writing her interest in the property.]

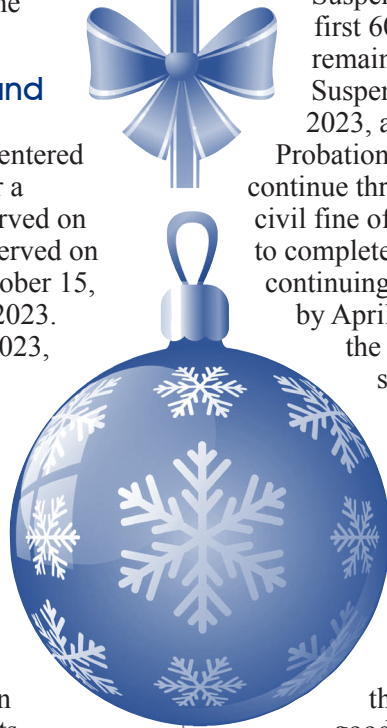
2022-024 – Josh Heisinger v. Ryan Patrick Hines; Salesperson, Omaha, NE. Stipulation and

Consent Order entered October 12, 2023. License Suspended for a period of (14) months, with the first 60 days served on Suspension, and the remainder stayed and served on Probation. Suspension to commence on November 12, 2023, and continue through January 11, 2024. Probation to commence on January 12, 2024, and continue through January 12, 2025, licensee to pay a civil fine of \$1,000.00 by January 11, 2024; licensee to complete an additional three (3) hours of continuing education classes in the area of contracts by April 10, 2024. [Licensee's failure to include the contract provision that the offer was subject to the buyer obtaining financing is a violation of the duties provided in Neb. Rev. Stat. § 76-2418 (1), a licensee representing a buyer as a buyer's agent shall be a limited agent with the following duties and obligations; (a) to perform the terms of any written agreement made with the client, (b) to exercise reasonable skill and care for the client, (c)(i) to promote the interest of the client with the utmost good faith, loyalty, and fidelity including seeking a price and terms with are acceptable to the client; Neb. Rev. Stat. § 81-885.24 (16) violating any provisions of section 76-2401 to 76-2430; Neb. Rev. Stat. § 81-885.24 (22) making substantial misrepresentations when Mr. Hines confirmed with their client that the contract provision was present in the document when it was missing; and Neb. Rev. Stat. § 81-885.24 (29) demonstrating negligence, incompetency, or unworthiness to act as a broker or salesperson by failing to include the contract provision that the offer was subject to the buyer obtaining financing.]

SC2023-003 – Nebraska Real Estate Commission v. Jacob Blank; Unlicensed Practice.

Stipulation and Consent Order entered October 12, 2023. Mr. Blank ordered to pay a civil fine of \$5200.00 by November 12, 2023. [Mr. Blank, an unlicensed individual, advertised to the public, real property for sale in Nebraska that he did not hold title to, violating Neb. Rev. Stat. § 81-885.03 (3) Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or

(Continued on page 7)




Let's Talk Trust Accounts Compliance Audits

Our Compliance Auditors (known as Trust Account Examiners before the trust account waiver law went into effect) routinely reach out to brokers to conduct audits. Failure to respond to these requests for audits may result in disciplinary action against your license (Neb. Rev. Stat. 81-885.24 (29), demonstrating negligence, incompetence, or unworthiness to act as a licensee, and Nebraska Administrative Code title 299, Chapter 5, §003.17, failure to provide any document, book or record when requested to do so in the course of an investigation by the Commission).


Just because a broker no longer maintains a trust account does not mean the brokerage is no longer subject to audit by the Commission. Examiners will still review transaction files for compliance with the License Act and regulations.

When you receive an email or phone call from our compliance auditor staff, please reply in a timely manner and make time for them to review your files.

What is timely?


Responding in a timely fashion does not mean a month! If staff is forced to reach out multiple times, a report will be provided to the Commission, which has authority to file a complaint against the non-responding broker under the laws cited above. 

Payments for “Showing Assistants”

It has come the Commission's attention that there continue to be publicly available programs and apps that allow and affiliated licensee (associate broker or salesperson) to pay other affiliated licensees directly for handling showings of properties. While it is acceptable to have another agent show a property for a customer or client, it is not acceptable for a licensee, other than a designated broker, to pay another licensee for such services, **unless both licensees work for the same broker and the broker has provided authorization for such payments.** The authorization must be in writing, but does not need to be specific to each agent or showing, a blanket authorization on file is adequate to meet the legal requirements. Such payments, except as authorized above, constitute a licensee acting as an independent broker in violation the License Act. 

(Continued from page 6)

performs any single act described in subdivision (2) of section 81-885.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act..., Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare, (when they failed to abide by provisions of the Commission's cease and desist order, CD 2023-018 issued June 26, 2023.

SC2023-002 – Nebraska Real Estate Commission v. James Leroy Sinclair; Unlicensed Practice. Final order entered on October 20, 2023. Mr. Sinclair ordered to pay a civil fine of \$6500.00 and \$226.38 and hearing fees by January 18, 2024. [Mr. Sinclair, an unlicensed individual, advertised to the public, real property for sale in Nebraska that he did not hold title to, violating Neb. Rev. Stat. § 81-885.03 (3). Any person who, directly or indirectly for another, with the intention or upon the promise of receiving any form of compensation or consideration, offers, attempts, or agrees to perform or performs any single act described in subdivision (2) of section 81-885.01, whether as a part of a transaction, or as an entire transaction, shall be deemed a broker, associate broker, or salesperson within the meaning of the Nebraska Real Estate License Act... Committing a single act described in such subdivision by a person required to be licensed under the Nebraska Real Estate License Act and not so licensed shall constitute a violation of the act for which the commission may impose sanctions pursuant to this section for the protection of the public health, safety, or welfare., when they failed to abide by provisions of the Commission's Cease and Desist Order, CD 2023-017 issued June 22, 2023.] 



Nebraska Real Estate Commission
PO Box 94667
Lincoln, NE 68509-4667
Return Service Requested

PRSR STD
U.S. POSTAGE
PAID
STATE OF
NEBRASKA



Nebraska Real Estate Commission: Seated (l to r): Connie Burleigh, Chairman Robert Eynen, Lisa Ritter; Standing: Paul Peter, Rocky Geiser, Doug Dohse, Joe Gehrki